

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF THE DISTRICT OF COLUMBIA**

CITIZENS FOR CONSTITUTIONAL
INTEGRITY,

Plaintiff,
v.

THE CENSUS BUREAU, *et al.*,

Defendants.

No. 21-cv-3045

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

ORAL ARGUMENT REQUESTED

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The Fourteenth Amendment, Section 2 (the Amendment), to the U.S. Constitution requires Defendants, the Census Bureau, the Department of Commerce, Secretary of Commerce Gina Raimondo, and Acting Director of the Census Bureau Ron Jarmin (collectively, the Census Bureau), to calculate each state’s “basis of representation” whenever a state denies or abridges in any way its citizens’ rights to vote. Then, the Amendment requires the United States to apportion seats in the U.S. House of Representatives using that basis of representation in place of the resident population the Census Bureau enumerated. In April 2021, the Census Bureau failed to complete the process of calculating bases of representation and of reapportioning seats before issuing the report to the President that apportions seats in the House of Representatives. *See* 2 U.S.C. § 2a; 13 U.S.C. § 141.

If the Census Bureau had completed its process, Citizens for Constitutional Integrity’s members could have been entitled to additional seats in their states.

The Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706, entitles Citizens to summary judgment and to remand or to a writ of mandamus. Citizens respectfully requests oral argument and an opportunity to brief an interim remedy.

Dated January 14, 2021,

/s/ Jared S. Pettinato
JARED S. PETTINATO

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INTRODUCTION

“[We] are facing the most significant test of our democracy since the Civil War,” the President declared. Joseph Biden, Remarks on Protecting the Sacred, Constitutional Right to Vote (July 13, 2021). There, the President was referring to new laws in seventeen states that make voting harder. Civil War problems demand Reconstruction remedies. The Framers of the Fourteenth Amendment armed future citizens with tools to thwart the forces that seek to undermine democracy. The United States needs those tools now.

Incumbent politicians rationally seek to keep the voters who elected them or to choose voters more likely to reelect them. In the Fourteenth Amendment, Section 2 (the Amendment), the Framers discouraged politicians from choosing their voters by taking away seats in the U.S. House of Representatives from states who fail to allow all of their citizens to vote.

The Amendment’s plain language requires Defendants, the Census Bureau, the Department of Commerce, Secretary of Commerce Gina Raimondo, and Acting Director of the Census Bureau Ron Jarmin (collectively, the Census Bureau), to identify states that have denied or abridged “in any way” their citizens’ rights to vote, and to discount those states’ populations when apportioning seats.¹

¹ It states:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male

The Amendment does not limit any state’s authority to define voting rights. No state’s voting laws could violate the Amendment. The Amendment only provides consequences when states pass laws regardless of the state’s reason and without showing any discriminatory purpose or effect. Whenever a state denies or abridges the right to vote to an over-eighteen, resident citizen, the Amendment requires the Census Bureau to recalculate that state’s basis of representation to apportion seats.

Initially, the Census Bureau lacked sufficient data to implement the Amendment. Now, the Census Bureau has voluminous data. Nonetheless, in April 2021, when the Secretary and the Census Bureau sent the report to the President and apportioned seats among the states, they failed to complete the process the Amendment requires. *See* 2 U.S.C. § 2a; 13 U.S.C. § 141. If they had done so, the results could have moved states to New York, Pennsylvania, and Virginia. The Census Bureau’s failure to calculate any states’ bases of representation violated the Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706.

The APA entitles Citizens for Constitutional Integrity to a routine APA remedy: to set aside the April report and to remand it to the Census Bureau to complete the analysis the Amendment requires. *See Camp v. Pitts*, 411 U.S. 138, 143 (1973).

inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

The Nineteenth and Twenty-Sixth Amendments, respectively, deleted “male” and replaced “twenty-one” with “eighteen.” *See Evenwel v. Abbott*, 136 S. Ct. 1120, 1149 n.7 (2016) (Alito, J., concurring); *see also Breedlove v. Suttles*, 302 U.S. 277, 283 (1937), *overruled on other grounds by Harper v. State Bd. of Elections*, 383 U.S. 663, 668-69 (1966).

LEGAL BACKGROUND

Emerging from a devastating and bloody Civil War, the Framers of the Second Founding proposed a “fundamental” shift in apportioning representative seats. Report of the Joint Committee on Reconstruction XIII (Reconstruction Report), H.R. Rep. No. 30, 39th Cong., 1st Sess. (1866); Sen. Rep. No. 112, 39th Cong., 1st Sess. (1866). The Framers felt a heavy responsibility: “Never before in the history of nations has a legislative body met charged with such duties and obligations as have been imposed upon us.” . *See* Cong. Globe, 39th Cong., 1st Sess. 781 (1866) (hereinafter “CGX” in which X denotes the page number). They pursued universal suffrage because they adhered to James Madison’s faith in the “capacity of mankind for self-government.” THE FEDERALIST No. 39, 240 (Random House, Inc. 2000); CG2459, 2767.

Madison found it “*essential*” for a democratic republic, which “derives its power directly or indirectly from the great body of the people,” to derive that power “from the great body of the society, not from an inconsiderable proportion, or a favored class of it” THE FEDERALIST No. 39, 240. Otherwise, it does not qualify as a democratic republic.

Since the Declaration of Independence recognized that governments “deriv[e] their just powers from the consent of the governed, *see* CG429, the United States has moved ever closer to Madison’s ideal of universal suffrage. Four other amendments expanded voting rights by directly eliminating obstacles that states had erected. U.S. CONST. amends. 15 (race), 19 (gender), 24 (poll taxes), and 26 (ages 18-20). The Fourteenth Amendment’s equal protection and due process

clauses directly eliminated personal and real property prerequisites. *Hill v. Stone*, 421 U.S. 289, 292 (1975); *Kramer v. Union Sch. Dist.*, 395 U.S. 621, 633 (1969). And the Voting Rights Act Amendments of 1970 eliminated literacy tests. *Oregon v. Mitchell*, 400 U.S. 112, 118, 131-34 (1970).

Nowhere, however, did the people of the United States make clearer their intention to attain universal suffrage than in the Amendment. It recognizes only three qualifications for suffrage: (1) citizenship, (2) residence, and (3) at least eighteen years old. If a state denies or abridges in any way the right to vote to anyone meeting those three qualifications (unless they committed crimes or participated in rebellion), the Amendment discounts that state’s population when apportioning seats in the U.S. House of Representatives. “The point is that the person who is bound by the laws in a free Government ought to have a voice in making them. It is the very essence of republican government.” CG2767.

The Framers wrote this equation into the Amendment (as amended by the Nineteenth and Twenty-Sixth Amendments):

$$\frac{\text{Basis of representation}}{\text{Residents}} = \frac{\begin{array}{l} \text{Citizens over eighteen years old whose rights} \\ \text{to vote the State did NOT} \\ \text{deny or abridge in any way} \\ + \text{citizens denied because of criminal convictions} \\ + \text{citizens denied because of rebellion participation} \end{array}}{\text{Citizens at least eighteen years old}}$$

This equation replaced the equation the original Framers wrote as part of the Great Compromise to apportion representation based on “the whole Number of free Persons . . . and . . . three fifths of all other Persons.” U.S. CONST. art. 1, sec. 2.

Conceptually, the Framers considered it “eminently just and proper” that, when a state denies or abridges its citizens’ “right to vote” for their representatives, the Constitution shall abridge that state’s representation in the House of Representatives. Reconstruction Report XIII. They sought to encourage states to allow all citizens to vote by discounting the state’s apportionment population by the percentage of its citizens who could not vote.

Take 1870 North Carolina. Its population split roughly into two-thirds white people and one-third black people. *See* Census Bureau, Population of the U.S., Table 1 (June 1, 1870) (391,650/1,071,361 = 0.36), Ex. A. Immediately after the Civil War, North Carolina did not allow black citizens to vote. *See* Reconstruction Report, Virginia, North Carolina, South Carolina 174. The Amendment would have allowed Census Bureau to count only two-thirds of North Carolina’s enumerated population when apportioning U.S. House of Representative seats (assuming for simplicity the census reflected citizens and that North Carolina did not disenfranchise anyone for criminal convictions or rebellion).

I. Every ten years, the Census Bureau counts United States inhabitants and apportions U.S. House of Representative seats.

The Constitution requires the United States to count inhabitants every ten years, via an “actual Enumeration” in “such Manner as” Congress directs, and to apportion seats so each state receives “at Least one Representative.” Art. I, § 2, Cl. 3. Congress delegated responsibility for counting and apportioning to the Secretary. 13 U.S.C. § 141(a); *Wisconsin v. City of New York*, 517 U.S. 1, 23 (1996).

When apportioning 435 Representatives among fifty states, districts never divide evenly among state populations. Every method for apportioning representatives leaves states larger or smaller remainders of populations without equal representation. *Montana v. Dep't of Commerce*, 503 U.S. 442, 452 (1992) (“the fractional remainder problem”). Depending on the method for handling remainders, some states win, and some states lose. *See id.*

For about 130 years, Congress manually apportioned seats. *Id.* at 448-51. That system broke down when Congress failed to pass a statute apportioning seats after the 1920 census. *Id.* at 451-52. After this failure, Congress sought an automatic method for apportioning seats going forward, and it directed the National Academy of Science to recommend a method for solving the remainder problem. *Id.* at 451, 452 n.25. Among five possible methods, each with advantages and disadvantages, Academy mathematicians proposed the method of equal proportions because it “minimized the discrepancy between the size of the districts in any pair of States.” *Id.* at 452-54. In 1941, Congress codified the method of equal proportions for apportioning seats. *Id.* at 451-52; Act of Nov. 15, 1941, § 1, 55 Stat. 761-762 (codified at 2 U.S.C. § 2a).

Based on the method of equal proportions, Congress requires the Census Bureau to report to the President “[t]he tabulation of total population by States . . . as required for the apportionment of Representatives in Congress among the several States.” 13 U.S.C. § 141(b). After the President receives the Secretary’s report, the President sends Congress a statement that describes the results of the census and

apportions seats. 2 U.S.C. § 2a. The Executive Branch recognizes the act of apportioning seats among the states as a “ministerial” duty. Br. for the Appellants 26, *Trump v. New York*, No. 20-366 (Oct. 30, 2020). This ministerial duty depends, of course, on the population figures the Census Bureau calculates.

II. The Framers carefully crafted the Amendment’s equation to bring universal suffrage in response to the Thirteenth Amendment.

After the Civil War, the Framers saw that the Thirteenth Amendment, which outlawed slavery, perversely rewarded rebel states for the Civil War by increasing their number of seats in the House of Representatives. Reconstruction Report XIII. Before the Civil War, enslaved persons counted as *three-fifths* of a person; after the Civil War, those newly free persons counted as *five-fifths* of a person—and the Framers knew those rebel states would not let the newly freed people vote. *Id.*; see U.S. CONST. art. 1, sec. 2. The Thirteenth Amendment freed three million, six hundred thousand people in the rebel states, and that would have given the rebel states’ leaders about thirteen additional seats without giving any formerly enslaved person a voice in their government. *See* CG74, 2767.

Civil war wounds still bled when the Thirty-Ninth Congress met to grapple with the practicalities of restoring rebel states to the United States. “[T]hese fallen rebels cannot at their option reenter the heaven which they have disturbed, the garden of Eden which they have deserted, and flaming swords are set at the gates to secure their exclusion” CG74. The Thirty-Eighth Congress had dissolved in March 1865: before the surrender at Appomattox on April 9 and the assassination of President Abraham Lincoln six days after that.

When the Thirty-Ninth Congress first convened in December 1865, rebel-state representatives immediately sought recognition. CG5, 10 (Dec. 4, 1865). Instead of admitting them, Congress decided to create a joint committee of nine representatives and six senators to “inquire into the condition of the [rebel] States.” *Id.* at 46. They referred all motions and bills related to rebel states’ representation to the Joint Committee on Reconstruction. *See, e.g.*, CG69.

In the rebel states they saw a “spirit of oligarchy adverse to republican institutions” had arisen and led to the Civil War. Reconstruction Report XIII. The Framers intended to avoid another civil war by expanding voting rights to formerly enslaved citizens and by curtailing that spirit of oligarchy. *Id.* The Framers rejected as not “just or proper” a situation that freed formerly enslaved people but confined “all the political advantages” to their former masters. *Id.* Moreover, the Committee believed that by encouraging states to give the new freemen access to the ballot-box, the power of democracy could more effectively protect them than anything else the Framers could devise. *Id.* One senator remarked: “give the people the ballot and the rulers are their servants, withhold it and the people exist at the will and sufferance of their rulers” CG2802. But the Framers saw no way to “secure the civil rights of all citizens of the republic” and to ensure “a just equality of representation” without adding provisions to the Constitution. Reconstruction Report XIII.

The Framers considered directly prohibiting states from denying the right to vote based on race but feared three-quarters of the states would not ratify an amendment like that. CG2766; CG704 (“What can pass?”). They doubted whether

even a constitutional amendment would allow the United States to “prescribe the qualifications of voters in a state,” but they knew the federal constitution had power over representation in the federal government. Reconstruction Report XIII. They left states complete authority to define voters’ qualifications, but traded political power in the federal government for allowing “all to participate.” *Id.* The Framers aimed to induce universal suffrage to give “all . . . through the ballot-box, the power of self-protection.” *Id.* They decided to allot “political power . . . in all the States exactly in proportion as the right of suffrage should be granted . . .” *Id.*

Joint Committee Co-Chair Thaddeus Stevens called Section 2 “the most important in the article.” CG2459. He expected Section 2 would either “compel the States to grant universal suffrage or so to shear them of their power as to keep them forever in a hopeless minority in the national Government” CG2459; *Evenwel*, 136 S. Ct. at 1140 (Thomas, J., concurring) (“The Fourteenth Amendment pressured States to adopt universal male suffrage by reducing a noncomplying State’s representation in Congress. Amdt. 14, § 2.”).

A. The Amendment evolved its metrics and implementation over six months of debate and discussion.

Of the five sections in the Amendment, the Framers spent the most time on Section 2 because they considered the increase in representation from formerly enslaved people “the most important element in the questions arising out of” Reconstruction. Reconstruction Report XIII; *Evenwel*, 136 S. Ct. at 1128.

Initially, Representative Stevens proposed allocating seats based on “legal voters.” CG10. That proposal met “fierce resistance” because different states had

different proportions of voters, so some northern states would lose representation compared to the 1860 apportionment. *Evenwel*, 136 S. Ct. at 1128; CG357, 410. For example, because men were going west to find their fortunes, California and Vermont had respective populations of 358,110, and 314,369, but respective voters of 207,000 and 87,000. CG141, 357. Basing representation on voters would have shifted representation in ways other than removing them from rebel states.

The Joint Committee initially proposed a stand-alone amendment that would discount a state's population by the quantity of an entire group of race or color whenever a state denied or abridged the "elective franchise" to a single member. CG535. The House passed it, but the Senate rejected it. CG538 (passing the House 120 yeas to 46 nays), 1289 (failing in the Senate 25 yeas to 22 nays), 2459 (expressing Senator Stevens's "mortification at its defeat."). The Framers feared this initial method would discourage states from gradually extending suffrage and risked never extending suffrage to formerly enslaved people. *Id.* at 1224-28, 1275, 2502; *see* CG355. In response, the Framers refined the equation to allow gradual enfranchisement to gradually increase a state's number of seats and incorporated those refinements into the Fourteenth Amendment as Section 2. *See* CG2502.

As the Framers refined the Amendment, they worried endlessly about states evading the consequences for failing to allow universal suffrage. *See, e.g., id.* at 377-79, 385, 406, 407, 410, 434, 707. The Framers clarified that they intended the Amendment to discount a state's representation "[n]o matter what may be the ground of exclusion, whether a want of education, a want of property, a want of

color, or a want of anything else, it is sufficient that the person is excluded from the category of voters, and the State loses representation in proportion.” *Id.* at 2677. If “a State excludes any part of its male citizens from the elective franchise, it shall lose Representatives in proportion to the number so excluded;” race did not matter. *Id.*; Ethan Herenstein & Yuriy Rudensky, *The Penalty Clause and the Fourteenth Amendment’s Consistency on Universal Representation*, 96 N.Y. L. Rev. 1021, 1039-40 (2021) (calling it “a results-based test: Any denial or abridgement of the right to vote would trigger the penalty, regardless of the state’s motive.”).

The Framers aimed to ensure that “no device, no ingenuity can defeat its practical effect.” CG379. They approved the second version in June 1866. CG3149. In 1868, Secretary of State William H. Seward recognized that the states had ratified the Fourteenth Amendment. 15 Stat. 707.

B. The Framers implemented the Amendment to require voter registration in rebel states by oral oath.

Before the states ratified the Fourteenth Amendment, the 40th Congress defined a voting registration system to “enabl[e] the persons authorized to exercise the franchise” Cong. Globe, 40th Cong., 1st Sess. 63 (Mar. 11, 1867). The Framers knew control over voter registration could control the government: “Allow me to designate who shall vote and to strike off from the register those who are politically opposed to me, and I will control the action of any State in the Union.” Cong. Globe, 39th Cong., 2nd Sess. 1171 (Feb. 12, 1867).

The Thirty-Ninth Congress—the same Congress that drafted the Amendment—incorporated its work into the first Reconstruction Act by defining the same voter

qualifications in rebel states: male, resident citizens twenty-one years or older (no criminal charges or participation in rebellion). An Act to provide for the more efficient Government of the Rebel States § 5, 14 Stat. 428, ch. 153 (Mar. 2, 1867). Congress defined “a class of persons who were per se eligible to vote, [and thereby] anticipated Southern disenfranchisement techniques.” Gabriel J. Chin, *The Voting Rights Act of 1867: The Constitutionality of Federal Regulation of Suffrage during Reconstruction*, 82 N.C. L. Rev. 1581 (2004). Three weeks later, in the Second Reconstruction Act, the Fortieth Congress required states to register voters upon only an oral oath. Act of Mar. 23, 1867, ch. 6 § 1, 15 Stat. 2. Thus, the states ratified the Amendment knowing the low burden for voter registration that would trigger discounts to their bases of representation.

C. Insufficient data initially prevented Congress from implementing the Amendment.

The Framers anticipated difficulties when census-takers sought to determine whose voting rights a state denied or abridged. *See* CG10, 2943, 3038-39. Senator Howard cautioned that the agency would find the task “impossible” and warned the Amendment sets a standard “so uncertain” and “so difficult of practical application” that it risks the census results becoming “so inaccurate and unreliable as to be next to worthless.” *Id.* at 3038-39. For the technologies and capabilities of the 1870 census, those difficulties indeed proved insurmountable.

Then-Representative James Garfield spearheaded the House of Representatives Committee’s oversight of the 1870 census. H.R. Rep. No. 41-3 (1870). The Committee recognized broad denials of the right to vote that would qualify under

the Amendment, but saw no way to gather the statistics. It “could devise no better way” to gather the statistics required by the Amendment than by adding a “difficult” question to the census questionnaire. *See id.* at 53. The Committee knew it would “be difficult to get true and accurate answers.” *Id.* To no one’s surprise, that approach did not work.

In those days, the Census Board within the Department of the Interior compiled the figures sent by the United States marshals and assistant marshals—judicial branch officials—who traversed the territory. *Id.* at 48-49. Stopping at each house, the assistant marshal faced suspicions on why a judicial officer was visiting and impacts on taxes. *Id.* at 49. After defusing those questions, the marshal set forth a five-page questionnaire with questions that ranged from gender, birthplace, and occupation to real estate acres to health and disabilities. *Id.* at 49, 66-70. One marshal estimated an average visit took thirty minutes. *Id.* at 49.

On the 1870 census questionnaire, as the Committee suggested, one column asked respondents to enter the number of “Male citizens of the United States, 21 years of age, whose right to vote is denied or abridged on other grounds than rebellion or other crime.” *Id.* at 53, 66. The Census Board received a poor response. Of the 38 million United States inhabitants it counted, only about 43 thousand male citizens over twenty-one years old reported a state denying or abridging their rights to vote. Cong. Globe, 42nd Cong., 2nd Sess. 609-10 (Jan. 26, 1872).

No one trusted those numbers. One representative complained, “this whole table is utterly inaccurate; it is not reliable; it is not made in pursuance of any law; it is

without weight.” *Id.* at 79. He quoted the Superintendent of the Census for concluding that “[t]he census is not the proper agency for such an inquiry. The questions of citizenship and of the denial of suffrage to rightful citizens, are mixed questions of law and fact, which an assistant marshal is not competent to decide.” *Id.* (quoting Census Office Superintendent Francis A. Walker, *Report of the Superintendent of the Ninth Census* xxviii (Nov. 21, 1871), Ex. B). The Department of the Interior gave “little credit to the returns made by assistant marshals” because (1) the statistics did not reflect reality and (2) the question was too “difficult” for census respondents to answer. *Id.* at 610 (reproducing a letter from C. Delano, Secretary of the Interior, to James G. Blaine, Speaker of the House (Dec. 11, 1871)). Interior lamented that it lacked “power” to give accurate statistics on denials or abridgments on citizens’ rights to vote. *Id.*

Six years after proposing the Amendment, Congress basically gave up on implementing it. Without reliable statistics, it had no way to do so. At the same time, the Fifteenth Amendment sapped the political will to implement it. *See Cong. Globe*, 42nd Cong., 2nd Sess. 66. The Fifteenth Amendment had accomplished directly what the Amendment tried to do indirectly: prohibit denying or abridging the right to vote based on race, color, or prior condition of servitude. *See CG2766*.

Frustrated at its inability to implement the Amendment, Congress passed a statute, anyway. Act of Feb. 2, 1872 § 6, 17 Stat. 29 (codified at 2 U.S.C. § 6). Its sponsor, Joint Committee on Reconstruction member Senator Justin Morill, declared: “We must do nothing to impair the vitality of [the Amendment] or any

other provision of the Constitution. *If not needed today, it may be tomorrow. It must not become a dead letter.*” Cong. Globe, 42nd Cong., 2nd Sess. 670 (1872) (emphasis added); CG57. The statute, unfortunately, does not faithfully implement the Amendment. It discounts the number of representatives instead of calculating bases of representation. See George David Zuckerman, *A Consideration of the History and Present Status of [the Amendment]*, 30 FORDHAM L. REV. 93 (1961).

D. No legal barriers that could have impeded litigation over the Amendment still stand.

As in other circumstances, “[i]t should be unsurprising that such a significant matter has been for so long judicially unresolved.” *Dist. of Columbia v. Heller*, 554 U.S. 570, 625 (2008) (collecting examples). Until 1941, Congress apportioned seats directly, so likely no lawsuit could enforce the Amendment against Congress. That year, Congress assigned authority to apportion representatives to the Census Bureau as it took the census. Act of Nov. 15, 1941.

But then, courts had no jurisdiction over lawsuits against the Census Bureau. Not until five years later did the APA give plaintiffs broad access to courts to challenge agency decisions. See Pub. L. No. 79-404, 60 Stat. 237 (June 11, 1946); *Japan Whaling Ass’n v. Am. Cetacean Soc’y*, 478 U.S. 221 (1986). That year, however, the Supreme Court rejected an apportionment case based on the political question doctrine. *Colegrove v. Green*, 328 U.S. 549 (1946). That principle loomed for sixteen years until the Court rejected the articulation in *Colegrove*. *Baker v. Carr*, 369 U.S. 186 (1962).

Three years after *Baker*, Congress passed the Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437 (Aug. 6, 1965) (codified as amended at 52 U.S.C. §§ 10301-10701), which led states to expand voter access, instead of denying or abridging it. See *Reno v. Bossier Parish Sch. Bd.*, 528 U.S. 320, 334 (2000).

Recent efforts to disenfranchise voters have made the Amendment more relevant than ever. The President identified seventeen states that enacted “28 new laws to make it harder for Americans to vote.” Remarks on Protecting the Sacred, Constitutional Right to Vote. But no one could challenge the Census Bureau’s decision until the Secretary sent the report because the APA usually requires plaintiffs to wait for the final agency action for their claims to ripen. See 5 U.S.C. § 704; *Trump v. New York*, 141 S. Ct. 530, 535 (2020) (dismissing a case as unripe because “the dispute will take a more concrete shape once the Secretary delivers his report under § 141(b).”).

FACTUAL BACKGROUND

The APA allows courts to review agency decisions based on “those parts of [the administrative record] cited by a party” 5 U.S.C. § 706. This case requires no administrative record because the Census Bureau admitted that it did not complete the analysis the Amendment required. Letter from Census Bureau Acting Director Ron S. Jarmin to Jared Pettinato (Oct. 1, 2021), ECF No. 1-2. The Census Bureau disclaimed responsibility for completing the process. *Id.* No document from the administrative record for the report could further illuminate its decision.

When a plaintiff does not require a complete administrative record, and compiling one would just waste time and money, the APA does not require an

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agency to do so. *See* 5 U.S.C. § 706. “The law does not require the doing of a futile act.” *Ohio v. Roberts*, 448 U.S. 56, 74 (1980), *abrogated on other grounds by Crawford v. Washington*, 541 U.S. 36 (2004). In the letter, the Census Bureau explained its reason for declining to implement the Amendment. Consequently, “[t]he validity of the [agency] action must, therefore, stand or fall on the propriety of that finding, judged, of course, by the appropriate standard of review.” *Camp*, 411 U.S. at 143. Of course, the APA entitles plaintiffs to present extra-record evidence to demonstrate Article III standing. *DEK Energy Co. v. FERC*, 248 F.3d 1192, 1196 (D.C. Cir. 2001).

I. The Census Bureau compiles voter registration statistics sufficient to implement the Amendment.

Every two years, the Census Bureau collects voter registration data along with demographic and economic data “to monitor trends in the voting and nonvoting behavior of U.S. citizens” as part of its current population survey. Current Population Survey, Voting and Registration Supplement 1-1 (Nov. 2020), Ayush Sharma Decl., Ex. C, Ex. 4. The Census Bureau considers it a “major source of information regarding national voting and registration.” *Id.* In that survey, the Census Bureau produced, for each state, the numbers of citizens over eighteen years old and the percentage of those citizens whom the state had registered to vote. *Id.*; Table 4a. Reported Voting and Registration for States: November 2020, Sharma Decl., Ex. 5.

The Census Bureau released that November 2020 data in April 2021—just as it was completing its counts of resident populations for the decennial census. *Compare*

Census Bureau, Press Release, *2020 Presidential Election Voting and Registration Tables Now Available* (Apr. 29, 2021), Ex. D; *with* Census Bureau, Press Release, *U.S. Census Bureau Today Delivers State Population Totals for Congressional Apportionment* (Apr. 26, 2021), Ex. E.

II. Wisconsin’s strict photo voter ID law disenfranchised 300,000 of its registered voters.

In 2011, Wisconsin passed a strict photo voter ID law that disenfranchised 300,000 registered voters—nine percent of its registered voters. *Frank v. Walker*, 17 F. Supp. 3d 837, 842, 854, 884 (E.D. Wis. 2014), *overturned on other grounds* by 768 F.3d 745, 746 (7th Cir. 2014), *r’hrq en banc denied*, 773 F.3d 783, 785 (2014). The court reached that conclusion after a two-week trial and an exhaustive analysis of expert reports. *Id.* at 842, 880-884.

Under Wisconsin’s law, only nine forms of photo ID qualify for voters to prove their identities: (1) driver’s license, (2) temporary driver’s license, (3) state ID card, (4) temporary state ID card, (5) passport, (6) naturalization certificate, (7) tribal ID, (8) active-military ID, or (9) university ID. *Id.* at 843. Expired IDs do not count. *Id.* The district court counted 300,000 people who lacked one of these IDs. *Id.* at 854.

III. The mathematics of the Census Bureau’s data shows denials and abridgments that would move representative seats.

Citizens engaged data scientist Ayush Sharma to calculate the effect of denials and abridgments via the method of equal proportions. He made those calculations by relying on (1) the Census Bureau’s enumerated resident data, (2) its citizenship data, (3) its voter registration data, and (4) the Sentencing Project’s data on

disenfranchisement due to criminal convictions. Sharma Decl. ¶¶ 9-12. He found the Amendment would shift representative seats across the nation.

Sharma first confirmed his method reached the same results as the Census Bureau. *Id.* ¶¶ 13, 19. Then, he inserted the data into the Amendment’s equation to calculate states’ bases of representation under various scenarios. *Id.* ¶¶ 14-16.

Sharma concluded that the Census Bureau injured Citizens for Constitutional Integrity’s Virginia members by failing to discount state populations based on their registration rates. *Id.* ¶ 21. If the Census Bureau had done so, Virginia would have received an additional seat in the U.S. House of Representatives. *Id.*

Separately, the Census Bureau injured Citizens for Constitutional Integrity’s New York members by failing to discount Wisconsin’s population based on its photo voter ID law, which disenfranchised 300,000 citizens. *Id.* ¶ 23. The Census Bureau apportioned Wisconsin one seat too many and New York one too few. *Id.*

Combining the denials by voter registration with the abridgments of Wisconsin’s photo voter ID, the Census Bureau disenfranchised Citizens for Constitutional Integrity’s Pennsylvania members by allocating it one seat too few. *Id.* ¶ 26.

STANDARDS OF REVIEW

I. State laws that restrict suffrage require exacting scrutiny.

The Supreme Court considers voting “a fundamental political right, because preservative of all rights.” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886); *see also Burdick v. Takushi*, 504 U.S. 428, 433 (1992). In other words, “other rights, even the most basic, are illusory if the right to vote is undermined.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). At the same time, “[s]tates have broad powers to determine the

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conditions under which the right of suffrage may be exercised.” *Shelby Cnty. v. Holder*, 570 U.S. 529, 543 (2013) (quotations omitted); *see* U.S. Const. Art. I, sec. 4. The Supreme Court takes its responsibility as a guardian of democracy so gravely that it “carefully and meticulously scrutinize[s]” all “alleged infringement[s] of the right of citizens to vote” *Kramer*, 395 U.S. at 626; *Reynolds v. Simms*, 377 U.S. 533, 562 (1964). Courts complete an “exacting judicial scrutiny of statutes distributing the franchise.” *Kramer*, 395 U.S. at 628.

The Amendment reaches more broadly than other amendments, but the Framers expected its “gentle and persuasive” effects would lead to an equal participation of all. Reconstruction Report XIII. The Fifteenth Amendment applies only to voting denials or abridgments based on race, color, or previous condition of servitude. The Nineteenth Amendment focuses on sex; the Twenty-Sixth on age between eighteen and twenty; and the Twenty-Fourth on poll taxes. In contrast, the Amendment disregards intent or effect on citizens’ characteristics or voting qualifications and focuses solely on the citizen’s ability to vote.

The Amendment also operates differently from equal protection and due process. Those clauses force states to conform to federal standards. The Amendment, in contrast, does not care if a state has a rational basis for a particular voting abridgement. It looks “simply to the fact of the individual exclusion” and requires the Census Bureau to calculate the state’s basis of representation after counting those exclusions. *See* CG2767.

II. The Administrative Procedure Act requires a thorough, probing, in-depth review of agency actions.

The APA enacted “generous” and “comprehensive provisions” for judicial review. *Webster v. Doe*, 486 U.S. 592, 599 (1988); *Abbott Labs. v. Gardner*, 387 U.S. 136 (1967). When an agency action “adversely affect[s] or aggrieve[s]” a person, courts review the action for compliance with the law if it “represents a ‘final agency action for which there is no other adequate remedy in a court.’” *Webster*, 486 U.S. at 599 (quoting 5 U.S.C. § 704). Congress passed the APA after “a long period of study and strife; it settles long-continued and hard-fought contentions, and enacts a formula upon which opposing social and political forces have come to rest.” *Wong Yang Sung v. McGrath*, 339 U.S. 33, 40 (1950). The Supreme Court directs courts “to give effect to [the APA’s] remedial purposes where the evils it was aimed at appear.” *Id.* at 41.

The APA directs both agencies and courts. It requires agencies not only to “examine the relevant data,” but also to “articulate a satisfactory explanation for its action” that includes a “rational connection between the facts found and the choice made.” *Motor Vehicle Mfrs. Ass’n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co. (State Farm)*, 463 U.S. 29, 43 (1983). It assigns courts, as part of their judicial review obligations, to take a “thorough, probing, in-depth review” of the agency action. *Citizens to Pres. Overton Park, Inc. v. Volpe*, 401 U.S. 402, 415 (1971), *overruled on other grounds by Califano v. Sanders*, 430 U.S. 99, 104, 107 (1977). It requires courts to “decide all relevant questions of law, [to] interpret constitutional and statutory provisions, and [to] determine the meaning or applicability of the terms of an agency action.” 5 U.S.C. § 706.

Upon review, the APA requires courts to “hold unlawful and set aside agency action, findings, and conclusions” that qualify as “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” “contrary to constitutional right, power, privilege, or immunity,” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

III. Summary Judgment

Federal Rule of Civil Procedure 56(b) allows a party to “file a motion for summary judgment at any time until 30 days after the close of all discovery.” *See Jeffries v. Barr*, 965 F.3d 843, 848 (D.C. Cir. 2020) (remarking that the Department of Justice’s early-filed summary judgment motion “may well” surprise the plaintiff). Courts consider claims on summary judgment if the evidence “shows that there is no genuine [issue] as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Courts decide APA claims as matters of law. *See Genus Med. Techs. LLC v. FDA*, 994 F.3d 631, 636 (D.C. Cir. 2021).

STANDING

Citizens have standing to bring this case because their procedural injuries meet the “triad of injury in fact, causation, and redressability” *Steel Co. v. Citizens for Better Env’t*, 523 U.S. 83, 103 (1998). In analyzing standing, courts assume the plaintiff succeeds on the merits of its claims and test the consequences of that success. *City of Waukesha v. EPA*, 320 F.3d 228, 235 (D.C. Cir. 2003) (per curiam); *see Warth v. Seldin*, 422 U.S. 490, 500 (1975) (“standing in no way depends on the merits of the plaintiff’s contention that particular conduct is illegal”).

An organization satisfies Article III standing when (1) one member shows individual standing, (2) “the interests at stake are germane to the organization’s purpose,” and (3) “neither the claim asserted nor the relief requested requires individual members’ participation in the lawsuit.” *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 169 (2000). Citizens satisfies the second and third elements because it seeks to improve democratic elections, and because no member needs to participate in this lawsuit.

Citizens satisfies the first element, too. The Census Bureau injured Citizens’ members by failing to complete the procedure the Amendment requires. *See* Sarah Banks Decl., Ex. F; Androniki Lagos Decl., Ex. G; Isabel Magnus Decl., Ex. H; Michael Carr Decl., Ex. I. When a plaintiff alleges injury from a faulty procedure, that plaintiff “never has to prove that if he had received the procedure the substantive result would have been altered.” *Massachusetts v. EPA*, 549 U.S. 497, 518 (2007) (quotations omitted); *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 512 n.12 (2010) (“standing does not require precise proof of what the [agency’s] policies might have been in that counterfactual world.”). Instead, a plaintiff satisfies Article III standing if success creates “some possibility” the agency will “reconsider the decision” that harmed the plaintiff. *Massachusetts*, 549 at 518; *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 573 n.7 (1992).

In issuing its report, the Census Bureau failed to compete the procedures that the Amendment directs. A private plaintiff’s “expected loss of a Representative to the United States Congress undoubtedly satisfies the injury-in-fact requirement of

Article III standing.” *Dep’t of Commerce v. U.S. House of Representatives*, 525 U.S. 316, 331 (1999); *Utah v. Evans*, 536 U.S. 452, 459-61 (2002).

For causation, voluminous facts demonstrate at least some possibility that if the Census Bureau completes the Amendment analysis, it will apportion more representatives to states where Citizens’ members live. Sharma Decl., ¶¶ 21, 23, 26.

This Court can redress Citizens’ injuries. Although the census report is complete, “courts can order the Secretary of Commerce to recalculate the numbers and to recertify the official census result,” and the “practical consequence of that change would amount to a significant increase in the likelihood that the plaintiff would obtain relief that directly redresses the injury suffered.” *Utah*, 536 U.S. at 459-64. If courts could not issue that relief, they could issue a writ of mandamus. *See Franklin v. Massachusetts*, 505 U.S. 788, 802 (1992). Citizens easily demonstrate Article III standing. *See FEC v. Akins*, 524 U.S. 11, 25 (1998) (“those adversely affected by a discretionary agency decision generally have standing to complain that the agency based its decision upon an improper legal ground.”).

ARGUMENT

I. The Census Bureau failed to comply with the plain language of the Amendment.

The Census Bureau violated its duty by failing to complete its analysis of voting denials and abridgments before issuing its report that apportioned representative seats. The APA compels setting aside the Census Bureau’s report.

The Census Act assigns the Census Bureau “a duty to conduct a census that is accurate and that fairly accounts for the crucial representational rights that depend

on the census and the apportionment.” *Dep’t of Commerce v. New York*, 139 S. Ct. 2551, 2569 (2019) (quotations omitted). As part of that duty, the Amendment directs that, when apportioning representatives, the population “shall be reduced.” That plain language mandates action. “[T]he mandatory ‘shall’ normally creates an obligation impervious to judicial discretion.” *Shapiro v. McManus*, 136 S. Ct. 450, 454 (2015) (quotations and alteration omitted). The Amendment thus requires the Census Bureau to identify which states denied or abridged their citizens’ voting rights “in any way” and to calculate those states’ bases of representation when apportioning U.S. House of Representatives seats. *See Richardson v. Ramirez*, 418 U.S. 24, 55 (1974) (“[Section 2] is as much a part of the [Fourteenth] Amendment as any of the other sections,” and “what it means” is “important”).

In its report, the Census Bureau completed no analysis of denials or abridgments when apportioning representative seats. It has no basis for its failure. Courts “set aside agency action under the [APA] because of failure to adduce empirical data that can readily be obtained.” *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 519 (2009) (citing *State Farm*). The United States no longer suffers from any lack of data as in 1870. The Census Bureau already counts most variables in the Amendment’s equation.

The complexity of the task will require Census Bureau to rely on experts to complete the Amendment’s analysis, but that does not excuse it from complying. “The Constitution as a continuously operative charter of government does not demand the impossible or the impracticable.” *Yakus v. United States*, 321 U.S. 414,

424 (1944). The APA easily accommodates any difficulties the Census Bureau may face. “It is not infrequent that the available data do not settle a regulatory issue, and the agency must then exercise its judgment in moving from the facts and probabilities on the record to a policy conclusion.” *State Farm*, 463 U.S. at 52; *see also Wisconsin*, 517 U.S. at 23-24. The APA merely requires “the agency [to] explain the evidence which is available, and [to] offer a rational connection between the facts found and the choice made.” *State Farm*, 463 U.S. at 52.

By failing to offer any explanation for its failure, the Census Bureau violated the APA and the Amendment. *See id.* at 48 (overturning the agency when it “did not even consider the possibility”). It acted “not in accordance with law,” “contrary to constitutional right,” and “without observance of procedure required by law.” *See* 5 U.S.C. § 706; *Massachusetts*, 549 U.S. at 534. The APA requires setting aside that action and remanding the report for the Census Bureau to complete its duty. *See Massachusetts*, 549 U.S. at 534; *Fla. Power Light Co. v. Lorion*, 470 U.S. 729, 744 (1985); *Camp*, 411 U.S. at 143; *PDK Labs., Inc. v. DEA*, 362 F.3d 786, 799 (D.C. Cir. 2004) (Roberts, J., concurring in part and concurring in judgment) (identifying “the cardinal principle of judicial restraint” as “if it is not necessary to decide more, it is necessary not to decide more”). In further briefing, the Court can consider an appropriate, interim remedy.

II. The Amendment requires the Census Bureau to calculate states’ bases of representation for citizens not registered to vote.

Although the Court could simply remand the case as the Supreme Court did in *Massachusetts*, this Court could advance judicial economy by interpreting the

Amendment’s language now. When an agency makes an error of law, courts can correct it, describe the new legal standard, and then remand. *NRLB v. Enter. Ass’n Gen. Pipefitters*, 429 U.S. 507, 522, 522 n.9 (1977) (holding that, when an agency makes “an error of law,” courts have a duty to “correct the error of law . . . , and after doing so to remand the case to the agency so as to afford it the opportunity of examining the evidence and finding the facts as required by law.”) (quotations and alteration omitted). The Amendment discounts state populations for both unregistered voters and for abridging the voting rights of registered voters.

A. The Amendment requires the Census Bureau to count citizens unregistered to vote as denials of the right to vote.

By their plain text, voter registration statutes require the Census Bureau to calculate the basis of representation by counting unregistered citizens as denials of their rights to vote. The Amendment’s plain text prohibits the Census Bureau from delving into the state’s motivation for passing the law or the reasons why citizens did not register.

1. *The plain text of voter registration laws denies unregistered citizens their rights to vote.*

In applying the Amendment, the plain text of states’ voter registration laws denies unregistered citizens their rights to vote. *See, e.g.*, Ind. Code § 3-7-48-1 (“a person whose name does not appear on the registration record may not vote”); Kan. Stat. § 25-2302; N.C. Gen. Stat. § 163-54 (“Only such persons as are legally registered shall be entitled to vote”); S.C. Code § 7-5-110 (“No person shall be allowed to vote at any election unless he shall be registered as herein required.”); Tex. Elec. Code § 11.002 (“‘qualified voter’ means a person who: . . . is a registered
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voter.”); Wis. Stat. § 6.15; *see also* Cal. Elec. Code § 2000 (allowing qualified, registered voters can vote). If unregistered citizens show up at their polling place, states will not let them vote. If unregistered citizens request a mail-in ballot, states will not give them one. States thus created a category of citizens to whom they denied their right to vote. The plain language of the Amendment requires the Census Bureau to calculate each state’s basis of representation by counting these unregistered citizens whom the state denied the right to vote. *See Bostock v. Clayton Cnty.*, 140 S. Ct. 1731, 1749 (2020) (“when the meaning of the statute’s terms is plain, our job is at an end.”).

States’ reasons for failing to register voters do not matter. The Framers aimed to give each state “the choice simply, as we desire it should, of enfranchising its people or not having them counted in the basis of representation.” CG434. “Experience has shown that numbers and numbers only is the only true and safe basis” CG2767. The Constitution leaves no alternative. “Constitutional rights are enshrined with the scope they were understood to have when the people adopted them, whether or not future legislatures or (yes) even future judges think that scope too broad.” *Heller*, 554 U.S. at 634-35; *United States v. Classic*, 313 U.S. 299, 316 (1941) (“If we remember that ‘it is a Constitution we are expounding,’ we cannot rightly prefer, of the possible meanings of its words, that which will defeat rather than effectuate the constitutional purpose.”).

The Framers expected as a “simple endeavor,” the Census Bureau to calculate a state’s basis of representation whenever a citizen “is excluded from the category of

voters.” CG2767, 432 (Bingham), 434 (Ward), 536 (Stevens). Using registration lists as the categories of voters makes that endeavor simple. Indeed, the Census Bureau already has data on voter registration rates.

The broad application of the Amendment’s plain text and ordinary meaning finds solid moorings in the legislative history. *See Bostock*, 140 S. Ct. at 1750. Voter registration would have left a loophole large enough to drive a truck through the Amendment. But the Framers left no loophole. Senator Sumner anticipated them: “There are tricks and evasions possible, and the cunning slave-master will drive his coach and six through your amendment stuffed with all his representatives.” CG647. The Framers held deep suspicions that states would seek to evade, restrict, limit, and use every unimaginable, unanticipated “device” or “ingenuity” to escape consequences from disenfranchising their citizens. *See, e.g., id.* at 377-79, 385, 406, 407, 410, 434, 707.² They identified state actions as the “mischief we are aiming at.” CG385. Specifically, they aimed to stop states from “go[ing] on, in great measure, as heretofore, excluding their people from suffrage and yet having them counted in the basis of their representation.” *Id.*

² [I]t is necessary, in amending the Constitution of the United States, to use plain, direct, and certain language—such language as cannot be evaded or perverted. . . . [T]his indirect attempt on the part of the committee to base representation upon the right of suffrage is subject to evasion and abuse, that it will be found impossible to so guard this provision that some device may not be originated which will defeat the object of it. If, on the other hand, the issue is clearly made—if the provision in the Constitution is plain and direct, that representation shall be based upon the number of those who are allowed to exercise political power in the several States, evasion or defeat of the object on the part of the Legislature or the people of any State will be entirely impossible.

CG378 (Statement of Rep. Sloan).

The Framers wrote the Amendment so “that no considerable body of the people in any State can be disfranchised, *no matter on what account*, and still be numbered in her basis of representation.” *Id.* (emphasis added), 2767. The Framers anticipated states preventing voters from voting by clever administrative burdens and qualifications, like property, faith, intelligence, ignorance, reading and writing, and “other disqualifying tests.” *Id.* at 385, 407, 410, 2767. Voter registration laws collect the results of all disqualifying tests in one simple metric.

When seeking to implement the Amendment for the first time, Representative Garfield compiled a list of state constitution’s voter tests that denied voting rights:

Reason for denying right to vote	Number of States
Race or color	16
Residing too little time in the state	36
Residing too little time in the United States	2
Residing on U.S. lands instead of state lands	2
Failing to hold property or to pay taxes	8
Failing to satisfy reading and writing tests	2
Failing a character test	2
Failing to serve in the army or navy	2
“[P]auperism, idiocy, or insanity”	24
Failing to recite oaths	5
Other reasons	2

H.R. Rep. No. 41-3 at 52-53, 71-93. The Census Bureau compiled no list like this when completing its April 2021 report.

History confirms the Framers’ cynicism as states innovated beyond the Framers’ wildest imaginings. Since the Civil War, states used voter registration requirements voluminously to deny citizens their rights to vote. *See S. Carolina v. Katzenbach*, 383 U.S. 301, 311 (1966). They used property requirements and grandfather

clauses, which allowed registration only if the voter's grandfather voted (before Thirteenth Amendment ratification). *Id.* States required registrants to interpret documents. *Id.* They leveraged their election officials' discretion to discriminate against racial minorities. *Id.* at 312. Election officials excused white registration applicants, gave them, "easy versions" of literacy tests, or outright helped them. *Id.* Some states required "good morals," which presented a standard "so vague and subjective that it ha[d] constituted an open invitation to abuse at the hands of voting officials." *Id.* at 312-13.

Most often, southern states did not need to discriminate by stopping black voters at the polls because they already stopped black people from registering to vote in the first place. *See* U.S. Comm'n on Civil Rights, *Political Participation* 7 (1968), ("intimidation by violence became less and less necessary to assure that the Negro would stay away from the polls and cease to run for office"), Ex. J. For example, in 1896, Louisiana listed 164,088 white people and 130,344 black people on the voter registration list. John Lewis & Archie E. Allen, *Black Voter Registration Efforts in the South*, 48 *Notre Dame L. Rev.* 105, 107 (1972). Four years later after Louisiana adopted a new constitution, it listed only 5,320 black people. *Id.* By 1940-1944, eleven southern states had registered only five percent of black people. *Id.* at 108-09. Those efforts persist. *See Shelby Cnty.*, 570 U.S. at 536 ("voting discrimination still exists; no one doubts that.").

Many states still restrict the right to vote for reasons beyond residence, citizenship, age eighteen years or greater, not convicted of crime, and not convicted

of participating in rebellion. The Arkansas Constitution, for example, denies registration to “idiot[s],” “insane person[s],” and soldiers stationed in Arkansas. ARK. CONST., Art. 3, secs. 5, 7. California statutes deny registration to people who pleaded not-guilty by reason of insanity and to people “incompetent to stand trial.” Cal. Elec. Code § 2211(a). These disqualifying tests counted as denials in 1870, and they count the same way now. *See* H.R. Rep. No. 41-3 at 52-53; *cf.* *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 793, 805-06, 827 (1995) (“the Framers inte[n]ded] that neither Congress nor the States should possess the power to supplement the exclusive qualifications set forth in the text of the Constitution.”); *Powell v. McCormack*, 395 U.S. 486, 520 (1969) (“the Constitution leaves the House without authority to *exclude* any person, duly elected by his constituents, who meets all the requirements for membership expressly prescribed in the Constitution”).

Some states require weeks of residency before voter registration. Pennsylvania denies the right to vote to citizens who move among election districts within thirty days before an election—even the citizen lived within the state for more than thirty days. 25 Pa. Cons. Stat. § 1301(a) (2021) (requiring residence “in this Commonwealth and the election district where the individual offers to vote for at least 30 days prior to the next ensuing election”). One member of Citizens for Constitutional Integrity lived in Pennsylvania for three months before the November 2020 election, but Pennsylvania would not allow her to vote because she moved within the state too close to Election Day. Banks Decl. ¶ 1.

The Framers never conceived of states discriminating based on race at the primary election stage, or by gerrymandering city boundaries to cut out black voters, or by prohibiting a new voter from registering until another, already registered, white voter vouched for the new voter's qualifications. *See Gomillion v. Lightfoot*, 364 U.S. 339, 340 (1960); *Nixon v. Herndon*, 273 U.S. 536, 540 (1927); *United States v. Logue*, 344 F.2d 290 (5th Cir. 1965). No matter. In the Amendment, they cast the broadest net to catch every clever trick or evasion: count the citizens who can vote; that catches every denial. CG436, 2767; *see Bostock*, 140 S. Ct. at 1752. The Amendment requires the basis of representation to count unregistered citizens as denials of the right to vote.

2. The Framers set the ceiling for voter registration requirements.

States may seek to defend themselves from the Amendment's consequences by thrusting responsibility to register to vote onto their citizens. But in the Second Reconstruction Act, the Framers defined the ceiling for voter registration requirements as an oral oath; any more onerous voter registration requirement triggers the Amendment for each unregistered citizen. *See* 15 Stat. 2. In other words, if states adopt an oral oath like the one Congress passed, the Amendment would not consider as denials any citizens who did not take the oral oath. But if states adopt more onerous requirements, the Amendment counts unregistered citizens as denials of their rights to vote. *Cf. U.S. Term Limits*, 514 U.S. at 831 ("allowing States to evade the Qualifications Clauses by dressing eligibility to stand for Congress in ballot access clothing trivializes the basic principles of our democracy that underlie those Clauses." (quotations and alteration omitted)).

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The Framers expected easy voter registration. They intended states to allow illiterate and ignorant citizens to vote. CG410, 2767. When implementing the Amendment in the rebel states under the Reconstruction Acts, they required states to register citizens as voters by a simple, oral oath. 15 Stat. 2. “We must take [people] as we find them.” CG704.

The Amendment operates differently than equal protection, the Fifteenth Amendment, or the Voting Rights Act, so the standards under those provisions do not apply. The Framers intended that result. Those other amendments and statutes compel states to act within set parameters. In the Amendment, however, the Framers sought a more “gentle and persuasive” approach to induce states to “allow all to participate in [the] exercise” of the state’s political power. Reconstruction Report XIII. They left states autonomy to define voter qualifications and burdens. They doubted “whether the States would consent to surrender a power they had always exercised, and to which they were attached.” *Id.* Other clauses in the Constitution compel states to conform to federal standards, but the Amendment compels nothing. In contrast those other clauses, the Amendment requires no deference to a state’s election-logistics laws if they do not qualify as a “substantial burden[] the right to vote” *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 198 (2008) (plurality). The Amendment granted states absolute flexibility not to abide by its qualifications. But in exchange, it made sure “[t]he penalty of refusing will be severe.” CG2767.

As a result, the Amendment restricts no sovereign state action. States never violate the Amendment by setting whatever voter registration requirements they like. The Amendment only imposes consequences when states decide, in their sovereign powers, to deny or to abridge their citizens' voting rights.

For these reasons, the Amendment compels no particular voter registration method. But when states make registering to vote more onerous than the Framers intended, and then deny those citizens the right to vote for failing to register, the Amendment's severe consequences apply. Just as the First Congress shines a light into the meaning of the Constitution, so does the same or next Congress that proposed an Amendment. *See Seila Law LLC v. CFPB*, 140 S. Ct. 2183, 2197 (2020). When the Framers set an oral-oath voter registration requirement in the Reconstruction Acts, they defined the ceiling for states to require proof before registering citizens to vote. *See* 15 Stat. 2. The Amendment counts any more onerous voter registration requirement as denying impacted citizens' rights to vote.

If states find voter fraud or perjury in the oral oath, they can revoke a citizen's voter registration by proving the registered voter does not meet the Amendment's qualifications. Instead of requiring citizens to bear the burden at the front end to register, the Amendment shifts the burden to states to prove those voters ineligible before taking them off the voter registration rolls. *See Powell*, 395 U.S. at 548, 550 (requiring houses of Congress to seat duly elected members who meet the Constitution's three express qualifications, and recognizing each house can protect its institutional integrity by punishing and expelling members). If states do not

follow this procedure, the Amendment requires the Census Bureau to count unregistered citizens as denials.

B. The Census Bureau failed to calculate Wisconsin's basis of representation by subtracting 300,000 citizens as abridged by its photo voter ID law.

The Amendment applies to photo voter ID laws because they abridge registered citizens' rights to vote. In addition to discounting voters based on *denials* of the right to vote, the Amendment's plain text directs the Census Bureau to apply it whenever states *abridge* "in any way" their citizens' "right to vote." Even after voters overcome the barriers of registering to vote, some states abridge their registered voters' rights by enacting new voting barriers. "Practically all qualifications imposed on the exercise of the franchise constitute deprivations or abridgments within the contemplation of [the Amendment]." Arthur Earl Bonfield, *Right to Vote and Judicial Enforcement of [the Amendment]*, 46 Cornell L. Rev. 108, 115 (1960).

Wisconsin's photo voter ID law stopped its even registered citizens from voting if they did not possess one of nine, unexpired photo IDs. *Frank*, 17 F. Supp. 3d at 843. During a two-week trial, the district court heard testimony from people who wanted to vote, but did not have a qualifying ID. They faced obstacles like errors on their birth certificates; no birth certificates; inability to afford birth certificates; or no reason to compile the documentation just for voting when they could accomplish everything else in their lives with other IDs, like Veterans' IDs. *Id.* at 854-55.

The District Court found that many voters have incomes far below the poverty line or no high school diploma. *Id.* at 855. Therefore, "even small increases in the

costs of voting can deter a person from voting, since the benefits of voting are slight.” *Id.* at 862; 773 F.3d at 792 (Posner, J., dissenting from denial of petition for review en banc). It found that the Wisconsin photo voter ID law disenfranchised 300,000 voters. *Frank*, 17 F. Supp. 3d at 842, 854, 884. The Amendment, therefore, compels the Census Bureau to calculate Wisconsin’s basis of representation and to count these disqualifying tests as abridgments of 300,000 Wisconsin citizens’ rights to vote.

1. Abridgments include any act that lessens or diminishes the right to vote compared to the 1866 baseline.

The ordinary, 1866 meaning of “abridging” the “right to vote” applies the Amendment to any law that “lessens” or “diminishes” that right. The Amendment discounts populations not only for “deny[ing]” the “right to vote,” but also for “abridg[ing]” that right “in any way.” Interpreting “abridge” as equal to “deny” would violate the rule against surplusage. *See Marbury v. Madison*, 5 U.S. 137, 174 (1803) (rejecting statutory constructions that leave “any clause in the constitution . . . without effect . . .”); *see also TRW Inc. v. Andrews*, 534 U.S. 19, 31 (2001). Abridge must mean something more than deny. Dictionary definitions, Supreme Court precedent, and legislative history demonstrate the word “abridge” refers to any law that lessens or diminishes the right to vote compared to any earlier right to vote.

Voting rights have no natural definition, and they exist only in positive law as constitutions or statutes define those rights. *Yick Wo*, 118 U.S. at 370 (“[T]he political franchise of voting is . . . a privilege merely conceded by society according to its will, under certain conditions . . .”). Because an abstract “right to vote” lacks

inherent definition and boundaries, any prohibition on lessening or diminishing that right makes no sense without a comparison. *Reno*, 528 U.S. at 334 (“It makes no sense to suggest that a voting practice ‘abridges’ the right to vote without some baseline with which to compare the practice.”). Therefore, the Supreme Court implements prohibitions on voting-right abridgments by comparing new laws to prior laws. *Id.* at 333-34 (“The term ‘abridge’ . . . necessarily entails a comparison.”).

In *Reno*, the Supreme Court read the 1950 Webster’s New International Dictionary and the American Heritage Dictionary to interpret the Voting Rights Act’s use of “abridge” to mean “shorten.” *Id.* at 328. Upon that basis, it held that Congress intended to create an “antibacksliding,” “nonretrogression,” one-way ratchet that allowed covered jurisdictions to change election laws only in ways that expand citizens’ voting rights. *Id.* at 338, 341.

According to that mode of analysis, when the Amendment applies to abridgments of the right to vote “in any way,” it also creates a one-way ratchet against backsliding or retrogression. *See New Prime Inc. v. Oliveira*, 139 S. Ct. 532, 539 (2019) (“It’s a fundamental canon of statutory construction that words generally should be interpreted as taking their ordinary meaning at the time Congress enacted the statute.”) (quotations and alterations omitted). Webster’s 1865 Dictionary defined “to abridge” as “To lessen; to diminish; as, to *abridge* labor; to *abridge* power or rights.” NOAH WEBSTER ET AL., AM. DICTIONARY OF THE ENGLISH LANGUAGE 6 (Springfield, Mass. G. & C. Merriam 1865), Ex. K; *see* Cong. Rec. 42nd Cong., 2nd Sess. 108 (Dec. 13, 1871) (statement of Rep. Cox) (quoting the Webster

definition to interpret the Amendment). In contrast with the Voting Rights Act that requires courts to compare new laws to 1965 status-quo baselines, the Amendment uses voting rights in 1866 as the baseline. *See Reno*, 528 U.S. at 333-34.

2. *The phrase “in any way” reaches broadly to all incremental abridgments.*

The Amendment’s plain text does not stop at mere “abridgments.” It reaches broadly to abridgments “in any way.” No other amendment or phrase in the Constitution contains that broad language. When Congress uses the phrase “in any way,” it “manifest[s]” a “broad” objective to use all of its power. *Stirone v. United States*, 361 U.S. 212, 215 (1960); *see also Solorio v. United States*, 483 U.S. 435, 446 n.11 (1987). At least twenty-nine criminal laws use the phrase “in any way” to encompass unforeseeable details Congress intended to reach. *See* 18 U.S.C. §§ 33, 209, 224, 229, 231, 709, 891, 894, 1007, 1010, 1014, 1026, 1028A, 1362, 1542, 1581, 1583, 1584, 1590, 1591, 1592, 1597, 1951, 1956, 2332i, 2721, 3664, 4125.

As in the Civil Rights Act of 1964, a statute’s applicability to “situations not expressly anticipated by Congress does not demonstrate ambiguity; instead, it simply demonstrates the breadth of a legislative command.” *Bostock*, 140 S. Ct. at 1749 (quotations and alterations omitted). Thus, the plain text, ordinary meaning of the Amendment reaches any statute that lessens or diminishes the right to vote in any way compared to the right each state extended to its citizens in 1866. In other words, every incremental barrier to voting since 1866 qualifies as an abridgment for the Census Bureau to count in determining the state’s basis of representation.

The Framers rejected a proposal to strike the words “or in any way abridged” because they feared creating loopholes. Senator Howard had proposed that deletion

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because he did “not know, and [he had] not yet been able to find any gentleman who did know, what an abridgment of the right to vote really is.” CG3039. He understood the right to vote as an “indivisible” unit “incapable of abridgment.” *Id.* Therefore, he contended, “[i]f a man possesses the right to vote, he possesses it in its entirety. . . . I am not able to see how this right can be abridged.” *Id.* Senator Howard called the language incomprehensible and expressed concern that it added “confusion and uncertainty” and invited “questions of construction.” *Id.* The Senate soundly rejected his attempt to delete the language. *Id.* at 3040.

Indeed, history shows Senator Howard simply lacked sufficient imagination. The Supreme Court has recognized, however, that states can erode the right to vote in creative ways other than denying it directly: “the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Reynolds*, 377 U.S. at 555.

By specifically keeping the phrase “or in any way abridged” in the Amendment, the Framers recognized the limitations of their imaginations. They intended to reach every limitation or diminishment of citizens’ rights to vote that no one could foresee or predict. “The Constitution nullifies sophisticated as well as simple-minded modes of infringing on constitutional protections.” *U.S. Term Limits*, 514 U.S. at 829 (quotations omitted). Consequently, the Amendment requires the Census Bureau to count, as any abridgment of that citizen’s right to vote, any state’s voting law that lessens or diminishes any citizen’s right to vote, compared to

the 1866 laws, or compared to any more expansive law passed since. *See Reno*, 528 U.S. at 333-34.

3. Photo voter ID laws qualify as abridgements of citizens' rights to vote.

Photo voter IDs exemplify post-Amendment laws that abridge rights by erecting barriers to vote. Photography did not widely exist in 1866, so no state laws required photo voter IDs. If it had, Representative Garfield would likely have found it in his comprehensive list. *See* H.R. Rep. No. 41-3 at 52-53, 71-93. Consequently, every photo voter ID law adds a burden to the right to vote beyond what existed in 1866, and every photo voter ID law lessens or diminishes citizens' rights to vote, compared to those rights in 1866. For those abridgments, the Amendment requires the Census Bureau to count as abridgments the citizens who cannot vote because of the photo voter ID laws.

Those laws in Wisconsin prohibit 300,000, or nine percent of its registered voters, from voting for lack of photo identification that the states required. *Frank*, 17 F. Supp. 3d at 842, 854, 884. The Amendment requires the Census Bureau to calculate Wisconsin's basis of representation and, when it does so, to subtract 300,000 from Wisconsin's citizens who can vote.

III. If the APA does not apply, the All Writs Act requires the Court to issue a writ of mandamus.

If not through the APA, the All Writs Act authorizes this Court to issue injunctive against the Secretary of the Interior and the Census Bureau Director. The All Writs Act authorizes "all courts . . . [to] issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and

principles of law.” 28 U.S.C. § 1651(a). Even outside the APA, courts have power to issue “injunctive relief against executive officials like the Secretary of Commerce” *Franklin*, 505 U.S. at 802.

To obtain a writ of mandamus, “the person applying for it must be without any other specific and legal remedy.” *Marbury*, 5 U.S. at 169. But when law directs a federal officer “to do a certain act affecting the absolute rights of individuals,” courts have a “duty of giving judgment that right be done to an injured individual” *Id.* at 170-71.

Two circumstances, (1) the Census Bureau’s failure to comply with the Constitution’s direction for over 150 years and (2) a legal violation lying outside the broad and generous provisions of APA, together, compel a writ of mandamus. “[A] Court is not at liberty to shut its eyes to an obvious mistake, when the validity of the law depends upon the truth of what is declared.” *Chastleton Corp. v. Sinclair*, 264 U.S. 543, 547 (1924). If the APA does not authorize the Court to enjoin the Census Bureau, the All Writs Act compels a writ of mandamus to complete the analysis the Amendment requires. *See Franklin*, 505 U.S. at 802.

CONCLUSION

For the reasons articulated herein, the APA entitles Citizens to summary judgment and remand or a writ of mandamus. Citizens respectfully request oral argument and an opportunity to brief an interim remedy.

Dated January 14, 2021,

/s/ Jared S. Pettinato
JARED S. PETTINATO

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF THE DISTRICT OF COLUMBIA**

CITIZENS FOR CONSTITUTIONAL
INTEGRITY,

Plaintiff,
v.

THE CENSUS BUREAU, *et al.*,

Defendants.

No. 21-cv-3045

**PLAINTIFF'S EXHIBIT INDEX
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

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Exhibit	Title
A	Census Bureau, Population of the U.S., Table 1 (June 1, 1870)
B	Census Office Superintendent Francis A. Walker, <i>Report of the Superintendent of the Ninth Census</i> (Nov. 21, 1871)
C	Ayush Sharma Declaration
(C) 1	Census Bureau, Table 1, Apportionment Population and Number of Representatives by State: 2020 Census.
(C) 2	Census Bureau, Priority Values for 2020 Census Apportionment
(C) 3	Census Bureau, Table 4a, Reported Voting and Registration for States: November 2020
(C) 4	Census Bureau, Current Population Survey, November 2020, Voting and Registration Supplement, Technical Documentation
(C) 5	Sentencing Project, Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction (Oct. 15, 2020, updated Oct. 30, 2020)
(C) 6	Ayush Sharma, Scenario 1 priority values based on the basis-of-representation and compared to the Census Bureau's priority values from Exhibit 2
(C) 7	Ayush Sharma, Scenario 2 basis-of-representation value calculations
(C) 8	Ayush Sharma, Scenario 2 priority values based on the basis-of-representation
(C) 9	Ayush Sharma, Scenario 3 basis-of-representation value calculations
(C) 10	Ayush Sharma, Scenario 3 priority values based on the basis-of-representation
(C) 11	Ayush Sharma, Scenario 5 priority values based on the basis-of-representation
(C) 12	Election Data Services, Final Census Apportionment Counts Surprises Many Observers; Raising Questions of Why? (Apr. 28, 2021)
(C) 13	Ayush Sharma, Scenario 4 basis-of-representation value calculations
(C) 14	Ayush Sharma, Scenario 4 priority values based on the basis-of-representation
D	Census Bureau, Press Release, 2020 Presidential Election Voting and Registration Tables Now Available (Apr. 29, 2021)
E	Census Bureau, Press Release, U.S. Census Bureau Today Delivers State Population Totals for Congressional Apportionment (Apr. 26, 2021)
F	Sarah Banks Declaration
G	Androniki Lagos Declaration
H	Isabel Magnus Declaration
I	Michael Carr Declaration
J	U.S. Comm'n on Civil Rights, <i>Political Participation</i> (1968)
K	NOAH WEBSTER ET AL., AM. DICTIONARY OF THE ENGLISH LANGUAGE 6 (Springfield, Mass. G. & C. Merriam 1865)

EXHIBIT

A

TABLE I.

POPULATION OF THE UNITED STATES,

(BY STATES AND TERRITORIES,)

IN

THE AGGREGATE,

AND AS

WHITE, COLORED, FREE COLORED, SLAVE, CHINESE, AND INDIAN,
AT EACH CENSUS.

POPULATION BY STATES AND TERRITORIES—1790—1870.

TABLE I.—THE UNITED STATES—Continued.

Table with columns for STATES AND TERRITORIES, WHITE, and years 1870 through 1790. Rows include Total of the United States, Total of the States (listing Alabama, Arkansas, California, etc.), Total of the Territories (listing Arizona, Colorado, etc.), and On public ships in service of the United States.

(a) To obtain the total white at the census of 1840, care must be taken to include 6,100 persons on board public ships, and 487, being the increase in the white of the second enumeration of the county of Montgomery, Maryland, over the white at the first enumeration. (b) In the aggregate table of the census of 1830, at Tennessee, "White males to 45" are printed 27,349 instead of 27,549, as rightly given in the tables of the State of Tennessee. This error in the white column of the aggregate table having been corrected, and consequently the total white having been made 200 more than there printed, the above variance applies. (c) In the aggregate table of the census of 1800, at New Jersey, "White males under 10" are printed 33,900 instead of 33,980; at District of Columbia, in the same column, 889 should be 629; at Kentucky, "White males 65 and upwards," printed 9,238, should be 9,233; at Western District of Virginia, "White females 26 and under 45," printed 8,632, should be 15,169; and column "White females, 45 and upwards," printed 15,169, should be 8,632; and at "Indian Territory" add 766 to the total of the items for the columns of the White, in order to balance "766 persons" added to the total of the Territory in the table under correction, but not then placed in any of the classes of the population of the Territory. These "persons" are thus assumed to be whites, but cannot be distributed among the Age and Sex columns of the whites in that table. These errors of the White columns of the aggregate table having been corrected, the above variance applies. (d) In the columns of Table I, devoted to the Second Census, the sum of the variances in the classes of population does not equal the variance at the aggregate. In explanation of this apparent inconsistency, it is necessary to state that the table showing the aggregate population at the Second Census, as originally published, had no complete summary line, and that the official totals of that census have been established in the following manner. After correcting the indigenous errors of that table, in accordance with notes (c), pages 3 and 4 of this volume, and striking out the lines of the table for Maryland and "Baltimore County," and inserting in their stead the line of "Maryland, corrected," the columns have been added, and the total white afterwards obtained by adding the totals of the ten Age and Sex columns. The result held to be the official totals of the Second Census appears in the second line of the following tabular statement, which, with the subsequent annotation, is in explanation of the failure of the variances of the above table for the Second Census to form an equation:

Summary table showing variances and aggregates for the Second Census. Rows include: The Second Census as published at the Ninth Census, The Second Census as originally published, Variances of the former from the latter publication, Variances of the latter publication from a balanced total line, and Variances of the former publication from the balanced totals of the latter. Includes numerical values for White, Free colored, Slave, and Aggregate.

The first line of this statement is an equation; the second an inequation, whose second member is correct, and whose first member is in each term too large to permit that member to equal the second member; consequently the third line of the statement, obtained by subtracting the second line from the first, must be an inequation, whose second member is correct, and whose first member is in every term too small as a member of an equation. The third line is the series of variances inserted in Table I of this volume, and expresses the differences between official totals, as originally and now published. The fourth line of the statement furnishes the numbers which, by enlarging each term of its first member, change this inequation to an equation, and produce the fifth line of the statement, which expresses the additional population discovered by the recount at the Ninth Census of the original returns of the Second Census for the State of New York. (See note (a), page 52.)

POPULATION BY STATES AND TERRITORIES—1790—1870.

TABLE I.—THE UNITED STATES—Continued.

STATES AND TERRITORIES.	FREE COLORED.									
	1870	1860	1850	1840	1830	1820	1810	1800	1790	
Total of the United States..	4,880,009	488,070	434,495	438,293	319,599	233,634	186,446	108,435	59,527	
Variations from former official totals.				-10 Va.		+104 N. C., Tenn., and Va.		-859 Ga., Ky., and N. Y.	+16 Vt.	
Total of the States.....	4,835,106	476,748	424,390	377,932	313,447	229,586	183,897	107,652	59,527	
Alabama.....	3 475,510	22 2,690	21 2,265	19 2,039	19 1,572	21 571				
Arkansas.....	12 122,169	33 144	22 608	27 465	27 141	26 59				
California.....	29 4,272	18 4,086	23 962							
Connecticut.....	26 9,668	14 8,627	14 7,693	12 8,105	10 8,047	9 7,870	10 6,453	8 5,330	9 2,808	
Delaware.....	21 22,794	8 19,829	8 18,073	9 16,919	8 15,855	6 12,958	5 13,136	5 8,268	7 3,899	
Florida.....	14 91,689	26 932	24 932	23 817	22 844					
Georgia.....	1 545,142	21 3,500	18 2,931	18 2,753	17 2,486	16 1,763	14 1,801	12 1,019	14 398	
Illinois.....	19 28,762	15 7,628	16 5,436	16 3,598	18 1,637	23 457	20 613			
Indiana.....	20 24,580	10 11,428	10 11,262	14 7,165	15 3,629	17 1,230	22 393	20 163		
Iowa.....	27 5,762	25 1,069	31 333	29 172						
Kansas.....	23 17,108	29 635								
Kentucky.....	10 222,210	11 10,684	11 10,011	13 7,317	13 4,917	14 2,759	15 1,713	15 739	17 114	
Louisiana.....	7 364,210	9 18,647	9 17,462	5 25,592	7 16,710	8 13,476	8 7,585			
Maine.....	31 1,606	23 1,327	22 1,356	22 1,355	20 1,190	18 929	18 969	14 818	13 538	
Maryland.....	11 175,391	1 83,942	1 74,723	1 62,078	1 52,938	1 39,730	1 33,927	2 19,587	2 8,043	
Massachusetts.....	24 13,947	13 9,602	12 9,064	10 8,669	12 7,048	11 6,740	9 6,737	7 6,452	4 5,463	
Michigan.....	25 11,849	17 6,799	20 2,583	25 303	26 261	25 174	24 120			
Minnesota.....	34 759	32 259	33 59							
Mississippi.....	4 444,201	27 773	25 930	21 1,366	25 519	22 458	23 240	19 182		
Missouri.....	13 118,071	20 3,572	19 2,618	20 1,574	24 569	24 347	21 607			
Nebraska.....	33 789	35 67								
Nevada.....	36 357	36 45								
New Hampshire.....	35 580	30 494	29 520	26 537	23 604	20 786	17 970	13 852	12 630	
New Jersey.....	18 30,658	7 25,318	7 23,810	7 21,044	6 18,333	7 12,460	7 7,843	9 4,402	10 2,762	
New York.....	17 52,081	4 49,005	4 49,669	2 50,037	3 44,870	4 29,279	3 25,333	4 10,417	6 4,654	
North Carolina.....	6 391,650	6 30,463	5 27,463	6 22,732	5 19,543	5 14,712	6 10,366	6 7,043	5 4,975	
Ohio.....	16 63,213	5 36,673	6 25,279	8 17,342	9 9,598	12 4,723	13 1,899	17 337		
Oregon.....	37 346	34 128	32 207							
Pennsylvania.....	15 65,294	3 56,949	3 53,626	4 47,854	4 37,930	3 30,292	4 22,492	3 14,564	3 6,531	
Rhode Island.....	28 4,980	19 3,952	17 3,670	17 3,238	16 3,501	13 3,554	12 3,609	10 3,304	8 3,407	
South Carolina.....	5 415,814	12 9,914	13 8,960	11 8,276	11 7,921	10 6,826	11 4,554	11 3,185	11 1,801	
Tennessee.....	8 322,331	16 7,300	15 6,422	15 5,524	14 4,555	15 2,737	16 1,317	12 399	15 361	
Texas.....	9 253,475	31 355	30 397							
Vermont.....	32 924	23 709	26 718	24 730	21 881	19 903	19 750	16 557	16 271	
Virginia.....	2 512,841	2 58,042	2 54,333	3 49,842	2 47,348	2 36,883	2 30,570	1 20,121	1 12,866	
West Virginia.....	22 17,980									
Wisconsin.....	30 2,113	24 1,171	27 635	28 185						
Total of the Territories	44,903	11,322	10,105	8,361	6,152	4,048	2,549	783		
Arizona.....	9 26									
Colorado.....	2 456	3 46								
Dakota.....	7 94									
District of Columbia.....	1 43,404	1 11,131	1 10,059	1 8,361	1 6,152	1 4,048	1 2,549	1 783		
Idaho.....	8 60									
Montana.....	4 183									
New Mexico.....	5 172	2 85	3 22							
Utah.....	6 118	4 30	2 24							
Washington.....	3 207	4 30								
Wyoming.....	4 183									
On public ships in service of the United States.....										

(a) To obtain the total "free colored" at the census of 1840, it is necessary to add to the printed total of the aggregate table 58, being the increase in the free colored of the second enumeration of the county of Montgomery, Maryland, over the free colored at the first enumeration.

TABLE I.—THE UNITED STATES—Continued.

STATES AND TERRITORIES.	SLAVE.															
	1870	1860	1850	1840	1830	1820	1810	1800	1790							
Total of the United States.....	3,953,760		3,204,313		2,487,355		2,009,043		1,538,022		1,101,362		893,602		697,681	
Variations from former official totals. } Amount. Details in Table II.					-100 Va.		Md., N. C., and Va. -106		Va. -2		Ga. and N. Y. -3		Vt. -16			
Total of the States.....	3,950,546		3,200,600		2,482,661		2,002,924		1,531,645		1,185,967		890,358		697,681	
Alabama.....	4	435,080	4	342,844	4	253,532	7	117,549	9	41,879						
Arkansas.....	12	111,115	13	47,100	13	19,935	13	4,576	15	1,617						
California.....																
Connecticut.....					18	17	20	25	19	97						
Delaware.....	15	1,798	15	2,290	14	2,605	14	3,292	14	4,509	15	310	13	951	12	2,764
Florida.....	14	61,745	14	39,310	12	25,717	12	15,501	14	4,509	12	4,177	10	6,153	9	8,837
Georgia.....	2	462,198	3	381,683	3	250,944	4	217,531	4	149,656	5	105,218	5	59,406	5	29,264
Illinois.....					16	331	16	747	16	917	17	168				
Indiana.....					23	3	23	3	18	190	16	237	15	135		
Iowa.....					19	16										
Kansas.....	18	2														
Kentucky.....	9	225,483	9	210,981	8	182,258	5		5	136,732						
Louisiana.....	6	331,726	7	244,809	9	168,452	8	105,213	8	60,064	6	80,561	6	40,343	7	12,430
Maine.....																
Maryland.....	13	87,189	10	90,368	10	89,737	24	102,994	6	107,397	4	111,502	4	105,635	3	103,036
Massachusetts.....																
Michigan.....																
Minnesota.....																
Mississippi.....	3	436,631	5	309,878	6	195,211	10	65,659	10	32,814	9	17,082	11	3,489		
Missouri.....	11	114,931	11	87,422	11	58,240	11	25,091	11	10,222	13	3,011				
Nebraska.....	17	15														
Nevada.....																
New Hampshire.....																
New Jersey.....	16	618	16	236	24	1	23	3					16	8	14	158
New York.....					15	674	15	2,254	13	7,557	11	10,851	9	12,422	8	11,427
North Carolina.....	7	331,050	6	288,548	5	245,817	3	245,601	3	204,917	3	168,824	3	133,296	4	100,572
Ohio.....					23	3										
Oregon.....																
Pennsylvania.....					17	64	17	403	17	211	14	795	13	1,706	10	3,737
Rhode Island.....					21	5	21	17	20	48	18	108	14	380	13	943
South Carolina.....	5	402,406	2	384,984	2	327,038	2	315,401	2	258,475	2	196,365	2	146,151	2	107,094
Tennessee.....	8	275,719	8	239,459	7	183,059	6	141,603	7	80,107	7	44,535	8	13,584	11	3,417
Texas.....	10	182,566	12	58,161												
Vermont.....																
Virginia.....	1	490,865	1	472,538	1	448,987	1	469,757	1	425,148	1	392,516	1	345,796	1	292,627
West Virginia.....																
Wisconsin.....					20	11										
Total of the Territories.....	3,214		3,713		4,694		6,119		6,377		5,395		3,244			
Arizona.....																
Colorado.....																
Dakota.....																
District of Columbia.....																
Idaho.....	1	3,185	1	3,687	1	4,694	1	6,119	1	6,377	1	5,395	1	3,244		
Montana.....																
New Mexico.....																
Utah.....																
Washington.....	2	29	2	226												
Wyoming.....																
On public ships in service of the United States.....																

(a) To obtain the total slave at the census of 1840, care must be taken to add to the printed total of slave in the aggregate table 242, being the excess in slave of the second enumeration of the county of Montgomery, Maryland, over the slave of the first enumeration.
 (b) Colored apprentices for life, by the act to abolish slavery, passed April 18, 1846.
 (c) Returned as on the way to California.

POPULATION BY STATES AND TERRITORIES—1790—1870.

TABLE I.—THE UNITED STATES—Continued.

STATES AND TERRITORIES.	CHINESE.										INDIAN.									
	1870	1860	1850	1840	1830	1820	1810	1800	1790		1870	1860	1850	1840	1830	1820	1810	1800	1790	
Total of the United States..	663,254	34,933									25,731	44,021								
Variations from former official totals.												Fla.	+ 1							
Total of the States.....	656,179	34,933									21,228	30,737								
Alabama.....											21	98	11	160						
Arkansas.....	4	98									22	89	18	48						
California.....	1	649,310	1	34,933							1	7,241	1	17,798						
Connecticut.....	14	2									14	235	25	16						
Delaware.....																				
Florida.....											34	2	29	1						
Georgia.....	15	1									27	40	19	38						
Illinois.....	15	1									29	32	21	32						
Indiana.....											13	240	7	200						
Iowa.....	13	3									26	48	15	65						
Kansas.....											5	914	8	189						
Kentucky.....	15	1									19	108	20	33						
Louisiana.....	6	71									8	569	10	173						
Maine.....	15	1									9	499	27	5						
Maryland.....	14	2									33	4								
Massachusetts.....	5	697									17	151	21	32						
Michigan.....	14	62									2	4,926	2	0,172						
Minnesota.....											7	690	3	2,369						
Mississippi.....	9	16									6	809	28	2						
Missouri.....	13	3									24	75	23	20						
Nebraska.....											23	87	16	63						
Nevada.....	3	3,152									30	23								
New Hampshire.....											30	23								
New Jersey.....	10	615									31	16								
New York.....	7	29									10	439	12	140						
North Carolina.....											3	1,241	4	1,158						
Ohio.....	15	1									20	100	22	30						
Oregon.....	2	3,330									12	318	9	177						
Pennsylvania.....	11	614									28	34	26	7						
Rhode Island.....											16	154	24	19						
South Carolina.....	15	1									18	124	14	88						
Tennessee.....											25	70	17	60						
Texas.....	8	25									11	379	6	403						
Vermont.....											32	14	23	20						
Virginia.....	12	4									15	229	13	112						
West Virginia.....											35	1								
Wisconsin.....											4	1,206	5	1,017						
Total of the Territories.....	7,075										4,503	13,284								
Arizona.....	6	20									9	31								
Colorado.....	7	7									4	180								
Dakota.....											3	1,200	2	2,261						
District of Columbia.....	8	3									10	15	5	1						
Idaho.....	1	4,274									8	47								
Montana.....	2	1,040									6	157								
New Mexico.....											2	1,309	1	10,507						
Utah.....	3	445									5	179	4	89						
Washington.....	4	234									1	1,319	3	426						
Wyoming.....	5	143									7	66								
On public ships in service of the United States.....																				

(a) Includes 55 Japanese.

(b) Includes 33 Japanese.

(c) Includes 10 Japanese.

(d) Includes 1 Japanese.

EXHIBIT

B

REPORT

OF THE

SUPERINTENDENT OF THE NINTH CENSUS.

Hon. C. DELANO, *Secretary of the Interior* :

SIR: I have the honor to submit the following report :

The enumeration of inhabitants at the Ninth Census of the United States, which, by law, was commenced on the 1st of June, 1870, was substantially completed by the 9th of January, 1871. At that date returns had been received covering 38,333,417 persons, leaving 224,954, as was subsequently determined, to be returned, more than one-half of whom, it is fair to assume, had then been enumerated. Yet, for this inconsiderable fraction of the population the country was obliged to wait seven and a half months. On the 23d of February returns had been received covering all but 92,266 of the population. The last returns from any of the former free States were received April 3, 1871, comprising 271 names to complete the township of Lodi, Athens County, Ohio. On the 9th of June the number of persons still to be returned was 18,606. On the 23d of June returns were received from the last county of Mississippi. On the 29th of July returns were received from the last county of Texas. On the 23d of August returns were received from the townships of Bowen and Wharton's Creek, Madison County, Arkansas, (304 names,) completing the enumeration.

These delays, most vexatious and most discreditable in a national work of such importance as the census of the United States, were, as you are aware, absolutely unavoidable, with existing census machinery. All the authority and all the resources which the law intrusts to this office and to the Department were employed in abundant season to have secured the completion of the entire work within the time prescribed, but for the ineradicable defects of the act of 1850, under which, with few and slight modifications, the census of the United States continues to be taken. Until the law shall vest in the Department the same control over its agents at the census which is possessed by other Departments in respect to their agents, and by this Department in respect to all its other operations, it will never be practicable to determine, within six months, the period for the completion of the census, nor to provide that, when the work is supposed to be finished, some portion of the territory shall not be found which has not been covered by the enumeration, and in which the service must be organized at the last moment, without due preparation and at a great and increasing disadvantage. With sincere deference, I submit that it is not worthy of a great nation that its census should be so tardily and so loosely taken as is inevitable in the United States under existing provisions of law.

CONSTITUTIONAL POPULATION.

AGGREGATE.—The constitutional population of the United States (excluding, that is, "Indians not taxed" and the inhabitants of the Territories) upon the 1st of June, 1870, as finally determined by the complete census, was 38,115,641. The positive increase during the decade had been 6,931,897, a gain of 22.22 per cent.

The thirty-four States which were in the Union in 1860 were found to have been affected by the changes of ten years, as follows :

Alabama had increased from 964,201 to 996,992, a gain of 3.40 per cent. : its rank among the States being 16 instead of 13, as in 1860.

Arkansas, from 435,450 to 484,471, a gain of 11.26 per cent. : rank, 26 instead of 25.

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California, from 379,994 to 560,247, a gain of 47.44 per cent. : rank, 24 instead of 26.
 Connecticut, from 460,147 to 537,454, a gain of 16.80 per cent. : rank, 25 instead of 24.
 Delaware, from 112,216 to 125,015, a gain of 11.41 per cent. : rank, 34 instead of 32.
 Florida, from 140,424 to 187,748, a gain of 33.70 per cent. : rank, 33 instead of 31.
 Georgia, from 1,057,286 to 1,184,109, a gain of 12.00 per cent. : rank, 12 instead of 11.
 Illinois, from 1,711,951 to 2,539,891, a gain of 48.36 per cent. : rank, 4, as in 1860.
 Indiana, from 1,350,428 to 1,680,637, a gain of 24.45 per cent. : rank, 6, as in 1860.
 Iowa, from 674,913 to 1,194,020, a gain of 76.91 per cent. : rank, 11 instead of 20.
 Kansas, from 107,206 to 364,399, a gain of 239.90 per cent. : rank, 29 instead of 33.
 Kentucky, from 1,155,684 to 1,321,011, a gain of 14.30 per cent. : rank, 8 instead of 9.
 Louisiana, from 708,002 to 726,915, a gain of 2.67 per cent. : rank, 21 instead of 17.
 Maine had decreased from 628,279 to 626,915, a loss of 0.22 per cent. : rank, 23 instead of 22.
 Maryland had increased from 687,049 to 780,894, a gain of 13.66 per cent. : rank, 20 instead of 19.
 Massachusetts, from 1,231,066 to 1,457,351, a gain of 18.38 per cent. : rank, 7, as in 1860.
 Michigan, from 749,113 to 1,184,059, a gain of 58.06 per cent. : rank, 13 instead of 16.
 Minnesota, from 172,023 to 439,706, a gain of 155.61 per cent. : rank, 28 instead of 30.
 Mississippi, from 791,305 to 827,922, a gain of 4.63 per cent. : rank, 18 instead of 14.
 Missouri, from 1,182,012 to 1,721,295, a gain of 45.62 per cent. : rank, 5 instead of 8.
 New Hampshire had decreased from 326,073 to 318,300, a loss of 2.38 per cent. : rank, 31 instead of 27.
 New Jersey had increased from 672,035 to 906,096, a gain of 34.83 per cent. : rank, 17 instead of 21.
 New York, from 3,880,735 to 4,382,759, a gain of 12.94 per cent. : rank, 1, as in 1860.
 North Carolina, from 992,622 to 1,071,361, a gain of 7.93 per cent. : rank, 14 instead of 12.
 Ohio, from 2,339,511 to 2,665,260, a gain of 13.92 per cent. : rank, 3, as in 1860.
 Oregon, from 52,465 to 90,923, a gain of 73.30 per cent. : rank, 36 instead of 34.
 Pennsylvania, from 2,906,215 to 3,521,951, a gain of 21.19 per cent. : rank, 2, as in 1860.
 Rhode Island, from 174,620 to 217,353, a gain of 24.47 per cent. : rank, 32 instead of 29.
 South Carolina, from 703,708 to 705,606, a gain of 0.27 per cent. : rank, 22 instead of 18.
 Tennessee, from 1,109,801 to 1,258,520, a gain of 13.40 per cent. : rank, 9 instead of 10.
 Texas, from 604,215 to 818,579, a gain of 35.48 per cent. : rank, 19 instead of 23.
 Vermont, from 315,098 to 330,551, a gain of 4.90 per cent. : rank, 30 instead of 28.
 Virginia had decreased from 1,596,318 to 1,225,163, a loss of 23.25 per cent. : rank, 10 instead of 5.
 Wisconsin had increased from 775,881 to 1,054,670, a gain of 35.93 per cent. : rank, 15, as in 1860.

The loss of constitutional population in Virginia was due to the erection of fifty counties into the State of **West Virginia**, comprising a constitutional population of 442,014, as determined by the Ninth Census. Adding this to the population of the present State of Virginia, we have a total of 1,667,177, a gain of 4.44 per cent. upon the return of Virginia in 1860.

The State of Nebraska, admitted into the Union in 1864, was found to have a constitutional population, on the 1st of June, 1870, of 122,993.

The State of Nevada, likewise admitted in 1864, was found to have a constitutional population of 42,491.

WHITE.—Of this aggregate of 38,115,641, the white population embraced 33,203,128, an increase of 6,512,348 during the decade, or 24.39 per cent.

The white population of the several States had changed as follows :

Alabama, from 526,271 to 521,384, a loss of 0.93 per cent. : rank, 21 instead of 18.
 Arkansas, from 324,143 to 362,115, a gain of 11.71 per cent. : rank, 26 instead of 25.
 California, from 323,177 to 499,424, a gain of 54.54 per cent. : rank, 22 instead of 26.
 Connecticut, from 451,504 to 527,549, a gain of 16.84 per cent. : rank, 20, as in 1860.
 Delaware, from 90,589 to 102,221, a gain of 12.84 per cent. : rank, 34 instead of 32.
 Florida, from 77,746 to 96,057, a gain of 23.55 per cent. : rank, 35 instead of 33.
 Georgia, from 591,550 to 638,926, a gain of 8.01 per cent. : rank, 16 instead of 17.
 Illinois, from 1,704,291 to 2,511,096, a gain of 47.34 per cent. : rank, 4, as in 1860.
 Indiana, from 1,338,710 to 1,655,837, a gain of 23.69 per cent. : rank, 5, as in 1860.
 Iowa, from 673,779 to 1,188,207, a gain of 76.35 per cent. : rank, 8 instead of 13.
 Kansas, from 106,390 to 346,377, a gain of 225.57 per cent. : rank, 28 instead of 31.
 Kentucky, from 919,484 to 1,098,692, a gain of 19.49 per cent. : rank, 10 instead of 9.

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Louisiana, from 357,456 to 362,065, a gain of 1.29 per cent.: rank, 27 instead of 22.
 Maine, from 626,947 to 624,809, a loss of 0.34 per cent.: rank, 17 instead of 16.
 Maryland, from 515,918 to 605,497, a gain of 17.36 per cent.: rank, 18 instead of 19.
 Massachusetts, from 1,221,432 to 1,443,156, a gain of 18.15 per cent.: rank, 7 instead of 6.
 Michigan, from 736,142 to 1,167,282, a gain of 58.57 per cent.: rank, 9 instead of 12.
 Minnesota, from 169,395 to 438,257, a gain of 158.72 per cent.: rank, 23 instead of 30.
 Mississippi, from 353,899 to 382,896, a gain of 8.19 per cent.: rank, 25 instead of 23.
 Missouri, from 1,063,489 to 1,603,146, a gain of 50.74 per cent.: rank, 6 instead of 7.
 New Hampshire, from 325,579 to 317,697, a loss of 2.42 per cent.: rank, 30 instead of 24.
 New Jersey, from 646,699 to 875,407, a gain of 35.37 per cent.: rank, 13 instead of 14.
 New York, from 3,831,590 to 4,330,210, a gain of 13.01 per cent.: rank, 1, as in 1860.
 North Carolina, from 629,942 to 678,470, a gain of 7.70 per cent.: rank, 15, as in 1860.
 Ohio, from 2,302,808 to 2,601,946, a gain of 12.99 per cent.: rank, 3, as in 1860.
 Oregon, from 52,160 to 86,929, a gain of 66.66 per cent.: rank, 36 instead of 34.
 Pennsylvania, from 2,849,259 to 3,456,609, a gain of 21.32 per cent.: rank, 2, as in 1860.
 Rhode Island, from 170,649 to 212,219, a gain of 24.36 per cent.: rank, 32 instead of 29.
 South Carolina, from 291,300 to 289,667, a loss of 0.56 per cent.: rank, 31 instead of 28.
 Tennessee, from 826,722 to 936,119, a gain of 13.23 per cent.: rank, 12 instead of 10.
 Texas, from 420,891 to 564,700, a gain of 34.17 per cent.: rank, 19 instead of 21.
 Vermont, from 314,369 to 329,613, a gain of 4.85 per cent.: rank, 29 instead of 27.
 Virginia, from 1,047,299 to 712,089, a loss of 32.01 per cent.: rank, 14 instead of 8.
 Wisconsin, from 773,693 to 1,051,351, a gain of 35.89 per cent.: rank, 11, as in 1860.

Adding the white population of the State of West Virginia to that given for Virginia, we have a total of 1,136,122, a gain of 8.48 per cent. over the return for Virginia in 1860.

The State of Nebraska, admitted since the last census, was found to have a white population of 122,117.

The State of Nevada, likewise admitted since the last census, was found to have a white population of 38,959.

COLORED.—The colored population of the States had been affected by general causes and the events of the ten years, as follows:

The United States, from 4,427,294 to 4,835,106, a gain of 9.21 per cent.
 Alabama, from 437,770 to 475,510, a gain of 8.62 per cent.: rank, 3, as in 1860.
 Arkansas, from 111,259 to 122,169, a gain of 9.81 per cent.: rank, 12 instead of 13.
 California, from 4,086 to 4,272, a gain of 4.55 per cent.: rank, 29 instead of 25.
 Connecticut, from 8,627 to 9,668, a gain of 12.07 per cent.: rank, 26 instead of 22.
 Delaware, from 21,627 to 22,794, a gain of 5.40 per cent.: rank, 21 instead of 19.
 Florida, from 62,677 to 91,689, a gain of 46.29 per cent.: rank, 14, as in 1860.
 Georgia, from 465,698 to 545,142, a gain of 17.06 per cent.: rank, 1 instead of 2.
 Illinois, from 7,628 to 28,762, a gain of 277.06 per cent.: rank, 19 instead of 23.
 Indiana, from 11,428 to 24,560, a gain of 114.91 per cent.: rank, 20, as in 1860.
 Iowa, from 1,069 to 5,762, a gain of 439.01 per cent.: rank, 27 instead of 29.
 Kansas, from 627 to 17,108, a gain of 2628.55 per cent.: rank, 23 instead of 31.
 Kentucky, from 236,167 to 222,210, a loss of 5.91 per cent.: rank, 10 instead of 9.
 Louisiana, from 350,373 to 364,210, a gain of 3.95 per cent.: rank, 7, as in 1860.
 Maine, from 1,327 to 1,606, a gain of 21.02 per cent.: rank, 31 instead of 27.
 Maryland, from 171,131 to 175,391, a gain of 2.49 per cent.: rank, 11, as in 1860.
 Massachusetts, from 9,602 to 13,947, a gain of 45.25 per cent.: rank, 24 instead of 21.
 Michigan, from 6,799 to 11,849, a gain of 74.28 per cent.: rank, 25 instead of 24.
 Minnesota, from 259 to 759, a gain of 193.05 per cent.: rank, 34 instead of 33.
 Mississippi, from 437,404 to 444,201, a gain of 1.55 per cent.: rank, 4, as in 1860.
 Missouri, from 118,503 to 118,071, a loss of 0.36 per cent.: rank, 13 instead of 12.
 New Hampshire, from 494 to 580, a gain of 17.41 per cent.: rank, 35 instead of 32.
 New Jersey, from 25,336 to 30,658, a gain of 21.01 per cent.: rank, 18, as in 1860.
 New York, from 49,005 to 52,081, a gain of 6.28 per cent.: rank, 17 instead of 16.
 North Carolina, from 361,522 to 391,650, a gain of 8.33 per cent.: rank, 6, as in 1860.
 Ohio, from 36,673 to 63,213, a gain of 72.37 per cent.: rank, 16 instead of 17.

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Oregon, from 128 to 346, a gain of 170.31 per cent.: rank, 37 instead of 34.
 Pennsylvania, from 56,949 to 65,294, a gain of 14.65 per cent.: rank, 15, as in 1860.
 Rhode Island, from 3,952 to 4,980, a gain of 26.01 per cent.: rank, 28 instead of 26.
 South Carolina, from 412,320 to 415,814, a gain of 0.85 per cent.: rank, 5, as in 1860.
 Tennessee, from 283,019 to 322,331, a gain of 13.89 per cent.: rank, 8, as in 1860.
 Texas, from 182,921 to 253,475, a gain of 38.57 per cent.: rank, 9 instead of 10.
 Vermont, from 709 to 924, a gain of 30.32 per cent.: rank, 32 instead of 30.
 Virginia, from 548,907 to 512,841, a loss of 6.57 per cent.: rank, 2 instead of 1.
 Wisconsin, from 1,171 to 2,113, a gain of 80.44 per cent.: rank, 30 instead of 28.

Adding the colored population of the State of West Virginia to that given for Virginia, we have a total of 530,821, a loss of 3.29 per cent. upon the return for Virginia in 1860.

The State of Nebraska, admitted since the last census, was found to have a colored population of 789.

The State of Nevada, likewise admitted since the last census, was found to have a colored population of 357.

CHINESE.—Twenty-three of the States were found to contain "Chinese," which description for census purposes was held to embrace Japanese, (who are, however, distinguished in the tables of population,) but to exclude Hawaiians. The number reported in each State was as follows: Arkansas, 98; California, 49,310; Connecticut, 2; Georgia, 1; Illinois, 1; Iowa, 3; Kentucky, 1; Louisiana, 71; Maine, 1; Maryland, 2; Massachusetts, 97; Michigan, 2; Mississippi, 16; Missouri, 3; Nevada, 3,152; New Jersey, 15; New York, 29; Ohio, 1; Oregon, 3,330; Pennsylvania, 14; South Carolina, 1; Texas, 25; Virginia, 4.

INDIANS TAXED.—In the absence of any constitutional, legal, or judicial definition of the phrase "Indians not taxed," as found in the Constitution and in the census law of 1850, it has been held for census purposes to apply only to Indians maintaining their tribal relations and living upon Government reservations.

The broken bands and the scattered remnants of tribes still to be found in many States of the Union, though generally in a condition of pauperism, have been included in the enumeration of the people. By the fact of breaking away from their tribal relations they are regarded as having entered the body of citizens, and as subject to taxation from the point of view of the Constitution, although they may be exempted actually from taxation by local legislation or by the accident of pauperism. It has been held that it was not necessary that a member of this race should be proved to have actually paid taxes, in order to take him out of the class "Indians not taxed," but only that he should be found in a position, so far as the authorities or agents of the census can know, to be taxed were he in possession of property. His pauperism has been regarded as an individual accident, which cannot possibly affect his constitutional relations. Even where the lands formerly belonging to a tribe have been granted in severalty, without the right of alienation or sale, and the land itself exempted from taxation, such special provisions have been regarded rather as an exception to ordinary legislation in respect to personal rights and personal obligations, made in the interest of the community, than as creating a class to be excluded from the enumeration of the people. The provisions of the Constitution in regard to the enumeration of Indians, being invidious and opposed to the general spirit of that instrument, and even more emphatically opposed to the spirit of recent legislation and of the late constitutional amendments, should be construed strictly and not liberally.

In 1860 the same principle appears to have been applied in determining the representative population of the States. Reference to pages 598 and 599 of the population volume of the Eighth Census will show that all the Indians embraced in the table of general population were included in the representative population of their respective States, except for the State of California.

The reason for excluding Indians in making up the representative population of California was undoubtedly found in the fact that in 1860 the Indians of that State were mainly upon Government reservations, some of which have since been abolished. There appears no longer to be any reason for treating the State of California exceptionally in respect to the Indians found upon its territory. To have made the treatment of this class at the census of 1860 consistent throughout, the 17,798 Indians of California should not have been included at all in the statements of constitutional population.

The number of Indians in each State returned under this construction, as forming a part of the constitutional population, was as follows for each State of the Union, except Delaware, in which State no Indians were found: Alabama, 98; Arkansas, 89; California, 7,241; Connecticut, 235; Florida, 2; Georgia, 40; Illinois, 32; Indiana, 240; Iowa, 48; Kansas, 914; Kentucky, 108; Louisiana, 569; Maine, 499; Maryland, 4; Massachusetts, 151; Michigan, 4,926; Minnesota, 690; Mississippi, 809; Missouri, 75; Nebraska, 87; Nevada, 23; New Hampshire, 23; New Jersey, 16; New York, 439; North Carolina, 1,241; Ohio, 100; Oregon, 318; Pennsylvania, 34; Rhode Island, 154; South Carolina, 124; Tennessee, 70; Texas, 379; Vermont, 14; Virginia, 229; West Virginia, 1; Wisconsin, 1,206.

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HALF-BREEDS.—Another question seriously affecting the return of Indians in the census is the treatment of half-breeds, in which term persons with any perceptible trace of Indian blood, whether mixed with white or with negro stock, are popularly included. How shall these be treated? Shall they be regarded as following the condition of the father or of the mother? Or, again, shall they be classified with respect to the superior or to the inferior blood? When it is considered how few of pure Indian race are to be found outside of Government reservations, and how variously mixed are even the camps and settlements, popularly known as Indian, in the older States of the Union, it will be seen that the decision of the question must affect in an important degree the numbers of this class to be returned in the census.

It has been held that in treating this question the Census Office is not to be concluded or in the least constrained by analogy from laws or judicial decisions relating to the former slave population of the country. The rule that the child should follow the condition of the mother was the bad necessity of a bad cause, which required every point to be construed against freedom. Something very nearly opposed to this would seem to be in accordance with the present spirit of our laws, as well as to be the dictate of common sense. The principle which has governed in the classification of persons of part-Indian blood in the present census has been as follows: Where persons reported as "Half-breeds" are found residing with whites, adopting their habits of life and methods of industry, such persons are to be treated as belonging to the white population. Where, on the other hand, they are found in communities composed wholly or mainly of Indians, the opposite construction is taken. In a word, in the equilibrium produced by the equal division of blood, the habits, tastes, and associations of the half-breed are allowed to determine his gravitation to the one class or the other. It is believed that this is at once the most logical and the least cumbersome treatment of the subject, in the manifest inexpediency of attempting to trace and record all the varieties of this race, especially considering the small and fast-decreasing numbers in which it is found within the States of the Union.

EMANCIPATION AS AFFECTING REPRESENTATIVE POPULATION.

But the statements presented above do not express the full measure of the political effects which have been wrought by the changes of the ten years ending June 1, 1870.

At each of the eight preceding censuses, the constitutional population of the United States has exceeded the representative population by a rate ranging from 5.34 to 7.37 per cent., by reason of the exclusion of two-fifths of the slaves from the basis of representation.

Assuming that the free colored population in 1870 would have borne the same ratio to the total colored population as in 1860, emancipation has added to the representative population of fifteen of the States existing in 1860, represented at present by sixteen States, in consequence of the organization of the State of West Virginia,) in proportions varying from 0.61 to 29.88 per cent. In Alabama the effect of this change is to add 23.40 per cent. to the otherwise representative population; in Arkansas, 11.20 per cent.; in Delaware, 0.61 per cent.; in Florida, 23.83 per cent.; in Georgia, 22.36 per cent.; in Kentucky, 6.87 per cent.; in Louisiana, 23.42 per cent.; in Maryland, 4.80 per cent.; in Mississippi, 27.26 per cent.; in Missouri, 2.73 per cent.; in North Carolina, 15.46 per cent.; in South Carolina, 29.88 per cent.; in Tennessee, 11.09 per cent.; in Texas, 14.11 per cent.; in Virginia, 12.85 per cent.

The total effect of this cause is to add 13.92 per cent. to the otherwise representative population of the Southern States, and 4.60 per cent. to the otherwise representative population of the United States.

ACTUAL PRESENT REPRESENTATIVE POPULATION.

The joint result of the changes in the constitutional population of the several States, and of the emancipation of the slave population in the fifteen Southern States, is to increase the representative population of the Union to 38,115,641 as against 29,550,028,* being a gain of 28.99 per cent. over that of 1860, distributed as follows:

Alabama, from 790,169 to 996,992, a gain of 26.17 per cent.
Arkansas, from 391,004 to 484,471, a gain of 23.90 per cent.
California, from 362,196 to 560,247, a gain of 54.68 per cent.
Connecticut, from 460,147 to 537,454, a gain of 16.80 per cent.
Delaware, from 111,496 to 125,015, a gain of 12.13 per cent.
Florida, from 115,726 to 187,748, a gain of 62.23 per cent.
Georgia, from 872,406 to 1,184,109, a gain of 35.73 per cent.

* The column for representative population as found upon pp. 598 and 599 of the population volume of the Eighth Census, contains an error of 100 in the State of Pennsylvania, which has here been corrected.

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Illinois, from 1,711,951 to 2,539,891, a gain of 48.36 per cent.
 Indiana, from 1,350,428 to 1,680,637, a gain of 24.45 per cent.
 Iowa, from 674,913 to 1,194,020, a gain of 76.91 per cent.
 Kansas, from 107,206 to 364,399, a gain of 239.91 per cent.
 Kentucky, from 1,065,490 to 1,321,011, a gain of 23.98 per cent.
 Louisiana, from 575,311 to 726,915, a gain of 26.35 per cent.
 Maine, from 628,279 to 626,915, a loss of 0.22 per cent.
 Maryland, from 652,173 to 780,894, a gain of 19.74 per cent.
 Massachusetts, from 1,231,066 to 1,457,351, a gain of 18.38 per cent.
 Michigan, from 749,113 to 1,184,059, a gain of 58.06 per cent.
 Minnesota, from 172,023 to 439,706, a gain of 155.61 per cent.
 Mississippi, from 616,652 to 827,922, a gain of 34.26 per cent.
 Missouri, from 1,136,039 to 1,721,295, a gain of 51.52 per cent.
 Nebraska, 122,993, admitted since 1860.
 Nevada, 42,491, admitted since 1860.
 New Hampshire, from 326,073 to 318,300, a loss of 2.38 per cent.
 New Jersey, from 672,027 to 906,096, a gain of 34.83 per cent.
 New York, from 3,880,735 to 4,382,759, a gain of 12.94 per cent.
 North Carolina, from 860,197 to 1,071,361, a gain of 24.55 per cent.
 Ohio, from 2,339,511 to 2,665,260, a gain of 13.92 per cent.
 Oregon, from 52,465 to 90,923, a gain of 73.30 per cent.
 Pennsylvania, from 2,906,215 to 3,521,951, a gain of 21.19 per cent.
 Rhode Island, from 174,620 to 217,353, a gain of 24.47 per cent.
 South Carolina, from 542,745 to 705,606, a gain of 30.01 per cent.
 Tennessee, from 999,513 to 1,258,520, a gain of 25.91 per cent.
 Texas, from 531,188 to 818,579, a gain of 54.10 per cent.
 Vermont, from 315,098 to 330,551, a gain of 4.90 per cent.
 Virginia, from 1,399,972 to 1,225,163, a loss of 12.49 per cent.
 West Virginia, 442,014, organized since 1860.
 Wisconsin, from 775,881 to 1,054,670, a gain of 35.93 per cent.

APPORTIONMENT OF REPRESENTATIVES UNDER THE NINTH CENSUS.

With a total representative population of 38,115,641, and with the number of Representatives in Congress fixed by the act of March 4, 1862,* at 241, the application of the rule for apportionment prescribed by the act of May 23, 1850,† is found to entitle the several States of the Union to representation as follows: Alabama, 6; Arkansas, 3; California, 4; Connecticut, 3; Delaware, 1; Florida, 1; Georgia, 7; Illinois, 16; Indiana, 11; Iowa, 7; Kansas, 2; Kentucky, 8; Louisiana, 5; Maine, 4; Maryland, 5; Massachusetts, 9; Michigan, 7; Minnesota, 3; Mississippi, 5; Missouri, 11; Nebraska, 1; Nevada, 1; New Hampshire, 2; New Jersey, 6; New York, 28; North Carolina, 7;

**Be it enacted, &c.*, That from and after the third day of March, eighteen hundred and sixty-three, the number of members of the House of Representatives of the Congress of the United States shall be two hundred and forty-one; and the eight additional members shall be assigned one each to Pennsylvania, Ohio, Kentucky, Illinois, Iowa, Minnesota, Vermont, and Rhode Island.

Approved, March 4, 1862.

†SECTION 25. *And be it further enacted*, That so soon as the next and each subsequent enumeration of the inhabitants of the several States, directed by the Constitution of the United States to be taken, shall be completed and returned to the office of the Department of the Interior, it shall be the duty of the Secretary of the Interior to ascertain the aggregate representative population of the United States, by adding to the whole number of free persons in all the States, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons; which aggregate population he shall divide by the number two hundred and thirty-three, and the product of such division, rejecting any fraction of a unit, if any such happen to remain, shall be the ratio, or rule of apportionment, of representatives among the several States under such enumeration; and the said Secretary of the Department of the Interior shall then proceed, in the same manner, to ascertain the representative population of each State, and to divide the whole number of the representative population of each State by the ratio already determined by him as above directed; and the product of this last division shall be the number of Representatives apportioned to such State under the then last enumeration: *Provided*, That the loss in the number of members caused by the fractions remaining in the several States, on the division of the population thereof, shall be compensated for by assigning to so many States having the largest fractions, one additional member each for its fraction as may be necessary to make the whole number of Representatives two hundred and thirty-three: *And provided also*, That if, after the apportionment of the Representatives under the next, or any subsequent census, a new State or States shall be admitted into the Union, the Representative or Representatives assigned to such new State or States shall be in addition to the number of Representatives herein above limited, which excess of Representatives over two hundred and thirty-three shall only continue until the next succeeding apportionment of Representatives under the next succeeding census.

Approved, May 23, 1850.

TRUE POPULATION.

The Territories.—The Constitution, as a matter of course, contains no requirement for any enumeration of persons outside the States of the Union. The census law of 1850, however, makes provision for enumerating the inhabitants of the several Territories upon the same terms as the inhabitants of the States; and such enumeration has been made in connection with the Ninth Census. The results will be found in detail in the several tables of the present volume, and in the aggregate, as well as with certain distinctions of race and color, in the table following.

Alaska.—No special provision of law exists for any enumeration within the newly acquired District of Alaska; nor was it found practicable to organize the census service there under the general powers conferred by the act of 1850, or as an incident to the operations of the Treasury or the War Departments. In order, however, to present the statistics of the true population of the country formally complete, that district has been included in the table following, the population of the several classes being there stated according to the best available data, consisting mainly of reports, nominal lists, &c., from officers of the Army on duty in that military department.

Indians not taxed.—It is to be regretted that the census law of 1850, while extending the enumeration required by the Constitution to the inhabitants of the Territories, should have followed the narrower rule of that instrument in respect to the Indian population. The phrase of the Constitution, "Indians not taxed," seems to have been adopted by the framers of the census law as a matter of course. Now the fact that the Constitution excludes from the basis of representation "Indians not taxed" affords no possible reason why, in a census which is on its face taken with equal reference to statistical as to political interests, such persons should be excluded from the population of the country. They should, of course, appear separately, so that the provisions of the Constitution in regard to the apportionment of Representatives may be carried out; but they should appear, nevertheless, as a constituent part of the population of the country viewed in the light of all social, economical, and moral principles. An Indian not taxed should, to put it upon the lowest possible ground, be reported in the census just as truly as the vagabond or pauper of the white or the colored race. The fact that he sustains a vague political relation is no reason why he should not be recognized as a human being, by a census which counts even the cattle and horses of the country. The practical exclusion of Indians from the census creates a hiatus which is wholly unnecessary, and which goes to impair that completeness which affords a great part of the satisfaction of any statistical work. With a view, therefore, to reaching the true population of the country as nearly as is practicable in the absence of distinct authority for the appointment of assistant marshals to enumerate the several tribes and bands of Indians, inquiries were conducted extensively through the agents of the Indian Office during the year 1870, the result of which, it is believed, has been to secure a closer approximation to the true numbers of this class of the population than has ever before been effected.

The following table, therefore, in which these several elements, omitted from the enumeration, are made to appear, presents the ultimate facts of the population of the United States, so far as it is possible to reach them by all the agencies directly or indirectly at the command of the authorities of the Census. (In this table, however, no attempt has been made to allow for omissions occurring in the enumeration of the classes of persons recognized by the census law and embraced on the schedule of inhabitants. It is one of the faults of the present system that not only will such omissions occur, but they occur so erratically and irrationally as to make it impossible to reach anything like a satisfactory estimate of their extent, or their distribution between classes of the population or sections of the country.

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RETARDATION OF THE NATIONAL INCREASE.

Undoubtedly much popular disappointment exists at finding the population of the country below forty millions, exclusive of Indians. But it must be remembered that nearly all who had made a special study of the laws of population were, before the enumeration, agreed in placing the total number of inhabitants in the neighborhood of thirty-nine millions. Those who looked for a higher figure, of whom the writer confesses to have been one, took counsel rather of their patriotism than of their judgment, and would have been troubled to give a solid reason for such an expectation. A few simple considerations will suffice to show that the argument was altogether with those who accepted the smaller number.

But for the war and for causes which, whether due to the war or not, came in at nearly the same time, the population of the United States might have been expected, according to ascertained rates of increase, to be in the neighborhood of forty-one and a half millions on the 1st of June, 1870. The rule of geometrical progression has, indeed, been invoked by some to prove that our population, but for the war, would have reached forty-two and a half millions. Geometrical progression is, however, attained in few things human, and maintained long in none. A better rule for finding the population of the country would have been by the use of the mathematical principle of differences, second differences being assumed constant. The following table, prepared by E. B. Elliott, esq., chief clerk of the Bureau of Statistics, exhibits the true projection of the population of 1870, according to the line of ascent from 1830 to 1860:

	1830.	1840.	1850.	1860.	1870.
Population	12,866,020	17,069,453	23,191,876	*31,399,300	41,609,000
First differences		4,203,433	6,123,423	8,207,424	10,209,700
Second differences			1,918,990	2,085,001	2,002,000

* Excluding Indians, as previously.

It will require but a brief review of the notorious and palpable effects of the war to account for the loss of the three millions which make up the difference between the population of the country as projected from previous experience and the population reached by the census.

First. The retardation of increase in the colored population.

To make up the total of forty-one and a half millions we should have had to rely on the colored element for an increase of something like one million, which would have been their proportional gain in ten years, according to previous experience. This expected gain has been so far neutralized that we have instead but 438,179 as the increase of this portion of our population. Drawn largely from the plantations, where their increase was natural, rapid, and sure, to cities and camps, where want, vice, and pestilence made short work of the multitudes hastily gathered, inadequately provided for, and left for the first time to their own control, while so much of the impulse to procreation as depended on the profits of slave-breeding was withdrawn by the abolition of chattelism, it is only to be wondered at that the colored people of the South have held their own in the ten years since 1860.

Second. The direct loss by wounds and disease.

The losses of the Union armies are fixed by the Surgeon General's Office at something over 304,000. This sum, however, embraces only those who died during their term of service. There were discharged 285,000, on account of the several causes of disability recognized by the medical authorities of the Army. Probably two-thirds of these were discharged for disabilities not immediately affecting the duration of life. It is probably fair to assume that the remaining third may be added to the direct losses of the Army from wounds or disease.

Tens of thousands were discharged to die; tens of thousands died within the first few months after discharge. Tens of thousands more lingered through the first or second year. If, in addition to these numbers, we allow for the accelerated mortality of the two millions of persons enlisted into the service of the United States who neither died in service nor were discharged for disability, but who carried out with them the seeds of disease contracted under the hardships and exposures of campaign, or returned to civil life with shattered constitutions though with no developed disease, 500,000 will surely be a moderate estimate for the direct losses among the Union armies.

The losses of the so-called confederate armies are less easily and satisfactorily determined. We know that the total number of men enlisted into that service was scarcely more than half the aggregate of enlistments on the Union side. But, as an offset, three things are notorious: First, the average term of service was much longer, being generally "for the war;" second, the material of the confederate armies was more completely and continuously used; third, a much larger proportion of the sick and wounded died, from the want of skilled medical and surgical

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attendance, of proper medical supplies, and of stimulating and nourishing food. Without attempting to deal at all nicely with this subject, it is difficult to see how any one could, upon reflection, place the losses of the confederate armies at less than 350,000 men.

We reach, therefore, the total result of a direct loss to the male population of the country of not less than 850,000. Popular opinion would undoubtedly place this total much higher, and, in such a matter, popular judgments are quite as likely to be correct as judgments formed from the contemplation of statistical data necessarily partial and incomplete.

Third. The indirect loss by the war, in the check given to the increase of the native population.

For nearly four years an average body of a million and a half of men, from eighteen to forty-five years of age, were withdrawn from domestic life. Speaking roughly, one-half of these were unmarried men, who, on account of their military engagements failed to form marriage relations. The other half were married men, whose families were rarely increased by birth during the continuance of the war. The number thus withdrawn from domestic life for four years bore no small proportion to the total male population of the ages when marriages are formed and children begotten.

Fourth. The indirect loss by the war, in the check given to immigration.

For the four years preceding the war the accession by immigration aggregated 649,354; in the four years following the war, 1,163,128; during the four years of the war, only 553,605. Assuming for the middle period a mean between the first and last periods, we shall have a loss, from this source alone, of 353,000.

A fifth cause may be alluded to, namely, the notorious growth of habits of life in many sections of the country which tend strongly to reduce the rate of the national increase, and which, if persisted in, will make the showing of another census hardly so satisfactory as the present, even without a devastating war to account for the loss of hundreds of thousands in hospital and on the battle-field. No one can be familiar with life in the Eastern and Middle States generally, and in the Western cities, and not be aware that children are not born to American parents as they were in the early days of the country. Luxury, fashion, and the vice of "boarding" combine to limit the increase of families to a degree that in some sections even threatens the perpetuation of our native stock. This tendency is not one that requires to be brought out by statistical comparisons. It is patent, palpable, and needs no proof.

There are still other indications that the United States, as they are passing "from the gristle to the solid bone of manhood," are also losing somewhat of that rapid growth which is the characteristic of youth alone; and that we shall have to be content hereafter, as a nation, with something less than our former rate of increase. But this is not the place to dwell on such considerations. Enough has been adduced to account amply for the falling-off in the national rate of progress during the decade. Indeed, under such tremendous losses as the country has sustained, it is wholly wonderful that it should have held its own, and even made a positive gain in ten years of more than seven millions. Nothing but the irresistible vigor of our stock, the noble opportunities afforded by our expanding territory, and the provocatives of our bracing air and generous diet, would have sufficed to repair such losses and make such gains.

THOROUGHNESS OF THE ENUMERATION.

It is believed that the enumeration of the people at the present census has been as carefully and honestly performed, in every part of the country, as at any preceding period.* In no section has the percentage of loss, taking city and country together, been considerable. The field, on the whole, has been thoroughly gleaned, and, in the great majority of subdivisions, far more pains has been taken, under the stimulus of public criticism, than the Government paid for, or had reason to expect.

It is not claimed that the census of any State is perfect, for a perfect census cannot be taken in any State with the machinery established by existing laws. The omissions which have occurred, however, are probably not sufficient in any case to affect the practical result of congressional representation, although any degree of error, in a work of such a character, is excessively annoying to every person of the least statistical instinct.

* I cannot but believe, upon full consideration of all the information which it has been possible to gather on the subject, that the two practices of "farming out" subdivisions, and of "taking the census" at elections and on court days, instead of through the visitation by the assistant marshal of each dwelling-house in his subdivision, in turn, were general throughout the Southern States in 1850 and 1860, and not infrequent elsewhere. Both these practices are in direct violation of law and of the assistant marshal's oath. Both are in the last degree destructive of all accuracy of enumeration. At the Ninth Census, the most stringent instructions were issued on this subject, criminal prosecution was threatened against all offenders, and general publication was made through the newspapers of the fact that such practices were illegal, and information was solicited of all violations of law in these respects. It is believed that this effort resulted, notwithstanding the absence of legal provision for the proper inspection of the census work during its progress, in the suppression, substantially, of these practices.

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COMPLAINTS AGAINST THE CENSUS.

Complaints against the census, under the protracted system of enumeration, are a matter of course. Intelligent and candid persons will say, and persist in saying, that they and their families have not been taken, though all the time their names are found fully and fairly written upon the returns of the assistant marshal. This sort of complaint is to be expected; and no one who has had experience of these matters will give any credence to such statements. In the case of ninety-nine out of a hundred individual complaints of persons or families omitted in the enumeration, examination of the returns will prove the census right—the explanation being that, after failing, perhaps upon repeated trials, to obtain the information directly, the assistant marshal has obtained it as best he could, from neighbors, from relatives, from business partners, from family physicians, or even from family tradesmen; not a good way to obtain it, certainly, but under the American system often the only one open to the agent of the census.

The largest proportion of actual to reported omissions which was brought to the notice of the Census Office during the enumeration, (except in localities where, by reason of the flagrant delinquency of the assistant marshal a re-enumeration was ordered,) was in Hartford, Connecticut, where, out of twenty-one cases of complaint, it was found that in thirteen the names had actually been taken; in three instances individuals had been forgotten by employers or landlords, when making return of their households, no fault being imputed to the agents of the census; in the remaining five cases the names of the parties had been omitted by reason of their being out of town at the time their houses were visited by the assistant marshal. Out of many hundreds of cases investigated by the marshal of New York City, in all but five or six the names were found duly recorded on the lists of inhabitants, or else it was found, on inquiry at the residences indicated, that no such persons were known: the charges of omission having been made through the public press wholly for political effect.

Another class of complaints, entitled to more consideration, have been due to exaggerated and unreasonable expectations as to the population to be ascertained at the present census, particularly in regard to certain cities and sections. The internal changes of the United States for the last ten years have been so fierce and rapid as to put calculation at defiance. In the absence of definite information estimates as to the growth of cities and States soon become wild and extravagant. Cities vie with cities, and States with States, in their boasts of population and of wealth, like individuals bidding against each other at an auction, until the most palpable facts in the case are lost sight of, and the extravagances of competitors become a sufficient reason for even more extravagant estimates. Claims that perhaps were first made in a spirit of banter soon are taken as serious, and in the event people become angry to find that not true which was originally asserted only to irritate a rival.

It is worthy of remark in this connection that few, if any, serious complaints have been made in regard to the results of the census in cities of the second or third class. It has been mainly in the smaller cities, and in smart towns that aspire to be considered cities, as also in cities of the first class, disputing the supremacy of the continent, that these complaints have arisen. It is worthy of remark, also, in the same connection, that the complaints, in the great majority of such instances, have been not so much on account of the inadequate representation of the town or city itself, as of the superiority attributed to some immediate rival. If one will try to imagine any one of fifty enterprising western cities perfectly satisfied with the result of the census in respect both to its own population and to that of its neighbors, he will be in a fair position to decide on the degree of credit which should be attached to vague and unsupported complaints against the census.

RE-ENUMERATION OF NEW YORK AND PHILADELPHIA.

The severest test of the general accuracy of the Ninth Census that could possibly have been applied, was through the re-enumeration of the cities of New York and Philadelphia, under the provisions of an executive order.

Popular opinion had attributed to Philadelphia a population of at least 800,000 souls. There were not wanting intelligent persons who claimed for the city as many as 850,000 inhabitants. When, therefore, the progress of the census indicated the return of only a little over 650,000, great and not unreasonable disappointment and dissatisfaction were felt, to meet which the President, most fortunately, directed the census to be retaken. No complaints had been made in respect to the manner in which the United States marshal or his assistants discharged their duties. It was admitted that a better body of officers had never served the Government; but it was urged that the number of the usual inhabitants of Philadelphia absent from the city during the season when, by law, the enumeration was to be conducted, was so great as to reduce the population by at least one-sixth, if not one-quarter.

The re-enumeration was conducted in the fullest concert and co-operation with the city authorities—in my belief so much so as to render the agents of the census even unduly ready to admit names into their lists where there was reasonable doubt whether they had not already been taken elsewhere; the season was that in which the city realizes

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its greatest population, and thousands are back for the winter who have country-seats at which they might properly be taken under the law: yet the gain by re-enumeration was but 16,745 on a former return of 657,277, or two and a half per cent.

In New York the vindication of the census was even more complete. The city authorities had there committed themselves to the deepest hostility against the census; and both the original enumeration and the re-enumeration under executive order were followed with eager and vindictive criticism, while every obstacle, short of actual physical resistance, was thrown in the way of the agents of the General Government. Yet the gain upon re-enumeration, after a most searching and comprehensive canvass, which I do not hesitate to pronounce a masterpiece of executive function, reflecting the highest credit on the distinguished officer who conducted it in person, was but 18,348, on an original return of 923,944,* being, as nearly as possible, two per cent.

Differences no greater than these between a summer and a winter enumeration of cities of the extent of New York and Philadelphia, and with such peculiar conditions in respect to industry and residence, prove conclusively that the United States marshals and their assistants overcame, to a remarkable degree, the difficulties attending the census of such a population in the summer months. In New York, especially, the result of the re-enumeration may fairly be taken as indicating the *minimum* of omission to be expected in the census of city populations under existing laws. I say *minimum*, because I feel assured that the degree of executive ability brought to the work in New York cannot be surpassed and will rarely be equaled.

THE ESSENTIAL VICIOUSNESS OF A PROTRACTED ENUMERATION.

In dealing so summarily with the charges that are made popularly and loosely against every enumeration, during its progress, I do not wish to be understood as asserting for the Ninth Census anything like absolute completeness. The real faults of the census are generally those that are not complained of. The individuals and classes of citizens making the loudest complaints, are commonly not those with respect to whom the census commits its errors. The cities and sections that are most noisy in their dissatisfaction are commonly those which are best taken, and for that very reason. It is in regions where apathy prevails in regard to the results of the enumeration, and it is in respect to individuals and families that neither write for the newspapers nor read them, that the greater part of the omissions of the census occur. Yet, in each and all, more of error inevitably enters, through the inadequacy of the provisions of the existing census law, than is pleasant to contemplate. The protracted system of enumeration is essentially vicious, and it is not possible to cure the evil by any course of administrative treatment.

By the census law of 1850 assistant marshals were allowed until the 1st of November to complete the enumeration of their subdivisions, and the Secretary of the Interior was authorized, at his discretion, to extend the time in certain districts until the 1st of January following. The provisions of law remained the same for the census of 1860, but the instructions of the Secretary of the Interior required assistant marshals to complete their returns on or before the 15th of August. This limitation was of course not authoritative, and no administrative correction could be applied to any assistant marshal who should take for his work the whole time allowed by law. By the act of May 6, 1870, the time for making returns on Schedule No. 1, was limited to the 10th of September, while the Secretary of the Interior was authorized to grant an extension not later than the 1st of October. The period, therefore, contemplated for the completion of the census was, in round numbers, one hundred days.

Now, where the enumeration of a people is extended over such a period of time, a *de facto* enumeration is of course impossible. The country must be content with an enumeration which affords, in its very nature, but an approximation, more or less inexact, to the real number of inhabitants. A definition of *residence* must be introduced into the law and the schedules; and it is inevitable that by the inherent vagueness of such definitions considerable numbers will escape enumeration. This is not a question of the strong or loose administration of the law. It is involved in the very provision of the law by which a period of one hundred days is taken. The most familiar illustration is that of a ward of a city. The enumeration commencing on the 1st of June, and being protracted until the 10th of September, a family moving on the 1st of July or the 1st of August from a portion of a ward not yet visited by the assistant marshal, into a portion of another ward where the assistant marshal has already made his rounds, will of course escape enumeration, unless the head of the family so thoroughly appreciates the importance of the census as to be at pains to hunt up the proper person and offer information, some portions of which are never given without considerable reluctance. It is assuming more than is fair, to suppose that one out

* The first published statement of the population of New York, by the original enumeration, was 925,485. The tabulation of the returns, by age and sex, discovered several hundred children born since the 1st of June, 1870. In addition, the registers of one or two large sailors' boarding-houses for the entire year had been, it is believed without fraudulent intention, copied by assistant marshals upon their schedules. The rejection of these classes, under the plain terms of the census law, reduced the population, as by the first enumeration, to the number mentioned in the text.

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of a hundred of persons so situated will be at this trouble to perform a duty necessarily more or less unpleasant. When it is considered how many thousands of persons in every large city, how many tens of thousands in a city like New York, not only live in boarding-houses, but change their boarding-houses at every freak of fancy or disgust, not to speak of those who leave under the stress of impecuniosity and therefore are not likely to leave their future address or advertise their residence, it will be seen how utterly unfitted is such a system of enumeration to the social conditions of the country at the present time. Of course, the extent to which this liability to omission will affect the results of the census depends entirely upon the stability of the population. In rural districts, where a family may be expected to reside, not only for the entire year but for a term of years, in the same house, the omissions on this account are not large. The danger here is mainly from the liability of assistants to overlook houses situated on by-roads, and cabins standing in the woods or in the fields. This liability, however, is not greater in an enumeration protracted over three or four months than in an enumeration taken on a single day. But wherever we have to deal with the population of cities and manufacturing towns, the percentage of loss becomes considerable.

It is commonly asserted that an exact enumeration is impossible in this country, and the Territories and some of the more sparsely-settled States are frequently adduced to prove the impossibility of taking all the inhabitants on one day. There are undoubtedly regions in which such an enumeration would require that nearly every man should be commissioned as an assistant marshal for his own family, on account of the great distance between settlements. But if this method has advantages over a protracted enumeration, conducted upon a factitious definition of residence, and attended with such difficulties as have been indicated, it is unquestionably practicable to obtain these advantages in the enumeration of ninety-nine per cent. of the population of the country at the present time, leaving the disadvantages of a protracted enumeration to be experienced only in respect to the remaining one per cent.

If the formation of subdivisions and the confirmation of assistants were vested in the Department, with proper discretion as to the use of special agents, it would be possible to take the census of every city and manufacturing town in the United States in a single day, and to complete the enumeration of all properly agricultural sections in a period not exceeding three days, allowing, if need be, for the completion of the purely mining States and the Territories, and perhaps for some portions of Texas, California, Kansas, and Nebraska, a longer period of time, not to exceed thirty days. Such an enumeration could be accomplished in the present condition of the settlement of the United States. It would cost little if any more than a census taken according to the present methods, and would be inexpressibly more satisfactory.

The fact that the better method of enumeration cannot be applied to the scattered portions of the population affords no reason for omitting to take advantage of it in sections of the country to which it is perfectly adapted.

With careful preparation the great city of New York might be canvassed in a single day, and so thoroughly as to omit hardly a single vagrant or criminal. When this is done in a city containing three and a quarter millions of inhabitants, it is idle to assert that any reason exists why it could not be done in a city of less than one million.

DUPLICATIONS IN THE CENSUS.

As an offset, in part, to the wholesale omissions which occur in a protracted enumeration from the causes indicated, there is undoubtedly a certain amount of duplication to be allowed for. The tendency to duplication, indeed, in theory exactly equals the tendency to omission; but there is a practical resistance in the former case, which prevents the names duplicated from reaching anything like the number of the names omitted. Most heads of families will decline being taken twice, and few assistant marshals would insist upon enumerating a family after being told that it had been taken in another subdivision. On the other hand, few heads of families which had been omitted would be at pains to look up the assistant marshal for the purpose of being duly enumerated. The cases where names are duplicated are, therefore, mainly of persons whose connection with families is slight or transient, as casual boarders, habitual travelers, and of persons having, from one cause or another, two distinct homes.

The most noteworthy class in which duplications occur is that of students. In preparation for the Ninth Census this matter received careful attention. By recovering the catalogues of a large number of educational institutions for the year 1859-'60, and searching out the names of students upon the returns both for the college town, and the town of home-residence, as per catalogue, it was ascertained, in a sufficient number of cases to justify a general statement, that a very large proportion of the students of the country were taken twice at the last census. Cases of triplication, even, were found, where the student was reported once at his room in the college building, once in the family where he took his meals, and once at his own family home in another town or State. The following facts, taken at random from a large mass of memoranda on this subject, exhibit fairly the proportions of duplications and triplications, as developed by this inquiry. It needs to be repeated at this point that no students should, under the instructions of 1860, have been reported in the college or school town, except those whose own proper families were resident in the town:

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Bowdoin College, Brunswick, Maine.—No students were found in the Brunswick return, except such as appear with families of the same surname.

Amherst College, Amherst, Massachusetts.—Of two hundred and forty-two names of undergraduates contained in the catalogue, one hundred and twenty-five are copied into the return for Amherst in a body, in alphabetical order, by classes.

Of the one hundred and twenty-five, five—four of whom are, according to the catalogue, residents of Amherst—are returned a second time by the same assistant marshal at their homes or boarding-houses as “students.”

For the names of nine members of the senior class, who were returned with the body of students by the assistant marshal for Amherst, and whose residences, according to the catalogue, were in other towns, search was made in the returns for those towns. Of the nine, seven were found.

Wesleyan University, Middletown, Connecticut.—None of the names in the catalogue of students were found in the return for Middletown, except such as appear from the catalogue to be residents of Middletown.

Harvard University, Cambridge, Massachusetts.—Twenty-eight students named in the catalogue, whose residences, as therein stated, were elsewhere than at Cambridge, are enumerated as “students” in the Cambridge return, in families of a different surname.

Dartmouth College, Hanover, New Hampshire.—There appears to be no duplication in the return of those students of this college whose residence, according to the catalogue, is at Hanover. Such students appear in the Hanover return with their families, and not with the body of the students. The students who, according to the catalogue, are not residents of Hanover, are, with few exceptions, found in the Hanover return in an alphabetical arrangement by class, as if copied from a catalogue.

Of the senior class, sixty-four in number, fifty-seven are thus returned.

Of the seven not so returned, two resided at Hanover, and were enumerated with the families to which they belonged; three were returned at their homes in other towns; and concerning two it could not readily be determined whether they were so returned or not, their residences, per catalogue, being in States the returns for which were at the Government bindery.

Of the fifty-seven seniors who appear with the mass of students in the Hanover return, it was found that thirty-five were, and eight were not, also included in the enumeration of the towns of their residence, as shown by the catalogue; and of twelve it was not determined, whether or not they were twice enumerated, their residences being in towns the returns for which were at the Government bindery.

Search was also made in reference to six members of other classes, and they were found to have been returned both at Hanover and at their homes in other towns.

Wabash College, Crawfordsville, Indiana.—The catalogue contains the names of one hundred and fifty-six students. Sixty-seven persons are consecutively enumerated in the Crawfordsville return as “students;” fifty-six of whom appear also in the catalogue. Of these fifty-six, twenty-two were also enumerated at their homes in other towns and eight of the twenty-two still a third time in their boarding-houses in Crawfordsville.*

In view of these results it was decided to change the instructions in use at the Eighth Census, so as to require students to be reported at their college homes, instead of at their family homes, as in 1860. No assurance was felt that this change would result in reducing the amount of duplication or triplication, but it was thought that the results could not well be worse, and that it might prove that the other plan was the one best adapted to secure a just return. I cannot candidly claim credit on account of the result of this change in instructions. So far as comparison has been made, by the use of college and school catalogues for the year 1870, the instances of duplication and triplication appear in about the same proportion as in 1860. As the instructions given in preparation for the present census were especially emphatic and clear on this subject, it must be inferred that the error is inherent in the nature of a protracted enumeration, and that the remedy can only be found in a *de facto* census.

It has not, of course, been possible to apply a similar test to other classes having an equal or greater liability to duplication, (*i. e.*, casual boarders, habitual travelers, &c.) but it cannot be doubted, from common observation, that the number thus fictitiously added to the population of the country is considerable.

I desire not to be understood as regarding the duplication resulting from these causes as offsetting the loss by omission in any such sense as to be a matter of congratulation. Every error that occurs in the census of a country, or in any statistical result whatever, is to be regretted as an independent evil, hardly less where it balances

* The following extract from a résumé of the arrangements made for the Swiss census of 1870, recently published by M. Max Wirth, chief of the federal bureau of statistics, shows that the duplication of the student population in the census is not peculiar to the United States.

“Il s'est rencontré aussi que des personnes jouissaient du droit d'établissement ou de séjour en plusieurs endroits, des propriétaires et des étudiants, par exemple. Un certain nombre de ces derniers étaient inscrits dans l'endroit où ils faisaient leurs études et dans la localité qu'habitait leur famille.”

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another error than when it exaggerates the amount of error already existing. Two wrongs no more make a right in mathematics than in morals; and a falsehood in figures is none the more to be tolerated or excused because it may serve to conceal another falsehood.

OTHER DEFECTS OF THE CENSUS LAW.

Supervision by United States marshals.—It would be inexcusable in me to offer objection to the present plan of taking the census through the United States marshals, for any reason that should reflect upon the present incumbents of that office throughout the country, supported as I have been in my work by these officers far beyond what, under the circumstances, it was reasonable to expect of them. The considerations why the marshals of the several judicial districts should not be charged with the superintendence of the census are such as, with their recent experience of the service, must meet their own unanimous assent.

Without dwelling on the several considerations that United States marshals are appointed with reference to their fitness for quite other and separate duties; that the increase of their legitimate business since 1850 has rendered it impossible for them now to give that attention to the work which might once have been expected of them; and that the creation of the internal revenue system and the enactment of the election law have devolved upon them additional obligations still more exacting, until the whole body of their official duties has become so great as to be entirely inconsistent with their devoting an adequate share of their time and effort to an occasional and purely separate and independent work like the census—without dwelling on these considerations, it is sufficient for the settlement of this question that the formation of the judicial districts, to which the United States marshals are severally appointed, is determined by reasons altogether different from those which should determine the formation of census grand divisions.

Southern Florida, with its innumerable reefs and keys, is periodically strewn with wrecks. From the same facts, taken in connection with its proximity to the islands of the Gulf, it affords great facilities for smuggling. For these reasons it is most properly constituted a judicial district, and for that reason, most improperly, it is, by the law of 1850, constituted a census district, with 5,775 inhabitants, enumerated by a single assistant marshal, with a United States marshal to overlook the important operation. Northern New York, with nearly two and a half millions, also constitutes a census district, and its six or seven hundred assistant marshals are all to be instructed and overlooked by one United States marshal. Delaware is a district, so is Massachusetts; Idaho is a district, so is Indiana. It is hardly necessary to say that if superintendence is of any account in census work, the superintendence which is provided by the law of 1850 must be of the least account possible.

The formation of subdivisions.—Here again the census law of 1850 contains a defect of the most serious character, which, so long as it remains unremedied, will always vitiate to no inconsiderable extent the results of a census taken under that law. It is that provision which leaves to the marshals of the several judicial districts the final determination of the census subdivisions, subject only to the proviso that such subdivisions shall not contain exceeding 20,000 inhabitants. This apparent limit is, in fact, no limit whatever, since, even at a protracted enumeration under the present system, subdivisions should never be allowed to exceed 10,000 inhabitants, and only among urban populations should they reach this limit.

The United States marshal, upon the inauguration of a new census, cannot be presumed to have any acquaintance with the requirements of the work, and he will naturally fail to appreciate the difficulties of enumeration for the reason that he has had no experience of them. He will be disposed, for his own convenience, to be charged with the instruction and superintendence of as few assistants as possible, while at the same time the political pressure brought to bear upon him will be in the direction of making large subdivisions, in order to give fortunate applicants as "good a thing" as possible. It is simply a matter of course that under this influence the subdivisions with which the enumeration commences will be far too few, and it will be found necessary in the middle of the work to introduce new and uninstructed assistants to take subdivisions hastily formed not with reference to any reason in the nature of the case, but from the urgent necessities of enumeration. Such has always been and always will be one of the main causes of embarrassment which beset a census taken under the law of 1850. No reason appears why the marshal should be trusted with the final decision of this most important matter. It is not after the analogy of other services, and it is manifestly to the detriment of this service. It is of course proper that each marshal should propose the details of the subdivision of his district, as being better acquainted with its peculiarities of settlement, occupation, &c., but it should be done under authoritative instructions in regard to the maximum of territory and of population; and the entire scheme thus prepared should be submitted for final approval at the Department. In the absence of any right on the part of the Department to direct this matter, it is perfectly idle to suppose that marshals generally will follow the recommendations of the Census Office, looking merely to the efficiency of the

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service, against the strong personal and political urgency which dictates a different course. This is not the kind of control which would be trusted in any other department of the public service, and it is not to be expected that it should have any other than an unfortunate effect upon the completion of a work so difficult as the census. As the law stands, the matter of subdivisions is absolutely the business of the marshal. It is in no way the business of the Department, and representations addressed to marshals from the Department upon the subject can receive attention only by courtesy.

The appointment of assistants.—It cannot need to be seriously argued, at this stage of political science, that appointments to the office of assistant marshal should, on every account recognized as of importance in good government, be submitted, for confirmation or rejection, to the Department charged with the conduct and control of the census.

The compensation of assistant marshals.—Another and very important difficulty which was encountered in preparation for the recent census and during its progress, arose from the inadequacy of compensation under the provisions of the act of 1850. From first to last this interfered with the appointment of proper assistants, and still more embarrassed the work of enumeration by rendering assistants desirous of resigning upon the least excuse or none.

The act of May 23, 1850, established the following rates of compensation: For each living inhabitant, 2 cents; for each death reported as having occurred during the year preceding, 2 cents; for each farm, 10 cents; for each establishment of productive industry, (factories, shops, mines, mills, &c.,) 15 cents; for the social statistics of a subdivision or district, 2 per cent. upon the amount paid for the enumeration of the living inhabitants, (\$400 for each million of people,) and mileage at 10 cents per mile, the number of miles to be ascertained by multiplying the square root of the number of dwelling-houses by the square root of the number of square miles in the subdivision.

By the first section of the supplementary act of August 30, 1850, it was provided that the Secretary of the Interior should be authorized, at his discretion, to give additional compensation to marshals and assistant marshals "at the Seventh Census of the United States," in California, Oregon, Utah, and New Mexico. The benefit of this provision would, of course, extend equally to all States or Territories formed out of the territory covered by the act. Under this provision, additional compensation, to the extent of 100 per cent., was habitually given to the assistant marshals of the States and Territories named in the act.

It seems to have been assumed, at the Eighth Census of the United States, that this provision of law was still in force, and additional compensation was given to marshals and assistant marshals in those States and Territories, without the question of authority having been raised, so far as appears from the record. In preparing for the present census, the question arose whether this provision was still applicable. As it seemed impossible to maintain such a position for a moment, in view of the terms of the act of August 30, 1850, a communication was addressed to the Department from this office on the 30th day of March, calling attention to the fact that no provision existed for exceptional compensation even in the case of the Pacific States and the Territories; but it was not until the 9th of June, when the time for the commencement of the work had already passed without the marshals of some districts being able to find persons to accept the office of assistant, that additional compensation was authorized, and then only to the extent of 50 per cent. In consequence, the Ninth Census was taken without the advantage of exceptional provision for these outlying regions to even the extent authorized in 1850, although in the interval that had elapsed prices had risen 60 or 80 per cent., while those prices which especially determine the cost of travel, namely, horse-hire and hotel charges, had increased in still greater ratio.

In portions of the country, not named in the act of August 30, 1850, provision was made, by the resolution of June 9, 1870, for additional compensation over the rates of 1850 and 1860, but such provision was expressly limited in terms to subdivisions in which it should be rendered necessary by the "sparseness of the population." The term sparseness of population was, of course, to be loyally interpreted to signify something less than the average of American settlement. To allow such addition in cities or in manufacturing towns, would have been a palpable violation of law, and not less so to extend this provision to thriving agricultural communities.

Such was the only provision for any increase of compensation, even in the most difficult circumstances, over the rates of 1850, at the beginning and through all the course of the enumeration at the Ninth Census. On the 3d of March, 1871, when the census of all the inhabitants of the country, except seventy or eighty thousand, had been completed, Congress authorized the increase of compensation, to the extent of 50 per cent., without respect to density of population, subject to a proviso fixing the maximum amount of compensation per diem. Under this authority such increase has generally been allowed by the Department, involving an expenditure in the neighborhood of \$685,000.

The use of this vast sum for this purpose was just and right, and, in a large sense, necessary; but it is greatly to be regretted that the authority to expend it had not been given in advance of the enumeration, rather than when it had been substantially closed. Then it would have been used to improve the character of the census. As it is,

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the money has been expended only to relieve hardship. Complaint and dissatisfaction have been remedied; but the census is little the better for it, although the expenditure of so large a sum, had it been authorized in advance, would have sufficed to effect a great improvement in the character of the service.

The main source of all this trouble lies in the fact that the compensation clauses of the act of 1850 are neither theoretically correct nor do they work practical justice. To their theoretical unsoundness we have the highest scientific testimony which can be adduced, namely, that of Professor Benjamin Peirce, Superintendent of the United States Coast Survey, who, after a thorough examination of the mathematical principle which is supposed to underlie this scheme of calculation, has pronounced it to be radically defective and vicious. For its practical injustice, it is sufficient to say that the per diem compensation for field-work to assistant marshals for the census of 1860 ranged from \$1 66 to \$31 32.

It has been urged that the rates of payment prescribed in the act of 1850 are compensatory in their nature; that, on the one hand, in dense settlements the amount received *per capita* for enumerating inhabitants makes the compensation of the assistant marshal sufficient, while, on the other, in sparsely populated regions the amount paid on account of mileage again sufficiently remunerates the census-taker. This is true in a degree for densely populated districts, and again for regions in the condition of certain of the present Territories of the United States. In cities, where the assistant has only to pass from doorstep to doorstep, the *per capita* compensation will enable a prompt and efficient man, with plausibility enough to quickly gain the confidence of families, and at the same time with a faculty of turning work off rapidly and with little ceremony, to earn from \$8 to \$12 a day. In certain of the Territories, on the other hand, where the population is altogether in a few important mining districts, or spread along the banks of rivers, it is possible for the marshals to form subdivisions, to which shall be annexed great uninhabited tracts, so that the assistant marshal, while only traveling a few hundred miles, may draw constructive mileage for a hundred thousand, 255,000 square miles forming a single subdivision in 1860. But in regions that lie between these two extremes, in certain of the mining States and Territories for example, where the population is not gathered into nuggets, but sprinkled over the territory like gold through the quartz of their mines, so that the assistant marshal has to visit every part of his subdivision, the possibilities of horseback travel will not allow of a sufficient extent of territory being embraced in one subdivision to yield any considerable sum on account of mileage, while the *per capita* compensation, at 2 cents a head, amounts to little or nothing. In such districts the allowances of the present law will hardly find food for man and beast. In the same way, though in less degree, in ordinary agricultural communities, both West and South, where the farm-houses lie a quarter or half a mile or more apart, all over the subdivision, an assistant marshal must use all his time between daylight and dark, and waste little upon the road, to enable him to earn the barest subsistence under the rates of 1850.

It would be impossible to find language too strong for the embarrassment which the service has suffered from this inadequacy of the provisions of law in respect to compensation. Probably not less than two thousand assistant marshals have been kept from throwing up their positions solely by the fear of incurring the penalty fixed by the fourteenth section of the act of 1850. Before the enumeration had well begun, it became necessary to refuse to accept resignations upon any plea whatever, except in cases of protracted sickness. In some districts a perfect panic arose when the difficulties of the work and the meagerness of the pay became known, and but for a rigid refusal to accept resignations, a general stampede would have occurred, which would have made it simply impossible to carry forward the work.

It need not be said that any service is conducted at enormous disadvantage when it is performed by unwilling agents. If any one will endeavor to conceive the revenue being collected through entire States by officers who are only retained in service through the fear of penalties for resignation, he may form some idea of the obstruction which the census has encountered from this among other causes.

In cases where death or the protracted sickness of an assistant made it absolutely necessary to fill a vacancy, the difficulty of providing for the continuance of the work has been extreme. Some districts have remained for weeks, and even for months, without a person being found of any condition or character who would undertake the duty. In single instances marshals have been obliged to compensate assistants out of their own insufficient fees. In one instance, even, it has come to the knowledge of this office that the marshal of a Southern State, after trying in vain by correspondence to find a single person, black or white, who would accept the office, has been driven to advertise for an assistant in the public prints. It is not at all improbable that this disgraceful incident may have been repeated in other districts.

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PRIOR SCHEDULES.

Had not the plan of "prior schedules" formed so prominent a feature of the census bill which at the last session of Congress failed to become law, the use of such schedules would have been introduced in the present census under the general powers conferred by the act of 1850; but in consideration of the fact that this particular provision had encountered so much opposition, it was thought that it would not be a loyal observance of the intention of Congress to introduce a scheme which; had it never been proposed as a legislative provision, might have been introduced unquestioned as a part of the administrative machinery of the census. The experience of the recent enumeration has given fresh illustration of the importance of using this agency in the interest of economy, not to speak of the advantage of securing by means of it a more correct statement in respect to every matter into which the census inquires. The mere saving of time to the assistant marshal would be equivalent to an increase from 10 to 20 per cent. on the rates of compensation authorized by the act of 1850, and to that extent, therefore, would dispense with the necessity now experienced of giving additional compensation. In a few cases, assistant marshals, on their own instance and at their own expense, adopted this scheme in an informal way; and, although schedules thus left at houses without any sanction of law could not be expected to yield as complete results as if made a proper part of the census machinery, yet the success of these efforts was in many cases quite remarkable. To take a single instance: One of the marshals for the city of Covington, Kentucky, reports that he left in advance 3,000 family schedules at the houses of his subdivision, and, upon going around to take them up, found 2,300 satisfactorily filled. The saving of time by this simple means may be judged from the fact that returns of this assistant show that he enumerated a population of nearly 15,000 in 27 working days.

The principal argument for the use of prior schedules, on any right view of the subject, is not, however, found in the saving of time, but in the greater correctness thus given to the enumerations of the census. Under the present system the assistant marshal calls upon families, in the course of his rounds, at hours when the head of the family is generally absent from home. Some, at least, of the inquiries of the census, especially those relating to industry and wealth, are such as but few women are expected to be prepared to answer. The probabilities are, moreover, that in at least one case in six or seven the wife is also absent. The duty of answering inquiries, therefore, often devolves upon servants and children, who are naturally incapable or unprepared to give full and correct answers.

One further remark in regard to prior schedules may not be inappropriate. The main if not the sole objection to their use appears to have arisen from the consideration of the trouble and expense to be involved by the assistant marshal leaving a copy in person with actually every family of his subdivision in advance of the enumeration. In cities and manufacturing towns this might be done without much difficulty, but in rural districts, and especially in the more sparsely settled portions of the country, a preliminary visit of this character would constitute a very serious addition to the duties of the assistant. ✓

The true solution of the difficulty would seem to be found in not requiring the *legal service* of such a paper. By distributing schedules in advance, through personal visitation, in cities and towns, and through the mail, in case of families living at a distance from settlements, four out of five, or even nine out of ten, families could be served in this way without any appreciable addition to the expense; whereas, to require schedules to be distributed in such a way that the assistant marshal should be able to prove in court in every case the service of these papers, would involve an outlay of time and labor which could not be properly compensated without the expenditure of hundreds of thousands of dollars. It would seem that the substantial advantage should be secured without carrying the scheme out to a theoretical completeness. Where schedules should not have been duly received or properly attended to, the assistant marshal would be no worse off with respect to the enumeration of families than before; and even in many of these cases heads of families might casually become acquainted with the character of the inquiries by seeing the schedules in the houses of their neighbors, and be better prepared in consequence to answer promptly and correctly.

THE THIRD SET OF RETURNS.

On the 17th of February, 1870, I had the honor to submit a recommendation that the third set of returns required by the census law of 1850 should be dispensed with, both for the sake of economy and with a view to better protecting the confidential character of the census. This proposition was forwarded to Congress with the recommendation of the Secretary, but the measure failed to become law.

The experiences of the present census have fully justified all the reasons upon which the recommendation was based. The cost of the second copy (making the third set of returns) at the present census, including the cost of the schedules, together with the allowance of 50 per cent. upon this portion of the assistant marshals' compen-

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sation, has not amounted to less than \$125,000. The whole expenditure has been worse than useless. It has been positively mischievous. The knowledge on the part of the people that the original sheets of the census were to be deposited among the records of the counties to which they relate, has added almost incalculably to the resistance which the inquiries of the census have encountered. It is useless to attempt to maintain the confidential character of a census under such circumstances. The deposit of the returns at the county seat of every county constitutes a direct invitation to impertinent or malicious examination. No proper purpose can be served by this copy of the census returns. All the use to which it can be put must be improper and mischievous. At every step the work of the assistant marshal has been made more difficult by the fear that the information would be used with a view to taxation, or that matters strictly of family and personal interest would be divulged for impertinent and malicious criticism. No one feature of the present method of enumeration has done so much to excite and justify this fear as the provision of the law which requires that the original returns for each county shall be deposited in the office of the county clerk.

At a time when all services are suffering a relentless retrenchment on the ground of economy, it is certainly unfortunate that so large an additional expense should be involved in connection with the census, the whole effect of which is to render more laborious the duty of enumeration, to retard the completion of the work, and seriously to impair the value of its results.

CHANGES IN SCHEDULES.

At previous enumerations considerable changes have been introduced into the schedules as annexed to and made a part of the act of May 23, 1850.

A memorandum of these changes, whether amounting to the introduction of new subject-matter, or being mere variations in form, will be found below.* Into the schedules for use at the Ninth Census the following changes were introduced:

To Schedule No. 1 two inquiries were added, (Nos. 19 and 20,) in compliance with what was believed to be the requirements of the fourteenth amendment to the Constitution. The *first* was intended to obtain the number of male citizens of the United States, in each State, of twenty-one years and upward; the *second*, to obtain the number of such citizens whose right to vote is denied or abridged on other grounds than rebellion or other crime. No anticipations were entertained that the results of these inquiries would be of value for the purpose for which directly they were introduced into the schedule, but it was believed that, in the absence of any legislative provision for determining these two classes of the population, in order to carry out the requirements of the fourteenth amendment, the Department would not be clear if it neglected to make the attempt, it being the only executive organ through which, without such special provision, the information could be obtained, and the present being the only time for ten years when the attempt could be made.

The census is not the proper agency for such an inquiry. The questions of citizenship and of the denial of suffrage to rightful citizens, are mixed questions of law and fact, which an assistant marshal is not competent to decide. No particular value is attributed to the results of these questions, so far as the original object is concerned, but incidentally, it is believed, information of value has been obtained. The count thus required of the total number of male citizens above twenty-one in each State and in the United States, while it perhaps has not authority enough to be used in reducing the representative rights of a sovereign State, has yet been carefully made, and is believed to be as exact as most statistical results. The information is of a kind never before obtained in the country, and has certainly an important bearing upon political philosophy and political history in the United States.

In column 7, in the inquiry "Profession, occupation, or trade of each person, male or female, over fifteen years of age," the limitation of age was stricken out of the schedules, and the limitation of ten years was intro-

* *Memorandum of differences between the schedules in use at the censuses of 1850 and 1860, and the schedules annexed to the census law of 1850.*

Schedule No. 1.—(Free inhabitants.)—The question "Value of personal estate owned" introduced.

Schedule No. 2.—(Slaves.)—The ninth inquiry of this schedule in the act, "Remarks," was omitted from the schedule of 1850, and became "No. of slave-houses" on the schedule of 1860.

Schedule No. 3.—(Agriculture.)—The question "Other prepared hemp" inserted. This by virtue of twenty-seventh section of act approved May 23, 1850. Question No. 45, "Honey and beeswax," in the law, branched on the schedule of 1860 as questions 45 and 46.

Schedule No. 4.—(Manufactures.)—No change.

Schedule No. 5.—(Social statistics.)—The questions "No. of teachers" and "No. of pupils" introduced; also, "Amount annually realized from endowment." The question "Value of churches" in the law, became "Value of church property" on the schedule. The inquiry "Denomination" introduced. The inquiry of the law "Whole number of paupers supported *within the year*" was divided on the schedule as "Native" and "Foreign," whereas this distinction in the law only extended to "Whole number on *1st of June*." The same of "No. convicted of crime *during year*." The distinction, twice required in the law, between paupers and criminals, as "white" or "black," was omitted from the schedules.

Schedule No. 6.—(Mortality.)—The inquiry "No. of days ill" introduced on the schedules.

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duced into the instructions to assistant marshals. It was believed that this inquiry ought to extend as nearly as possible to the whole body of persons of both sexes and all ages pursuing gainful occupations in the United States.

After the inquiry "Place of birth," (column 10 of the law and of previous schedules,) two columns were added for an affirmative mark against the name of each person whose father or whose mother was of foreign birth. It is a matter of regret that it was not practicable to give space in these columns for the particular State or country of the foreign birth of parents. The importance of the tables which distribute our foreign-born population among the several nations of the Old World have always been fully appreciated by our people; but it would be of even greater value to ascertain the contributions made to our *native* population by each principal country of Europe; to obtain, in addition to the number born in England, in Ireland, in Germany, in Sweden, or in Denmark, the number of those who are Irish, English, Germans, Swedes, or Danes by only one remove.

Inasmuch, however, as the typographical possibilities of a single-paged schedule would not allow of the introduction of so much matter, the inquiries of the census in this direction were limited to obtaining the total number having father or mother of foreign birth. It is believed that no more important addition could be made to the schedule of inhabitants. This part of the work appears to have been, in general, very well done by the assistants, and the results as found in Table IV of the present volume are both instructive and surprising.

Two other changes were introduced experimentally into this schedule.

The inquiry which appears in the census law of 1850, "Married within the year," was altered to read "If married within the year, state the month;" and a column was introduced with the heading, "If born within the year, state the month."

These two changes were introduced for the purpose of making our statistics comparable with those of many European countries, which give the month for the three capital events of life—birth, marriage, and death. Provision had already been made for obtaining the month of death through the mortality schedule.

The first change mentioned has had no valuable result, for the simple reason that the return of marriages on Schedule No. 1 was ludicrously short of the known facts of every community in the land. Such had been the case heretofore in the census; but hopes were entertained that, by strenuous instructions to assistant marshals, this defect might be remedied, and even the additional information desired be secured. The experience of this census, however, as of the censuses of 1850 and 1860, has shown that the statistics of this subject are only to be collected through a permanent registration and under a system of penalties.

The direct result of the effort to obtain the month of birth for all children born within the census year, has been to secure statistics on this subject which are of a high degree of value for nine months of the year, and exhibit with great accuracy the varying influence of the seasons upon human reproduction in each section of the Union.

Of even greater value, perhaps, is the indirect and generally unexpected result of this inquiry, namely, the explanation that has been afforded, through it, of the inadequacy of the return made at all previous censuses, of children under one year of age.

It may be known to many persons besides those commonly interested in such abstruse calculations, that the controversy as to the proportion of our population which is of original native stock, has turned very much on the determination of the number of persons born during a year in the United States, as the same is indicated by the number surviving at the end of the year.

Besides making the almost inconceivable blunder of overlooking, in such calculations, the infants dying during the year of the census, some of our most pretentious writers on the subject of population have based their disparaging conclusions as to the vigor of our pure American stock, in contrast with that of the several foreign elements, upon the statements of previous censuses as to the number "under one year."

It has been manifest, however, to those who took pains to look below the surface, that the number of this class was, for some reason, inadequately represented. Dr. Jarvis, of Dorchester, Massachusetts, a writer of great accuracy on these subjects, has advanced the explanation that infants of such tender age are to a considerable extent overlooked in the enumeration. But most heads of families will agree that "the baby" in the house is generally the last member of the household to be forgotten; and that such omissions are far more likely to occur in respect to children absent at school or in trade.

I have for some time held the opinion that the inadequate representation of persons under one year of age was due to the tendency to speak of infants of between eleven and twelve months, and even between ten and eleven months, as a year old, and that, therefore, the defect complained of did not result from the omission of names from the schedules, but from erroneous classification. The result of the inquiry has been to substantiate this view most strikingly, and, while explaining the inadequacy of the return of children under one year at this and previous censuses, to furnish ample material for correcting and completing the statement.

It is proposed to include the table which presents these results for each State and Territory in the volume

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devoted to the vital statistics of the country, and that table has not, therefore, undergone its final revision for publication; but a few instances taken at random will suffice to indicate the general character of the whole. It will be seen at a glance that the respective numbers of births in the several months vary for nine months only so much as should be expected under the influence of physical causes; but that in the tenth month a very perceptible disturbance is introduced, while in the eleventh and twelfth months (counting backward from the date of enumeration) the number of births fall off with extraordinary rapidity, almost to zero.

BIRTH TABLE.

STATES.	1870.					1869.						
	May.	April.	March.	Feb.	Jan.	Dec.	Nov.	Oct.	Sept.	Aug.	July.	June.
Connecticut	1,380	1,219	1,273	1,067	1,105	1,176	927	1,092	1,053	918	587	203
Maine.....	1,302	1,392	1,449	1,250	1,162	1,210	1,044	1,113	1,117	1,003	719	283
Massachusetts	3,771	3,430	3,287	3,139	3,117	3,229	2,705	2,899	2,830	2,429	1,584	567
Missouri	5,778	5,538	6,231	6,172	5,879	5,745	4,412	4,400	4,518	3,260	1,873	444
Ohio	7,815	7,590	8,207	7,518	7,370	7,476	6,362	6,903	6,683	5,375	3,298	1,060
Vermont	844	780	771	686	626	659	556	608	628	519	323	128

To resume: The "Illiteracy" column of the schedule of 1850, "Persons over twenty years of age who cannot read or write," branched upon the schedule of 1870 into two columns, "Cannot read" and "Cannot write."

This addition to the statistics of illiteracy is believed to be of capital importance. The reason for such a division of the subject is real and palpable. It is not, however, strictly an addition to the inquiries of the census, inasmuch as to meet the requirements of the schedules of 1850 and 1860 the assistant marshal was, in fact, obliged to ask both questions. The answers were, however, required to be separately recorded upon the schedule of 1870.

It is well known that great numbers of persons, rather than admit their ignorance, will claim to read, who will not pretend that they can write. No matter how limited their acquirements, the assistant marshal will not get them to confess that they cannot read, provided they have any possible ground for claiming such an accomplishment. All, however, who have had to do with soldiers, or with workmen in gangs, know that no such sensitiveness, at least in any such degree, exists in regard to writing. There is much more readiness and frankness in acknowledging a deficiency in this respect.

But if a man cannot write, it is fair to assume that he cannot read well; that is, that he really comes within the illiterate class, whose numbers it is of peculiar importance to ascertain at the present time. The distinction has been fully justified in the result. Taking the whole country together, hundreds of thousands of persons appear in the class "Cannot write," over and above those who confess that they cannot read. This is the true number of the illiterate of the country: the class which it is now necessary to treat, for the simple safety of our political institutions.

The limitation of age, moreover, incorporated in the schedule annexed to the act of 1850, has been modified so as to bring within the scope of this inquiry all persons above ten years of age.

The reason for this enlargement seems to be such as to justify the change. Previous censuses have obtained the number of illiterate over twenty. These are the hopelessly illiterate, of whose enlightenment no reasonable expectation can be entertained. But those at present between the ages of ten and fifteen, and between fifteen and twenty, who cannot read and write, are to constitute the class which in ten years more, but for exertions now to be put forth, will form the hopelessly illiterate of another census. It is clearly as important to determine the numbers of our youth who are growing up in ignorance, and who may yet be brought within the reach of instruction, as to determine the number of those who have passed the period of youth in ignorance, and who will, with few exceptions, remain illiterate through life.

The inquiry of 1850 and 1860, "Whether deaf, dumb, blind, insane, idiotic, pauper, or convict," was modified in the schedules of 1870 by striking out the two latter classes as offensive and superfluous. The number of both these classes is obtained with far more accuracy by inquiries on Schedule No. 5, "Social statistics."

To the "Mortality schedule," (No. 3 of the Eighth Census, No. 2 of the Ninth Census, the "Slave schedule" being omitted,) a column was added for the number of the family in which the death occurred, as the same appeared on Schedule No. 1. This, however, did not constitute one of the inquiries of the census, but was intended to afford a means of easy reference from one schedule to the other, for purposes of verification or of further inquiry, should such become necessary. The inquiry, "Free or slave," of 1850 and 1860 was omitted, as a matter of course, from the schedule of 1870. Two columns for an affirmative mark against the name of each person whose father or whose

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mother was of foreign birth were introduced into this schedule, to correspond with the same on Schedule No. 1. The inquiry upon the schedules of 1850 and 1860, "Number of days ill," was omitted, as of no conceivable importance. This inquiry is not contained in the schedule annexed to the law of 1850.

The inquiry upon the Agricultural schedule previously in use, "Acres of unimproved land," was divided on the schedules of 1870 into "Acres of woodland" and "Acres of other unimproved land." A column was added for the inquiry, "Total amount of wages paid during the year, including value of board." The inquiry, "Bushels of wheat raised" in 1850, was divided in 1870 as "Bushels of spring wheat," "Bushels of winter wheat." Under the head of "Dairy products" was added the inquiry, "Amount of milk sold."

Upon the schedules of 1850 and 1860 "Hemp raised" occupied three columns, "Dew-rotted," "Water-rotted," and "Other prepared hemp." As hemp is, speaking generally, prepared in only one way at the present time in the United States, this crop was limited to a single column in the schedules of 1870; and assistant marshals were instructed, if they had occasion to report hemp prepared in other ways, to indicate the distinction by a note. A column for the "Value of forest products, including wood, lumber, staves, poles, &c.," was added to the schedule of 1870. To the inquiry of 1850 and 1860, "Value of animals slaughtered," upon the schedule of 1870 were added the words "or sold for slaughter."

By far the most important addition to this schedule was the inquiry, "Total value of farm productions during the year." The difficulty which statisticians have experienced in getting anything like a correct total valuation of the agricultural production of the country has been the reason for this inquiry. So long as well-informed men can dispute whether the farm production of the country reaches two thousand or four thousand million dollars, it would seem desirable that an effort should be made to introduce somewhat more of certainty into the subject. The country would not be satisfied for a moment if the column "Total production" was stricken from the Manufacturing schedule, and statisticians were left to estimate the aggregate of the manufacturing industry of the country from fragmentary information in regard to the quantities of different articles reported as produced during a single year.

Upon the Manufacturing schedule the inquiry of the law, "Kind of motive power, machinery, structure, or resource," was developed into inquiries occupying four columns of the schedule of 1870, namely:

1st, "Kind of motive power," (steam, water, wind, horse, or hand;) 2d, "If steam or water, number of horsepower;" 3d and 4th, "Name" and "number" of machines used.

This change, however, is a purely formal one, as the instructions of 1860 required all these facts to be obtained, although, as was inevitable from the attempt to compress so much and such diverse material within a single column, in effect none of the information was secured with sufficient distinctness and completeness to allow of its publication, and the whole was therefore lost. The result of the division of these inquiries at the Ninth Census has been to secure full and reliable material, for the first time, for a report of the steam and waterpower of the country employed in manufactures. Except a careful report for the State of Rhode Island, and a report more or less accurate for the city of Philadelphia, I am not aware that any statistics of this kind have ever been prepared in the United States. The information in regard to the machinery used in the cotton, wool, iron, and other important industries, and in regard to the capacity of the grist and flouring establishments of the United States, has also been obtained with fullness and accuracy.

The inquiry of 1850 and 1860, "Average number of hands employed—male, female," was modified in the schedule of 1870 to read "Average number of hands employed—males above sixteen, females above fifteen, children and youth." For the inquiries upon the schedule of 1850 and 1860 in regard to "wages," namely, "Average monthly cost of male labor," "Average monthly cost of female labor," was substituted, on the schedule of 1870, a single inquiry, "Total amount of wages paid during the year."

Inasmuch as the phraseology of this schedule, as annexed to the act of 1850, and as used in the censuses of 1850 and 1860, viz: "Producing *articles* to the value of \$500," was often understood to imply that the inquiry should be limited to establishments producing separate and distinct articles, such, mainly, as could be done up in parcels, sold across a counter, and carried off in the pocket, and as such a limitation would be in the highest degree mischievous and absurd, the word "articles" was stricken from the heading of the schedule of 1870.

The schedule for "Social statistics," as annexed to the act of 1850, contained ten general heads, Valuation, Taxation, Education, Religion, Libraries, Newspapers and Periodicals, Pauperism, Crime, Wages, Seasons and Crops. The last of these was stricken from the schedule of 1870, for the reasons that it has always been valueless in its results, and that the information which it was intended to obtain is now secured through the Department of Agriculture. The place of this inquiry was supplied by an inquiry into the "Public debt" of towns, cities, counties, and States, as the proper complement of the inquiries relating to valuation and taxation, and as being of great importance at the present time to the public credit.

Fewer changes in subject-matter were introduced into this schedule at the present than at previous censuses. The distinction of "Paupers" and of "Criminals" as "Native white," "Native black," which was omitted from the schedules of 1850 and 1860, was restored in 1870, to follow the form of the schedule as annexed to the law. Under the head of "Religion," the inquiry "Number of churches" being ambiguous, two columns were used in 1870, "Number of church organizations," "Number of church edifices." Under the head of "Education" the inquiries "Number of teachers" and "Number of pupils" were subdivided to read "Number of males," "Number of females."

A decided difference of *form*, however, was introduced into the schedule. For example, under the general head of "Education," the schedule of 1850 required to be stated the "Kinds of colleges, academies, or schools," leaving assistant marshals to make a classification of educational institutions for themselves.

An example of the inevitable confusion consequent upon an attempt to collect statistics according to this method will be found both instructive and amusing. From the returns on Schedule No. 5, for the States of Virginia, Vermont, and a portion of Pennsylvania, is gathered at random the following extensive list of specifications:

Academy; classical academy; academy for males; academy for females; academy for males and females; boarding-school; boarding-school for ladies; boys' grammar school; boys' primary school; classical school; college; common school; common school for males; common school for females; common schools mixed; commercial school; commercial and military institute; colored public school; corporation school; collegiate institute; charity school; day-school; district school; elementary school; elementary and classical school; English school; family school; Friends' school; free school; female seminary; female institute; female college; graded school; grammar school; high school; institution of learning; independent school; music school; military institute; normal school; pay school; parochial school; public school; private school; primary school; select school; State school; secondary school; subscription school; seminary; theological seminary; unclassified; ungraded; university.

Under the same system of allowing assistant marshals to furnish their own classification, the following are given as the "Kinds of taxation" in the same States:

Borough; bridges; capitation; corporation; county; county levy; city; district school; education; fees and income; ferries; gas; highway; income; land; licenses; literary fund; militia; office fees; ordinaries; parish; parish levy; personal; property; poor; road; real estate; school; State school; State revenue; State; stores; stallion; slaves; town; village; and water.

If any one will attempt to classify these "kinds of taxation," upon any known or imaginary system, either, first, according to the objects on which the taxes are imposed; or, second, the authority imposing the taxes; or, third, the purposes to which the proceeds are to be applied, he will realize the importance of furnishing assistant marshals with a classification in advance, to which they shall be required to adhere in their returns of such matters.

Indeed, a glance at this list will show the utter impossibility of reducing such specifications to anything like a consistent scheme. The information might just as well not be given at all as be given in this manner.

In view of this palpable difficulty, the schedule of 1870 contained a classification under each of the three general heads of "Schools," "Taxes," and "Libraries," for the government of assistant marshals in their returns.

SPECIAL ADMINISTRATIVE EFFORTS AT THE NINTH CENSUS.

Apart from the rearrangement of the schedules and the adjustment of the stated inquiries to meet new or altered social or economical conditions in the public body, it is only in certain respects that the census, under the limited powers conferred by the act of 1850, even when construed and employed most liberally, can be improved by administration at the Census Office. Whether the enumeration shall omit a larger or a smaller number of inhabitants than at preceding censuses, is determined almost wholly by the changes that may have taken place in the social conditions of the people, and by the accidental character of the appointments to the office of United States marshal, the country over, at the time. If, by reason of improved facilities for travel, and the greater restlessness of our population, an increasing number escape enumeration at each successive census, it is a matter over which the Census Office, as at present constituted, has little control. If, on the other hand, by reason of the low grade of appointments to the offices, both of marshal and of assistant marshal, the work of enumeration should be more negligently performed, for this, again, neither the Department nor the Office should be held responsible, as they have no control over the matter of appointments.

Moreover, many of the inquiries of the census are of a character to require no explanation, and admit of only a categorical answer. It becomes, therefore, merely a question of honesty and ordinary intelligence on the part of individual enumerators whether these parts of the work be properly performed or not.

There are, however, certain points in which the value of the census must depend very greatly upon the instructions issued, and upon the arrangements made in advance of the enumeration. These may be specified as follows:

First.—The return of "Occupations" on Schedule No. 1. Whether the industrial or the social character of a nation be considered, a true return of the occupations of the people constitutes the most important single feature of the census. It would be impossible so thoroughly to gather the productions of industry in all its branches,

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even under the most improved provisions of law, as to present a view of the industrial capacity of the country as justly and completely as would be obtained from a perfect representation of the employments of the whole body of inhabitants. Even were provision to be made by law for enumerating the great interests of trade and transportation, in addition to those of agriculture and manufactures, which alone are provided for, there would still remain a vast body of production, in the form of professional and personal services, which the schedules of the census could not pretend to cover, while at the same time no small measure of the industries which were professedly embraced in the enumeration would unavoidably escape observation.

The social value of such statistics is even greater. The habits of a people, their social tastes, and moral standards, would be more truthfully depicted in a complete list of their daily occupations, than ever was done in any book of travels or of history. Next to the actual count of living inhabitants, for the purpose of distributing representation, the most important single inquiry of the census is in regard to the occupations of the people.

It has been common to assume that the difficulties which beset a truthful return of occupations are inherent and ineradicable. I have never seen any reason for accepting such a view. It is not asserted that these difficulties arise from the reluctance or the ignorance of the people. It must be, then, from the unfitness of enumerators generally to report occupations according to any scientific or satisfactory classification, or it is from the want of clear and definite instructions on the subject.

In the present census unusual attention has been bestowed upon this inquiry. The object aimed at was to prevent the use on the returns of those general and unmeaning terms which have hitherto embarrassed the work of compilation, and which will always occur in profusion where special efforts are not directed to the single end of securing correct and intelligible reports of occupations.*

In the census of 1860 the occurrence of these vague and unsatisfactory terms was so frequent that the utmost efforts in compilation could not have succeeded in removing tens of thousands of cases where, from the specification of the occupation, it was impossible to judge to which of the great branches of industry—manufactures, agriculture, mining, commerce, or professional life—the person reported belonged; or to avoid tens of thousands more where, the great branch of industry being determined, it was entirely impossible to say to which of its principal departments he should be assigned.

The result of the efforts made to improve this portion of the returns has been eminently satisfactory, and it is believed that the tables of occupation, when fully prepared, will afford a view of the employments of the people of exceptional interest and value.

Second.—Another point in which the returns of the census may be materially affected by the character of the definitions and instructions issued, and by the urgency with which such instructions are impressed upon the minds of assistant marshals, is in respect to the statement of diseases and other "Causes of death," upon the Mortality

* The following extracts from the "Pamphlet of Instructions" will serve to show more specifically the kind of errors which it was desired to avoid:

OCCUPATION.—The inquiry "Profession, occupation, or trade," is one of the most important questions of this schedule. Make a study of it. Take especial pains to avoid unmeaning terms, or such as are too general to convey a definite idea of the occupation. Call no man a "factory hand" or a "mill operative." State the kind of a mill or factory. The better form of expression would be "works in cotton mill," "works in paper mill," &c.

Do not apply the word "jeweler" to those who make watches, watch chains, or jewelry, in large manufacturing establishments.

Call no man a "commissioner," a "collector," an "agent," an "artist," an "overseer," a "professor," a "treasurer," a "contractor," or a "speculator," without further explanation.

When boys are entered as apprentices, state the trade they are apprenticed to, as, "apprenticed to a carpenter," "apothecary's apprentice."

When clerks are returned, describe them as "clerk in store," "clerk in woolen mill," "railroad clerk," "bank clerk," &c.

Describe no man as a "mechanic" if it is possible to describe him more accurately. * * *

Be very particular to distinguish between farmers and farm laborers. In agricultural regions this should be one of the points to which the assistant marshal should especially direct his attention.

Judges (state whether federal or State, whether probate, police, or otherwise) may be assumed to be lawyers, and that addition, therefore, need not be given, but all other *officials* should have their profession designated, if they have any, as "retired merchant, governor of Massachusetts," "paper manufacturer, representative in legislature." If anything is to be omitted, leave out the office and put in the occupation.

The organization of domestic service has not proceeded so far in this country as to render it worth while to make distinction in the character of work. Report all as "domestic servants."

Cooks, waiters, &c., in hotels and restaurants, will be reported separately from domestic servants.

The term "housekeeper" will be reserved for such persons as receive distinct wages or salary for the service. * * *

You are under no obligation to give any man's occupation just as he expresses it. If he cannot tell intelligibly what he is, find out what he *does*, and characterize his profession accordingly.

The inquiry as to occupation will not be asked in respect to infants or children too young to take any part in production. Neither will the doing of domestic errands or family chores out of school be considered an occupation. "At home" or "attending school" will be the best entry in the majority of cases; but if a boy or girl, whatever the age, is earning money regularly by labor, contributing to the family support or appreciably assisting in mechanical or agricultural industry, the occupation should be stated.

schedule. The difficulties which encumber this subject are far more serious than those which belong to the return of occupations, but, in a degree, they also allow of removal or abatement, by means of greater clearness and positiveness in the matter of instructions, and by the use of auxiliary agencies, such as are usually at the command of assistant marshals. If we examine the tables of mortality at preceding censuses, we find, as in the case of occupations, a vast number of pretended specifications, which are no specifications at all, it being impossible in no small number of cases, after the cause of death is stated, to determine what the man died for or what he died of, the origin, seat, and type of the disease being all equally doubtful. It is, of course, inevitable that there shall be a large number of cases reported where the cause of death cannot be satisfactorily determined, but this is only where the difficulty has resulted from the mysterious nature of the disease, or from the absence of persons sufficiently well informed to characterize it. Such, however, constitute not one-third, possibly not one-fifth, of the cases where the actual returns of the census have in the past been vague or ambiguous. It is not generally because the family are not able to give the information, but it is because the enumerator is not sufficiently intelligent or well-advised to elicit the facts and to express them to the comprehension of others, that so large a proportion of the causes of death, as stated upon the schedules of mortality, are impossible or absurd.

Two methods have been adopted for remedying this defect at the present enumeration. Urgent instructions at length were given to assistant marshals in advance, to report the cause of death as minutely and specifically as possible; and in this connection all erroneous or insufficient denominations, to which a liability had been shown at previous enumerations, were indicated, and assistants warned against their use. At the same time assistant marshals were directed, wherever it should be found practicable, to submit their schedules of mortality to the physician of the neighborhood or village, with a view to having deficiencies supplied and errors corrected. So simple a provision, it was believed, would be sufficient to cure a great part of the defects of the enumeration.

The unknown causes of death returned at the present census aggregate but 17,266, being 3.67 per cent. of the total deaths, not violent, reported. The unknown causes of death returned in 1860 were 36,707, being 9.81 per cent. of the total deaths not violent.

But this comparison does not express the full measure of the improvement in these statistics which it has been found possible to effect by such administrative efforts as have here been indicated. The tables of mortality at the Eighth Census contain many thousands of deaths to which causes are assigned which afford neither a popular nor a scientific explanation of the fact of death. For example, hemorrhage is returned as a cause of death in 1,321 instances. Yet from such a statement it cannot even be determined whether the death was violent or not; nor, if death *not* violent, what was the origin, the seat, or the type of the disease. The death might have been from hemorrhage of the bowels, or of the brain, or of the lungs, or it might have been from a gunshot wound, or through an injury from machinery. The probabilities are that the greater portion of these deaths should have been returned as from consumption, but it is not possible to determine what proportion of the total should have been so returned, much less to distribute such deaths between the two sexes, among the several periods of life, or among the months of the year.

With a similar looseness, 6,234 persons are reported as having died of "infantile diseases." Now, to say that an infant dies of an infantile disease amounts to no more than to say that an adult dies of an adult disease. All such insufficient specifications have been merged in the "unknown" of 1870. For comparison, therefore, the unknown of 1860 should be enlarged by the addition of at least the following classes: "hemorrhage," 1,321; "infantile diseases," 6,234; "inflammation," 1,326; "sudden death," 816; "cold water," 5, making a total "true unknown" for that census of 46,409, being 12.40 per cent. of the total deaths not violent.

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The following table exhibits the distribution of the unknown causes of death for the two censuses among the States and Territories:

STATES AND TERRITORIES.	1860.									1870.		
	Unknown.	Cold water.	Hemorrhage.	Infantile.	Inflammation.	Sudden death.	True unknown.	Total deaths not violent.	Per cent. of unknown.	Unknown.	Total deaths not violent.	Per cent. of unknown.
Alabama.....	1,008		43	264	24	38	1,977	11,855	16.67	730	10,120	7.21
Arizona.....											192	
Arkansas.....	1,107		20	40	24	16	1,207	8,483	14.22	471	5,850	7.70
California.....	248		24	31	11	10	324	3,243	9.99	243	8,467	2.75
Colorado.....										7	315	0.31
Connecticut.....	295		42	31	19	20	407	5,873	6.93	175	6,478	2.70
Dakota.....	2						2	4	50.00	8	76	10.53
Delaware.....	133	1	4	17	3	1	159	1,189	13.37	78	1,501	5.12
District of Columbia.....	129		13	57	2	6	207	1,250	16.56	24	1,938	1.23
Florida.....	226		12	45	6	4	293	1,630	17.97	35	2,120	1.65
Georgia.....	1,966		33	193	72	33	2,307	11,820	19.51	668	12,754	5.24
Idaho.....										7	38	18.42
Illinois.....	1,566		39	373	63	19	2,060	18,518	11.12	1,184	32,379	3.65
Indiana.....	1,299		39	194	27	19	1,578	14,722	10.71	821	16,985	4.83
Iowa.....	640		13	147	18	7	825	6,942	11.88	442	9,118	4.84
Kansas.....	121		2	36	4	3	166	1,484	11.18	197	4,325	4.55
Kentucky.....	2,249		48	387	23	27	2,734	15,649	17.47	852	13,701	6.21
Louisiana.....	1,092		31	154	39	17	1,333	11,632	11.45	187	13,832	1.35
Maine.....	276		24	44	22	14	380	7,247	5.24	160	7,397	2.16
Maryland.....	956		26	101	8	37	1,128	7,081	15.92	446	9,379	4.75
Massachusetts.....	623		64	620	54	32	1,413	20,393	6.92	760	24,778	3.10
Michigan.....	455		22	58	58	12	605	6,960	8.69	343	10,641	3.27
Minnesota.....	119		6	7	5		137	1,099	13.57	139	3,314	4.19
Mississippi.....	1,481		34	206	33	8	1,762	11,398	15.45	527	8,523	6.18
Missouri.....	1,985	1	40	224	39	17	2,306	16,918	13.63	880	26,890	3.27
Montana.....										6	127	4.72
Nebraska.....	41		2	15	1		59	350	16.85	54	926	5.83
Nevada.....										15	526	2.85
New Hampshire.....	197		14	86	22	10	329	4,312	7.62	101	4,135	2.44
New Jersey.....	373		29	88	35	23	548	7,183	7.61	290	10,136	2.88
New Mexico.....	308		4	13	14	1	340	1,082	31.42	11	1,062	1.03
New York.....	2,534		170	522	289	71	3,586	44,984	7.97	808	66,429	1.21
North Carolina.....	2,082		42	300	27	45	2,496	11,912	20.95	931	19,126	9.19
Ohio.....	1,783	1	23	362	62	53	2,284	23,712	9.63	964	28,311	3.40
Oregon.....	30		2	1	4	3	40	274	14.59	17	507	2.99
Pennsylvania.....	1,815		125	440	125	65	2,570	22,870	8.90	1,209	50,160	2.41
Rhode Island.....	122		16	20	6	6	170	2,341	7.26	52	2,640	1.96
South Carolina.....	1,176		25	174	23	38	1,441	9,113	15.81	291	6,925	3.33
Tennessee.....	2,014		52	206	34	51	2,357	14,349	16.42	782	13,669	5.72
Texas, east of the Colorado River.....	1,212	1	26	115	43	12	1,409	8,697	16.29	467	8,504	*5.49
Texas, west of the Colorado River.....										126	1,956	*6.44
Utah.....	49			57	10		116	320	36.25	21	853	2.46
Vermont.....	163		10	11	5	1	190	3,240	5.86	110	3,410	3.22
Virginia.....	3,667		97	509	33	81	4,387	21,211	20.63	1,124	14,448	†7.77
Washington.....	1						1	41	243	8	184	4.34
West Virginia.....										220	3,838	†7.20
Wisconsin.....	564	1	20	146	34	11	776	6,731	11.52	287	9,449	3.03
Wyoming.....											40	
Total.....	56,707	5	1,321	6,234	1,326	816	46,409	374,022	12.40	17,266	469,523	3.67

* The per cent. of unknown for Texas proper is 5.67.

† The per cent. of unknown for Virginia and West Virginia is 7.68.

Third. Another important point in which the value of the returns of the census will greatly depend upon the character of instructions given, is in respect to the "kinds and quantities," both of materials consumed and of the resulting products, upon the manufacturing schedule. The difficulty is one that ought not to exist, since it might be wholly avoided by the use of schedules special to each important industry of the country. In the absence of any such provision, the returns of manufactures, upon the schedule annexed to the act of 1850, are liable to become so confused, respect to the statement of "kinds and quantities," as to render it practically impossible to tabulate the results. A considerable is this difficulty, that out of more than one hundred and forty thousand establishments of productive industry reported upon this schedule in 1860, from all of which statements were *required* of kinds and quantities,

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both of materials and products, it was found possible to tabulate only about five per cent.,* according to kinds and quantities, and of this list scarcely any portion exhibited the information with a satisfactory degree of fullness.

The difficulty of tabulation under such a plan arises generally not from the want of a sufficient number of specifications, but from the fact that the specifications, in regard to each industry, are made by hundreds or thousands of proprietors of establishments, none of whom are advised with what degree of minuteness or according to what classification, it is desired to have the materials and products reported. As a consequence many will be at pains to report with far more particularity and minuteness than is desirable, while others will report with less than is essential.

The reduction of such irregular specifications to anything like a common system is impossible, so that not only is the particular information required lost, but the manufacturers of the country are put to very great trouble and inconvenience for nothing.

The methods adopted at the present census, in dealing with the subject, were as follows: In the first place, somewhat more than one-half the proprietors of productive establishments were by instructions relieved from the trouble of returning "kinds and quantities." All whose materials and products were "of a minor and miscellaneous character," where the statement of kinds and quantities could not possibly be of use, were excused from returning this information. Secondly, by a mechanical adaptation, the schedules of 1850 and 1860, without the addition or alteration of a letter or figure, were made to secure a portion of the advantages in this respect belonging to special schedules. Thirdly, the instructions to assistant marshals contained a distinct classification of the materials and of the articles of production which it was desired to have reported in the case of each important industry. Such a classification, it was believed, would save proprietors of establishments and assistant marshals much delay and vexation in deciding with what degree of fullness, and according to what specification, to report; and would also render such reports of value when made.

The result of these efforts has been to secure so much improvement in this particular, as to insure that from eighty to one hundred thousand manufacturing establishments will be tabulated with all the fullness of information, in respect to materials, machinery, and production, which could be desired. The information thus obtained is not only important in itself, but is, at the present time, exceptionally desirable, on account of the disturbance of values and the exaggeration of prices.

Fourth. Still another noticeable administrative feature of the recent census, has been the appointment of special deputy marshals in a majority of districts for the collection of the "social statistics," so called, upon Schedule No. 5.

The collection of these statistics is, by the law of 1850, made an exception to the rules which govern in respect to the other schedules.

All the materials for Schedules Nos. 1, 2, 3, and 4, must be obtained by the personal inquiry of the assistant marshal at each house, farm, shop, &c., of his subdivision. The social statistics, on the other hand, are of a character to be obtained largely from official documents, from the public reports or manuscript records of schools, colleges, prisons, poor-houses, asylums, &c.

The seventh section of the act of May 23, 1850, therefore provides that marshals may at their discretion appoint "deputies" for the collection of the social statistics, and that such appointments shall not be deemed an interference with the duties of assistant marshals.

Notwithstanding this provision of the law, it does not appear that such deputies were in any case appointed at preceding censuses, except for single cities or counties, the person commissioned to collect the statistics of the entire city or county being commonly one of the regular assistants.

The section authorizing the appointment of special deputies for the collection of social statistics, appears to be one of the best provisions of the act of 1850; and special efforts were made in preparation for the Ninth Census to induce marshals to appoint such deputies in all States which should be found highly organized enough to admit of

*Cotton goods.....	1,091	Musical instruments.....	223
Woolen goods.....	1,260	Coal mining.....	622
Worsted goods.....	3	Iron mining.....	157
Hosiery.....	197	Blooms.....	97
Wool-carding.....	712	Pig iron.....	286
Carpeting.....	213	Bar, sheet, and railroad iron.....	256
Hats and caps.....	622	Wire.....	16
Silk manufactures.....	139	Car-wheels.....	17
Linen goods.....	10	Locomotive engines.....	19
Cordage.....	190	Sewing-machines.....	74
Hemp bagging.....	34	Steel.....	13
Paper.....	555	Salt.....	399

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the collection of their statistics through such central agencies. The attention of marshals was especially invited to the importance of securing for this work men of known interest in and aptitude for such inquiries, in order that the results might be presented in a manner creditable to the several States and cities. It was also announced that, in case it should be desired to have the social statistics of any State which is divided into two or more judicial districts taken as a whole, and the marshals for the several districts of the State should to that end concur in issuing commissions to the same person, such an appointment would be recognized by the Department as in substantial compliance with the law of 1850.

In consequence of these efforts special deputies were appointed in a majority of the States, either for the entire State or for important sections. In several instances gentlemen of national reputation were induced to accept the appointment of deputy marshal, from a scientific interest in the results, or from a wish to see their States properly represented in the census. In some States, however, mainly at the South, where much of the interior organization was overthrown by the war, it was not deemed practicable to collect the social statistics in this way, and the duty was therefore charged, as heretofore, upon the regular assistants.

The result of these special efforts in the direction of the social statistics of the country, has been to secure statements of a high degree of completeness and accuracy from somewhat more than half the States of the Union, in respect to their wealth, debt, and taxation; their public pauperism and crime; their church organizations and edifices; their academies, colleges, and schools; their newspapers and periodicals. For the results in respect to libraries and wages, not much can be said. In the remaining States the statistics of the classes first named have, after the most laborious correspondence, been worked up into something like an approximation to the truth. The total result, in respect to eight of the classes embraced on the "Social statistics" schedule, is to enable the office to prepare tables which, taking the whole country together, are unquestionably well worth publishing, provided they be accompanied by the proper exceptions and explanations in respect to deficiencies known to exist.

This frank admission should not prejudice the publications of the present census in comparison with those of preceding censuses, or with official documents emanating from any other source. These portions of the statistics of the census have never been more completely or correctly taken, and where deficiencies are acknowledged, it is because the information is not to be obtained by agencies at present in existence.

In no part of the census service is the inadequacy of compensation so severely felt as in the collection of the social statistics. The Government pays something like \$24,000 for the work in all the States of the Union, while the information could not be satisfactorily collected as a matter of business for less than \$200,000.

COMPILATION OF RESULTS.

In the compilations of the present census, it has been invariably held to be a desirable thing to retain the forms and molds of preceding census publications, in order to make comparison practicable. The only cases where departure from this rule has been allowed in any particular, are those in which the specifications or classifications of previous publications have been thought to be essentially vicious, and therefore more to be honored in the breach than in the observance. Where inadequacy merely has been complained of, the effort has been made to introduce new divisions or new groupings, while retaining the old so far as to allow comparison to be made with former results, as notably in the tabulation of the ages of the living population.

While preserving the comparative character of those tables which correspond to the several tables published in 1850 and 1860, large additions have been made to the number of tables published, for the purpose of more completely presenting the information obtained in the enumeration; while the tables which correspond in general to those of former publications, have been enlarged at a very considerable expense of clerical labor. I have not felt the least hesitation in undertaking any compilation, no matter how extended, which promised results that could be useful to any considerable class of the community, or which had a clear scientific value. The census of this country is not taken so often, nor is the statistical information at the command of our people so ample, that we can afford to throw away any part of the material for want of a complete compilation. Especially, since it costs so heavily to bring this material into the Census Office, would it be the falsest of all false economy to lose any portion of it which, when tested, is found to be trustworthy, for the sake of effecting a saving in the cost of tabulation. All that could be done to reduce the expense of these additional undertakings in the Census Office, by fixing a high standard of clerical efficiency, and exacting the utmost of daily performance that could justly be required of the clerks of the office, has been done. Whatever, in spite of this, has been added to the cost of the census through this increase in the number and this enlargement of the scope of the tables accompanying, must be justified, if at all, by the value of the statistics in the interest of science, industry, and good legislation.

Ages. The classification of the ages of living inhabitants adopted in the compilations of 1860, was as follows;

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Under 1, 1 to 5; 5 to 10; 10 to 15; 15 to 20; 20 to 30; 30 to 40; 40 to 50; 50 to 60; 60 to 70; 70 to 80; 80 to 90; 90 to 100; each year above 100 being specified. The most evident criticisms upon this classification are as follows: The period 1 to 5 is too long, both from the great number to be reported in that class, and from the fact that the conditions of life change to an important degree with each year under 5. A minuter subdivision ought to be made. Especially is this true with a view to computing, for any scientific purpose, the number of survivors from this class at any time during the interval between two censuses. Secondly, decennial periods are too extensive to allow of anything like nicety of calculation. Quinquennial periods have been adopted for the compilations of the present census. Thirdly, it may seem very strange, when it is considered that one of the principal objects of the census from the earliest times, in all countries, has been to ascertain the military strength of the people, that the period at which the military age begins has never thus far been obtained in the United States. It is difficult to conceive of any species of information which can, from a practical point of view, have precedence in a census over the determination of the number of males between 18 and 45. Fourthly, compilations of preceding censuses have totally disregarded another fact of the highest value, namely, the number of males in the country above the age of 21 years. If any information in regard to the number of persons, according to age, might be supposed to be of interest to the political philosopher, it is the number of persons of voting age. Fifthly, there is quite as much reason for obtaining the number of persons who are above 80 *by single years*, as for obtaining the number above 100 by single years. It cannot be questioned that the additional information would be of great use, not merely in calculations purely scientific, but in computing the expectation of life with reference to life annuities and life insurance.

In fact, this whole matter of decennial periods for the tabulation of ages exhibits a singular disregard of the proper objects of statistical inquiry under a government like ours. The decimal system may be a very good one to introduce into coinage and to govern weights and measures, but it means nothing when applied to the important events of human life. Twenty years means nothing more than any other period; but eighteen years, the age at which a man enters the militia of his country; twenty-one years, the age at which a man becomes a voter in every State of the Union; these periods do mean something, and hold important relations to political science.

At the same time, while introducing new specifications of age into the compilation of the present census, for the reasons presented above, care has been taken to keep up the comparative character of the Ninth Census. In accordance with this principle the age of twenty years has been introduced into the tables, not because it is of any importance in itself more than any other single year, but in order to enable comparison to be made between this class at the present and at preceding censuses.

In view of the consideration presented above, the following classification of ages has been adopted in the compilations of the present census: Under 1; 1; 2; 3; 4; 5 to 10; 10 to 15; 15 to 18; 18 to 20; 21; 21 to 25; 25 to 30; 30 to 35; 35 to 40; 40 to 45; 45 to 50; 50 to 55; 55 to 60; 60 to 65; 65 to 70; 70 to 75; 75 to 80; 80; 81; 82; 83; and upward, by single years.

Another most important distinction which has been introduced into the tabulation of results, is the distinction between native and foreign-born in the tables of age and sex. This distinction involves no inconsiderable addition to the work of preparing these tables, but it is exceedingly desirable. From the table of the native population by age and sex, we shall be able to see how the various conditions of life in the United States affect the duration of life to those who are born here and grow up through their childhood under the influence of our soil and climate. From the table of the foreign-born population, we shall see how those who have derived their original constitution from foreign stock, and have grown up generally to manhood under other influences, are affected by coming under the influence of American climate and American habits of life. By merging these two classes, as has heretofore been done, we obtain neither. The foreign-born population will be lost in the greater numbers of the native, while at the same time it will be sufficiently numerous seriously to affect the proportions of the latter, and, perhaps, in certain classes, entirely to reverse results.

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The following table exhibits the classification according to age, sex, and nativity adopted at the present census, as compared with the classification at the Eighth Census:

Treatment of the classification of population by age and sex at the censuses of 1860 and 1870.

STATE OF NEW HAMPSHIRE.

1860.						1870.														
White.		Colored.		Total.	Ages.	Ages.	Total.	NATIVE.						FOREIGN.						
Male.	Female.	Male.	Female.					Male.	Female.	Male.	Female.	White.		Colored.		Indian.		White.		Colored.		Indian.
				Male.	Female.	Male.	Female.					Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
3,445	3,233	7	8	6,650	Under 1	Under 1	5,740	2,824	2,789	2	7				28	30				
						1	5,710	2,802	2,761	5	7				69	72				
						2	6,194	3,091	2,910	7					82	104				
						3	6,071	2,932	2,938	1	7				100	93				
14,502	13,777	21	24	28,324	1 and under 5	4	5,944	2,910	2,776	4	3				111	140				
16,405	16,112	25	22	32,564	5 and under 10	5 and under 10	28,209	13,528	13,122	11	23	2		719	802			1	1	
16,501	15,595	31	26	32,153	10 and under 15	10 and under 15	31,868	15,650	14,378	32	23	1		882	892	2		1	1	
						15 and under 18	18,089	8,578	8,612	23	21	1		637	613	1	1	1	1	
16,756	17,651	20	23	34,450	15 and under 20	18 and under 20	12,889	5,629	5,780	34	15			713	717	1				
						20	6,809	2,655	3,094	15	6	1		469	569					
						21 and under 25	22,508	9,157	9,990	40	18			1,624	1,617	2				
27,137	30,287	47	38	57,509	20 and under 30	25 and under 30	24,509	9,519	11,129	32	24	1	1	1,905	1,895	2	1			
						30 and under 35	21,492	8,343	9,998	14	20			1,465	1,649		1	2		
20,414	21,172	32	31	41,649	30 and under 40	35 and under 40	20,633	8,421	9,173	20	15			1,402	1,601				1	
						40 and under 45	18,722	7,838	8,265	12	17	1		1,304	1,282	3				
16,497	17,069	27	20	33,613	40 and under 50	45 and under 50	16,760	7,294	7,559	16	12	1	1	1,000	875		1	1	1	
						50 and under 55	15,771	6,993	7,324	10	10			788	646					
13,103	13,834	15	17	26,969	50 and under 60	55 and under 60	12,654	5,799	6,061	8	7	1	1	410	367			1		
						60 and under 65	11,918	5,452	5,724	6	8			369	359			1		
8,785	9,950	12	16	18,763	60 and under 70	65 and under 70	9,304	4,286	4,665	2	4			168	178		1			
						70 and under 75	7,343	3,353	3,659	3	7			175	145	1				
4,025	5,335	10	11	9,981	70 and under 80	75 and under 80	4,663	2,034	2,487	1	1			86	53					1
						80	744	315	393	2				18	15	1				
						81	467	193	266					5	3					
						82	499	212	281					6						
						83	453	199	245					4	5					
						84	399	136	252	1				6	4					
						85	290	113	163		2			5	7					
						86	208	89	116					1	2					
						87	174	72	100					2						
						88	175	54	118					2	1					
						89	131	43	87		1			1						
1,265	1,765	4	3	3,037	80 and under 90	90	120	35	74					3	7					
						91	43	10	29		2			1	1					
						92	60	23	36						1					
						93	39	16	21						2					
						94	19	6	13											
						95	23	8	12					2	1					
						96	10	4	5						1					
						97	10	2	8											
						98	10	1	8						1					
						99	2	1	1											
126	237		1	364	90 and under 100	100	6		4		1			1						
2	2	2	1	7	Above 100	101	1		1											
					Unknown	Unknown	11	6	4						1					
159,563	166,016	253	241	326,073			318,300	140,686	147,431	301	261	4	6	14,629	14,951	13	5	7	6	

Occupations.—Even more considerable has been the addition made to the tabulation of occupations. Instead of a simple count, as in 1860, the number of persons in each specified occupation will, in the publications of the present census, be distributed duly between the two sexes, among three designated periods of life, and among the principal foreign nationalities represented in our population. In the belief previously expressed in the course of this report, that the tables of occupation are not only of the first importance in the interest of moral and social science, but that they afford the only true basis for calculating the industrial capacity and production of the country, the following form has been prescribed for tabulating the employments of the people:

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TABLE OF OCCUPATIONS.

1860.	OCCUPATIONS.	Number.	1870.																	
			AGE AND SEX.						NATIVITY.											
			10 to 15.		16 to 59.		60 and over.		United States.		Germany.	Ireland.	England and Wales.	Scotland.	Sweden, Norway, and Denmark.	France.	Other north of Europe.	Other south of Europe.	British America.	Other and unknown.
			Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.										
1,555	Blacksmiths.....	1,665	3	.....	1,490	.....	172	.....	1,463	3	60	11	.....	1	.....	.....	.....	127	.....
7,347	Boot and shoemakers.....	5,412	52	9	4,887	233	241	1	5,204	2	73	13	16	2	.....	.....	.....	91	11
3,370	Carpenters and joiners.....	4,406	39	.....	4,001	.....	366	.....	4,114	2	44	7	25	.....	.....	.....	.....	164	50
641	Clergymen.....	664	.....	.....	569	.....	97	.....	644	2	2	2	1	.....	.....	.....	.....	13	.....
6,487	Domestic servants.....	7,481	27	233	107	6,537	18	569	6,482	10	637	50	10	13	12	.....	.....	267	.....
*	Mill operatives—Cotton.....	12,759	631	526	3,903	7,619	59	21	7,124	43	2,011	524	157	16	35	.....	.....	2,552	296
*	Woolen.....	3,824	186	226	1,478	1,903	31	.....	2,490	15	657	227	44	11	.....	1	1	192	186
1,190	Milliners and dressmakers.....	1,570	.....	1	16	1,506	5	42	1,460	8	51	13	2	.....	.....	.....	.....	36	.....
81	Nurses.....	82	.....	.....	69	.....	13	76	.....	3	1	2	.....	.....	.....	.....	.....	.....	.....
2,635	School teachers.....	1,987	.....	5	121	1,852	8	1	1,976	1	2	2	1	.....	.....	1	.....	4	.....
1,316	Tailors and tailoresses.....	888	.....	.....	258	588	22	20	799	17	24	7	5	1	.....	.....	.....	35	.....

* Could not be distinguished on table of occupations.

The figures in the above table are for the State of New Hampshire. The few employments particularized have been taken at random, for the purpose merely of illustrating the form of tabulation adopted. To embody the whole list of occupations specified would have made the table too cumbersome for this place.

Nativities.—The innovation made in the tabulation of nativities consists solely in the distinction, now introduced for the first time, between white and colored in the tables (V to VIII of this present volume) which exhibit the countries of foreign and the States of native birth. The change is so simple as not to require the introduction of a specimen table. The distinction is principally of value as showing the movements of the native colored population.

Illiteracy.—The scope of the statistics of illiteracy, as before explained in remarks upon the changes made in the schedules, has been considerably enlarged by the extension of the inquiry to persons between ten and twenty years of age. The labor of compilation has been still further increased by subdividing each of the headings of the tables of 1860 according to three periods of life. The additional information thus secured was urgently solicited by the Commissioner of Education, and by gentlemen in all sections of the country prominently connected with the cause of public education. The following table exhibits the treatment of illiteracy in the compilations of 1870 as compared with those of 1860.

TABLE OF ILLITERACY.

NEW HAMPSHIRE.

CENSUS OF 1860.							CENSUS OF 1870.																
CANNOT READ AND WRITE, OVER TWENTY YEARS OF AGE.							Counties.	Cannot read, over ten years of age.	CANNOT WRITE.														
White.		Colored.		Native.	Foreign.	Total.			Total.	White.						* Colored.						Native.	Foreign.
M.	F.	M.	F.							10 to 15.	15 to 20.	20 and over.	10 to 15.	15 to 20.	20 &c.								
				M.	F.	M.										F.	M.	F.	M.	F.	M.			F.
.....	Belknap.....	179	335	38	23	21	16	102	109	2	.....	1	1	4	3	157	103
.....	Carroll.....	142	259	36	12	18	6	92	91	.....	1	.....	3	.....	.....	245	14
.....	Cheshire.....	365	475	16	14	23	17	169	234	.....	.....	1	1	.....	.....	66	409
.....	Coos.....	372	471	23	15	70	22	208	123	2	1	1	1	2	3	127	344
.....	Grafton.....	679	902	41	32	81	55	405	280	.....	2	.....	4	2	.....	222	680
.....	Hillsborough.....	3,012	3,465	112	104	214	306	1,128	1,584	.....	2	.....	9	6	.....	209	3,256
.....	Merrimack.....	922	1,178	52	47	96	82	354	537	.....	.....	.....	7	3	.....	262	976
.....	Rockingham.....	658	1,158	54	32	87	45	381	532	.....	2	.....	5	12	.....	375	783
.....	Strafford.....	932	1,255	57	59	78	117	380	564	.....	.....	.....	.....	.....	.....	279	976
.....	Sullivan.....	357	438	27	34	24	34	142	171	.....	2	.....	1	3	.....	110	328
2,023	2,060	15	19	1,093	3,624	4,717	Total.....	7,618	9,926	456	377	712	700	3,361	4,225	4	3	10	8	38	32	1,992	7,934

* Eleven Indians are here, for convenience, reported among the colored; 10 in Coos County, and 1 in Grafton County.

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Mortality Statistics.—The grouping of States into districts for the purpose of the Mortality Statistics, adopted in the publication of the Eighth Census, has been abandoned in preparing for the publication of the present census. The statistics will, as at the Seventh Census, be presented by States. This return to a former method does not defeat the possibility of comparison. Any one who desires to obtain the statistics of mortality for the year 1870, according to districts, will find all the material at his hand for the purpose, and may group the same according to his own theories or wishes. But there appears to be grave reason to doubt whether the meteorology of the United States is sufficiently far advanced to enable States to be thus grouped, according to their climatic conditions, with any degree of safety. It is evident that if the States and Territories of the United States are to be classified by districts, according to an assumed unity of vital conditions within each district, it is a matter of absolute necessity that the propriety of the classification shall in every case be beyond question. Otherwise such an arrangement, instead of bringing out the truth, will only serve to conceal it.

It is perfectly conceivable that, by introducing into each group one State only which actually belongs in some other group, the most important characteristics of every State and Territory in the Union, by turns, might be completely hid from view. The value, therefore, of statistics of mortality, where the principle of grouping is adopted, depends upon the absolute correctness of the system. But since there is grave reason to doubt whether the measurement of cold, heat, and moisture by extremes and by averages in the United States has been advanced to such a degree as to allow a true classification of States according to these conditions, it has been thought best to present the material in a form which admits of combinations at pleasure.

I should have held these views with much diffidence had they not been confirmed by correspondence with some of the most eminent writers upon these subjects.*

In determining the classification of diseases that should be adopted in the compilations of the census, and in deciding the numerous questions, both of principle and of detail, which must arise in the progress of such a work, it would be necessary for the Superintendent either hastily to prepare himself as best he could for the service, at the serious risk of committing many errors of judgment, or else to obtain professional assistance. Between the two courses I had no difficulty in deciding in favor of the latter, nor did it seem any more a matter of doubt that it was preferable to have the scientific control of the work assumed by some recognized official authority, if practicable, rather than to have it given into private hands. I therefore took the liberty of addressing Major General Joseph K. Barnes, Surgeon General United States Army, with the request that, while the entire clerical labor should be performed in the Census Office, the determination of scientific questions arising in the course of compilation and publication might be assumed by his department. I have to acknowledge the cordial co-operation of General Barnes, and of the accomplished officers of the medical staff, Brevet Lieutenant Colonels J. J. Woodward and J. S. Billings, with whom, as representing General Barnes in this matter, I have had constant communication upon subjects of the character indicated occurring in the course of compilation. Colonel Woodward's letter, prefixed to the Tables of Mortality, states with clearness all the decisions successively reached during the progress of this work, and explains forcibly and succinctly the reasons which controlled in such decisions. The Mortality Statistics of the present census are submitted with full confidence that the medical profession, the life-insurance interest, and the country generally, will approve them, making such allowances as are just for necessary imperfections under the present system of enumeration.

In compiling the Statistics of Mortality, the same classification of ages, up to the limit of eighty years, was adopted as in the statistics of the living population. Reference to the specimen table of Age and Sex will show the extent of this change. The distinction of Native and Foreign, however, was not carried through the tabulation of Ages from the Mortality Schedules, but has been made in another connection hereafter to be mentioned.

The Mortality Statistics of the Eighth Census were obtained by tabulating the deaths reported upon a single sheet, to give the age, the sex, and the month of death. In addition to this, a second and a third tabulation have been carried on for the Ninth Census, with a view to exhibit the number of deaths from each specified cause, by

* I am at liberty to make the following extract from a letter of J. W. Draper, LL. D., author of "The Intellectual Development of Europe," "The Future Civil Policy of the United States," etc.

"I have frequently had occasion to reflect on the subject to which you refer—the sectional grouping of the States adopted in the census as respects mortuary statistics.

"As they stand now, eight of the districts are said to represent the climate characteristics of the country. Such an assertion, however, cannot be made of them with anything like scientific accuracy. This grouping accords neither with the annual isothermals, nor with those of summer or winter. The ninth district is avowedly an exceptional case.

"Considering how imperfectly the meteorology of the continent is at present understood, any system of grouping dependent on it must be liable to fallacy. In ten years more, perhaps, such an attempt may possibly be executed, but for the present I agree fully with you, that it is best to abstain from the employment of such a device, notwithstanding the desirability of retaining the forms and molds of previous censuses. Compactness, or space saved in the work, is not to be considered for a moment when at the risk of conveying false information.

"My advice is, therefore, to abandon the present fictitious grouping."

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Occupations, by Nationality, and by Color. The reason for undertaking this additional work has been that the relations of occupation, of nationality, and of race (so far as the same is indicated by color) to life and health are believed to be quite as important as those of the seasons of the year. The publications of the Seventh Census (1850) presented the Statistics of Mortality tabulated with respect to occupations; but the work does not seem to have been undertaken at the Eighth Census.

The results of such tabulations are shown by the specimen tables following. These tables are only extended vertically and horizontally far enough to indicate the scope of the additional statistics secured.

DEATHS FROM EACH CAUSE, WITH DISTINCTION OF CERTAIN SPECIFIED OCCUPATIONS.

OCCUPATIONS.	Aggregate.	CAUSE OF DEATH.																
		Unknown causes.	I.—GENERAL DISEASES.		II.—LOCAL DISEASES.									III.—Conditions not necessarily associated with general or local diseases.	IV.—Poisons.	V.—Parasites.	VI.—Malformations.	VII.—Accidents and injuries.
			General diseases—A.	General diseases—B.	Diseases of the nervous system.	Diseases of the circulatory system.	Diseases of the respiratory system.	Diseases of the digestive system.	Diseases of the urinary system and male organs of generation.	Diseases of the female organs of generation.	Affections connected with pregnancy.	Diseases of the organs of locomotion.	Diseases of the integumentary system.					
UNITED STATES.																		
Total deaths	492263	17360	94832	93852	60455	17034	63071	73909	4744	1318	4810	2187	2778	28493	2351	1060	364	2474
Total of specified occupations	88410	1278	11652	27101	8430	4904	13922	8020	3098	52	208	408	242	2320	742	12	.....	714
Agriculturists	51223	876	7415	13078	4899	2780	8750	4771	1308	43	182	259	147	1778	253	9	.....	374
Clergymen	629	10	60	182	77	54	84	76	32	.....	.....	3	1	39	2	.....	.....	9
Laborers	13359	201	1720	4134	1045	661	1570	1216	246	4	14	52	29	417	196	3	.....	182
Lawyers	595	7	55	179	93	45	58	61	19	.....	.....	3	19	13	.....	.....	.....	41
Merchants and clerks	6736	45	642	2573	807	503	650	607	200	.....	.....	29	17	138	100	.....	.....	45
Mill and factory operatives	3504	24	496	1395	286	186	302	248	66	1	10	12	9	84	38	.....	.....	317
Domestic servants, all other	10339	96	1044	3266	996	608	1172	926	279	.....	.....	47	30	295	118	.....	.....	862
Physicians	947	15	76	268	143	73	130	105	37	.....	.....	4	1	31	18	.....	.....	46
Teachers	1078	4	144	526	93	54	97	79	11	4	2	2	5	19	4	.....	.....	31
ALABAMA.																		
Total deaths	10771	730	2024	1289	1180	341	2055	1399	76	60	173	24	179	395	40	86	9	651
Total of specified occupations	2757	92	471	489	263	132	659	233	50	9	44	6	4	58	21	.....	.....	229

DEATHS FROM EACH SPECIFIED DISEASE AND CLASS OF DISEASES, WITH DISTINCTIONS OF RACE AND NATIONALITY.

CAUSE OF DEATH.	Aggregate.	Unknown.	Total.	White.	Colored.	Chinese.	Indian.	Total.	Germany.	Sweden, Norway, and Denmark.	Ireland.	England and Wales.	Scotland.	France.	Other north of Europe.	Italy.	Other south of Europe.	China and Japan.	All other.
THE UNITED STATES.																			
Grand total	492,263	1,570	424,730	356,771	67,461	34	464	65,963	18,626	2,224	27,053	7,159	1,763	1,631	934	219	931	436	4,987
Unknown causes	17,266	145	16,146	12,201	3,922	5	18	975	265	63	338	90	16	21	27	2	9	67	77
General diseases—A.	94,832	176	86,388	73,047	13,170	1	170	8,268	2,718	645	2,327	835	182	191	152	31	128	40	1,019
Small-pox	4,507	39	3,878	2,760	1,031	.....	87	590	260	15	120	21	2	14	7	4	3	7	137
Measles	9,237	10	8,899	6,770	2,059	.....	10	388	93	99	65	48	15	3	10	4	4	.....	44
Scarlet fever	20,320	9	19,399	19,099	289	.....	11	912	245	70	173	180	28	8	30	1	15	3	150
Typhus fever	1,770	27	1,305	1,070	233	2	438	144	20	165	38	8	9	9	1	5	3	36

(The same for each State and Territory.)

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DEATHS, WITH DISTINCTION OF RACE AND AGE AND SEX.

UNITED STATES.	MALE.																	
	Total.	Unknown.	Under 1.	1.	2.	3.	4.	Total under 5.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.
Total.....	260,673	688	60,876	23,075	12,577	7,636	5,341	100,505	13,714	8,186	9,521	13,530	10,736	9,456	10,205	.....	.....	.....
White.....	225,818	603	52,402	19,771	10,672	6,475	4,608	93,928	11,566	6,641	7,762	10,354	9,218	8,236	9,079	.....	.....	.....
Colored.....	34,241	76	8,428	3,285	1,891	1,154	725	15,483	2,129	1,527	1,729	2,118	1,432	1,132	1,071	.....	.....	.....
Chinese.....	357	7	19	1	.....	.....	1	21	3	2	5	48	70	72	48	.....	.....	.....
Indian.....	227	2	27	18	14	7	7	73	16	16	25	19	16	16	7	.....	.....	.....

(This form and corresponding one for females constitute the table for each State and Territory.)

PUBLICATION OF RESULTS.

The results of the Ninth Census will, under authority of the joint resolution of April 13, 1871, be published in three quarto volumes. The number of volumes thus authorized corresponds to the most obvious division of the statistics of the census, viz: I. Population; II. Vital Statistics; III. Industry.

Into the first would naturally fall such of the so-called social statistics of the census as bear most directly upon the moral, social, and intellectual condition of the people; the statistics of churches, libraries, schools, newspapers, pauperism, and crime. The second would embrace the statistics (Schedules Nos. 3 and 4) of agriculture and manufactures, (the third grand division of industry, viz, commerce, not being recognized in the census;) the tables of occupations, derived from Schedule No. 1, and certain of the social statistics, (Schedule No. 5,) viz, valuation, taxation, and indebtedness, with whatever may be published on the subject of wages. The third would embrace the tables of mortality; the statistics of the blind, deaf and dumb, insane, and idiotic; the birth-tables, and whatever of value, if anything, can be obtained from the schedules in respect to the month of marriage.

There remains but one class of tables to be assigned, viz, the tables of age and sex. In the publications of the Eighth Census, these tables appeared in the population volume. They have, however, an even more obvious connection with the vital statistics of the country. In fact, the tables of age and sex have a double relation. It is proposed, therefore, to include the extended tables of age and sex in the volume which contains the statistics of births and deaths; while the population volume will contain selected tables of age and sex, showing (1) the total number of persons of each sex, (2) the number of each sex of school age, (3) the number of males of military age, (4) the number of males of voting age.

Economy of space.—Although the tabulation of results carried on at the present census has been so much more extensive than heretofore, the aggregate bulk of the several volumes will be little more than two-thirds that of the four volumes of 1860. The publications of the Eighth Census aggregated 2,875 pages. The three quarto volumes of 1870 will fall short of 2,000 pages. This saving in space, notwithstanding the largely increased amount of statistical matter to be provided for, will be mainly effected, first, by dispensing with everything in the nature of literary, historical, or economical disquisition; secondly, by printing in double or treble measure tables which heretofore have been printed in single measure; third, by publishing the living population according to the extended classification of age, by totals of States instead of by totals of counties. The reason for the latter change is that, while it is believed that the minuter distinctions of age are of the greatest value for the country as a whole, and even by entire States, it is not believed to be of importance that these distinctions should be carried out in respect to the population of each of the twenty-two hundred counties of the Union. The results of the compilation by counties will, however, be preserved at the Census Office for reference, should there ever be occasion to consult them. Those distinctions of age which are of importance as applied to smaller civil divisions, (the school, military, and voting ages,) will, as before stated, be given by counties and also by cities and towns, but at scarcely one-tenth the cost of space required by the extended classification of age and sex.

The saving on account of each of the two former changes amounts to several hundred pages. A portion of the space thus economized has been used for the new tables, now first appearing, and the volumes have at the same time been greatly reduced, as indicated.

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Condensed and selected tables.—Another noticeable feature of the present work consists in the use of tables containing condensed or selected results, where reasonable limits of space will not allow of the publication of the full details.

Preservation of intermediate results.—In the course of compilation at the Census Office, however, a vast amount of information will still be obtained, as a means to more general results, which no reasonable limits of space would allow to be published, and which may yet be of local interest and well worthy of preservation. For example, referring still again to the statistics of nativities, it would be altogether impracticable to publish the results, even in the most condensed form, by towns and villages; and yet it is often a matter of considerable present interest and importance to be able to determine the constituent elements of their population, while for the purposes of town or county histories, twenty or fifty years later, no class of information would be more highly prized. So far as practicable, therefore, a complete record has been kept of all intermediate results reached in the compilations of the present census.

One typographical feature of the present publication may be alluded to in passing.

As a rule, in all tables extended vertically and horizontally, the totals are placed at the top and at the left, instead of at the bottom and at the right, as usual, while of successive periods named, the nearer and not the more remote in time is placed at the left. The advantage of this deviation from the customs of American statistical publications it is believed will become apparent on the first glance at the tables which follow. No one who has had frequent occasion to follow a line of figures across a page, or two parallel pages, to find the total at the opposite end, at the imminent peril every instant of losing the line, and with a feeling of doubt at the last whether he has actually kept it after all, but will appreciate the advantage of having the totals brought up, as in the present publication, to the left hand, where they stand immediately against their respective titles. For somewhat the same reason, the totals of vertical columns are carried up to the top; and of several successive periods, placed longitudinally, the nearest in time is brought to the left.

REPUBLICATION OF PREVIOUS RESULTS.

Comparisons with the results of previous censuses have been very extensively introduced into certain portions of the publications of the present census. Tables I and II of the population volume will be found to contain the totals of population, with distinction of color, for each of the nine censuses now complete.

A sufficient reason, it is believed, in addition to the acknowledged convenience and instructiveness of such comparative statistics, for so extensive a republication of previously ascertained results, has been found in the increasing scarcity of the published volumes of the earlier censuses. The first four—those of 1790, 1800, 1810, and 1820—are indeed almost wholly inaccessible, even to the majority of scholars and statesmen. But few, even of the larger libraries of the country, contain these publications. The library of Harvard College and the library of the Boston Athenæum contain copies of the official censuses of those years. The public library of Boston possesses only forty pages of the census volume of 1820, and nothing of those of 1790, 1800, and 1810. The public library of Philadelphia possesses the censuses of 1790 and 1820, and wants those of 1800 and 1810. The Astor and Mercantile libraries of New York contain none of the publications of the census from 1790 to 1820.

The Census Office itself wants the census of 1790; and in order to complete the statistics here presented, the Library of Congress, which contains a full collection, has been consulted, as well as the original manuscript returns deposited in this office.

So strongly was the scarcity of these early censuses felt, even at that date, that Congress, by the thirteenth section of the act approved March 23, 1830, directed the republication of the results of the first four censuses, in connection with the Fifth Census; but so hastily and heedlessly was this work performed, that it must be regarded as absolutely valueless. Many pages of that republication would, by merely noting the necessary corrections, be almost as much disfigured as the worst proof of statistical matter ever seen in a printing-house.

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A specimen with corrections indicated, is given below :

FIRST TWENTY-FIVE COUNTIES OF VIRGINIA, CENSUS OF 1800, AS REPUBLISHED.

COUNTIES.	FREE WHITE MALES.					FREE WHITE FEMALES.					All other free persons, except Indians not taxed.	Slaves.	Total number.
	Under 10 years of age.	Of 10 years and under 16.	Of 16 and under 20, including heads of families.	Of 20 and under 45, including heads of families.	Of 45 and upwards, including heads of families.	Under 10 years of age.	Of 10 years and under 16.	Of 16 and under 20, including heads of families.	Of 20 and under 45, including heads of families.	Of 45 and upwards, including heads of families.			
Accomack.....	1,462	797	947	966	468	1,483	756	1,117	1,132	595	1,541	4,429	15,693
Albemarle.....	1,669	721	863	821	547	1,590	657	859	644	425	207	7,436	16,439
Amelia.....	480	184	306	308	170	415	190	300	272	164	58	6,585	9,432
Amherst.....	1,733	689	846	939	525	1,603	614	897	(a) 858	467	134	7,462	(b) 16,807
Augusta.....	1,708	696	938	934	736	(c) 1,224	685	913	867	570	95	1,946	(d) 11,312
Bath.....	1,001	492	445	365	233	925	414	440	312	203	17	661	5,508
Berkeley.....	(e) 2,851	1,378	1,712	1,621	1,214	3,117	1,274	1,697	1,495	973	203	3,971	(f) 21,506
Bedford.....	1,889	819	858	873	611	1,796	758	804	819	539	202	4,071	(g) 14,115
Botetourt.....	1,628	678	787	845	549	1,565	619	845	816	441	135	1,519	10,427
Brunswick.....	1,157	518	737	670	361	939	548	698	658	361	270	9,422	(r) 16,309
Buckingham.....	1,255	544	664	622	(h) 400	1,155	505	702	577	390	229	6,336	(s) 13,409
Campbell.....	1,019	472	582	604	343	1,002	405	618	538	310	302	3,671	(t) 10,066
Caroline.....	1,148	457	545	648	356	1,068	497	737	629	407	365	10,581	(j) 17,238
Chesterfield.....	1,028	471	612	684	363	976	(k) 570	627	685	361	319	7,852	(l) 14,188
Culpeper.....	1,878	806	938	1,011	708	1,768	726	1,041	956	647	273	7,348	18,106
Charlotte.....	1,005	382	562	569	324	918	413	556	480	297	123	6,283	(m) 7,912
Charles City.....	333	142	167	206	116	291	160	182	245	112	398	3,013	5,365
Cumberland.....	700	273	434	367	218	668	302	369	355	229	183	5,711	(n) 9,857
Dinwiddie (v).....	816	360	516	458	302	712	339	513	439	286	246	6,866	(o) 11,853
Essex.....	570	241	326	360	214	474	250	307	381	252	276	5,767	9,508
Fairfax.....	1,230	694	589	668	475	1,172	580	666	635	326	204	6,078	13,317
Fauquier.....	2,190	957	1,127	1,087	815	2,083	915	1,335	1,135	800	131	8,754	21,329
Fluvanna.....	464	211	227	258	181	442	221	278	217	160	44	1,920	(p) 5,122
Franklin.....	1,540	668	700	715	405	1,436	557	713	599	368	27	1,574	9,304
Frederick.....	3,307	1,628	1,697	1,608	1,412	3,183	1,476	1,772	1,638	(q) 1,107	453	5,663	(r) 24,94

(a) 852.
(b) 16,801.
(c) 1,624.(d) 11,712.
(e) 3,351.
(f) 22,006.(g) 14,125.
(h) 410.
(i) 9,866.(j) 17,438.
(k) 510.
(l) 14,488.(m) 11,912.
(n) 9,839.
(o) 4,623.(p) 907.
(q) 24,744.
(r) 16,339.(s) 13,889.
(t) 15,374.

(v) This line of figures does not express Dinwiddie County. Add the corresponding line of Petersburg and each item will be changed and the total of the county will be as by foot-note (t).

In consideration of the above facts it has been thought desirable that the reports of the present census should present such a view of the results of preceding enumerations as is to be found in the accompanying tables.

In connection with this republication, the totals of population, heretofore published, have been carefully compared with the separate items, and with the original manuscript returns on deposit in the Census Office.

This comparison has resulted in the correction of county aggregates, in a very considerable number of cases, and of county totals by classes, (white, free colored, slave, Indian, &c.,) to a still greater extent. These errors, however, frequently balance each other and are lost in the aggregates of the States, so that the only cases in which the State aggregates have been corrected by the comparison, are as follows: Georgia, Kentucky, and New York 1800; Virginia, 1810; Arkansas, Maryland, North Carolina, Tennessee, and Virginia, 1820; Virginia, 1830.*

In addition to the above, there is another large class of errors of a clerical or typographical character which

* The table of *Arkansas* corrects the official census of 1820 by increasing whites 27.

The table of *Georgia* corrects the official census of 1800 by diminishing free colored 900, and slaves 293; also corrects the schedule of the census of 1830, and the retrospect tables in the compendium of 1840 and in the censuses of 1850 and 1860, by increasing whites 583, slaves 2, and the aggregate 585.

The table of *Kentucky* corrects the census of 1800, the schedule of 1830, and the retrospect tables in the compendium of 1840 and in the censuses of 1850 and 1860, by increasing whites 2, and diminishing free colored 2.

The table of *Maryland* corrects the official census of 1820, the schedule of 1830, and the retrospect tables in the compendium of 1840 and in the censuses of 1850 and 1860, by diminishing whites 1, and increasing slaves 1.

The table of *New York* corrects the census of 1800 by increasing whites 2,515, free colored 43, slaves 290, and the aggregate 3,001; also the schedule of 1830, and the retrospect tables in the compendium of 1840 and in the censuses of 1850 and 1860, by increasing whites 1,692 free colored 43, slaves 560, and the aggregate 2,295.

The table of *North Carolina* corrects the census of 1820, and the retrospect tables in the compendium of 1840 and in the censuses of 1850

have occurred frequently in the most important portions of the several official censuses, examples of which appear in the notes to Table II.

A single result of these examinations into the earlier censuses has enough of curious and perhaps of substantial interest to be noted here. The State of Vermont was, in the publication of the first census, that of 1790, put down as numbering among its inhabitants sixteen slaves. In subsequent publications this number was, by a clerical or typographical error, changed to seventeen; but, with this accidental variation, the statement of the first census has passed unchallenged, and antiquarians have even taken pains to explain in what manner it was that this small number of slaves should have been found in a State otherwise through all its history a free State.

The re-examination of the original census-roll of Vermont at the census of 1790, for the purposes of this republication, brought to light what had never before been suspected—that these sixteen persons appeared upon the return of the assistant marshal as “free colored.” By a simple error of compilation, they were introduced into the column for slaves; and this error has been perpetuated through nearly the whole history of the Government until corrected in the accompanying tables.

Table of cities, towns, &c.—In Table III of the population volume, which contains the population of all recognized civil divisions less than counties, (cities, towns, townships, villages, boroughs, beats, wards of parishes, election districts, militia districts, &c.) comparison with the results of 1850 and 1860 has been introduced as far as practicable. For this purpose the manuscript returns of the Seventh and Eighth Censuses have been carefully compared with the tables of cities, towns, villages, &c., in the published volumes. The latter have been found to be exceedingly defective and inaccurate. Several thousand civil divisions have been added to the list, which were entirely omitted from the publication of these censuses, although recognized on the returns of assistant marshals. Reference to the original manuscripts, for this purpose, elicited the additional fact that not only were the lists defective, but the figures, as published, were very inaccurate for the cities, towns, &c., actually appearing.

To take one class of errors in this exhibit, and to illustrate them from a single State: an extensive table appears in the population volume of 1860, which purports to give the population of the “cities, towns, &c.” of Ohio. Examination of this table and reference to original returns show that sometimes it is the population of the town which is given; sometimes the population of the township including the town; and sometimes the population of the township outside the town.* These variations occur continually through the list, and corrections to the number of many hundreds in that State alone have been rendered necessary in the present republication. The additions and corrections introduced in several other States have been almost as numerous.

These remarks are not made with a view to the disparagement of any person, but to show the necessity of such a republication, and to let it be understood that in all points in which the tables appended disagree with preceding publications, the present is the authoritative statement.

and 1860, by increasing free colored 100, and diminishing slaves 100; also corrects the schedule of 1830, by diminishing whites 100, increasing free colored 100, and diminishing slaves 100.

The table of *Tennessee* corrects the census of 1820, the schedule of 1830, and the retrospect tables in the compendium of 1840 and in the censuses of 1850 and 1860, by increasing free colored 10 and the aggregate 10.

The table of *Virginia* corrects the census of 1810, the schedule of 1830, and the retrospect tables in the compendium of 1840 and in the censuses of 1850 and 1860, by decreasing whites 20, slaves 2, and the aggregate 22; also corrects the census of 1820, the schedule of 1830, and the retrospect tables in the compendium of 1840 and in the censuses of 1850 and 1860, by increasing whites 11, and diminishing free colored 6 and slaves 5; also corrects the retrospect tables of the censuses of 1850 and 1860 by diminishing whites 2, free colored 6, slaves 5, and total 13.

* *E. g.*: Each of the townships of Ashtabula, Athens, and Conneaut contains a borough or village of the same name. In the list of cities, towns, &c., referred to, Ashtabula appears with a population of 1,418; Athens, with a population of 2,852; Conneaut with a population of 1,952. In the first case, however, it is the borough only of Ashtabula that is given; in the second case, the population of the township of Athens is put down, including the village of the same name; in the third case, what is reported as Conneaut is only so much of the township as lies outside the town of that name. The real facts in regard to these towns and townships were as follows:

Borough of Ashtabula.....	1,418
Outside the borough.....	1,322
<hr/>	<hr/>
Township of Ashtabula.....	2,740
<hr/>	<hr/>
Village of Athens.....	1,341
Outside the village.....	1,511
<hr/>	<hr/>
Township of Athens.....	2,852
<hr/>	<hr/>
Borough of Conneaut.....	964
Outside the borough.....	1,952
<hr/>	<hr/>
Township of Conneaut.....	2,916
<hr/>	<hr/>

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The list of civil divisions for the Ninth Census, now for the first time published, is as complete as it could be made by the most stringent instructions to marshals and assistants in regard to preserving all recognized denominations, and by an extensive correspondence with the executives of the several States. Wherever it fails to present any civil division of sufficient consequence to justify its preservation, or any mistake has been made in the classification of such civil division as town, township, borough, village, &c., it is for the want of necessary data at the Census Office, after all possible exertion had been put forth to secure complete lists. It has been a matter of surprise to find how deficient the records of many States of the Union are in respect to their own existing civil divisions, and particularly in regard to changes of boundary, of name, or of municipal character, within a comparatively recent period. In the case of some, notwithstanding the expressed willingness of the executive to afford such information, it has been impossible to secure a simple list of the existing townships of the State at the present time. Of course, in such a condition of things, it has been altogether out of the question to obtain an account of the *changes* occurring in past years.

It has been sought to accompany this comparative statement of population with such explanations as should account in every case for the disappearance of old and the appearance of new civil divisions within the same State or county, explaining all changes of name and accounting for the population thus lost or found. In some instances it has proved impossible to secure the information desired. In such cases the figures are given just as they are found in the different censuses, and it is left to local research to apply the key to changes which it has been impossible at this distance to explain.

The value of a correct publication of all the civil divisions of the country, large and small, cannot be over-estimated. It is the feature of the census in which a greater number of citizens are interested than perhaps in any other, except the single page which exhibits the grand totals of population. Special pains, therefore, have been taken with this table. The more usual distinction, namely, that of sex, has been omitted, and the population has been distinguished instead as native or foreign, white or colored. The reason for this has been that, as reasonable limits of space would not suffice for the publication of all the facts, a selection was made of those which are most important to be stated.

It will at once be seen that, with a given population in any town or city, the respective numbers of males and females may be predicated with a very close approach to accuracy. The sexes will throughout be evenly balanced, or one or the other will have a very slight preponderance. Natural laws maintain a substantial equality. But with such a population it is impossible to predicate anything whatever in regard to the proportions of native and foreign, of white and colored. The foreign element may be one-half or three-fourths, or it may be but the tenth of one per cent. The black population may be largely in preponderance, or there may not be a single representative of that color found. Hence, these two classes of facts have been taken as the most important to be preserved. The proportion of the sexes will be shown in connection with the tables of age.

ADMISSION OF ERRORS AND DEFICIENCIES.

The statistics of the census are not of uniform value. The census law of 1850 was a purely tentative measure. Some of the inquiries which it proposed are such as the country is not even yet ripe for. In respect to others, no adequate machinery is provided; and the investigations from that cause fail to accomplish worthy results. In respect to others, still, the compensation provided is so inadequate that, although the statistics are easily accessible, and the machinery for their collection is well adapted to the purpose, the motive force is wanting to secure the thorough performance of the duty. From these three causes it follows that the agents of the census are charged by law with the collection of statistics upon certain subjects where a partial failure, more or less considerable, is inevitable. Yet these statistics the authorities of the census are presumably bound to publish, except where the results are so flagrantly wrong as to be calculated to deceive rather than to instruct.

In such a state of things it would seem to be the duty of those charged with the publication of these statistics to indicate in respect to each class the degree to which the figures may be relied upon, and, as nearly as may be practicable, the proportion of omission or error. It is undoubtedly true that many will by such a course become advised of these deficiencies who never would have discovered them. It is probably true also that many persons will, when candidly advised of the necessary limitations of such statistics, proceed to the conclusion that they are all worthless, and thus reject the whole. It is unquestionable, therefore, that the results of the census would obtain more credit if put forth without any admissions or exceptions; but I have not deemed such a course fair to the public. If, in the progress of compilation or correspondence, defects more or less numerous and important have been detected, which it is yet impracticable to remedy, the country has as much right to that information as to the actual figures of the census.

COMPENDIUM OF THE NINTH CENSUS.

It is recommended that a compendium of the Census in octavo form be authorized for wide popular distribution. With a view to the publication of such a volume, which, though it should contain little original matter, or none, will yet require much care and labor in its preparation, I have already forwarded an estimate to be embodied in the estimates of the Department for the fiscal year 1872-'73, for the salaries of a chief clerk and six clerks of class four, for three months from the 1st of July next, with a small allowance for the miscellaneous expenses of the office during the time.

The whole of this appropriation may not be required, but it seems best that the service should be fully provided for, if a compendium is to be authorized. Work upon it can be commenced at once, more than three-fourths of the tables which are to furnish the material for the compendium being already prepared. The remainder may be delayed a few months, but enough will be on hand constantly to allow of uninterrupted progress being made with the selections, the condensations, the groupings, the calculations of percentage, &c., necessary to present the results of the census most accessibly and most instructively for popular use.

THE CENSUS OFFICE.

The Census Office was organized on the 7th of February, 1870, by the appointment of a Superintendent. By making special arrangements with the marshals of the larger States, it was found practicable by the 1st of July to have a considerable force of clerks engaged upon the work of compiling the returns according to the forms adopted for tabulation, both those hitherto used and those which were introduced for the first time at the present census. The advantage of this early organization was twofold. It enabled the Superintendent to call the attention of marshals and assistant marshals to mistakes which were being committed in the course of the enumeration, in season for such errors to be corrected upon the greater portion of the returns; and it also gave the office a large number of trained clerks against the time when the main body of the returns should be received.

The clerical force of the Census Office has been raised, in accordance with the provisions of law, by a system of examinations. Examinations began upon the 18th of February, 1870, and have been continued, with longer or shorter intervals, according to the necessities of the office, to the present time. Seven hundred and nineteen persons have presented themselves before the board for examination. Of this number, 401 passed upon their first examination. The marking being upon a scale of 1,000, 1 passed above 950, 5 between 900 and 950, 17 between 800 and 900, 42 between 700 and 800, 52 between 600 and 700, 102 between 500 and 600, 98 between 450 and 500, 84 between 400 and 450, 103 between 300 and 400, 89 between 200 and 300, 74 between 100 and 200, and 52 under 100.

By the rule adopted at the commencement of the examinations, any applicant attaining a total of 450 marks was promised an appointment. No one could be appointed to a first-class clerkship who failed to reach 400; between 400 and 450, appointment might be given or withheld, at discretion.

Of those who failed upon first examination, 64 were allowed another examination upon the presentation of evidence which established a presumption that the first examination had not, generally from reasons of physical disability at the time, afforded a fair opportunity. Of this number, 37 succeeded upon another trial. Of these, one only passed above 700; three between 600 and 700; twelve between 500 and 600; twelve between 450 and 500; nine between 400 and 450; nine between 300 and 400; seven between 200 and 300; three between 100 and 200, and eight under 100. The fact that the proportion of those who passed upon the second trial is almost exactly the same as of those who passed upon the first, and that at a second examination nearly all who succeeded did so with a narrow margin, is the strongest confirmation that could be afforded to the justice and accuracy of the test applied.

These examinations were conducted by the use of sealed papers. Each person examined was furnished with a written list of the questions and problems proposed, and was allowed six hours in which to perform the work. The papers were examined by the board without a knowledge of the applicant's name, and it was only after his standing had been determined that the envelope containing his name was broken.

The examinations were mainly in the practical use of figures, being designed specially to test the fitness of the candidate for the work of the Census Office. New series of questions were frequently introduced, in order to secure the integrity of the examination; but it was sought at each change to make the new series an exact equivalent of the former one. Each part was examined and marked by itself, so that however gross the error which the candidate might commit at one point, it should not prejudice whatever merit might be found in others. It will be a matter of surprise to many to see such a wide range, as the result of these examinations, in the marks of the individual applicants. The differences indicated in the arithmetical aptitude and ability of applicants are not, however, greater than those which exist between men actually in office under the Government.

Unquestionably one reason why so much prejudice is excited by a rigid system of examinations, and why so many inefficient persons are, in the absence of such a system, pressed upon the public service, is that these differ

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ences are not appreciated. No one probably would question, for a moment, that differences exist among men of ordinary intelligence in respect to clerical aptitude; but it is too commonly assumed that they are no greater than the differences which exist in respect to strength, or weight, or stature. No one probably would doubt that one clerk might be better than another, just as one clerk will be heavier than another, by ten, twenty, or even, in a few extreme cases, thirty per cent.; but that such differences go really to the extent of making one good clerk more valuable than two, or three, or four merely moderate clerks, while no consideration whatever can make it worth while for the Government to give desk-room to a really poor clerk: this is not generally understood.

These comments upon the examinations of the Census Office have been made strictly with reference to the qualifications of the applicants for the work of that office. It has been fully recognized that many have been rejected who might have made excellent corresponding clerks, or have succeeded admirably in the conduct of general business. The qualifications which the Census Office demands are the average qualifications of a good bank clerk or paymaster's clerk; and with a view to such duties, the differences in ability which have been developed by this series of examinations, represent actually the differences between men as they are found in the community, and as they apply for public office.

ACKNOWLEDGMENTS.

The clerical force of this office deserve the warmest commendation for the high standard of industry and efficiency which their own zeal and fidelity, rather than administrative measures on the part of the Superintendent, have maintained. Especially to Colonel G. D. Harrington, chief clerk, and to the following gentlemen, chiefs and assistant chiefs of division, are my thanks due: S. W. Stocking, C. S. Mixter, C. W. Seaton, D. S. Keller, W. J. Warren, Henry Stone, S. A. Galpin, J. M. Grassie, A. W. Paine, J. Q. Adams, J. W. Bradshaw, Lockwood R. May, and J. P. Scott. These gentlemen were chosen for the positions to which they were assigned without the slightest reference to any other consideration than their personal fitness for the work; and the results have fully justified their selection. They have not allowed themselves to measure their service by the usual requirements of public office, or by the demands made upon them, but have served the Government unsparingly to the utmost of their strength. They deserve, therefore, to have their names connected with this record of the Ninth Census.

Acknowledgment is due to the Honorable the Postmaster General, and to the Hon. J. M. Edmunds, postmaster of the city of Washington, for exceptional facilities in the prompt and safe transmission of the vast bodies of mail-matter which this office has had occasion to send and receive.

No expressions which I could use would exaggerate the assistance which the Census has derived from the manner in which its numerous and most difficult demands upon the Government Printing Office have been met. To Hon. A. M. Clapp, Congressional Printer, and to his zealous and capable assistants in every department of the great public work under his charge, this office is indebted for services far beyond the requirements of law or usage.

To you, sir, and to your predecessor in the administration of the Department, the Census Office is under the deepest obligations for the enlightened interest invariably manifested in its success, and for the kind, liberal, and courageous support given to every proposed improvement or reform.

I have the honor to be, sir, very respectfully, your obedient servant,

FRANCIS A. WALKER,
Superintendent.

DEPARTMENT OF THE INTERIOR,
Census Office, November 21, 1871.

NOTE.—Subsequently to the date of this report, it was discovered at the Census Office, that a portion of the population of Linn County, Iowa, to the number of 2,228, although duly enumerated, had, through oversight, failed to be returned by the United States marshal. It was also ascertained that one sheet of schedules from Luzerne County, Pennsylvania, had been mislaid, and the inhabitants returned thereon to the number of 160 had been omitted from the count. In reprinting the report, for the purposes of the present publication, the changes involved in the correction of these two errors have been carried through the tables and the computations in the text.

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF THE DISTRICT OF COLUMBIA**

CITIZENS FOR CONSTITUTIONAL
INTEGRITY,

Plaintiff,

v.

THE CENSUS BUREAU, *et al.*,

Defendants.

No. 1:21-cv-3045

AYUSH SHARMA DECLARATION

1. My name is Ayush Sharma, and I am a Data Scientist. I analyzed the equation in the Fourteenth Amendment, Section 2. Under four different scenarios, I calculated various bases of representation and redistributed seats in the U.S. House of Representatives according to the method of equal proportions.

I. Educational and work background

2. In December 2015, I obtained my Master's Degree in Electrical and Computer Engineering from Georgia Institute of Technology. I graduated with a grade-point average (GPA) of 3.8. A lot of my graduate work related to machine learning and required me to apply statistical tests to infer the statistical significance of a specific hypothesis or algorithm.

3. One such instance was publishing a research paper titled "Deep emotion recognition using prosodic and spectral feature extraction and classification based on cross validation and bootstrap." A. Sharma and D. V. Anderson, *2015 IEEE Signal Processing and Signal Processing Education Workshop (SP/SPE)*, 2015, pp. 421-425, doi: 10.1109/DSP-SPE.2015.7369591. The paper gave me the opportunity to use my knowledge of audio signal processing and statistics to

prove that the methodology we designed improved the emotion recognition from the state-of-the-art techniques. A dataset where 8 actors voiced 15 different emotions was used as a basis for building the model. Emotions are classified on two scale – valence and activation. Valence deals with the positivity or negativity of the emotion. Activation deals with the intensity or pitch associated with the emotions. By building a model that differentiates emotions by plotting them on this coordinate scale of valence and activation, we were able to demonstrate a reliable way to classify a complex emotion among the 15 emotions.

4. In 2016, I joined Mogeant, a geospatial analytics startup company as a data scientist, and I began working on several projects that required applying statistical analyses. My responsibilities as a data scientist include implementing applied statistics to the real-time data generated by our clients and finding actionable insights to help them make better business decisions. Among my tasks, I helped create a propensity scoring system for our clients that given their customers' patterns and behaviors ranks them in order of how likely they are to visit the clients' stores. I also designed marketing campaigns for digital brands to enable them to locate their ads to better measure the efficacy of their advertisement campaigns.

5. To gain more depth in my understanding of the theoretical concepts of statistics, I completed my second masters in Statistics and Analytics from Harrisburg University of Science and Technology. I graduated with a GPA of 3.8 in 2020.

6. In March 2020, I was promoted to the position of Chief Data Scientist. Some of the responsibilities include designing and evaluating statistical analyses for solving clients' problems and challenges. I lead and supervise a team of data analysts to ensure best practices are followed while using statistical tests.

II. Analysis

7. I conducted the four-scenario analysis of the Fourteenth Amendment, Section 2, in RStudio, an open source and professional software for data mining. To further elaborate the analysis, the four different scenarios will be explained in detail.

8. To distribute seats using the method of equal proportions, I relied on the Census Bureau's Computing Apportionment description of the method. Census Bureau, Computing Apportionment (Nov. 22, 2021), <https://www.census.gov/topics/public-sector/congressional-apportionment/about/computing.html>. That method requires distributing one seat to each state. For each additional seat, it calculates a set of priority values among all of the states and assigns each additional seat to the state with the next priority value.

A. Data Sources

9. For the Census Bureau's actually enumerated population statistics, I used data from the Census Bureau's website, 2020 Census Apportionment Results (Apr. 26, 2021), <https://www.census.gov/data/tables/2020/dec/2020-apportionment-data.html>. Specifically, I relied on Table 1, Apportionment Population and Number of Representatives by State: 2020 Census. Ex. 1. During my work, for comparison, I also referred to the Census Bureau's table of Priority Values for 2020 Census Apportionment, Ex. 2.

10. For voting registration rates and citizenship percentages, I used data from the Census Bureau's website, Voting and Registration in the Election of November 2020 (Apr. 2021), <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>. In particular, I relied on Table 4a, Reported Voting and Registration for States: November 2020, Ex. 3. I referenced the Census Bureau's description of its method to ensure I used the correct figures. Current Population Survey, November 2020, Voting and Registration Supplement, Technical Documentation, Ex. 4.

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11. I took the estimates of citizens who cannot vote because of a criminal conviction from the Sentencing Project's study, *Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction* (October 15, 2020, updated October 30, 2020), Ex. 5.

12. I used 300,000 as the number of registered voters disenfranchised by Wisconsin's photo voter ID law. *Frank v. Walker*, 17 F. Supp. 3d 837, 884 (E.D. Wis. 2014), *overturned on other grounds* by 768 F.3d 745, 746 (7th Cir. 2014), *r'hrq en banc denied*, 773 F.3d 783, 785 (2014).

B. Scenario Descriptions

13. In Scenario 1, I tested the accuracy of the algorithm I designed. I tested whether the algorithm would replicate the Census Bureau's results for apportioning seats in the U.S. House of Representatives among the states. Out of the total 435 seats to be distributed, the first 50 seats were given one to each state, and the remaining 385 were distributed according to the method of equal proportions algorithm. The results of the seat distribution are presented in the results section.

14. In Scenario 2, I replaced the actual enumerated population statistic in the method of equal proportions formula with "basis of representation," based on voter registration rates in each state. This "basis of representation" equation in the Fourteenth Amendment, Section 2, requires identifying, for each state, (1) the number of citizens, and (2) the number of citizens over 18 years of age who can vote, plus the Sentencing Project's estimated number of citizens who cannot vote because of a criminal conviction. To calculate the "basis of representation" figure for each state, the Fourteenth Amendment requires multiplying the proportion of citizens who can vote ((citizens who can vote plus citizens who cannot register because of criminal convictions) to the number of citizens) by the Census's actually enumerated population statistic. The results are presented in the next section.

15. Scenario 3 is similar to Scenario 1 in all respects, but one. Scenario 3 replaces Wisconsin's actually enumerated apportionment statistic with Wisconsin's "basis of representation." For Wisconsin's "basis of representation," this scenario subtracts 300,000 people from Wisconsin's citizens registered to vote, because those citizens were disenfranchised by Wisconsin's photo voter identification (ID) law, and it adds the Sentencing Project's estimated number of citizens who cannot vote because of criminal convictions. Again, to calculate the "basis of representation," the Fourteenth Amendment requires multiplying the proportion of citizens who can vote ((citizens who can vote plus citizens who cannot register because of criminal convictions) to the number of citizens) by the actually enumerated population statistic.

16. Scenario 4 is similar to the methodology for Scenario 2 in all respects, but one. In addition to calculating each state's basis of representation based on voter registration rates, Scenario 4 subtracts 300,000 people from the number of registered voters over 18 years of age in Wisconsin who were disenfranchised due to Wisconsin's photo voter ID law. In other words, it calculates all states' basis of representation after accounting both (1) for each state's voter registration rates and (2) for registered voters disenfranchised due to Wisconsin's photo voter ID law.

III. Results

17. This section presents the distribution of house seats as a result of applying the method of equal proportions algorithm to the four scenarios.

A. Scenario 1

18. In Scenario 1, my objective was to verify the accuracy of the algorithm developed and to determine whether the results match the seat distribution by the Census Bureau. Table 1 presents the results.

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State	Scenario 1 Seats	Census Bureau Seats	Change	State	Scenario 1 Seats	Census Bureau Seats	Change
Alabama	7	7	0	Montana	2	2	0
Alaska	1	1	0	Nebraska	3	3	0
Arizona	9	9	0	Nevada	4	4	0
Arkansas	4	4	0	New Hampshire	2	2	0
California	52	52	0	New Jersey	12	12	0
Colorado	8	8	0	New Mexico	3	3	0
Connecticut	5	5	0	New York	26	26	0
Delaware	1	1	0	North Carolina	14	14	0
Florida	28	28	0	North Dakota	1	1	0
Georgia	14	14	0	Ohio	15	15	0
Hawaii	2	2	0	Oklahoma	5	5	0
Idaho	2	2	0	Oregon	6	6	0
Illinois	17	17	0	Pennsylvania	17	17	0
Indiana	9	9	0	Rhode Island	2	2	0
Iowa	4	4	0	South Carolina	7	7	0
Kansas	4	4	0	South Dakota	1	1	0
Kentucky	6	6	0	Tennessee	9	9	0
Louisiana	6	6	0	Texas	38	38	0
Maine	2	2	0	Utah	4	4	0
Maryland	8	8	0	Vermont	1	1	0
Massachusetts	9	9	0	Virginia	11	11	0
Michigan	13	13	0	Washington	10	10	0
Minnesota	8	8	0	West Virginia	2	2	0
Mississippi	4	4	0	Wisconsin	8	8	0
Missouri	8	8	0	Wyoming	1	1	0

Table 1: Scenario 1 Results

19. Exhibit 6 shows the priority values I calculated and shows that they match almost exactly the Census Bureau's table of Priority Values for 2020 Census Apportionment.
20. After ascertaining the accuracy of the algorithm, I implemented Scenarios 2, 3, and 4.

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B. Scenario 2

21. Table 2 shows the results of Scenario 2, which calculates the “basis of representation” figure based on voter registration rates.

State	Scenario 2 Seats	Census Bureau Seats	Change	State	Scenario 2 Seats	Census Bureau Seats	Change
Alabama	7	7	0	Montana	2	2	0
Alaska	1	1	0	Nebraska	3	3	0
Arizona	10	9	+1	Nevada	4	4	0
Arkansas	4	4	0	New Hampshire	2	2	0
California	49	52	-3	New Jersey	14	12	+2
Colorado	7	8	-1	New Mexico	3	3	0
Connecticut	5	5	0	New York	25	26	-1
Delaware	1	1	0	North Carolina	13	14	-1
Florida	28	28	0	North Dakota	1	1	0
Georgia	14	14	0	Ohio	16	15	+1
Hawaii	2	2	0	Oklahoma	5	5	0
Idaho	2	2	0	Oregon	6	6	0
Illinois	17	17	0	Pennsylvania	17	17	0
Indiana	8	9	-1	Rhode Island	2	2	0
Iowa	4	4	0	South Carolina	6	7	-1
Kansas	4	4	0	South Dakota	1	1	0
Kentucky	6	6	0	Tennessee	10	9	+1
Louisiana	6	6	0	Texas	38	38	0
Maine	2	2	0	Utah	4	4	0
Maryland	9	8	+1	Vermont	1	1	0
Massachusetts	9	9	0	Virginia	12	11	+1
Michigan	13	13	0	Washington	10	10	0
Minnesota	8	8	0	West Virginia	2	2	0
Mississippi	5	4	+1	Wisconsin	8	8	0
Missouri	8	8	0	Wyoming	1	1	0

Table 2: Scenario 2 Results

22. Exhibit 7 shows the calculations of each state’s basis of representation after accounting for registration rates. Exhibit 8 shows the resulting basis-of-representation priority values.

C. Scenario 3

23. Table 3 shows the results of Scenario 3, which calculates the basis of representation only for Wisconsin. It loses a seat, and New York gains a seat.

State	Scenario 3 Seats	Census Bureau Seats	Change	State	Scenario 3 Seats	Census Bureau Seats	Change
Alabama	7	7	0	Montana	2	2	0
Alaska	1	1	0	Nebraska	3	3	0
Arizona	9	9	0	Nevada	4	4	0
Arkansas	4	4	0	New Hampshire	2	2	0
California	52	52	0	New Jersey	12	12	0
Colorado	8	8	0	New Mexico	3	3	0
Connecticut	5	5	0	New York	27	26	+1
Delaware	1	1	0	North Carolina	14	14	0
Florida	28	28	0	North Dakota	1	1	0
Georgia	14	14	0	Ohio	15	15	0
Hawaii	2	2	0	Oklahoma	5	5	0
Idaho	2	2	0	Oregon	6	6	0
Illinois	17	17	0	Pennsylvania	17	17	0
Indiana	9	9	0	Rhode Island	2	2	0
Iowa	4	4	0	South Carolina	7	7	0
Kansas	4	4	0	South Dakota	1	1	0
Kentucky	6	6	0	Tennessee	9	9	0
Louisiana	6	6	0	Texas	38	38	0
Maine	2	2	0	Utah	4	4	0
Maryland	8	8	0	Vermont	1	1	0
Massachusetts	9	9	0	Virginia	11	11	0
Michigan	13	13	0	Washington	10	10	0
Minnesota	8	8	0	West Virginia	2	2	0
Mississippi	4	4	0	Wisconsin	7	8	-1
Missouri	8	8	0	Wyoming	1	1	0

Table 3: Scenario 3 Results

24. Exhibit 9 shows the calculations for Wisconsin's basis-of-representation based on its voter registration rates and photo voter ID law. Exhibit 10 shows the resulting priority values.

25. Even removing 300,000 people who were disenfranchised from the apportionment population and recalculating the distribution of seats yields a loss of one seat for Wisconsin and New York gaining one as a result. The priority values calculated for this scenario are tabulated in Exhibit 11. *See also Final Census Apportionment Counts Surprises Many Observers; Raising Questions of Why?*, Table #1 (Apr. 28, 2021), electiondataservices.com/wp-content/uploads/2021/04/NR_Appor20wTablesMaps-20210428.pdf, Ex. 12.

D. Scenario 4

26. Table 4 shows the results of Scenario 4, which calculates basis-of-representation figures for all states based on voter registration rates. It also reflects voter disenfranchisement from Wisconsin's photo voter ID laws. Compared to Scenario 2, Wisconsin loses one seat and Pennsylvania gains one seat.

State	Scenario 4 Seats	Census Bureau Seats	Change	State	Scenario 4 Seats	Census Bureau Seats	Change
Alabama	7	7	0	Montana	2	2	0
Alaska	1	1	0	Nebraska	3	3	0
Arizona	10	9	+1	Nevada	4	4	0
Arkansas	4	4	0	New Hampshire	2	2	0
California	49	52	-3	New Jersey	14	12	+2
Colorado	7	8	-1	New Mexico	3	3	0
Connecticut	5	5	0	New York	25	26	-1
Delaware	1	1	0	North Carolina	13	14	-1
Florida	28	28	0	North Dakota	1	1	0
Georgia	14	14	0	Ohio	16	15	+1
Hawaii	2	2	0	Oklahoma	5	5	0
Idaho	2	2	0	Oregon	6	6	0
Illinois	17	17	0	Pennsylvania	18	17	+1
Indiana	8	9	-1	Rhode Island	2	2	0
Iowa	4	4	0	South Carolina	6	7	-1
Kansas	4	4	0	South Dakota	1	1	0
Kentucky	6	6	0	Tennessee	10	9	+1
Louisiana	6	6	0	Texas	38	38	0
Maine	2	2	0	Utah	4	4	0
Maryland	9	8	+1	Vermont	1	1	0
Massachusetts	9	9	0	Virginia	12	11	+1
Michigan	13	13	0	Washington	10	10	0
Minnesota	8	8	0	West Virginia	2	2	0
Mississippi	5	4	+1	Wisconsin	7	8	-1
Missouri	8	8	0	Wyoming	1	1	0

Table 4: Scenario 4 Results

27. Exhibit 13 shows the calculations for each state's basis of representation, which accounts for each state's voter registration rates and for Wisconsin's photo voter ID law. Exhibit 14 shows the resulting priority values.

Sharma Decl.

28. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01/12/22.



AYUSH SHARMA

EXHIBIT

1

U.S. Department of Commerce
U.S. Census Bureau

Table 1. APPORTIONMENT POPULATION AND NUMBER OF REPRESENTATIVES BY STATE: 2020 CENSUS

STATE	APPORTIONMENT POPULATION (APRIL 1, 2020)	NUMBER OF APPORTIONED REPRESENTATIVES BASED ON 2020 CENSUS ²	CHANGE FROM 2010 CENSUS APPORTIONMENT
Alabama	5,030,053	7	0
Alaska	736,081	1	0
Arizona	7,158,923	9	0
Arkansas	3,013,756	4	0
California	39,576,757	52	-1
Colorado	5,782,171	8	1
Connecticut	3,608,298	5	0
Delaware	990,837	1	0
Florida	21,570,527	28	1
Georgia	10,725,274	14	0
Hawaii	1,460,137	2	0
Idaho	1,841,377	2	0
Illinois	12,822,739	17	-1
Indiana	6,790,280	9	0
Iowa	3,192,406	4	0
Kansas	2,940,865	4	0
Kentucky	4,509,342	6	0
Louisiana	4,661,468	6	0
Maine	1,363,582	2	0
Maryland	6,185,278	8	0
Massachusetts	7,033,469	9	0
Michigan	10,084,442	13	-1
Minnesota	5,709,752	8	0
Mississippi	2,963,914	4	0
Missouri	6,160,281	8	0
Montana	1,085,407	2	1
Nebraska	1,963,333	3	0
Nevada	3,108,462	4	0
New Hampshire	1,379,089	2	0
New Jersey	9,294,493	12	0
New Mexico	2,120,220	3	0
New York	20,215,751	26	-1
North Carolina	10,453,948	14	1
North Dakota	779,702	1	0
Ohio	11,808,848	15	-1
Oklahoma	3,963,516	5	0
Oregon	4,241,500	6	1
Pennsylvania	13,011,844	17	-1
Rhode Island	1,098,163	2	0
South Carolina	5,124,712	7	0
South Dakota	887,770	1	0
Tennessee	6,916,897	9	0
Texas	29,183,290	38	2
Utah	3,275,252	4	0
Vermont	643,503	1	0
Virginia	8,654,542	11	0
Washington	7,715,946	10	0
West Virginia	1,795,045	2	-1
Wisconsin	5,897,473	8	0
Wyoming	577,719	1	0
TOTAL APPORTIONMENT POPULATION ¹	331,108,434	435	

¹ Includes the resident population for the 50 states, as ascertained by the Twenty-Fourth Decennial Census under Title 13, United States Code, and counts of U.S. military and federal civilian employees living overseas (and their dependents living with them overseas) allocated to their home state, as reported by the employing federal agencies. The apportionment population excludes the population of the District of Columbia. The counts of overseas personnel (and dependents) are used for apportionment purposes only.

² The U.S. Census Bureau prepared these calculations using the existing size of the U.S. House of Representatives (435 members) and the Method of Equal Proportions, as provided for in Title 2, United States Code, Sections 2a and 2b.

EXHIBIT

2

U.S. Department of Commerce
U.S. Census Bureau

Priority Values for 2020 Census Apportionment

State	House Seat	State Seat	Priority Value
California	51	2	27984993.2520723
Texas	52	2	20635702.2563336
California	53	3	16157143.3873536
Florida	54	2	15252665.9154676
New York	55	2	14294694.6188788
Texas	56	3	11914028.2526111
California	57	4	11424825.6538011
Pennsylvania	58	2	9200763.1281415
Illinois	59	2	9067045.7002852
California	60	5	8849631.8980991
Florida	61	3	8806130.7721545
Texas	62	4	8424490.1686694
Ohio	63	2	8350116.4988012
New York	64	3	8253045.7861931
Georgia	65	2	7583913.9754838
North Carolina	66	2	7392057.5209716
California	67	6	7225694.1872670
Michigan	68	2	7130777.3226825
New Jersey	69	2	6572199.0279909
Texas	70	5	6525582.0247090
Florida	71	4	6226874.7850060
Virginia	72	2	6119685.3362638
California	73	7	6106826.1857356
New York	74	4	5835784.6408602
Washington	75	2	5455997.7398692
Texas	76	6	5328115.4117384
Pennsylvania	77	3	5312063.0687824
California	78	8	5288666.6133430
Illinois	79	3	5234861.2758143
Arizona	80	2	5062122.9992924
Massachusetts	81	2	4973413.6251654
Tennessee	82	2	4890984.7734689
Florida	83	5	4823316.4682495
Ohio	84	3	4820942.0083476
Indiana	85	2	4801453.0341554
California	86	9	4664165.5420121
New York	87	5	4520379.3452210
Texas	88	7	4503079.4099152
Georgia	89	3	4378574.7752565
Maryland	90	2	4373652.0173240
Missouri	91	2	4355976.4691147
North Carolina	92	3	4267806.3995981
California	93	10	4171756.4841006
Wisconsin	94	2	4170143.1501646
Michigan	95	3	4116956.2067819

Priority Values for 2020 Census Apportionment (continued)

State	House Seat	State Seat	Priority Value
Colorado	96	2	4088612.3240802
Minnesota	97	2	4037404.3580935
Florida	98	6	3938221.4050582
Texas	99	8	3899781.1642452
New Jersey	100	3	3794460.8779783
California	101	11	3773495.7203164
Pennsylvania	102	4	3756195.8180267
Illinois	103	4	3701605.9066991
New York	104	6	3690874.2798693
South Carolina	105	2	3623718.6068281
Alabama	106	2	3556784.5860277
Virginia	107	3	3533201.9762477
California	108	12	3444714.5444442
Texas	109	9	3439283.7093890
Ohio	110	4	3408920.7858097
Florida	111	7	3328404.5765477
Louisiana	112	2	3296155.6330841
Kentucky	113	2	3188586.3068893
California	114	13	3168676.5160011
Washington	115	3	3150021.7638115
New York	116	7	3119358.1012995
Georgia	117	4	3096119.9155162
Texas	118	10	3076188.8672406
North Carolina	119	4	3017794.8459471
Oregon	120	2	2999193.4124028
California	121	14	2933624.4081912
Arizona	122	3	2922618.0763124
Michigan	123	4	2911127.6516636
Pennsylvania	124	5	2909536.7696623
Florida	125	8	2882482.9173627
Massachusetts	126	3	2871401.6952806
Illinois	127	5	2867251.6061738
Tennessee	128	3	2823811.3755646
Oklahoma	129	2	2802629.0409414
Texas	130	11	2782517.5246105
Indiana	131	3	2772120.2017709
California	132	15	2731055.6956163
New York	133	8	2701443.3592261
New Jersey	134	4	2683089.0177655
Ohio	135	5	2640538.6863963
California	136	16	2554668.6792983
Connecticut	137	2	2551451.9843419
Florida	138	9	2542110.9859113
Texas	139	12	2540079.3581377
Maryland	140	3	2525129.1695437
Missouri	141	3	2514924.1870270
Virginia	142	4	2498351.0767064
Wisconsin	143	3	2407633.2703068

Priority Values for 2020 Census Apportionment (continued)

State	House Seat	State Seat	Priority Value
California	144	17	2399693.3739764
Georgia	145	5	2398244.1741311
New York	146	9	2382449.1031465
Pennsylvania	147	6	2375626.8245128
Colorado	148	3	2360561.4259197
Illinois	149	6	2341101.1331005
North Carolina	150	5	2337573.8361248
Texas	151	13	2336533.1748291
Minnesota	152	3	2330996.4929726
Utah	153	2	2315952.8992948
Florida	154	10	2273733.1883387
California	155	18	2262452.6100095
Iowa	156	2	2257371.9309006
Michigan	157	5	2254949.7827154
Washington	158	4	2227401.7500763
Nevada	159	2	2198014.5592607
Texas	160	14	2163209.3770423
Ohio	161	6	2155990.8092500
California	162	19	2140065.9214290
Arkansas	163	2	2131047.3044417
New York	164	10	2130927.2590276
Mississippi	165	2	2095803.6882538
South Carolina	166	3	2092154.9131196
Kansas	167	2	2079505.5840542
New Jersey	168	5	2078311.8164396
Arizona	169	4	2066603.0605789
Florida	170	11	2056669.0524812
Alabama	171	3	2053510.5381926
Massachusetts	172	4	2030387.6102434
California	173	20	2030244.7963868
Texas	174	15	2013838.3337301
Pennsylvania	175	7	2007771.1183841
Tennessee	176	4	1996736.1724534
Illinois	177	7	1978591.5833895
Indiana	178	4	1960184.9929364
Georgia	179	6	1958158.1684079
Virginia	180	5	1935214.4226127
California	181	21	1931148.0021685
New York	182	11	1927496.2292004
North Carolina	183	6	1908621.0448621
Louisiana	184	3	1903036.3420520
Texas	185	16	1883773.2692923
Florida	186	12	1877473.3889446
California	187	22	1841277.3743637
Michigan	188	6	1841158.7877509
Kentucky	189	3	1840931.1626169
Ohio	190	7	1822144.8055931
Maryland	191	4	1785535.9591563
Missouri	192	4	1778319.9468169

Priority Values for 2020 Census Apportionment (continued)

State	House Seat	State Seat	Priority Value
Texas	193	17	1769496.8701915
New York	194	12	1759555.2737320
California	195	23	1759401.4515347
Pennsylvania	196	8	1738780.7935053
Oregon	197	3	1731585.1240025
Florida	198	13	1727024.3325563
Washington	199	5	1725337.9766718
Illinois	200	8	1713510.5749294
Wisconsin	201	4	1702453.8120443
New Jersey	202	6	1696934.4922247
California	203	24	1684498.6431252
Colorado	204	4	1669168.9916752
Texas	205	18	1668297.6482678
Georgia	206	7	1654945.7074613
Minnesota	207	4	1648263.4271030
New York	208	13	1618555.4427066
Oklahoma	209	3	1618098.6312262
California	210	25	1615714.3387355
North Carolina	211	7	1613079.1967295
Arizona	212	5	1600783.8473687
Florida	213	14	1598913.8398770
Virginia	214	6	1580095.9594253
Texas	215	19	1578051.5923571
Ohio	216	8	1578023.6910175
Massachusetts	217	5	1572731.4801638
Michigan	218	7	1556063.1830984
California	219	26	1552328.1248287
Tennessee	220	5	1546665.1885364
Pennsylvania	221	9	1533460.5213569
Indiana	222	5	1518352.7666257
Illinois	223	9	1511174.2833809
New Mexico	224	2	1499221.9396073
New York	225	14	1498491.1614541
Texas	226	20	1497071.1891312
California	227	27	1493728.4345674
Florida	228	15	1488507.7779565
South Carolina	229	4	1479376.9263596
Connecticut	230	3	1473081.4899842
Alabama	231	4	1452051.2267940
California	232	28	1439392.7358206
New Jersey	233	7	1434171.4060992
Georgia	234	8	1433225.0245455
Texas	235	21	1423998.7419940
Washington	236	6	1408732.5588973
North Carolina	237	8	1396967.5626839
New York	238	15	1395019.3521342
Florida	239	16	1392371.5306653
Ohio	240	9	1391686.0831336
California	241	29	1388871.8951648

Priority Values for 2020 Census Apportionment (continued)

State	House Seat	State Seat	Priority Value
Nebraska	242	2	1388286.0780273
Maryland	243	5	1383070.2067734
Missouri	244	5	1377480.7076500
Pennsylvania	245	10	1371568.7866266
Texas	246	22	1357729.5276239
Illinois	247	10	1351635.3693957
Michigan	248	8	1347590.2464569
Louisiana	249	4	1345649.9023094
California	250	30	1341777.7256685
Utah	251	3	1337116.0298383
Virginia	252	7	1335424.8229876
Wisconsin	253	5	1318715.0523470
Florida	254	17	1307905.3120770
Arizona	255	6	1307034.5381809
New York	256	16	1304921.1159013
Iowa	257	3	1303294.2919666
Idaho	258	2	1302050.1634209
Kentucky	259	4	1301734.9087840
California	260	31	1297772.9868573
Texas	261	23	1297355.4853562
Colorado	262	5	1292932.7413528
Massachusetts	263	6	1284129.8762711
Minnesota	264	5	1276739.3606665
West Virginia	265	2	1269288.4920350
Nevada	266	3	1269024.2974719
Georgia	267	9	1263985.6625807
Tennessee	268	6	1262846.8382800
California	269	32	1256563.2913140
Ohio	270	10	1244761.8740908
Texas	271	24	1242123.3100764
New Jersey	272	8	1242028.8710631
Pennsylvania	273	11	1240630.6471100
Indiana	274	6	1239729.8425921
Florida	275	18	1233104.9537594
North Carolina	276	9	1232009.5868286
Arkansas	277	3	1230360.7348752
New York	278	17	1225759.9510909
Oregon	279	4	1224415.5833839
Illinois	280	11	1222600.1928161
California	281	33	1217890.5068141
Mississippi	282	3	1210012.8235819
Kansas	283	3	1200603.1087350
Texas	284	25	1191402.8252612
Washington	285	7	1190596.3159266
Michigan	286	9	1188462.8871138
California	287	34	1181527.3411841
Florida	288	19	1166400.5148265
Virginia	289	8	1156511.8215516
New York	290	18	1155657.5646977

Priority Values for 2020 Census Apportionment (continued)

State	House Seat	State Seat	Priority Value
California	291	35	1147272.8696827
South Carolina	292	5	1145920.4397109
Texas	293	26	1144662.8090835
Oklahoma	294	4	1144168.5147687
Pennsylvania	295	12	1132535.6515906
Georgia	296	10	1130543.1456462
Maryland	297	6	1129272.0950135
Ohio	298	11	1125929.4790088
Alabama	299	5	1124754.0438427
Missouri	300	6	1124708.2880902
Illinois	301	12	1116076.1740259
California	302	36	1114948.8188969
Florida	303	20	1106544.6872535
Arizona	304	7	1104645.8010207
North Carolina	305	10	1101942.8740321
Texas	306	27	1101452.3015927
New Jersey	307	9	1095366.5046652
New York	308	19	1093142.6188153
Massachusetts	309	7	1085287.8285545
California	310	37	1084396.4619384
Wisconsin	311	6	1076726.3314592
Tennessee	312	7	1067300.3784427
Michigan	313	10	1062993.5217288
Texas	314	28	1061385.9956577
Colorado	315	6	1055675.1626841
California	316	38	1055474.0107487
Florida	317	21	1052533.9436420
Indiana	318	7	1047762.9511806
Minnesota	319	6	1042453.3227201
Louisiana	320	5	1042335.9322940
Pennsylvania	321	13	1041781.2786599
Connecticut	322	4	1041625.9108082
New York	323	20	1037046.1448572
Hawaii	324	2	1032472.7741614
Washington	325	8	1031086.6552446
California	326	39	1028054.4150589
Ohio	327	12	1027828.2896886
Illinois	328	13	1026640.7613972
Texas	329	29	1024132.7072212
Georgia	330	11	1022614.7518409
Virginia	331	9	1019947.5560440
Kentucky	332	5	1008319.5245795
Florida	333	22	1003551.7391736
California	334	40	1002023.4958850
North Carolina	335	11	996744.8327919
Texas	336	30	989406.1932291
New York	337	21	986427.6437805
New Jersey	338	10	979725.5858831
California	339	41	977278.3557077

Priority Values for 2020 Census Apportionment (continued)

State	House Seat	State Seat	Priority Value
New Hampshire	340	2	975163.1837598
Pennsylvania	341	14	964502.0473501
Maine	342	2	964198.0789039
Michigan	343	11	961513.8180417
Florida	344	23	958926.8901989
Texas	345	31	956957.7777588
Arizona	346	8	956651.3258677
Maryland	347	7	954409.1158468
California	348	42	953726.0186260
Missouri	349	7	950551.9950078
Illinois	350	14	950484.6521474
Oregon	351	5	948428.2326565
Utah	352	4	945483.8119319
Ohio	353	13	945464.5144024
New York	354	22	940521.8553423
Massachusetts	355	8	939886.8299463
South Carolina	356	6	935640.1210392
Georgia	357	12	933515.2787013
California	358	43	931282.2625944
Texas	359	32	926570.3840709
Tennessee	360	8	924309.2412001
Iowa	361	4	921568.2317313
Alabama	362	6	918357.8311822
Florida	363	24	918102.5990330
Virginia	364	10	912268.8275197
Wisconsin	365	7	909999.8402110
North Carolina	366	12	909899.3816614
California	367	44	909870.6128069
Washington	368	9	909332.9566449
Indiana	369	8	907389.3328665
New York	370	23	898699.7507973
Texas	371	33	898053.6694455
Pennsylvania	372	15	897902.5407936
Nevada	373	4	897335.6862329
Colorado	374	7	892208.3553536
California	375	45	889421.4708712
Oklahoma	376	5	886269.1205908
New Jersey	377	11	886195.1361505
Illinois	378	15	884853.0560337
Minnesota	379	7	881033.8610527
Florida	380	25	880613.0772155
Michigan	381	12	877738.0124906
Ohio	382	14	875330.0510555
Texas	383	34	871240.0321407
Arkansas	384	4	869996.4189359
California	385	46	869871.3588709
New Mexico	386	3	865576.1904073
New York	387	24	860439.5031472
Georgia	388	13	858709.1623368

Priority Values for 2020 Census Apportionment (continued)

State	House Seat	State Seat	Priority Value
Mississippi	389	4	855608.2728774
California	390	47	851162.2610052
Louisiana	391	6	851063.7248962
Kansas	392	4	848954.5997002
Florida	393	26	846065.6776268
Texas	394	35	845981.3133522
Arizona	395	9	843687.1665487
Pennsylvania	396	16	839910.9185908
North Carolina	397	13	836985.6966072
California	398	48	833241.0484282
Massachusetts	399	9	828902.2708609
Illinois	400	16	827704.2433294
Maryland	401	8	826542.5399268
New York	402	25	825304.5786194
Virginia	403	11	825178.2024055
Kentucky	404	6	823289.4443018
Missouri	405	8	823202.1752947
Texas	406	36	822146.0570159
California	407	49	816058.9752716
Tennessee	408	9	815164.1289115
Ohio	409	15	814887.9300309
Florida	410	27	814127.0778832
Washington	411	10	813332.1220956
New Jersey	412	12	808981.7773683
Michigan	413	13	807401.5398072
Connecticut	414	5	806839.9611077
Nebraska	415	3	801527.3408613
Indiana	416	9	800242.1723592
Texas	417	37	799617.2203731
California	418	50	799571.2357733
Georgia	419	14	795010.2023503
New York	420	26	792926.9910072
South Carolina	421	7	790760.2291909
Pennsylvania	422	17	788958.9293538
Wisconsin	423	8	788082.9790625
Florida	424	28	784512.4822032
California	425	51	783736.5740506
Texas	426	38	778290.2510972
Illinois	427	17	777492.7545106
Rhode Island	428	2	776518.5041482
Alabama	429	7	776154.0283869
North Carolina	430	14	774898.1811411
Oregon	431	6	774388.4092194
Colorado	432	8	772675.1012050
California	433	52	768516.9393465
Montana	434	2	767498.6500473
Minnesota	435	8	762997.7052660
New York	436	27	762994.3528429
Ohio	437	16	762257.8606982

Priority Values for 2020 Census Apportionment (continued)

State	House Seat	State Seat	Priority Value
Texas	438	39	758071.4642800
Florida	439	29	756977.0993160
Arizona	440	10	754616.7424589
California	441	53	753877.1806929
Virginia	442	12	753281.1923651
Idaho	443	3	751739.0123495
Michigan	444	14	747508.5741408
New Jersey	445	13	744155.0023221

EXHIBIT

3

Table 4a. Reported Voting and Registration for States: November 2020
(In thousands)

STATE	Total population	Total citizen population	Registered				Voted					
			Total registered	Percent registered (Total)	Margin of error ¹	Percent registered (Citizen)	Margin of error ¹	Total voted	Percent voted (Total)	Margin of error ¹	Percent voted (Citizen)	Margin of error ¹
UNITED STATES	252,274	231,593	168,308	66.7	0.4	72.7	0.4	154,628	61.3	0.4	66.8	0.4
ALABAMA	3,769	3,716	2,527	67.0	3.1	68.0	3.1	2,247	59.6	3.3	60.5	3.3
ALASKA	528	516	383	72.6	3.2	74.2	3.1	330	62.4	3.4	63.8	3.4
ARIZONA	5,638	5,075	3,878	68.8	2.5	76.4	2.5	3,649	64.7	2.6	71.9	2.6
ARKANSAS	2,283	2,195	1,361	59.6	3.4	62.0	3.4	1,186	51.9	3.4	54.0	3.5
CALIFORNIA	30,342	25,946	18,001	59.3	1.2	69.4	1.2	16,893	55.7	1.2	65.1	1.2
COLORADO	4,525	4,200	2,993	66.2	2.9	71.3	2.9	2,837	62.7	3.0	67.6	3.0
CONNECTICUT	2,777	2,524	1,850	66.6	3.2	73.3	3.2	1,681	60.5	3.3	66.6	3.4
DELAWARE	766	722	542	70.8	3.0	75.1	3.0	489	63.8	3.2	67.7	3.2
DISTRICT OF COLUMBIA	576	534	464	80.5	2.7	86.9	2.4	448	77.8	2.8	84.0	2.6
FLORIDA	17,244	15,645	10,495	60.9	1.5	67.1	1.5	9,720	56.4	1.5	62.1	1.6
GEORGIA	8,032	7,400	5,233	65.2	2.2	70.7	2.2	4,888	60.9	2.2	66.1	2.3
HAWAII	1,056	980	673	63.8	3.3	68.7	3.3	630	59.7	3.3	64.3	3.4
IDAHO	1,370	1,299	900	65.7	3.1	69.3	3.1	843	61.6	3.2	64.9	3.2
ILLINOIS	9,658	8,860	6,590	68.2	2.0	74.4	1.9	6,058	62.7	2.0	68.4	2.0
INDIANA	5,096	4,921	3,412	67.0	2.7	69.3	2.7	3,002	58.9	2.8	61.0	2.8
IOWA	2,361	2,293	1,742	73.8	3.1	76.0	3.0	1,618	68.5	3.2	70.5	3.2
KANSAS	2,157	1,975	1,398	64.8	3.5	70.8	3.5	1,297	60.1	3.6	65.7	3.7
KENTUCKY	3,384	3,227	2,450	72.4	3.2	75.9	3.1	2,210	65.3	3.4	68.5	3.4
LOUISIANA	3,438	3,299	2,286	66.5	3.2	69.3	3.2	2,041	59.4	3.3	61.9	3.3
MAINE	1,087	1,075	832	76.5	3.2	77.4	3.2	766	70.5	3.4	71.3	3.4
MARYLAND	4,606	4,303	3,383	73.4	2.7	78.6	2.6	3,166	68.7	2.9	73.6	2.8
MASSACHUSETTS	5,514	4,897	3,546	64.3	2.6	72.4	2.6	3,249	58.9	2.7	66.3	2.7
MICHIGAN	7,790	7,467	5,513	70.8	2.1	73.8	2.1	4,994	64.1	2.2	66.9	2.2
MINNESOTA	4,339	4,142	3,436	79.2	2.5	82.9	2.4	3,225	74.3	2.7	77.9	2.7
MISSISSIPPI	2,212	2,177	1,749	79.1	2.8	80.4	2.7	1,531	69.2	3.2	70.3	3.2
MISSOURI	4,637	4,475	3,388	73.1	2.7	75.7	2.7	2,990	64.5	2.9	66.8	2.9
MONTANA	836	827	641	76.6	2.6	77.5	2.6	607	72.6	2.8	73.5	2.8
NEBRASKA	1,435	1,369	971	67.7	3.4	70.9	3.4	892	62.2	3.5	65.2	3.5
NEVADA	2,402	2,198	1,455	60.6	3.2	66.2	3.3	1,351	56.3	3.3	61.5	3.4
NEW HAMPSHIRE	1,101	1,077	843	76.6	2.9	78.3	2.8	797	72.4	3.0	74.0	3.0
NEW JERSEY	6,801	5,921	5,008	73.6	2.2	84.6	1.9	4,638	68.2	2.3	78.3	2.2
NEW MEXICO	1,610	1,498	1,028	63.9	3.0	68.6	3.0	938	58.3	3.1	62.6	3.2
NEW YORK	15,105	13,298	9,370	62.0	1.6	70.5	1.7	8,609	57.0	1.7	64.7	1.7
NORTH CAROLINA	8,113	7,391	5,161	63.6	2.2	69.8	2.2	4,780	58.9	2.3	64.7	2.3
NORTH DAKOTA	571	556	429	75.2	2.9	77.3	2.9	373	65.3	3.2	67.1	3.2
OHIO	8,951	8,740	6,733	75.2	1.9	77.0	1.8	6,128	68.5	2.0	70.1	2.0
OKLAHOMA	2,942	2,800	1,884	64.0	3.5	67.3	3.5	1,631	55.5	3.6	58.3	3.7
OREGON	3,369	3,242	2,590	76.9	2.9	79.9	2.8	2,402	71.3	3.1	74.1	3.0
PENNSYLVANIA	9,902	9,621	7,337	74.1	1.8	76.3	1.8	6,756	68.2	1.9	70.2	1.9
RHODE ISLAND	840	776	575	68.5	3.2	74.1	3.2	515	61.3	3.4	66.3	3.4
SOUTH CAROLINA	4,010	3,878	2,713	67.7	3.0	70.0	3.0	2,459	61.3	3.1	63.4	3.1
SOUTH DAKOTA	659	649	437	66.3	3.4	67.4	3.4	380	57.7	3.5	58.5	3.5
TENNESSEE	5,283	5,038	3,742	70.8	2.6	74.3	2.5	3,346	63.3	2.7	66.4	2.7
TEXAS	21,485	18,581	13,343	62.1	1.4	71.8	1.4	11,874	55.3	1.4	63.9	1.5
UTAH	2,320	2,178	1,468	63.3	2.7	67.4	2.7	1,386	59.7	2.8	63.6	2.8
VERMONT	507	500	365	72.0	3.4	73.0	3.4	342	67.5	3.6	68.4	3.6
VIRGINIA	6,481	5,974	4,541	70.1	2.4	76.0	2.3	4,275	66.0	2.5	71.5	2.4
WASHINGTON	5,993	5,389	4,029	67.2	2.5	74.8	2.4	3,854	64.3	2.6	71.5	2.5
WEST VIRGINIA	1,397	1,379	928	66.4	3.4	67.3	3.4	773	55.3	3.6	56.1	3.6
WISCONSIN	4,538	4,421	3,391	74.7	2.7	76.7	2.6	3,253	71.7	2.8	73.6	2.7
WYOMING	436	427	296	67.9	3.4	69.3	3.4	280	64.1	3.5	65.5	3.5

¹ This figure added to or subtracted from the estimate provides the 90-percent confidence interval.

NOTES:

Estimates may not sum to totals due to rounding.

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <https://www.census.gov/programs-surveys/cps/technical-documentation/complete.2020.html>

Source: U.S. Census Bureau, Current Population Survey, November 2020

EXHIBIT

4

**CURRENT POPULATION SURVEY, November 2020
Voting and Registration Supplement**

TECHNICAL DOCUMENTATION

This file documentation consists of the following materials:

Attachment 1	Abstract
Attachment 2	Overview - Current Population Survey
Attachment 3	Overview – November 2020 Voting and Registration Use Supplement
Attachment 4	Glossary
Attachment 5	How to Use the Record Layout
Attachment 6	Basic CPS Record Layout
Attachment 7	Current Population Survey, November 2020 Voting and Registration Use Supplement Record Layout
Attachment 8	Current Population Survey, November 2020 Voting and Registration Use Supplement Questionnaire
Attachment 9	Industry Classification Codes
Attachment 10	Occupation Classification Codes
Attachment 11	Specific Metropolitan Identifiers
Attachment 12	Topcoding of Usual Hourly Earnings
Attachment 13	Tallies of Unweighted Counts
Attachment 14	Countries and Areas of the World
Attachment 15	Allocation Flags
Attachment 16	Source and Accuracy of the November 2020 Voting and Registration Use Supplement Data
Attachment 17	User Notes

NOTE

Questions about accompanying **documentation** should be directed to Center for New Media and Promotions Division, Promotions Branch, Bureau of the Census, Washington, D.C. 20233. Phone: (301) 763-4400.

Questions about the **subject matter** should be directed to Census CPS Team, Demographic Surveys Division, Bureau of the Census, Washington, D.C. 20233. Phone: (301) 763-8366. Email: DSD.CPS@census.gov

ATTACHMENT 1

ABSTRACT

Current Population Survey, November 2020: Voting and Registration Supplement [machine-readable data file] conducted by the Bureau of the Census for the Bureau of Labor Statistics. - Washington: Bureau of the Census [producer and distributor], 2020.

Type of File:

Microdata; unit of observation is individuals within housing units.

Universe Description:

The universe consists of all persons in the civilian noninstitutional population of the United States living in households. The probability sample selected to represent the universe consists of approximately 54,000 households.

Subject-Matter Description:

Data are provided on labor force activity for the week prior to the survey. Comprehensive data are available on the employment status, occupation, and industry of persons 15 years old and over. Also shown are personal characteristics such as age, sex, race, marital status, veteran status, household relationship, educational background, and Hispanic origin.

The voting and registration questions were asked of all persons who were both U.S. citizens and 18 years or older, as applicable. Voting and registration data are collected every 2 years to monitor trends in the voting and nonvoting behavior of U.S. citizens in terms of their different demographic and economic characteristics. The November CPS supplement is a major source of information regarding national voting and registration.

Geographic Coverage:

States, regions and divisions are identified in their entirety. Within confidentiality restrictions; indicators are provided for 278 selected core-based statistical areas (CBSA), 30 selected combined statistical areas (CSA), 217 counties, and 76 principal cities in multi-principal city core-based statistical areas or combined statistical areas. Also within confidentiality restrictions, indicators are provided for metropolitan/non-metropolitan, principal city/balance metropolitan, and CBSA size.

Technical Description: File

Structure: Rectangular.

File Size: 134,122 logical records; 1018 character logical record length.

File Sort Sequence: State rank by CMSA/MSA rank by household identification number by line number.

Reference Materials:

Current Population Survey, November 2020: Voting and Registration Supplement Technical Documentation. Documentation contains this abstract, questionnaire facsimiles, and record layouts of the file. One copy accompanies each file order. Additional copies are available from Marketing Services Office, Customer Services Center, Bureau of the Census, Washington, DC 20233.

Bureau of the Census. *The Current Population Survey Design and Methodology* (Technical Paper 66) describes in detail the sample design and survey procedures used as well as accuracy of estimates and sampling errors. Reference copies should be available from most public libraries or Federal Depository Libraries.

For information about the Current Population Survey and other Census Bureau data products, be sure to visit our online Question & Answer Center on the Census Bureau's home page at <http://www.census.gov/> where you can search our knowledge base and submit questions.

File Availability:

You can download the file from our FTP site at <https://www.census.gov/programs-surveys/cps/data/datasets.html>.

ATTACHMENT 2

OVERVIEW

Current Population Survey

Introduction

The Current Population Survey (CPS) is the source of the official government statistics on employment and unemployment. The CPS has been conducted monthly for over 60 years. Currently, we obtain interviews from about 54,000 households monthly, scientifically selected on the basis of area of residence to represent the nation as a whole, individual states, and other specified areas. Each household is interviewed once a month for four consecutive months one year, and again for the corresponding time period a year later. This technique enables us to obtain reliable month-to-month and year-to-year comparisons at a reasonable cost while minimizing the inconvenience to any one household.

Although the main purpose of the survey is to collect information on the employment situation, a very important secondary purpose is to collect information on demographic characteristics such as age, sex, race, marital status, educational attainment, family relationship, occupation, and industry. From time to time, additional questions are included on health, education, income, and previous work experience. The statistics resulting from these questions serve to update similar information collected once every 10 years through the decennial census, and are used by government policymakers and legislators as important indicators of our nation's economic situation and for planning and evaluating many government programs.

The CPS provides current estimates of the economic status and activities of the population of the United States. Because it is not possible to develop one or two overall figures (such as the number of unemployed) that would adequately describe the whole complex of labor market phenomena, the CPS is designed to provide a large amount of detailed and supplementary data. Such data are made available to meet a wide variety of needs on the part of users of labor market information.

Thus, the CPS is the only source of monthly estimates of total employment (both farm and nonfarm); nonfarm self-employed persons, domestics, and unpaid helpers in nonfarm family enterprises; wage and salaried employees; and, finally, estimates of total unemployment.

It provides the only available distribution of workers by the number of hours worked (as distinguished from aggregate or average hours for an industry), permitting separate analyses of part-time workers, workers on overtime, etc. The survey is also the only comprehensive current source of information on the occupation of workers and the industries in which they work. Information is available from the survey not only for persons currently in the labor force but also for those who are outside the labor force. The characteristics of such persons - whether married women with or without young children, disabled persons, students, older retired workers, etc., can be determined. Information on their current desire for work, their past work experience, and their intentions as to job seeking are also available.

For a more detailed discussion about the basic labor force data gathered on a monthly basis in the CPS survey, see "Explanatory Notes and Estimates of Error" in any recent issue of the *Employment and Earnings*, a Bureau of Labor Statistics periodical. This source is referred to on the next page.

CPS Sample Design

The Current Population Survey (CPS) is a monthly survey designed primarily to produce national and state estimates of labor force characteristics of the civilian noninstitutional population (CNP) 16 years of age and older. It is conducted in approximately 60,000 eligible housing units throughout the United States. (Note: 'Eligible' can be simplistically defined as an occupied housing unit having at least one person in the CNP.) This sample includes 10,000 eligible housing units from the monthly supplementary sample to improve state-level estimates of health insurance coverage for low-income children, also known as the CHIP expansion. This supplementary sample has been part of the official CPS since July 2001. Thirty-two states plus the District of Columbia contain this supplementary sample each month.

The CPS sample is based on information from the 2010 Decennial Census, in accordance with usual practice. Historically, the CPS sample has been redesigned after each Decennial Census.

The CPS sample is a probability sample based on a stratified two-stage sampling scheme: selection of sample primary sampling units (PSUs) and selection of sample housing units within those PSUs. In general, the CPS sample is selected from lists of addresses obtained from the Master Address File (MAF) with updates from the United States Postal Service (USPS) twice a year. The MAF is the Census Bureau's permanent list of addresses, including their geographic locations, for individual living quarters. It is continuously maintained through partnerships with the USPS; with Federal, State, regional, and local agencies; and with the private sector, and it is used as a sample frame by many Census Bureau demographic surveys.

Approximately 72,000 housing units are assigned for interview each month, of which about 60,000 are occupied and thus eligible for interview. The remainder are units found to be destroyed, vacant, converted to nonresidential use, containing persons whose usual place of residence is elsewhere, or ineligible for other reasons. Of the 60,000 occupied housing units, approximately 10 percent are not interviewed in a given month due to temporary absence (vacation, etc.), the residents are not found at home after repeated attempts, inability of persons contacted to respond, unavailability for other reasons, and refusals to cooperate. The interviewed households contain approximately 108,000 persons 15 years old and over, approximately 27,000 children 0-14 years old, and about 450 Armed Forces members living with civilians either on or off base within these households. A more precise explanation regarding the CPS sample design is provided in "Explanatory Notes and Estimates of Error: Household Data - Sampling" in any issue of *Employment and Earnings*.

Relationship of Current Population Survey Files to Publications

Each month, a significant amount of information about the labor force is published by the Bureau of Labor Statistics in the *Employment and Earnings* and *Monthly Labor Review* reports.

As mentioned previously, the CPS also serves as a vehicle for supplemental inquiries on subjects other than employment, which are periodically added to the questionnaire. From the basic and supplemental data, the Bureau of the Census issues three series of publications under the general title Current Population Reports:

- P-20 Population Characteristics
- P-23 Special Studies
- P-60 Consumer Income

All Current Population Reports, including the other series for population estimates and projections and special censuses, may be obtained by subscription from the U.S. Government Printing Office at 202-783-3238. Subscriptions are available as follows: Population Characteristics, Special Studies, and Consumer Income series (P-20, P-23, P-60) combined, \$101 per year (sold as a package only); Population Estimates and Projections, (P-25),

\$27 per year. Single issues may be ordered separately; ordering information and prices are provided in the Bureau of the *Census Catalog and Guide*, the *Monthly Product Announcement* (MPA), and in *Census and You*. Selected reports also may be accessed on the INTERNET at <http://census.gov/library/publications.html>.

Geographic Limitations

The CPS sample was selected so that specific reliability criteria were met nationally, for each of the 50 States and for the District of Columbia. Since 1985, these reliability criteria have been maintained through periodic additions and deletions in the State samples. Estimates formed for geographic areas identified on the microdata file which are smaller than states are not as reliable.

Weights

Under the estimating methods used in the CPS, all of the results for a given month become available simultaneously and are based on returns for the entire panel of respondents. The CPS estimation procedure involves weighting the data from each sample person. The base weight, which is the inverse of the probability of the person being in the sample, is a rough measure of the number of actual persons that the sample person represents. Almost all sample persons in the same state have the same base weight, but the weights across states are different. Selection probabilities may also differ for some sample areas due to field subsampling, which is done when areas selected for the sample contain many more households than expected. The base weights are then adjusted for noninterview, and the ratio estimation procedure is applied.

1. **Noninterview adjustment.** The weights for all interviewed households are adjusted to the extent needed to account for occupied sample households for which no information was obtained because of absence, impassable roads, refusals, or unavailability of the respondent for other reasons. This noninterview adjustment is made separately for clusters of similar sample areas that are usually, but not necessarily, contained within a state. Similarity of sample areas is based on Core-Based Statistical Area (CBSA) status and size. Within each cluster, there is a further breakdown by residence. Each CBSA cluster is split by "principal city" and "balance of the CBSA." The proportion of occupied sample households not interviewed fluctuates around 8 percent depending on weather, vacations, etc.
2. **Ratio estimates.** The distribution of the population selected for the sample may differ somewhat, by chance, from that of the population as a whole in such characteristics as age, race, sex, and state of residence. Because these characteristics are closely correlated with labor force participation and other principal measurements made from the sample, the survey estimates can be substantially improved when weighted appropriately by the known distribution of these population characteristics. This is accomplished through two stages of ratio adjustment as follows:
 - a. *First-stage ratio estimate.* The purpose of the first-stage ratio adjustment is to reduce the contribution to variance that results from selecting a sample of PSUs rather than drawing sample households from every PSU in the nation. This adjustment is made to the CPS weights in two race cells: black and nonblack; it is applied only to PSUs that are nonself-representing and for those states that have a substantial number of black households. The procedure corrects for differences that existed in each state cell at the time of the 2000 census between 1) the race distribution of the population in sample PSUs and 2) the race distribution of all PSUs (both 1 and 2 exclude self-representing PSUs).
 - b. *Second-stage ratio estimate.* This procedure substantially reduces the variability of estimates and corrects, to some extent, for CPS undercoverage. The CPS sample weights are adjusted to ensure that sample-based estimates of population match independent population controls. Three sets of controls are used:
 - 1) 51 state controls of the civilian noninstitutional population 16 years of age and older
 - 2) national civilian noninstitutional population controls for 14 hispanic and 5 nonhispanic age-sex categories
 - 3) national civilian noninstitutional population controls for 66 white, 42 black, and 10 "other" age-sex categories

The independent population controls are prepared by projecting forward the resident population as enumerated on April 1, 2000. The projections are derived by updating demographic census data with information from a variety of other data sources that account for births, deaths, and net migration. Estimated numbers of resident Armed Forces personnel and institutionalized persons reduce the resident population to the civilian noninstitutional population. Estimates of net census undercount, determined from the Post Enumeration Survey, are added to the population projections. Prior to January 2003, the projections were based on earlier censuses, and prior to January 1994, there was no correction for census undercount. A summary of the current procedures used to make population projections is given in "Revisions in the Current Population Survey Effective January 2003" in the January 2003 issue of Employment and Earnings.

Comparability of CPS from Microdata Files with Published Sources

Although total estimates of the total population will equal published estimates, labor force estimates produced from a microdata file may not be directly comparable or identical with the published nonseasonally adjusted labor force data. The official labor force statistics published by the Bureau of Labor Statistics (BLS) are calculated using the CPS composite weight (PWCMPWGT). Anyone wanting to replicate not seasonally adjusted BLS estimates should use this weight. However, not all estimates made from a public use file will match such weighted published estimates. This is because of various steps taken in the creation of CPS public use files to protect the confidentiality of CPS respondents. Top side estimates for most major demographic and economic categories such as age, race, gender and major labor force status will agree with the published totals; however, estimates for small groups/combinations of these characteristics will differ. The same is true for any estimates for any demographic or labor force characteristic not listed above. Such estimates will be similar but not identical.

Another factor also inhibits microdata comparison with published labor force data. This is the seasonal adjustment that is applied to many published statistics. This adjustment is used to adjust for normal seasonal variations to help distinguish the underlying economic situation in month-to-month changes and is not reflected in any of the weights or variables included on the public use files.

Shown below are data from January and July 2015 which demonstrate how estimates compiled using the final weights from the microdata file may differ from the published composited estimates, with and without seasonal adjustment. Note that the composite estimation procedure was not used for estimates published from January 1994 to May 1994. For a further description of both the composite estimator and seasonal adjustment, see the most recent of the CPS Technical Paper (66 or 77).

Comparison of CPS Estimates from Microdata Files with Published Sources

	Civilian Noninstitutional Population	Civilian Labor Force	Employed	Unemployed	Not in Labor Force

January 2015 Data (000's)					
Final Weights	249,723	156,311	146,658	9,653	93,412
Composited (Not Seasonally Adjusted)	249,723	156,050	146,552	9,498	93,674
Composited (Seasonally Adjusted)	249,723	157,180	148,201	8,979	92,544

July 1993 Data (000's)					
Final Weights	250,876	159,112	150,176	8,936	91,764
Composited (Not Seasonally Adjusted)	250,876	158,527	149,722	8,805	92,349
Composited (Seasonally Adjusted)	250,876	157,106	148,840	8,266	93,770

ATTACHMENT 3

OVERVIEW

November 2020 Voting and Registration Supplement

General

Census Bureau staff conducted the November 2020 Voting and Registration Survey as a supplement to that month's Current Population Survey (CPS). The CPS is a monthly labor force survey in which interviews are conducted in approximately 54,000 households across the country. Attachment 8 contains a copy of the labor force questions asked each month as part of the basic CPS questions. Attachment 9 contains the November 2020 Voting and Registration supplement questions asked of all applicable persons 18 years old or older.

Attachment 2 comprises a description of the CPS entitled "Overview--Current Population Survey." A description of the November 2020 Voting and Registration Survey follows.

Data Collection

Census Bureau staff conducted interviews during the period of November 15-24, 2020. Self or proxy responses were allowed for this supplement, that is, a single respondent could provide answers for themselves or provide answers for all eligible household members, provided the respondents him/herself was a household member 15 years of age or older.

The voting and registration questions were asked of all persons who were both U.S. citizens and 18 years of age or older, as applicable. The CPS instrument determined who was eligible for the Voting and Registration supplement through the use of check items that referred to basic CPS items, including age and citizenship.

Item S1 asked respondents if they voted in the November 3 election; if they responded "Yes," they were skipped to Item S5. Otherwise, they were asked if they were registered to vote in the November 3 election (Item S2).

The questions concluded with each respondent being asked Item S8, "How long have you lived at this address?" The interviewer filled Item SCK4, "Who reported for this person," depending upon whether it was a self or proxy response.

Interviewers received a 1 1/2 hour self-study that contained exercises on the basic labor force questions, item-by-item instructions for the supplement, supplement exercises and practice interviews.

Data Processing

The data processing involved a consistency edit of all supplement items. The consistency edit mainly ensured that the entries within an individual record followed the correct skip patterns; items with off-path entries were blanked whenever appropriate. In addition, age and citizenship were verified.

There is no supplement weight associated with the November 2020 Voting and Registration supplement. Use the basic CPS weight, PWSSWGT (located in positions 613-622), for tallying the supplement items.

The values for each variable are defined in the supplement record layout (Attachment 8).

November 2020 Voting and Registration Computer File

The CPS Labor Force Data. The November 2020 CPS file contains 134,122 records. The first 955 characters contain the labor force and disability data for each record. Attachment 6 contains the CPS Basic Items Record Layout, which includes the variable name, character size, location on the record, universe, and the values of each basic CPS variable included on the file.

The variable PRPERTYP (located in positions 161-162 on the CPS Basic Items Record Layout) determines the type of person as follows:

PRPERTYP

- 1 = Child household member (0-14 years old)
- 2 = Adult civilian household member (15+ years old)
- 3 = Adult Armed Forces household member (15+ years old)

The variable HRINTSTA (located in positions 57-58 on the CPS Basic Items Record Layout) determines the interview status of the household.

HRINTSTA

- 1 = Interview
- 2 = Type A Noninterview (These records represent households that were eligible for the November CPS interview but were not interviewed because no one was home, household members were temporarily absent, etc.)
- 3 = Type B Noninterview (These records represent sample addresses determined to be ineligible for the CPS by virtue of a temporary situation, such as being vacant, nonresidential, etc. These households could become eligible for a CPS interview.)
- 4 = Type C Noninterview (These records represent sample addresses determined to be ineligible for CPS by virtue of a permanent change such as demolished, condemned, etc. These addresses will not be visited again for CPS interviews.)

By combining the values of PRPERTYP (1-3) and HRINTSTA (2-4), the number of records can be determined.

The values of PRPERTYP are:

	<u>Unweighted Counts</u>
1 = Child	19,687
2 = Adult Civilian, 15+	91,978
3 = Adult, Armed Forces	372

The values of HRINTSTA are:

2 = Type A Noninterview	12,203
3 = Type B Noninterview	9,334
4 = Type C Noninterview	548

November 2020 CPS Voting and Registration Supplement Data. The November 2020 Voting and Registration supplement data are in locations 1001-1018. (See Attachment 7)

Tallying the November 2020 Voting and Registration Supplement File. The November 2020 Voting and Registration supplement universe represented the full CPS sample comprised of all persons 18 years of age or older.

Unweighted Counts. Attachment 13 is a tally listing of unweighted counts from selected supplement items. Use these totals to ensure that the file is being accessed properly.

Data Contact. For questions regarding the November 2020 Voting and Registration data, call the Census Bureau CPS Staff on (301) 763-3806.

ATTACHMENT 4

GLOSSARY

Current Population Survey

Age—Age classification is based on the age of the person at his/her last birthday. The adult universe (i.e., population of marriageable age) is comprised of persons 15 years and over for CPS labor force data.

Allocation Flag—Each edited item has a corresponding allocation flag indicating the nature of the edit. See the attachment on allocation flags for more information. The second character of the item name is always "X".

Armed Forces—Demographic information for Armed Forces members (enumerated in off-base housing or on-base with their families) is included on the CPS data files. No labor force information is collected of Armed Forces members in any month. In March, supplemental data on income are included for Armed Forces members. This is the only month that non-demographic information is included for Armed Forces members.

Civilian Labor Force—(See Labor Force.)

Class of Worker—This refers to the broad classification of the person's employer. These broad classifications for current jobs are:

- 1) Federal government
- 2) State government
- 3) Local government
- 4) Private industry (including self-employed, incorporated)
- 5) Self-employed (not incorporated)
- 6) Working without pay

Domain—The domain for an item is a list or range of its possible values. Note that all unedited items have possible values of -1 (blank), -2 (don't know), and -3 (refused). Since all items have these possible values, they are not shown as valid entries for each item.

Duration of Unemployment—Duration of unemployment represents the length of time (through the current survey week) during which persons classified as unemployed are continuously looking for work. For persons on layoff, duration of unemployment represents the number of full weeks since the termination of their most recent employment. A period of two weeks or more during which a person is employed or ceased looking for work is considered to break the continuity of the present period of seeking work.

Earners, Number of—The file includes all persons 15 years old and over in the household with \$1 or more in wages and salaries, or \$1 or more of a loss in net income from farm or nonfarm self-employment during the preceding year.

Edited item—An edited item is allocated or imputed by the processing system. In most cases this means allocating a value where the unedited item contains a value of blank, "don't know", or "refused". The second character of the item name is always "E".

An edited version of an item exists only if that item is processed through the edits. If the edits never deal with a particular item, then that item only has an unedited version.

Since the instrument enforces skip patterns and consistency between many items, the edits are left mainly with the job of allocating missing values. Also, since an interviewer is allowed to "back up" in the interview, there may be "off-path" items filled in the unedited data. The edits also blank these off-path items if an edited version of the items exists.

Education—(See Level of School Completed.)

Employed—(See Labor Force.)

Family—A family is a group of two persons or more (one of whom is the householder) residing together and related by birth, marriage, or adoption. All such persons (including related subfamily members) are considered as members of one family. Beginning with the 1980 CPS, unrelated subfamilies (referred to in the past as secondary families) are no longer included in the count of families, nor are the members of unrelated subfamilies included in the count of family members.

Family Household—A family household is a household maintained by a family (as defined above), and may include among the household members any unrelated persons (unrelated subfamily members and/or secondary individuals) who may be residing there. The number of family households is equal to the number of families. The count of family household members differs from the count of family members, however, in that the family household members include all persons living in the household, whereas family members include only the householder and his/her relatives. (See the definition of Family).

Family Weight—This weight is used only for tallying family characteristics. In March, the weight on the family record is the March supplement weight of the householder or reference person.

Final Weight—Used in tabulating labor force items in all months, including March. The final weight is controlled to independent estimates for:

- 1) States
- 2) Origin, Sex, and Age
- 3) Age, Race, and Sex

This weight should not be used when tabulating March supplement data.

Full-Time Worker—Persons on full-time schedules include persons working 35 hours or more, persons who worked 1-34 hours for noneconomic reasons (e.g., illness) and usually work full-time, and persons "with a job but not at work" who usually work full-time.

Group Quarters—Group quarters are noninstitutional living arrangements for groups not living in conventional housing units or groups living in housing units containing nine or more persons unrelated to the person in charge.

Head Versus Householder—Beginning with the March 1980 CPS, the Bureau of the Census discontinued the use of the terms "head of household" and "head of family." Instead, the terms "householder" and "family householder" are used.

Highest Grade of School Attended—(See Level of School Completed.)

Hispanic/Non-Hispanic Origin—A person's Hispanic/Non-Hispanic status in this file is determined on the basis of a question that simply asks "(Is/Are) (Name/you) Hispanic?"

Hours of Work—Hours of work statistics relate to the actual number of hours worked during the survey week. For example, a person who normally works 40 hours a week but who is off on the Veterans Day holiday is reported as working 32 hours even though he is paid for the holiday.

For persons working in more than one job, the figures related to the number of hours worked in all jobs during the week. However, all the hours are credited to the major job.

Household—A household consists of all the persons who occupy a house, an apartment, or other group of rooms, or a room, which constitutes a housing unit. A group of rooms or a single room is regarded as a housing unit when it is occupied as separate living quarters; that is, when the occupants do not live with any other person in the structure, and when there is direct access from the outside or through a common hall. The count of households excludes persons living in group quarters, such as military barracks and institutions. Inmates of institutions (mental hospitals, rest homes, correctional institutions, etc.) are not included in the survey.

Household Weight—The household weight is used for tallying household characteristics. In March, the household weight is the March Supplement weight of the householder.

Householder—The householder refers to the person (or one of the persons) in whose name the housing unit is owned or rented (maintained) or, if there is no such person, any adult member, excluding roomers, boarders, or paid employees. If the house is owned or rented jointly by a married couple, the householder may be either the husband or the wife. The person designated as the householder is the "reference person" to whom the relationship of all other household members, if any, is recorded.

Householder With No Other Relatives in Household—A householder who has no relatives living in the household. This is the entry for a person living alone. Another example is the designated householder of an apartment shared by two or more unrelated individuals.

Householder With Other Relatives (Including Spouse) in Household The person designated as householder if he/she has one or more relatives (including spouse) living in the household.

Industry, Occupation, and Class of Worker (I&O) – Current Job (basic data) For the employed, current job is the job held in the reference week (the week before the survey). Persons with two or more jobs are classified in the job at which they worked the most hours during the reference week. The unemployed are classified according to their latest full-time job lasting two or more weeks or by the job (either full-time or part-time). The I & O questions are also asked of persons not in the labor force who are in the fourth and eighth months in sample and who have worked in the last five years.

Job Seekers—All unemployed persons who made specific efforts to find a job sometime during the 4-week period preceding the survey week.

Longitudinal Weight—Used for gross flows analysis. Only found on adult records matched from month to month.

PEMLR (Major Labor Force Recode)—This classification is available for each civilian 15 years old and over according to his/her responses to the monthly (basic) labor force items.

Labor Force—Persons are classified as in the labor force if they are employed, unemployed, or in the Armed Forces during the survey week. The "civilian labor force" includes all civilians classified as employed or unemployed. The file includes labor force data for civilians age 15 and over. However, the official definition of the civilian labor force is age 16 and over.

1. *Employed*

Employed persons comprise (1) all civilians who, during the survey week, do any work at all as paid employees or in their own business or profession, or on their own farm, or who work 15 hours or more as unpaid workers on a farm in a business operated by a member of the family; and (2) all those who have jobs but who are not working because of illness, bad weather, vacation, or labor-management dispute, or because they are taking time off for personal reasons, whether or not they are seeking other jobs. These persons would have a Monthly Labor Force Recode (MLR) of 1 or 2 respectively in characters 180-181 of the person record which designates "at work" and "with a job, but not at work." Each employed person is counted only once. Those persons who held more than one job are counted in the job at which they worked the greatest number of hours during the survey week. If they worked an equal number of hours at more than one job, they are counted at the job they held the longest.

2. *Unemployed*

Unemployed persons are those civilians who, during the survey week, have no employment but are available for work, and (1) have engaged in any specific job seeking activity within the past 4 weeks such as registering at a public or private employment office, meeting with prospective employers, checking with friends or relatives, placing or answering advertisements, writing letters of application, or being on a union or professional register; (2) are waiting to be called back to a job from which they had been laid off; or (3) are waiting to report to a new wage or salary job within 30 days. These persons would have an MLR code of 3 or 4 in characters 180-181 of the person record. The unemployed includes job leavers, job losers, new job entrants, and job reentrants.

a. *Job Leavers*

Persons who quit or otherwise terminate their employment voluntarily and immediately begin looking for work.

b. *Job Losers*

Persons whose employment ends involuntarily, who immediately begin looking for work, and those persons who are already on layoff.

c. *New Job Entrants*

Persons who never worked at a full-time job lasting two weeks or longer.

d. *Job Reentrants*

Persons who previously worked at a full-time job lasting two weeks or longer but are out of the labor force prior to beginning to look for work.

Finally, it should be noted that the unemployment rate represents the number of persons unemployed as a percent of the civilian labor force 16 years old and over. This measure can also be computed for groups within the labor force classified by sex, age, marital status, race, etc. The job loser, job leaver, reentrant, and new entrant rates are each calculated as a percent of the civilian labor force 16 years old and over; the sum of the rates for the four groups thus equals the total unemployment rate.

3. *Not in Labor Force*

All civilians 15 years old and over who are not classified as employed or unemployed. These persons are further classified by major activity: retired, unable to work because of long-term physical or mental illness, and other. The "other" group includes, for the most part, students and persons keeping house. Persons who report doing unpaid work in a family farm or business for less than 15 hours are also classified as not in the labor force.

For persons not in the labor force, data on previous work experience, intentions to seek work again, desire for a job at the time of interview, and reasons for not looking for work are asked only in those households that are in the fourth and eighth months of the sample, i.e., the "outgoing" groups, those which had been in the sample for three previous months and would not be in for the subsequent month.

Persons classified as NILF have an MLR code of 5-7 in characters 180-181 of the person record.

Layoff—A person who is unemployed but expects to be called back to a specific job. If he/she expects to be called back within 30 days, it is considered a temporary layoff; otherwise, it is an indefinite layoff.

Level of School Completed/Degree Received—These data changed beginning with the January 1992 file. A new question, "What is the highest level of school ... has completed or the highest degree ... has received?" replaced the old "Highest grade attended" and "Year completed" questions. The new question provides more accurate data on the degree status of college students. Educational attainment applies only to progress in "regular" school. Such schools include graded public, private, and parochial elementary and high schools (both junior and senior high), colleges, universities, and professional schools, whether day schools or night schools. Thus, regular schooling is that which may advance a person toward an elementary school certificate or high school diploma, or a college, university, or professional school degree. Schooling in other than regular schools is counted only if the credits obtained are regarded as transferable to a school in the regular school system.

Looking for Work—A person who is trying to get work or trying to establish a business or profession.

Marital Status—The marital status classification identifies four major categories: single (never married), married, widowed, and divorced. These terms refer to the marital status at the time of enumeration.

The category "married" is further divided into "married, civilian spouse present," "married, Armed Force spouse present," "married, spouse absent," "married, Armed Force spouse absent," and "separated." A person is classified as "married, spouse present" if the husband or wife is reported as a member of the household even though he or she may be temporarily absent on business or on vacation, visiting, in a hospital, etc., at the time of the enumeration. Persons reported as "separated" included those with legal separations, those living apart with intentions of obtaining a divorce, and other persons permanently or temporarily estranged from their spouses because of marital discord.

For the purpose of this file, the group "other marital status" includes "widowed and divorced," "separated," and "other married, spouse absent."

Month-In-Sample—The term is defined as the number of times a unit is interviewed. Each unit is interviewed eight times during the life of the sample.

Never Worked—A person who has never held a full-time civilian job lasting two consecutive weeks or more.

Nonfamily Householder—A nonfamily householder (formerly called a primary individual) is a person maintaining a household while living alone or with nonrelatives only.

Nonworker—A person who does not do any work in the calendar year preceding the survey.

Nonrelative of Householder With No Own Relatives in Household A nonrelative of the householder who has no relative(s) of his own in the household. This category includes such nonrelatives as a foster child, a ward, a lodger, a servant, or a hired hand, who has no relatives of his own living with him in the household.

Nonrelative of Householder With Own Relatives (Including Spouse)in Household Any household member who is not related to the householder but has relatives of his own in the household; for example, a lodger, his spouse, and their son.

Other Relative of Householder—Any relative of the householder other than his spouse or child; for example, father, mother, grandson, daughter-in-law, etc.

Out Variable—An instrument-created item that stores the results of another item.

Own Child—A child related by birth, marriage, or adoption to the family householder.

Part-Time, Economic Reasons—The item includes slack work, material shortages, repairs to plant or equipment, start or termination of job during the week, and inability to find full-time work. (See also Full-Time Worker.)

Part-Time, Other Reasons—The item includes labor dispute, bad weather, own illness, vacation, demands of home housework, school, no desire for full-time work, and full-time worker only during peak season.

Part-Time Work—Persons who work between 1 and 34 hours are designated as working "part-time" in the current job held during the reference week. For the March supplement, a person is classified as having worked part-time during the preceding calendar year if he worked less than 35 hours per week in a majority of the weeks in which he worked during the year. Conversely, he is classified as having worked full-time if he worked 35 hours or more per week during a majority of the weeks in which he worked.

Part-Year Work—Part-year work is classified as less than 50 weeks' work.

Population Coverage—Population coverage includes the civilian population of the United States plus approximately one million members of the Armed Forces in the United States living off post or with their families on post but excludes all other members of the Armed Forces. This file excludes inmates of institutions. The labor force and work experience data are not collected for Armed Forces members.

Processing Recode—An item calculated by the processing system from a combination of other items in the database. The second character of the item name is always "R".

Race—The population is divided into six groups on the basis of race: White, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander, and Other races. The 2011 CPS uses the Census 2010 question on race that allows for more than one race reporting, but does not include the Census 2010 "Some Other Race" category.

Reentrants—Persons who previously worked at a full-time job lasting two weeks or longer, but who are out of the labor force prior to beginning to look for work.

Related Children-Related children in a family include own children and all other children in the household who are related to the householder by birth, marriage, or adoption. For each type of family unit identified in the CPS, the count of own children under 18 years old is limited to single (never married) children; however, "own children under 25" and "own children of any age," include all children regardless of marital status. The totals include never-married children living away from home in college dormitories.

Related Subfamily-A related subfamily is a married couple with or without children, or one parent with one or more own single (never married) children under 18 years old, living in a household and related to, but not including, the householder or spouse. The most common example of a related subfamily is a young married couple sharing the home of the husband's or wife's parents. The number of related subfamilies is not included in the number of families.

School, Major Activity-A person who spent most of his time during the survey week attending any kind of public or private school, including trade or vocational schools in which students receive no compensation in money or kind.

Secondary Individual-A secondary individual is a person in a household or group quarters such as a guest, roomer, boarder, or resident employee (excluding nonfamily households and inmates of institutions) who is not related to any other person in the household or group quarters.

Self-Employed-Self-employed persons are those who work for profit or fees in their own business, profession or trade, or operate a farm.

Stretches of Unemployment-A continuous stretch is one that is not interrupted by the person getting a job or leaving the labor market to go to school, to keep house, etc. A period of two weeks or more during which a person is employed or ceased looking for work is considered to break the continuity of the period of seeking work.

Unable to Work-A person is classified as unable to work because of long-term physical or mental illness, lasting six months or longer.

Unedited item-An item that is produced by the computer automated instrument, either collected during the interview or created by the instrument. The second character of the item name is always "U".

Unemployed-(See Labor Force.)

Unpaid Family Workers-Unpaid family workers are persons working without pay for 15 hours a week or more on a farm or in a business operated by a member of the household to whom they are related by birth or marriage.

Unrelated Individuals-Unrelated individuals are persons of any age (other than inmates of institutions) who are not living with any relatives. An unrelated individual may be (1) a nonfamily householder living alone or with nonrelatives only, (2) a roomer, boarder, or resident employee with no relatives in the household, or (3) a group quarters member who has no relatives living with him/her. Thus, a widow who occupies her house alone or with one or more other persons not related to her, a roomer not related to anyone else in the housing unit, a maid living as a member of her employer's household but with no relatives in the household, and a resident staff member in a hospital living apart from any relatives are all examples of unrelated individuals.

Unrelated Subfamily-An unrelated subfamily is a family that does not include among its members the householder and relatives of the householder. Members of unrelated subfamilies may include persons such as guests, roomers, boarders, or resident employees and their relatives living in a household. The number of unrelated subfamily members is included in the number of household members but is not included in the count of family members.

Persons living with relatives in group quarters were formerly considered as members of families. However, the number of such unrelated subfamilies became so small (37,000 in 1967) that beginning with the data for 1968 (and beginning with the census data for 1960) the Bureau of the Census includes persons in these unrelated subfamilies in the count of secondary individuals.

Veteran Status-If a person served at any time during the four most recent wartime periods, the codes for all periods of service are entered. A person can report up to 4 periods of service. The following codes are used:

- 0 Children under 15
- 1 September 2001 or later
- 2 August 1990 to August 2001
- 3 May 1975 to July 1990
- 4 Vietnam era (Aug 1964 to Apr 1975)
- 5 February 1955 to July 1964
- 6 Korean War (July 1950 to January 1955)
- 7 January 1947 to June 1950
- 8 World War II (December 1941 to December 1946)
- 9 November 1941 or earlier

Wage and Salary Workers-Wage and salary workers receive wages, salary, commission, tips, or pay in kind from a private employer or from a governmental unit. Also included are persons who are self-employed in an incorporated business.

Workers-(See Labor Force--Employed.)

Work Experience-Includes those persons who during the preceding calendar year did any work for pay or profit or worked without pay on a family-operated farm or business at any time during the year, on a part-time or full-time basis.

Year-Round Full-Time Worker-A year-round full-time worker is one who usually worked 35 hours or more per week for 50 weeks or more during the preceding calendar year.

ATTACHMENT 5

HOW TO USE THE RECORD LAYOUT

Data users familiar with the CPS data files in prior years will see many similarities between the format of this file and those files released before January 1994. As in the past, there are numeric locations on the file which correspond to each variable. There is only one record layout which contains the variables for children, adults, and armed forces members. In prior years, each type of person had a separate record layout.

Item Naming Conventions

∅ The first character of each variable name is one of the following:

H - Household item

G - Geography item

* P - Person item (includes adult items, child items, and armed forces items)

* There is no need to distinguish adult, child, and armed forces items in the variable names in the new system. The recode **PRPERTYP** (located in positions 161-162) tells you what category the person is in.

∅ The second character of each variable name is one of the following:

E - Edited item

U - Unedited item

X- Allocation flag (see Attachment 15 for more information) W

W- Weight

R - Recode

∅ The remaining characters describe the variable.

∅ For multiple entry items, the file contains a separate variable for each possible response. Each item has the same descriptive name but a number is added as the last digit. For example, Question 22A allows separate entries for up to 6 job search methods. The item names are **PELKM1** (this item is edited), **PULKM2**, (this item is unedited), **PULKM3**, etc. These items are located in positions 296-307 of the record layout.

ATTACHMENT 6

CPS RECORD LAYOUT FOR BASIC LABOR FORCE ITEMS

STANDARD PUBLIC USE FILES

A1. HOUSEHOLD INFORMATION

 * STARTING JANUARY 2020*

NAME	SIZE	DESCRIPTION	LOCATION
HRHHID	15	HOUSEHOLD IDENTIFIER (Part 1)	1- 15
		EDITED UNIVERSE: ALL HHLd's IN SAMPLE	
		Part 1. See Characters 71-75 for Part 2 of the Household Identifier. Use Part 1 only for matching backward in time and use in combination with Part 2 for matching forward in time.	
HRMONTH	2	MONTH OF INTERVIEW	16-17
		EDITED UNIVERSE: ALL HHLd's IN SAMPLE	
		<u>VALID ENTRIES</u>	
		01 MIN VALUE	
		12 MAX VALUE	
HRYEAR4	4	YEAR OF INTERVIEW	18-21
		EDITED UNIVERSE: ALL HHLd's IN SAMPLE	
		<u>VALID ENTRIES</u>	
		1998 MIN VALUE	
		2999 MAX VALUE	
HURESPLI	2	LINE NUMBER OF THE CURRENT RESPONDENT	22 - 23

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 0 MIN VALUE
- 99 MAX VALUE

HUFINAL	3	FINAL OUTCOME CODE	24 - 26
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OUTCOME CODES BETWEEN 001 AND 020 ARE FOR CATI.
ALL OTHER OUTCOME CODES ARE FOR CAPI.

VALID ENTRIES

- 1 FULLY COMPLETE CATI INTERVIEW
- 2 PARTIALLY COMPLETED CATI INTERVIEW
- 3 COMPLETE BUT PERSONAL VISIT REQUESTED NEXT MONTH
- 4 PARTIAL, NOT COMPLETE AT CLOSEOUT
- 5 LABOR FORCE COMPLETE, SUPPLEMENT INCOMPLETE - CATI
- 6 LF COMPLETE, SUPPLEMENT DK ITEMS INCOMPLETE AT CLOSEOUT-ASEC ONLY
- 020 HH OCCUPIED ENTIRELY BY ARMED FORCES MEMBERS OR ALL UNDER 15 YEARS OF AGE
- 201 CAPI COMPLETE
- 202 CALLBACK NEEDED
- 203 SUFFICIENT PARTIAL - PRECLOSEOUT
- 204 SUFFICIENT PARTIAL - AT CLOSEOUT
- 205 LABOR FORCE COMPLETE, - SUPPL. INCOMPLETE - CAPI
- 213 LANGUAGE BARRIER
- 214 UNABLE TO LOCATE
- 216 NO ONE HOME
- 217 TEMPORARILY ABSENT
- 218 REFUSED
- 219 OTHER OCCUPIED - SPECIFY
- 223 ENTIRE HOUSEHOLD ARMED FORCES
- 224 ENTIRE HOUSEHOLD UNDER 15
- 225 TEMP. OCCUPIED W/PERSONS WITH URE
- 226 VACANT REGULAR
- 227 VACANT - STORAGE OF HHLD FURNITURE
- 228 UNFIT, TO BE DEMOLISHED
- 229 UNDER CONSTRUCTION, NOT READY
- 230 CONVERTED TO TEMP BUSINESS OR STORAGE
- 231 UNOCCUPIED TENT OR TRAILER SITE
- 232 PERMIT GRANTED - CONSTRUCTION NOT STARTED
- 233 OTHER - SPECIFY
- 240 DEMOLISHED
- 241 HOUSE OR TRAILER MOVED
- 242 OUTSIDE SEGMENT
- 243 CONVERTED TO PERM. BUSINESS OR STORAGE

NAME	SIZE	DESCRIPTION	LOCATION
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- 244 MERGED
- 245 CONDEMNED
- 246 BUILT AFTER APRIL 1, 2000
- 247 UNUSED SERIAL NO./LISTING SHEET LINE
- 248 OTHER - SPECIFY
- 256 REMOVED DURING SUB-SAMPLING
- 257 UNIT ALREADY HAD A CHANCE OF SELECTION

HUSPNISH	2	IS SPANISH THE ONLY LANGUAGE SPOKEN BY ALL MEMBERS OF THIS HOUSEHOLD WHO ARE 15 YEARS OF AGE OR OLDER?	27 - 28
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VALID ENTRIES

- 1 SPANISH ONLY LANGUAGE SPOKEN

HETENURE	2	ARE YOUR LIVING QUARTERS... (READ ANSWER CATEGORIES)	29 - 30
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EDITED UNIVERSE: HRINTSTA = 1 OR HUTYPB = 1-3

VALID ENTRIES

- 1 OWNED OR BEING BOUGHT BY A HH MEMBER
- 2 RENTED FOR CASH
- 3 OCCUPIED WITHOUT PAYMENT OF CASH RENT

NOTE: May be missing on the Basic CPS microdata files.
This will be updated on later releases of the same month's data.

HEHOUSUT	2	TYPE OF HOUSING UNIT	31 - 32
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EDITED UNIVERSE: ALL HHLDs IN SAMPLE

VALID ENTRIES

- 0 OTHER UNIT
- 1 HOUSE, APARTMENT, FLAT
- 2 HU IN NONTRANSIENT HOTEL, MOTEL, ETC.
- 3 HU PERMANENT IN TRANSIENT HOTEL, MOTEL
- 4 HU IN ROOMING HOUSE
- 5 MOBILE HOME OR TRAILER W/NO PERM. ROOM ADDED
- 6 MOBILE HOME OR TRAILER W/1 OR MORE PERM. ROOMS ADDED
- 7 HU NOT SPECIFIED ABOVE
- 8 QUARTERS NOT HU IN ROOMING OR BRDING HS
- 9 UNIT NOT PERM. IN TRANSIENT HOTL, MOTL
- 10 UNOCCUPIED TENT SITE OR TRLR SITE

NAME	SIZE	DESCRIPTION	LOCATION
		11 STUDENT QUARTERS IN COLLEGE DORM 12 OTHER UNIT NOT SPECIFIED ABOVE	
HETELHHD	2	IS THERE A TELEPHONE IN THIS HOUSE/APARTMENT? EDITED UNIVERSE: HPRINTSTA = 1 <u>VALID ENTRIES</u> 1 YES 2 NO	33 - 34
HETELAVL	2	IS THERE A TELEPHONE ELSEWHERE ON WHICH PEOPLE IN THIS HOUSEHOLD CAN BE CONTACTED? EDITED UNIVERSE: HETELHHD = 2 <u>VALID ENTRIES</u> 1 YES 2 NO	35 - 36
HEPHONEO	2	IS A TELEPHONE INTERVIEW ACCEPTABLE? EDITED UNIVERSE: HETELHHD = 1 OR HETELAVL = 1 <u>VALID ENTRIES</u> 1 YES 2 NO	37 - 38
HEFAMINC	2	FAMILY INCOME (COMBINED INCOME OF ALL FAMILY MEMBERS DURING THE LAST 12 MONTHS. INCLUDES MONEY FROM JOBS, NET INCOME FROM BUSINESS, FARM OR RENT, PENSIONS, DIVIDENDS, INTEREST, SOCIAL SECURITY PAYMENTS AND ANY OTHER MONEY INCOME RECEIVED BY FAMILY MEMBERS WHO ARE 15 YEARS OF AGE OR OLDER.) Edited beginning January 2010 Note: Caution should be used when using this variable since it has an allocation rate of approximately 20 percent.	39 - 40

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 LESS THAN \$5,000
- 2 5,000 TO 7,499
- 3 7,500 TO 9,999
- 4 10,000 TO 12,499
- 5 12,500 TO 14,999
- 6 15,000 TO 19,999
- 7 20,000 TO 24,999
- 8 25,000 TO 29,999
- 9 30,000 TO 34,999
- 10 35,000 TO 39,999
- 11 40,000 TO 49,999
- 12 50,000 TO 59,999
- 13 60,000 TO 74,999
- 14 75,000 TO 99,999
- 15 100,000 TO 149,999
- 16 150,000 OR MORE

HUTYPEA	2	TYPE A NONINTERVIEW REASON	41 - 42
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VALID ENTRIES

- 1 NO ONE HOME (NOH)
- 2 TEMPORARILY ABSENT (TA)
- 3 REFUSED (REF)
- 4 LANGUAGE BARRIER
- 5 UNABLE TO LOCATE
- 6 OTHER OCCUPIED - SPECIFY

HUTYPB	2	TYPE B NON-INTERVIEW REASON	43 - 44
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VALID ENTRIES

- 1 VACANT REGULAR
- 2 TEMPORARILY OCCUPIED BY PERSONS W/ URE
- 3 VACANT-STORAGE OF HHLD FURNITURE
- 4 UNFIT OR TO BE DEMOLISHED
- 5 UNDER CONSTRUCTION, NOT READY
- 6 CONVERTED TO TEMP BUSINESS OR STORAGE
- 7 UNOCCUPIED TENT SITE OR TRAILER SITE
- 8 PERMIT GRANTED CONSTRUCTION NOT STARTED
- 9 OTHER TYPE B - SPECIFY

HUTYPC	2	TYPE C NON-INTERVIEW REASON	45 - 46
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NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 DEMOLISHED
- 2 HOUSE OR TRAILER MOVED
- 3 OUTSIDE SEGMENT
- 4 CONVERTED TO PERM. BUSINESS OR STORAGE
- 5 MERGED
- 6 CONDEMNED
- 8 UNUSED LINE OF LISTING SHEET
- 9 OTHER - SPECIFY

HWHHWGT	10	HOUSEHOLD WEIGHT (4 IMPLIED DECIMAL PLACES) USED FOR TALLYING HOUSEHOLD CHARACTERISTICS	47 - 56
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EDITED UNIVERSE: HRINTSTA = 1

HRINTSTA	2	INTERVIEW STATUS	57 - 58
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EDITED UNIVERSE: ALL HHLDs IN SAMPLE

VALID ENTRIES

- 1 INTERVIEW
- 2 TYPE A NON-INTERVIEW
- 3 TYPE B NON-INTERVIEW
- 4 TYPE C NON-INTERVIEW

HRNUMHOU	2	TOTAL NUMBER OF PERSONS LIVING IN THE HOUSEHOLD (HOUSEHOLD MEMBERS).	59 - 60
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EDITED UNIVERSE: ALL HHLDs IN SAMPLE

VALID ENTRIES

- 0 MIN VALUE
- 16 MAX VALUE

HRHTYPE	2	HOUSEHOLD TYPE	61 - 62
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EDITED UNIVERSE: ALL HHLDs IN SAMPLE

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 10 NON-INTERVIEW HOUSEHOLD
- 1 HUSBAND/WIFE PRIMARY FAMILY (NEITHER AF)
- 2 HUSB/WIFE PRIM. FAMILY (EITHER/BOTH AF)
- 3 UNMARRIED CIVILIAN MALE-PRIM. FAM HHLDER
- 4 UNMARRIED CIV. FEMALE-PRIM FAM HHLDER
- 5 PRIMARY FAMILY HHLDER-RP IN AF, UNMAR.
- 6 CIVILIAN MALE PRIMARY INDIVIDUAL
- 7 CIVILIAN FEMALE PRIMARY INDIVIDUAL
- 8 PRIMARY INDIVIDUAL HHLD-RP IN AF
- 9 GROUP QUARTERS WITHFAMILY
- 10 GROUP QUARTERS WITHOUT FAMILY

HRMIS	2	MONTH-IN-SAMPLE EDITED UNIVERSE: ALL HHLDs IN SAMPLE	63 - 64
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VALID ENTRIES

- 1 MIN VALUE
- 8 MAX VALUE

HUINTTYP	2	TYPE OF INTERVIEW	65 - 66
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VALID ENTRIES

- 0 NONINTERVIEW/INDETERMINATE
- 1 PERSONAL
- 2 TELEPHONE

HUPRSCNT	2	NUMBER OF ACTUAL AND ATTEMPTED PERSONAL CONTACTS	67 - 68
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VALID ENTRIES

- 1 MIN VALUE
- 9 MAX VALUE

HRLONGLK	2	LONGITUDINAL LINK INDICATOR EDITED UNIVERSE: ALL HHLDs IN SAMPLE	69 - 70
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VALID ENTRIES

- 10 MIS 1 OR REPLACEMENT HH (NO LINK)
- 2 MIS 2-4 OR MIS 6-8
- 3 MIS 5

NAME	SIZE	DESCRIPTION	LOCATION
HRHHID2	5	HOUSEHOLD IDENTIFIER (part 2) EDITED UNIVERSE: ALL HHLD's IN SAMPLE Part 1 of this number is found in columns 1-15 of the record. Concatenate this item with Part 1 for matching forward in time. The component parts of this number are as follows: 71-72 Numeric component of the sample number (HRSAMPLE) 73-74 Serial suffix-converted to numerics (HRSERSUF) 75 Household Number (HUHHNUM)	71 - 75
HWHHWTLN	2	Line Number (PULINENO) of the person whose PWSSWGT was donated as HWHHWGT for the household EDITED UNIVERSE: HRINTSTA = 1 <u>VALID ENTRIES</u> 0 MIN VALUE 16 MAX VALUE	76-77
FILLER	1		78 - 78
HUBUS	2	DOES ANYONE IN THIS HOUSEHOLD HAVE A BUSINESS OR A FARM? <u>VALID ENTRIES</u> 1 YES 2 NO	79 - 80
HUBUSL1	2	ENTER LINE NUMBER FOR HUBUS = 1 <u>VALID ENTRIES</u> 01 MIN VALUE 99 MAX VALUE	81 - 82
HUBUSL2	2	See BUSL1 <u>VALID ENTRIES</u> 1 MIN VALUE 99 MAX VALUE	83 - 84

NAME	SIZE	DESCRIPTION	LOCATION
HUBUSL3	2	See BUSL1	85 - 86
		<u>VALID ENTRIES</u>	
		1 MIN VALUE	
		99 MAX VALUE	
HUBUSL4	2	See BUSL1	87 - 88
		<u>VALID ENTRIES</u>	
		1 MIN VALUE	
		99 MAX VALUE	
<u>A2. GEOGRAPHIC INFORMATION</u>			
GEREG	2	REGION	89 - 90
		EDITED UNIVERSE: ALL HHLD's IN SAMPLE	
		<u>VALID ENTRIES</u>	
		1 NORTHEAST	
		2 MIDWEST (FORMERLY NORTH CENTRAL)	
		3 SOUTH	
		4 WEST	
GEDIV	1	DIVISION	91 - 91
		EDITED UNIVERSE: ALL HHLD's IN SAMPLE	
		<u>VALID ENTRIES</u>	
		1 NEW ENGLAND	
		2 MIDDLE ATLANTIC	
		3 EAST NORTH CENTRAL	
		4 WEST NORTH CENTRAL	
		5 SOUTH ATLANTIC	
		6 EAST SOUTH CENTRAL	
		7 WEST SOUTH CENTRAL	
		8 MOUNTAIN	
		9 PACIFIC	
FILLER	1		92 - 92

NAME	SIZE	DESCRIPTION	LOCATION
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GESTFIPS	2	FEDERAL INFORMATION PROCESSING STANDARDS (FIPS) STATE CODE	93 - 94
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EDITED UNIVERSE: ALL HHLD's IN SAMPLE

VALID ENTRIES

- 01 AL 30 MT
- 02 AK 31 NE
- 04 AZ 32 NV
- 05 AR 33 NH
- 06 CA 34 NJ
- 08 CO 35 NM
- 09 CT 36 NY
- 10 DE 37 NC
- 11 DC 38 ND
- 12 FL 39 OH
- 13 GA 40 OK
- 15 HI 41 OR
- 16 ID 42 PA
- 17 IL 44 RI
- 18 IN 45 SC
- 19 IA 46 SD
- 20 KS 47 TN
- 21 KY 48 TX
- 22 LA 49 UT
- 23 ME 50 VT
- 24 MD 51 VA
- 25 MA 53 WA
- 26 MI 54 WV
- 27 MN 55 WI
- 28 MS 56 WY
- 29 MO

FILLER	1		95 - 95
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GTCBSA	5	SPECIFIC METROPOLITAN CBSA CODE (SEE GEOGRAPHIC ATTACHMENT)	96 - 100
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EDITED UNIVERSE: ALL HHLD's IN SAMPLE

VALID ENTRIES

- 00000 NOT IDENTIFIED OR NONMETROPOLITAN
- 10180 MIN VALUE
- 49740 MAX VALUE

NAME	SIZE	DESCRIPTION	LOCATION
GTCO	3	FIPS COUNTY CODE	101 - 103
		EDITED UNIVERSE: ALL HHLD's IN SAMPLE	
		<u>VALID ENTRIES</u>	
		000 NOT IDENTIFIED	
		001-810 SPECIFIC COUNTY CODE (SEE GEOGRAPHIC ATTACHMENT)	
		NOTE: THIS CODE MUST BE USED IN COMBINATION WITH A STATE CODE (GESTFIPS or GESTCEN) IN ORDER TO UNIQUELY IDENTIFY A COUNTY. ALSO, MOST COUNTIES ARE NOT IDENTIFIED.	
GTCBSAST	1	PRINCIPAL CITY/BALANCE STATUS	104 - 104
		EDITED UNIVERSE: ALL HHLD's IN SAMPLE	
		<u>VALID ENTRIES</u>	
		1 PRINCIPAL CITY	
		2 BALANCE	
		3 NONMETROPOLITAN	
		4 NOT IDENTIFIED	
GTMETSTA	1	METROPOLITAN STATUS	105 - 105
		EDITED UNIVERSE: ALL HHLD's IN SAMPLE	
		<u>VALID ENTRIES</u>	
		1 METROPOLITAN	
		2 NONMETROPOLITAN	
		3 NOT IDENTIFIED	
GTINDVPC	1	INDIVIDUAL PRINCIPAL CITY	106 - 106
		EDITED UNIVERSE: ALL HHLD's IN SAMPLE	
		<u>VALID ENTRIES</u>	
		0 NOT IDENTIFIED, NONMETROPOLITAN, or NOT A CENTRAL CITY	
		1-7 SPECIFIC PRINCIPAL CITY CODE (SEE GEOGRAPHIC ATTACHMENT)	
		NOTE: WHENEVER POSSIBLE THIS CODE	

NAME	SIZE	DESCRIPTION	LOCATION
		IDENTIFIES SPECIFIC PRINCIPAL CITIES IN A METROPOLITAN AREA THAT HAS MULTIPLE PRINCIPAL CITIES. THIS CODE MUST BE USED IN COMBINATION WITH THE CBSA FIPS CODE (GTCBSA) IN ORDER TO UNIQUELY IDENTIFY A SPECIFIC CITY.	
GTCBSASZ	1	Metropolitan Area (CBSA) SIZE EDITED UNIVERSE: ALL HHLD's IN SAMPLE <u>VALID ENTRIES</u> 0 NOT IDENTIFIED OR NONMETROPOLITAN 2 100,000 - 249,999 3 250,000 - 499,999 4 500,000 - 999,999 5 1,000,000 - 2,499,999 6 2,500,000 - 4,999,999 7 5,000,000+	107 - 107
GTCSA	3	Consolidated Statistical Area (CSA) FIPS CODE (SEE GEOGRAPHIC ATTACHMENT) EDITED UNIVERSE: ALL HHLD's IN SAMPLE <u>VALID ENTRIES</u> 000 NOT IDENTIFIED OR NONMETROPOLITAN 104 MIN VALUE 548 MAX VALUE	108-110
FILLER	3		111 - 113
<u>A3. PERSONS INFORMATION DEMOGRAPHIC ITEMS</u>			
FILLER	2	Starting January 2014	114 - 117
PERRP	2	RELATIONSHIP TO REFERENCE PERSON EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3	118 - 119

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

EXPANDED RELATIONSHIP CATEGORIES

- 1 REFERENCE PERSON W/RELS.
- 2 REFERENCE PERSON W/O RELS.
- 3 SPOUSE
- 4 CHILD
- 5 GRANDCHILD
- 6 PARENT
- 7 BROTHER/SISTER
- 8 OTHER REL. OR REF. PERSON
- 9 FOSTER CHILD
- 10 NONREL. OF REF. PERSON W/RELS.
- 11 NOT USED
- 12 NONREL. OF REF. PERSON W/O RELS.
- 13 UNMARRIED PARTNER W/RELS.
- 14 UNMARRIED PARTNER W/OUT RELS.
- 15 HOUSEMATE/ROOMMATE W/RELS.
- 16 HOUSEMATE/ROOMMATE W/OUT RELS.
- 17 ROOMER/BOARDER W/RELS.
- 18 ROOMER/BOARDER W/OUT RELS.

SEE LOCATION 114 - 115 FOR THE COLLAPSED VERSION

FILLER	2	Starting January 2020	120 - 121
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PRTAGE	2	PERSONS AGE	122 - 123
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Note: This variable was labeled as PEAGE in prior versions of this documentation even though it contained the public use version of age that was topcoded and underwent further masking steps to protect the confidentiality of individuals in sample.

EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

00-79	Age in Years
80	80-84 Years Old
85	85+ Years Old

PRTFAGE	1	TOP CODE FLAG FOR AGE	124 - 124
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VALID ENTRIES

0	NO TOP CODE
1	TOP CODED VALUE FOR AGE

PEMARITL	2	MARITAL STATUS	125 - 126
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EDITED UNIVERSE: PRTAGE >= 15

VALID ENTRIES

1	MARRIED - SPOUSE PRESENT
2	MARRIED - SPOUSE ABSENT
3	WIDOWED
4	DIVORCED
5	SEPARATED
6	NEVER MARRIED

PESPOUSE	2	LINE NUMBER OF SPOUSE	127 - 128
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EDITED UNIVERSE: PEMARITL = 1

VALID ENTRIES

-1	NO SPOUSE
01	MIN VALUE
99	MAX VALUE

PESEX	2	SEX	129 - 130
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EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3

VALID ENTRIES

1	MALE
2	FEMALE

NAME	SIZE	DESCRIPTION	LOCATION
PEAFEVER	2	DID YOU EVER SERVE ON ACTIVE DUTY IN THE U.S. ARMED FORCES? <u>EDITED UNIVERSE:</u> PRTAGE >=17 <u>VALID ENTRIES</u> 1 YES 2 NO	131 - 132
FILLER	2	Starting August 2005	133 - 134
PEAFNOW	2	ARE YOU NOW IN THE ARMED FORCES <u>EDITED UNIVERSE:</u> PRPERTYP = 2 or 3 <u>VALID ENTRIES</u> 1 YES 2 NO	135 - 136
PEEDUCA	2	HIGHEST LEVEL OF SCHOOL COMPLETED OR DEGREE RECEIVED <u>EDITED UNIVERSE:</u> PRPERTYP = 2 OR 3 <u>VALID ENTRIES</u> 31 LESS THAN 1ST GRADE 32 1ST, 2ND, 3RD OR 4TH GRADE 33 5TH OR 6TH GRADE 34 7TH OR 8TH GRADE 35 9TH GRADE 36 10TH GRADE 37 11TH GRADE 38 12TH GRADE NO DIPLOMA 39 HIGH SCHOOL GRAD-DIPLOMA OR EQUIV (GED) 40 SOME COLLEGE BUT NO DEGREE 41 ASSOCIATE DEGREE-OCCUPATIONAL/VOCATIONAL 42 ASSOCIATE DEGREE-ACADEMIC PROGRAM 43 BACHELOR'S DEGREE (EX: BA, AB, BS) 44 MASTER'S DEGREE (EX: MA, MS, MEng, MEd, MSW) 45 PROFESSIONAL SCHOOL DEG (EX: MD, DDS, DVM) 46 DOCTORATE DEGREE (EX: PhD, EdD)	137 - 138

NAME	SIZE	DESCRIPTION	LOCATION
PTDTRACE	2	RACE	139 – 140
		EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3	
		<u>VALID ENTRIES</u>	
		1 White Only	
		2 Black Only	
		3 American Indian, Alaskan Native Only	
		4 Asian Only	
		5 Hawaiian/Pacific Islander Only	
		6 White-Black	
		7 White-AI	
		8 White-Asian	
		9 White-HP	
		10 Black-AI	
		11 Black-Asian	
		12 Black-HP	
		13 AI-Asian	
		14 AI-HP	
		15 Asian-HP	
		16 W-B-AI	
		17 W-B-A	
		18 W-B-HP	
		19 W-AI-A	
		20 W-AI-HP	
		21 W-A-HP	
		22 B-AI-A	
		23 W-B-AI-A	
		24 W-AI-A-HP	
		25 Other 3 Race Combinations	
		26 Other 4 and 5 Race Combinations	
PRDTHSP	2	DETAILED HISPANIC ORIGIN GROUP	141 - 142

NAME	SIZE	DESCRIPTION	LOCATION
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Revised January 2014

EDITED UNIVERSE: PEHSPNON = 1

VALID ENTRIES

1. Mexican
2. Puerto Rican
3. Cuban
4. Dominican
5. Salvadoran
6. Central American, excluding Salvadoran
7. South American
8. Other Spanish

PUCHINHH	2	CHANGE IN HOUSEHOLD COMPOSITION	143 – 144
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VALID ENTRIES

- 1 PERSON ADDED
- 2 PERSON ADDED - URE
- 3 PERSON UNDELETED
- 4 PERSON DIED
- 5 DELETED FOR REASON OTHER THAN DEATH
- 6 PERSON JOINED ARMED FORCES
- 7 PERSON NO LONGER IN AF
- 9 CHANGE IN DEMOGRAPHIC INFORMATION

FILLER	2		145 - 146
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PULINENO	2	PERSON'S LINE NUMBER	147 – 148
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VALID ENTRIES

- 01 MIN VALUE
- 99 MAX VALUE

FILLER	2		149 - 150
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PRFAMNUM	2	FAMILY NUMBER RECODE	151 - 152
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EDITED UNIVERSE: PRPERTYP = 1, 2, 0R 3

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 NOT A FAMILY MEMBER
- 2 PRIMARY FAMILY MEMBER ONLY
- 3 SUBFAMILY NO. 2 MEMBER
- 4 SUBFAMILY NO. 3 MEMBER
- 5 SUBFAMILY NO. 4 MEMBER
- 6 SUBFAMILY NO. 5 MEMBER
- 7 SUBFAMILY NO. 6 MEMBER
- 8 SUBFAMILY NO. 7 MEMBER
- 9 SUBFAMILY NO. 8 MEMBER
- 10 SUBFAMILY NO. 9 MEMBER
- 11 SUBFAMILY NO. 10 MEMBER
- 12 SUBFAMILY NO. 11 MEMBER
- 13 SUBFAMILY NO. 12 MEMBER
- 14 SUBFAMILY NO. 13 MEMBER
- 15 SUBFAMILY NO. 14 MEMBER
- 16 SUBFAMILY NO. 15 MEMBER
- 17 SUBFAMILY NO. 16 MEMBER
- 18 SUBFAMILY NO. 17 MEMBER
- 19 SUBFAMILY NO. 18 MEMBER
- 20 SUBFAMILY NO. 19 MEMBER

PRFAMREL	2	FAMILY RELATIONSHIP RECODE	153 - 154
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EDITED UNIVERSE: PRPERTYP = 1, 2, 0R 3

VALID ENTRIES

- 0 NOT A FAMILY MEMBER
- 1 REFERENCE PERSON
- 2 SPOUSE
- 3 CHILD
- 4 OTHER RELATIVE (PRIMARY FAMILY & UNREL)

PRFAMTYP	2	FAMILY TYPE RECODE	155 - 156
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EDITED UNIVERSE: PRPERTYP = 1, 2, 0R 3

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 PRIMARY FAMILY
- 2 PRIMARY INDIVIDUAL
- 3 RELATED SUBFAMILY
- 4 UNRELATED SUBFAMILY
- 5 SECONDARY INDIVIDUAL

PEHSPNON	2	HISPANIC OR NON-HISPANIC	157 - 158
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EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3

VALID ENTRIES

- 1 HISPANIC
- 2 NON-HISPANIC

PRMARSTA	2	MARITAL STATUS BASED ON ARMED FORCES PARTICIPATION EDITED	159 - 160
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UNIVERSE: PRPERTYP = 2 OR 3

VALID ENTRIES

- 1 MARRIED, CIVILIAN SPOUSE PRESENT
- 2 MARRIED, ARMED FORCES SPOUSE PRESENT
- 3 MARRIED, SPOUSE ABSENT (EXC. SEPARATED)
- 4 WIDOWED
- 5 DIVORCED
- 6 SEPARATED
- 7 NEVER MARRIED

PRPERTYP	2	TYPE OF PERSON RECORD RECODE	161 - 162
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EDITED UNIVERSE: ALL HOUSEHOLD MEMBERS

VALID ENTRIES

- 1 CHILD HOUSEHOLD MEMBER
- 2 ADULT CIVILIAN HOUSEHOLD MEMBER
- 3 ADULT ARMED FORCES HOUSEHOLD MEMBER PENATVTY

	3	COUNTRY OF BIRTH	163 - 165
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EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 057 UNITED STATES
- 066 GUAM
- 073 PUERTO RICO
- 078 U. S. VIRGIN ISLANDS
- 096 OTHER U. S. ISLAND AREA
- 100-554 FOREIGN COUNTRY (SEE APPENDIX)
- 555 ELSEWHERE

PEMNTVTY	3	MOTHER'S COUNTRY OF BIRTH	166 - 168
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EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3

VALID ENTRIES

- 057 UNITED STATES
- 066 GUAM
- 073 PUERTO RICO
- 078 U. S. VIRGIN ISLANDS
- 096 OTHER U. S. ISLAND AREA
- 100-554 FOREIGN COUNTRY (SEE APPENDIX)
- 555 ELSEWHERE

PEFNTVTY	3	FATHER'S COUNTRY OF BIRTH	169 - 171
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EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3

VALID ENTRIES

- 057 UNITED STATES
- 066 GUAM
- 073 PUERTO RICO
- 078 U. S. VIRGIN ISLANDS
- 096 OTHER U. S. ISLAND AREA
- 100-554 FOREIGN COUNTRY (SEE APPENDIX)
- 555 ELSEWHERE

PRCITSHP	2	CITIZENSHIP STATUS	172 - 173
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EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 NATIVE, BORN IN THE UNITED STATES
- 2 NATIVE, BORN IN PUERTO RICO OR OTHER U.S. ISLAND AREAS
- 3 NATIVE, BORN ABROAD OF AMERICAN PARENT OR PARENTS
- 4 FOREIGN BORN, U.S. CITIZEN BY NATURALIZATION
- 5 FOREIGN BORN, NOT A CITIZEN OF THE UNITED STATES

PRCITFLG	2	CITIZENSHIP ALLOCATION FLAG	174 - 175
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EDITED UNIVERSE: PRPERTYP = 1, 2, OR 3

Placed in this position because naming convention is different from all other allocation flags.

PRINUSYR	2	IMMIGRANT'S YEAR OF ENTRY	176 - 177
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EDITED UNIVERSE: PRCITSHP = 2, 3, 4, OR 5

VALID ENTRIES

- 1 NOT IN UNIVERSE (BORN IN U.S.)
- 00 NOT FOREIGN BORN
- 01 BEFORE 1950
- 02 1950-1959
- 03 1960-1964
- 04 1965-1969
- 05 1970-1974
- 06 1975-1979
- 07 1980-1981
- 08 1982-1983
- 09 1984-1985
- 10 1986-1987
- 11 1988-1989
- 12 1990-1991
- 13 1992-1993
- 14 1994-1995
- 15 1996-1997
- 16 1998-1999
- 17 2000-2001
- 18 2002-2003
- 19 2004-2005
- 20 2006-2007
- 21 2008-2009
- 22 2010-2011

NAME	SIZE	DESCRIPTION	LOCATION
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23 2012-2015

A4. PERSONS INFORMATION LABOR FORCE ITEMS

PUSLFPRX	2	LABOR FORCE INFORMATION COLLECTED BY SELF OR PROXY RESPONSE	178 - 179
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VALID ENTRIES

- 1 SELF
- 2 PROXY
- 3 BOTH SELF AND PROXY

PEMLR	2	MONTHLY LABOR FORCE RECODE	180 - 181
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EDITED UNIVERSE: PRPERTYP = 2

VALID ENTRIES

- 1 EMPLOYED-AT WORK
- 2 EMPLOYED-ABSENT
- 3 UNEMPLOYED-ON LAYOFF
- 4 UNEMPLOYED-LOOKING
- 5 NOT IN LABOR FORCE-RETIRED
- 6 NOT IN LABOR FORCE-DISABLED
- 7 NOT IN LABOR FORCE-OTHER

PUWK	2	LAST WEEK, DID YOU DO ANY WORK FOR (EITHER) PAY (OR PROFIT)?	182 - 183
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VALID ENTRIES

- 1 YES
- 2 NO
- 3 RETIRED
- 4 DISABLED
- 5 UNABLE TO WORK

PUBUS1	2	LAST WEEK, DID YOU DO ANY UNPAID WORK IN THE FAMILY BUSINESS OR FARM?	184 - 185
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NAME	SIZE	DESCRIPTION	LOCATION
		<u>VALID ENTRIES</u>	
		1 YES	
		2 NO	
PUBUS2OT	2	DO YOU RECEIVE ANY PAYMENTS OR PROFITS FROM THE BUSINESS?	186 - 187
		<u>VALID ENTRIES</u>	
		1 YES	
		2 NO	
PUBUSCK1	2	CHECK ITEM 1 FILTER FOR QUESTIONS ON UNPAID WORK	188 - 189
		<u>VALID ENTRIES</u>	
		1 GOTO PUBUS1	
		2 GOTO PURETCK1	
PUBUSCK2	2	CHECK ITEM 2 SKIPS OWNERS OF FAMILY BUSINES WHO DID NOT WORK LAST WEEK	190 - 191
		<u>VALID ENTRIES</u>	
		1 GOTO PUHRUSL1	
		2 GOTO PUBUS2	
PUBUSCK3	2	CHECK ITEM 3	192 - 193
		<u>VALID ENTRIES</u>	
		1 GOTO PUABSRSN	
		2 GOTO PULAY	
PUBUSCK4	2	CHECK ITEM 4	194 - 195
		<u>VALID ENTRIES</u>	
		1 GOTO PUHRUSL1	
		2 GOTO PUABSPD	
PURETOT	2	RETIREMENT STATUS (LAST MONTH YOU WERE REPORTED TO BE RETIRED, ARE YOU STILL RETIRED THIS MONTH?)	196 - 197

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 YES
- 2 NO
- 3 WAS NOT RETIRED LAST MONTH

PUDIS	2	DISABILITY STATUS (LAST MONTH YOU WERE REPORTED TO HAVE A DISABILITY.) DOES YOUR DISABILITY CONTINUE TO PREVENT YOU FROM DOING ANY KIND OF WORK FOR THE NEXT 6 MONTHS?	198 - 199
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VALID ENTRIES

- 1 YES
- 2 NO
- 3 DID NOT HAVE DISABILITY LAST MONTH

PERET1	2	DO YOU CURRENTLY WANT A JOB, EITHER FULL OR PART-TIME?	200 - 201
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EDITED UNIVERSE: PEMLR = 5 AND (PURETOT = 1 OR
(PUWK = 3 AND PRTAGE >= 50) OR
(PUABS = 3 AND PRTAGE >= 50) OR
(PULAY = 3 AND PRTAGE >= 50))

VALID ENTRIES

- 1 YES
- 2 NO
- 3 HAS A JOB

PUDIS1	2	DOES YOUR DISABILITY PREVENT YOU FROM ACCEPTING ANY KIND OF WORK DURING THE NEXT SIX MONTHS?	202 - 203
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VALID ENTRIES

- 1 YES
- 2 NO

PUDIS2	2	DO YOU HAVE A DISABILITY THAT PREVENTS YOU FROM ACCEPTING ANY KIND OF WORK DURING THE NEXT SIX MONTHS?	204 - 205
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NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 YES
- 2 NO

PUABSOT	2	LAST WEEK DID YOU HAVE A JOB EITHER FULL OR PART-TIME?	206 - 207
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VALID ENTRIES

- 1 YES
- 2 NO
- 3 RETIRED
- 4 DISABLED
- 5 UNABLE TO WORK

PULAY	2	LAST WEEK, WERE YOU ON LAYOFF FROM A JOB?	208 - 209
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VALID ENTRIES

- 1 YES
- 2 NO
- 3 RETIRED
- 4 DISABLED
- 5 UNABLE TO WORK

PEABSRSN	2	WHAT IS THE MAIN REASON YOU WERE ABSENT FROM WORK LAST WEEK?	210 - 211
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EDITED UNIVERSE: PEMLR = 2

VALID ENTRIES

- 1 ON LAYOFF
- 2 SLACK WORK/BUSINESS CONDITIONS
- 3 WAITING FOR A NEW JOB TO BEGIN
- 4 VACATION/PERSONAL DAYS
- 5 OWN ILLNESS/INJURY/MEDICAL PROBLEMS
- 6 CHILD CARE PROBLEMS
- 7 OTHER FAMILY/PERSONAL OBLIGATION
- 8 MATERNITY/PATERNITY LEAVE
- 9 LABOR DISPUTE
- 10 WEATHER AFFECTED JOB
- 11 SCHOOL/TRAINING
- 12 CIVIC/MILITARY DUTY
- 13 DOES NOT WORK IN THE BUSINESS
- 14 OTHER (SPECIFY)

NAME	SIZE	DESCRIPTION	LOCATION
PEABSPDO	2	ARE YOU BEING PAID BY YOUR EMPLOYER FOR ANY OF THE TIME OFF LAST WEEK? EDITED UNIVERSE: PEABSRSN = 4-12, 14 <u>VALID ENTRIES</u> 1 YES 2 NO	212 - 213
PEMJOT	2	DO YOU HAVE MORE THAN ONE JOB? EDITED UNIVERSE: PEMLR = 1, 2 <u>VALID ENTRIES</u> 1 YES 2 NO	214 - 215
PEMJNUM	2	ALTOGETHER, HOW MANY JOBS DID YOU HAVE? EDITED UNIVERSE: PEMJOT = 1 <u>VALID ENTRIES</u> 2 2 JOBS 3 3 JOBS 4 4 OR MORE JOBS	216 - 217
PEHRUSL1	2	HOW MANY HOURS PER WEEK DO YOU USUALLY WORK AT YOUR MAIN JOB? EDITED UNIVERSE: PEMJOT = 1 OR 2 AND PEMLR = 1 OR 2 <u>VALID ENTRIES</u> -4 HOURS VARY 0 MIN VALUE 99 MAX VALUE	218 - 219
PEHRUSL2	2	HOW MANY HOURS PER WEEK DO YOU USUALLY WORK AT YOUR OTHER (JOB/JOBS)?	220 - 221

NAME	SIZE	DESCRIPTION	LOCATION
		EDITED UNIVERSE: PEMJOT = 1 AND PEMLR = 1 OR 2	
		<u>VALID ENTRIES</u>	
		-4 HOURS VARY	
		0 MIN VALUE	
		99 MAX VALUE	
PEHRFTPT	2	DO YOU USUALLY WORK 35 HOURS OR MORE PER WEEK?	222 - 223
		EDITED UNIVERSE: PEHRUSL1 = -4 OR PEHRUSL2 = -4	
		<u>VALID ENTRIES</u>	
		1 YES	
		2 NO	
		3 HOURS VARY	
PEHRUSLT	3	SUM OF HRUSL1 AND HRUSL2.	224 - 226
		EDITED UNIVERSE: PEMLR = 1 OR 2	
		<u>VALID ENTRIES</u>	
		-4 VARIES	
		0 MIN VALUE	
		198 MAX VALUE	
PEHRWANT	2	DO YOU WANT TO WORK A FULL-TIME WORK WEEK OF 35 HOURS OR MORE PER WEEK?	227 - 228
		EDITED UNIVERSE: PEMLR = 1 AND (PEHRUSLT = 0-34 PEHRFTPT = 2)	
		<u>VALID ENTRIES</u>	
		1 YES	
		2 NO	
		3 REGULAR HOURS ARE FULL-TIME	
PEHRRSN1	2	WHAT IS YOUR MAIN REASON FOR WORKING PART-TIME?	229 - 230
		EDITED UNIVERSE: PEHRWANT = 1 (PEMLR = 1 AND PEHRUSLT < 35)	

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 SLACK WORK/BUSINESS CONDITIONS
- 2 COULD ONLY FIND PART-TIME WORK
- 3 SEASONAL WORK
- 4 CHILD CARE PROBLEMS
- 5 OTHER FAMILY/PERSONAL OBLIGATIONS
- 6 HEALTH/MEDICAL LIMITATIONS
- 7 SCHOOL/TRAINING
- 8 RETIRED/SOCIAL SECURITY LIMIT ON EARNINGS
- 9 FULL-TIME WORKWEEK IS LESS THAN 35 HRS
- 10 OTHER - SPECIFY

PEHRRSN2	2	WHAT IS THE MAIN REASON YOU DO NOT WANT TO WORK FULL-TIME?	231 - 232
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EDITED UNIVERSE: PEHRWANT = 2 (PEMLR = 1 AND PEHRUSLT < 35)

VALID ENTRIES

- 1 CHILD CARE PROBLEMS
- 2 OTHER FAMILY/PERSONAL OBLIGATIONS
- 3 HEALTH/MEDICAL LIMITATIONS
- 4 SCHOOL/TRAINING
- 5 RETIRED/SOCIAL SECURITY LIMIT ON EARNINGS
- 6 FULL-TIME WORKWEEK LESS THAN 35 HOURS
- 7 OTHER - SPECIFY

PEHRRSN3	2	WHAT IS THE MAIN REASON YOU WORKED LESS THAN 35 HOURS LAST WEEK?	233 - 234
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EDITED UNIVERSE: PEHRACTT = 1-34 AND PUHRCK7 NE 1, 2
(PEMLR = 1 AND PEHRUSLT = 35+)

VALID ENTRIES

- 1 SLACK WORK/BUSINESS CONDITIONS
- 2 SEASONAL WORK
- 3 JOB STARTED OR ENDED DURING WEEK
- 4 VACATION/PERSONAL DAY
- 5 OWN ILLNESS/INJURY/MEDICAL APPOINTMENT
- 6 HOLIDAY (LEGAL OR RELIGIOUS)
- 7 CHILD CARE PROBLEMS
- 8 OTHER FAMILY/PERSONAL OBLIGATIONS

NAME	SIZE	DESCRIPTION	LOCATION
		9 LABOR DISPUTE 10 WEATHER AFFECTED JOB 11 SCHOOL/TRAINING 12 CIVIC/MILITARY DUTY 13 OTHER REASON	
PUHROFF1	2	LAST WEEK, DID YOU LOSE OR TAKE OFF ANY HOURS FROM YOUR JOB, FOR ANY REASON SUCH AS ILLNESS, SLACK WORK, VACATION, OR HOLIDAY? <u>VALID ENTRIES</u> 1 YES 2 NO	235 - 236
PUHROFF2	2	HOW MANY HOURS DID YOU TAKE OFF? <u>VALID ENTRIES</u> 0 MIN VALUE 99 MAX VALUE	237 - 238
PUHROT1	2	LAST WEEK, DID YOU WORK ANY OVERTIME OR EXTRA HOURS (AT YOUR MAIN JOB) THAT YOU DO NOT USUALLY WORK? <u>VALID ENTRIES</u> 1 YES 2 NO	239 - 240
PUHROT2	2	HOW MANY ADDITIONAL HOURS DID YOU WORK? <u>VALID ENTRIES</u> 0 MIN VALUE 99 MAX VALUE	241 - 242
PEHRACT1	2	LAST WEEK, HOW MANY HOURS DID YOU ACTUALLY WORK AT YOUR JOB? EDITED UNIVERSE: PEMLR = 1	243 - 244

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

0 MIN VALUE
99 MAX VALUE

PEHRACT2	2	LAST WEEK, HOW MANY HOURS DID YOU ACTUALLY WORK AT YOUR OTHER (JOB/JOBS)	245 - 246
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EDITED UNIVERSE: PEMLR = 1 AND PEMJOT = 1

VALID ENTRIES

0 MIN VALUE
99 MAX VALUE

PEHRACTT	3	SUM OF PEHRACT1 AND PEHRACT2.	247 - 249
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EDITED UNIVERSE: PEMLR = 1

VALID ENTRIES

0 MIN VALUE
198 MAX VALUE

PEHRAVL	2	LAST WEEK, COULD YOU HAVE WORKED FULL-TIME IF THE HOURS HAD BEEN AVAILABLE?	250 - 251
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EDITED UNIVERSE: PEHRACTT = 1-34 (PEMLR = 1 AND PEHRUSLT < 35 AND PEHRRSN1 = 1, 2, 3)

VALID ENTRIES

1 YES
2 NO

FILLER	5		252 - 256
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PUHRCK1	2	CHECK ITEM 1	257 - 258
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VALID ENTRIES

1 GOTO PUHRUSL2
2 GOTO PUHRUSLT

NAME	SIZE	DESCRIPTION	LOCATION
PUHRCK2	2	CHECK ITEM 2 SKIPS PERSONS RESPONDING YES TO HRFTPT OUT OF PT SERIES <u>VALID ENTRIES</u> 1 IF ENTRY OF 1 IN MJ AND ENTRY OF D, R OR V IN HRUSL1 AND ENTRY OF D, R, V OR 0-34 IN HRUSL2 GOTO HRFTPT 2 IF ENTRY OF 1 IN MJ AND ENTRY OF D, R OR V IN HRUSL2 AND ENTRY OF D, R V OR 0-34 IN HRUSL1 GOTO HRFTPT 3 IF ENTRY OF 2, D OR R IN MJ AND ENTRY OF D, R OR V IN HRUSL1 GOTO HRFTPT 4 IF ENTRY OF 1 IN BUS1 AND ENTRY OF D, R OR V IN HRUSL1 THEN GOTO HRFTPT 5 ALL OTHERS GOTO HRCK3-C	259 - 260
PUHRCK3	2	CHECK ITEM 3 <u>VALID ENTRIES</u> 1 IF ENTRY OF 1 IN ABSOT OR (ENTRY OR 2 IN ABSOT AND ENTRY OF 1 IN BUS AND CURRENT R_P EQUALS BUSLST) THEN GOTO HRCK8 2 IF ENTRY OF 3 IN RET1 GOTO HRCK8 3 IF ENTRY IN HRUSLT IS 0-34 HOURS GOTO HRCK4-C 4 IF ENTRY IN HRUSLT IS 35+ GOTO HROFF1 5 ALL OTHERS GOTO HRCK4-C 6 GOTO PUHRCK4	261 - 262
PUHRCK4	2	CHECK ITEM 4	263 - 264

NAME	SIZE	DESCRIPTION	LOCATION
		<u>VALID ENTRIES</u>	
		1 IF ENTRY OF 1, D, R OR V IN HRFTPT THEN GOTO HRACT1	
		2 IF ENTRY OF 2, D OR R IN BUS2 THEN GOTO HROFF1	
		3 IF HRUSLT IS 0-34 THEN GOTO HRWANT	
		4 IF ENTRY OF 2 IN HRFTPT THEN GOTO HRWANT	
		5 ALL OTHERS GOTO HRACT1	
PUHRCK5	2	CHECK ITEM 5	265 - 266
		<u>VALID ENTRIES</u>	
		1 IF ENTRY OF 1 IN MJOT GOTO HRACT2	
		2 ALL OTHERS GOTO HRCK6-C	
PUHRCK6	2	CHECK ITEM 6	267 - 268
		<u>VALID ENTRIES</u>	
		1 IF HRACT1 AND HRACT2 EQ 0 AND ENTRY OF 2, D, R IN BUS2 THEN GOTO LK	
		2 IF HRACT1 AND HRACT2 EQ 0 THEN STORE 1 IN ABSOT AND GOTO ABSRSN	
		3 ALL OTHERS GOTO HRACTT-C	
PUHRCK7	2	CHECK ITEM 7	269 - 270
		<u>VALID ENTRIES</u>	
		1 (IF ENTRY OF 2, D OR R IN BUS2) AND (HRACT1 LESS THAN 15 OR D) GOTO HRCK8	
		2 (IF ENTRY OF 2, D OR R IN BUS2) AND (HRACT1 IS 15+) GOTO HRCK8	
		3 (IF HRUSLT IS 35+ OR IF ENTRY OF 1 IN HRFTPT) AND (HRACTT < 35) AND ENTRY IN HRACT1 OR HRACT2 ISN'T D OR R THEN GOTO HRRSN3	
		4 IF ENTRY OF 1 IN HRWANT AND HRACTT < 35 AND (ENTRY OF 1, 2, 3 IN HRRSN1) GOTO HRAVL	
		5 ALL OTHERS GOTO HRCK8	
PUHRCK12	2	CHECK ITEM 12	271 - 272

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 IF ENTRY OF 2, D OR R IN BUS2
AND HRACTT IS LESS THAN 15
OR D GOTO LK
- 2 ALL OTHERS GOTO IOCK1

PULAYDT	2	HAS YOUR EMPLOYER GIVEN YOU A DATE TO RETURN TO WORK?	273 - 274
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VALID ENTRIES

- 1 YES
- 2 NO

PULAY6M	2	HAVE YOU BEEN GIVEN ANY INDICATION THAT YOU WILL BE RECALLED TO WORK WITHIN THE NEXT 6 MONTHS?	275 - 276
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VALID ENTRIES

- 1 YES
- 2 NO

PELAYAVL	2	COULD YOU HAVE RETURNED TO WORK LAST WEEK IF YOU HAD BEEN RECALLED?	277 - 278
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EDITED UNIVERSE: PEMLR = 3

VALID ENTRIES

- 1 YES
- 2 NO

PULAYAVR	2	WHY IS THAT?	279 - 280
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VALID ENTRIES

- 1 OWN TEMPORARY ILLNESS
- 2 GOING TO SCHOOL
- 3 OTHER

PELAYLK	2	EVEN THOUGH YOU ARE TO BE CALLED BACK TO WORK, HAVE YOU BEEN LOOKING FOR WORK DURING THE LAST 4 WEEKS.	281 - 282
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NAME	SIZE	DESCRIPTION	LOCATION
		EDITED UNIVERSE: PELAYAVL= 1, 2	
		<u>VALID ENTRIES</u>	
		1 YES	
		2 NO	
PELAYDUR	3	DURATION OF LAYOFF	283 - 285
		EDITED UNIVERSE: PELAYLK = 1, 2	
		<u>VALID ENTRIES</u>	
		01-51 Weeks on layoff	
		52 52 weeks or more	
		Topcoded at 52 weeks starting April 2011	
PELAYFTO	2	FT/PT STATUS OF JOB FROM WHICH SAMPLE PERSON WAS ON LAYOFF FROM	286 - 287
		EDITED UNIVERSE: PELAYDUR = 0-120	
		<u>VALID ENTRIES</u>	
		1 YES	
		2 NO	
PULAYCK1	2	CHECK ITEM 1	288 - 289
		<u>VALID ENTRIES</u>	
		1 GOTO PULAYCK3	
		2 GOTO PULAYFT	
		3 GOTO PULAYDR	
PULAYCK2	2	CHECK ITEM 2 SCREEN FOR DEPENDENT LAYOFF	290 - 291
		<u>VALID ENTRIES</u>	
		1 GOTO PULAYDR3	
		2 GOTO PULAYFT	

NAME	SIZE	DESCRIPTION	LOCATION
PULAYCK3	2	CHECK ITEM 3 FILTER FOR DEPENDENT I & O <u>VALID ENTRIES</u> 1 MISCK = 5 GOTO IO1INT 2 I-ICR = 1 OR I-OCR = 1, GOTO IO1INT 3 ALL OTHERS GOTO SCHCK	292 - 293
PULK	2	HAVE YOU BEEN DOING ANYTHING TO FIND WORK DURING THE LAST 4 WEEKS? <u>VALID ENTRIES</u> 1 YES 2 NO 3 RETIRED 4 DISABLED 5 UNABLE TO WORK	294 - 295
PELKM1	2	WHAT ARE ALL OF THE THINGS YOU HAVE DONE TO FIND WORK DURING THE LAST 4 WEEKS? (FIRST METHOD) EDITED UNIVERSE: PEMLR = 4 <u>VALID ENTRIES</u> 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW 2 CONTACTED PUBLIC EMPLOYMENT AGENCY 3 CONTACTED PRIVATE EMPLOYMENT AGENCY 4 CONTACTED FRIENDS OR RELATIVES 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER 6 SENT OUT RESUMES/FILLED OUT APPLICATION 7 CHECKED UNION/PROFESSIONAL REGISTERS 8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 12 NOTHING 13 OTHER PASSIVE	296 - 297
PULKM2	2	ANYTHING ELSE? (SECOND METHOD)	298 - 299

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS
- 8 PLACED OR ANSWERED ADS
- 9 OTHER ACTIVE
- 10 LOOKED AT ADS
- 11 ATTENDED JOB TRAINING PROGRAMS/COURSES
- 13 OTHER PASSIVE

PULKM3	2	SAME AS PULKM2 (THIRD METHOD)	300 - 301
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS
- 8 PLACED OR ANSWERED ADS
- 9 OTHER ACTIVE
- 10 LOOKED AT ADS
- 11 ATTENDED JOB TRAINING PROGRAMS/COURSES
- 13 OTHER PASSIVE

PULKM4	2	SAME AS PULKM2 (FOURTH METHOD)	302 - 303
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS

NAME	SIZE	DESCRIPTION	LOCATION
		8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 13 OTHER PASSIVE	
PULKM5	2	SAME AS PULKM2 (FIFTH METHOD)	304 - 305
		<u>VALID ENTRIES</u>	
		1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW 2 CONTACTED PUBLIC EMPLOYMENT AGENCY 3 CONTACTED PRIVATE EMPLOYMENT AGENCY 4 CONTACTED FRIENDS OR RELATIVES 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER 6 SENT OUT RESUMES/FILLED OUT APPLICATION 7 CHECKED UNION/PROFESSIONAL REGISTERS 8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 13 OTHER PASSIVE	
PULKM6	2	SAME AS PULKM2 (SIXTH METHOD)	306 - 307
		<u>VALID ENTRIES</u>	
		1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW 2 CONTACTED PUBLIC EMPLOYMENT AGENCY 3 CONTACTED PRIVATE EMPLOYMENT AGENCY 4 CONTACTED FRIENDS OR RELATIVES 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER 6 SENT OUT RESUMES/FILLED OUT APPLICATION 7 CHECKED UNION/PROFESSIONAL REGISTERS 8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 13 OTHER PASSIVE	
PULKDK1	2	YOU SAID YOU HAVE BEEN TRYING TO FIND WORK. HOW DID YOU GO ABOUT LOOKING? (FIRST METHOD)	308 - 309

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS
- 8 PLACED OR ANSWERED ADS
- 9 OTHER ACTIVE
- 10 LOOKED AT ADS
- 11 ATTENDED JOB TRAINING PROGRAMS/COURSES
- 12 NOTHING
- 13 OTHER PASSIVE

PULKDK2	2	ANYTHING ELSE? (SECOND METHOD)	310 - 311
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS
- 8 PLACED OR ANSWERED ADS
- 9 OTHER ACTIVE
- 10 LOOKED AT ADS
- 11 ATTENDED JOB TRAINING PROGRAMS/COURSES
- 13 OTHER PASSIVE

PULKDK3	2	SAME AS PULKDK2 (THIRD METHOD)	312 - 313
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS

NAME	SIZE	DESCRIPTION	LOCATION
		8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 13 OTHER PASSIVE	
PULKDK4	2	SAME AS PULKDK2 (FOURTH METHOD)	314 - 315
		<u>VALID ENTRIES</u> 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW 2 CONTACTED PUBLIC EMPLOYMENT AGENCY 3 CONTACTED PRIVATE EMPLOYMENT AGENCY 4 CONTACTED FRIENDS OR RELATIVES 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER 6 SENT OUT RESUMES/FILLED OUT APPLICATION 7 CHECKED UNION/PROFESSIONAL REGISTERS 8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 13 OTHER PASSIVE	
PULKDK5	2	SAME AS PULKDK2 (FIFTH METHOD)	316 - 317
		<u>VALID ENTRIES</u> 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW 2 CONTACTED PUBLIC EMPLOYMENT AGENCY 3 CONTACTED PRIVATE EMPLOYMENT AGENCY 4 CONTACTED FRIENDS OR RELATIVES 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER 6 SENT OUT RESUMES/FILLED OUT APPLICATION 7 CHECKED UNION/PROFESSIONAL REGISTERS 8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 13 OTHER PASSIVE	
PULKDK6	2	SAME AS PULKDK2 (SIXTH METHOD)	318 - 319

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS
- 8 PLACED OR ANSWERED ADS
- 9 OTHER ACTIVE
- 10 LOOKED AT ADS
- 11 ATTENDED JOB TRAINING PROGRAMS/COURSES
- 13 OTHER PASSIVE

PULKPS1	2	CAN YOU TELL ME MORE ABOUT WHAT YOU DID TO SEARCH FOR WORK? (FIRST METHOD)	320 - 321
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS
- 8 PLACED OR ANSWERED ADS
- 9 OTHER ACTIVE
- 10 LOOKED AT ADS
- 11 ATTENDED JOB TRAINING PROGRAMS/COURSES
- 12 NOTHING
- 13 OTHER PASSIVE

PULKPS2	2	ANYTHING ELSE? (SECOND METHOD)	322 - 323
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION

NAME	SIZE	DESCRIPTION	LOCATION
		7 CHECKED UNION/PROFESSIONAL REGISTERS 8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 13 OTHER PASSIVE	
PULKPS3	2	SAME AS PULKPS2 (THIRD METHOD)	324 - 325
		<u>VALID ENTRIES</u>	
		1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW 2 CONTACTED PUBLIC EMPLOYMENT AGENCY 3 CONTACTED PRIVATE EMPLOYMENT AGENCY 4 CONTACTED FRIENDS OR RELATIVES 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER 6 SENT OUT RESUMES/FILLED OUT APPLICATION 7 CHECKED UNION/PROFESSIONAL REGISTERS 8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 13 OTHER PASSIVE	
PULKPS4	2	SAME AS PULKPS2 (FOURTH METHOD)	326 - 327
		<u>VALID ENTRIES</u>	
		1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW 2 CONTACTED PUBLIC EMPLOYMENT AGENCY 3 CONTACTED PRIVATE EMPLOYMENT AGENCY 4 CONTACTED FRIENDS OR RELATIVES 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER 6 SENT OUT RESUMES/FILLED OUT APPLICATION 7 CHECKED UNION/PROFESSIONAL REGISTERS 8 PLACED OR ANSWERED ADS 9 OTHER ACTIVE 10 LOOKED AT ADS 11 ATTENDED JOB TRAINING PROGRAMS/COURSES 13 OTHER PASSIVE	
PULKPS5	2	SAME AS PULKPS2 (FIFTH METHOD)	328 - 329

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS
- 8 PLACED OR ANSWERED ADS
- 9 OTHER ACTIVE
- 10 LOOKED AT ADS
- 11 ATTENDED JOB TRAINING PROGRAMS/COURSES
- 13 OTHER PASSIVE

PULKPS6	2	SAME AS PULKPS2 (SIXTH METHOD)	330 - 331
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VALID ENTRIES

- 1 CONTACTED EMPLOYER DIRECTLY/INTERVIEW
- 2 CONTACTED PUBLIC EMPLOYMENT AGENCY
- 3 CONTACTED PRIVATE EMPLOYMENT AGENCY
- 4 CONTACTED FRIENDS OR RELATIVES
- 5 CONTACTED SCHOOL/UNIVERSITY EMPL CENTER
- 6 SENT OUT RESUMES/FILLED OUT APPLICATION
- 7 CHECKED UNION/PROFESSIONAL REGISTERS
- 8 PLACED OR ANSWERED ADS
- 9 OTHER ACTIVE
- 10 LOOKED AT ADS
- 11 ATTENDED JOB TRAINING PROGRAMS/COURSES
- 13 OTHER PASSIVE

PELKAVL	2	LAST WEEK, COULD YOU HAVE STARTED A JOB IF ONE HAD BEEN OFFERED?	332 - 333
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EDITED UNIVERSE: PELKM1 = 1 - 13

VALID ENTRIES

- 1 YES
- 2 NO

PULKAVR	2	WHY IS THAT?	334 - 335
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NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 WAITING FOR NEW JOB TO BEGIN
- 2 OWN TEMPORARY ILLNESS
- 3 GOING TO SCHOOL
- 4 OTHER - SPECIFY

PELKLL10	2	BEFORE YOU STARTED LOOKING FOR WORK, WHAT WERE YOU DOING: WORKING, GOING TO SCHOOL, OR SOMETHING ELSE?	336 - 337
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EDITED UNIVERSE: PELKAVL = 1-2

VALID ENTRIES

- 1 WORKING
- 2 SCHOOL
- 3 LEFT MILITARY SERVICE
- 4 SOMETHING ELSE

PELKLL20	2	DID YOU LOSE OR QUIT THAT JOB, OR WAS IT A TEMPORARY JOB THAT ENDED?	338 - 339
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EDITED UNIVERSE: PELKLL10 = 1 OR 3

VALID ENTRIES

- 1 LOST JOB
- 2 QUIT JOB
- 3 TEMPORARY JOB ENDED

PELKLWO	2	WHEN LAST WORKED	340 - 341
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EDITED UNIVERSE: PELKLL10 = 1 - 4

VALID ENTRIES

- 1 WITHIN THE LAST 12 MONTHS
- 2 MORE THAN 12 MONTHS AGO
- 3 NEVER WORKED

PELKDUR	3	DURATION OF JOB SEEKING	342 - 344
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EDITED UNIVERSE: PELKLWO = 1 - 3

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

0-118 Weeks looking for work
 119 119 or more weeks looking

Topcoded at 119 weeks starting April 2011

PELKFTO	2	FT/PT STATUS OF JOBSEEKER	345 - 346
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EDITED UNIVERSE: PELKDUR = 0-120

VALID ENTRIES

1 YES
 2 NO
 3 DOESN'T MATTER

PEDWWNT0	2	DO YOU CURRENTLY WANT A JOB, EITHER FULL OR PART TIME? EDITED	347 - 348
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UNIVERSE: PUDWCK1 = 3, 4, -1

VALID ENTRIES

1 YES, OR MAYBE, IT DEPENDS
 2 NO
 3 RETIRED
 4 DISABLED
 5 UNABLE

PEDWRSN	2	WHAT IS THE MAIN REASON YOU WERE NOT LOOKING FOR WORK DURING THE LAST 4 WEEKS?	349 - 350
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EDITED UNIVERSE: PUDWCK4 = 4, -1

VALID ENTRIES

1 BELIEVES NO WORK AVAILABLE IN AREA OF EXPERTISE
 2 COULDN'T FIND ANY WORK
 3 LACKS NECESSARY SCHOOLING/TRAINING
 4 EMPLOYERS THINK TOO YOUNG OR TOO OLD
 5 OTHER TYPES OF DISCRIMINATION
 6 CAN'T ARRANGE CHILD CARE
 7 FAMILY RESPONSIBILITIES

NAME	SIZE	DESCRIPTION	LOCATION
		8 IN SCHOOL OR OTHER TRAINING 9 ILL-HEALTH, PHYSICAL DISABILITY 10 TRANSPORTATION PROBLEMS 11 OTHER - SPECIFY	
PEDWLKO	2	DID YOU LOOK FOR WORK AT ANY TIME IN THE LAST 12 MONTHS	351 - 352
		EDITED UNIVERSE: (PUDWCK4 = 1-3) or (PEDWRSN = 1-11)	
		<u>VALID ENTRIES</u>	
		1 YES 2 NO	
PEDWWK	2	DID YOU ACTUALLY WORK AT A JOB OR BUSINESS DURING THE LAST 12 MONTHS?	353 - 354
		EDITED UNIVERSE: PEDWLKO = 1	
		<u>VALID ENTRIES</u>	
		1 YES 2 NO	
PEDW4WK	2	DID YOU DO ANY OF THIS WORK DURING THE LAST 4 WEEKS?	355 - 356
		EDITED UNIVERSE: PEDWWK = 1	
		<u>VALID ENTRIES</u>	
		1 YES 2 NO	
PEDWLKWK	2	SINCE YOU LEFT THAT JOB OR BUSINESS HAVE YOU LOOKED FOR WORK?	357 - 358
		EDITED UNIVERSE: PEDW4WK = 2	
		<u>VALID ENTRIES</u>	
		1 YES 2 NO	

NAME	SIZE	DESCRIPTION	LOCATION
PEDWAVL	2	<p>LAST WEEK, COULD YOU HAVE STARTED A JOB IF ONE HAD BEEN OFFERED?</p> <p>EDITED UNIVERSE: (PEDWWK = 2) or (PEDWLKWK = 1)</p> <p><u>VALID ENTRIES</u></p> <p>1 YES 2 NO</p>	359 - 360
PEDWAVR	2	<p>WHY IS THAT?</p> <p>EDITED UNIVERSE: PEDWAVL = 2</p> <p><u>VALID ENTRIES</u></p> <p>1 OWN TEMPORARY ILLNESS 2 GOING TO SCHOOL 3 OTHER</p>	361 - 362
PUDWCK1	2	<p>SCREEN FOR DISCOURAGED WORKERS</p> <p><u>VALID ENTRIES</u></p> <p>1 IF ENTRY OF 2 IN BUS2 GOTO PUSCHCK 2 IF ENTRY OF 3 ON ABSRSN GOTO PUNLFCK1 3 IF ENTRY OF 1 IN RET1, STORE 1 IN DWWNT0 AND GOTO PUDWCK4 4 ALL OTHERS GOTO PUDWWNT</p>	363 - 364
PUDWCK2	2	<p>SCREEN FOR DISABLED</p> <p><u>VALID ENTRIES</u></p> <p>1 IF ENTRY IN DIS1 OR DIS2 GOTO PUJHCK1-C 2 IF ENTRY OF 4 IN DWWNT GOTO PUDIS1 3 IF ENTRY OF 5 IN DWWNT GOTO PUDIS2 4 ALL OTHERS GOTO PUDWCK4</p>	365 - 366
PUDWCK3	2	<p>FILTER FOR RETIRED</p> <p><u>VALID ENTRIES</u></p> <p>1 IF AGERNG EQUALS 1-4 OR 9 GOTO PUDWCK4 2 ALL OTHERS GOTO PUNLFCK2</p>	367 - 368

NAME	SIZE	DESCRIPTION	LOCATION
PUDWCK4	2	FILTER FOR PASSIVE JOB SEEKERS	369 - 370
		<u>VALID ENTRIES</u>	
		1 IF ENTRY OF 10 AND/OR 11 AND/OR 13 ONLY IN LKM1-LKM3 GOTO PUDWCK5	
		2 IF ENTRY OF 10 AND/OR 11 AND/OR 13 ONLY IN LKDK1-LKDK3 GOTO PUDWCK5	
		3 IF ENTRY OF 10 AND/OR 11 AND/OR 13 ONLY IN LKPS1-LKPS3 GOTO PUDWCK5	
		4 ALL OTHERS GOTO PUDWRSN	
PUDWCK5	2	FILTER FOR PASSIVE JOB SEEKERS	371 - 372
		<u>VALID ENTRIES</u>	
		1 IF ENTRY OF 1 IN LK THEN STORE 1 IN DWLKO AND GOTO PUDWCK	
		2 ALL OTHERS GOTO PUDWCK	
PEJHWKO	2	HAVE YOU WORKED AT A JOB OR BUSINESS AT ANY TIME DURING THE PAST 12 MONTHS?	373 - 374
		EDITED UNIVERSE: HRMIS = 4 or 8 AND PEMLR = 5, 6, AND 7	
		<u>VALID ENTRIES</u>	
		1 YES	
		2 NO	
PUJHDP10	2	DID YOU DO ANY OF THIS WORK IN THE LAST 4 WEEKS?	375 - 376
		<u>VALID ENTRIES</u>	
		1 YES	
		2 NO	
PEJHRSN	2	WHAT IS THE MAIN REASON YOU LEFT YOUR LAST JOB?	377 - 378
		EDITED UNIVERSE: PEJHWKO = 1	

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 PERSONAL/FAMILY (INCLUDING PREGNANCY)
- 2 RETURN TO SCHOOL
- 3 HEALTH
- 4 RETIREMENT OR OLD AGE
- 5 TEMP, SEASONAL OR INTERMITTENT JOBCOMPLETE
- 6 SLACK WORK/BUSINESS CONDITIONS
- 7 UNSATISFACTORY WORK ARRANGEMENTS (HRS, PAY, ETC.)
- 8 OTHER - SPECIFY

PEJHWANT	2	DO YOU INTEND TO LOOK FOR WORK DURING THE NEXT 12 MONTHS?	379 - 380
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EDITED UNIVERSE: (PEJHWKO = 2) or (PEJHRSN = 1-8)

VALID ENTRIES

- 1 YES, OR IT DEPENDS
- 2 NO

PUJHCK1	2	FILTER FOR OUTGOING ROTATIONS	381 - 382
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VALID ENTRIES

- 1 PURET1 = 1, -2, OR -3
THEN GOTO NLFCK2
- 2 IF MISCK EQUALS 4 OR 8
THEN GOTO PUJHCK2
- 3 ALL OTHERS GOTO PUNLFCK1

PUJHCK2	2	FILTER FOR PERSONS GOING THROUGH THE I AND O SERIES	383 - 384
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VALID ENTRIES

- 1 IF ENTRY OF 1 IN DWWK AND I-MLR= 3, 4
THEN STORE 1 IN JHWKO, STORE DW4WK
IN JHDP10 AND GOTO PUJHRSN
- 2 IF ENTRY OF 2, D OR R IN DWWK THEN STORE DWWK IN
JHWKO AND GOTO PUJHWANT
- 3 ALL OTHERS GOTO PUJHCK1

PRABSREA	2	REASON NOT AT WORK AND PAY STATUS	385 - 386
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NAME	SIZE	DESCRIPTION	LOCATION
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EDITED UNIVERSE: PEMLR = 2

VALID ENTRIES

- 1 FT PAID-VACATION
- 2 FT PAID-OWN ILLNESS
- 3 FT PAID-CHILD CARE PROBLEMS
- 4 FT PAID-OTHER FAMILY/PERSONAL OBLIG.
- 5 FT PAID-MATERNITY/PATERNITY LEAVE
- 6 FT PAID-LABOR DISPUTE
- 7 FT PAID-WEATHER AFFECTED JOB
- 8 FT PAID-SCHOOL/TRAINING
- 9 FT PAID-CIVIC/MILITARY DUTY
- 10 FT PAID-OTHER
- 11 FT UNPAID-VACATION
- 12 FT UNPAID-OWN ILLNESS
- 13 FT UNPAID-CHILD CARE PROBLEMS
- 14 FT UNPAID-OTHER FAM/PERSONAL OBLIGATION
- 15 FT UNPAID-MATERNITY/PATERNITY LEAVE
- 16 FT UNPAID-LABOR DISPUTE
- 17 FT UNPAID-WEATHER AFFECTED JOB
- 18 FT UNPAID-SCHOOL/TRAINING
- 19 FT UNPAID-CIVIC/MILITARY DUTY
- 20 FT UNPAID-OTHER
- 21 PT PAID-VACATION
- 22 PT PAID-OWN ILLNESS
- 23 PT PAID-CHILD CARE PROBLEMS
- 24 PT PAID-OTHER FAMILY/PERSONAL OBLIG.
- 25 PT PAID-MATERNITY/PATERNITY LEAVE
- 26 PT PAID-LABOR DISPUTE
- 27 PT PAID-WEATHER AFFECTED JOB
- 28 PT PAID-SCHOOL/TRAINING
- 29 PT PAID-CIVIC/MILITARY DUTY
- 30 PT PAID-OTHER
- 31 PT UNPAID-VACATION
- 32 PT UNPAID-OWN ILLNESS
- 33 PT UNPAID-CHILD CARE PROBLEMS
- 34 PT UNPAID-OTHER FAM/PERSONAL OBLIGATION
- 35 PT UNPAID-MATERNITY/PATERNITY LEAVE
- 36 PT UNPAID-LABOR DISPUTE
- 37 PT UNPAID-WEATHER AFFECTED JOB
- 38 PT UNPAID-SCHOOL/TRAINING
- 39 PT UNPAID-CIVIC/MILITARY DUTY
- 40 PT UNPAID-OTHER

NAME	SIZE	DESCRIPTION	LOCATION
PRCIVLF	2	CIVILIAN LABOR FORCE EDITED UNIVERSE: PEMLR = 1-7 <u>VALID ENTRIES</u> 1 INCIVILIAN LABOR FORCE 2 NOT IN CIVILIAN LABOR FORCE	387 - 388
PRDISC	2	DISCOURAGED WORKER RECODE EDITED UNIVERSE: PRJOBSEA = 1-4 <u>VALID ENTRIES</u> 1 DISCOURAGED WORKER 2 CONDITIONALLY INTERESTED 3 NOT AVAILABLE	389 - 390
PREMPHRS	2	REASON NOT AT WORK OR HOURS AT WORK EDITED UNIVERSE: PEMLR = 1-7 <u>VALID ENTRIES</u> 0 UNEMPLOYED AND NILF 1 W/JOB, NOT AT WORK-ILLNES 2 W/JOB, NOT AT WORK-VACATION 3 W/JOB, NOT AT WORK-WEATHER AFFECTED JOB 4 W/JOB, NOT AT WORK-LABOR DISPUTE 5 W/JOB, NOT AT WORK-CHILD CARE PROBLEMS 6 W/JOB, NOT AT WORK-FAM/PERS OBLIGATION 7 W/JOB, NOT AT WORK-MATERNITY/PATERNITY 8 W/JOB, NOT AT WORK-SCHOOL/TRAINING 9 W/JOB, NOT AT WORK-CIVIC/MILITARY DUTY 10 W/JOB, NOT AT WORK-DOES NOT WORK IN BUS 11 W/JOB, NOT AT WORK-OTHER 12 AT WORK- 1-4 HRS 13 AT WORK- 5-14 HRS 14 AT WORK- 15-21 HRS 15 AT WORK- 22-29 HRS 16 AT WORK- 30-34 HRS 17 AT WORK- 35-39 HRS 18 AT WORK- 40 HRS	391 - 392

NAME	SIZE	DESCRIPTION	LOCATION
		19 AT WORK- 41-47 HRS 20 AT WORK- 48 HRS 21 AT WORK- 49-59 HRS 22 AT WORK- 60 HRS OR MORE	
PREMPNOT	2	MLR - EMPLOYED, UNEMPLOYED, OR NILF EDITED UNIVERSE: PEMLR = 1-7 <u>VALID ENTRIES</u> 1 EMPLOYED 2 UNEMPLOYED 3 NOT IN LABOR FORCE (NILF)-discouraged 4 NOT IN LABOR FORCE (NILF)-other	393 - 394
PREXPLF	2	EXPERIENCED LABOR FORCE EMPLOYMENT EDITED UNIVERSE: PEMLR = 1-4 AND PELKLWO ne 3 <u>VALID ENTRIES</u> 1 EMPLOYED 2 UNEMPLOYED	395 - 396
PRFTLF	2	FULL TIME LABOR FORCE EDITED UNIVERSE: PEMLR = 1-4 <u>VALID ENTRIES</u> 1 FULL TIME LABOR FORCE 2 PART TIME LABOR FORCE	397 - 398
PRHRUSL	2	USUAL HOURS WORKED WEEKLY EDITED UNIVERSE: PEMLR = 1-2 <u>VALID ENTRIES</u> 1 0-20 HRS 2 21-34 HRS 3 35-39 HRS 4 40 HRS	399 - 400

NAME	SIZE	DESCRIPTION	LOCATION
		5 41-49 HRS 6 50 OR MORE HRS 7 VARIES-FULL TIME 8 VARIES-PART TIME	
PRJOBSEA	2	JOB SEARCH RECODE EDITED UNIVERSE: PRWNTJOB = 1 <u>VALID ENTRIES</u> 1 LOOKED LAST 12 MONTHS, SINCE COMPLETING PREVIOUS JOB 2 LOOKED AND WORKED IN THE LAST 4 WEEKS 3 LOOKED LAST 4 WEEKS - LAYOFF 4 UNAVAILABLE JOB SEEKERS 5 NO RECENT JOB SEARCH	401 - 402
PRPTHRS	2	AT WORK 1-34 BY HOURS AT WORK EDITED UNIVERSE: PEMLR = 1 AND PEHRACTT = 1-34 <u>VALID ENTRIES</u> 0 USUALLY FT, PT FOR NONECONOMIC REASONS 1 USUALLY.FT, PT ECON REASONS; 1-4 HRS 2 USUALLY.FT, PT ECON REASONS; 5-14 HRS 3 USUALLY.FT, PT ECON REASONS; 15-29 HRS 4 USUALLY.FT, PT ECON REASONS; 30-34 HRS 5 USUALLY.PT, ECON REASONS; 1-4 HRS 6 USUALLY.PT, ECON REASONS; 5-14 HRS 7 USUALLY.PT, ECON REASONS; 15-29 HRS 8 USUALLY.PT, ECON REASONS; 30-34 HRS 9 USUALLY.PT, NON-ECON REASONS; 1-4 HRS 10 USUALLY.PT, NON-ECON REASONS; 5-14 HRS 11 USUALLY.PT, NON-ECON REASONS; 15-29 HRS 12 USUALLY.PT, NON-ECON REASONS; 30-34 HRS	403 - 404
PRPTREA	2	DETAILED REASON FOR PART-TIME EDITED UNIVERSE: PEMLR = 1 AND (PEHRUSLT = 0-34 OR PEHRACTT = 1-34)	405 - 406

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 USU. FT-SLACK WORK/BUSINESS CONDITIONS
- 2 USU. FT-SEASONAL WORK
- 3 USU. FT-JOBSTARTED/ENDED DURING WEEK
- 4 USU. FT-VACATION/PERSONAL DAY
- 5 USU. FT-OWN ILLNESS/INJURY/MEDICAL APPOINTMENT
- 6 USU. FT-HOLIDAY (RELIGIOUS OR LEGAL)
- 7 USU. FT-CHILD CARE PROBLEMS
- 8 USU. FT-OTHER FAM/PERS OBLIGATIONS
- 9 USU. FT-LABOR DISPUTE
- 10 USU. FT-WEATHER AFFECTED JOB
- 11 USU. FT-SCHOOL/TRAINING
- 12 USU. FT-CIVIC/MILITARY DUTY
- 13 USU. FT-OTHER REASON
- 14 USU. PT-SLACK WORK/BUSINESS CONDITIONS
- 15 USU. PT-COULD ONLY FIND PT WORK
- 16 USU. PT-SEASONAL WORK
- 17 USU. PT-CHILD CARE PROBLEMS
- 18 USU. PT-OTHER FAM/PERS OBLIGATIONS
- 19 USU. PT-HEALTH/MEDICAL LIMITATIONS
- 20 USU. PT-SCHOOL/TRAINING
- 21 USU. PT-RETIRED/S.S. LIMIT ON EARNINGS
- 22 USU. PT-WORKWEEK <35 HOURS
- 23 USU. PT-OTHER REASON

PRUNEDUR	3	DURATION OF UNEMPLOYMENT FOR LAYOFF AND LOOKING RECORDS	407 - 409
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EDITED UNIVERSE: PEMLR = 3-4

VALID ENTRIES

- 0 MIN VALUE
- 119 MAX VALUE

Topcoded consistent with PELAYDUR or PELKDUR, as appropriate, starting April 2011.

FILLER	2		410 - 411
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PRUNTYPE	2	REASON FOR UNEMPLOYMENT	412 - 413
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EDITED UNIVERSE: PEMLR = 3-4

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 JOB LOSER/ON LAYOFF
- 2 OTHER JOB LOSER
- 3 TEMPORARY JOB ENDED
- 4 JOB LEAVER
- 5 RE-ENTRANT
- 6 NEW-ENTRANT

PRWKSCH	2	LABOR FORCE BY TIME WORKED OR LOST	414 - 415
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EDITED UNIVERSE: PEMLR = 1 - 7

VALID ENTRIES

- 0 NOT IN LABOR FORCE
- 1 AT WORK
- 2 WITH JOB, NOT AT WORK
- 3 UNEMPLOYED, SEEKS FT
- 4 UNEMPLOYED, SEEKS PT

PRWKSTAT	2	FULL/PART-TIME WORK STATUS	416 - 417
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EDITED UNIVERSE: PEMLR = 1-7

VALID ENTRIES

- 1 NOT IN LABOR FORCE
- 2 FT HOURS (35+), USUALLY FT
- 3 PT FOR ECONOMIC REASONS, USUALLY FT
- 4 PT FOR NON-ECONOMIC REASONS, USUALLY FT
- 5 NOT AT WORK, USUALLY FT
- 6 PT HRS, USUALLY PT FOR ECONOMIC REASONS
- 7 PT HRS, USUALLY PT FOR NON-ECONOMIC REASONS
- 8 FT HOURS, USUALLY PT FOR ECONOMIC REASONS
- 9 FT HOURS, USUALLY PT FOR NON-ECONOMIC
- 10 NOT AT WORK, USUALLY PART-TIME
- 11 UNEMPLOYED FT
- 12 UNEMPLOYED PT

PRWNTJOB	2	NILF RECODE - WANT A JOB OR OTHER NILF	418 - 419
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EDITED UNIVERSE: PEMLR = 5-7

NAME	SIZE	DESCRIPTION	LOCATION
		<u>VALID ENTRIES</u>	
		1 WANT A JOB	
		2 OTHER NOT IN LABOR FORCE	
PUJHCK3	2	JOB HISTORY CHECK ITEM	420 - 421
		<u>VALID ENTRIES</u>	
		1 IF I-MLR EQ 3 OR 4 THEN GOTO PUJHDP1	
		2 ALL OTHERS GOTO PUJHRSN	
PUJHCK4	2	SCREEN FOR DEPENDENT NILF	422 - 423
		<u>VALID ENTRIES</u>	
		1 IF ENTRY OF 2, D OR R IN PUDW4WK OR IN PUJHDP10 THEN GOTO PUJHCK5	
		2 IF ENTRY OF 1 IN PUDW4WK OR IN PUJHDP10 THEN GOTO PUIO1INT	
		3 IF I-MLR EQUALS 1 OR 2 AND ENTRY IN PUJHRSN THEN GOTO PUJHCK5	
		4 IF ENTRY IN PUJHRSN THEN GOTO PUIO1INT	
		5 ALL OTHERS GOTO PUNLFCK1	
PUJHCK5	2	SCREEN FOR DEPENDENT NILF	424 - 425
		<u>VALID ENTRIES</u>	
		1 IF I-IO1ICR EQUALS 1 OR I-IO1OCR EQUALS 1 THEN GOTO PUIO1INT	
		2 ALL OTHERS GOTO PUIOCK5	
PUIODP1	2	LAST MONTH, IT WAS REPORTED THAT YOU WORKED FOR (EMPLOYER'S NAME). DO STILL WORK FOR (EMPLOYER'S NAME) (AT YOUR MAIN JOB)?	426 - 427
		<u>VALID ENTRIES</u>	
		1 YES	
		2 NO	
PUIODP2	2	HAVE THE USUAL ACTIVITIES AND DUTIES OF YOUR JOB CHANGED SINCE LAST MONTH?	428 - 429

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 YES
- 2 NO

PUIODP3	2	LAST MONTH YOU WERE REPORTED AS (A/AN) (OCCUPATION) AND YOUR USUAL ACTIVITIES WERE (DESCRIPTION). IS THIS AN ACCURATE DESCRIPTION OF YOUR CURRENT JOB?	430 - 431
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VALID ENTRIES

- 1 YES
- 2 NO

PEIO1COW	2	INDIVIDUAL CLASS OF WORKER CODE ON FIRST JOB	432 - 433
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NOTE: A PEIO1COW CODE CAN BE ASSIGNED EVEN IF AN INDIVIDUAL IS NOT CURRENTLY EMPLOYED.

EDITED UNIVERSE: (PEMLR = 1-3) OR
 (PEMLR = 4 AND PELKLWO = 1-2) OR
 (PEMLR = 5 AND (PENLFJH = 1 OR PEJHWKO = 1))
 OR (PEMLR = 6 AND PENLFJH = 1) OR (PEMLR = 7 AND (PENLFJH = 1 OR PEJHWKO = 1))

VALID ENTRIES

- 1 GOVERNMENT - FEDERAL
- 2 GOVERNMENT - STATE
- 3 GOVERNMENT - LOCAL
- 4 PRIVATE, FOR PROFIT
- 5 PRIVATE, NONPROFIT
- 6 SELF-EMPLOYED, INCORPORATED
- 7 SELF-EMPLOYED, UNINCORPORATED
- 8 WITHOUT PAY

PUIO1MFG	2	IS THIS BUSINESS OR ORGANIZATION MAINLY MANUFACTURING, RETAIL TRADE, WHOLESALE TRADE, OR SOMETHING ELSE?	434 - 435
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NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 MANUFACTURING
- 2 RETAIL TRADE
- 3 WHOLESALE TRADE
- 4 SOMETHING ELSE

PADDING	6	Main Job I & O Codes moved to columns 856 - 863	436 - 441
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PEIO2COW	2	INDIVIDUAL CLASS OF WORKER ON SECOND JOB. NOTE: FOR THOSE SELF-EMPLOYED UNINCORPORATED ON THEIR FIRST JOB, THIS SHOULD HAVE A RESPONSE EVERY MONTH. FOR ALL OTHERS, THIS SHOULD ONLY HAVE A VALUE IN OUT-GOING ROTATIONS.	442 - 443
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EDITED UNIVERSE: PRIOELG = 1 and PEMJOT = 1 AND HRMIS = 4,8

VALID ENTRIES

- 1 GOVERNMENT - FEDERAL
- 2 GOVERNMENT - STATE
- 3 GOVERNMENT - LOCAL
- 4 PRIVATE, FOR PROFIT
- 5 PRIVATE, NONPROFIT
- 6 SELF-EMPLOYED, INCORPORATED
- 7 SELF-EMPLOYED, UNINCORPORATED
- 8 WITHOUT PAY

PUIO2MFG	2	IS THIS BUSINESS OR ORGANIZATION MAINLY MANUFACTURING, RETAIL TRADE, WHOLESALE TRADE, OR SOMETHING ELSE?	444 - 445
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VALID ENTRIES

- 1 MANUFACTURING
- 2 RETAIL TRADE
- 3 WHOLESALE TRADE
- 4 SOMETHING ELSE

PADDING	6	Second Job I & O codes moved to columns 864 - 871	446 - 451
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PUIOCK1	2	I & O CHECK ITEM 1 SCREEN FOR DEPENDENT I AND O	452 - 453
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NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 IF {MISCK EQ 1 OR 5)
OR MISCK EQ 2-4, 6-8 AND I-MLR EQ 3-7) AND
ENTRY OF 1 IN ABS} THEN GOTO PUIO1INT
- 2 IF (MISCK EQ 1 OR 5)
OR {(MISCK EQ 2-4, 6-8 AND I-MLR EQ 3-7)
AND (ENTRY OF 1 IN WK OR HRCK7-C IS BLANK, 1-3)}
GOTO PUIO1INT
- 3 IF I-IO1NAM IS D, R OR BLANK THEN GOTO PUIO1INT
- 4 ALL OTHERS GOTO PUIODP1

PUIOCK2	2	I & O CHECK ITEM 2 SCREEN FOR PREVIOUS MONTHS I AND O CASES	454 - 455
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VALID ENTRIES

- 1 IF I-IO1ICR EQ 1 THEN GOTO PUIO1IND
- 2 IF I-IO1OCR EQ 1 THEN GOTO PUIO1OCC
- 3 ALL OTHERS GOTO PUIODP2

PUIOCK3	2	I & O CHECK ITEM 3	456 - 457
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VALID ENTRIES

- 1 IF I-IO1OCC EQUALS D, R OR BLANK THEN GOTO PUIO1OCC
- 2 IF I-IO1DT1 IS D, R OR BLANK THEN GOTO PUIO1OCC
- 3 ALL OTHERS GOTO PUIODP3

PRIOELG	2	INDUSTRY AND OCCUPATION ELIGIBILITY FLAG	458 - 459
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EDITED UNIVERSE: PEMLR = 1-3,
OR (PEMLR = 4 AND PELKLWO = 1 OR 2)
OR (PEMLR = 5 AND (PEJHWKO
= 1 OR PENLFJH=1), OR
(PEMLR = 6 AND PENLFJH = 1), OR
PEMLR = 7 AND PEJHWKO = 1)

VALID ENTRIES

- 0 NOT ELIGIBLE FOR EDIT
- 1 ELIGIBLE FOR EDIT

NAME	SIZE	DESCRIPTION	LOCATION
PRAGNA	2	AGRICULTURE/ NON-AGRICULTURE INDUSTRY EDITED UNIVERSE: PRIOELG = 1 <u>VALID ENTRIES</u> 1 AGRICULTURAL 2 NON-AGRICULTURAL	460 - 461
PRCOW1	2	CLASS OF WORKER RECODE - JOB 1 EDITED UNIVERSE: PRIOELG = 1 <u>VALID ENTRIES</u> 1 FEDERAL GOVT 2 STATE GOVT 3 LOCAL GOVT 4 PRIVATE (INCL. SELF-EMPLOYED INCORP.) 5 SELF-EMPLOYED, UNINCORP. 6 WITHOUT PAY	462 - 463
PRCOW2	2	CLASS OF WORKER RECODE - JOB 2 EDITED UNIVERSE: PRIOELG = 1 AND PEMJOT = 1 AND HRMIS = 4 OR 8 <u>VALID ENTRIES</u> 1 FEDERAL GOVT 2 STATE GOVT 3 LOCAL GOVT 4 PRIVATE (INCL. SELF-EMPLOYED INCORP.) 5 SELF-EMPLOYED, UNINCORP. 6 WITHOUT PAY	464 - 465
PRCOWPG	2	COW - PRIVATE OR GOVERNMENT EDITED UNIVERSE: PEIO1COW = 1 - 5	466 - 467

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 PRIVATE
- 2 GOVERNMENT

PRDTCOW1	2	DETAILED CLASS OF WORKER RECODE - JOB 1	468 - 469
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EDITED UNIVERSE: Prioelg = 1

VALID ENTRIES

- 1 AGRI., WAGE & SALARY, PRIVATE
- 2 AGRI., WAGE & SALARY, GOVERNMENT
- 3 AGRI., SELF-EMPLOYED
- 4 AGRI., UNPAID
- 5 NONAG, WS, PRIVATE, PRIVATE HHLDS
- 6 NONAG, WS, PRIVATE, OTHER PRIVATE
- 7 NONAG, WS, GOVT, FEDERAL
- 8 NONAG, WS, GOVT, STATE
- 9 NONAG, WS, GOVT, LOCAL
- 10 NONAG, SELF-EMPLOYED
- 11 NONAG, UNPAID

PRDTCOW2	2	DETAILED CLASS OF WORKER RECODE - JOB 2	470 - 471
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EDITED UNIVERSE: Prioelg = 1 AND PEMJOT = 1 AND HRMIS = 4 OR 8

VALID ENTRIES

- 1 AGRI., WAGE & SALARY, PRIVATE
- 2 AGRI., WAGE & SALARY, GOVERNMENT
- 3 AGRI., SELF-EMPLOYED
- 4 AGRI., UNPAID
- 5 NONAG, WS, PRIVATE, PRIVATE HHLDS
- 6 NONAG, WS, PRIVATE, OTHER PRIVATE
- 7 NONAG, WS, GOVT, FEDERAL
- 8 NONAG, WS, GOVT, STATE
- 9 NONAG, WS, GOVT, LOCAL
- 10 NONAG, SELF-EMPLOYED
- 11 NONAG, UNPAID

PRDTIND1	2	DETAILED INDUSTRY RECODE - JOB 1	472 - 473
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EDITED UNIVERSE: Prioelg = 1

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 Agriculture
- 2 Forestry, logging, fishing, hunting, and trapping
- 3 Mining
- 4 Construction
- 5 Nonmetallic mineral product manufacturing
- 6 Primary metals and fabricated metal products
- 7 Machinery manufacturing
- 8 Computer and electronic product manufacturing
- 9 Electrical equipment, appliance manufacturing
- 10 Transportation equipment manufacturing
- 11 Wood products
- 12 Furniture and fixtures manufacturing
- 13 Miscellaneous and not specified manufacturing
- 14 Food manufacturing
- 15 Beverage and tobacco products
- 16 Textile, apparel, and leather manufacturing
- 17 Paper and printing
- 18 Petroleum and coal products manufacturing
- 19 Chemical manufacturing
- 20 Plastics and rubber products
- 21 Wholesale trade
- 22 Retail trade
- 23 Transportation and warehousing
- 24 Utilities
- 25 Publishing industries (except internet)
- 26 Motion picture and sound recording industries
- 27 Broadcasting (except internet)
- 28 Internet publishing and broadcasting
- 29 Telecommunications
- 30 Internet service providers and data processing services
- 31 Other information services
- 32 Finance
- 33 Insurance
- 34 Real estate
- 35 Rental and leasing services
- 36 Professional and technical services
- 37 Management of companies and enterprises
- 38 Administrative and support services
- 39 Waste management and remediation services
- 40 Educational services

NAME	SIZE	DESCRIPTION	LOCATION
		41 Hospitals 42 Health care services, except hospitals 43 Social assistance 44 Arts, entertainment, and recreation 45 Accommodation 46 Food services and drinking places 47 Repair and maintenance 48 Personal and laundry services 49 Membership associations and organizations 50 Private households 51 Public administration 52 Armed forces	
PRDTIND2	2	DETAILED INDUSTRY RECODE - JOB 2	474 - 475
		EDITED UNIVERSE: PrioELG = 1 AND PEMJOT = 1 AND HRMIS = 4 OR 8	
		<u>VALID ENTRIES</u>	
		1 Agriculture 2 Forestry, logging, fishing, hunting, and trapping 3 Mining 4 Construction 5 Nonmetallic mineral product manufacturing 6 Primary metals and fabricated metal products 7 Machinery manufacturing 8 Computer and electronic product manufacturing 9 Electrical equipment, appliance manufacturing 10 Transportation equipment manufacturing 11 Wood products 12 Furniture and fixtures manufacturing 13 Miscellaneous and not specified manufacturing 14 Food manufacturing 15 Beverage and tobacco products 16 Textile, apparel, and leather manufacturing 17 Paper and printing 18 Petroleum and coal products manufacturing 19 Chemical manufacturing 20 Plastics and rubber products 21 Wholesale trade 22 Retail trade 23 Transportation and warehousing	

NAME	SIZE	DESCRIPTION	LOCATION
		24 Utilities	
		25 Publishing industries (except internet)	
		26 Motion picture and sound recording industries	
		27 Broadcasting (except internet)	
		28 Internet publishing and broadcasting	
		29 Telecommunications	
		30 Internet service providers and data processing services	
		31 Other information services	
		32 Finance	
		33 Insurance	
		34 Real estate	
		35 Rental and leasing services	
		36 Professional and technical services	
		37 Management of companies and enterprises	
		38 Administrative and support services	
		39 Waste management and remediation services	
		40 Educational services	
		41 Hospitals	
		42 Health care services, except hospitals	
		43 Social assistance	
		44 Arts, entertainment, and recreation	
		45 Accommodation	
		46 Food services and drinking places	
		47 Repair and maintenance	
		48 Personal and laundry services	
		49 Membership associations and organizations	
		50 Private households	
		51 Public administration	
		52 Armed forces	
PRDTOCC1	2	DETAILED OCCUPATION RECODE - JOB 1	476 - 477
		EDITED UNIVERSE: PRIOELG = 1	
		<u>VALID ENTRIES</u>	
		1 Management occupations	
		2 Business and financial operations occupations	
		3 Computer and mathematical science occupations	
		4 Architecture and engineering occupations	
		5 Life, physical, and social science occupations	
		6 Community and social service occupations	

NAME	SIZE	DESCRIPTION	LOCATION
		7 Legal occupations	
		8 Education, training, and library occupations	
		9 Arts, design, entertainment, sports, and media occupations	
		10 Healthcare practitioner and technical occupations	
		11 Healthcare support occupations	
		12 Protective service occupations	
		13 Food preparation and serving related occupations	
		14 Building and grounds cleaning and maintenance occupations	
		15 Personal care and service occupations	
		16 Sales and related occupations	
		17 Office and administrative support occupations	
		18 Farming, fishing, and forestry occupations	
		19 Construction and extraction occupations	
		20 Installation, maintenance, and repair occupations	
		21 Production occupations	
		22 Transportation and material moving occupations	
		23 Armed Forces	
PRDTOCC2	2	DETAILED OCCUPATION RECODE	478 - 479

EDITED UNIVERSE: PrioELG = 1 AND PEMJOT = 1 AND HRMIS = 4 OR 8

VALID ENTRIES

- 1 Management occupations
- 2 Business and financial operations occupations
- 3 Computer and mathematical science occupations
- 4 Architecture and engineering occupations
- 5 Life, physical, and social science occupations
- 6 Community and social service occupations
- 7 Legal occupations
- 8 Education, training, and library occupations
- 9 Arts, design, entertainment, sports, and media occupations
- 10 Healthcare practitioner and technical occupations
- 11 Healthcare support occupations
- 12 Protective service occupations
- 13 Food preparation and serving related occupations
- 14 Building and grounds cleaning and maintenance occupations
- 15 Personal care and service occupations
- 16 Sales and related occupations

NAME	SIZE	DESCRIPTION	LOCATION
		17 Office and administrative support occupations 18 Farming, fishing, and forestry occupations 19 Construction and extraction occupations 20 Installation, maintenance, and repair occupations 21 Production occupations 22 Transportation and material moving occupations 23 Armed Forces	
PREMP	2	EMPLOYED PERSONS (NON-FARM & NON-PRIVATE HHLD) RECODE EDITED UNIVERSE: PEMLR = 1 OR 2 AND PEIO1OCD ne 403-407, 473-484 <u>VALID ENTRY</u> 1 EMPLOYED PERSONS (EXC. FARM & PRIV HH)	480 - 481
PRMJIND1	2	MAJOR INDUSTRY RECODE - JOB 1 EDITED UNIVERSE: PRDTIND1 = 1-51 <u>VALID ENTRIES</u> 1 Agriculture, forestry, fishing, and hunting 2 Mining 3 Construction 4 Manufacturing 5 Wholesale and retail trade 6 Transportation and utilities 7 Information 8 Financial activities 9 Professional and business services 10 Educational and health services 11 Leisure and hospitality 12 Other services 13 Public administration 14 Armed Forces	482 - 483
PRMJIND2	2	MAJOR INDUSTRY RECODE - JOB 2 EDITED UNIVERSE: PRDTIND2 = 1-51	484 - 485

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 Agriculture, forestry, fishing, and hunting
- 2 Mining
- 3 Construction
- 4 Manufacturing
- 5 Wholesale and retail trade
- 6 Transportation and utilities
- 7 Information
- 8 Financial activities
- 9 Professional and business services
- 10 Educational and health services
- 11 Leisure and hospitality
- 12 Other services
- 13 Public administration
- 14 Armed Forces

PRMJOC1	2	MAJOR OCCUPATION RECODE - JOB1	486 - 487
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EDITED UNIVERSE: PRDTOCC1 = 1-46

VALID ENTRIES

- 1 Management, business, and financial occupations
- 2 Professional and related occupations
- 3 Service occupations
- 4 Sales and related occupations
- 5 Office and administrative support occupations
- 6 Farming, fishing, and forestry occupations
- 7 Construction and extraction occupations
- 8 Installation, maintenance, and repair occupations
- 9 Production occupations
- 10 Transportation and material moving occupations
- 11 Armed Forces

PRMJOC2	2	MAJOR OCCUPATION RECODE - JOB2	488 - 489
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EDITED UNIVERSE: PRDTOCC2 = 1-46

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 Management, business, and financial occupations
- 2 Professional and related occupations
- 3 Service occupations
- 4 Sales and related occupations
- 5 Office and administrative support occupations
- 6 Farming, fishing, and forestry occupations
- 7 Construction and extraction occupations
- 8 Installation, maintenance, and repair occupations
- 9 Production occupations
- 10 Transportation and material moving occupations
- 11 Armed Forces

PRMJOCGR	2	MAJOR OCCUPATION CATEGORIES	490 - 491
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EDITED UNIVERSE: PRMJOC = 1-11

VALID ENTRIES

- 1 Management, professional, and related occupations
- 2 Service occupations
- 3 Sales and office occupations
- 4 Farming, fishing, and forestry occupations
- 5 Construction, and maintenance occupations
- 6 Production, transportation, and material moving occupations
- 7 Armed Forces

PRNAGPWS	2	NON-AGRICULTURE, PRIVATE WAGE AND SALARY WORKERS RECODE	492 - 493
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EDITED UNIVERSE: PRCOW1 = 1 AND
PEIO1ICD ne 0170 - 0890

VALID ENTRY

- 1 NON-AG PRIV WAGE & SALARY

PRNAGWS	2	NON-AGRICULTURE WAGE AND SALARY WORKERS RECODE	494 - 495
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EDITED UNIVERSE: PEMLR = 1-4
AND PRCOW = 1-4 AND
PEIO1ICD ne 0170-0290

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRY

		1 NON-AG WAGE AND SALARY WORKERS	
PR SJMJ		2 SINGLE/MULTIPLE JOBHOLDER RECODE	496 - 497
		EDITED UNIVERSE: PEMLR = 1 OR 2	

VALID ENTRIES

		1 SINGLE JOBHOLDER	
		2 MULTIPLE JOBHOLDER	
PR RELG	2	EARNINGS ELIGIBILITY FLAG	498 - 499
		EDITED UNIVERSE: PEMLR = 1-2 AND HRMIS = 4 OR 8	

VALID ENTRIES

		0 NOT ELIGIBLE FOR EDIT	
		1 ELIGIBLE FOR EDIT	
PE ERNUOT	2	DO YOU USUALLY RECEIVE OVERTIME PAY, TIPS, OR COMMISSIONS AT YOUR JOB?	500 - 501
		EDITED UNIVERSE: PR RELG = 1	

VALID ENTRIES

		1 YES	
		2 NO	
PE ERNPER	2	PERIODICITY	502 - 503
		EDITED UNIVERSE: PR RELG = 1	

VALID ENTRIES

		1 HOURLY	
		2 WEEKLY	
		3 BI-WEEKLY	
		4 TWICEMONTHLY	
		5 MONTHLY	
		6 ANNUALLY	
		7 OTHER – SPECIFY	

NAME	SIZE	DESCRIPTION	LOCATION
PEERNRT	2	(EVEN THOUGH YOU TOLD ME IT IS EASIER TO REPORT YOUR EARNINGS (PERIODICITY); ARE YOU PAID AT AN HOURLY RATE ON YOUR (MAIN/THIS) JOB? EDITED UNIVERSE: PEERNPER = 2-7 <u>VALID ENTRIES</u> 1 YES 2 NO	504 - 505
PEERNHRY	2	HOURLY/NONHOURLY STATUS EDITED UNIVERSE: PRERELG = 1 <u>VALID ENTRIES</u> 1 HOURLY WORKER 2 NONHOURLY WORKER	506 - 507
PUERNH1C	4	WHAT IS YOUR HOURLY RATE OF PAY ON THIS JOB, EXCLUDING OVERTIME PAY, TIPS OR COMMISSION? DOLLAR AMOUNT - 2 IMPLIED DECIMALS <u>VALID ENTRIES</u> 0 MIN VALUE 9999 MAX VALUE (Subject to topcoding based on the entry in PEERNHRO such that PEERNHRO x PUERNH1C < or = 2884.61)	508 - 511
PEERNH2	4	(EXCLUDING OVERTIME PAY, TIPS AND COMMISSIONS) WHAT IS YOUR HOURLY RATE OF PAY ON YOUR (MAIN/THIS) JOB? DOLLAR AMOUNT - 2 IMPLIED DECIMALS EDITED UNIVERSE: PEERNRT = 1 <u>VALID ENTRIES</u> 0 MIN VALUE 9999 MAX VALUE (Subject to topcoding based on the in PEERNHRO such that PEERNHRO x PEERNH2 < or = 2884.61)	512 - 515

NAME	SIZE	DESCRIPTION	LOCATION
PEERNH10	4	OUT VARIABLE FOR HOURLY RATE OF PAY (2 IMPLIED DECIMALS) EDITED UNIVERSE: PEERNPER = 1 <u>VALID ENTRIES</u> 0 MIN VALUE 9999 MAX VALUE (Subject to topcoding based on the entry in PEERNHRO such that PEERNHRO x PEERNHLY < or = 2884.61)	516 - 519
PRERNHLY	4	RECODE FOR HOURLY RATE 2 IMPLIED DECIMALS EDITED UNIVERSE: PEERNPER = 1 OR PEERNRT = 1 <u>VALID ENTRIES</u> 0 MIN VALUE 9999 MAX VALUE (Subject to topcoding based on the entry in PEERNHRO such that PEERNHRO x PEERNHLY < or = 2884.61)	520 - 523
PTHR	1	HOURLY PAY - TOP CODE <u>VALID ENTRIES</u> 0 NOT TOPCODED 1 TOPCODED	524 - 524
PEERNHRO	2	USUAL HOURS EDITED UNIVERSE: PEERNH10 = ENTRY <u>VALID ENTRIES</u> 0 MIN VALUE 99 MAX VALUE	525 - 526
PRERNWA	8	WEEKLY EARNINGS RECODE 2 IMPLIED DECIMALS EDITED UNIVERSE: PRERELG = 1	527 - 534

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

0 MIN VALUE
288461 MAX VALUE

PTWK	1	WEEKLY EARNINGS - TOP CODE	535 - 535
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0 NOT TOPCODED
1 TOPCODED

FILLER	4		536 - 539
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PEERN	8	CALCULATED WEEKLY OVERTIME AMOUNT 2 IMPLIED DECIMALS	540 - 547
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EDITED UNIVERSE: PEERNUOT = 1 AND PEERNPER = 1

VALID ENTRIES

0 MIN VALUE
288461 MAX VALUE

PUERN2	8	CALCULATED WEEKLY OVERTIME AMOUNT 2 IMPLIED DECIMALS	548 - 555
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VALID ENTRIES

0 MIN VALUE
288461 MAX VALUE

PTOT	1	WEEKLY OVERTIME AMOUNT - TOP CODE	556 - 556
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VALID ENTRIES

0 NOT TOPCODED
1 TOPCODED

FILLER	2		557 - 558
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PEERNWKP	2	HOW MANY WEEKS A YEAR DO YOU GET PAID FOR?	559 - 560
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EDITED UNIVERSE: PEERNPER = 6

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 01 MIN VALUE
- 52 MAX VALUE

PEERNLAB	2	ON THIS JOB, ARE YOU A MEMBER OF A LABOR UNION OR OF AN EMPLOYEE ASSOCIATION SIMILAR TO A UNION?	561 - 562
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EDITED UNIVERSE: (PEIO1COW = 1-5 AND PEMLR = 1-2 AND HRMIS = 4, 8)

VALID ENTRIES

- 1 YES
- 2 NO

PEERNCOV	2	ON THIS JOB ARE YOU COVERED BY A UNION OR EMPLOYEE ASSOCIATION CONTRACT?	563 - 564
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EDITED UNIVERSE: (PEIO1COW = 1-5 AND PEMLR = 1-2 AND HRMIS = 4, 8)

VALID ENTRIES

- 1 YES
- 2 NO

PENLFJH	2	WHEN DID YOU LAST WORK AT A JOB OR BUSINESS?	565 - 566
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EDITED UNIVERSE: HRMIS = 4 OR 8 AND PEMLR = 3-7

VALID ENTRIES

- 1 WITHIN THE LAST 12 MONTHS
- 2 MORE THAN 12 MONTHS AGO
- 3 NEVER WORKED

PENLFRET	2	ARE YOU RETIRED FROM A JOB OR BUSINESS?	567 - 568
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EDITED UNIVERSE: PRTAGE = 50+ AND PEMLR = 3-7

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 YES
- 2 NO

PENLFACT	2	WHAT BEST DESCRIBES YOUR SITUATION AT THIS TIME? FOR EXAMPLE, ARE YOU DISABLED, ILL, IN SCHOOL, TAKING CARE OF HOUSE OR FAMILY, OR SOMETHING ELSE?	569 - 570
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EDITED UNIVERSE: (PRTAGE = 14-49) or (PENLFRET = 2)

VALID ENTRIES

- 1 DISABLED
- 2 ILL
- 3 IN SCHOOL
- 4 TAKING CARE OF HOUSE OR FAMILY
- 5 IN RETIREMENT
- 6 SOMETHING ELSE/OTHER

PUNLFCK1	2	NOT IN LABOR FORCE CHECK ITEM - 1	571 - 572
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VALID ENTRIES

- 1 IF AGERNG EQUALS 1-4 OR 9
THEN GOTO NLFACF
- 2 ALL OTHERS GOT NLFRET

PUNLFCK2	2	NOT IN LABOR FORCE CHECK ITEM - 2	573 - 574
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VALID ENTRIES

- 1 IF MISCK EQUALS 4 OR 8 THEN GOTO NLFJH
- 2 ALL OTHERS GOT LBFR-END

PESCHENR	2	LAST WEEK, WERE YOU ENROLLED IN A HIGH SCHOOL, COLLEGE, OR UNIVERSITY?	575 - 576
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EDITED UNIVERSE: PRPERTYP = 2 and PRTAGE = 16-54

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 YES
- 2 NO

PESCHFT	2	ARE YOU ENROLLED IN SCHOOL AS A FULL-TIME OR PART-TIME STUDENT?	577 - 578
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EDITED UNIVERSE: PESCHLVL = 1, 2

VALID ENTRIES

- 1 FULL-TIME
- 2 PART-TIME

PESCHLVL	2	WOULD THAT BE HIGH SCHOOL, COLLEGE, OR UNIVERSITY?	579 - 580
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EDITED UNIVERSE: PESCHENR = 1

VALID ENTRIES

- 1 HIGH SCHOOL
- 2 COLLEGE OR UNIVERSITY

PRNLFSCH	2	NLF ACTIVITY - IN SCHOOL OR NOT IN SCHOOL	581 - 582
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EDITED UNIVERSE: PENLFACT = -1 OR 1-6 AND PRTAGE = 16-24

VALID ENTRIES

- 1 IN SCHOOL
- 2 NOT IN SCHOOL

PERSON'S WEIGHTS

PWFMWGT	10	FAMILY WEIGHT (4 IMPLIED DECIMALS) ONLY USED FOR TALLYING FAMILY CHARACTERISTICS.	583 - 592
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EDITED UNIVERSE: PRPERTYP = 1-3

NAME	SIZE	DESCRIPTION	LOCATION
PWLGWGT	10	LONGITUDINAL WEIGHT (4 IMPLIED DECIMALS) ONLY FOUND ON ADULT RECORDS MATCHED FROM MONTH TO MONTH. (USED FOR GROSS FLOWS ANALYSIS) EDITED UNIVERSE: PRPERTYP = 2	593 - 602
PWORWGT	10	OUTGOING ROTATION WEIGHT (4 IMPLIED DECIMALS) USED FOR TALLYING INFORMATION COLLECTED ONLY IN OUTGOING ROTATIONS (i.e., EARNINGS, 2nd JOBI & O, DETAILED NILF) EDITED UNIVERSE: PRPERTYP = 2	603 - 612
PWSSWGT	10	FINAL WEIGHT (4 IMPLIED DECIMAL PLACES) USED FOR MOST TABULATIONS, CONTROLLED TO INDEPENDENT ESTIMATES FOR 1) STATES; 2) ORIGIN, SEX, AND AGE; AND 3) AGE, RACE, AND SEX. EDITED UNIVERSE: PRPERTYP = 1-3	613 - 622
PWVETWGT	10	VETERANS WEIGHT (4 IMPLIED DECIMALS) USED FOR TALLYING VETERAN'S DATA ONLY, CONTROLLED TO ESTIMATES OF VETERANS SUPPLIED BY VA. EDITED UNIVERSE: PRPERTYP = 2	623 - 632
PRCHLD	2	PRESENCE OF OWN CHILDREN <18 YEARS OF AGE BY SELECTED AGE GROUP EDITED UNIVERSE: PRFAMREL = 1 or 2	633-634

VALID ENTRIES

- 1 NIU (Not a parent)
- 0 No own children under 18 years of age
- 1 All own children 0- 2 years of age
- 2 All own children 3- 5 years of age
- 3 All own children 6-13 years of age
- 4 All own children 14-17 years of age
- 5 Own children 0- 2 and 3- 5 years of age (none 6-17)
- 6 Own children 0- 2 and 6-13 years of age (none 3- 5 or 14-17)

NAME	SIZE	DESCRIPTION	LOCATION
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- 7 Own children 0- 2 and 14-17 years of age (none 3-13)
- 8 Own children 3- 5 and 6-13 years of age (none 0- 2 or 14-17)
- 9 Own children 3- 5 and 14-17 years of age (none 0- 2 or 6-13)
- 10 Own children 6-13 and 14-17 years of age (none 0- 5)
- 11 Own children 0- 2, 3- 5, and 6-13 years of age (none 14-17)
- 12 Own children 0- 2, 3- 5, and 14-17 years of age (none 6-13)
- 13 Own children 0- 2, 6-13, and 14-17 years of age (none 3- 5)
- 14 Own children 3- 5, 6-13, and 14-17 years of age (none 0- 2)
- 15 Own children from all age groups

PRNMCHLD	2	Number of own children <18 years of age	635-636
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EDITED UNIVERSE: PRFAMREL = 1 or 2

VALID ENTRIES

- 1 NIU (Not a parent)
- 0:99 Number of own children under 18 years of age

ALLOCATION FLAGS

Unless otherwise noted, the values for all allocation flags are defined as described below:

VALID ENTRIES

- 0 VALUE - NO CHANGE
- 1 BLANK - NO CHANGE
- 2 DON'T KNOW - NO CHANGE
- 3 REFUSED - NO CHANGE
- 10 VALUE TO VALUE
- 11 BLANK TO VALUE
- 12 DON'T KNOW TO VALUE
- 13 REFUSED TO VALUE
- 20 VALUE TO LONGITUDINAL VALUE
- 21 BLANK TO LONGITUDINAL VALUE
- 22 DON'T KNOW TO LONGITUDINAL VALUE
- 23 REFUSED TO LONGITUDINAL VALUE
- 30 VALUE TO ALLOCATED VALUE LONG.
- 31 BLANK TO ALLOCATED VALUE LONG.
- 32 DON'T KNOW TO ALLOCATED VALUE LONG.
- 33 REFUSED TO ALLOCATED VALUE LONG.
- 40 VALUE TO ALLOCATED VALUE
- 41 BLANK TO ALLOCATED VALUE

NAME	SIZE	DESCRIPTION	LOCATION
		42 DON'T KNOW TO ALLOCATED VALUE	
		43 REFUSED TO ALLOCATED VALUE	
		50 VALUE TO BLANK	
		52 DON'T KNOW TO BLANK	
		53 REFUSED TO BLANK	
PXPDEMP1	2	ALLOCATION FLAG	637-638
PRWERNAL	2	ALLOCATION FLAG	639 - 640
		WEEKLY EARNINGS RECODE (PRERNWA) ALLOCATION FLAG	
		EDITED UNIVERSE: PRERELG = 1	
		1 NO ALLOCATION	
		2 ONE OR MORE COMPONENTS OF THE RECODE ARE ALLOCATED	
PRHERNAL	2	ALLOCATION FLAG	641 - 642
		HOURLY EARNINGS RECODE (PRERNHLY) ALLOCATION FLAG	
		EDITED UNIVERSE: PRERNHRY = 1	
		1 NO ALLOCATION	
		2 ONE OR MORE COMPONENT OF THE RECODE ARE ALLOCATED	
HXTENURE	2	ALLOCATION FLAG See HETENURE note.	643 - 644
HXHOUSUT	2	ALLOCATION FLAG	645 - 646
HXTELHHD	2	ALLOCATION FLAG	647 - 648
HXTELAVL	2	ALLOCATION FLAG	649 - 650
HXPHONEO	2	ALLOCATION FLAG	651 - 652
PXINUSYR	2	ALLOCATION FLAG	653 - 654
PXRRP	2	ALLOCATION FLAG	655 - 656
FILLER	2	STARTING JAN.2020	657 - 658

NAME	SIZE	DESCRIPTION	LOCATION
PXAGE	2	ALLOCATION FLAG	659 - 660
PXMARITL	2	ALLOCATION FLAG	661 - 662
PXSPOUSE	2	ALLOCATION FLAG	663 - 664
PXSEX	2	ALLOCATION FLAG	665 - 666
PXAFWHN1	2	ALLOCATION FLAG	667 - 668
PXAFNOW	2	ALLOCATION FLAG	669 - 670
PXEDUCA	2	ALLOCATION FLAG	671 - 672
PXRACE1	2	ALLOCATION FLAG	673 - 674
PXNATVTY	2	ALLOCATION FLAG	675 - 676
PXMNTVTY	2	ALLOCATION FLAG	677 - 678
PXFNTVTY	2	ALLOCATION FLAG	679 - 680
PXNMEMP1	2	ALLOCATION FLAG	681 - 682
PXHSPNON	2	ALLOCATION FLAG	683 - 684
PXMLR	2	ALLOCATION FLAG	685 - 686
PXRET1	2	ALLOCATION FLAG	687 - 688
PXABSRSN	2	ALLOCATION FLAG	689 - 690
PXABSPDO	2	ALLOCATION FLAG	691 - 692
PXMJOT	2	ALLOCATION FLAG	693 - 694
PXMJNUM	2	ALLOCATION FLAG	695 - 696
PXHRUSL1	2	ALLOCATION FLAG	697 - 698
PXHRUSL2	2	ALLOCATION FLAG	699 - 700
PXHRFTPT	2	ALLOCATION FLAG	701 - 702
PXHRUSLT	2	ALLOCATION FLAG	703 - 704

NAME	SIZE	DESCRIPTION	LOCATION
PXHRWANT	2	ALLOCATION FLAG	705 - 706
PXHRRSN1	2	ALLOCATION FLAG	707 - 708
PXHRRSN2	2	ALLOCATION FLAG	709 - 710
PXHRACT1	2	ALLOCATION FLAG	711 - 712
PXHRACT2	2	ALLOCATION FLAG	713 - 714
PXHRACTT	2	ALLOCATION FLAG	715 - 716
PXHRRSN3	2	ALLOCATION FLAG	717 - 718
PXHRAVL	2	ALLOCATION FLAG	719 - 720
PXLAYAVL	2	ALLOCATION FLAG	721 - 722
PXLAYLK	2	ALLOCATION FLAG	723 - 724
PXLAYDUR	2	ALLOCATION FLAG	725 - 726
PXLAYFTO	2	ALLOCATION FLAG	727 - 728
PXLKMI	2	ALLOCATION FLAG	729 - 730
PXLKAVL	2	ALLOCATION FLAG	731 - 732
PXLKLL1O	2	ALLOCATION FLAG	733 - 734
PXLKLL2O	2	ALLOCATION FLAG	735 - 736
PXLKLWO	2	ALLOCATION FLAG	737 - 738
PXLKDUR	2	ALLOCATION FLAG	739 - 740
PXLKFTO	2	ALLOCATION FLAG	741 - 742
PXDWWNTO	2	ALLOCATION FLAG	743 - 744
PXDWRSN	2	ALLOCATION FLAG	745 - 746
PXDWLKO	2	ALLOCATION FLAG	747 - 748
PXDWWK	2	ALLOCATION FLAG	749 - 750

NAME	SIZE	DESCRIPTION	LOCATION
PXDW4WK	2	ALLOCATION FLAG	751 - 752
PXDWLKWK	2	ALLOCATION FLAG	753 - 754
PXDWAVL	2	ALLOCATION FLAG	755 - 756
PXDWAVR	2	ALLOCATION FLAG	757 - 758
PXJHWKO	2	ALLOCATION FLAG	759 - 760
PXJHRSN	2	ALLOCATION FLAG	761 - 762
PXJHWANT	2	ALLOCATION FLAG	763 - 764
PXIO1COW	2	ALLOCATION FLAG	765 - 766
PXIO1ICD	2	ALLOCATION FLAG	767 - 768
PXIO1OCD	2	ALLOCATION FLAG	769 - 770
PXIO2COW	2	ALLOCATION FLAG	771 - 772
PXIO2ICD	2	ALLOCATION FLAG	773 - 774
PXIO2OCD	2	ALLOCATION FLAG	775 - 776
PXERNUOT	2	ALLOCATION FLAG	777 - 778
PXERNPER	2	ALLOCATION FLAG	779 - 780
PXERNHIO	2	ALLOCATION FLAG	781 - 782
PXERNHRO	2	ALLOCATION FLAG	783 - 784
PXERN	2	ALLOCATION FLAG	785 - 786
PXPDEMP2	2	ALLOCATION FLAG	787 - 788
PXNMEMP2	2	ALLOCATION FLAG	789 - 790
PXERNWKP	2	ALLOCATION FLAG	791 - 792
PXERNRT	2	ALLOCATION FLAG	793 - 794
PXERNHRY	2	ALLOCATION FLAG	795 - 796

NAME	SIZE	DESCRIPTION	LOCATION
PXERNH2	2	ALLOCATION FLAG	797 - 798
PXERNLAB	2	ALLOCATION FLAG	799 - 800
PXERNCOV	2	ALLOCATION FLAG	801 - 802
PXNLFJH	2	ALLOCATION FLAG	803 - 804
PXNLFRET	2	ALLOCATION FLAG	805 - 806
PXNLFACT	2	ALLOCATION FLAG	807 - 808
PXSCHENR	2	ALLOCATION FLAG	809 - 810
PXSCHFT	2	ALLOCATION FLAG	811 - 812
PXSCHLVL	2	ALLOCATION FLAG	813 - 814
QSTNUM	5	Unique household identifier. Valid only within any specific month.	815 - 819
OCCURNUM	2	Unique person identifier. Valid only within any specific month.	820 - 821
PEDIPGED	2	How did...get...'s high school diploma? EDITED UNIVERSE = PEEDUCA = 39 <u>VALID ENTRIES</u> 1 Graduation from high school 2 GED or other equivalent	822 - 823
PEHGCOMP	2	What was the highest grade of regular school...completed before receiving...'s GED? EDITED UNIVERSE = PEDIPGED = 2 <u>VALID ENTRIES</u> 1 Less than 1st grade 2 1st, 2nd, 3rd, or 4th grade 3 5th or 6th grade 4 7th or 8th grade 5 9th grade	824 - 825

NAME	SIZE	DESCRIPTION	LOCATION
		6 10th grade 7 11th grade 8 12th grade (no diploma)	
PECYC	2	How many years of college credit has...completed? EDITED UNIVERSE: PEEDUCA =40-42 <u>VALID ENTRIES</u> 1 Less than 1 year (includes 0 years completed) 2 The first or Freshman year 3 The second or Sophomore year 4 The third or Junior year 5 Four or more years	826 - 827
PADDING	6		828 - 833
PXDIPGED	2	ALLOCATION FLAG	834 - 835
PXHGCCOMP	2	ALLOCATION FLAG	836 - 837
PXCYC	2	ALLOCATION FLAG	838 - 839
PADDING	6		840 - 845
PWCMPWGT	10	Composited Final Weight. Used to create BLS's published labor force statistics (4 implied decimal places) EDITED UNIVERSE: PRPERTYP = 2 AND PRTAGE = 16+	846 - 855
PEIOICD	4	INDUSTRY CODE FOR PRIMARY JOB EDITED UNIVERSE: (PEMLR = 1-3) OR (PEMLR = 4 AND PELKLWO = 1-2) OR (PEMLR = 5 AND (PENLFJH = 1 OR PEJHWKO = 1)) OR (PEMLR = 6 AND PENLFJH = 1) OR (PEMLR = 7 AND PEJHWKO=1)	856 - 859

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

0 MIN VALUE
9999 MAX VALUE

PEIO10CD	4	OCCUPATION CODE FOR PRIMARY JOB.	860 - 863
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EDITED UNIVERSE: (PEMLR = 1-3)
 OR (PEMLR = 4 AND PELKLWO = 1-2)
 OR (PEMLR = 5 AND (PENLFJH = 1 OR
 PEJHWKO = 1))
 OR (PEMLR = 6 AND PENLFJH = 1)
 OR (PEMLR = 7 AND PEJHWKO = 1)

VALID ENTRIES

0 MIN VALUE
9999 MAX VALUE

PEIO2ICD	4	INDUSTRY CODE FOR SECOND JOB.	864 - 867
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EDITED UNIVERSE: PEMJOT = 1 AND HRMIS = 4 OR 8

VALID ENTRIES

0 MIN VALUE
9999 MAX VALUE

PEIO2OCD	4	OCCUPATION CODE FOR SECOND JOB.	868 - 871
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EDITED UNIVERSE: PEMJOT = 1 AND HRMIS = 4 OR 8

VALID ENTRIES

0 MIN VALUE
9999 MAX VALUE

PRIMIND1	2	INTERMEDIATE INDUSTRY RECODE (JOB 1)	872 - 873
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EDITED UNIVERSE: PrioELG = 1

VALID ENTRIES

1 AGRICULTURE, FORESTRY, FISHING, and HUNTING
2 MINING
3 CONSTRUCTION

NAME	SIZE	DESCRIPTION	LOCATION
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- 4 MANUFACTURING - DURABLE GOODS
- 5 MANUFACTURING - NON-DURABLE GOODS
- 6 WHOLESALE TRADE
- 7 RETAIL TRADE
- 8 TRANSPORTATION AND WAREHOUSING
- 9 UTILITIES
- 10 INFORMATION
- 11 FINANCE AND INSURANCE
- 12 REAL ESTATE AND RENTAL AND LEASING
- 13 PROFESSIONAL AND TECHNICAL SERVICES
- 14 MANAGEMENT, ADMINISTRATIVE AND WASTE MANAGEMENT SERVICES
- 15 EDUCATIONAL SERVICES
- 16 HEALTH CARE AND SOCIAL SERVICES
- 17 ARTS, ENTERTAINMENT, AND RECREATION
- 18 ACCOMMODATION AND FOOD SERVICES
- 19 PRIVATE HOUSEHOLDS
- 20 OTHER SERVICES, EXCEPT PRIVATE HOUSEHOLDS
- 21 PUBLIC ADMINISTRATION
- 22 ARMED FORCES

PRIMIND2	2	INTERMEDIATE INDUSTRY RECODE (JOB 2)	874 - 875
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EDITED UNIVERSE: PRIOELG = 1 AND PEMJOT = 1 AND HRMIS = 4 OR 8

VALID ENTRIES

- 1 AGRICULTURE, FORESTRY, FISHING, and HUNTING
- 2 MINING
- 3 CONSTRUCTION
- 4 MANUFACTURING - DURABLE GOODS
- 5 MANUFACTURING - NON-DURABLE GOODS
- 6 WHOLESALE TRADE
- 7 RETAIL TRADE
- 8 TRANSPORTATION AND WAREHOUSING
- 9 UTILITIES
- 10 INFORMATION
- 11 FINANCE AND INSURANCE
- 12 REAL ESTATE AND RENTAL AND LEASING
- 13 PROFESSIONAL AND TECHNICAL SERVICES
- 14 MANAGEMENT, ADMINISTRATIVE AND WASTE MANAGEMENT SERVICES
- 15 EDUCATIONAL SERVICES
- 16 HEALTH CARE AND SOCIAL SERVICES

NAME	SIZE	DESCRIPTION	LOCATION
		17 ARTS, ENTERTAINMENT, AND RECREATION 18 ACCOMMODATION AND FOOD SERVICES 19 PRIVATE HOUSEHOLDS 20 OTHER SERVICES, EXCEPT PRIVATE HOUSEHOLDS 21 PUBLIC ADMINISTRATION 22 ARMED FORCES	
PEAFWHN1	2	WHEN DID YOU SERVE?	876 - 877
		EDITED UNIVERSE: PEAFEVER = 1	
		<u>VALID ENTRIES</u>	
		1 SEPTEMBER 2001 OR LATER 2 AUGUST 1990 TO AUGUST 2001 3 MAY 1975 TO JULY 1990 4 VIETNAM ERA (AUGUST 1964 TO APRIL 1975) 5 FEBRUARY 1955 TO JULY 1964 6 KOREAN WAR (JULY 1950 TO JANUARY 1955) 7 JANUARY 1947 TO JUNE 1950 8 WORLD WAR II (DECEMBER 1941 TO DECEMBER 1946) 9 NOVEMBER 1941 OR EARLIER	
PEAFWHN2	2	WHEN DID YOU SERVE?	878 - 879
		EDITED UNIVERSE: PEAFEVER = 1	
		<u>VALID ENTRIES</u>	
		1 SEPTEMBER 2001 OR LATER 2 AUGUST 1990 TO AUGUST 2001 3 MAY 1975 TO JULY 1990 4 VIETNAM ERA (AUGUST 1964 TO APRIL 1975) 5 FEBRUARY 1955 TO JULY 1964 6 KOREAN WAR (JULY 1950 TO JANUARY 1955) 7 JANUARY 1947 TO JUNE 1950 8 WORLD WAR II (DECEMBER 1941 TO DECEMBER 1946) 9 NOVEMBER 1941 OR EARLIER	
PEAFWHN3	2	WHEN DID YOU SERVE?	880 - 881
		EDITED UNIVERSE: PEAFEVER = 1	

NAME	SIZE	DESCRIPTION	LOCATION
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VALID ENTRIES

- 1 SEPTEMBER 2001 OR LATER
- 2 AUGUST 1990 TO AUGUST 2001
- 3 MAY 1975 TO JULY 1990
- 4 VIETNAM ERA (AUGUST 1964 TO APRIL 1975)
- 5 FEBRUARY 1955 TO JULY 1964
- 6 KOREAN WAR (JULY 1950 TO JANUARY 1955)
- 7 JANUARY 1947 TO JUNE 1950
- 8 WORLD WAR II (DECEMBER 1941 TO DECEMBER 1946)
- 9 NOVEMBER 1941 OR EARLIER

PEAFWHN4	2	WHEN DID YOU SERVE?	882 - 883
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EDITED UNIVERSE: PEAFEVER = 1

VALID ENTRIES

- 1 SEPTEMBER 2001 OR LATER
- 2 AUGUST 1990 TO AUGUST 2001
- 3 MAY 1975 TO JULY 1990
- 4 VIETNAM ERA (AUGUST 1964 TO APRIL 1975)
- 5 FEBRUARY 1955 TO JULY 1964
- 6 KOREAN WAR (JULY 1950 TO JANUARY 1955)
- 7 JANUARY 1947 TO JUNE 1950
- 8 WORLD WAR II (DECEMBER 1941 TO DECEMBER 1946)
- 9 NOVEMBER 1941 OR EARLIER

PXAFEVER	2	ALLOCATION FLAG	884 - 885
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PEPAR2	2	LINE NUMBER OF FATHER	886 - 887
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EDITED UNIVERSE: ALL

VALID ENTRIES

- 1 NO FATHER PRESENT
- 01 MIN VALUE
- 16 MAX VALUE

PEPAR1	2	LINE NUMBER OF MOTHER	888 - 889
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NAME	SIZE	DESCRIPTION	LOCATION
		EDITED UNIVERSE: ALL	
		<u>VALID ENTRIES</u>	
		-1 NO MOTHER PRESENT 01 MIN VALUE 16 MAX VALUE	
PEPAR2TYP	2	TYPE OF FATHER	890 – 891
		EDITED UNVERSE: ALL	
		-1 NO FATHER PRESENT 1 BIOLOGICAL 2 STEP 3 ADOPTED	
PEPAR1TYP	2	TYPE OF MOTHER	892 - 893
		EDITED UNVERSE: ALL	
		-1 NO MOTHER PRESENT 1 BIOLOGICAL 2 STEP 3 ADOPTED	
PECOHAB	2	LINE NUMBER OF COHABITING PARTNER	894 - 895
		EDITED UNIVERSE: ALL	
		<u>VALID ENTRIES</u>	
		-1 NO PARTNER PRESENT 01 MIN VALUE 16 MAX VALUE	
PXPAR2	2	ALLOCATION FLAG	896 - 897
PXPAR1	2	ALLOCATION FLAG	898 - 899
PXPAR2TYP	2	ALLOCATION FLAG	900 - 901

NAME	SIZE	DESCRIPTION	LOCATION
PXPAR1TYP	2	ALLOCATION FLAG	902 - 903
PXCOHAB	2	ALLOCATION FLAG	904 - 905
PEDISEAR	2	IS...DEAF OR DOES...HAVE SERIOUS DIFFICULTY HEARING?	906 - 907
		EDITED UNIVERSE: PRPERTYP = 2	
		<u>VALID ENTRIES</u>	
		1 Yes	
		2 No	
PEDISEYE	2	IS...BLIND OR DOES...HAVE SERIOUS DIFFICULTY SEEING EVEN WHEN WEARING GLASSES?	908 - 909
		EDITED UNIVERSE: PRPERTYP = 2	
		<u>VALID ENTRIES</u>	
		1 Yes	
		2 No	
PEDISREM	2	BECAUSE OF A PHYSICAL, MENTAL, OR EMOTIONAL CONDITION, DOES...HAVE SERIOUS DIFFICULTY CONCENTRATING, REMEMBERING, OR MAKING DECISIONS?	910 - 911
		EDITED UNIVERSE: PRPERTYP = 2	
		<u>VALID ENTRIES</u>	
		1 Yes	
		2 No	
PEDISPHY	2	DOES...HAVE SERIOUS DIFFICULTY WALKING OR CLIMBING STAIRS?	912 - 913
		EDITED UNIVERSE: PRPERTYP = 2	

NAME	SIZE	DESCRIPTION	LOCATION
		<u>VALID ENTRIES</u>	
		1 Yes	
		2 No	
PEDISDRS	2	DOES ... HAVE DIFFICULTY DRESSING OR BATHING?	914 - 915
		EDITED UNIVERSE: PRPERTYP = 2	
		<u>VALID ENTRIES</u>	
		1 Yes	
		2 No	
PEDISOUT	2	BECAUSE OF A PHYSICAL, MENTAL, OR EMOTIONAL CONDITION DOES...HAVE DIFFICULTY DOING ERRANDS ALONE SUCH AS VISITING A DOCTOR'S OFFICE OR SHOPPING?	916 - 917
		EDITED UNIVERSE: PRPERTYP = 2	
		<u>VALID ENTRIES</u>	
		1 Yes	
		2 No	
PRDISFLG	2	DOES THIS PERSON HAVE ANY OF THESE DISABILITY CONDITIONS?	918 - 919
		EDITED UNIVERSE: PEDISEAR OR PEDISEYE OR PEDISREM, PEDISPHY OR PEDISDRS OR PEDISOUT = 1	
		<u>VALID ENTRIES:</u>	
		1 Yes	
		2 No	
PXDISEAR	2	ALLOCATION FLAG	920 - 921
PXDISEYE	2	ALLOCATION FLAG	922 - 923

NAME	SIZE	DESCRIPTION	LOCATION
PXDISREM	2	ALLOCATION FLAG	924 - 925
PXDISPHY	2	ALLOCATION FLAG	926 - 927
PXDISDRS	2	ALLOCATION FLAG	928 - 929
PXDISOUT	2	ALLOCATION FLAG	930 - 931
HXFAMINC	2	ALLOCATION FLAG	932 - 933
PRDASIAN	2	DETAILED ASIAN RACE RECODE	934 - 935

EDITED UNIVERSE: PTDTRACE = 4

VALID ENTRIES

1 = Asian Indian
 2 = Chinese
 3 = Filipino
 4 = Japanese
 5 = Korean
 6 = Vietnamese
 7 = Other

PEPDEMP1	2	DOES THIS PERSON USUALLY HAVE ANY PAID EMPLOYEES?	936 - 937
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See location 637-638 for the allocation flag.

EDITED UNIVERSE: HRMIS = 3 or 4 and
 PEIO1COW = 6 or 7

VALID ENTRIES

1 YES
 2 NO

PTNMEMP1	2	EXCLUDING ALL OWNERS, HOW MANY PAID EMPLOYEES DOES THIS PERSON USUALLY HAVE?	938-939
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See location 681-682 for the allocation flag.

NAME	SIZE	DESCRIPTION	LOCATION
		<p>EDITED UNIVERSE: PEPDEMP1 = 1</p> <p><u>VALID ENTRIES</u></p> <p>01-74 Number of employees 75 75 or more employees Note that this item is topcoded at 75 employees.</p>	
PEPDEMP2	2	<p>DOES THIS PERSON USUALLY HAVE ANY PAID EMPLOYEES?</p> <p>See location 787-788 for the allocation flag.</p> <p>EDITED UNIVERSE: HRMIS = 3 or 4 and PEIO1COW = 6 or 7</p> <p><u>VALID ENTRIES</u></p> <p>1 YES 2 NO</p>	940 - 941
PTNMEMP2	2	<p>EXCLUDING ALL OWNERS, HOW MANY PAID EMPLOYEES DOES THIS PERSON USUALLY HAVE?</p> <p>See location 789-790 for the allocation flag.</p> <p>EDITED UNIVERSE: PEPDEMP1 = 1</p> <p><u>VALID ENTRIES</u></p> <p>01-09 Number of employees 10 10 or more employees Note that this item is topcoded at 10 employees.</p>	942 - 943
PECERT1	2	<p>DO YOU HAVE A CURRENTLY ACTIVE PROFESSIONAL CERTIFICATE OR A STATE OR INDUSTRY LICENSE?</p> <p>See location 950-951 for the allocation flag.</p>	944 - 945

EDITED UNIVERSE: PRPERTYP = 02

VALID ENTRIES

- 1 YES
- 2 NO

PECERT2	2	WERE ANY OF YOUR CERTIFICATIONS OR LICENSES ISSUED BY THE FEDERAL, STATE, OR LOCAL GOVERNMENT?	946 - 947
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See location 952-953 for the allocation flag.

EDITED UNIVERSE: PECERT1 = 1

VALID ENTRIES

- 1 YES
- 2 NO

PECERT3	2	IS YOUR CERTIFICATION REQUIRED FOR YOUR JOB? MAIN JOB? JOB FROM WHICH YOU ARE ON LAYOFF? JOB AT WHICH YOU LAST WORKED?	948 - 949
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See location 954-955 for the allocation flag.

EDITED UNIVERSE: PECERT2 = 1

VALID ENTRIES

- 1 YES
- 2 NO

PXCERT1	2	ALLOCATION FLAG	950 - 951
PXCERT2	2	ALLOCATION FLAG	952 - 953
PXCERT3	2	ALLOCATION FLAG	954 - 955

End of Basic CPS Portion of the Record

ATTACHMENT 7

Supplement Record Layout
 November 2020 Current Population Survey
 Voting and Registration Supplement

NAME	SIZE	DESCRIPTION	LOCATION
PES1	2	<p>In any election, some people are not able to vote because they are sick or busy or have some other reason, and others do not want to vote. Did (you/name) vote in the election held on Tuesday, November 3, 2020?</p> <p>EDITED UNIVERSE:</p> <p>PRTAGE >=18 and PRCITSHP = 1, 2, 3, or 4</p> <p>VALID ENTRIES:</p> <p>1 Yes 2 No -1 Not in Universe -2 Don't Know -3 Refused -9 No Response</p>	1001-1002
PES2	2	<p>(Were you/Was name) registered to vote in the November 3, 2020 election?</p> <p>EDITED UNIVERSE:</p> <p>PES1 = 2, -2, -3, -9</p> <p>VALID ENTRIES:</p> <p>1 Yes 2 No -1 Not in Universe -2 Don't Know -3 Refused -9 No Response</p>	1003-1004

PES3 2 Which of the following was the MAIN reason (you/name) (were/was) not registered to vote? 1005-1006

EDITED UNIVERSE:

PES2 = 2

VALID ENTRIES:

- 1 Did not meet registration deadlines
- 2 Did not know where or how to register
- 3 Did not meet residency requirements/did not live here long enough
- 4 Permanent illness or disability
- 5 Concerns about the coronavirus (COVID-19) pandemic
- 6 Difficulty with English
- 7 Not interested in the election or not involved in politics
- 8 My vote would not make a difference
- 9 Not eligible to vote
- 10 Other reason
- 1 Not in Universe
- 2 Don't know
- 3 Refused
- 9 No Response

PES4 2 What was the main reason (you/name) did not vote? 1007-1008

EDITED UNIVERSE:

PES1 = 2 and PES2 = 1

VALID ENTRIES:

- 1 Out of town or away from home
- 2 Forgot to vote (or send in absentee ballot)
- 3 Concerns about the coronavirus (COVID-19) pandemic
- 4 Illness or disability (own or family's)
- 5 Not interested, felt my vote wouldn't make a difference
- 6 Too busy, conflicting work or school schedule
- 7 Transportation problems

- 8 Didn't like candidates or campaign issues
- 9 Registration problems (i.e. didn't receive absentee ballot, not registered in current location)
- 10 Bad weather conditions
- 11 Inconvenient hours, polling place or hours or lines too long
- 12 Other
- 1 Not in Universe
- 2 Don't know
- 3 Refused
- 9 No Response

PES5 2 Did (you/he/she) vote in person or did (you/he/she) vote by mail? 1009-1010

EDITED UNIVERSE:

PES1 = 1

VALID ENTRIES:

- 1 In person
- 2 By mail
- 1 Not in Universe
- 2 Don't know
- 3 Refused
- 9 No Response

PES6 2 Was that on election day or before election day? 1011-1012

EDITED UNIVERSE:

PES5 = 1,2,-2,-3, -9

VALID ENTRIES:

- 1 On election day
- 2 Before election day
- 1 Not in Universe
- 2 Don't know
- 3 Refused

-9 No Response

PES7 2 There are various places and ways people can 1013-1014
register to vote. The last time (you/name)
registered, how did (you/name) register
to vote?

EDITED UNIVERSE:

PES1 = 1 or PES2 = 1

VALID ENTRIES:

- 1 At a department of motor vehicles (for example, when obtaining a driver's license or other identification card)
- 2 At a public assistance agency (for example, a Medicaid, AFDC, or Food Stamps office, an office serving disabled persons, or an unemployment office)
- 3 Registered by mail
- 4 Registered using the internet or online
- 5 At a school, hospital, or on campus
- 6 Went to a town hall or county/government registration office
- 7 Filled out form at a registration drive (library, post office, or someone came to your door)
- 8 Registered at polling place (on election or primary day)
- 9 Other
- 1 Not in Universe
- 2 Don't know
- 3 Refused
- 9 No Response

PRS8 2 How long (have you/has name) lived 1015-1016
at this address?

EDITED UNIVERSE:

PRTAGE >= 18 and PRCITSHP = 1, 2, 3, or 4

VALID ENTRIES:

- 1 Less than 1 year

- 2 1-2 years
- 3 3-4 years
- 4 5 years or longer
- 1 Not in Universe
- 2 Don't know
- 3 Refused
- 9 No Response

PUSCK4 2 INTERVIEWER CHECK ITEM - 1017-1018
Who reported for this person?

EDITED UNIVERSE:

PES8 = 1-6, -2,-3,-9

VALID ENTRIES:

- 1 Self
- 2 Other
- 1 Not in Universe

Attachment 8

SUPPLEMENT QUESTIONNAIRE

November 2020 Voting and Registration Supplement

SCK1 If AGE >= 18 go to SCK2,
Else, go to next person.

SCK2 IF PRCITSHP = 1-4, go to PRESUP.
Else, go to next person.

PRESUP This month we have some questions concerning voting and registration.

S1 In any election, some people are not able to vote because they are sick or busy or have some other reason, and others do not want to vote. Did (you/name) vote in the election held on Tuesday, November 3, 2020?

- (1) Yes (Go to S5)
- (2) No (Go to S2)

Blind display:

- (D) Don't know (Go to S2)
 - (R) Refused (Go to S2)
-

S2 (Were you/Was name) registered to vote in the November 3, 2020 election?

- (1) Yes (Go to SCK3)
- (2) No (Go to S3)

Blind display:

- (D) Don't know (Go to S8)
 - (R) Refused (Go to S8)
-

SCK3 If S1 = 2, go to S4.
Else, go to S7.

S3 Which of the following was the MAIN reason (you/name) (was/were) not registered to vote?

[READ EACH ANSWER CATEGORY TO THE RESPONDENT. Enter only ONE answer.]

- (1) Did not meet registration deadlines
- (2) Did not know where or how to register
- (3) Did not meet residency requirements/did not live here long enough
- (4) Permanent illness or disability
- (5) Concerns about the coronavirus (COVID-19) pandemic
- (6) Difficulty with English
- (7) Not interested in the election or not involved in politics
- (8) My vote would not make a difference
- (9) Not eligible to vote
- (10) Other reason __

Blind display:

- (D) Don't know
- (R) Refused

(For entries 1-10, D or R, Go to S8)

S4 What was the main reason (you/name) did not vote?

[READ EACH ANSWER CATEGORY TO THE RESPONDENT. Enter only ONE answer.]

- (1) Out of town or away from home
- (2) Forgot to vote (or send in absentee ballot)
- (3) Concerns about the coronavirus (COVID-19) pandemic
- (4) Illness or disability (own or family's)
- (5) Not interested, felt my vote wouldn't make a difference
- (6) Too busy, conflicting work or school schedule
- (7) Transportation problems
- (8) Didn't like candidates or campaign issues
- (9) Registration problems (i.e. didn't receive absentee ballot, not registered in current location)
- (10) Bad weather conditions
- (11) Inconvenient hours, polling place or hours or lines too long
- (12) Other _____

Blind display:

- (D) Don't know
- (R) Refused

(For entries 1-12, D or R, Go to S7)

S5 Did (you/he/she) vote in person or did (you/he/she) vote by mail?

- (1) In person (Go to S6)
- (2) By mail (Go to S6)

Blind display:

- (D) Don't know (Go to S6)
- (R) Refused (Go to S6)

S6 Was that on election day or before election day?

- (1) On election day (Go to S7)
- (2) Before election day (Go to S7)

Blind display:

- (D) Don't know (Go to S7)
- (R) Refused (Go to S7)

S7 There are various places and ways people can register to vote.
The last time (you/name) registered, how did (you/name) register to vote?

[READ EACH ANSWER CATEGORY TO THE RESPONDENT. Enter only ONE answer.]

- (1) At a department of motor vehicles (for example, when obtaining a driver's license or other identification card)
- (2) At a public assistance agency (for example, a Medicaid, AFDC, or Food Stamps office, an office serving disabled persons, or an unemployment office)
- (3) Registered by mail
- (4) Registered using the internet or online
- (5) At a school, hospital, or on campus
- (6) Went to a town hall or county/government registration office
- (7) Filled out form at a registration drive (library, post office, or someone came to your door)
- (8) Registered at polling place (on election or primary day)
- (9) Other _____

Blind display:

- (D) Don't know
- (R) Refused

(For entries 1-8, D, or R, skip to S8)

S8 How long (have you/has name) lived at this address?

- (1) Less than 1 month
- (2) 1-6 months
- (3) 7-11 months
- (4) 1-2 years
- (5) 3-4 years
- (6) 5 years or longer

Blind display:

- (D) Don't know
- (R) Refused

SCK4 *** DO NOT READ TO RESPONDENT ***

Who reported for this person?

- (1) Self
- (2) Other

(Go to next person; else, end supplement.)

ATTACHMENT 9**INDUSTRY CLASSIFICATION****Industry Classification Codes for Detailed Industry (4 digit)
(Starting January 2020)**

These categories are aggregated into 52 detailed groups and 14 major groups (see pages 10-12 of this attachment). The codes in the right hand column are the NAICS equivalent.

These codes correspond to Items PEIO1ICD and PEIO2ICD, in positions 856-859 and 864-867 of the Basic CPS record layout in all months, **except the ASEC files**. In the **ASEC**, these codes correspond to PEIOIND and INDUSTRY, in the Person record.

Note: The Census industry codes and NAICS codes are based on the 2017 North American Industry Classification System.

CENSUS CODE	DESCRIPTION	NAICS CODE
Agriculture, Forestry, Fishing, and Hunting		
0170	Crop production	111
0180	Animal production	112
0190	Forestry except logging	1131, 1132
0270	Logging	1133
0280	Fishing, hunting, and trapping	114
0290	Support activities for agriculture and forestry	115
Mining		
0370	Oil and gas extraction	211
0380	Coal mining	2121
0390	Metal ore mining	2122
0470	Nonmetallic mineral mining and quarrying and not specified type of mining	Part of 21
0490	Support activities for mining	213
Utilities		
0570	Electric power generation, transmission and distribution	Pt. 2211
0580	Natural gas distribution	Pt. 2212
0590	Electric and gas, and other combinations	Pts. 2211, 2212
0670	Water, steam, air-conditioning, and irrigation systems	22131, 22133
0680	Sewage treatment facilities	22132
0690	Not specified utilities	Part of 22

CENSUS CODE	DESCRIPTION	NAICS CODE
Construction		
0770	** Construction (Includes the cleaning of buildings and dwellings is incidental during construction and immediately after construction)	23
Manufacturing		
Nondurable Goods manufacturing		
1070	Animal food, grain and oilseed milling	3111, 3112
1080	Sugar and confectionery products	3113
1090	Fruit and vegetable preserving and specialty food manufacturing	3114
1170	Dairy product manufacturing	3115
1180	Animal slaughtering and processing	3116
1190	Retail bakeries	311811
1270	Bakeries, except retail	3118 exc. 311811
1280	Seafood and other miscellaneous foods, n.e.c.	3117, 3119
1290	Not specified food industries	Part of 311
1370	Beverage manufacturing	3121
1390	Tobacco manufacturing	3122
1470	Fiber, yarn, and thread mills	3131
1480	Fabric mills, except knitting	3132 exc. 31324
1490	Textile and fabric finishing and coating mills	3133
1570	Carpet and rug mills	31411
1590	Textile product mills, except carpets and rugs	314 exc. 31411
1670	Knitting mills	31324, 3151
1691	Cut and sew apparel manufacturing, apparel accessories, and other apparel manf.	3152, 3159
1770	Footwear manufacturing	3162
1790	Leather tanning and products, except footwear manufacturing	3161, 3169
1870	Pulp, paper, and paperboard mills	3221
1880	Paperboard containers and boxes	32221
1890	Miscellaneous paper and pulp products	32222, 32223, 32229
1990	Printing and related support activities	3231
2070	Petroleum refining	32411
2090	Miscellaneous petroleum and coal products	32419
2170	Resin, synthetic rubber and fibers, and filaments manufacturing	3252
2180	Agricultural chemical manufacturing	3253
2190	Pharmaceutical and medicine manufacturing	3254
2270	Paint, coating, and adhesive manufacturing B46	3255
2280	Soap, cleaning compound, and cosmetics manufacturing	3256
2290	Industrial and miscellaneous chemicals	3251, 3259
2370	Plastics product manufacturing	3261
2380	Tire manufacturing	32621
2390	Rubber products, except tires, manufacturing	32622, 32629

CENSUS CODE	DESCRIPTION	NAICS CODE
Durable Goods Manufacturing		
2470	Pottery, ceramics, and related products manufacturing	32711
2480	Structural clay product manufacturing	32712
2490	Glass and glass product manufacturing	3272
2570	Cement, concrete, lime, and gypsum product manufacturing	3273, 3274
2590	Miscellaneous nonmetallic mineral product manufacturing	3279
2670	Iron and steel mills and steel product manufacturing	3311, 3312
2680	Aluminum production and processing	3313
2690	Nonferrous metal, except aluminum, production and processing	3314
2770	Foundries	3315
2780	Metal forgings and stampings	3321
2790	Cutlery and hand tool manufacturing	3322
2870	Structural metals, and tank and shipping container manufacturing	3323, 3324
2880	Machine shops; turned product; screw, nut and bolt manufacturing	3327
2890	Coating, engraving, heat treating and allied activities	3328
2970	Ordnance	332992 to 332995
2980	Miscellaneous fabricated metal products manufacturing	3325, 3326, 3329 exc. 332992, 332993, 332994, 332995
2990	Not specified metal industries	Part of 331 and 332
3070	Agricultural implement manufacturing	33311
3080	Construction, mining and oil field machinery manufacturing	33312, 33313
3095	Commercial and service industry machinery manufacturing	3333
3170	Metalworking machinery manufacturing	3335
3180	Engines, turbines, and power transmission equipment manufacturing	3336
3291	"Machinery manufacturing, n.e.c. or not specified"	3332, 3334, 3339, Part of 333
3365	Computer and peripheral equipment manufacturing	3341
3370	Communications, audio, and video equipment manufacturing	3342, 3343
3380	Navigational, measuring, electromedical, and control instruments manufacturing	3345
3390	Electronic component and product manufacturing, n.e.c.	3344, 3346
3470	Household appliance manufacturing	3352
3490	Electrical lighting, equipment, and supplies manufacturing, n.e.c.	3351, 3353, 3359
3570	Motor vehicles and motor vehicle equipment manufacturing	3361, 3362, 3363
3580	Aircraft and parts manufacturing	336411 to 336413
3590	Aerospace products and parts manufacturing	336414, 336415, 336419
3670	Railroad rolling stock manufacturing	3365
3680	Ship and boat building	3366
3690	Other transportation equipment manufacturing	3369

CENSUS CODE	DESCRIPTION	NAICS CODE
3770	Sawmills and wood preservation	3211
3780	Veneer, plywood, and engineered wood products	3212
3790	Prefabricated wood buildings and mobile homes	321991, 321992
3875	Miscellaneous wood products	3219 exc. 321991, 321992
3895	Furniture and related product manufacturing	337
3960	Medical equipment and supplies manufacturing	3391
3970	Toys, amusement, and sporting goods manufacturing	33992, 33993
3980	Miscellaneous manufacturing, n.e.c.	3399 exc. 33992, 33993
3990	Not specified manufacturing industries	Part of 31, 32, 33
Wholesale Trade		
Durable Goods Wholesale		
4070	Motor vehicles, parts and supplies, merchant wholesalers	4231
4080	Furniture and home furnishing, merchant wholesalers	4232
4090	Lumber and other construction materials, merchant wholesalers	4233
4170	Professional and commercial equipment and supplies, merchant wholesalers	4234
4180	Metals and minerals, except petroleum, merchant wholesalers	4235
4195	Household appliances and electrical and electronic goods, merchant wholesalers	4236
4265	Hardware, plumbing and heating equipment, and supplies, merchant wholesalers	4237
4270	Machinery, equipment, and supplies, merchant wholesalers	4238
4280	Recyclable material, merchant wholesalers	42393
4290	Miscellaneous durable goods, merchant wholesalers	4239 exc. 42393
Nondurable Goods Wholesale		
4370	Paper and paper products, merchant wholesalers	4241
4380	Drugs, sundries, and chemical and allied products, merchant wholesalers	4242, 4246
4390	Apparel, fabrics, and notions, merchant wholesalers	4243
4470	Groceries and related products, merchant wholesalers	4244
4480	Farm product raw materials, merchant wholesalers	4245
4490	Petroleum and petroleum products, merchant wholesalers	4247
4560	Alcoholic beverages, merchant wholesalers	4248
4570	Farm supplies, merchant wholesalers	42491
4580	Miscellaneous nondurable goods, merchant wholesalers	4249 exc. 42491
4585	Wholesale electronic markets, agents and brokers	4251
4590	Not specified wholesale trade	Part of 42

CENSUS CODE	DESCRIPTION	NAICS CODE
Retail Trade		
4670	Automobile dealers	4411
4680	Other motor vehicle dealers	4412
4690	Auto parts, accessories, and tire stores	4413
4770	Furniture and home furnishings stores	442
4780	Household appliance stores	443141
4795	Electronics stores	443142
4870	Building material and supplies dealers	4441 exc. 44413
4880	Hardware stores	44413
4890	Lawn and garden equipment and supplies stores	4442
4971	Supermarkets and Other Grocery (except Convenience) Stores	44511
4972	Convenience Stores	44512
4980	Specialty food stores	4452
4990	Beer, wine, and liquor stores	4453
5070	Pharmacies and drug stores	4461
5080	Health and personal care, except drug, stores	446 exc.44611
5090	Gasoline stations	447
5170	Clothing and accessories, except shoe, stores	448 exc. 44821, 4483
5180	Shoe stores	44821
5190	Jewelry, luggage, and leather goods stores	4483
5275	Sporting goods, and hobby and toy stores	45111, 45112
5280	Sewing, needlework, and piece goods stores	45113
5295	Musical instrument and supplies stores	45114
5370	Book stores and news dealers	45121
5381	Department stores	45221
5391	General merchandise stores, including warehouse clubs and supercenters	4523
5470	Retail florists	4531
5480	Office supplies and stationery stores	45321
5490	Used merchandise stores	4533
5570	Gift, novelty, and souvenir shops	45322
5580	Miscellaneous retail stores	4539
5593	Electronic shopping and mail-order houses	454110
5670	Vending machine operators	4542
5680	Fuel dealers	45431
5690	Other direct selling establishments	45439
5790	Not specified retail trade	Part of 44, 45
Transportation and Warehousing		
6070	Air transportation	481
6080	Rail transportation	482
6090	Water transportation	483
6170	Truck transportation	484
6180	Bus service and urban transit	4851, 4852, 4854, 4855, 4859
6190	Taxi and limousine service	4853

CENSUS CODE	DESCRIPTION	NAICS CODE
6270	Pipeline transportation	486
6280	Scenic and sightseeing transportation	487
6290	Services incidental to transportation	488
6370	Postal Service	491
6380	Couriers and messengers	492
6390	Warehousing and storage	493
Information		
6470	Newspaper publishers	51111
6480	Publishing, except newspapers and software	5111 exc. 51111
6490	Software publishing	5112
6570	Motion pictures and video industries	5121
6590	Sound recording industries	5122
6670	Radio and television broadcasting and cable	515
6672	Internet Publishing and Broadcasting	51913
6680	Wired telecommunications carriers	517311
6690	Other telecommunications services	517 exc. 517311
6695	Data processing, hosting, and related services	518
6770	Libraries and archives	51912
6780	Other information services	5191 exc. 51912, 51913
Finance, Insurance, Real Estate, and Rental and Leasing		
Finance and Insurance		
6870	Banking and related activities	521, 52211, 52219
6880	Savings institutions, including credit unions	52212, 52213
6890	Non-depository credit and related activities	5222, 5223
6970	Securities, commodities, funds, trusts, and other financial investments	523, 525
6991	Insurance carriers	5241
6992	Agencies, brokerages, and other insurance related activities	5242
Real Estate and Rental and Leasing		
7071	Lessors of real estate, and offices of real estate agents and brokers	5311, 5312
7072	Real estate property managers, offices of real estate appraisers, and other activities related to real estate	5313
7080	Automotive equipment rental and leasing	5321
7181	Other consumer goods rental	53221, 532281, 532282, 532283
7190	Commercial, industrial, and other intangible assets rental and leasing	5324, 533

CENSUS CODE	DESCRIPTION	NAICS CODE
<i>Professional, Scientific, Management, Administrative, and Waste management services</i>		
Professional, Scientific, and Technical Services		
7270	Legal services	5411
7280	Accounting, tax preparation, bookkeeping, and payroll services	5412
7290	Architectural, engineering, and related services	5413
7370	Specialized design services	5414
7380	Computer systems design and related services	5415
7390	Management, scientific, and technical consulting services	5416
7460	Scientific research and development services	5417
7470	Advertising and related services	5418
7480	Veterinary services	54194
7490	Other professional, scientific, and technical services	5419 exc. 54194
Management, Administrative and Support, and Waste Management Services		
<i>Management of companies and enterprises</i>		
7570	Management of companies and enterprises	551
<i>Administrative and support and waste management services</i>		
7580	Employment services	5613
7590	Business support services	5614
7670	Travel arrangements and reservation services	5615
7680	Investigation and security services	5616
7690	Services to buildings and dwellings	5617 exc. 56173
	(except cleaning during construction and immediately after construction)	7770
7770	Landscaping services	56173
7780	Other administrative and other support services	5611, 5612, 5619
7790	Waste management and remediation services	562
<i>Educational, Health and Social Services</i>		
Educational Services		
7860	Elementary and secondary schools	6111
7870	Colleges and universities, including junior colleges	6112, 6113
7880	Business, technical, and trade schools and training	6114, 6115
7890	Other schools, instruction, and educational services	6116, 6117
Health Care and Social Assistance		
7970	Offices of physicians	6211
7980	Offices of dentists	6212

CENSUS CODE	DESCRIPTION	NAICS CODE
7990	Offices of chiropractors	62131
8070	Offices of optometrists	62132
8080	Offices of other health practitioners	6213 exc. 62131, 62132
8090	Outpatient care centers	6214
8170	Home health care services	6216
8180	Other health care services	6215, 6219
8191	General medical and surgical hospitals, and specialty (except psychiatric and substance abuse) hospitals	6221, 6223
8192	Psychiatric and substance abuse hospitals	6222
8270	Nursing care facilities	6231
8290	Residential care facilities, without nursing	6232, 6233, 6239
8370	Individual and family services	6241
8380	Community food and housing, and emergency services	6242
8390	Vocational rehabilitation services	6243
8470	Child day care services	6244

Arts, Entertainment, Recreation, Accommodation, and Food Services

Arts, Entertainment, and Recreation

8561	Performing arts companies	7111
8562	Spectator sports	7112
8563	Promoters of performing arts, sports, and similar events, agents and managers for artists, athletes	7113, 7114
8564	Independent artists, writers, and performers	7115
8570	Museums, art galleries, historical sites, and similar institutions	712
8580	Bowling centers	71395
8590	Other amusement, gambling, and recreation industries	713 exc. 71395

Accommodation and Food Service

8660	Traveler accommodation	7211
8670	Recreational vehicle parks and camps, and rooming and boardinghouses, dormitories, and workers' camps	7212, 7213
8680	Restaurants and other food services	722 exc. 7224
8690	Drinking places, alcoholic beverages	7224

Other Services (Except Public Administration)

8770	Automotive repair and maintenance	8111 exc. 811192
8780	Car washes	811192
8790	Electronic and precision equipment repair and maintenance	8112
8870	Commercial and industrial machinery and equipment repair and maintenance	8113
8891	Personal and household goods repair and maintenance	8114
8970	Barber shops	812111
8980	Beauty salons	812112

CENSUS CODE	DESCRIPTION	NAICS CODE
8990	Nail salons and other personal care services	812113, 81219
9070	Dry cleaning and laundry services	8123
9080	Funeral homes, cemeteries, and crematories	8122
9090	Other personal services	8129
9160	Religious organizations	8131
9170	Civic, social, advocacy organizations, and grant making and giving services	8132, 8133, 8134
9180	Labor unions	81393
9190	Business, professional, political, and similar organizations	8139 exc. 81393
9290	Private households	814
Public Administration		
9370	Executive offices and legislative bodies	92111, 92112, 92114, pt. 92115
9380	Public finance activities	92113
9390	Other general government and support	92119
9470	Justice, public order, and safety activities	922, pt. 92115
9480	Administration of human resource programs	923
9490	Administration of environmental quality and housing programs	924, 925
9570	Administration of economic programs and space research	926, 927
9590	National security and international affairs	925
Armed Forces		
9890	Armed Forces	9281

Detailed Industry Recodes
(01-52)

These codes correspond to Items PRDTIND1 and PRDTIND2 in positions 472-475 of the Basic CPS record layout in all months **except ASEC**. In **ASEC**, these codes correspond to Item A-DTIND and are located in positions 243-244.

CODE	DESCRIPTION	INDUSTRY CODE
1	Agriculture	0170 - 0180, 0290
2	Forestry, logging, fishing, hunting, and trapping	0190 - 0280
3	Mining	0370 - 0490
4	Construction	0770
5	Nonmetallic mineral products	2470 - 2590
6	Primary metals and fabricated metal products	2670 - 2990
7	Machinery manufacturing	3070 - 3291
8	Computer and electronic products	3365 - 3390
9	Electrical equipment, appliance manufacturing	3470, 3490
10	Transportation equipment manufacturing	3570 - 3690
11	Wood products	3770 - 3875
12	Furniture and fixtures manufacturing	3895
13	Miscellaneous and not specified manufacturing	3960 - 3990
14	Food manufacturing	1070 - 1290
15	Beverage and tobacco products	1370, 1390
16	Textile, apparel, and leather manufacturing	1470 - 1790
17	Paper and printing	1870 - 1990
18	Petroleum and coal products	2070, 2090
19	Chemical manufacturing	2170 - 2290
20	Plastics and rubber products	2370 - 2390
21	Wholesale trade	4070 - 4590
22	Retail trade	4670 - 5790
23	Transportation and warehousing	6070 - 6390
24	Utilities	0570 - 0690
25	Publishing industries (except internet)	6470 - 6490
26	Motion picture and sound recording industries	6570, 6590
27	Broadcasting (except internet)	6670
28	Internet publishing and broadcasting	6675
29	Telecommunications	6680, 6690
30	Internet service providers and data processing services	6692, 6695
31	Other information services	6770, 6780
32	Finance	6870 - 6970
33	Insurance	6990
34	Real estate	7070
35	Rental and leasing services	7080 - 7190
36	Professional and technical services	7270 - 7490
37	Management of companies and enterprises	7570
38	Administrative and support services	7580 - 7780
39	Waste management and remediation services	7790

CODE	DESCRIPTION	INDUSTRY CODE
40	Educational services	7860 - 7890
41	Hospitals	8190
42	Health care services, except hospitals	7970 - 8180,
43	Social assistance	8370 - 8470
44	Arts, entertainment, and recreation	8560 - 8590
45	Accommodation	8660, 8670
46	Food services and drinking places	8680, 8690
47	Repair and maintenance	8770 - 8890
48	Personal and laundry services	8970 - 9090
49	Membership associations and organizations	9160 - 9190
50	Private households	9290
51	Public administration	9370 - 9590
52	Armed forces	9890

Major Industry Recodes
(01-14)

These codes correspond to Items PRMJIND1 and PRMJIND2 located in positions 482-485 of the Basic CPS record layout in all months **except ASEC**. In **ASEC**, these codes correspond to Item A-MJIND and are located in positions 211-212.

CODE	DESCRIPTION	INDUSTRY CODE
1	Agriculture, forestry, fishing, and hunting	0170-0290
2	Mining	0370-0490
3	Construction	0770
4	Manufacturing	1070-3990
5	Wholesale and retail trade	4070-5790
6	Transportation and utilities	6070-6390, 0570-0690
7	Information	6470-6780
8	Financial activities	6870-7190
9	Professional and business services	7270-7790
10	Educational and health services	7860-8470
11	Leisure and hospitality	8560-8690
12	Other services	8770-9290
13	Public administration	9370-9590
14	Armed Forces	9890

APPENDIX 10

OCCUPATION CLASSIFICATION

(Beginning January 2020)

These categories are aggregated into 23 detailed groups and 11 major groups (see pages 10-17 and 10-18). The codes in the right hand column are the 2018 SOC equivalent.

These codes correspond to items PEIO1OCD and PEIO2OCD in positions 860-863 and 868-871 of the Basic CPS record layout in all months. In **ASEC**, these codes correspond to items PEIOOCC and OCCUP of the Persons Record. These codes are also applicable for any other CPS supplements that collect occupation data.

Management, Business, Science, and Arts Occupations**Management, Business, and Financial Occupations**

2018 CENSUS CODE	DESCRIPTION	2018 SOC CODE
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Management Occupation

0010	Chief executives	11-1011
0020	General and operations managers	11-1021
0040	Advertising and promotions managers	11-2011
0051	Marketing Managers	11-2021
0052	Sales managers	11-2022
0060	Public relations and fundraising managers	11-2030
0101	Administrative services managers	11-3012
0102	Facilities managers	11-3013
0110	Computer and information systems managers	11-3021
0120	Financial managers	11-3031
0135	Compensation and benefits managers	11-3111
0136	Human resources managers	11-3121
0137	Training and development managers	11-3131
0140	Industrial production managers	11-3051
0150	Purchasing managers	11-3061
0160	Transportation, storage, and distribution managers	11-3071
0205	Farmers, ranchers, and other agricultural managers	11-9013
0220	Construction managers	11-9021
0230	Education and childcare administrators	11-9030
0300	Engineering managers	11-9041
0310	Food service managers	11-9051
0335	Entertainment and recreation managers	11-9070
0340	Lodging managers	11-9081
0350	Medical and health services managers	11-9111
0360	Natural sciences managers	11-9121
0410	Property, real estate, and community association managers	11-9141
0420	Social and community service managers	11-9151
0425	Emergency management directors	11-9161
0440	Managers, all other	11-9199
0430	Managers, all other	11-9161

Business and Financial Operations Occupations

0500	Agents and business managers of artists, performers, and athletes	13-1011
0510	Purchasing agents and buyers, farm products	13-1021
0520	Wholesale and retail buyers, except farm products	13-1022
0530	Purchasing agents, except wholesale, retail, and farm products	13-1023
0540	Claims adjusters, appraisers, examiners, and investigators	13-1030
0565	Compliance officers	13-1041
0600	Cost estimators	13-1051

0630	Human resource workers	13-1070
0640	Compensation, benefits, and job analysis specialists	13-1141
0650	Training and development specialists	13-1151
0700	Logisticians	13-1081
0705	Project management specialists	13-1082
0710	Management analysts	13-1111
0725	Meeting, convention, and event planners	13-1121
0726	Fundraisers	13-1131
0735	Market research analysts and marketing specialists	13-1161
0750	Business operations specialists, all other	13-1199
0800	Accountants and auditors	13-2011
0810	Property appraisers and assessors	13-2020
0820	Budget analysts	13-2031
0830	Credit analysts	13-2041
0845	Financial and investment analysts	13-2051
0850	Personal financial advisors	13-2052
0860	Insurance underwriters	13-2053
0900	Financial examiners	13-2061
0910	Loan counselors and officers	13-2070
0930	Tax examiners, collectors, and revenue agents	13-2081
0940	Tax prepares	13-2082
0960	Other financial specialists	13-2099

Computer, Engineering, and Science Occupations

Computer and Mathematical Occupations

1005	Computer and information research scientists	15-1221
1006	Computer systems analysts	15-1211
1007	Information security analysts	15-1212
1010	Computer programmers	15-1251
1021	Software developers	15-1252
1022	Software quality assurance analysts and testers	15-1253
1031	Web developers	15-1254
1032	Web or digital interface designers	15-1255
1050	Computer support specialists	15-1230
1065	Database administrators and architects	15-124X
1105	Network and computer systems administrators	15-1244
1106	Computer network architects	15-1241
1108	Computer occupations, all other	15-1199
1200	Actuaries	15-2011
1220	Operations research analysts	15-2031
1240	Other mathematical science occupations	15-20XX

Architecture and Engineering Occupations

1300	Architects, except landscape and naval	17-1011
1306	Landscape architects	17-1012
1310	Surveyors, cartographers, and photogrammetrists	17-1020
1320	Aerospace engineers	17-2011
1340	Agricultural and biomedical engineers	17-20XX
1350	Chemical engineers	17-2041
1360	Civil engineers	17-2051
1400	Computer hardware engineers	17-2061
1410	Electrical and electronic engineers	17-2070
1420	Environmental engineers	17-2081
1430	Industrial engineers, including health and safety	17-2110
1440	Marine engineers and naval architects	17-2121
1450	Materials engineers	17-2131
1460	Mechanical engineers	17-2141
1500	Mining and geological engineers, including mining safety engineers	17-2151
1520	Petroleum engineers	17-2171
1530	Engineers, all other	17-2199
1541	Architectural and civil drafters	17-3011
1545	Other drafters	17-301X
1551	Electrical and electronic engineering technologists and technicians	17-3023
1555	Other engineering technologists and technicians, except drafters	17-302X
1560	Surveying and mapping technicians	17-3031

Life, Physical, and Social Science Occupations

1600	Agricultural and food scientists	19-1010
1610	Biological scientists	19-1020
1640	Conservation scientists and foresters	19-1030
1650	Medical scientists and life scientists, all other	19-10XX
1700	Astronomers and physicists	19-2010
1710	Atmospheric and space scientists	19-2021
1720	Chemists and materials scientists	19-2030
1740	Environmental scientists and geoscientists	19-2040
1760	Physical scientists, all other	19-2099
1800	Economists	19-3011
1820	Psychologists	19-3030
1840	Urban and regional planners	19-3051
1860	Miscellaneous social scientists, including survey researchers and sociologists	19-30XX
1900	Agricultural and food science technicians	19-4010
1910	Biological technicians	19-4021
1920	Chemical technicians	19-4031
1935	Geoscience and environmental science technicians	19-4040
1970	Other life, physical, and social science technicians	19-40XX
1980	Occupational health and safety specialists and technicians	19-5010

Education, Legal, Community Service, Arts, and Media Occupations**Community and Social Services Occupations**

2001	Substance abuse and behavioral disorder counselors	21-1011
2002	Educational, guidance, and career counselors and advisors	21-1012
2003	Marriage and family therapists	21-1013
2004	Mental health counselors	21-1014
2005	Rehabilitation counselors	21-1015
2006	Counselors, all other	21-1019
2011	Child, family, and school social workers	21-1021
2012	Healthcare social workers	21-1022
2013	Mental health and substance abuse social workers	21-1023
2014	Social workers, all other	21-1029
2015	Probation officers and correctional treatment specialists	21-1092
2016	Social and human service assistants	21-1093
2025	Other community and social service specialists	21-109X
2040	Clergy	21-2011
2050	Directors, religious activities and education	21-2021
2060	Religious workers, all other	21-2099

Legal Occupations

2100	Lawyers	23-1011
2105	Judicial law clerks	23-1012
2145	Paralegals and legal assistants	23-2011
2170	Title examiners, abstractors, and searchers	23-2093
2180	Legal support workers, all other	23-2099

Education Instruction, and Library Occupations

2205	Postsecondary teachers	25-1000
2300	Preschool and kindergarten teachers	25-2010
2310	Elementary and middle school teachers	25-2020
2320	Secondary school teachers	25-2030
2330	Special education teachers	25-2050
2340	Tutors	25-3041
2360	Other teachers and instructors	25-30XX
2400	Archivists, curators, and museum technicians	25-4010
2435	Librarians and media collections specialists	25-4022
2440	Library technicians	25-4031
2545	Teacher assistants	25-9040
2555	Other educational instruction and library workers	25-90XX

Arts, Design, Entertainment, Sports, and Media Occupations

2600	Artists and related workers	27-1010
2631	Commercial and industrial designers	27-1021
2632	Fashion designers	27-1022
2633	Floral designers	27-1023
2634	Graphic designers	27-1024
2635	Interior designers	27-1025
2636	Merchandise displayers and window trimmers	27-1026
2640	Other designers	27-10XX
2700	Actors	27-2011
2710	Producers and directors	27-2012
2721	Athletes and sports competitors	27-2021
2722	Coaches and scouts	27-2022
2723	Umpires, referees, and other sports officials	27-2023
2740	Dancers and choreographers	27-2030
2751	Music directors and composers	27-2041
2752	Musicians and singers	27-2042
2755	Disc jockeys, except radio disc jockeys	27-2091
2770	Entertainers and performers, sports and related workers, all other	27-2099
2805	Broadcast announcers and radio disc jockeys	27-3011
2810	News analysts, reporters, and journalists	27-3023
2825	Public relations specialists	27-3031
2830	Editors	27-3041
2840	Technical writers	27-3042
2850	Writers and authors	27-3043
2861	Interpreters and translators	27-3091
2862	Court reporters and simultaneous captioners	27-3092
2865	Media and communication workers, all other	27-3099
2905	Broadcast, sound, and lighting technicians	27-4010
2910	Photographers	27-4021
2920	Television, video, and film camera operators and editors	27-4030
2970	Media and communication equipment workers, all other	27-4099

Healthcare Practitioners and Technical Occupations

3000	Chiropractors	29-1011
3010	Dentists	29-1020
3030	Dietitians and nutritionists	29-1031
3040	Optometrists	29-1041
3050	Pharmacists	29-1051
3090	Other physicians	29-12XX
3100	Surgeons	29-1240
3110	Physician assistants	29-1071
3140	Audiologists	29-1181
3150	Occupational therapists	29-1122
3160	Physical therapists	29-1123
3200	Radiation therapists	29-1124
3210	Recreational therapists	29-1125
3220	Respiratory therapists	29-1126

2018 CENSUS CODE	DESCRIPTION	2018 SOC CODE
		29-1127
3230	Speech-language pathologists	
3245	Exercise physiologists and therapists, all other	29-112X
3250	Veterinarians	29-1131
3255	Registered nurses	29-1141
3256	Nurse anesthetists	29-1151
3258	Nurse practitioners	29-1171
3261	Acupuncturists	29-1291
3270	Healthcare diagnosing or treating practitioners, all other	29-1299
3300	Clinical laboratory technologists and technicians	29-2010
3310	Dental hygienists	29-1292
3321	Cardiovascular technologists and technicians	29-2031
3322	Diagnostic medical sonographers	29-2032
3323	Radiologic technologists and technicians	29-2034
3324	Magnetic resonance imaging technologists	29-2035
3330	Nuclear medicine technologists and medical dosimetrists	29-203X
3401	Emergency medical technicians	29-2042
3402	Paramedics	29-2043
3421	Pharmacy technicians	29-2052
3422	Psychiatric technicians	29-2053
3423	Surgical technologists	29-2055
3424	Veterinary technologists and technicians	29-2058
3430	Dietetic technicians and ophthalmic medical technicians	29-205X
3500	Licensed practical and licensed vocational nurses	29-2061
3515	Medical records specialists	29-2072
3520	Opticians, dispensing	29-2081
3545	Miscellaneous health technologists and technicians	29-2090
3550	Other healthcare practitioners and technical occupations	29-9000

Service Occupations**Healthcare Support Occupations**

3601	Home health aides	31-1121
3602	Personal care aides	31-1122
3603	Nursing assistants	31-1131
3605	Orderlies and psychiatric aides	31-113X
3610	Occupational therapist assistants and aides	31-2010
3620	Physical therapist assistants and aides	31-2020
3630	Massage therapists	31-9011
3640	Dental assistants	31-9091
3645	Medical assistants	31-9092
3646	Medical transcriptionists	31-9094
3647	Pharmacy aides	31-9095
3648	Veterinary assistants and laboratory animal caretakers	31-9096
3649	Phlebotomists	31-9097
3655	Other healthcare support workers	31-909X

Protective Service Occupations

3700	First-line supervisors of correctional officers	33-1011
3710	First-line supervisors of police and detectives	33-1012
3720	First-line supervisors of firefighting and prevention workers	33-1021
3725	First-line supervisors of security workers	33-1091
3735	First-line supervisors of protective service workers, all other	33-1099
3740	Firefighters	33-2011
3750	Fire inspectors	33-2020
3801	Bailiffs	33-3011
3802	Correctional officers and jailers	33-3012
3820	Detectives and criminal investigators	33-3021
3840	Parking enforcement workers	33-3041
3870	Police officers	33-3050
3900	Animal control workers	33-9011
3910	Private detectives and investigators	33-9021
3930	Security guards and gaming surveillance officers	33-9030
3940	Crossing guards and flaggers	33-9091
3945	Transportation security screeners	33-9093
3946	School bus monitors	33-9094
3960	Other protective service workers	33-909X

Food Preparation and Serving Related Occupations

4000	Chefs and head cooks	35-1011
4010	First-line supervisors of food preparation and serving workers	35-1012
4020	Cooks	35-2010
4030	Food preparation workers	35-2021
4040	Bartenders	35-3011
4055	Fast food and counter workers	35-3023

2018 CENSUS CODE	DESCRIPTION	2018 SOC CODE
4110	Waiters and waitresses	35-3031
4120	Food servers, non-restaurant	35-3041
4130	Dining room and cafeteria attendants and bartender helpers	35-9011
4140	Dishwashers	35-9021
4150	Hosts and hostesses, restaurant, lounge, and coffee shop	35-9031
4160	Food preparation and serving related workers, all other	35-9099

Building and Grounds Cleaning and Maintenance Occupations

4200	First-line supervisors of housekeeping and janitorial workers	37-1011
4210	First-line supervisors of landscaping, lawn service, and grounds keeping workers	37-1012
4220	Janitors and building cleaners	31-201X
4230	Maids and housekeeping cleaners	37-2012
4240	Pest control workers	37-2021
4251	Landscaping and grounds keeping workers	37-3011
4252	Tree trimmers and pruners	37-3013
4255	Other grounds maintenance workers	37-301X

Personal Care and Service Occupations

4330	Supervisors of personal care and service workers	39-1010
4340	Animal trainers	39-2011
4350	Animal caretakers	39-2021
4400	Gaming services workers	39-3010
4420	Ushers, lobby attendants, and ticket takers	39-3031
4435	Other entertainment attendants and related workers	39-30XX
4461	Embalmers, crematory operators and funeral attendants	39-40XX
4465	Morticians, undertakers, and funeral arrangers	39-4031
4500	Barbers	39-5011
4510	Hairdressers, hairstylists, and cosmetologists	39-5012
4521	Manicurists and pedicurists	39-5092
4522	Skincare specialists	39-5094
4523	Other personal appearance workers	39-509X
4530	Baggage porters, bellhops, and concierges	39-6010
4540	Tour and travel guides	39-7010
4600	Child care workers	39-9011
4610	Personal and home care aides	39-9021
4621	Exercise trainers and group fitness instructors	39-9031
4622	Recreation workers	39-9032
4640	Residential advisors	39-9041
4655	Personal care and service workers, all other	39-9099

Sales and Office Occupations**Sales and Related Occupations**

4700	First-line supervisors/managers of retail sales workers	41-1011
4710	First-line supervisors/managers of non-retail sales workers	41-1012
4720	Cashiers	41-2010
4740	Counter and rental clerks	41-2021
4750	Parts salespersons	41-2022
4760	Retail salespersons	41-2031
4800	Advertising sales agents	41-3011
4810	Insurance sales agents	41-3021
4820	Securities, commodities, and financial services sales agents	41-3031
4830	Travel agents	41-3041
4840	Sales representatives of services, except advertising, insurance, travel, and financial services	41-3099
4850	Sales representatives, wholesale and manufacturing	41-4010
4900	Models, demonstrators, and product promoters	41-9010
4920	Real estate brokers and sales agents	41-9020
4930	Sales engineers	41-9031
4940	Telemarketers	41-9041
4950	Door-to-door sales workers, news and street vendors, and related workers	41-9091
4965	Sales and related workers, all other	41-9099

Office and Administrative Support Occupations

5000	First-Line supervisors of office and administrative support workers	43-1011
5010	Switchboard operators, including answering service	43-2011
5020	Telephone operators	43-2021
5040	Communications equipment operators, all other	43-2099
5100	Bill and account collectors	43-3011
5110	Billing and posting clerks and machine operators	43-3021
5130	Gaming cage workers	43-3041
5140	Payroll and timekeeping clerks	43-3051
5150	Procurement clerks	43-3061
5160	Tellers	43-3071
5165	Financial clerks, all other	43-3099
5220	Court, municipal, and license clerks	43-4031
5230	Credit authorizers, checkers, and clerks	43-4041
5240	Customer service representatives	43-4051
5250	Eligibility interviewers, government programs	43-4061
5260	File Clerks	43-4071
5300	Hotel, motel, and resort desk clerks	43-4081
5310	Interviewers, except eligibility and loan	43-4111
5320	Library assistants, clerical	43-4121
5330	Loan interviewers and clerks	43-4131
5340	New accounts clerks	43-4141
5350	Order clerks	43-4151
5360	Human resources assistants, except payroll and timekeeping	43-4161
5400	Receptionists and information clerks	43-4171

2018 CENSUS CODE	DESCRIPTION	2018 SOC CODE
5410	Reservation and transportation ticket agents and travel clerks	43-4181
5420	Information and record clerks, all other	43-4199
5500	Cargo and freight agents	43-5011
5510	Couriers and messengers	43-5021
5521	Public safety telecommunicators	43-5031
5522	Dispatchers, except police, fire, and ambulance	43-5032
5530	Meter readers, utilities	43-5041
5540	Postal service clerks	43-5051
5550	Postal service mail carriers	43-5052
5560	Postal service mail sorters, processors, and processing machine operators	43-5053
5600	Production, planning, and expediting clerks	43-5061
5610	Shipping, receiving, and inventory clerks	43-5071
5630	Weighers, measurers, checkers, and samplers, recordkeeping	43-5111
5710	Executive secretaries and executive administrative assistants	43-6011
5720	Legal secretaries and administrative assistants	43-6012
5730	Medical secretaries and administrative assistants	43-6013
5740	Secretaries and administrative assistants, except legal, medical, and executive	43-6014
5800	Computer operators	43-9011
5810	Data entry keyers	43-9021
5820	Word processors and typists	43-9022
5840	Insurance claims and policy processing clerks	43-9041
5850	Mail clerks and mail machine operators, except postal service	43-9051
5860	Office clerks, general	43-9061
5900	Office machine operators, except computer	43-9071
5910	Proofreaders and copy markers	43-9081
5920	Statistical assistants	43-9111
5940	Office and administrative support workers, including desktop publishers	43-9199

Natural Resources, Construction, and Maintenance Occupations**Farming, Fishing, and Forestry Occupations**

6005	First-line supervisors of farming, fishing, and forestry workers	45-1011
6010	Agricultural inspectors	45-2011
6020	Animal breeders	45-2021
6040	Graders and sorters, agricultural products	45-2041
6050	Miscellaneous agricultural workers	45-2090
6115	Fishing and hunting workers	45-3031
6120	Forest and conservation workers	45-4011
6130	Logging workers	45-4020

Construction Trades

6200	First-line supervisors/managers of construction trades and extraction workers	47-1011
6210	Boilermakers	47-2011
6220	Brickmasons, blockmasons, and stonemasons	47-2020
6230	Carpenters	47-2031
6240	Carpet, floor, and tile installers and finishers	47-2040
6250	Cement masons, concrete finishers, and terrazzo workers	47-2050
6260	Construction laborers	47-2061
6305	Construction equipment operators	47-2070
6330	Drywall installers, ceiling tile installers, and tapers	47-2080
6355	Electricians	47-2111
6360	Glaziers	47-2121
6400	Insulation workers	47-2130
6410	Painters and paperhangers	47-2140
6441	Pipelayers	47-2151
6442	Plumbers, pipefitters, and steamfitters	47-2152
6460	Plasterers and stucco masons	47-2161
6500	Reinforcing iron and rebar workers	47-2171
6515	Roofers	47-2181
6520	Sheet metal workers	47-2211
6530	Structural iron and steel workers	47-2221
6600	Helpers, construction trades	47-3010
6660	Construction and building inspectors	47-4011
6700	Elevator installers and repairers	47-4021
6710	Fence erectors	47-4031
6720	Hazardous materials removal workers	47-4041
6730	Highway maintenance workers	47-4051
6740	Rail-track laying and maintenance equipment operators	47-4061
6765	Miscellaneous construction and related workers, including photovoltaic installers	47-4090
6800	Derrick, rotary drill, and service unit operators, oil and gas	47-5010
6825	Earth drillers, except oil and gas	47-5023
6835	Explosives workers, ordnance handling experts, and blasters	47-5032
6850	Underground mining machine operators	47-5040
6950	Other extraction workers	47-50XX

Installation, Maintenance, and Repair Workers

7000	First-line supervisors of mechanics, installers, and repairers	49-1011
7010	Computer, automated teller, and office machine repairers	49-2011
7020	Radio and telecommunications equipment installers and repairers	49-2020
7030	Avionics technicians	49-2091
7040	Electric motor, power tool, and related repairers	49-2092
7100	Electrical and electronics repairers, industrial and utility	49-209X
7120	Electronic home entertainment equipment installers and repairers	49-2097
7130	Security and fire alarm systems installers	49-2098
7140	Aircraft mechanics and service technicians	49-3011
7150	Automotive body and related repairers	49-3021
7160	Automotive glass installers and repairers	49-3022
7200	Automotive service technicians and mechanics	49-3023
7210	Bus and truck mechanics and diesel engine specialists	49-3031
7220	Heavy vehicle and mobile equipment service technicians and mechanics	49-3040
7240	Small engine mechanics	49-3050
7260	Miscellaneous vehicle and mobile equipment mechanics, installers, and repairers	49-3090
7300	Control and valve installers and repairers	49-9010
7315	Heating, air conditioning, and refrigeration mechanics and installers	49-9021
7320	Home appliance repairers	49-9031
7330	Industrial and refractory machinery mechanics	49-904X
7340	Maintenance and repair workers, general	49-9071
7350	Maintenance workers, machinery	49-9043
7360	Millwrights	49-9044
7410	Electrical power-line installers and repairers	49-9051
7420	Telecommunications line installers and repairers	49-9052
7430	Precision instrument and equipment repairers	49-9060
7510	Coin, vending, and amusement machine servicers and repairers	49-9091
7540	Locksmiths and safe repairers	49-9094
7560	Riggers	49-9096
7610	Helpers--installation, maintenance, and repair workers	49-9098
7640	Other installation, maintenance, and repair workers	49-909X

Production, Transportation, and Material Moving Occupations**Production Occupation**

7700	First-line supervisors of production and operating workers	51-1011
7720	Electrical, electronics, and electromechanical assemblers	51-2020
7730	Engine and other machine assemblers	51-2031
7740	Structural metal fabricators and fitters	51-2041
7750	Other assemblers and fabricators	51-20XX
7800	Bakers	51-3011
7810	Butchers and other meat, poultry, and fish processing workers	51-3020
7830	Food and tobacco roasting, baking, and drying machine operators and tenders	51-3091
7840	Food batchmakers	51-3092
7850	Food cooking machine operators and tenders	51-3093
7855	Food processing workers, all other	51-3099
7905	Computer numerically controlled tool programmers and operators	51-9160
7925	Forming machine setters, operators, and tenders, metal and plastic	51-4020
7950	Cutting, punching, and press machine setters, operators, and tenders, metal and plastic	51-4031
8000	Grinding, lapping, polishing, and buffing machine tool setters, operators, and tenders, metal and plastic	51-4033
8025	Other machine tool setters, operators, and tenders, metal and plastic	51-403X
8030	Machinists	51-4041
8040	Metal furnace and kiln operators and tenders	51-4050
8060	Model makers and patternmakers, metal and plastic	51-4060
8100	Molders and molding machine setters, operators, and tenders, metal and plastic	51-4070
8130	Tool and die makers	51-4111
8140	Welding, soldering, and brazing workers	51-4120
8225	Other metal workers and plastic workers	51-4XXX
8250	Prepress technicians and workers	51-5111
8255	Printing press operators	51-5112
8256	Print binding and finishing workers	51-5113
8300	Laundry and dry-cleaning workers	51-6011
8310	Pressers, textile, garment, and related materials	51-6021
8320	Sewing machine operators	51-6031
8335	Shoe and leather workers	51-6040
8350	Tailors, dressmakers, and sewers	51-6050
8365	Textile machine setters, operators, and tenders	51-6060
8450	Upholsterers	51-6093
8465	Other textile, apparel, and furnishings workers	51-609X
8500	Cabinetmakers and bench carpenters	51-7011
8510	Furniture finishers	51-7021
8530	Sawing machine setters, operators, and tenders, wood	51-7041
8540	Woodworking machine setters, operators, and tenders, except sawing	51-7042
8555	Other woodworkers	51-70XX
8600	Power plant operators, distributors, and dispatchers	51-8010
8610	Stationary engineers and boiler operators	51-8021
8620	Water and liquid waste treatment plant and system operators	51-8031
8630	Miscellaneous plant and system operators	51-8090
8640	Chemical processing machine setters, operators, and tenders	51-9010

8650	Crushing, grinding, polishing, mixing, and blending workers	51-9020
8710	Cutting workers	51-9030
8720	Extruding, forming, pressing, and compacting machine setters, operators, and tenders	51-9041
8730	Furnace, kiln, oven, drier, and kettle operators and tenders	51-9051
8740	Inspectors, testers, sorters, samplers, and weighers	51-9061
8750	Jewelers and precious stone and metal workers	51-9071
8760	Dental and ophthalmic laboratory technicians and medical appliance technicians	51-9080
8800	Packaging and filling machine operators and tenders	51-9111
8810	Painting workers	51-9120
8830	Photographic process workers and processing machine operators	51-9130
8850	Adhesive bonding machine operators and tenders	51-9191
8865	Other production equipment operators and tenders	51-919X
8910	Etchers and engravers	51-9194
8920	Molders, shapers, and casters, except metal and plastic	51-9195
8930	Paper goods machine setters, operators, and tenders	51-9196
8940	Tire builders	51-9197
8950	Helpers--production workers	51-9198
8990	Other production workers	51-91XX

Transportation and Material Moving Occupations

Transportation Occupations:

9005	Supervisors of transportation and material moving workers	53-1000
9030	Aircraft pilots and flight engineers	53-2010
9040	Air traffic controllers and airfield operations specialists	53-2020
9110	Ambulance drivers and attendants, except emergency medical technicians	53-3011
9121	Bus drivers, school	53-3051
9122	Bus drivers, transit and intercity	53-3052
9130	Driver/sales workers and truck drivers	53-3030
9141	Shuttle drivers and chauffeurs	53-3053
9142	Taxi drivers	53-3054
9150	Motor vehicle operators, all other	53-3099
9210	Locomotive engineers and operators	53-4010
9240	Railroad conductors and yardmasters	53-4031
9265	Other rail transportation workers	53-30XX
9300	Sailors and marine oilers	53-5011
9310	Ship and boat captains and operators	53-5020
9350	Parking attendants	53-6021
9365	Transportation service attendants	53-6030
9410	Transportation inspectors	53-6051
9415	Passenger attendants	53-6061
9430	Other transportation workers	53-60XX

Material Moving Occupations

9510	Crane and tower operators	53-7021
9570	Conveyor, dredge, and hoist and winch operators	53-70XX
9600	Industrial truck and tractor operators	53-7051
9610	Cleaners of vehicles and equipment	53-7061
9620	Laborers and freight, stock, and material movers, hand	53-7062
9630	Machine feeders and offbearers	53-7063
9640	Packers and packagers, hand	53-7064
9645	Stockers and order fillers	53-7065
9650	Pumping station operators	53-7070
9720	Refuse and recyclable material collectors	53-7081
9760	Other material moving workers	53-71XX

Military Specific Occupations

9840	Military Occupations	
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Detailed Occupation Recodes
(01-23)

These codes correspond to Items PRDTOCC1 and PRDTOCC2 in positions 476-479 of the Basic CPS record layout in all months **except** March. In **March**, these codes correspond to Item A-DTOCC and are located in positions 245-246.

CODE	CODE DESCRIPTION	OCCUPATION CODE
1	Management occupations	0010-0440
2	Business and financial operations occupations	0500-0960
3	Computer and mathematical science occupations	1005-1240
4	Architecture and engineering occupations	1305-1560
5	Life, physical, and social science occupations	1600-1980
6	Community and social service occupation	2001-2060
7	Legal occupations	2100-2180
8	Education, training, and library occupations	2205-2550
9	Arts, design, entertainment, sports, and media occupations	2600-2970
10	Healthcare practitioner and technical occupations	3000-3550
11	Healthcare support occupations	3600-3655
12	Protective service occupations	3700-3960
13	Food preparation and serving related occupations	4000-4160
14	Building and grounds cleaning and maintenance occupations	4200-4255
15	Personal care and service occupations	4300-4655
16	Sales and related occupations	4700-4965
17	Office and administrative support occupations	5000-5940
18	Farming, fishing, and forestry occupations	6005-6130
19	Construction and extraction occupations	6200-6950
20	Installation, maintenance, and repair occupations	7000-7640
21	Production occupations	7700-8990
22	Transportation and material moving occupations	9005-9760
23	Armed Forces	9840

Major Occupation Group Recodes
(01-11)

These codes correspond to Items PRMJJOCC1 and PRMJJOCC2 located in positions 482-485 of the Basic CPS record layout in all months **except** March. In **March**, these codes correspond to Item A-MJOCC and are located in positions 159-160.

CODE	CODE DESCRIPTION	OCCUPATION CODE
1	Management, business, and financial occupations	0010-0960
2	Professional and related occupations	1005-3550
3	Service occupations	3601-4655
4	Sales and related occupations	4700-4965
5	Office and administrative support occupations	5000-5940
6	Farming, fishing, and forestry occupations	6005-6130
7	Construction and extraction occupations	6200-6950
8	Installation, maintenance, and repair occupations	7000-7640
9	Production occupations	7700-8990
10	Transportation and material moving occupations	9005-9760
11	Armed Forces	9840

ATTACHMENT 11

Specific Metropolitan Identifiers

(Geographic Attachment for CPS Public Use File Documentation Beginning August, 2015)

- List 1. FIPS Metropolitan Area (CBSA) Codes
- List 2. FIPS Consolidated Statistical Area (CSA) Codes
- List 3. Individual Principal Cities
- List 4: FIPS County Codes

Unless otherwise noted, all definitions for geographic areas on these lists reflect the February 28, 2013 OMB definitions.

LIST 1: FIPS Metropolitan Area (CBSA) Codes

Metropolitan Areas are defined using February 28, 2013 OMB definitions.

<u>FIPS Code</u>	<u>Metropolitan (CBSA) TITLE</u>
10180	Abilene, TX
10420	Akron, OH
10580	Albany-Schenectady-Troy, NY
10740	Albuquerque, NM
10900	Allentown-Bethlehem-Easton, PA-NJ
11100	Amarillo, TX
11460	Ann Arbor, MI
11540	Appleton, WI
11700	Asheville, NC
12020	Athens-Clarke County, GA
12060	Atlanta-Sandy Springs-Roswell, GA
12100	Atlantic City-Hammonton, NJ
12220	Auburn-Opelika, AL
12260	Augusta-Richmond County, GA-SC
12420	Austin-Round Rock, TX
12540	Bakersfield, CA
12580	Baltimore-Columbia-Towson, MD
12620	Bangor, ME
12700	Barnstable, MA
12940	Baton Rouge, LA
12980	Battle Creek, MI
13140	Beaumont-Port Arthur, TX
13460	Bend-Redmond, OR
13740	Billings, MT
13780	Binghamton, NY
13820	Birmingham-Hoover, AL
13980	Blacksburg—Christiansburg-Radford, VA
14010	Bloomington, IL
14020	Bloomington, IN
14260	Boise City, ID
14460	Boston-Cambridge-Newton, MA-NH
14500	Boulder, CO
14540	Bowling Green, KY
14860	Bridgeport-Stamford-Norwalk, CT

FIPS Code	Metropolitan (CBSA) TITLE
15180	Brownsville-Harlingen, TX
15380	Buffalo-Cheektowaga-Niagara Falls, NY
15500	Burlington, NC
15540	Burlington-South Burlington, VT
15680	California-Lexington Park, MD
15940	Canton-Massillon, OH
15980	Cape Coral-Fort Myers, FL
16060	Carbondale-Marion, IL
16300	Cedar Rapids, IA
16540	Chambersburg-Waynesboro, PA
16580	Champaign-Urbana, IL
16620	Charleston, WV
16700	Charleston-North Charleston, SC
16740	Charlotte-Concord-Gastonia, NC-SC
16820	Charlottesville, VA
16860	Chattanooga, TN-GA
16980	Chicago-Naperville-Elgin, IL-IN-WI
17020	Chico, CA
17140	Cincinnati, OH-KY-IN
17300	Clarksville, TN-KY
17420	Cleveland, TN
17460	Cleveland-Elyria, OH
17660	Coeur d'Alene, ID
17780	College Station-Bryan, TX
17820	Colorado Springs, CO
17900	Columbia, SC
17980	Columbus, GA-AL
18140	Columbus, OH
18580	Corpus Christi, TX
19100	Dallas-Fort Worth-Arlington, TX
19300	Daphne-Fairhope-Foley, AL
19340	Davenport-Moline-Rock Island, IA-IL
19380	Dayton, OH
19660	Deltona-Daytona Beach-Ormond Beach, FL
19740	Denver-Aurora-Lakewood, CO
19780	Des Moines-West Des Moines, IA
19820	Detroit-Warren-Dearborn, MI
20100	Dover, DE
20500	Durham-Chapel Hill, NC
20700	East Stroudsburg, PA

FIPS Code	Metropolitan (CBSA) TITLE
21140	Elkhart-Goshen, IN
21340	El Paso, TX
21500	Erie, PA
21660	Eugene, OR
21780	Evansville, IN-KY
22020	Fargo, ND-MN
22140	Farmington, NM
22180	Fayetteville, NC
22220	Fayetteville-Springdale-Rogers, AR-MO
22420	Flint, MI
22500	Florence, SC
22520	Florence-Muscle Shoals, AL
22660	Fort Collins, CO
22900	Fort Smith, AR-OK
23060	Fort Wayne, IN
23420	Fresno, CA
23540	Gainesville, FL
23580	Gainesville, GA
24020	Glen Falls, NY
24140	Goldsboro, NC
24340	Grand Rapids-Wyoming, MI
24540	Greeley, CO
24580	Green Bay, WI
24660	Greensboro-High Point, NC
24780	Greenville, NC
24860	Greenville-Anderson-Mauldin, SC
25180	Hagerstown-Martinsburg, MD-WV
25260	Hanford-Corcoran, CA
25420	Harrisburg-Carlisle, PA
25540	Hartford-West Hartford-East Hartford, CT
25860	Hickory-Morganton-Lenoir, NC
25940	Hilton Head Island-Bluffton-Beaufort, SC
26420	Houston-Baytown-Sugar Land, TX
26580	Huntington-Ashland, WV-KY-OH
26620	Huntsville, AL
26820	Idaho Falls, ID
26900	Indianapolis, IN
26980	Iowa City, IA
27100	Jackson, MI
27140	Jackson, MS

FIPS Code	Metropolitan (CBSA) TITLE
27260	Jacksonville, FL
27340	Jacksonville, NC
27500	Janesville-Beloit, WI
27740	Johnson City, TN
27780	Johnstown, PA
27980	Kahului-Wailuku-Lahaina, HI
28020	Kalamazoo-Portage, MI
28140	Kansas City, MO-KS
28420	Kennewick-Richland, WA
28660	Killeen-Temple-Fort Hood, TX
28700	Kingsport-Bristol, TN-VA
28940	Knoxville, TN
29180	Lafayette, LA
29200	Lafayette-West Lafayette, IN
29340	Lake Charles, LA
29460	Lakeland-Winter Haven, FL
29540	Lancaster, PA
29620	Lansing-East Lansing, MI
29700	Laredo, TX
29740	Las Cruces, NM
29820	Las Vegas-Paradise, NV
30340	Lewiston-Auburn, ME
30460	Lexington-Fayette, KY
30780	Little Rock-North Little Rock, AR
30980	Longview, TX
31080	Los Angeles-Long Beach-Anaheim, CA
31140	Louisville, KY-IN
31180	Lubbock, TX
31420	Macon, GA
31540	Madison, WI
31700	Manchester-Nashua, NH
32580	McAllen-Edinburg-Mission, TX
32780	Medford, OR
32820	Memphis, TN-MS-AR
33100	Miami-Fort Lauderdale-West Palm Beach, FL
33340	Milwaukee-Waukesha-West Allis, WI
33460	Minneapolis-St Paul-Bloomington, MN-WI
33660	Mobile, AL
33700	Modesto, CA
33740	Monroe, LA

FIPS Code	Metropolitan (CBSA) TITLE
33780	Monroe, MI
33860	Montgomery, AL
34060	Morgantown, WV
34580	Mount Vernon-Anacortes, WA
34740	Muskegon-Norton Shores, MI
34820	Myrtle Beach-Conway-North Myrtle Beach, SC-NC
34940	Naples-Immokalee-Marco Island, FL
34980	Nashville-Davidson-Murfreesboro, TN
35300	New Haven-Milford, CT
35380	New Orleans-Metairie, LA
35620	New York-Newark- Jersey City, NY-NJ-PA (White Plains central city recoded to balance of metropolitan)
35660	Niles-Benton Harbor, MI
35840	North Port-Sarasota-Bradenton, FL
35980	Norwich-New London, CT
36100	Ocala, FL
36220	Odessa, TX
36260	Ogden-Clearfield, UT
36420	Oklahoma City, OK
36540	Omaha-Council Bluffs, NE-IA
36740	Orlando, FL
36780	Oshkosh-Neenah, WI
37100	Oxnard-Thousand Oaks-Ventura, CA
37340	Palm Bay-Melbourne-Titusville, FL
37460	Panama City, FL
37860	Pensacola-Ferry Pass-Brent, FL
37900	Peoria, IL
37980	Philadelphia-Camden-Wilmington, PA-NJ-DE
38060	Phoenix-Mesa-Scottsdale, AZ
38220	Pine Bluff, AR
38300	Pittsburgh, PA
38860	Portland-South Portland, ME
38900	Portland-Vancouver-Hillsboro, OR-WA
38940	Port St. Lucie-Fort Pierce, FL
39140	Prescott, AZ
39300	Providence-Warwick, RI-MA
39340	Provo-Orem, UT
39540	Racine, WI
39580	Raleigh, NC
39740	Reading, PA

FIPS Code	Metropolitan (CBSA) TITLE
39820	Redding, CA
40060	Richmond, VA
40140	Riverside-San Bernardino-Ontario, CA
40220	Roanoke, VA
40380	Rochester, NY
40420	Rockford, IL
40900	Sacramento--Arden-Arcade--Roseville, CA
40980	Saginaw, MI
41100	St. George, UT
41180	St. Louis, MO-IL
41420	Salem, OR
41500	Salinas, CA
41540	Salisbury, MD
41620	Salt Lake City, UT
41700	San Antonio, TX
41740	San Diego-Carlsbad-San Marcos, CA
41860	San Francisco-Oakland-Fremont, CA
41940	San Jose-Sunnyvale-Santa Clara, CA
42020	San Luis Obispo-Paso Robles, CA
42100	Santa Cruz-Watsonville, CA
42140	Santa Fe, NM
42200	Santa Maria-Santa Barbara, CA
42220	Santa Rosa-Petaluma, CA
42340	Savannah, GA
42540	Scranton--Wilkes-Barre, PA
42660	Seattle-Tacoma-Bellevue, WA
43300	Sherman-Dennison, TX
43340	Shreveport-Bossier City, LA
43620	Sioux Falls, SD
43780	South Bend-Mishawaka, IN-MI
43900	Spartanburg, SC
44060	Spokane-Spokane Valley, WA
44100	Springfield, IL
44140	Springfield, MA
44180	Springfield, MO
44700	Stockton-Lodi, CA
45060	Syracuse, NY
45220	Tallahassee, FL
45300	Tampa-St. Petersburg-Clearwater, FL
45460	Terre Haute, IN

FIPS Code	Metropolitan (CBSA) TITLE
45780	Toledo, OH
45820	Topeka, KS
45940	Trenton, NJ
46060	Tucson, AZ
46140	Tulsa, OK
46340	Tyler, TX
46520	Urban Honolulu, HI
46540	Utica-Rome, NY
46700	Vallejo-Fairfield, CA
47220	Vineland-Bridgeton, NJ
47260	Virginia Beach-Norfolk-Newport News, VA-NC
47300	Visalia-Porterville, CA
47380	Waco, TX
47580	Warner Robins, GA
47900	Washington-Arlington-Alexandria, DC-VA-MD-WV
47940	Waterloo-Cedar Falls, IA
48060	Watertown-Fort Drum, NY
48140	Wausau, WI
48620	Wichita, KS
48660	Wichita Falls, TX
48700	Williamsport, PA
49020	Winchester, VA-WV
49180	Winston-Salem, NC
49340	Worcester, MA-CT
49620	York-Hanover, PA
49660	Youngstown-Warren-Boardman, OH-PA
49740	Yuma, AZ

LIST 2: FIPS Consolidated Statistical Area (CSA) Codes

The following CSA's (Combined Statistical Areas) contain 2 or more Metropolitan Statistical Areas that are in the CPS sample and are individually identified on the public use files. Micropolitan Statistical Areas are not specifically identified in the CPS and are not used to identify CSA's nor are parts of such areas coded as belonging to CSA's. The component CBSA's identified on the CPS Public Use Files are listed for each CSA.

CSA Code	CBSA Code	CSA Title Component Parts (CBSA's)
104	10580 24020	Albany-Schenectady, NY Albany-Schenectady-Troy, NY Glen Falls, NY
106	10740 42140	Albuquerque-Santa Fe-Las Vegas, NM Albuquerque, NM Santa Fe, NM
118	11540 36780	Appleton-Oshkosh-Neenah, WI Appleton, WI Oshkosh-Neenah, WI
122	12020 12060 23580	Atlanta--Athens-Clarke County—Sandy Springs, GA Athens-Clarke County, GA Atlanta-Sandy Springs-Roswell, GA Gainesville, GA
148	12700 14460 31700 39300 49340	Boston-Worcester-Providence, MA-RI-NH-CT Barnstable Town, MA Boston-Cambridge-Newton-MA-NH Manchester-Nashua, NH Providence-Warwick, RI-MA Worcester, MA-CT
162	15980 34940	Cape Coral-Fort Myers-Naples, FL Cape Coral, FL Naples-Immokalee-Marco Island, FL

CSA Code	CBSA Code	CSA Title Component Parts (CBSA's)
168	16300 26980	Cedar Rapids-Iowa City, IA Cedar Rapids, IA Iowa City, IA
170	16620 26580	Charleston-Huntington-Ashland, WV-OH-KY Charleston, WV Huntington-Ashland, WV-KY-OH
174	16860 17420	Chattanooga-Cleveland-Dalton, TN-GA Chattanooga, TN-GA Cleveland, TN
184	10420 15940 17460	Cleveland-Akron-Canton, OH (part) Akron, OH Canton-Massillon, OH Cleveland-Elyria-Mentor, OH
194	12220 17980	Columbus-Auburn-Opelika, GA-AL Auburn-Opelika, AL Columbus, GA
206	19100 43300	Dallas-Fort Worth, TX-OK Dallas-Fort Worth-Arlington, TX Sherman-Dennison, TX
216	14500 19740 24540	Denver-Aurora, CO Boulder, CO Denver-Aurora-Lakewood, CO Greeley, CO
220	11460 19820 22420 33780	Detroit-Warren-Ann Arbor, MI Ann Arbor, MI Detroit-Warren-Dearborn, MI Flint, MI Monroe, MI

CSA Code	CBSA Code	CSA Title Component Parts (CBSA's)
238	21340 29740	El Paso-Las Cruces, TX-NM El Paso, TX Las Cruces, NM
266	24340 26100 34740	Grand Rapids-Wyoming-Muskegon, MI Grand Rapids-Wyoming, MI Holland-Grand Haven, MI* Muskegon-Norton Shores, MI
268	15500 24660 49180	Greensboro--Winston-Salem--High Point, NC Burlington, NC Greensboro-High Point, NC Winston-Salem, NC
273	24860 43900	Greenville-Spartanburg-Anderson, SC Greenville-Anderson-Mauldin, SC Spartanburg, SC
276	25420 49620	Harrisburg-York-Lebanon, PA Harrisburg-Carlisle, PA York-Hanover, PA
278	25540 35980	Hartford-West Hartford, CT Hartford-West Hartford-East Hartford, CT Norwich-New London, CT
304	27740 28700	Johnson City-Kingsport-Bristol, TN-VA (part) Johnson City, TN Kingsport-Bristol, TN-VA
310	12980 28020	Kalamazoo-Battle Creek-Portage, MI Battle Creek, MI Kalamazoo-Portage, MI
340	30780 38220	Little Rock-North Little Rock, AR Little Rock-North Little Rock-Conway, AR Pine Bluff, AR

CSA Code	CBSA Code	CSA Title Component Parts (CBSA's)
348	31100 37100 40140	Los Angeles-Long Beach-Riverside, CA Los Angeles-Long Beach-Santa Ana, CA Oxnard-Thousand Oaks-Ventura, CA Riverside-San Bernardino-Ontario, CA
356	31420 47580	Macon-Warner Robins-Fort Valley, GA Macon, GA Warner Robins, GA
357	27500 31540	Madison-Janesville-Beloit, WI Janesville-Beloit, WI Madison, WI
370	33100 38940	Miami-Fort Lauderdale-Port St. Lucie, FL Miami-Fort Lauderdale-West Palm Beach, FL Port St. Lucie-Fort Pierce, FL
376	33340 39540	Milwaukee-Racine-Waukesha, WI Milwaukee-Waukesha-West Allis, WI Racine, WI
380	19300 33660	Mobile-Daphne-Fairhope, AL Daphne-Fairhope, AL Mobile, AL
408	10900 14860 20700 35300 35620 45940	New York-Newark-Bridgeport, NY-NJ-CT-PA Allentown-Bethlehem-Easton, PA-NJ Bridgeport-Stamford-Norwalk, CT East Stroudsburg, PA New Haven-Milford, CT New York-Newark-Jersey City, NY-NJ-PA Trenton, NJ
422	19660 36740	Orlando-Deltona-Daytona Beach, FL Deltona-Daytona Beach-Ormond Beach, FL Orlando-Kissimmee-Sanford, FL

CSA Code	CBSA Code	CSA Title Component Parts (CBSA's)
428	12100	Philadelphia-Reading-Camden, PA-NJ-DE-MD Atlantic City-Hammonton, NJ
	20100	Dover, DE
	37980	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD
	39740	Reading, PA
	47220	Vineland-Bridgeton, NJ
438	30340	Portland-Lewiston-South Portland, ME Lewiston-Auburn, ME
	38860	Portland-South Portland, ME
440	38900	Portland-Vancouver-Salem, OR-WA Portland-Vancouver-Hillsboro, OR-WA
	41420	Salem, OR
450	20500	Raleigh-Durham-Cary, NC Durham-Chapel Hill, NC
	39580	Raleigh, NC
482	36260	Salt Lake City-Provo-Orem, UT Ogden-Clearfield, UT
	39340	Provo-Orem, UT
	41620	Salt Lake City, UT
488	41860	San Jose-San Francisco-Oakland, CA San Francisco-Oakland-Hayward, CA
	41940	San Jose-Sunnyvale-Santa Clara, CA
	42100	Santa Cruz-Watsonville, CA
	42220	Santa Rosa, CA
	44700	Stockton-Lodi, CA
	46700	Vallejo-Fairfield, CA
500	34580	Seattle-Tacoma-Olympia, WA Mount Vernon-Anacortes, WA
	42660	Seattle-Tacoma-Bellevue, WA

CSA Code	CBSA Code	CSA Title Component Parts (CBSA's)
515	21140 35660 43780	South Bend-Elkhart-Mishawaka, IN-MI Elkhart-Goshen, IN Niles-Benton Harbor, MI South Bend-Mishawaka, IN-MI
518	17660 44060	Spokane-Spokane Valley-Coeur d'Alene, WA-ID Coeur d'Alene, ID Spokane-Spokane Valley, WA
546	25260 47300	Visalia-Porterville-Hanford, CA Hanford-Corcoran, CA Visalia-Porterville, CA
548	12580 15680 16540 25180 47900 49020	Washington-Baltimore-Arlington, DC-MD-VA-WV-PA Baltimore-Columbia-Towson, MD California-Lexington Park, MD Chambersburg-Waynesboro, PA Hagerstown-Martinsburg, MD-WV Washington-Arlington-Alexandria, DC-VA-MD-WV Winchester, VA-WV

List 3: Individual Principal Cities

Please Note: You must use the CBSA code in combination with the city code to uniquely identify principal cities. If a county name is provided, you must incorporate the county code into any algorithm used to tabulate a specific city's characteristics. The same applies to state codes for multi-state CBSA's.

CBSA Code	Title City	GTINDVPC
38060	Phoenix-Mesa-Scottsdale, AZ	
	Phoenix	1
	Mesa	2
	Scottsdale	3
	Tempe	4
	Glendale	5
30780	Little Rock-North Little Rock-Conway, AR	
	Little Rock	1
31080	Los Angeles-Long Beach-Anaheim, CA	
	Los Angeles County	
	Los Angeles	1
	Long Beach	2
	Glendale	3
	Pomona	4
	Torrance	5
	Pasadena	6
	Burbank	7
	Orange County	
	Santa Ana	1
	Anaheim	2
	Irvine	3
	Orange	4
	Fullerton	5
Costa Mesa	6	

CBSA Code	Title City	GTINDVPC
37100	Oxnard-Thousand Oaks-Ventura, CA	
	Oxnard	1
	Thousand Oaks	2
40140	Riverside-San Bernardino-Ontario, CA	
	Riverside	1
	San Bernardino	2
	Ontario	3
	Temecula	4
Victorville	5	
40900	Sacramento-Roseville-Arden-Arcade, CA	
	Sacramento	1
	Roseville	2
41740	San Diego-Carlsbad, CA	
	San Diego	1
	Carlsbad	2
41860	San Francisco-Oakland-Hayward, CA	
	San Francisco	1
	Alameda County	
	Oakland	1
	Fremont	2
Hayward	3	
Berkeley	4	
41940	San Jose-Sunnyvale-Santa Clara, CA	
	San Jose	1
	Sunnyvale	2
Santa Clara	3	
46700	Vallejo-Fairfield, CA	
	Vallejo	1
	Fairfield	2

CBSA Code	Title City	GTINDVPC
19740	Denver-Aurora-Lakewood, CO	
	Denver	1
	Lakewood	2
14860	Bridgeport-Stamford-Norwalk, CT	
	Bridgeport	1
	Stamford	2
25540	Hartford-West Hartford-East Hartford, CT	
	Hartford	1
33100	Miami-Fort Lauderdale-West Palm Beach, FL	
	Broward County	
	Fort Lauderdale	1
	Miami-Dade County	
	Miami	1
36740	Orlando-Kissimmee-Sanford, FL	
	Orlando	1
37340	Palm Bay-Melbourne-Titusville, FL	
	Palm Bay	1
45300	Tampa-St. Petersburg-Clearwater, FL	
	St. Petersburg	1
	Tampa	2
12060	Atlanta-Sandy Springs-Roswell, GA	
	Atlanta	1
16980	Chicago-Naperville-Elgin, IL-IN-WI	
	Chicago	1
	Naperville	2
	Joliet	3
	Elgin	4

CBSA Code	Title City	GTINDVPC
26900	Indianapolis-Carmel-Anderson. IN Indianapolis	1
28140	Kansas City, MO-KS Kansas portion Kansas City Overland Park Missouri portion Kansas City	1 2 1
35380	New Orleans-Metairie, LA New Orleans Metairie	1 2
12580	Baltimore-Columbia-Towson. MD Baltimore	1
14460	Boston-Cambridge-Newton, MA-NH Massachusetts portion Boston Cambridge	1 2
19820	Detroit-Warren-Dearborn, MI Wayne County Detroit Macomb County Warren	1 1
33460	Minneapolis-St. Paul-Bloomington, MN-WI Minneapolis St. Paul	1 2
29820	Las Vegas-Henderson--Paradise, NV Las Vegas Paradise Henderson	1 2 3

CBSA Code	Title City	GTINDVPC
35620	New York-Newark- Jersey City, NY-NJ-PA New Jersey portion Newark Jersey City New York portion New York	 1 2 1
15380	Buffalo-Cheektowaga-Niagara Falls, NY Buffalo	 1
16740	Charlotte -Concord-Gastonia, NC-SC Charlotte	 1
38900	Portland-Vancouver-Hillsboro, OR-WA Portland	 1
34980	Nashville-Davidson—Murfreesboro—Franklin, TN Nashville-Davidson	 1
19100	Dallas-Fort Worth-Arlington, TX Dallas Fort Worth Carrollton Plano Irving Arlington	 1 2 3 4 5 6
26420	Houston-The Woodlands-Sugar Land, TX Houston	 1
32580	McAllen-Edinburg-Mission, TX McAllen	 1
47260	Virginia Beach-Norfolk-Newport News, VA-NC Virginia portion Virginia Beach Norfolk Newport News	 1 2 3

CBSA Code	Title City	GTINDVPC
47900	Washington-Arlington-Alexandria, DC-VA-MD-WV Virginia portion only Arlington	2
42660	Seattle-Tacoma-Bellevue, WA Seattle Tacoma Bellevue Everett	1 2 3 4
33340	Milwaukee-Waukesha-West Allis, WI Milwaukee	1

List 4: FIPS County Codes

Please note that these county codes must be used in conjunction with state codes to create unique county identifiers as county codes start with 001 in each state. Counties are only included on this list if the entire county is identified.

FIPS County Code	County Name	State
Alabama		
003	Baldwin	
081	Lee	
097	Mobile	
Arizona		
013	Maricopa	
019	Pima	
021	Pinal	
025	Yavapai	
027	Yuma	
California		
001	Alameda	
007	Butte	
019	Fresno	
029	Kern	
031	Kings	
037	Los Angeles	
053	Monterey	
059	Orange	
067	Sacramento	
073	San Diego	
075	San Francisco	
079	San Luis Obispo	
081	San Mateo	

FIPS County Code	County Name	State
083	Santa Barbara	
087	Santa Cruz	
089	Shasta	
095	Solano	
097	Sonoma	
099	Stanislaus	
107	Tulare	
111	Ventura	

Colorado

013	Boulder	
031	Denver	
059	Jefferson	
069	Larimer	
123	Weld	

Connecticut

001	Fairfield	
005	Litchfield*	
009	New Haven	
011	New London	
015	Windham	

Delaware

001	Kent	
003	New Castle	
005	Sussex	

District of Columbia

001	District of Columbia	
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FIPS County Code	County Name	State
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Florida

005	Bay
009	Brevard
011	Broward
019	Clay
021	Collier
033	Escambia
053	Hernando
057	Hillsborough
069	Lake
071	Lee
083	Marion
085	Martin
086	Miami-Dade
095	Orange
099	Palm Beach
101	Pasco
103	Pinellas
105	Polk
109	St. Johns
111	St. Lucie
113	Santa Rosa

Georgia

015	Bartow
045	Carroll
057	Cherokee
063	Clayton
077	Coweta
097	Douglas
113	Fayette
117	Forsythe
135	Gwinnett
139	Hall
151	Henry
223	Paulding

FIPS County Code	County Name	State
		Hawaii
003	Honolulu	
		Illinois
097	Lake	
111	McHenry	
119	Madison	
163	St. Clair	
179	Tazewell	
		Indiana
019	Clark	
039	Elkhart	
063	Hendricks	
081	Johnson	
089	Lake	
105	Monroe	
141	St. Joseph	
157	Tippecanoe	
		Iowa
103	Johnson	
113	Linn	
163	Scott	
		Kansas
091	Johnson	
173	Sedgwick	
		Kentucky
015	Boone	
067	Fayette	
111	Jefferson	
117	Kenton	

FIPS County Code	County Name	State
Louisiana		
005	Ascension	
033	East Baton Rouge	
051	Jefferson	
063	Livingston	
071	Orleans	
073	Ouachita	
103	St. Tammany	
Maine		
001	Androscoggin	
005	Cumberland	
011	Kennebec*	
019	Penobscot	
Maryland		
003	Anne Arundel	
013	Carroll	
015	Cecil	
017	Charles	
025	Harford	
031	Montgomery	
033	Prince Georges	
037	St. Mary's	
510	Baltimore City	

FIPS County Code	County Name	State
Massachusetts		
001	Barnstable	
005	Bristol	
013	Hampden	
015	Hampshire	
017	Middlesex	
023	Plymouth	
025	Suffolk	
027	Worcester	
Michigan		
005	Allegan*	
021	Berrien	
025	Calhoun	
049	Genesee	
075	Jackson	
081	Kent	
093	Livingston	
099	Macomb	
115	Monroe	
121	Muskegon	
125	Oakland	
145	Saginaw	
161	Washtenaw	
163	Wayne	
Minnesota		
003	Anoka	
123	Ramsey	
139	Scott	
163	Washington	
171	Wright	

FIPS County Code	County Name	State
Missouri		
071	Franklin	
099	Jefferson	
189	St. Louis	
Montana		
111	Yellowstone	
Nebraska		
055	Douglas	
Nevada		
003	Clark	
New Hampshire		
011	Hillsborough	
013	Merrimack*	
015	Rockingham	
017	Strafford	
New Jersey		
003	Bergen	
005	Burlington	
007	Camden	
011	Cumberland	
013	Essex	
017	Hudson	
019	Hunterdon	
021	Mercer	
023	Middlesex	
027	Morris	
031	Passaic	

FIPS County Code	County Name	State
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035	Somerset	
037	Sussex	
039	Union	

New Mexico

001	Bernalillo	
013	Dona Ana	
045	San Juan	
049	Santa Fe	

New York

005	Bronx	
045	Jefferson	
047	Kings	
055	Monroe	
059	Nassau	
061	New York	
067	Onondaga	
069	Ontario	
071	Orange	
081	Queens	
085	Richmond	
087	Rockland	
091	Saratoga	
103	Suffolk	
119	Westchester	

North Carolina

001	Alamance	
021	Buncombe	
057	Davidson	
067	Forsyth	
119	Mecklenburg	
133	Onslow	
147	Pitt	

FIPS County Code	County Name	State
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155	Robeson*	
159	Rowan	
179	Union	
191	Wayne	

Ohio

025	Clermont	
057	Greene	
085	Lake	
089	Licking	
095	Lucas	
103	Medina	
109	Miami	
113	Montgomery	
133	Portage	
153	Summit	

Oregon

017	Deschutes	
029	Jackson	
039	Lane	

Pennsylvania

003	Allegheny	
007	Beaver	
011	Berks	
017	Bucks	
019	Butler	
021	Cambria	
029	Chester	
043	Dauphin	
045	Delaware	
049	Erie	
055	Franklin	
071	Lancaster	

FIPS County Code	County Name	State
081	Lycoming	
085	Mercer	
089	Monroe	
091	Montgomery	
101	Philadelphia	
107	Schuylkill*	
125	Washington	
129	Westmoreland	
133	York	

South Carolina

041	Florence	
051	Horry	
083	Spartanburg	
091	York	

Tennessee

009	Blount	
093	Knox	
125	Montgomery	
165	Sumner	
189	Wilson	

Texas

041	Brazos	
061	Cameron	
135	Ector	
139	Ellis	
181	Grayson	
183	Gregg	
215	Hidalgo	
251	Johnson	
303	Lubbock	
309	McLennan	
423	Smith	

FIPS County Code	County Name	State
441	Taylor	Utah
479	Webb	
485	Wichita	
053	Washington	Virginia
013	Arlington	Washington
041	Chesterfield	
087	Henrico	
107	Loudoun	
153	Prince William	
177	Spotsylvania	
179	Stafford	
550	Chesapeake City	
700	Newport News City	
710	Norfolk City	
760	Richmond City	
810	Virginia Beach City	
057	Skagit	West Virginia
039	Kanawha	Wisconsin
059	Kenosha	
073	Marathon	
101	Racine	
105	Rock	
139	Winnebago	

* Counties marked with an asterisk (*) are also single county Micropolitan Statistical Areas.

They are not otherwise identified on the files. A list of such areas on the files is as follows:

CBSA Code	Title	County Name	County Code
12300	Augusta-Waterville, ME	Kennebec	005
18180	Concord, NH	Merrimack	011
26090	Holland, MI	Allegan	005
31300	Lumberton, NC	Robeson	155
39060	Pottsville, PA	Schuylkill	107
45860	Torrington, CT	Litchfield	005

ATTACHMENT 12

Topcoding of Usual Hourly Earnings

This variable will be topcoded based on an individual's usual hours worked variable, if the individual's edited usual weekly earnings variable is \$999. The topcode is computed such that the product of usual hours times usual hourly wage does not exceed an annualized wage of \$150,000 (\$2,885.00 per week). Below is a list of the appropriate topcode.

Hours	Topcode	Hours	Topcode	Hours	Topcode
1	None	34	\$84.85	67	\$43.06
2	None	35	\$82.43	68	\$42.43
3	None	36	\$80.14	69	\$41.81
4	None	37	\$77.97	70	\$41.21
5	None	38	\$75.92	71	\$40.63
6	None	39	\$73.97	72	\$40.07
7	None	40	\$72.13	73	\$39.52
8	None	41	\$70.37	74	\$38.99
9	None	42	\$68.69	75	\$38.47
10	None	43	\$67.09	76	\$37.96
11	None	44	\$65.57	77	\$37.47
12	None	45	\$64.11	78	\$36.99
13	None	46	\$62.72	79	\$36.52
14	None	47	\$61.38	80	\$36.06
15	None	48	\$60.10	81	\$35.62
16	None	49	\$58.88	82	\$35.18
17	None	50	\$57.70	83	\$34.76
18	None	51	\$56.57	84	\$34.35
19	None	52	\$55.48	85	\$33.94
20	None	53	\$54.43	86	\$33.55
21	None	54	\$53.43	87	\$33.16
22	None	55	\$52.45	88	\$32.78
23	None	56	\$51.52	89	\$32.42
24	None	57	\$50.61	90	\$32.06
25	None	58	\$49.74	91	\$31.70
26	None	59	\$48.90	92	\$31.36
27	None	60	\$48.08	93	\$31.02
28	None	61	\$47.30	94	\$30.69
29	\$99.48	62	\$46.53	95	\$30.37
30	\$96.17	63	\$45.79	96	\$30.05
31	\$93.06	64	\$45.08	97	\$29.74
32	\$90.16	65	\$44.38	98	\$29.44
33	\$87.42	66	\$43.71	99	\$29.14

ATTACHMENT 13**CURRENT POPULATION SURVEY****November 2020 Voting and Registration Supplement File
Tallies of Unweighted Counts**

NOTE: To match items below, use HRINTSTA = 1 and PRPERTYP = 2 and PRTAGE = 18+.

ITEM	VALUE	DESCRIPTION	TALLIES
PES1	1	Yes	55,170
	2	No	14,114
	-2	Don't Know	1,149
	-3	Refused	1,281
	-9	No Response	10,184
PES2	1	Yes	4,823
	2	No	8,933
	-2	Don't Know	1,492
	-3	Refused	1,195
	-9	No Response	10,285
PES3	1	Did not meet registration deadlines	913
	2	Did not know where or how to register	295
	3	Did not meet residency requirements/did not live here long enough	250
	4	Permanent illness or disability	449
	5	Concerns about the coronavirus (COVID-19) pandemic	189
	6	Difficulty with English	89
	7	Not interested in the election or not involved in politics	3,543
	8	My vote would not make a difference	440
	9	Not eligible to vote	792
	10	Other reason	1,509
	-2	Don't know	332
	-3	Refused	123
	-9	No Response	9

ITEM	VALUE	DESCRIPTION	TALLIES
PES4	1	Out of town or away from home	275
	2	Forgot to vote (or send in absentee ballot)	180
	3	Concerns about the coronavirus (COVID-19) pandemic	215
	4	Illness or disability (own or family's)	640
	5	Not interested, felt my vote wouldn't make a difference	782
	6	Too busy, conflicting work or school schedule	576
	7	Transportation problems	107
	8	Didn't like candidates or campaign issues	616
	9	Registration problems (i.e. didn't receive absentee ballot, not registered in current location)	227
	10	Bad weather conditions	5
	11	Inconvenient hours, polling place or hours or lines too long	129
	12	Other	651
	-2	Don't know	99
	-3	Refused	31
-9	No Response	4	
PES5	1	In person	31,014
	2	By mail	23,877
	-2	Don't know	128
	-3	Refused	110
	-9	No Response	41
PES6	1	On election day	18,646
	2	Before election day	36,218
	-2	Don't know	139
	-3	Refused	118
	-9	No Response	49

ITEM	VALUE	DESCRIPTION	TALLIES
PES7	1	At a department of motor vehicles (for example, when obtaining a driver's license or other identification card)	15,148
	2	At a public assistance agency (for example, a Medicaid, AFDC, or Food Stamps office, an office serving disabled persons, or an unemployment office)	519
	3	Registered by mail	6,685
	4	Registered using the internet or online	6,102
	5	At a school, hospital, or on campus	1,706
	6	Went to a town hall or county/government registration office	11,438
	7	Filled out form at a registration drive (library, post office, or someone came to your door)	1,573
	8	Registered at polling place (on election or primary day)	3,221
	9	Other	2,301
	-2	Don't know	10,795
	-3	Refused	428
	-9	No Response	77
PRS8	1	Less than 1 year	7,880
	2	1-2 years	9,384
	3	3-4 years	9,786
	4	5 years or longer	42,636
	-2	Don't know	0
	-3	Refused	0
	-9	No Response	0
PUSCK4	1	Self	41,319
	2	Other	30,605

ATTACHMENT 14**COUNTRIES AND AREAS OF THE WORLD**

Current Population Survey

Starting May 2012

Code	Name	Code	Name
057	United States	158	Armenia
060	American Samoa	159	Azerbaijan
066	Guam	160	Belarus
069	Northern Marianas	161	Georgia
073	Puerto Rico	162	Moldova
078	U. S. Virgin Islands	163	Russia
100	Albania	164	Ukraine
102	Austria	165	USSR
103	Belgium	166	Europe, not specified
104	Bulgaria	168	Montenegro
105	Czechoslovakia	200	Afghanistan
106	Denmark	202	Bangladesh
108	Finland	203	Bhutan
109	France	205	Myanmar (Burma)
110	Germany	206	Cambodia
116	Greece	207	China
117	Hungary	209	Hong Kong
118	Iceland	210	India
119	Ireland	211	Indonesia
120	Italy	212	Iran
126	Netherlands	213	Iraq
127	Norway	214	Israel
128	Poland	215	Japan
129	Portugal	216	Jordan
130	Azores	217	Korea
132	Romania	218	Kazakhstan
134	Spain	220	South Korea
136	Sweden	222	Kuwait
137	Switzerland	223	Laos
138	United Kingdom	224	Lebanon
139	England	226	Malaysia
140	Scotland	228	Mongolia
142	Northern Ireland	229	Nepal
147	Yugoslavia	231	Pakistan
148	Czech Republic	233	Philippines
149	Slovakia	235	Saudi Arabia
150	Bosnia & Herzegovina	236	Singapore
151	Croatia	238	Sri Lanka
152	Macedonia	239	Syria
154	Serbia	240	Taiwan
155	Estonia	242	Thailand
156	Latvia	243	Turkey
157	Lithuania	245	United Arab Emirates

Code	Name	Code	Name
246	Uzbekistan	373	Venezuela
247	Vietnam	374	South America, not specified
248	Yemen	399	Americas, not specified
249	Asia, not specified	400	Algeria
300	Bermuda	407	Cameroon
301	Canada	408	Cape Verde
303	Mexico	412	Congo
310	Belize	414	Egypt
311	Costa Rica	416	Ethiopia
312	El Salvador	417	Eritrea
313	Guatemala	421	Ghana
314	Honduras	423	Guinea
315	Nicaragua	425	Ivory Coast
316	Panama	427	Kenya
321	Antigua and Barbuda	429	Liberia
323	Bahamas	430	Libya
324	Barbados	436	Morocco
327	Cuba	440	Nigeria
328	Dominica	444	Senegal
329	Dominican Republic	447	Sierra Leone
330	Grenada	448	Somalia
332	Haiti	449	South Africa
333	Jamaica	451	Sudan
338	St. Kitts--Nevis	453	Tanzania
339	St. Lucia	454	Togo
340	St. Vincent and the Grenadines	457	Uganda
341	Trinidad and Tobago	459	Zaire
343	West Indies, not specified	460	Zambia
360	Argentina	461	Zimbabwe
361	Bolivia	462	Africa, not specified
362	Brazil	501	Australia
363	Chile	508	Fiji
364	Columbia	511	Marshall Islands
365	Ecuador	512	Micronesia
368	Guyana	515	New Zealand
369	Paraguay	523	Tonga
370	Peru	527	Samoa
372	Uruguay	555	Elsewhere

ATTACHMENT 15

ALLOCATION FLAGS

Current Population Survey

For every edited item, there is a corresponding allocation flag with the prefix "PX". The last six characters of the names are the same. For example, PXMLR is the allocation flag for PEMLR. All allocation flags have the following list of possible values.

00 VALUE - NO CHANGE
01 BLANK - NO CHANGE
02 DON'T KNOW - NO CHANGE
03 REFUSED - NO CHANGE
10 VALUE TO VALUE
11 BLANK TO VALUE
12 DON'T KNOW TO VALUE
13 REFUSED TO VALUE
20 VALUE TO LONGITUDINAL VALUE
21 BLANK TO LONGITUDINAL VALUE
22 DON'T KNOW TO LONGITUDINAL VALUE
23 REFUSED TO LONGITUDINAL VALUE
30 VALUE TO ALLOCATED VALUE LONG.
31 BLANK TO ALLOCATED VALUE LONG.
32 DON'T KNOW TO ALLOCATED VALUE LONG.
33 REFUSED TO ALLOCATED VALUE LONG.
40 VALUE TO ALLOCATED VALUE
41 BLANK TO ALLOCATED VALUE
42 DON'T KNOW TO ALLOCATED VALUE
43 REFUSED TO ALLOCATED VALUE
50 VALUE TO BLANK
52 DON'T KNOW TO BLANK
53 REFUSED TO BLANK

Source of the Data and Accuracy of the Estimates for the November 2020 Current Population Survey Microdata File on Voting and Registration

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Source of the Data and Accuracy of the Estimates for the November 2020 Current Population Survey Microdata File on Voting and Registration

SOURCE OF THE DATA

The data in this microdata file are from the November 2020 Current Population Survey (CPS). The U.S. Census Bureau conducts the CPS every month, although this file has only November data. The November survey uses two sets of questions, the basic CPS and a set of supplemental questions. The CPS, sponsored jointly by the Census Bureau and the U.S. Bureau of Labor Statistics, is the country's primary source of labor force statistics for the civilian noninstitutionalized population. The Social, Economic, and Housing Statistics Division of the Census Bureau sponsors the supplemental questions for November.

Basic CPS. The monthly CPS collects primarily labor force data about the civilian noninstitutionalized population living in the United States. The institutionalized population, which is excluded from the universe, consists primarily of the population in correctional institutions and nursing homes (98 percent of the 4.0 million institutionalized people in the 2010 Census). Starting in August 2017, college and university dormitories were also excluded from the universe because most of the residents had usual residences elsewhere. Interviewers ask questions concerning labor force participation of each member 15 years old and older in sample households. Typically, the week containing the nineteenth of the month is the interview week. The week containing the twelfth is the reference week (i.e., the week about which the labor force questions are asked).

The CPS uses a multistage probability sample based on the results of the decennial census, with coverage in all 50 states and the District of Columbia. The sample is continually updated to account for new residential construction. When files from the most recent decennial census become available, the Census Bureau gradually introduces a new sample design for the CPS.

Every ten years, the CPS first-stage sample is redesigned¹ reflecting changes based on the most recent decennial census. In the first stage of the sampling process, primary sampling units (PSUs)² were selected for sample. In the 2010 sample design, the United States was divided into 1,987 PSUs. These PSUs were then grouped into 852 strata. Within each stratum, a single PSU was chosen for the sample, with its probability of selection proportional to its population as of the most recent decennial census. In the case of strata consisting of only one PSU, the PSU was chosen with certainty.

Approximately 69,000 sampled addresses were selected from the sampling frame in November. Based on eligibility criteria, six percent of these sampled addresses were sent directly to computer-assisted telephone interviewing (CATI). The remaining sampled addresses were assigned to interviewers for computer-assisted personal interviewing

¹ For detailed information on the 2010 sample redesign, please see Bureau of Labor Statistics (2014).

² The PSUs correspond to substate areas (i.e., counties or groups of counties) that are geographically contiguous.

(CAPI).³ Of all addresses in sample, about 59,000 were determined to be eligible for interview. Interviewers obtained interviews at about 47,000 of the housing units at these addresses. Noninterviews occur when the occupants are not found at home after repeated calls or are unavailable for some other reason.

November 2020 Supplement. In November 2020, in addition to the basic CPS questions, interviewers asked supplementary questions of all persons 18 years of age and older on voting and registration.

Estimation Procedure. This survey's estimation procedure adjusts weighted sample results to agree with independently derived population controls of the civilian noninstitutionalized population of the United States, each state, and the District of Columbia. These population controls⁴ are prepared monthly as part of the Census Bureau's Population Estimates Program.

The population controls for the nation are distributed by demographic characteristics in two ways:

- Age, sex, and race (White alone, Black alone, and all other groups combined).
- Age, sex, and Hispanic origin.

The population controls for the states are distributed by:

- Race (Black alone and all other race groups combined).
- Age (0-15, 16-44, and 45 and over).
- Sex.

The independent estimates by age, sex, race, and Hispanic origin, and for states by selected age groups and broad race categories, are developed using the basic demographic accounting formula whereby the population from the 2010 Census data is updated using data on the components of population change (births, deaths, and net international migration) with net internal migration as an additional component in the state population controls.

The net international migration component of the population controls includes:

- Net international migration of the foreign born;
- Net migration between the United States and Puerto Rico;
- Net migration of natives to and from the United States; and
- Net movement of the Armed Forces population to and from the United States.

³ For further information on CATI and CAPI and the eligibility criteria, please see U.S. Census Bureau (2019).

⁴ For additional information on population controls, including details on the demographic characteristics used and net international components, please see Chapters 1-3 and Appendix: History of the Current Population Survey of U.S. Census Bureau (2019).

Because the latest available information on these components lags behind the survey date, it is necessary to make short-term projections of these components to develop the estimate for the survey date.

ACCURACY OF THE ESTIMATES

A sample survey estimate has two types of error: sampling and nonsampling. The accuracy of an estimate depends on both types of error. The nature of the sampling error is known given the survey design; the full extent of the nonsampling error is unknown.

Sampling Error. Since the CPS estimates come from a sample, they may differ from figures from an enumeration of the entire population using the same questionnaires, instructions, and enumerators. For a given estimator, the difference between an estimate based on a sample and the estimate that would result if the sample were to include the entire population is known as sampling error. Standard errors, as calculated by methods described in “Standard Errors and Their Use,” are primarily measures of the magnitude of sampling error. However, the estimation of standard errors may include some nonsampling error.

Nonsampling Error. For a given estimator, the difference between the estimate that would result if the sample were to include the entire population and the true population value being estimated is known as nonsampling error. There are several sources of nonsampling error that may occur during the development or execution of the survey. It can occur because of circumstances created by the interviewer, the respondent, the survey instrument, or the way the data are collected and processed. Some nonsampling errors, and examples of each, include:

- Measurement error: The interviewer records the wrong answer, the respondent provides incorrect information, the respondent estimates the requested information, or an unclear survey question is misunderstood by the respondent.
- Coverage error: Some individuals who should have been included in the survey frame were missed.
- Nonresponse error: Responses are not collected from all those in the sample or the respondent is unwilling to provide information.
- Imputation error: Values are estimated imprecisely for missing data.
- Processing error: Forms may be lost, data may be incorrectly keyed, coded, or recoded, etc.

To minimize these errors, the Census Bureau applies quality control procedures during all stages of the production process including the design of the survey, the wording of questions, the review of the work of interviewers and coders, and the statistical review of reports.

Two types of nonsampling error that can be examined to a limited extent are nonresponse and undercoverage.

Nonresponse. The effect of nonresponse cannot be measured directly, but one indication of its potential effect is the nonresponse rate. For the November 2020 basic CPS, the household-level unweighted nonresponse rate was 20.7 percent. The person-level unweighted nonresponse rate for the Voting and Registration supplement was an additional 8.2 percent. Since the basic CPS nonresponse rate is a household-level rate and the Voting and Registration supplement nonresponse rate is a person-level rate, we cannot combine these rates to derive an overall nonresponse rate. Nonresponding households may have more or fewer persons than interviewed ones, so combining these rates may lead to an under- or overestimate of the true overall nonresponse rate for persons for the Voting and Registration supplement.

Responses are made up of complete interviews and sufficient partial interviews. A sufficient partial interview is an incomplete interview in which the household or person answered enough of the questionnaire for the supplement sponsor to consider the interview complete. The remaining supplement questions may have been edited or imputed to fill in missing values. Insufficient partial interviews are considered to be nonrespondents. Refer to the supplement overview attachment in the technical documentation for the specific questions deemed critical by the sponsor as necessary to answer in order to be considered a sufficient partial interview.

As a result of sufficient partial interviews being considered responses, individual items/questions have their own response and refusal rates. As part of the nonsampling error analysis, the item response rates, item refusal rates, and edits are reviewed. For the Voting and Registration supplement, the unweighted item refusal rates range from 0.2 percent to 4.5 percent. The unweighted item nonresponse rates range from 0.4 percent to 18.7 percent.

Undercoverage. The concept of coverage with a survey sampling process is defined as the extent to which the total population that could be selected for sample “covers” the survey’s target population. Missed housing units and missed people within sample households create undercoverage in the CPS. Overall CPS undercoverage for November 2020 is estimated to be about nine percent. CPS coverage varies with age, sex, and race. Generally, coverage is higher for females than for males and higher for non-Blacks than for Blacks. This differential coverage is a general problem for most household-based surveys.

The CPS weighting procedure mitigates bias from undercoverage, but biases may still be present when people who are missed by the survey differ from those interviewed in ways other than age, race, sex, Hispanic origin, and state of residence. How this weighting procedure affects other variables in the survey is not precisely known. All of these considerations affect comparisons across different surveys or data sources.

A common measure of survey coverage is the coverage ratio, calculated as the estimated population before poststratification divided by the independent population control. Table 1 shows November 2020 CPS coverage ratios by age and sex for certain race and Hispanic groups. The CPS coverage ratios can exhibit some variability from month to month.

Table 1. Current Population Survey Coverage Ratios: November 2020

Age group	All people	Total		White alone		Black alone		Residual race ^A		Hispanic ^B	
		Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
0-15	0.86	0.86	0.87	0.88	0.90	0.79	0.82	0.80	0.77	0.81	0.82
16-19	0.89	0.91	0.88	0.95	0.91	0.83	0.83	0.77	0.77	0.87	0.86
20-24	0.77	0.78	0.76	0.81	0.78	0.69	0.64	0.74	0.74	0.77	0.77
25-34	0.82	0.81	0.84	0.84	0.88	0.67	0.71	0.75	0.76	0.72	0.82
35-44	0.90	0.88	0.92	0.92	0.95	0.71	0.82	0.78	0.83	0.80	0.88
45-54	0.90	0.90	0.91	0.92	0.93	0.79	0.82	0.89	0.88	0.82	0.88
55-64	0.95	0.94	0.96	0.96	0.99	0.84	0.88	0.90	0.88	0.83	0.89
65+	1.01	1.02	1.01	1.03	1.03	0.94	0.95	0.90	0.89	0.91	0.85
15+	0.91	0.90	0.92	0.93	0.95	0.78	0.82	0.82	0.83	0.81	0.85
0+	0.90	0.89	0.91	0.92	0.94	0.78	0.82	0.81	0.81	0.81	0.84

Source: U.S. Census Bureau, Current Population Survey, November 2020.

^A The Residual race group includes cases indicating a single race other than White or Black, and cases indicating two or more races.

^B Hispanics may be any race.

Note: For a more detailed discussion on the use of parameters for race and ethnicity, please see the "Generalized Variance Parameters" section.

Comparability of Data. Data obtained from the CPS and other sources are not entirely comparable. This is due to differences in interviewer training and experience and in differing survey processes.⁵ These differences are examples of nonsampling variability not reflected in the standard errors. Therefore, caution should be used when comparing results from different sources.

Data users should be careful when comparing the data from this microdata file, which reflects 2010 Census-based controls, with microdata files which reflect 2000 Census-based controls. Ideally, the same population controls should be used when comparing any estimates. In reality, the use of the same population controls is not practical when comparing trend data over a period of 10 to 20 years. Thus, when it is necessary to combine or compare data based on different controls or different designs, data users should be aware that changes in weighting controls or weighting procedures can create small differences between estimates. See the discussion following for information on comparing estimates derived from different populations or different sample designs.

Microdata files from previous years reflect the latest available census-based controls. Although the most recent change in population controls had relatively little impact on summary measures such as averages, medians, and percentage distributions, it did have a significant impact on levels. For example, use of 2010 Census-based controls results in about a 0.2 percent increase from the 2000 Census-based controls in the civilian noninstitutionalized population and in the number of families and households. Thus, estimates of levels for data collected in 2012 and later years will differ from those for earlier years by more than what could be attributed to actual changes in the population.

⁵ Survey processes include, but are not limited to, question wording, universe, sampling frame, interview modes, and weighting.

These differences could be disproportionately greater for certain population subgroups than for the total population.

Users should also exercise caution because of changes caused by the phase-in of the 2010 Census files (see “Basic CPS”).⁶ During this time period, CPS data were collected from sample designs based on different censuses. Two features of the new CPS design have the potential of affecting estimates: (1) the temporary disruption of the rotation pattern from August 2014 through June 2015 for a comparatively small portion of the sample and (2) the change in sample areas. Most of the known effect on estimates during and after the sample redesign will be the result of changing from 2000 to 2010 geographic definitions. Research has shown that the national-level estimates of the metropolitan and nonmetropolitan populations should not change appreciably because of the new sample design. However, users should still exercise caution when comparing metropolitan and nonmetropolitan estimates across years with a design change, especially at the state level.

Caution should also be used when comparing Hispanic estimates over time. No independent population control totals for people of Hispanic origin were used before 1985.

A Nonsampling Error Warning. Since the full extent of the nonsampling error is unknown, one should be particularly careful when interpreting results based on small differences between estimates. The Census Bureau recommends that data users incorporate information about nonsampling errors into their analyses, as nonsampling error could impact the conclusions drawn from the results. Caution should also be used when interpreting results based on a relatively small number of cases. Summary measures (such as medians and percentage distributions) probably do not reveal useful information when computed on a subpopulation smaller than 75,000.

For additional information on nonsampling error, including the possible impact on CPS data, when known, refer to U.S. Census Bureau (2019) and Brooks & Bailar (1978).

Standard Errors and Their Use. A sample estimate and its standard error enable one to construct a confidence interval. A confidence interval is a range about a given estimate that has a specified probability of containing the average result of all possible samples. For example, if all possible samples were surveyed under essentially the same general conditions and using the same sample design, and if an estimate and its standard error were calculated from each sample, then approximately 90 percent of the intervals from 1.645 standard errors below the estimate to 1.645 standard errors above the estimate would include the average result of all possible samples.

A particular confidence interval may or may not contain the average estimate derived from all possible samples, but one can say with the specified confidence that the interval includes the average estimate calculated from all possible samples.

Standard errors may also be used to perform hypothesis testing, a procedure for distinguishing between population parameters using sample estimates. The most common

⁶ The phase-in process using the 2010 Census files began April 2014.

type of hypothesis is that the population parameters are different. An example of this would be comparing the percentage of men who were part-time workers to the percentage of women who were part-time workers.

Tests may be performed at various levels of significance. A significance level is the probability of concluding that the characteristics are different when, in fact, they are the same. For example, to conclude that two characteristics are different at the 0.10 level of significance, the absolute value of the estimated difference between characteristics must be greater than or equal to 1.645 times the standard error of the difference.

The Census Bureau uses 90-percent confidence intervals and 0.10 levels of significance to determine statistical validity. Consult standard statistical textbooks for alternative criteria.

Estimating Standard Errors. The Census Bureau uses replication methods to estimate the standard errors of CPS and Voting and Registration estimates. These methods primarily measure the magnitude of sampling error. However, they do measure some effects of nonsampling error as well. They do not measure systematic biases in the data associated with nonsampling error. Bias is the average over all possible samples of the differences between the sample estimates and the true value.

Generalized Variance Parameters. While it is possible to estimate the standard error based on the survey data for each estimate in a report, there are a number of reasons why this is not done. A presentation of the individual standard errors would be of limited use, since one could not possibly predict all of the combinations of results that may be of interest to data users. Additionally, data users have access to CPS microdata files, and it is impossible to compute in advance the standard error for every estimate one might obtain from those data sets. Moreover, variance estimates are based on sample data and have variances of their own. Therefore, some methods of stabilizing these estimates of variance, for example, by generalizing or averaging over time, may be used to improve their reliability.

Experience has shown that certain groups of estimates have similar relationships between their variances and expected values. Modeling or generalizing may provide more stable variance estimates by taking advantage of these similarities. The generalized variance function (GVF) is a simple model that expresses the variance as a function of the expected value of the survey estimate. The parameters of the GVF are estimated using direct replicate variances. These GVF parameters provide a relatively easy method to obtain approximate standard errors for numerous characteristics.

In this source and accuracy statement:

- Tables 3 through 6 provide illustrations for calculating standard errors;
- Table 7 provides the GVF parameters for labor force estimates;
- Table 8 provides GVF parameters for characteristics from the November 2020 supplement;

- Tables 9 through 11 provide GVF voting and registration parameters for Total or White for U.S. states, divisions, and regions; and
- Tables 12 through 14 provide factors and population controls to derive other U.S. state, division, and regional parameters.

The basic CPS questionnaire records the race and ethnicity of each respondent. With respect to race, a respondent can be White, Black, Asian, American Indian and Alaskan Native (AIAN), Native Hawaiian and Other Pacific Islander (NHOPI), or combinations of two or more of the preceding. A respondent's ethnicity can be Hispanic or non-Hispanic, regardless of race.

The GVF parameters to use in computing standard errors are dependent upon the race/ethnicity group of interest. Table 2 summarizes the relationship between the race/ethnicity group of interest and the GVF parameters to use in standard error calculations.

Table 2. Estimation Groups of Interest and Generalized Variance Parameters

Race/ethnicity group of interest	Generalized variance parameters to use in standard error calculations
Total population	Total or White
White alone, White alone or in combination (AOIC), or White non-Hispanic population	Total or White
Black alone, Black AOIC, or Black non-Hispanic population	Black
Asian alone, Asian AOIC, or Asian non-Hispanic population	Asian, American Indian and Alaska Native (AIAN), Native Hawaiian and Other Pacific Islander (NHOPI)
AIAN alone, AIAN AOIC, or AIAN non-Hispanic population	Asian, AIAN, NHOPI
NHOPI alone, NHOPI AOIC, or NHOPI non-Hispanic population	Asian, AIAN, NHOPI
Populations from other race groups	Asian, AIAN, NHOPI
Hispanic ^A population	Hispanic ^A
Two or more races ^B – employment/unemployment and educational attainment characteristics	Black
Two or more races ^B – all other characteristics	Asian, AIAN, NHOPI

Source: U.S. Census Bureau, Current Population Survey, internal data files.

^A Hispanics may be any race.

^B Two or more races refers to the group of cases self-classified as having two or more races.

When calculating standard errors for an estimate of interest from cross-tabulations involving different characteristics, use the set of GVF parameters for the characteristic that will give the largest standard error. If the estimate of interest is strictly from basic CPS data, the GVF parameters will come from the CPS GVF table (Table 7). If the estimate is using Voting and Registration supplement data, the GVF parameters will come from the Voting and Registration supplement GVF table (Table 8).

Standard Errors of Estimated Numbers. The approximate standard error, s_x , of an estimated number from this microdata file can be obtained by using the formula:

$$s_x = \sqrt{ax^2 + bx} \quad (1)$$

Here x is the size of the estimate, and a and b are the parameters in Table 7 or 8 associated with the particular type of characteristic.

Illustration 1

Suppose there were 5,643,000 unemployed men (ages 16 and up) in the civilian labor force. Table 3 shows how to use the appropriate parameters from Table 7 and Formula (1) to estimate the standard error and confidence interval.

Table 3. Illustration of Standard Errors of Estimated Numbers

Number of unemployed males in the civilian labor force (x)	5,643,000
a-parameter (a)	-0.000031
b-parameter (b)	2,947
Standard error	125,000
90-percent confidence interval	5,437,000 to 5,849,000

Source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2020.

The standard error is calculated as

$$s_x = \sqrt{-0.000031 \times 5,643,000^2 + 2,947 \times 5,643,000},$$

which, rounded to the nearest thousand, is 125,000. The 90-percent confidence interval is calculated as $5,643,000 \pm 1.645 \times 125,000$.

A conclusion that the average estimate derived from all possible samples lies within a range computed in this way would be correct for roughly 90 percent of all possible samples.

Standard Errors of Estimated Percentages. The reliability of an estimated percentage, computed using sample data for both numerator and denominator, depends on both the size of the percentage and its base. Estimated percentages are relatively more reliable than the corresponding estimates of the numerators of the percentages, particularly if the percentages are 50 percent or more. When the numerator and denominator of the percentage are in different categories, use the parameter from Table 7 or 8 as indicated by the numerator.

The approximate standard error, $s_{y,p}$, of an estimated percentage can be obtained by using the formula:

$$s_{y,p} = \sqrt{\frac{b}{y} p(100 - p)} \quad (2)$$

Here y is the total number of people, families, households, or unrelated individuals in the base or denominator of the percentage, p is the percentage $100 \cdot x/y$ ($0 \leq p \leq 100$), and b is the parameter in Table 7 or 8 associated with the characteristic in the numerator of the percentage.

Illustration 2

In November 2020, out of 251,464,000 people with at least an elementary school education, 61.4 percent reported voting. Table 4 shows how to use the appropriate parameters from Table 8 and Formula (2) to estimate the standard error and confidence interval.

Table 4. Illustration of Standard Errors of Estimated Percentages

Percentage of people that reported voting (p)	61.4
Base (y)	251,464,000
b-parameter (b)	5,411
Standard error	0.23
90-percent confidence interval	61.0 to 61.8

Source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2020.

The standard error is calculated as

$$s_{y,p} = \sqrt{\frac{5,411}{251,464,000} \times 61.4 \times (100.0 - 61.4)} = 0.23$$

and the 90-percent confidence interval for the estimated percentage of people with at least an elementary school education who reported voting is from 61.0 to 61.8 percent (i.e., $61.4 \pm 1.645 \times 0.23$).

Standard Errors of Estimated Differences. The standard error of the difference between two sample estimates is approximately equal to

$$s_{x_1-x_2} = \sqrt{(s_{x_1})^2 + (s_{x_2})^2} \quad (3)$$

where s_{x_1} and s_{x_2} are the standard errors of the estimates, x_1 and x_2 . The estimates can be numbers, percentages, ratios, etc. This will result in accurate estimates of the standard error of the same characteristic in two different areas or for the difference between separate and uncorrelated characteristics in the same area. However, if there is a high positive (negative) correlation between the two characteristics, the formula will overestimate (underestimate) the true standard error.

Illustration 3

The November 2020 supplement showed that out of 121,468,000 men who had at least an elementary school education, 72,401,000, or 59.6 percent, had voted, and of the 129,996,000 women who had at least an elementary school education, 82,102,000, or 63.2 percent, had voted. Table 5 shows how to use the appropriate parameters from Table 8 and Formulas (2) and (3) to estimate the standard error and confidence interval.

Table 5. Illustration of Standard Errors of Estimated Differences

	Men (x_1)	Women (x_2)	Difference
Percentage that voted (p)	59.6	63.2	3.6
Base (y)	121,468,000	129,996,000	-
b-parameter (b)	5,411	5,411	-
Standard error	0.33	0.31	0.45
90-percent confidence interval	59.1 to 60.1	62.7 to 63.7	2.9 to 4.3

Source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2020.

The standard error of the difference is calculated as

$$s_{x_1-x_2} = \sqrt{0.33^2 + 0.31^2} = 0.45$$

and the 90-percent confidence interval around the difference is calculated as $3.6 \pm 1.645 \times 0.45$. Since this interval does not include zero, we can conclude with 90-percent confidence that the percentage of women with at least an elementary school education who voted is greater than the percentage of men with at least an elementary school education who voted.

Standard Errors for State, Division, and Region Estimates. Standard errors for state, division, and region estimates may be obtained by using the state, division, and region parameters. The state, division, and region parameters for Total or White population voting and registration estimates are included in Tables 9, 10, and 11. The state, division, and region parameters for other subpopulation groups are determined by multiplying the a- and b-parameters in Table 8 by the appropriate factor from Tables 12, 13, or 14. The state factors are contained in Table 12, the division factors in Table 13, and the region factors in Table 14. After determining the correct parameter, use the standard error formulas discussed earlier in the text to calculate standard error estimates.

Illustration 4

About 6,281,000 people (41.6 percent) have completed at least a bachelor's degree out of about 15,105,000 people aged 18 and over living in New York. Following the method mentioned above, obtain the needed state parameter by multiplying the parameter in Table 8 by the state factor in Table 12 for the state of interest. In this example, the educational attainment parameter for Total or White in New York is calculated as $b = 4,484 \times 1.19 = 5,336$. Table 6 shows how to use the appropriate parameter from Table 8 and Formula (2) with the new b-parameter, 5,336, to estimate the standard error and confidence interval.

Table 6. Illustration of Standard Errors of State Estimates

Percentage of people in New York that completed at least a bachelor's degree (p)	41.6
Base (y)	15,105,000
b-parameter (b)	5,336
Standard error	0.93
90-percent confidence interval	40.1 to 43.1

Source: U.S. Census Bureau, Current Population Survey, Voting and Registration Supplement, November 2020.

Standard Errors of Quarterly or Yearly Averages. For information on calculating standard errors for labor force data from the CPS which involve quarterly or yearly averages, please see Bureau of Labor Statistics (2006).

Technical Assistance. If you require assistance or additional information, please contact the Demographic Statistical Methods Division via e-mail at dsmd.source.and.accuracy@census.gov.

Table 7. Parameters for Computation of Standard Errors for Labor Force Characteristics: November 2020

Characteristic	<i>a</i>	<i>b</i>
Total or White		
<i>Civilian labor force, employed</i>	-0.000013	2,481
<i>Unemployed</i>	-0.000017	3,244
<i>Not in labor force</i>	-0.000013	2,432
 <i>Civilian labor force, employed, not in labor force, and unemployed</i>		
Men	-0.000031	2,947
Women	-0.000028	2,788
Both sexes, 16 to 19 years	-0.000261	3,244
Black		
<i>Civilian labor force, employed, not in labor force, and unemployed</i>		
Total	-0.000117	3,601
Men	-0.000249	3,465
Women	-0.000191	3,191
Both sexes, 16 to 19 years	-0.001425	3,601
Asian, American Indian and Alaska Native (AIAN), Native Hawaiian and Other Pacific Islander (NHOPI)		
<i>Civilian labor force, employed, not in labor force, and unemployed</i>		
Total	-0.000245	3,311
Men	-0.000537	3,397
Women	-0.000399	2,874
Both sexes, 16 to 19 years	-0.004078	3,311
Hispanic, may be of any race		
<i>Civilian labor force, employed, not in labor force, and unemployed</i>		
Total	-0.000087	3,316
Men	-0.000172	3,276
Women	-0.000158	3,001
Both sexes, 16 to 19 years	-0.000909	3,316

Source: U.S. Census Bureau, Internal Current Population Survey data files for the 2010 Design.

Notes: These parameters are to be applied to basic CPS monthly labor force estimates. The Total or White, Black, and Asian, AIAN, NHOPI parameters are to be used for both alone and in combination race group estimates. For nonmetropolitan characteristics, multiply the a- and b-parameters by 1.5. If the characteristic of interest is total state population, not subtotaled by race or ethnicity, the a- and b-parameters are zero. For foreign-born and noncitizen characteristics for Total and White, the a- and b-parameters should be multiplied by 1.3. No adjustment is necessary for foreign-born and noncitizen characteristics for Black, Hispanic, and Asian, AIAN, NHOPI parameters. For the groups self-classified as having two or more races, use the Asian, AIAN, NHOPI parameters for all employment characteristics.

**Table 8. Parameters for Computation of Standard Errors for Voting and Registration
Characteristics: November 2020**

Characteristics	Total or White		Black		Asian, AIAN, NHOPI ^A		Hispanic ^B	
	<i>a</i>	<i>b</i>	<i>a</i>	<i>b</i>	<i>a</i>	<i>b</i>	<i>a</i>	<i>b</i>
Voting, registration, reasons for not voting or registering (includes breakdowns by: Citizenship, Household relationship, Family householder by presence of children, Marital status, Duration of residence, Tenure, Education level, Family income of persons, Occupation group)	-0.000021	5,411	-0.000086	4,941	-0.000211	5,249	-0.000139	5,923
CHARACTERISTICS OF ALL PERSONS, VOTING AND NONVOTING								
Marital Status	-0.000017	4,186	-0.000077	4,386	-0.000157	3,911	-0.000110	4,680
Education of Persons	-0.000018	4,484	-0.000083	4,729	-0.000175	4,350	-0.000115	4,907
Persons by Family Income	-0.000023	5,728	-0.000101	5,748	-0.000215	5,361	-0.000144	6,128
Duration of Residence Tenure	-0.000022	5,451	-0.000095	5,448	-0.000211	5,261	-0.000137	5,839
HOUSEHOLD RELATIONSHIPS, VOTING AND NONVOTING								
Householder, Spouse of householder	-0.000018	4,462	-0.000075	4,305	-0.000183	4,552	-0.000115	4,905
Nonrelative or Other Relative of Householder	-0.000018	4,621	-0.000085	4,836	-0.000196	4,875	-0.000123	5,242

Source: U.S. Census Bureau, Current Population Survey, Internal data from the Voting and Registration Supplement, November 2020.

^A AIAN is American Indian and Alaska Native, and NHOPI is Native Hawaiian and Other Pacific Islander.

^B Hispanics may be any race.

Notes: These parameters are to be applied to the Voting and Registration Supplement data. The Total or White, Black, and Asian, AIAN, NHOPI parameters are to be used for both alone and in combination race group estimates. For nonmetropolitan characteristics, multiply the a- and b-parameters by 1.5. If the characteristic of interest is total state population, not subtotaled by race or ethnicity, the a- and b-parameters are zero. For foreign-born and noncitizen characteristics for Total and White, the a- and b-parameters should be multiplied by 1.3. No adjustment is necessary for foreign-born and noncitizen characteristics for Black, Asian, AIAN, NHOPI, and Hispanic parameters. For the group self-classified as having two or more races, use the Asian, AIAN, NHOPI parameters for all characteristics except employment, unemployment, and educational attainment, in which case use Black parameters. For a more detailed discussion on the use of parameters for race and ethnicity, please see the "Generalized Variance Parameters" section.

Table 9. Parameters for Computation of State Standard Errors for Voting and Registration Characteristics of Total or White Population: November 2020

State	<i>a</i>	<i>b</i>
Alabama	-0.001261	6,114
Alaska	-0.001389	974
Arizona	-0.000856	6,277
Arkansas	-0.001328	3,950
California	-0.000161	6,277
Colorado	-0.001100	6,331
Connecticut	-0.001354	4,762
Delaware	-0.001283	1,245
District of Columbia	-0.001388	974
Florida	-0.000281	6,060
Georgia	-0.000595	6,277
Hawaii	-0.001319	1,786
Idaho	-0.001192	2,164
Illinois	-0.000505	6,277
Indiana	-0.000923	6,169
Iowa	-0.001352	4,221
Kansas	-0.001536	4,383
Kentucky	-0.001430	6,277
Louisiana	-0.001266	5,736
Maine	-0.001702	2,273
Maryland	-0.001080	6,439
Massachusetts	-0.000893	6,114
Michigan	-0.000629	6,223
Minnesota	-0.001115	6,277
Mississippi	-0.001324	3,842
Missouri	-0.001056	6,385
Montana	-0.001118	1,190
Nebraska	-0.001440	2,760
Nevada	-0.001251	3,896
New Hampshire	-0.001400	1,894
New Jersey	-0.000709	6,223
New Mexico	-0.001152	2,381
New York	-0.000337	6,439
North Carolina	-0.000612	6,385

Source: U.S. Census Bureau, Current Population Survey, Internal data from the Voting and Registration Supplement, November 2020.

Notes: These parameters are for use with state-level voting and registration estimates for the Total or White population. For state-level estimates of subpopulation groups, please use the factors provided in Table 12.

Table 9. Parameters for Computation of State Standard Errors for Voting and Registration Characteristics of Total or White Population: November 2020

State	<i>a</i>	<i>b</i>
North Dakota	-0.001295	974
Ohio	-0.000539	6,223
Oklahoma	-0.001485	5,790
Oregon	-0.001357	5,736
Pennsylvania	-0.000498	6,277
Rhode Island	-0.001449	1,515
South Carolina	-0.001179	6,060
South Dakota	-0.001423	1,245
Tennessee	-0.000907	6,169
Texas	-0.000218	6,331
Utah	-0.000849	2,760
Vermont	-0.001752	1,082
Virginia	-0.000769	6,439
Washington	-0.000830	6,331
West Virginia	-0.001548	2,706
Wisconsin	-0.001087	6,277
Wyoming	-0.001518	866

Source: U.S. Census Bureau, Current Population Survey, Internal data from the Voting and Registration Supplement, November 2020.

Notes: These parameters are for use with state-level voting and registration estimates for the Total or White population. For state-level estimates of subpopulation groups, please use the factors provided in Table 12.

Table 10. Parameters for Computation of Division Standard Errors for Voting and Registration Characteristics of Total or White Population: November 2020

Divison	<i>a</i>	<i>b</i>
New England	-0.000304	4,474
Middle Atlantic	-0.000156	6,331
East North Central	-0.000134	6,223
West North Central	-0.000237	5,032
South Atlantic	-0.000092	6,006
East South Central	-0.000309	5,844
West South Central	-0.000149	6,006
Mountain	-0.000182	4,545
Pacific	-0.000114	6,060

Source: U.S. Census Bureau, Current Population Survey, Internal data from the Voting and Registration Supplement, November 2020.

Notes: These parameters are for use with census division-level voting and registration estimates for the Total or White population. For census division-level estimates of subpopulation groups, please use the factors provided in Table 13.

Table 11. Parameters for Computation of Region Standard Errors for Voting and Registration Characteristics of Total or White Population: November 2020

Divison	<i>a</i>	<i>b</i>
Northeast	-0.000106	5,844
Midwest	-0.000087	5,898
South	-0.000048	6,006
West	-0.000071	5,573
All Except South	-0.000029	5,757

Source: U.S. Census Bureau, Current Population Survey, Internal data from the Voting and Registration Supplement, November 2020.

Notes: These parameters are for use with census region-level voting and registration estimates for the Total or White population. For census region-level estimates of subpopulation groups, please use the factors provided in Table 14.

Table 12. Factors and Populations for State Parameters: November 2020

State	Factor	Population	State	Factor	Population
Alabama	1.13	4,848,016	Montana	0.22	1,064,339
Alaska	0.18	701,359	Nebraska	0.51	1,916,304
Arizona	1.16	7,333,318	Nevada	0.72	3,114,017
Arkansas	0.73	2,975,201	New Hampshire	0.35	1,352,682
California	1.16	39,082,941	New Jersey	1.15	8,782,619
Colorado	1.17	5,754,825	New Mexico	0.44	2,066,035
Connecticut	0.88	3,516,138	New York	1.19	19,132,536
Delaware	0.23	970,585	North Carolina	1.18	10,428,177
District of Columbia	0.18	701,777	North Dakota	0.18	751,906
Florida	1.12	21,541,055	Ohio	1.15	11,535,459
Georgia	1.16	10,552,479	Oklahoma	1.07	3,898,511
Hawaii	0.33	1,353,948	Oregon	1.06	4,226,459
Idaho	0.40	1,815,813	Pennsylvania	1.16	12,612,067
Illinois	1.16	12,420,463	Rhode Island	0.28	1,045,864
Indiana	1.14	6,683,026	South Carolina	1.12	5,140,403
Iowa	0.78	3,121,124	South Dakota	0.23	874,895
Kansas	0.81	2,853,262	Tennessee	1.14	6,800,729
Kentucky	1.16	4,390,546	Texas	1.17	29,022,326
Louisiana	1.06	4,531,572	Utah	0.51	3,250,038
Maine	0.42	1,335,568	Vermont	0.20	617,624
Maryland	1.19	5,960,269	Virginia	1.19	8,371,089
Massachusetts	1.13	6,843,810	Washington	1.17	7,625,911
Michigan	1.15	9,889,361	West Virginia	0.50	1,748,188
Minnesota	1.16	5,627,921	Wisconsin	1.16	5,774,842
Mississippi	0.71	2,900,897	Wyoming	0.16	570,347
Missouri	1.18	6,047,523			

Source: U.S. Census Bureau, Current Population Survey, Internal data from the Voting and Registration Supplement, November 2020.

Notes: These parameters are for use with state-level voting and registration estimates for subpopulation groups. The state population counts in this table are for the 0+ population. For foreign-born and noncitizen characteristics for Total and White, the a- and b-parameters should be multiplied by 1.3. No adjustment is necessary for foreign-born and noncitizen characteristics for Black, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, and Hispanic.

Table 13. Factors and Populations for Division Parameters: November 2020

Divison	Factor	Population
New England	0.83	14,711,686
Middle Atlantic	1.17	40,527,222
East North Central	1.15	46,303,151
West North Central	0.93	21,192,935
South Atlantic	1.11	65,414,022
East South Central	1.08	18,940,188
West South Central	1.11	40,427,610
Mountain	0.84	24,968,732
Pacific	1.12	52,990,618

Source: U.S. Census Bureau, Current Population Survey, Internal data from the Voting and Registration Supplement, November 2020.

Notes: These parameters are for use with census division-level voting and registration estimates for subpopulation groups. The census division population counts in this table are for the 0+ population. For foreign-born and noncitizen characteristics for Total and White, the a- and b-parameters should be multiplied by 1.3. No adjustment is necessary for foreign-born and noncitizen characteristics for Black, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, and Hispanic.

Table 14. Factors and Populations for Region Parameters: November 2020

Divison	Factor	Population
Northeast	1.08	55,238,908
Midwest	1.09	67,496,086
South	1.11	124,781,820
West	1.03	77,959,350
All Except South	1.06	200,694,344

Source: U.S. Census Bureau, Current Population Survey, Internal data from the Voting and Registration Supplement, November 2020.

Notes: These parameters are for use with census region-level voting and registration estimates for subpopulation groups. The census region population counts in this table are for the 0+ population. For foreign-born and noncitizen characteristics for Total and White, the a- and b-parameters should be multiplied by 1.3. No adjustment is necessary for foreign-born and noncitizen characteristics for Black, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, and Hispanic.

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ATTACHMENT 17

USER NOTES

Due to the events surrounding the COVID pandemic, options were added for questions regarding reasons for not voting or registering to vote (PES3 and PES4).

EXHIBIT

5

LOCKED OUT

★ ★ ★ 2020 ★ ★ ★

ESTIMATES OF PEOPLE DENIED VOTING RIGHTS DUE TO A FELONY CONVICTION



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This report was published on October 15, 2020. It was updated on October 30, 2020.

The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice issues. Our work is supported by many individual and institutional donors from around the country. We are especially grateful for the support of Squarespace for our work on the voting rights of individuals involved in the criminal justice system.

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OVERVIEW

In the past 25 years, half the states have changed their laws and practices to expand voting access to people with felony convictions. Despite these important reforms, 5.2 million Americans remain disenfranchised, 2.3 percent of the voting age population.

In this presidential election year, the question of voting restrictions, and their disproportionate impact on Black and Brown communities, should receive greater public attention.

This report is intended to update and expand our previous work on the scope and distribution of felony disenfranchisement in the United States (see Uggen, Larson, and Shannon 2016; Uggen, Shannon, and Manza 2012; Uggen and Manza 2002; Manza and Uggen 2006). For the first time, we present estimates of the percentage of the Latinx population disenfranchised due to felony convictions. Although these and other estimates must be interpreted with caution, the numbers presented here represent our best assessment of the state of felony disenfranchisement as of the November 2020 election.

Our key findings include the following:

- As of 2020, an estimated 5.17 million people are disenfranchised due to a felony conviction, a figure that has declined by almost 15 percent since 2016, as states enacted new policies to curtail this practice. There were an estimated 1.17 million people disenfranchised in 1976, 3.34 million in 1996, 5.85 million in 2010, and 6.11 million in 2016.
- One out of 44 adults – 2.27 percent of the total U.S. voting eligible population – is disenfranchised due to a current or previous felony conviction.
- Individuals who have completed their sentences in the eleven states that disenfranchise at least some people post-sentence make up most (43 percent) of the entire disenfranchised population, totaling 2.23 million people.
- Rates of disenfranchisement vary dramatically by state due to broad variations in voting prohibitions.
- In three states – Alabama, Mississippi, and Tennessee more than 8 percent of the adult population, one of every thirteen people, is disenfranchised.
- We estimate that nearly 900,000 Floridians who have completed their sentences remain disenfranchised, despite a 2018 ballot referendum that promised to restore their voting rights. Florida thus remains the nation's disenfranchisement leader in absolute numbers, with over 1.1 million people currently banned from voting – often because they cannot afford to pay court-ordered monetary sanctions or because the state is not obligated to tell them the amount of their sanction.
- One in 16 African Americans of voting age is disenfranchised, a rate 3.7 times greater than that of non-African Americans. Over 6.2 percent of the adult African American population is disenfranchised compared to 1.7 percent of the non-African American population.
- African American disenfranchisement rates vary significantly by state. In seven states – Alabama, Florida, Kentucky, Mississippi, Tennessee, Virginia, and Wyoming – more than one in seven African Americans is disenfranchised, twice the national average for African Americans.
- Although data on ethnicity in correctional populations are still unevenly reported, we can conservatively estimate that over 560,000 Latinx Americans or over 2 percent of the voting eligible population are disenfranchised.
- Approximately 1.2 million women are disenfranchised, comprising over one-fifth of the total disenfranchised population.

STATE DISENFRANCHISEMENT LAW

Table 1. Summary of State Felony Disenfranchisement Restrictions in 2020

No restriction (2)	Prison only (17)	Prison & parole (3)	Prison, parole & probation (17)	Prison, parole, probation, & post-sentence – some or all (11)
Maine	Colorado	California ^a	Alaska	Alabama ^d
Vermont	Hawaii	Connecticut	Arkansas	Arizona ^e
	Illinois	New York ^b	Georgia	Delaware ^f
	Indiana		Idaho	Florida ^g
	Maryland		Kansas	Iowa ^h
	Massachusetts		Louisiana ^c	Kentucky ⁱ
	Michigan		Minnesota	Mississippi ^j
	Montana		Missouri	Nebraska ^k
	Nevada		New Mexico	Tennessee ^l
	New Hampshire		North Carolina	Virginia ^m
	New Jersey		Oklahoma	Wyoming ⁿ
	North Dakota		South Carolina	
	Ohio		South Dakota	
	Oregon		Texas	
	Pennsylvania		Washington	
	Rhode Island		West Virginia	
	Utah		Wisconsin	

- a. California - In 2016, lawmakers restored voting rights to people convicted of a felony offense housed in jail, but not in prison. That year, officials authorized persons sentenced to prison to be released to probation rather than parole, affirming voting rights for residents under felony community supervision.
- b. New York – In 2018, Governor Cuomo reviewed and restored voting rights to persons currently on parole via executive order. There is currently no assurance that this practice will continue, however, so New York is listed as a state that continues to disenfranchise people on parole.
- c. Louisiana – In 2019, authorized voting for residents under an order of imprisonment for a felony who have not been incarcerated for five years, including those on probation and parole.
- d. Alabama - In 2016, legislation eased the rights restoration process after completion of sentence for persons not convicted of a crime of “moral turpitude.” The state codified the list of felony offenses that are ineligible for re-enfranchisement in 2017.
- e. Arizona - Permanently disenfranchises persons with two or more felony convictions. In 2019, removed the requirement to pay outstanding fines before rights are automatically restored for first time felony offenses only.
- f. Delaware – In 2013, removed the five-year waiting period to regain voting eligibility. Apart from some disqualifying offenses, people convicted of a felony are now eligible to vote upon completion of sentence and supervision.
- g. Florida – In 2018, voters passed an amendment to restore voting rights to most people after sentence completion. In 2019, legislation was passed that made restoration conditional on payment of all restitution, fees, and fines. As of October, 2020, only the rights of those who had paid all legal financial obligations (fines and fees) had been restored.
- h. Iowa – In 2020, Governor Reynolds signed an executive order restoring voting rights to people who have completed their sentences, except for those convicted of homicide. This follows previous executive orders from Governor Vilsack (restoring voting rights to individuals who had completed their sentences in 2005) and Governor Branstad (reversing this executive order in 2011).
- i. Kentucky – In 2019, Governor A. Beshear issued an executive order restoring voting rights to those who had completed sentences for nonviolent offenses. This follows a similar 2015 executive order by Governor S. Beshear, which had been rescinded by Governor Bevin later that year.
- j. Mississippi – Permanently disenfranchises individuals convicted of certain offenses.
- k. Nebraska – In 2005, Reduced its indefinite ban on post-sentence voting to a two-year waiting period.
- l. Tennessee - Disenfranchises those convicted of certain felonies since 1981, in addition to those convicted of select crimes prior to 1973. Others must apply to the Board of Probation and Parole for restoration.
- m. Virginia – In 2019, Governor Northam reported that his administration has restored voting rights to 22,205 Virginians previously convicted of felonies. Governor McAuliffe had earlier restored rights to 173,166.
- n. Wyoming – In 2017, restored voting rights after five years to people who complete sentences for first-time, non-violent felony convictions.

To compile estimates of disenfranchised populations, we take into account new U.S. Census data on voting eligible populations and recent changes in state-level disenfranchisement policies, including those reported in *Felony Disenfranchisement: A Primer* (Chung 2019) and *Expanding the Vote* (Porter 2010; McLeod 2018). Since 2016, five states have re-enfranchised some non-incarcerated populations: Nevada (all non-prison, including post-sentence), Colorado (parole), Louisiana (probation and many on parole), New Jersey (probation and parole), and New York (parole). Other states have revised their waiting periods and streamlined the process for regaining civil rights. In November 2018, Florida voters passed Amendment 4, which allowed most people who have completed their sentences to vote (with the exception of people convicted of sex offenses and murder). A legal battle has ensued over whether legal financial obligations (LFOs) must be paid before voting rights are restored. In June of this year, U.S. District Judge Robert Hinkle ruled that it is unconstitutional to require payment of LFOs in order to vote, but on September 11, 2020, the U.S. Court of Appeals for the 11th Circuit in Atlanta reversed that ruling.

As shown in Table 1, Maine and Vermont remain the only states that allow persons in prison to vote (as well as the Commonwealth of Puerto Rico). In July 2020, the Washington, D.C. Council passed an emergency bill that authorized all incarcerated residents with a felony conviction to vote in the November 2020 election. The Council intends to make the change permanent. Twenty-seven U.S. states deny voting rights to felony probationers, and 30 states disenfranchise people on parole. In the most extreme cases, 11 states continue to deny voting rights to some or all of the individuals who have successfully fulfilled their prison, parole, or probation sentences.

In addition to Florida, other states partly condition reenfranchisement on payment of outstanding fines, fees, court costs, and restitution. With regard to the categories in Table 1, Margaret Love and David Schlusell (2020) note that one state in the “Prison & parole” column (CT), and five states in the “Prison, parole & probation” column (AR, GA, KS, SD, TX), appear to disenfranchise some people post-sentence, on the basis of unpaid legal financial obligations. Connecticut requires payment of fines for out-of-state and federal convictions; Arkansas requires payment of court costs, fines, and restitution; Georgia requires payment of fines; Kansas requires

payment of restitution and fines; South Dakota requires payment of fines, fees, and restitution; and Texas requires payment of fines. Three states in addition to Florida condition eligibility for reenfranchisement on payment of some or all legal financial obligations. Alabama conditions reenfranchisement after a first felony on payment of fines, fees, court costs, and victim restitution; Arizona conditions restoration after a first felony on payment of restitution; and Tennessee conditions restoration on payment of restitution, court costs (unless a finding of indigency was made), and child support. The scope and enforcement of such restrictions varies greatly across these states, such that we cannot provide firm estimates on the number of people impacted. Nevertheless, they serve as an additional driver of disenfranchisement, above and beyond the restrictions reported in Table 1 and the numbers reported in Tables 3, 4, and 5.

METHODOLOGY

We estimated the number of people released from prison and those who have completed their terms of parole or probation based on demographic life tables for each state, as described in Uggen, Manza, and Thompson (2006) and Shannon et al. (2017). We modeled each state's disenfranchisement rate in accordance with its distinctive felony voting policies, as listed in Table 1. For example, some states impose disenfranchisement for two years after release from supervision, some states only disenfranchise those convicted of multiple felonies, and some only disenfranchise those convicted of violent offenses.¹

In brief, we compiled demographic life tables for the years 1948-2020 to determine the number of released individuals lost to recidivism (and therefore already included in our annual head counts) and to mortality each year. This allows us to estimate the number of individuals who have completed their sentences in a given state and year who are no longer under correctional supervision yet remain disenfranchised. Because data on correctional populations are currently available only through year-end 2018, we extended state-specific trends

from 2015-2018 to obtain estimates for 2020. Our duration-specific recidivism rate estimates are derived from large-scale national studies of recidivism for people released from prison or on probation. Based on these studies, our models assume that most released individuals will be re-incarcerated (66 percent) and a smaller percentage of those on probation or in jail (57 percent) will cycle back through the criminal justice system. We also assume a substantially higher mortality rate for people convicted of felony offenses relative to the rest of the population. Both recidivists and deaths are removed from the post-sentence pool to avoid overestimating the number of individuals in the population who have completed their sentences. Each release cohort is thus reduced each successive year – at a level commensurate with the age-adjusted hazard rate for mortality and duration-adjusted hazard rate for recidivism – and added to each new cohort of releases. Overall, we produced more than 200 spreadsheets covering 72 years of data. These provide the figures needed to compile disenfranchisement rate estimates that are keyed to the appropriate correctional populations for each state and year.

1. In Florida, some can avoid a formal felony conviction by successfully completing a period of probation. According to the Florida Department of Law Enforcement, as much as 40 percent of the total probation population holds this “adjudication withheld” status. According to reports by the Bureau of Justice Statistics, only about 50 percent of Florida probationers successfully complete probation. In light of this, we reduce the annual current disenfranchised felony probation numbers by 40 percent and individuals disenfranchised post-sentence by 20 percent ($.4 \times .5 = .20$) in each year in the life tables.
2. Our data sources include numerous United States Department of Justice (DOJ) publications, including the annual Sourcebook of Criminal Justice Statistics, Probation and Parole in the United States, as well as the Prisoners and Jail Inmates at Midyear series. Where available, we used data from state departments of corrections rather than national sources, as in the case of Minnesota. For early years, we also referenced National Prisoner Statistics, and Race of Prisoners Admitted to State and Federal Institutions, 1926-1986. We determined the median age of released prisoners based on annual data from the National Corrections Reporting Program. The recidivism rate we use to decrease the releasee population each year is based upon the Bureau of Justice Statistics (1989) “Recidivism of Prisoners Released in 1983” study and “Recidivism of Felons on Probation 1986-1989.” For those in prison or on parole, we use a reincarceration rate of 18.6 percent at one year, 32.8 percent at two years, 41.4 percent at 3 years. Although re-arrest rates have increased since 1983, the overall reconviction and reincarceration rates used for this study are much more stable (Langan and Levin (2002), p. 11). For those on probation or in jail, the corresponding three-year failure rate is 36 percent, meaning that individuals are in prison or jail and therefore counted in a different population.

To extend the analysis to subsequent years, we calculated a trend line using the ratio of increases provided by Hoffman and Stone-Meierhoefer (1980) on federal prisoners. By year 10, we estimate a 59.4 percent recidivism rate among released prisoners and parolees, which increases to 65.9 percent by year 62 (the longest observation period in this analysis). Because these estimates are higher than most long-term recidivism studies, they are likely to yield conservative estimates of the formerly incarcerated population. We apply the same trend line to the 3-year probation and jail recidivism rate of 36 percent; by year 62, the recidivism rate is 57.3 percent. 1948 is the earliest year for which detailed data are available on releases from supervision.

DISENFRANCHISEMENT IN 2020

Figure 1 shows the distribution of the 5,177,780 disenfranchised individuals across correctional populations. Three-quarters of the disenfranchised population are people living in their communities, having fully completed their sentences or remaining supervised while on probation or parole, including nearly half (43%) who have completed their sentence. People currently in prison and jail now represent about one-fourth (25 percent) of those disenfranchised. Our intent here is to provide a portrait of disenfranchisement that would be accurate as of the 2020 November election, though we stress that much of the data we report are based on estimates rather than head counts.

Figure 1. Disenfranchisement Distribution Across Correctional Populations, 2020

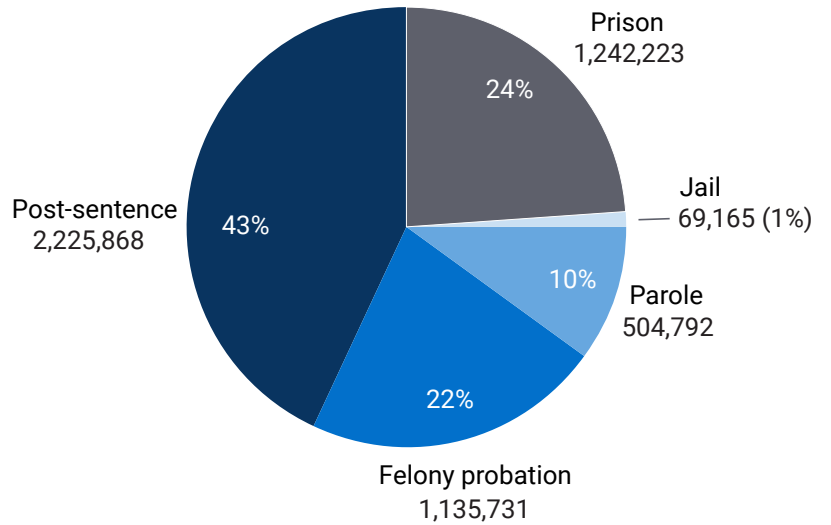
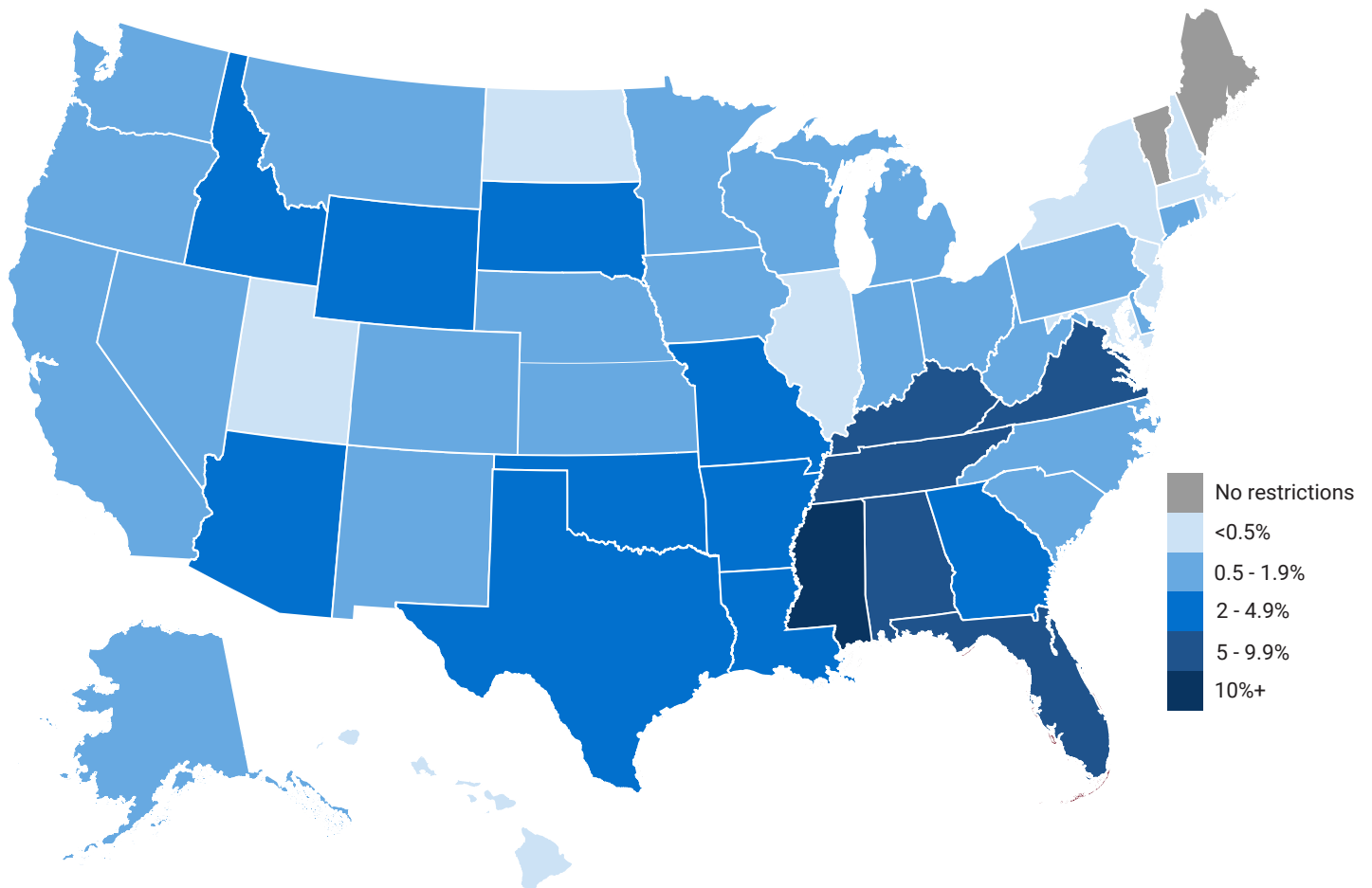


Figure 2. Total Felony Disenfranchisement Rates, 2020



VARIATION ACROSS STATES

Due to differences in state laws and rates of criminal punishment, states vary widely in the practice of disenfranchisement. These maps and tables represent the disenfranchised population as a percentage of the adult voting eligible population in each state. As noted, we estimate that 5,177,780 Americans are currently ineligible to vote by state law. As Figure 2 and the statistics in Table 3 show, state-level disenfranchisement rates in 2020 varied from 0.18 percent in Massachusetts (and zero in Maine and Vermont) to more than 8 percent in Alabama, Mississippi, and Tennessee.

These figures reflect significant but uneven change in recent decades. Although half of the states have scaled back voting restrictions for people with felony convictions, the others have re-

tained such restrictions and their disenfranchised populations have increased commensurate with the expansion of the criminal legal system.

The cartogram in Figure 3 provides another way to visualize the impact of these policies by highlighting the large regional differences in felony disenfranchisement laws. Cartograms distort the land area on the map under an alternative statistic, in this case the total felony disenfranchisement rate. Southeastern states appear bloated because they disenfranchise hundreds of thousands of people who have completed their sentences. In contrast, the many Northeastern and Midwestern states shrink because they limit disenfranchisement to individuals currently in prison, or not at all. This distorted map thus provides a clear visual representation of the great range of differences in the scope and impact of felony disenfranchisement across the 50 states.

Figure 3. Cartogram of Total Disenfranchisement Rates by State, 2020

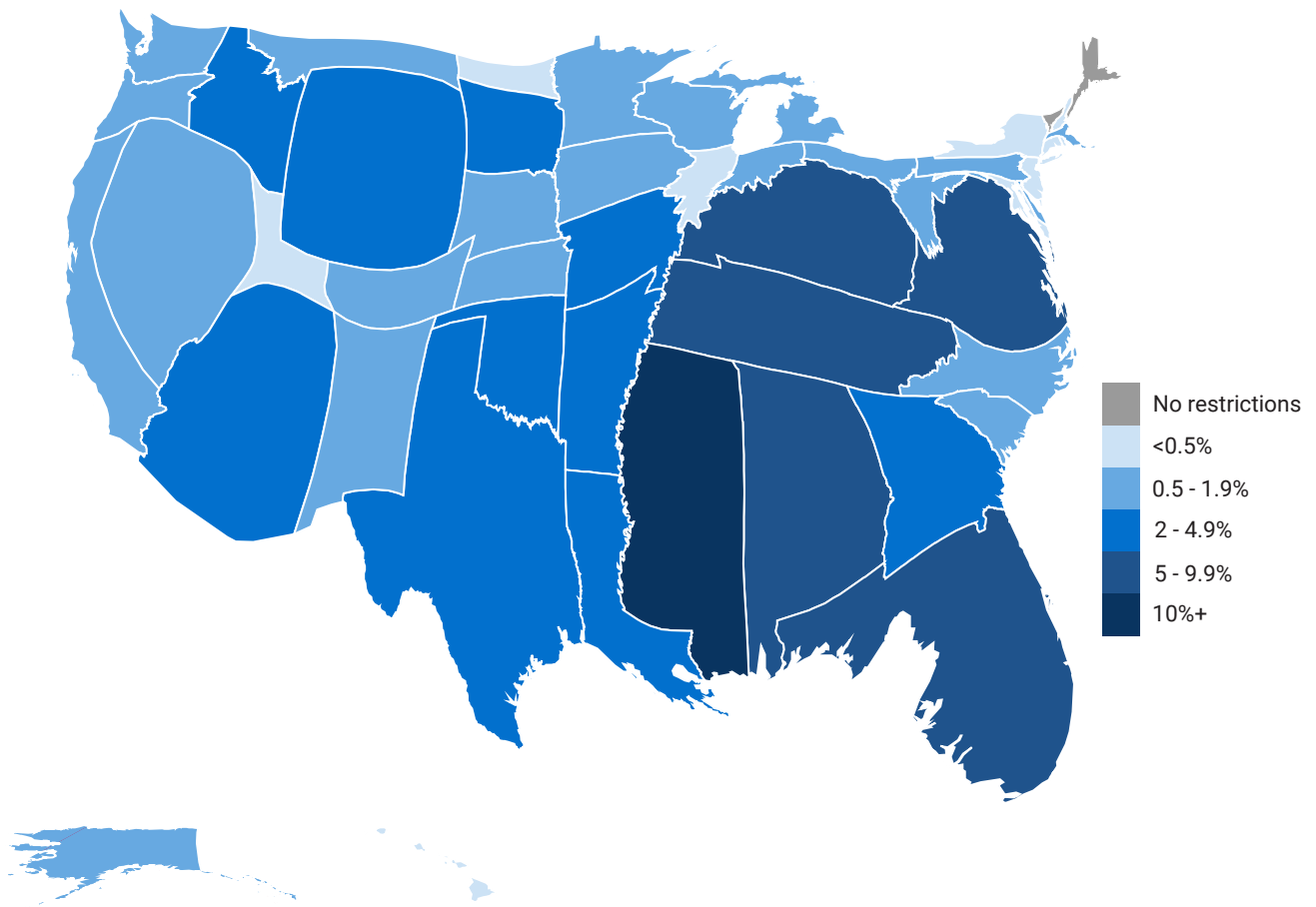
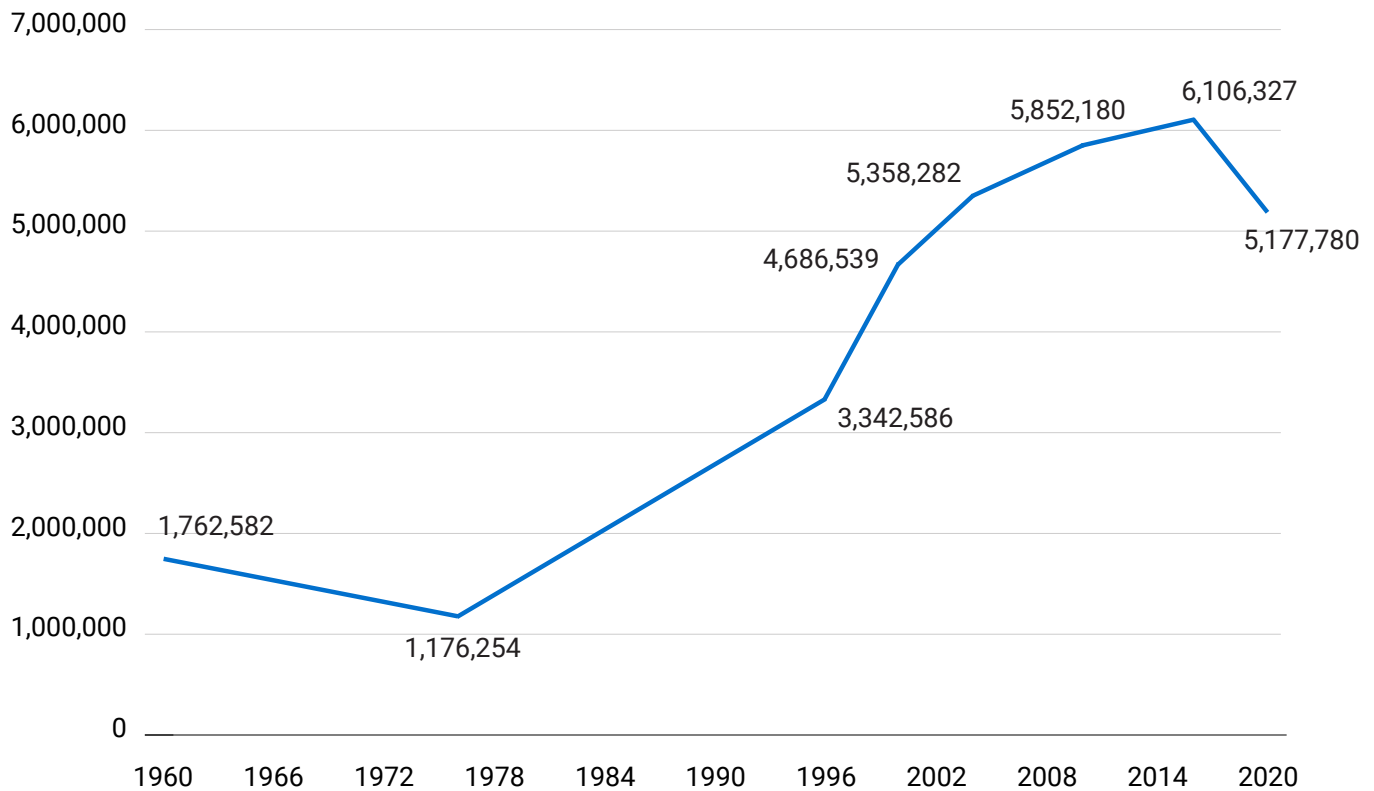


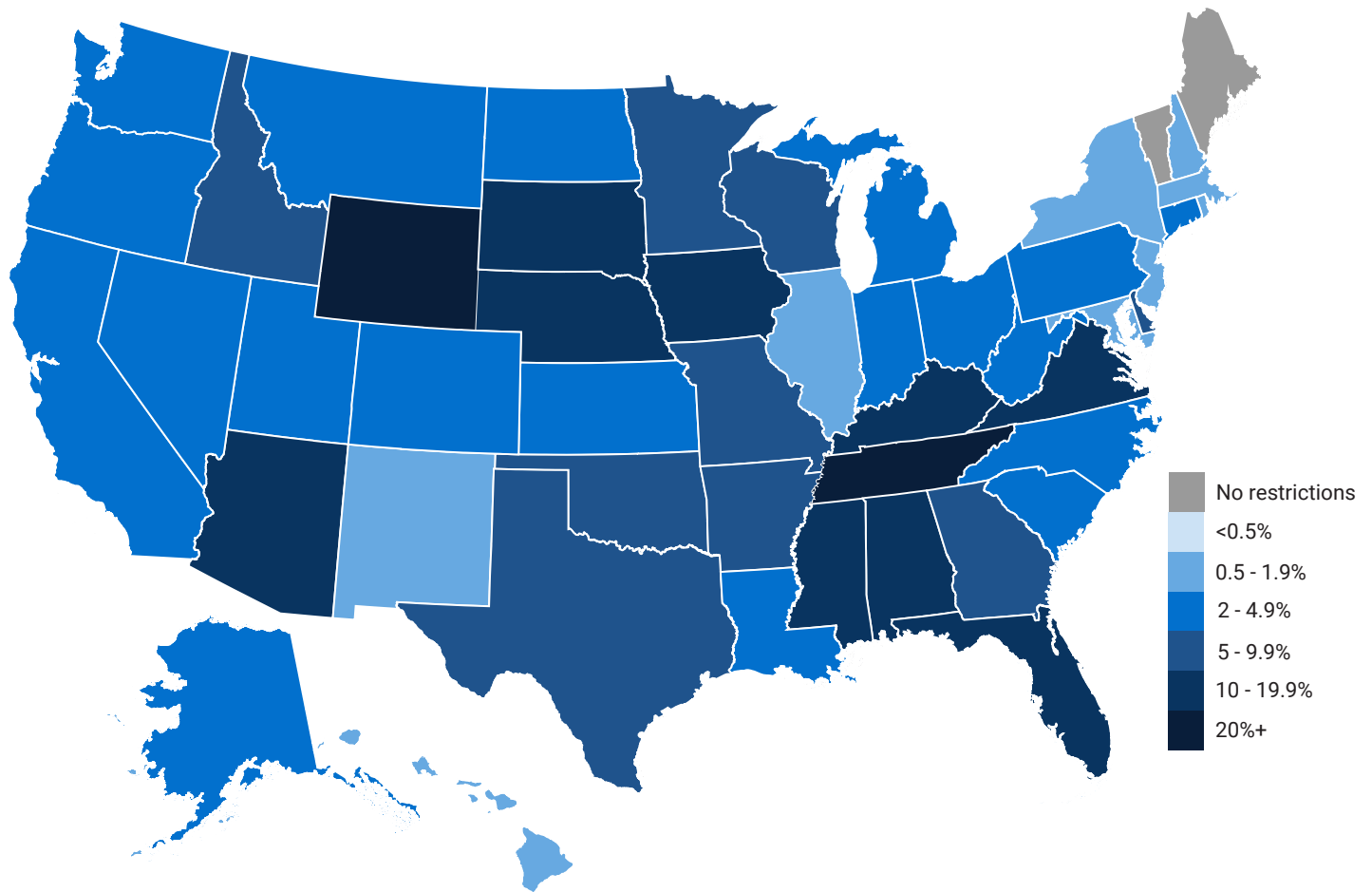
Figure 4. Number Disenfranchised for Selected Years, 1960-2020



TRENDS OVER TIME

Figure 4 illustrates the historical trend in U.S. disenfranchisement, showing growth in the disenfranchised population for selected years from 1960 to 2020. The number disenfranchised dropped from approximately 1.8 million to 1.2 million between 1960 and 1976, as states expanded voting rights in the civil rights era. Many states have pared back their disenfranchisement provisions since the 1970s (see Behrens, Uggen, and Manza, 2003; Manza and Uggen, 2006). Nevertheless, the total number banned from voting continued to rise with the significant expansion in U.S. correctional populations since 1970. The total disenfranchised population rose from 3.3 million in 1996 to 4.7 million in 2000, to 5.4 million in 2004, to 5.9 million in 2010, and 6.1 million in 2016. Today, we estimate that 5.2 million Americans are disenfranchised by virtue of a felony conviction. Roughly the same number of voters will be disenfranchised in the 2020 presidential election as in 2004.

Figure 5. African American Felony Disenfranchisement Rates, 2020



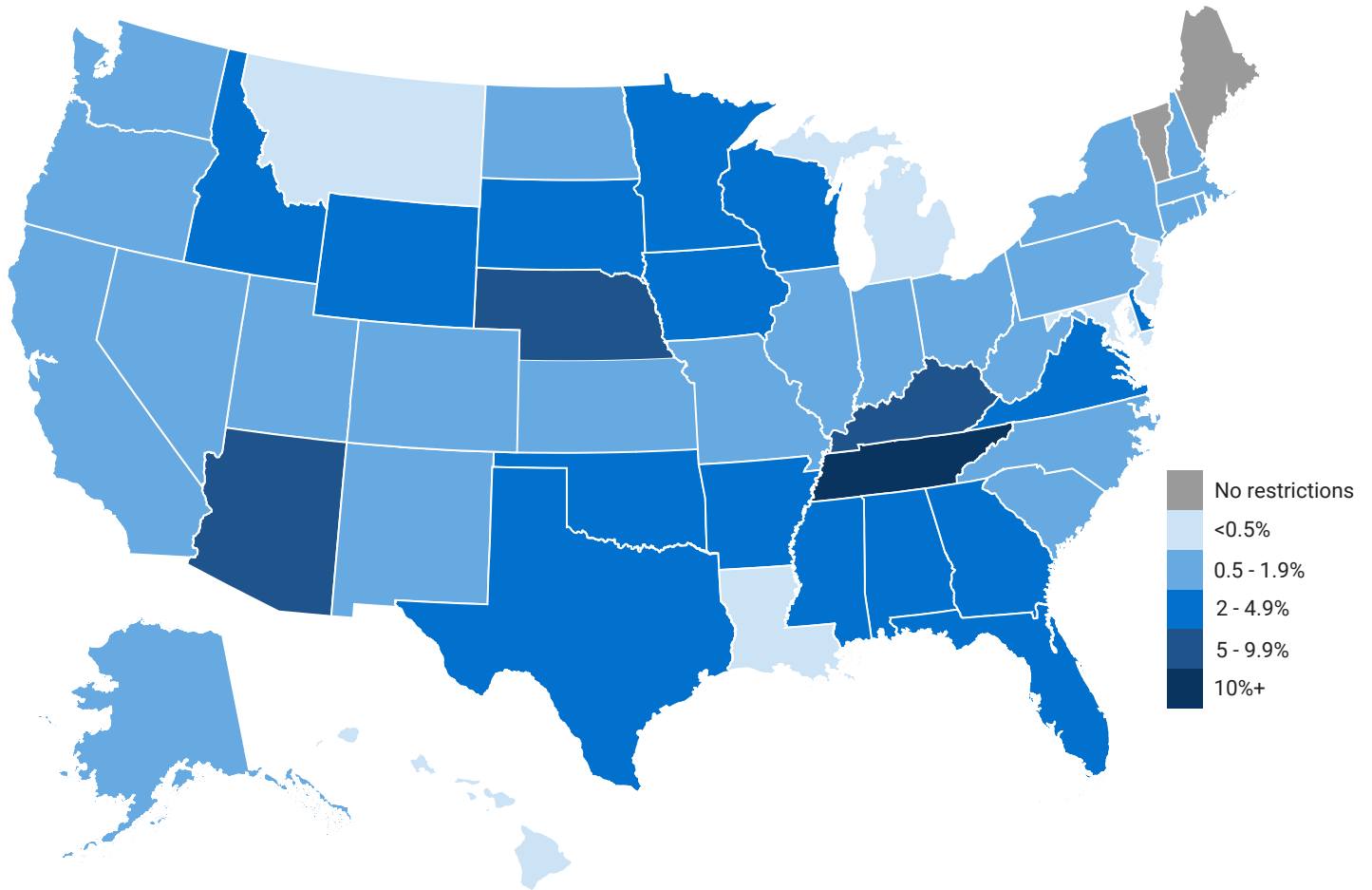
VARIATION BY RACE AND ETHNICITY

Disenfranchisement rates vary widely across racial and ethnic groups; felony disenfranchisement provisions have an outsized impact on communities of color. Ethnicity data in particular have not been consistently collected or reported in the data sources used to compile our estimates, so our ability to construct these estimates is limited. This is especially the case for Latinx populations, who now constitute a significant portion of criminal justice populations. Race data on criminal justice populations is more complete, and we have used the most recent data available from the Bureau of Justice Statistics to develop a complete set of state-specific disenfranchisement estimates for the African American voting eligible population.

Figure 5 shows the corresponding rates for 2020. African American disenfranchisement rates in Tennessee and Wyoming now exceed 20 percent of the adult voting age population.

Data are limited regarding ethnicity, but more states are now consistently reporting Latinx or Hispanic ethnicity for justice-involved populations. We therefore compiled estimates for these populations but present them with the caveat that these figures likely undercount the true rate of Latinx disenfranchisement in many states. Although data on Latinx ethnicity in correctional populations are still unevenly reported, we can conservatively estimate that over 560,000 Latinx

Figure 6. Latinx Felony Disenfranchisement Rates (Available Data), 2020



Americans (over 2 percent of the voting eligible population) are disenfranchised. In Arizona and Tennessee over 7 percent of the Latinx voters are disenfranchised due to felony-level convictions. Even with the likely undercounting, 34 states report a higher rate of disenfranchisement in the Latinx population than in the general population. Many of those disenfranchised today were convicted at a time when the Latinx population was significantly smaller than it is today. Because the overall U.S. Latinx population has quadrupled since 1980, we anticipate that Latinx disenfranchisement will comprise an increasing share of those disenfranchised due to felony convictions in coming years.

SEX AND DISENFRANCHISEMENT

To estimate the percentage of disenfranchised male and female voters, we compiled national prison, probation, parole and jail statistics, and prepared a national life table to obtain the post-sentence sex distribution. By this method, we estimate that approximately 1.24 million women are disenfranchised in 2020, making up over one-fifth of the total disenfranchised population.

RECENT CHANGES

The total disenfranchisement rate in 2020 (2.27 percent) shows a small decline relative to the figures our team reported in 2016 (2.47 percent) and 2006 (2.42 percent), due in part to state changes in disenfranchisement policy and population growth. Our estimates for African American disenfranchisement in 2020 are also lower than those for 2016: 6.26 percent, versus 7.44 percent in 2016, 7.66 percent in 2010, and 8.25 percent in 2004. For the 2020 estimates, we used the American Community Survey to obtain denominators for the African American voting eligible population. For 2020, 2016 and 2010, we used race-specific recidivism rates (resulting in a higher rate for African Americans) that more accurately reflect current scholarship on recidivism. This results in a higher rate of attrition in our life tables, but produces a more conservative and, we believe, more accurate portrait of the number of disenfranchised African Americans. Though lower than in 2004, the 6.26 percent rate of disenfranchisement for African Americans remains 3.7 times greater than the non-African American rate of 1.69 percent.

Given the size of Florida's disenfranchised population, we also note our estimation procedure for this state. Based on a state-specific recidivism report in 1999, our 2004 estimates included much higher recidivism rates for African Americans in Florida (up to 88 percent lifetime). A 2010 report from the Florida Department of Corrections shows that rates of recidivism for African Americans are now more closely in line with the national rates we apply to other states. In light of this more recent evidence, we apply our national rate of recidivism for African Americans (up to 73 percent lifetime) to Florida's African American population with prior felony convictions from 2005 onward.

As detailed in the notes to Table 1, there have been numerous significant changes in state disenfranchisement policies since our last report in 2016. States have advanced a diversity of reform measures. Perhaps most

notably, Florida voters passed Amendment 4 in 2018, which should have reenfranchised most people who have completed their sentences (with some offenses exempted). We estimate that almost 900,000 people who owe outstanding legal financial obligations (fines, fees, and restitution) remain disenfranchised. Wyoming in 2017 restored voting rights after five years to people who complete sentences for first-time, non-violent felony convictions. Governors in Iowa (2020) and Kentucky (2019) issued executive orders restoring civil rights to people who had completed their sentences, and the New York governor (2018) restored voting rights to people on parole. In Virginia (2016), Governor McAuliffe issued an executive order that would have reenfranchised 200,000 people, but was invalidated by the Virginia Supreme Court, which held that such reenfranchisement required individual action. After this decision, Governor McAuliffe signed individual restorations for 173,000 people. California restored voting rights to people serving time for felony convictions in jails (though not prisons) in 2016. Colorado and Nevada authorized voting rights for residents on parole in 2019. Maryland (2016), Louisiana (2019), and New Jersey (2019) reenfranchised people serving probation and parole terms.

RESTORATION OF VOTING RIGHTS

States typically provide some limited mechanism for disenfranchised persons to restore their right to vote. These vary greatly in scope, eligibility requirements, and reporting practices. It is thus difficult to obtain consistent information about the rate and number of disenfranchised Americans whose rights are restored through these generally administrative procedures. Nevertheless, we contacted each of the appropriate state agencies by email and phone and compiled the information they made available to us in Table 2. These numbers provide some information about the frequency of state restoration of rights – outside of law changes regarding eligibility – in those 11 states that disenfranchise beyond sentence completion.

We subtracted all known restorations of civil rights (including full pardons) from each state’s total disenfranchised post-sentence figure. Even accounting for these restorations, it is clear that restoration of voting rights is rare in most states. In the states reporting the greatest number of restorations since 2016 – Iowa, Kentucky, and Virginia – the changes have come largely through executive rather than legislative action. Indeed, some states have significantly curtailed restoration efforts since 2016, including Florida. Table 2 shows restorations of voting rights from 2016 to the most recent year available (for restorations in previous years, see Uggen, Larson, and Shannon, 2016).

Table 2. Restoration of Voting Rights Since 2016 in States that Disenfranchise Residents Post-Sentence

State	Restorations
Alabama	3,493
Arizona	1 ³
Delaware	1,676
Florida	3,250
Iowa	45,376
Kentucky	181,361
Mississippi	26
Nebraska	44
Tennessee	3,415 ⁴
Virginia	195,371
Wyoming	0

3. In Arizona, the 1 restoration listed is a pardon by the state’s governor. We caution that our data may be incomplete. Restoration of voting rights may be processed at the court level in Arizona but, to our knowledge, these data have not yet been compiled at the state level.
4. Number of restorations in Tennessee was updated on 10/26/20, based on information provided by the Tennessee Secretary of State’s Office. We incorporated these figures in revised estimates in Tables 2, 3, 4, and 5, updating the overall numbers to take account of the new restoration figures and making a proportionality assumption to distribute these restorations across racial and ethnic groups. In the course of these updates, we also made a minor adjustment in how we treat Tennessee convictions prior to 1973, but these have a very small impact on the 2020 numbers.

SUMMARY

This report provides new state-level estimates on felony disenfranchisement for 2020 in the United States to update those provided by Uggen, Larson, and Shannon (2016) for previous years. In Tables 3 and 4, we provide state-specific point estimates of the disenfranchised population and African American disenfranchised population, subject to the caveats described below.

Despite significant legal changes in recent decades, about 5.2 million Americans are disenfranchised in 2020. When we break these figures down by race and ethnicity, it is clear that disparities in the criminal justice system are linked to disparities in political representation. The distribution of disenfranchised individuals shown in Figure 1 also bears repeating: about one-fourth of this population is currently incarcerated, and about 4 million adults who live in their communities are banned from voting. Of this total, 1.3 million are African Americans.

In addition, the prison, probation, parole, and jail populations we report for 2020 are also estimated, based on year-end 2018 data and the recent state-specific trends in each state. In other work, we have presented figures that adjust or “bound” these estimates by assuming different levels of recidivism, inter-state mobility, and state-specific variation.

With these caveats in mind, the results reported here present our best account of the prevalence of U.S. disenfranchisement in 2020. These estimates will be adjusted if and when we discover errors or omissions in the data compiled from individual states, U.S. Census and Bureau of Justice Statistics sources, or in our own spreadsheets and estimation procedures.

It’s clear that disparities in the criminal justice system are linked to disparities in political representation

CAVEATS

We have taken care to produce estimates of current populations and “post-sentence” populations that are reliable and valid by social science standards. Nevertheless, readers should bear in mind that our state-specific figures for the 11 states that bar individuals from voting after they have completed their sentences remain point estimates rather than actual head counts.

Table 3. Estimates of Disenfranchised Individuals with Felony Convictions, 2020

State	Prison	Parole	Felony Probation	Jail	Post-sentence	Total	VAP	% Disenfranchised
Alabama	25,370	11,302	31,334	1,486	258,706	328,198	3,671,110	8.94
Alaska	4,342	1,003	188	8		5,541	530,385	1.04
Arizona	41,955	7,534	56,117	1,337	126,873	233,816	4,812,764	4.86
Arkansas	17,269	26,595	42,468	855		87,187	2,195,870	3.97
California	123,930	119,252				243,181	25,232,634	0.96
Colorado	21,251			1,356		22,607	3,979,325	0.57
Connecticut	12,990	7,134				20,124	2,600,979	0.77
Delaware	5,380	317	3,229		2,599	11,524	704,108	1.64
Florida	95,634	4,201	137,053	5,788	889,817	1,132,493	14,724,113	7.69
Georgia	53,607	19,206	197,627	4,650		275,089	7,254,693	3.79
Hawaii	4,899					4,899	1,016,556	0.48
Idaho	8,837	5,613	17,621	429		32,500	1,192,742	2.72
Illinois	37,115			1,890		39,005	9,055,187	0.43
Indiana	28,668			1,991		30,659	4,876,218	0.63
Iowa	10,262	7,014	11,581	447	4,923	34,227	2,312,666	1.48
Kansas	10,731	5,764	4,032	729		21,256	2,077,566	1.02
Kentucky	23,209	15,003	29,509	2,354	127,597	197,672	3,338,198	5.92
Louisiana	29,871	39,499	4,389	3,165		76,924	3,452,767	2.23
Maine						0	1,059,542	0.00
Maryland	17,874			904		18,778	4,262,388	0.44
Massachusetts	7,873			1,084		8,956	4,964,686	0.18
Michigan	37,012			1,806		38,819	7,472,668	0.52
Minnesota	8,988	8,097	46,932	683		64,700	4,037,295	1.60
Mississippi	19,624	10,887	26,272	1,488	176,881	235,152	2,228,659	10.55
Missouri	26,353	22,902	44,916	1,314		95,485	4,585,994	2.08
Montana	3,903			319		4,221	804,263	0.52
Nebraska	5,865	910	5,759	376	9,485	22,396	1,358,786	1.65
Nevada	13,581			816		14,397	1,973,652	0.73
New Hampshire	2,735			170		2,905	1,048,201	0.28
New Jersey	18,924			973		19,896	6,117,615	0.33
New Mexico	6,563	2,870	8,384	634		18,451	1,485,490	1.24
New York	41,461			2,882		44,343	13,686,685	0.32
North Carolina	32,091	15,078	34,630	2,037		83,837	7,413,181	1.13
North Dakota	1,640			180		1,821	562,632	0.32
Ohio	48,400			2,002		50,402	8,797,915	0.57
Oklahoma	26,861	1,778	27,033	1,323		56,995	2,819,168	2.02
Oregon	15,368			503		15,871	3,002,261	0.53
Pennsylvania	45,125			3,699		48,823	9,748,290	0.50
Rhode Island	2,588					2,588	789,062	0.33
South Carolina	17,400	5,739	20,265	1,180		44,584	3,731,348	1.19
South Dakota	3,904	3,818	5,421	196		13,339	635,405	2.10
Tennessee	21,713	9,937	56,687	2,787	360,103	451,227	4,964,909	9.09
Texas	165,861	109,337	217,621	7,655		500,474	17,859,496	2.80
Utah	7,078			909		7,987	1,982,911	0.40
Vermont						0	494,674	0.00
Virginia	35,684	2,203	64,469	3,286	260,424	366,065	6,096,244	6.00
Washington	19,260	13,558	10,848	1,423		45,090	5,173,974	0.87
West Virginia	6,183	5,786	4,734	570		17,274	1,442,035	1.20
Wisconsin	24,304	21,417	22,295	1,329		69,344	4,347,413	1.60
Wyoming	2,689	1,038	4,317	151	3,208	11,403	432,284	2.64
Total	1,242,223	504,792	1,135,731	69,165	2,225,868	5,177,780	228,407,007	2.27

Table 4. Estimates of Disenfranchised Black Americans with Felony Convictions, 2020

State	Prison	Parole	Felony Probation	Jail	Post-sentence	Total	VAP	% Disenfranchised
Alabama	13,309	6,739	10,421	770	118,478	149,716	962,519	15.55
Alaska	443	91	16	0		551	17,254	3.19
Arizona	6,112	910	6,559	255	13,078	26,914	212,026	12.69
Arkansas	7,060	9,829	12,158	356		29,403	331,460	8.87
California	35,159	15,201				50,360	1,711,799	2.94
Colorado	3,669			407		4,076	155,659	2.62
Connecticut	5,479	2,633				8,111	254,176	3.19
Delaware	3,208	173	1,365		3,094	7,839	150,907	5.19
Florida	44,842	2,245	33,915	2,366	255,066	338,433	2,194,488	15.42
Georgia	32,109	10,577	101,003	1,911		145,601	2,322,275	6.27
Hawaii	219					219	21,173	1.03
Idaho	242	169	177	18		606	6,563	9.24
Illinois	20,510			1,023		21,533	1,340,632	1.61
Indiana	9,440			398		9,838	431,560	2.28
Iowa	2,613	1,328	2,026	115	1,180	7,263	63,856	11.37
Kansas	2,912	1,530	1,094	204		5,740	118,653	4.84
Kentucky	4,882	3,018	5,092	516	25,157	38,665	256,024	15.10
Louisiana	20,008	23,669	2,630	1,644		47,951	1,087,270	4.41
Maine						0	7,846	0.00
Maryland	12,527			783		13,310	1,285,703	1.04
Massachusetts	2,153			264		2,417	313,707	0.77
Michigan	19,783			1,036		20,820	1,009,883	2.06
Minnesota	3,221	2,150	7,705	256		13,333	184,269	7.24
Mississippi	12,225	6,444	15,082	770	95,980	130,501	817,493	15.96
Missouri	8,786	6,875	10,066	502		26,229	509,168	5.15
Montana	101			8		108	3,234	3.35
Nebraska	1,627	202	735	94	3,468	6,126	57,843	10.59
Nevada	4,215			220		4,435	184,740	2.40
New Hampshire	178			18		197	12,277	1.60
New Jersey	11,579			452		12,031	841,994	1.43
New Mexico	463	169	392	70		1,095	31,136	3.52
New York	20,015	0		1,388		21,402	2,095,434	1.02
North Carolina	16,560	7,452	14,838	1,140		39,989	1,625,122	2.46
North Dakota	182			29		211	10,287	2.06
Ohio	21,750			782		22,532	1,028,789	2.19
Oklahoma	6,767	658	3,489	325		11,240	205,844	5.46
Oregon	1,402			47		1,449	52,290	2.77
Pennsylvania	20,903			1,454		22,357	1,009,279	2.22
Rhode Island	751					751	42,294	1.78
South Carolina	10,363	3,571	9,867	700		24,501	1,002,736	2.44
South Dakota	302	220	419	22		962	6,999	13.75
Tennessee	9,177	4,183	19,549	1,045	141,043	174,997	814,576	21.48
Texas	54,153	38,598	43,854	2,321		138,926	2,372,001	5.86
Utah	477			65		542	19,111	2.84
Vermont						0	4,750	0.00
Virginia	19,785	1,486	27,640	1,724	139,970	190,605	1,195,603	15.94
Washington	3,394	2,121	673	259		6,447	180,900	3.56
West Virginia	786	569	387	170		1,912	51,252	3.73
Wisconsin	10,165	7,330	4,450	427		22,371	249,187	8.98
Wyoming	134	47	97	15	1,048	1,341	3,702	36.22
Total	486,138	160,186	335,701	26,372	798,933	1,807,329	28,867,743	6.26

Table 5. Estimates of Disenfranchised Latinx Americans with Felony Convictions, 2020

State	Prison	Parole	Felony Probation	Jail	Post-sentence	Total	VAP	% Disenfranchised
Alabama	261	49	322	60	2,254	2,947	70,238	4.20
Alaska	124	37	7	0		167	29,913	0.56
Arizona	16,255	2,858	18,559	364	39,797	77,832	1,092,101	7.13
Arkansas	552	974	1,615	56		3,197	74,003	4.32
California	54,660	23,230				77,890	7,374,123	1.06
Colorado	6,688			387		7,075	605,212	1.17
Connecticut	3,465	1,797				5,261	300,896	1.75
Delaware	260	8	186		327	781	37,159	2.10
Florida	12,000	409	18,544	749	59,113	90,816	2,854,688	3.18
Georgia	2,118	1,114	5,013	306		8,551	324,368	2.64
Hawaii	225					225	85,884	0.26
Idaho	1,352	994	1,149	146		3,642	91,366	3.99
Illinois	4,780			245		5,025	987,195	0.51
Indiana	1,147			152		1,298	186,226	0.70
Iowa	655	629	914	48	569	2,815	73,841	3.81
Kansas	1,329	649	500	113		2,592	138,716	1.87
Kentucky	317	160	369	71	2,512	3,429	54,997	6.23
Louisiana	31	137	15	63		247	102,494	0.24
Maine						0	12,978	0.00
Maryland	664			100		763	213,436	0.36
Massachusetts	2,075			328		2,403	411,760	0.58
Michigan	356			113		470	242,530	0.19
Minnesota	535	586	2,792	76		3,989	107,405	3.71
Mississippi	180	128	270	39	1,101	1,719	35,809	4.80
Missouri	478	462	769	84		1,794	113,614	1.58
Montana	77			19		95	22,735	0.42
Nebraska	819	84	809	75	2,705	4,493	77,167	5.82
Nevada	2,833			189		3,021	363,507	0.83
New Hampshire	172			18		191	26,645	0.72
New Jersey	2,962			194		3,156	878,964	0.36
New Mexico	3,914	1,743	4,330	602		10,589	626,184	1.69
New York	10,066			616		10,682	1,955,580	0.55
North Carolina	1,742	684	1,328	137		3,890	291,933	1.33
North Dakota	101			22		123	14,496	0.85
Ohio	1,363			89		1,452	220,859	0.66
Oklahoma	2,001	211	1,534	199		3,945	152,914	2.58
Oregon	1,883			73		1,956	213,432	0.92
Pennsylvania	4,369			491		4,860	482,098	1.01
Rhode Island	620					620	78,894	0.79
South Carolina	416	62	315	21		814	99,565	0.82
South Dakota	144	148	200	4		496	14,449	3.44
Tennessee	461	307	1,722	90	9,174	11,754	111,238	10.57
Texas	55,066	32,571	85,062	2,480		175,180	5,243,729	3.34
Utah	1,413			196		1,609	165,480	0.97
Vermont						0	7,475	0.00
Virginia	979	13	1,213	101	5,066	7,372	314,949	2.34
Washington	2,508	933	171	203		3,815	366,411	1.04
West Virginia	24	18	36	18		95	15,805	0.60
Wisconsin	1,906	1,928	1,171	95		5,100	164,926	3.09
Wyoming	346	123	390	17	248	1,125	29,769	3.78
Total	206,692	73,047	149,307	9,452	122,989	561,486	27,560,156	2.04

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Locked Out 2020: Estimates of People Denied Voting Rights Due to a Felony Conviction

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October 2020



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EXHIBIT 6

Scenario 1 priority values based on the basis-of-representation and compared to the Census Bureau's priority values from Exhibit 2

State	Seat number	Priority value	Census Bureau's priority values from Exhibit 2	Priority values subtracted
California	2	27984993.2521	27984993.2520723	-0.00003
Texas	2	20635702.2563	20635702.2563336	0.00005
California	3	16157143.3874	16157143.3873536	0.00003
Florida	2	15252665.9155	15252665.9154676	0.00002
New York	2	14294694.6189	14294694.6188788	-0.00001
Texas	3	11914028.2526	11914028.2526111	0.00000
California	4	11424825.6538	11424825.6538011	-0.00004
Pennsylvania	2	9200763.1281	9200763.1281415	0.00001
Illinois	2	9067045.7003	9067045.7002852	0.00000
California	5	8849631.8981	8849631.8980991	0.00005
Florida	3	8806130.7722	8806130.7721545	0.00003
Texas	4	8424490.1687	8424490.1686694	0.00000
Ohio	2	8350116.4988	8350116.4988012	0.00001
New York	3	8253045.7862	8253045.7861931	0.00002
Georgia	2	7583913.9755	7583913.9754838	0.00003
North Carolina	2	7392057.5210	7392057.5209716	0.00003
California	6	7225694.1873	7225694.1872670	0.00002
Michigan	2	7130777.3227	7130777.3226825	0.00001
New Jersey	2	6572199.0280	6572199.0279909	-0.00001
Texas	5	6525582.0247	6525582.0247090	-0.00001
Florida	4	6226874.7850	6226874.7850060	0.00004
Virginia	2	6119685.3363	6119685.3362638	-0.00004
California	7	6106826.1857	6106826.1857356	0.00004
New York	4	5835784.6409	5835784.6408602	0.00003
Washington	2	5455997.7399	5455997.7398692	-0.00004
Texas	6	5328115.4117	5328115.4117384	0.00002
Pennsylvania	3	5312063.0688	5312063.0687824	-0.00004
California	8	5288666.6133	5288666.6133430	-0.00001
Illinois	3	5234861.2758	5234861.2758143	0.00001
Arizona	2	5062122.9993	5062122.9992924	0.00003
Massachusetts	2	4973413.6252	4973413.6251654	0.00003
Tennessee	2	4890984.7735	4890984.7734689	-0.00005
Florida	5	4823316.4682	4823316.4682495	-0.00005
Ohio	3	4820942.0083	4820942.0083476	0.00004
Indiana	2	4801453.0342	4801453.0341554	-0.00001
California	9	4664165.5420	4664165.5420121	-0.00002
New York	5	4520379.3452	4520379.3452210	-0.00002
Texas	7	4503079.4099	4503079.4099152	0.00004

Georgia	3	4378574.7753	4378574.7752565	-0.00002
Maryland	2	4373652.0173	4373652.0173240	-0.00001
Missouri	2	4355976.4691	4355976.4691147	0.00000
North Carolina	3	4267806.3996	4267806.3995981	0.00000
California	10	4171756.4841	4171756.4841006	0.00004
Wisconsin	2	4170143.1502	4170143.1501646	0.00002
Michigan	3	4116956.2068	4116956.2067819	0.00002
Colorado	2	4088612.3241	4088612.3240802	0.00001
Minnesota	2	4037404.3581	4037404.3580935	0.00004
Florida	6	3938221.4051	3938221.4050582	-0.00005
Texas	8	3899781.1642	3899781.1642452	0.00002
New Jersey	3	3794460.8780	3794460.8779783	-0.00002
California	11	3773495.7203	3773495.7203164	-0.00003
Pennsylvania	4	3756195.8180	3756195.8180267	0.00000
Illinois	4	3701605.9067	3701605.9066991	0.00003
New York	6	3690874.2799	3690874.2798693	-0.00003
South Carolina	2	3623718.6068	3623718.6068281	-0.00003
Alabama	2	3556784.5860	3556784.5860277	-0.00005
Virginia	3	3533201.9762	3533201.9762477	-0.00004
California	12	3444714.5444	3444714.5444442	0.00001
Texas	9	3439283.7094	3439283.7093890	-0.00001
Ohio	4	3408920.7858	3408920.7858097	-0.00005
Florida	7	3328404.5765	3328404.5765477	0.00002
Louisiana	2	3296155.6331	3296155.6330841	0.00001
Kentucky	2	3188586.3069	3188586.3068893	0.00000
California	13	3168676.5160	3168676.5160011	-0.00001
Washington	3	3150021.7638	3150021.7638115	0.00000
New York	7	3119358.1013	3119358.1012995	-0.00002
Georgia	4	3096119.9155	3096119.9155162	-0.00004
Texas	10	3076188.8672	3076188.8672406	-0.00005
North Carolina	4	3017794.8459	3017794.8459471	0.00000
Oregon	2	2999193.4124	2999193.4124028	0.00001
California	14	2933624.4082	2933624.4081912	-0.00001
Arizona	3	2922618.0763	2922618.0763124	0.00004
Michigan	4	2911127.6517	2911127.6516636	0.00004
Pennsylvania	5	2909536.7697	2909536.7696623	0.00004
Florida	8	2882482.9174	2882482.9173627	0.00002
Massachusetts	3	2871401.6953	2871401.6952806	0.00003
Illinois	5	2867251.6062	2867251.6061738	0.00004
Tennessee	3	2823811.3756	2823811.3755646	-0.00004
Oklahoma	2	2802629.0409	2802629.0409414	-0.00001
Texas	11	2782517.5246	2782517.5246105	0.00003
Indiana	3	2772120.2018	2772120.2017709	-0.00002
California	15	2731055.6956	2731055.6956163	-0.00003
New York	8	2701443.3592	2701443.3592261	0.00003

New Jersey	4	2683089.0178	2683089.0177655	0.00000
Ohio	5	2640538.6864	2640538.6863963	0.00000
California	16	2554668.6793	2554668.6792983	-0.00004
Connecticut	2	2551451.9843	2551451.9843419	-0.00001
Florida	9	2542110.9859	2542110.9859113	-0.00004
Texas	12	2540079.3581	2540079.3581377	-0.00004
Maryland	3	2525129.1695	2525129.1695437	-0.00003
Missouri	3	2514924.1870	2514924.1870270	-0.00001
Virginia	4	2498351.0767	2498351.0767064	-0.00001
Wisconsin	3	2407633.2703	2407633.2703068	0.00002
California	17	2399693.3740	2399693.3739764	-0.00003
Georgia	5	2398244.1741	2398244.1741311	-0.00005
New York	9	2382449.1031	2382449.1031465	-0.00001
Pennsylvania	6	2375626.8245	2375626.8245128	-0.00002
Colorado	3	2360561.4259	2360561.4259197	0.00000
Illinois	6	2341101.1331	2341101.1331005	-0.00002
North Carolina	5	2337573.8361	2337573.8361248	-0.00003
Texas	13	2336533.1748	2336533.1748291	0.00003
Minnesota	3	2330996.4930	2330996.4929726	0.00001
Utah	2	2315952.8993	2315952.8992948	-0.00004
Florida	10	2273733.1883	2273733.1883387	-0.00001
California	18	2262452.6100	2262452.6100095	0.00000
Iowa	2	2257371.9309	2257371.9309006	-0.00002
Michigan	5	2254949.7827	2254949.7827154	0.00002
Washington	4	2227401.7501	2227401.7500763	0.00004
Nevada	2	2198014.5593	2198014.5592607	-0.00004
Texas	14	2163209.3770	2163209.3770423	-0.00005
Ohio	6	2155990.8092	2155990.8092500	-0.00003
California	19	2140065.9214	2140065.9214290	-0.00004
Arkansas	2	2131047.3044	2131047.3044417	-0.00003
New York	10	2130927.2590	2130927.2590276	0.00005
Mississippi	2	2095803.6883	2095803.6882538	-0.00002
South Carolina	3	2092154.9131	2092154.9131196	0.00005
Kansas	2	2079505.5841	2079505.5840542	-0.00004
New Jersey	5	2078311.8164	2078311.8164396	0.00002
Arizona	4	2066603.0606	2066603.0605789	0.00002
Florida	11	2056669.0525	2056669.0524812	0.00001
Alabama	3	2053510.5382	2053510.5381926	-0.00004
Massachusetts	4	2030387.6102	2030387.6102434	0.00001
California	20	2030244.7964	2030244.7963868	-0.00003
Texas	15	2013838.3337	2013838.3337301	0.00002
Pennsylvania	7	2007771.1184	2007771.1183841	0.00005
Tennessee	4	1996736.1725	1996736.1724534	0.00001
Illinois	7	1978591.5834	1978591.5833895	-0.00004
Indiana	4	1960184.9929	1960184.9929364	-0.00001

Georgia	6	1958158.1684	1958158.1684079	-0.00001
Virginia	5	1935214.4226	1935214.4226127	0.00003
California	21	1931148.0022	1931148.0021685	0.00000
New York	11	1927496.2292	1927496.2292004	0.00004
North Carolina	6	1908621.0449	1908621.0448621	0.00005
Louisiana	3	1903036.3421	1903036.3420520	0.00001
Texas	16	1883773.2693	1883773.2692923	-0.00004
Florida	12	1877473.3889	1877473.3889446	0.00004
California	22	1841277.3744	1841277.3743637	0.00005
Michigan	6	1841158.7878	1841158.7877509	-0.00002
Kentucky	3	1840931.1626	1840931.1626169	0.00001
Ohio	7	1822144.8056	1822144.8055931	0.00004
Maryland	4	1785535.9592	1785535.9591563	-0.00002
Missouri	4	1778319.9468	1778319.9468169	0.00001
Texas	17	1769496.8702	1769496.8701915	-0.00003
New York	12	1759555.2737	1759555.2737320	-0.00003
California	23	1759401.4515	1759401.4515347	-0.00001
Pennsylvania	8	1738780.7935	1738780.7935053	0.00000
Oregon	3	1731585.1240	1731585.1240025	0.00004
Florida	13	1727024.3326	1727024.3325563	0.00003
Washington	5	1725337.9767	1725337.9766718	-0.00003
Illinois	8	1713510.5749	1713510.5749294	-0.00004
Wisconsin	4	1702453.8120	1702453.8120443	-0.00002
New Jersey	6	1696934.4922	1696934.4922247	-0.00003
California	24	1684498.6431	1684498.6431252	0.00002
Colorado	4	1669168.9917	1669168.9916752	0.00003
Texas	18	1668297.6483	1668297.6482678	0.00004
Georgia	7	1654945.7075	1654945.7074613	0.00000
Minnesota	4	1648263.4271	1648263.4271030	-0.00001
New York	13	1618555.4427	1618555.4427066	-0.00003
Oklahoma	3	1618098.6312	1618098.6312262	-0.00004
California	25	1615714.3387	1615714.3387355	-0.00003
North Carolina	7	1613079.1967	1613079.1967295	0.00003
Arizona	5	1600783.8474	1600783.8473687	0.00002
Florida	14	1598913.8399	1598913.8398770	-0.00003
Virginia	6	1580095.9594	1580095.9594253	0.00004
Texas	19	1578051.5924	1578051.5923571	-0.00002
Ohio	8	1578023.6910	1578023.6910175	0.00004
Massachusetts	5	1572731.4802	1572731.4801638	0.00000
Michigan	7	1556063.1831	1556063.1830984	-0.00003
California	26	1552328.1248	1552328.1248287	-0.00004
Tennessee	5	1546665.1885	1546665.1885364	0.00004
Pennsylvania	9	1533460.5214	1533460.5213569	-0.00003
Indiana	5	1518352.7666	1518352.7666257	0.00002
Illinois	9	1511174.2834	1511174.2833809	-0.00001

New Mexico	2	1499221.9396	1499221.9396073	0.00005
New York	14	1498491.1615	1498491.1614541	-0.00003
Texas	20	1497071.1891	1497071.1891312	0.00003
California	27	1493728.4346	1493728.4345674	0.00004
Florida	15	1488507.7780	1488507.7779565	0.00004
South Carolina	4	1479376.9264	1479376.9263596	0.00002
Connecticut	3	1473081.4900	1473081.4899842	0.00001
Alabama	4	1452051.2268	1452051.2267940	-0.00002
California	28	1439392.7358	1439392.7358206	0.00000
New Jersey	7	1434171.4061	1434171.4060992	-0.00005
Georgia	8	1433225.0245	1433225.0245455	0.00001
Texas	21	1423998.7420	1423998.7419940	0.00000
Washington	6	1408732.5589	1408732.5588973	0.00002
North Carolina	8	1396967.5627	1396967.5626839	-0.00003
New York	15	1395019.3521	1395019.3521342	0.00003
Florida	16	1392371.5307	1392371.5306653	-0.00003
Ohio	9	1391686.0831	1391686.0831336	0.00004
California	29	1388871.8952	1388871.8951648	-0.00003
Nebraska	2	1388286.0780	1388286.0780273	0.00003
Maryland	5	1383070.2068	1383070.2067734	0.00005
Missouri	5	1377480.7077	1377480.7076500	-0.00003
Pennsylvania	10	1371568.7866	1371568.7866266	-0.00002
Texas	22	1357729.5276	1357729.5276239	0.00000
Illinois	10	1351635.3694	1351635.3693957	0.00004
Michigan	8	1347590.2465	1347590.2464569	-0.00001
Louisiana	4	1345649.9023	1345649.9023094	0.00003
California	30	1341777.7257	1341777.7256685	-0.00004
Utah	3	1337116.0298	1337116.0298383	0.00001
Virginia	7	1335424.8230	1335424.8229876	-0.00005
Wisconsin	5	1318715.0523	1318715.0523470	0.00002
Florida	17	1307905.3121	1307905.3120770	0.00002
Arizona	6	1307034.5382	1307034.5381809	0.00000
New York	16	1304921.1159	1304921.1159013	0.00003
Iowa	3	1303294.2920	1303294.2919666	-0.00002
Idaho	2	1302050.1634	1302050.1634209	0.00002
Kentucky	4	1301734.9088	1301734.9087840	0.00004
California	31	1297772.9869	1297772.9868573	0.00004
Texas	23	1297355.4854	1297355.4853562	0.00005
Colorado	5	1292932.7414	1292932.7413528	0.00003
Massachusetts	6	1284129.8763	1284129.8762711	0.00003
Minnesota	5	1276739.3607	1276739.3606665	-0.00003
West Virginia	2	1269288.4920	1269288.4920350	0.00003
Nevada	3	1269024.2975	1269024.2974719	0.00002
Georgia	9	1263985.6626	1263985.6625807	0.00002
Tennessee	6	1262846.8383	1262846.8382800	-0.00001

California	32	1256563.2913	1256563.2913140	0.00001
Ohio	10	1244761.8741	1244761.8740908	0.00002
Texas	24	1242123.3101	1242123.3100764	0.00004
New Jersey	8	1242028.8711	1242028.8710631	-0.00001
Pennsylvania	11	1240630.6471	1240630.6471100	0.00001
Indiana	6	1239729.8426	1239729.8425921	0.00004
Florida	18	1233104.9538	1233104.9537594	-0.00003
North Carolina	9	1232009.5868	1232009.5868286	0.00002
Arkansas	3	1230360.7349	1230360.7348752	0.00001
New York	17	1225759.9511	1225759.9510909	0.00002
Oregon	4	1224415.5834	1224415.5833839	-0.00002
Illinois	11	1222600.1928	1222600.1928161	-0.00001
California	33	1217890.5068	1217890.5068141	0.00002
Mississippi	3	1210012.8236	1210012.8235819	-0.00004
Kansas	3	1200603.1087	1200603.1087350	0.00004
Texas	25	1191402.8253	1191402.8252612	-0.00003
Washington	7	1190596.3159	1190596.3159266	-0.00001
Michigan	9	1188462.8871	1188462.8871138	0.00002
California	34	1181527.3412	1181527.3411841	-0.00003
Florida	19	1166400.5148	1166400.5148265	0.00005
Virginia	8	1156511.8216	1156511.8215516	0.00000
New York	18	1155657.5647	1155657.5646977	0.00002
California	35	1147272.8697	1147272.8696827	-0.00001
South Carolina	5	1145920.4397	1145920.4397109	0.00002
Texas	26	1144662.8091	1144662.8090835	0.00003
Oklahoma	4	1144168.5148	1144168.5147687	0.00001
Pennsylvania	12	1132535.6516	1132535.6515906	-0.00005
Georgia	10	1130543.1456	1130543.1456462	-0.00001
Maryland	6	1129272.0950	1129272.0950135	-0.00001
Ohio	11	1125929.4790	1125929.4790088	-0.00004
Alabama	5	1124754.0438	1124754.0438427	0.00001
Missouri	6	1124708.2881	1124708.2880902	-0.00003
Illinois	12	1116076.1740	1116076.1740259	0.00000
California	36	1114948.8189	1114948.8188969	0.00005
Florida	20	1106544.6873	1106544.6872535	-0.00002
Arizona	7	1104645.8010	1104645.8010207	-0.00003
North Carolina	10	1101942.8740	1101942.8740321	0.00001
Texas	27	1101452.3016	1101452.3015927	0.00003
New Jersey	9	1095366.5047	1095366.5046652	-0.00002
New York	19	1093142.6188	1093142.6188153	0.00005
Massachusetts	7	1085287.8286	1085287.8285545	-0.00004
California	37	1084396.4619	1084396.4619384	0.00004
Wisconsin	6	1076726.3315	1076726.3314592	-0.00004
Tennessee	7	1067300.3784	1067300.3784427	-0.00003
Michigan	10	1062993.5217	1062993.5217288	0.00004

Texas	28	1061385.9957	1061385.9956577	0.00002
Colorado	6	1055675.1627	1055675.1626841	-0.00005
California	38	1055474.0107	1055474.0107487	-0.00004
Florida	21	1052533.9436	1052533.9436420	0.00002
Indiana	7	1047762.9512	1047762.9511806	-0.00002
Minnesota	6	1042453.3227	1042453.3227201	0.00001
Louisiana	5	1042335.9323	1042335.9322940	0.00004
Pennsylvania	13	1041781.2787	1041781.2786599	-0.00001
Connecticut	4	1041625.9108	1041625.9108082	0.00004
New York	20	1037046.1449	1037046.1448572	0.00004
Hawaii	2	1032472.7742	1032472.7741614	-0.00004
Washington	8	1031086.6552	1031086.6552446	0.00004
California	39	1028054.4151	1028054.4150589	0.00001
Ohio	12	1027828.2897	1027828.2896886	0.00000
Illinois	13	1026640.7614	1026640.7613972	-0.00002
Texas	29	1024132.7072	1024132.7072212	-0.00004
Georgia	11	1022614.7518	1022614.7518409	-0.00004
Virginia	9	1019947.5560	1019947.5560440	0.00002
Kentucky	5	1008319.5246	1008319.5245795	0.00003
Florida	22	1003551.7392	1003551.7391736	0.00001
California	40	1002023.4959	1002023.4958850	0.00001
North Carolina	11	996744.8328	996744.8327919	-0.00003
Texas	30	989406.1932	989406.1932291	0.00002
New York	21	986427.6438	986427.6437805	0.00002
New Jersey	10	979725.5859	979725.5858831	-0.00001
California	41	977278.3557	977278.3557077	0.00004
New Hampshire	2	975163.1838	975163.1837598	0.00005
Pennsylvania	14	964502.0474	964502.0473501	0.00000
Maine	2	964198.0789	964198.0789039	-0.00004
Michigan	11	961513.8180	961513.8180417	0.00000
Florida	23	958926.8902	958926.8901989	0.00004
Texas	31	956957.7778	956957.7777588	0.00003
Arizona	8	956651.3259	956651.3258677	-0.00005
Maryland	7	954409.1158	954409.1158468	-0.00003
California	42	953726.0186	953726.0186260	-0.00001
Missouri	7	950551.9950	950551.9950078	-0.00005
Illinois	14	950484.6521	950484.6521474	0.00004
Oregon	5	948428.2327	948428.2326565	-0.00003
Utah	4	945483.8119	945483.8119319	0.00000
Ohio	13	945464.5144	945464.5144024	-0.00004
New York	22	940521.8553	940521.8553423	-0.00005
Massachusetts	8	939886.8299	939886.8299463	-0.00004
South Carolina	6	935640.1210	935640.1210392	0.00000
Georgia	12	933515.2787	933515.2787013	0.00001
California	43	931282.2626	931282.2625944	0.00003

Texas	32	926570.3841	926570.3840709	0.00000
Tennessee	8	924309.2412	924309.2412001	-0.00003
Iowa	4	921568.2317	921568.2317313	0.00002
Alabama	6	918357.8312	918357.8311822	-0.00003
Florida	24	918102.5990	918102.5990330	-0.00002
Virginia	10	912268.8275	912268.8275197	-0.00001
Wisconsin	7	909999.8402	909999.8402110	0.00004
North Carolina	12	909899.3817	909899.3816614	-0.00001
California	44	909870.6128	909870.6128069	-0.00004
Washington	9	909332.9566	909332.9566449	0.00003
Indiana	8	907389.3329	907389.3328665	0.00000
New York	23	898699.7508	898699.7507973	-0.00005
Texas	33	898053.6694	898053.6694455	0.00001
Pennsylvania	15	897902.5408	897902.5407936	-0.00003
Nevada	4	897335.6862	897335.6862329	0.00005
Colorado	7	892208.3554	892208.3553536	0.00003
California	45	889421.4709	889421.4708712	0.00001
Oklahoma	5	886269.1206	886269.1205908	0.00005
New Jersey	11	886195.1362	886195.1361505	-0.00003
Illinois	15	884853.0560	884853.0560337	0.00005
Minnesota	7	881033.8611	881033.8610527	-0.00002
Florida	25	880613.0772	880613.0772155	0.00001
Michigan	12	877738.0125	877738.0124906	0.00004
Ohio	14	875330.0511	875330.0510555	-0.00004
Texas	34	871240.0321	871240.0321407	-0.00004
Arkansas	4	869996.4189	869996.4189359	0.00003
California	46	869871.3589	869871.3588709	-0.00001
New Mexico	3	865576.1904	865576.1904073	-0.00005
New York	24	860439.5031	860439.5031472	-0.00004
Georgia	13	858709.1623	858709.1623368	0.00002
Mississippi	4	855608.2729	855608.2728774	-0.00001
California	47	851162.2610	851162.2610052	0.00000
Louisiana	6	851063.7249	851063.7248962	0.00000
Kansas	4	848954.5997	848954.5997002	-0.00003
Florida	26	846065.6776	846065.6776268	0.00005
Texas	35	845981.3134	845981.3133522	-0.00005
Arizona	9	843687.1665	843687.1665487	0.00001
Pennsylvania	16	839910.9186	839910.9185908	-0.00001
North Carolina	13	836985.6966	836985.6966072	-0.00003
California	48	833241.0484	833241.0484282	0.00004
Massachusetts	9	828902.2709	828902.2708609	-0.00003
Illinois	16	827704.2433	827704.2433294	-0.00003
Maryland	8	826542.5399	826542.5399268	-0.00002
New York	25	825304.5786	825304.5786194	-0.00001
Virginia	11	825178.2024	825178.2024055	0.00000

Kentucky	6	823289.4443	823289.4443018	0.00001
Missouri	8	823202.1753	823202.1752947	-0.00002
Texas	36	822146.0570	822146.0570159	0.00003
California	49	816058.9753	816058.9752716	-0.00001
Tennessee	9	815164.1289	815164.1289115	-0.00003
Ohio	15	814887.9300	814887.9300309	0.00002
Florida	27	814127.0779	814127.0778832	0.00000
Washington	10	813332.1221	813332.1220956	0.00003
New Jersey	12	808981.7774	808981.7773683	-0.00001
Michigan	13	807401.5398	807401.5398072	-0.00001
Connecticut	5	806839.9611	806839.9611077	0.00004
Nebraska	3	801527.3409	801527.3408613	0.00004
Indiana	9	800242.1724	800242.1723592	0.00003
Texas	37	799617.2204	799617.2203731	0.00003
California	50	799571.2358	799571.2357733	0.00005
Georgia	14	795010.2024	795010.2023503	-0.00001
New York	26	792926.9910	792926.9910072	0.00001
South Carolina	7	790760.2292	790760.2291909	0.00005
Pennsylvania	17	788958.9294	788958.9293538	0.00004
Wisconsin	8	788082.9791	788082.9790625	0.00000
Florida	28	784512.4822	784512.4822032	0.00005
California	51	783736.5741	783736.5740506	0.00000
Texas	38	778290.2511	778290.2510972	-0.00001
Illinois	17	777492.7545	777492.7545106	-0.00005
Rhode Island	2	776518.5041	776518.5041482	0.00001
Alabama	7	776154.0284	776154.0283869	-0.00004
North Carolina	14	774898.1811	774898.1811411	-0.00002
Oregon	6	774388.4092	774388.4092194	0.00000
Colorado	8	772675.1012	772675.1012050	-0.00005
California	52	768516.9393	768516.9393465	-0.00005
Montana	2	767498.6500	767498.6500473	0.00003
Minnesota	8	762997.7053	762997.7052660	0.00000

EXHIBIT 7

Scenario 2 basis-of-representation value calculations

State	Census enumerated population 1	Census citizenship population 2	Census citizen percentage registered to vote 3	Citizen population who can vote (2 * 3) 4	Sentencing Project citizens who cannot vote because of a criminal conviction 5	Total citizens who can vote plus citizens who cannot vote because of a criminal conviction (4 + 5) 6	Percentage of citizens who can vote plus citizens who cannot vote because of a criminal conviction (6 / 2) 7	Fourteenth Amendment basis of representation (1 * 7) 8
Alabama	5030053	3716000	0.680032293	2527000	328198	2855198	0.76835253	3864853.9
Alaska	736081	516000	0.742248062	383000	5541	388541	0.752986434	554259.0
Arizona	7158923	5075000	0.764137931	3878000	233816	4111816	0.810210049	5800231.4
Arkansas	3013756	2195000	0.620045558	1361000	87187	1448187	0.659766287	1988374.6
California	39576757	25946000	0.693787096	18001000	243181	18244181	0.703159678	27828779.7
Colorado	5782171	4200000	0.712619048	2993000	22607	3015607	0.718001667	4151608.4
Connecticut	3608298	2524000	0.73296355	1850000	20124	1870124	0.740936609	2673520.1
Delaware	990837	722000	0.750692521	542000	11524	553524	0.76665374	759628.9
Florida	21570527	15645000	0.670821349	10495000	1132493	11627493	0.743208245	16031393.5
Georgia	10725274	7400000	0.707162162	5233000	275089	5508089	0.744336351	7983211.3
Hawaii	1460137	980000	0.686734694	673000	4899	677899	0.691733673	1010025.9
Idaho	1841377	1299000	0.692840647	9.00E+05	32500	932500	0.717859892	1321850.7
Illinois	12822739	8860000	0.743792325	6590000	39005	6629005	0.748194695	9593905.3
Indiana	6790280	4921000	0.693355009	3412000	30659	3442659	0.699585247	4750379.7

Iowa	3192406	2293000	0.759703445	1742000	34227	1776227	0.774630179	2472934.0
Kansas	2940865	1975000	0.707848101	1398000	21256	1419256	0.718610633	2113336.9
Kentucky	4509342	3227000	0.759219089	2450000	197672	2647672	0.820474744	3699801.2
Louisiana	4661468	3299000	0.692937254	2286000	76924	2362924	0.716254623	3338798.0
Maine	1363582	1075000	0.773953488	832000	0	832000	0.773953488	1055349.0
Maryland	6185278	4303000	0.786195677	3383000	18778	3401778	0.79055961	4889831.0
Massachusetts	7033469	4897000	0.724116806	3546000	8956	3554956	0.725945681	5105916.4
Michigan	10084442	7467000	0.738315254	5513000	38819	5551819	0.743513995	7497923.8
Minnesota	5709752	4142000	0.829550942	3436000	64700	3500700	0.845171415	4825719.2
Mississippi	2963914	2177000	0.803399173	1749000	235152	1984152	0.91141571	2701357.8
Missouri	6160281	4475000	0.757094972	3388000	95485	3483485	0.778432402	4795362.3
Montana	1085407	827000	0.775090689	641000	4221	645221	0.78019468	846828.8
Nebraska	1963333	1369000	0.709276844	971000	22396	993396	0.725636231	1424665.6
Nevada	3108462	2198000	0.661965423	1455000	14397	1469397	0.668515469	2078054.9
New Hampshire	1379089	1077000	0.782729805	843000	2905	845905	0.785427112	1083173.9
New Jersey	9294493	5921000	0.845803074	5008000	19896	5027896	0.849163317	7892542.5
New Mexico	2120220	1498000	0.686248331	1028000	18451	1046451	0.698565421	1481112.4
New York	20215751	13298000	0.704617236	9370000	44343	9414343	0.707951797	14311777.3
North Carolina	10453948	7391000	0.698281694	5161000	83837	5244837	0.709624814	7418380.9
North Dakota	779702	556000	0.771582734	429000	1821	430821	0.774857914	604158.3
Ohio	11808848	8740000	0.770366133	6733000	50402	6783402	0.776132952	9165236.1
Oklahoma	3963516	2800000	0.672857143	1884000	56995	1940995	0.6932125	2747558.8
Oregon	4241500	3242000	0.798889574	2590000	15871	2605871	0.803785009	3409254.1
Pennsylvania	13011844	9621000	0.76260264	7337000	48823	7385823	0.767677268	9988896.9
Rhode Island	1098163	776000	0.740979381	575000	2588	577588	0.744314433	817378.6
South Carolina	5124712	3878000	0.699587416	2713000	44584	2757584	0.711084064	3644101.0
South Dakota	887770	649000	0.673343606	437000	13339	450339	0.693896764	616020.7
Tennessee	6916897	5038000	0.742755062	3742000	451227	4193227	0.83231977	5757070.1
Texas	29183290	18581000	0.718099134	13343000	500474	13843474	0.745033852	21742539.0

Utah	3275252	2178000	0.674012856	1468000	7987	1475987	0.677679982	2219572.7
Vermont	643503	500000	0.73	365000	0	365000	0.73	469757.2
Virginia	8654542	5974000	0.760127218	4541000	366065	4907065	0.821403582	7108871.8
Washington	7715946	5389000	0.747634069	4029000	45090	4074090	0.756001113	5833263.8
West Virginia	1795045	1379000	0.672951414	928000	17274	945274	0.685477883	1230463.6
Wisconsin	5897473	4421000	0.767021036	3391000	69344	3460344	0.782706175	4615988.5
Wyoming	577719	427000	0.693208431	296000	11403	307403	0.719913349	415907.6

EXHIBIT 8

Scenario 2 priority values based on the basis-of-representation

State	Seat Number	Priority Value
California	2	19677918.8
Texas	2	15374296.7
California	3	11361051.7
Florida	2	11335907.1
New York	2	10119954.7
Texas	3	8876354.4
California	4	8033476.7
Pennsylvania	2	7063216.7
Illinois	2	6783915.5
Florida	3	6544789.0
Ohio	2	6480800.6
Texas	4	6276530.4
California	5	6222704.3
New York	3	5842758.6
Georgia	2	5644982.9
New Jersey	2	5580870.3
Michigan	2	5301832.7
North Carolina	2	5245587.4
California	6	5080816.8
Virginia	2	5026731.5
Texas	5	4861779.5
Florida	4	4627864.7
California	7	4294073.9
New York	4	4131454.2
Washington	2	4124740.4
Arizona	2	4101382.9
Pennsylvania	3	4077950.1
Tennessee	2	4070863.3
Texas	6	3969626.3
Illinois	3	3916695.4
Ohio	3	3741692.0
California	8	3718777.1
Massachusetts	2	3610428.1
Florida	5	3584728.6
Maryland	2	3457632.6
Minnesota	2	3412298.8
Missouri	2	3390833.2
Indiana	2	3359025.7
Texas	7	3354946.6
California	9	3279653.1
Wisconsin	2	3263996.8

Georgia	3	3259132.4
New Jersey	3	3222117.0
New York	5	3200210.7
Michigan	3	3061014.6
North Carolina	3	3028541.3
Colorado	2	2935630.5
California	10	2933410.9
Florida	6	2926918.6
Texas	8	2905469.0
Virginia	3	2902184.8
Pennsylvania	4	2883546.1
Illinois	4	2769521.9
Alabama	2	2732864.4
California	11	2653370.0
Ohio	4	2645775.8
Kentucky	2	2616154.5
New York	6	2612961.1
South Carolina	2	2576768.6
Texas	9	2562382.8
Florida	7	2473697.7
California	12	2422184.4
Oregon	2	2410706.7
Washington	3	2381420.0
Arizona	3	2367934.5
Louisiana	2	2360886.7
Tennessee	3	2350314.0
Georgia	4	2304554.6
Texas	10	2291864.8
New Jersey	4	2278380.8
Pennsylvania	5	2233585.2
California	13	2228085.6
New York	7	2208355.2
Michigan	4	2164464.1
Illinois	5	2145262.4
Florida	8	2142285.1
North Carolina	4	2141502.1
Massachusetts	3	2084481.7
Texas	11	2073069.7
California	14	2062806.4
Virginia	4	2052154.5
Ohio	5	2049409.1
Maryland	3	1996265.1
Minnesota	3	1970091.6
Missouri	3	1957698.5
Oklahoma	2	1942817.5

Indiana	3	1939334.4
California	15	1920368.2
New York	8	1912491.7
Mississippi	2	1910148.4
Texas	12	1892445.1
Connecticut	2	1890464.2
Florida	9	1889317.8
Wisconsin	3	1884469.4
Pennsylvania	6	1823714.7
California	16	1796340.0
Georgia	5	1785100.3
New Jersey	5	1764826.2
Illinois	6	1751599.4
Iowa	2	1748628.4
Texas	13	1740796.3
Colorado	3	1694887.0
Florida	10	1689857.3
California	17	1687367.6
New York	9	1686659.1
Washington	4	1683918.2
Michigan	5	1676586.7
Arizona	4	1674382.6
Ohio	6	1673335.5
Tennessee	4	1661923.0
North Carolina	5	1658800.4
Texas	14	1611664.2
California	18	1590865.4
Virginia	5	1589592.1
Alabama	3	1577820.0
Utah	2	1569474.9
Pennsylvania	7	1541320.2
Florida	11	1528533.4
Kentucky	3	1510437.5
New York	10	1508593.8
California	19	1504808.1
Texas	15	1500377.7
Kansas	2	1494354.8
South Carolina	3	1487698.0
Illinois	7	1480371.7
Massachusetts	4	1473951.1
Nevada	2	1469406.7
Georgia	6	1457528.3
New Jersey	6	1440974.5
California	20	1427586.3
Ohio	7	1414226.6

Maryland	4	1411572.6
Arkansas	2	1405993.2
Texas	16	1403474.9
Florida	12	1395353.7
Minnesota	4	1393065.1
Oregon	3	1391822.2
Missouri	4	1384301.9
Indiana	4	1371316.5
Michigan	6	1368927.3
New York	11	1364574.4
Louisiana	3	1363058.6
California	21	1357905.4
North Carolina	6	1354404.9
Pennsylvania	8	1334822.5
Wisconsin	4	1332521.1
Texas	17	1318335.1
Washington	5	1304357.4
Virginia	6	1297896.5
Arizona	5	1296971.2
California	22	1294712.0
Tennessee	5	1287320.0
Florida	13	1283538.7
Illinois	8	1282039.5
New York	12	1245680.3
Texas	18	1242938.2
California	23	1237140.2
Georgia	7	1231836.2
Ohio	8	1224756.2
New Jersey	7	1217845.7
Colorado	4	1198466.1
Florida	14	1188325.9
California	24	1184471.5
Pennsylvania	9	1177202.8
Texas	19	1175701.9
Michigan	7	1156954.8
New York	13	1145859.2
North Carolina	7	1144681.0
Massachusetts	5	1141717.6
California	25	1136105.2
Illinois	9	1130652.6
Oklahoma	3	1121686.2
Alabama	4	1115687.2
Texas	20	1115368.7
Florida	15	1106271.3
Mississippi	3	1102824.7

Virginia	7	1096922.7
Maryland	5	1093399.4
California	26	1091534.5
Connecticut	3	1091460.0
Ohio	9	1080133.4
Minnesota	5	1079063.6
Missouri	5	1072275.6
Kentucky	4	1068040.6
Georgia	8	1066801.5
Washington	6	1065003.4
Indiana	5	1062217.2
Texas	21	1060927.3
New York	14	1060859.5
Arizona	6	1058972.5
New Jersey	8	1054685.4
Pennsylvania	10	1052922.2
South Carolina	4	1051961.4
Tennessee	6	1051092.4
California	27	1050329.6
New Mexico	2	1047304.6
Florida	16	1034822.0
Wisconsin	5	1032166.4
California	28	1012122.9
Texas	22	1011554.5
Illinois	10	1011286.4
Iowa	3	1009571.1
Nebraska	2	1007390.7
Michigan	8	1001952.2
North Carolina	8	991322.8
New York	15	987606.5
Oregon	4	984166.9
California	29	976598.7
Florida	17	972046.0
Texas	23	966573.8
Ohio	10	966100.7
Louisiana	4	963828.0
Pennsylvania	11	952403.9
Virginia	8	949963.0
California	30	943484.0
Georgia	9	940830.5
Idaho	2	934689.6
Massachusetts	6	932208.5
New Jersey	9	930145.1
Colorado	5	928327.9
Texas	24	925423.9

New York	16	923821.2
Florida	18	916453.8
Illinois	11	914743.0
California	31	912541.6
Utah	3	906136.8
Washington	7	900092.1
Arizona	7	894995.1
Maryland	6	892756.9
Tennessee	7	888335.2
Texas	25	887635.4
Michigan	9	883638.8
California	32	883564.6
Minnesota	6	881051.7
Missouri	6	875509.4
North Carolina	9	874264.6
Ohio	11	873871.0
West Virginia	2	870069.2
Pennsylvania	12	869421.9
New York	17	867779.0
Indiana	6	867296.7
Florida	19	866878.5
Alabama	5	864207.6
Kansas	3	862766.2
California	33	856371.5
Texas	26	852812.5
Nevada	3	848362.4
Wisconsin	6	842760.3
Georgia	10	841504.4
Virginia	9	837788.6
Illinois	12	835042.3
New Jersey	10	831947.0
California	34	830802.4
Kentucky	5	827300.7
Florida	20	822393.1
Texas	27	820619.3
New York	18	818149.8
South Carolina	5	814845.8
Arkansas	3	811750.5
California	35	806716.0
Pennsylvania	13	799751.8
Ohio	12	797731.4
Oklahoma	4	793151.9
Texas	28	790768.5
Michigan	10	790350.6
Massachusetts	7	787860.0

California	36	783987.1
Florida	21	782251.9
North Carolina	10	781966.0
Mississippi	4	779814.8
Washington	8	779502.7
Arizona	8	775088.5
New York	19	773892.3
Connecticut	4	771778.8
Tennessee	8	769320.9
Illinois	13	768127.2
New Hampshire	2	765919.6
Texas	29	763013.5
California	37	762503.9
Oregon	5	762332.4
Georgia	11	761169.3
Colorado	6	757976.5
Maryland	7	754517.3
New Jersey	11	752524.4
Virginia	10	749340.9
Louisiana	5	746577.9
Maine	2	746244.5
Florida	22	745847.9
Minnesota	7	744624.6
California	38	742166.8
Pennsylvania	14	740426.3
Missouri	7	739940.5
Texas	30	737141.1
New York	20	734178.7
Ohio	13	733806.2
Indiana	7	732999.5
California	39	722886.4
Michigan	11	714899.0
Hawaii	2	714196.2
Iowa	4	713874.6
Texas	31	712965.9
Florida	23	712682.4
Wisconsin	7	712262.5
Illinois	14	711147.6
North Carolina	11	707314.9
Alabama	6	705622.6
California	40	704582.5
New York	21	698343.2
Georgia	12	694849.4
Texas	32	690326.3
Pennsylvania	15	689299.4

Washington	9	687456.7
California	41	687182.7
New Jersey	12	686957.6
Arizona	9	683563.8
Florida	24	682341.4
Massachusetts	8	682306.8
Ohio	14	679372.5
Tennessee	9	678477.2
Virginia	11	677804.3
Kentucky	6	675488.2
California	42	670621.7
Texas	33	669080.4
New York	22	665844.1
South Carolina	6	665318.8
Illinois	15	662042.4
California	43	654840.1
Florida	25	654478.9
Maryland	8	653431.1
Michigan	12	652610.5
Texas	34	649103.3
North Carolina	12	645687.2
Minnesota	8	644863.9
Pennsylvania	16	644780.5
Missouri	8	640807.2
Utah	4	640735.5
Colorado	7	640607.1
California	44	639784.3
Georgia	13	639168.4
New York	23	636236.1
Indiana	8	634796.2
Ohio	15	632461.4
New Jersey	13	631909.1
Texas	35	630284.7
Florida	26	628803.0
California	45	625405.3
Oregon	6	622441.8
Illinois	16	619283.9
Virginia	12	618747.9
Wisconsin	8	616837.4
Washington	10	614880.0
Oklahoma	5	614372.8
Texas	36	612526.6
California	46	611658.5
Arizona	10	611398.1
Kansas	4	610067.8

Louisiana	6	609578.3
New York	24	609149.7
Tennessee	10	606848.5
Pennsylvania	17	605665.8
Florida	27	605066.0
New Mexico	3	604661.6
Mississippi	5	604042.0
Massachusetts	9	601738.0
Michigan	13	600314.3
Nevada	4	599882.8
Montana	2	598798.4
California	47	598503.0
Connecticut	5	597817.3
Alabama	7	596359.9
Texas	37	595741.9
North Carolina	13	593945.8
Georgia	14	591755.0
Ohio	16	591613.4
California	48	585901.5
New Jersey	14	585034.2
New York	25	584275.9
Florida	28	583056.1
Illinois	17	581716.0
Nebraska	3	581617.3
Texas	38	579852.6
Rhode Island	2	577973.9
Maryland	9	576272.1
Arkansas	4	573994.3
California	49	573819.8

EXHIBIT 9

Scenario 3 basis-of-representation value calculations

State	Census enumerated population 1	Census citizenship population 2	Census citizen percentage registered to vote 3	Citizen population who can vote (2 * 3) 4	Citizen population who cannot vote because of Wisconsin's photo voter ID law 5	Citizen population who can vote despite Wisconsin's photo voter ID law (4 - 5) 6	Sentencing Project Citizens who cannot vote because of a criminal conviction 7	Total citizens who can vote plus citizens who cannot vote because of a criminal conviction (6 + 7) 8	Percentage of citizens who can vote plus citizens who cannot vote because of a criminal conviction (8 / 2) 9	14th Amendment Basis of Representation (1 * 9) 10
Alabama	5030053									
Alaska	736081									
Arizona	7158923									
Arkansas	3013756									
California	39576757									
Colorado	5782171									
Connecticut	3608298									
Delaware	990837									
Florida	21570527									
Georgia	10725274									
Hawaii	1460137									
Idaho	1841377									
Illinois	12822739									
Indiana	6790280									
Iowa	3192406									

Kansas	2940865									
Kentucky	4509342									
Louisiana	4661468									
Maine	1363582									
Maryland	6185278									
Massachusetts	7033469									
Michigan	10084442									
Minnesota	5709752									
Mississippi	2963914									
Missouri	6160281									
Montana	1085407									
Nebraska	1963333									
Nevada	3108462									
New Hampshire	1379089									
New Jersey	9294493									
New Mexico	2120220									
New York	20215751									
North Carolina	10453948									
North Dakota	779702									
Ohio	11808848									
Oklahoma	3963516									
Oregon	4241500									
Pennsylvania	13011844									
Rhode Island	1098163									
South Carolina	5124712									
South Dakota	887770									
Tennessee	6916897									
Texas	29183290									
Utah	3275252									

Vermont	643503									
Virginia	8654542									
Washington	7715946									
West Virginia	1795045									
Wisconsin	5897473	4421000	0.767021036	3391000	300000	3091000	69344	3160344	0.7148482	4215798.1
Wyoming	577719									

EXHIBIT 10

Scenario 3 priority values based on the basis-of-representation

State	Seat Number	Priority Value
California	2	27984993.3
Texas	2	20635702.3
California	3	16157143.4
Florida	2	15252665.9
New York	2	14294694.6
Texas	3	11914028.3
California	4	11424825.7
Pennsylvania	2	9200763.1
Illinois	2	9067045.7
California	5	8849631.9
Florida	3	8806130.8
Texas	4	8424490.2
Ohio	2	8350116.5
New York	3	8253045.8
Georgia	2	7583914.0
North Carolina	2	7392057.5
California	6	7225694.2
Michigan	2	7130777.3
New Jersey	2	6572199.0
Texas	5	6525582.0
Florida	4	6226874.8
Virginia	2	6119685.3
California	7	6106826.2
New York	4	5835784.6
Washington	2	5455997.7
Texas	6	5328115.4
Pennsylvania	3	5312063.1
California	8	5288666.6
Illinois	3	5234861.3
Arizona	2	5062123.0
Massachusetts	2	4973413.6
Tennessee	2	4890984.8
Florida	5	4823316.5
Ohio	3	4820942.0
Indiana	2	4801453.0
California	9	4664165.5
New York	5	4520379.3
Texas	7	4503079.4
Georgia	3	4378574.8
Maryland	2	4373652.0
Missouri	2	4355976.5

North Carolina	3	4267806.4
California	10	4171756.5
Michigan	3	4116956.2
Colorado	2	4088612.3
Minnesota	2	4037404.4
Wisconsin	2	3952575.1
Florida	6	3938221.4
Texas	8	3899781.2
New Jersey	3	3794460.9
California	11	3773495.7
Pennsylvania	4	3756195.8
Illinois	4	3701605.9
New York	6	3690874.3
South Carolina	2	3623718.6
Alabama	2	3556784.6
Virginia	3	3533202.0
California	12	3444714.5
Texas	9	3439283.7
Ohio	4	3408920.8
Florida	7	3328404.6
Louisiana	2	3296155.6
Kentucky	2	3188586.3
California	13	3168676.5
Washington	3	3150021.8
New York	7	3119358.1
Georgia	4	3096119.9
Texas	10	3076188.9
North Carolina	4	3017794.8
Oregon	2	2999193.4
California	14	2933624.4
Arizona	3	2922618.1
Michigan	4	2911127.7
Pennsylvania	5	2909536.8
Florida	8	2882482.9
Massachusetts	3	2871401.7
Illinois	5	2867251.6
Tennessee	3	2823811.4
Oklahoma	2	2802629.0
Texas	11	2782517.5
Indiana	3	2772120.2
California	15	2731055.7
New York	8	2701443.4
New Jersey	4	2683089.0
Ohio	5	2640538.7
California	16	2554668.7

Connecticut	2	2551452.0
Florida	9	2542111.0
Texas	12	2540079.4
Maryland	3	2525129.2
Missouri	3	2514924.2
Virginia	4	2498351.1
California	17	2399693.4
Georgia	5	2398244.2
New York	9	2382449.1
Pennsylvania	6	2375626.8
Colorado	3	2360561.4
Illinois	6	2341101.1
North Carolina	5	2337573.8
Texas	13	2336533.2
Minnesota	3	2330996.5
Utah	2	2315952.9
Wisconsin	3	2282020.3
Florida	10	2273733.2
California	18	2262452.6
Iowa	2	2257371.9
Michigan	5	2254949.8
Washington	4	2227401.8
Nevada	2	2198014.6
Texas	14	2163209.4
Ohio	6	2155990.8
California	19	2140065.9
Arkansas	2	2131047.3
New York	10	2130927.3
Mississippi	2	2095803.7
South Carolina	3	2092154.9
Kansas	2	2079505.6
New Jersey	5	2078311.8
Arizona	4	2066603.1
Florida	11	2056669.1
Alabama	3	2053510.5
Massachusetts	4	2030387.6
California	20	2030244.8
Texas	15	2013838.3
Pennsylvania	7	2007771.1
Tennessee	4	1996736.2
Illinois	7	1978591.6
Indiana	4	1960185.0
Georgia	6	1958158.2
Virginia	5	1935214.4
California	21	1931148.0

New York	11	1927496.2
North Carolina	6	1908621.0
Louisiana	3	1903036.3
Texas	16	1883773.3
Florida	12	1877473.4
California	22	1841277.4
Michigan	6	1841158.8
Kentucky	3	1840931.2
Ohio	7	1822144.8
Maryland	4	1785536.0
Missouri	4	1778319.9
Texas	17	1769496.9
New York	12	1759555.3
California	23	1759401.5
Pennsylvania	8	1738780.8
Oregon	3	1731585.1
Florida	13	1727024.3
Washington	5	1725338.0
Illinois	8	1713510.6
New Jersey	6	1696934.5
California	24	1684498.6
Colorado	4	1669169.0
Texas	18	1668297.6
Georgia	7	1654945.7
Minnesota	4	1648263.4
New York	13	1618555.4
Oklahoma	3	1618098.6
California	25	1615714.3
Wisconsin	4	1613632.0
North Carolina	7	1613079.2
Arizona	5	1600783.8
Florida	14	1598913.8
Virginia	6	1580096.0
Texas	19	1578051.6
Ohio	8	1578023.7
Massachusetts	5	1572731.5
Michigan	7	1556063.2
California	26	1552328.1
Tennessee	5	1546665.2
Pennsylvania	9	1533460.5
Indiana	5	1518352.8
Illinois	9	1511174.3
New Mexico	2	1499221.9
New York	14	1498491.2
Texas	20	1497071.2

California	27	1493728.4
Florida	15	1488507.8
South Carolina	4	1479376.9
Connecticut	3	1473081.5
Alabama	4	1452051.2
California	28	1439392.7
New Jersey	7	1434171.4
Georgia	8	1433225.0
Texas	21	1423998.7
Washington	6	1408732.6
North Carolina	8	1396967.6
New York	15	1395019.4
Florida	16	1392371.5
Ohio	9	1391686.1
California	29	1388871.9
Nebraska	2	1388286.1
Maryland	5	1383070.2
Missouri	5	1377480.7
Pennsylvania	10	1371568.8
Texas	22	1357729.5
Illinois	10	1351635.4
Michigan	8	1347590.2
Louisiana	4	1345649.9
California	30	1341777.7
Utah	3	1337116.0
Virginia	7	1335424.8
Florida	17	1307905.3
Arizona	6	1307034.5
New York	16	1304921.1
Iowa	3	1303294.3
Idaho	2	1302050.2
Kentucky	4	1301734.9
California	31	1297773.0
Texas	23	1297355.5
Colorado	5	1292932.7
Massachusetts	6	1284129.9
Minnesota	5	1276739.4
West Virginia	2	1269288.5
Nevada	3	1269024.3
Georgia	9	1263985.7
Tennessee	6	1262846.8
California	32	1256563.3
Wisconsin	5	1249914.0
Ohio	10	1244761.9
Texas	24	1242123.3

New Jersey	8	1242028.9
Pennsylvania	11	1240630.6
Indiana	6	1239729.8
Florida	18	1233105.0
North Carolina	9	1232009.6
Arkansas	3	1230360.7
New York	17	1225760.0
Oregon	4	1224415.6
Illinois	11	1222600.2
California	33	1217890.5
Mississippi	3	1210012.8
Kansas	3	1200603.1
Texas	25	1191402.8
Washington	7	1190596.3
Michigan	9	1188462.9
California	34	1181527.3
Florida	19	1166400.5
Virginia	8	1156511.8
New York	18	1155657.6
California	35	1147272.9
South Carolina	5	1145920.4
Texas	26	1144662.8
Oklahoma	4	1144168.5
Pennsylvania	12	1132535.7
Georgia	10	1130543.1
Maryland	6	1129272.1
Ohio	11	1125929.5
Alabama	5	1124754.0
Missouri	6	1124708.3
Illinois	12	1116076.2
California	36	1114948.8
Florida	20	1106544.7
Arizona	7	1104645.8
North Carolina	10	1101942.9
Texas	27	1101452.3
New Jersey	9	1095366.5
New York	19	1093142.6
Massachusetts	7	1085287.8
California	37	1084396.5
Tennessee	7	1067300.4
Michigan	10	1062993.5
Texas	28	1061386.0
Colorado	6	1055675.2
California	38	1055474.0
Florida	21	1052533.9

Indiana	7	1047763.0
Minnesota	6	1042453.3
Louisiana	5	1042335.9
Pennsylvania	13	1041781.3
Connecticut	4	1041625.9
New York	20	1037046.1
Hawaii	2	1032472.8
Washington	8	1031086.7
California	39	1028054.4
Ohio	12	1027828.3
Illinois	13	1026640.8
Texas	29	1024132.7
Georgia	11	1022614.8
Wisconsin	6	1020550.5
Virginia	9	1019947.6
Kentucky	5	1008319.5
Florida	22	1003551.7
California	40	1002023.5
North Carolina	11	996744.8
Texas	30	989406.2
New York	21	986427.6
New Jersey	10	979725.6
California	41	977278.4
New Hampshire	2	975163.2
Pennsylvania	14	964502.0
Maine	2	964198.1
Michigan	11	961513.8
Florida	23	958926.9
Texas	31	956957.8
Arizona	8	956651.3
Maryland	7	954409.1
California	42	953726.0
Missouri	7	950552.0
Illinois	14	950484.7
Oregon	5	948428.2
Utah	4	945483.8
Ohio	13	945464.5
New York	22	940521.9
Massachusetts	8	939886.8
South Carolina	6	935640.1
Georgia	12	933515.3
California	43	931282.3
Texas	32	926570.4
Tennessee	8	924309.2
Iowa	4	921568.2

Alabama	6	918357.8
Florida	24	918102.6
Virginia	10	912268.8
North Carolina	12	909899.4
California	44	909870.6
Washington	9	909333.0
Indiana	8	907389.3
New York	23	898699.8
Texas	33	898053.7
Pennsylvania	15	897902.5
Nevada	4	897335.7
Colorado	7	892208.4
California	45	889421.5
Oklahoma	5	886269.1
New Jersey	11	886195.1
Illinois	15	884853.1
Minnesota	7	881033.9
Florida	25	880613.1
Michigan	12	877738.0
Ohio	14	875330.1
Texas	34	871240.0
Arkansas	4	869996.4
California	46	869871.4
New Mexico	3	865576.2
Wisconsin	7	862522.6
New York	24	860439.5
Georgia	13	858709.2
Mississippi	4	855608.3
California	47	851162.3
Louisiana	6	851063.7
Kansas	4	848954.6
Florida	26	846065.7
Texas	35	845981.3
Arizona	9	843687.2
Pennsylvania	16	839910.9
North Carolina	13	836985.7
California	48	833241.0
Massachusetts	9	828902.3
Illinois	16	827704.2
Maryland	8	826542.5
New York	25	825304.6
Virginia	11	825178.2
Kentucky	6	823289.4
Missouri	8	823202.2
Texas	36	822146.1

California	49	816059.0
Tennessee	9	815164.1
Ohio	15	814887.9
Florida	27	814127.1
Washington	10	813332.1
New Jersey	12	808981.8
Michigan	13	807401.5
Connecticut	5	806840.0
Nebraska	3	801527.3
Indiana	9	800242.2
Texas	37	799617.2
California	50	799571.2
Georgia	14	795010.2
New York	26	792927.0
South Carolina	7	790760.2
Pennsylvania	17	788958.9
Florida	28	784512.5
California	51	783736.6
Texas	38	778290.3
Illinois	17	777492.8
Rhode Island	2	776518.5
Alabama	7	776154.0
North Carolina	14	774898.2
Oregon	6	774388.4
Colorado	8	772675.1
California	52	768516.9
Montana	2	767498.7
Minnesota	8	762997.7
New York	27	762994.4

EXHIBIT 11

Scenario 5 priority values based on the basis-of-representation

State	Seat Number	Priority Number
California	2	27984993.25
Texas	2	20635702.26
California	3	16157143.39
Florida	2	15252665.92
New York	2	14294694.62
Texas	3	11914028.25
California	4	11424825.65
Pennsylvania	2	9200763.128
Illinois	2	9067045.7
California	5	8849631.898
Florida	3	8806130.772
Texas	4	8424490.169
Ohio	2	8350116.499
New York	3	8253045.786
Georgia	2	7583913.976
North Carolina	2	7392057.521
California	6	7225694.187
Michigan	2	7130777.323
New Jersey	2	6572199.028
Texas	5	6525582.025
Florida	4	6226874.785
Virginia	2	6119685.336
California	7	6106826.186
New York	4	5835784.641
Washington	2	5455997.74
Texas	6	5328115.412
Pennsylvania	3	5312063.069
California	8	5288666.613
Illinois	3	5234861.276
Arizona	2	5062122.999
Massachusetts	2	4973413.625
Tennessee	2	4890984.774
Florida	5	4823316.468
Ohio	3	4820942.008
Indiana	2	4801453.034

California	9	4664165.542
New York	5	4520379.345
Texas	7	4503079.41
Georgia	3	4378574.775
Maryland	2	4373652.017
Missouri	2	4355976.469
North Carolina	3	4267806.4
California	10	4171756.484
Michigan	3	4116956.207
Colorado	2	4088612.324
Minnesota	2	4037404.358
Wisconsin	2	3958011.116
Florida	6	3938221.405
Texas	8	3899781.164
New Jersey	3	3794460.878
California	11	3773495.72
Pennsylvania	4	3756195.818
Illinois	4	3701605.907
New York	6	3690874.28
South Carolina	2	3623718.607
Alabama	2	3556784.586
Virginia	3	3533201.976
California	12	3444714.544
Texas	9	3439283.709
Ohio	4	3408920.786
Florida	7	3328404.577
Louisiana	2	3296155.633
Kentucky	2	3188586.307
California	13	3168676.516
Washington	3	3150021.764
New York	7	3119358.101
Georgia	4	3096119.916
Texas	10	3076188.867
North Carolina	4	3017794.846
Oregon	2	2999193.412
California	14	2933624.408
Arizona	3	2922618.076
Michigan	4	2911127.652
Pennsylvania	5	2909536.77

Florida	8	2882482.917
Massachusetts	3	2871401.695
Illinois	5	2867251.606
Tennessee	3	2823811.376
Oklahoma	2	2802629.041
Texas	11	2782517.525
Indiana	3	2772120.202
California	15	2731055.696
New York	8	2701443.359
New Jersey	4	2683089.018
Ohio	5	2640538.686
California	16	2554668.679
Connecticut	2	2551451.984
Florida	9	2542110.986
Texas	12	2540079.358
Maryland	3	2525129.17
Missouri	3	2514924.187
Virginia	4	2498351.077
California	17	2399693.374
Georgia	5	2398244.174
New York	9	2382449.103
Pennsylvania	6	2375626.825
Colorado	3	2360561.426
Illinois	6	2341101.133
North Carolina	5	2337573.836
Texas	13	2336533.175
Minnesota	3	2330996.493
Utah	2	2315952.899
Wisconsin	3	2285158.783
Florida	10	2273733.188
California	18	2262452.61
Iowa	2	2257371.931
Michigan	5	2254949.783
Washington	4	2227401.75
Nevada	2	2198014.559
Texas	14	2163209.377
Ohio	6	2155990.809
California	19	2140065.921
Arkansas	2	2131047.304

New York	10	2130927.259
Mississippi	2	2095803.688
South Carolina	3	2092154.913
Kansas	2	2079505.584
New Jersey	5	2078311.816
Arizona	4	2066603.061
Florida	11	2056669.053
Alabama	3	2053510.538
Massachusetts	4	2030387.61
California	20	2030244.796
Texas	15	2013838.334
Pennsylvania	7	2007771.118
Tennessee	4	1996736.173
Illinois	7	1978591.583
Indiana	4	1960184.993
Georgia	6	1958158.168
Virginia	5	1935214.423
California	21	1931148.002
New York	11	1927496.229
North Carolina	6	1908621.045
Louisiana	3	1903036.342
Texas	16	1883773.269
Florida	12	1877473.389
California	22	1841277.374
Michigan	6	1841158.788
Kentucky	3	1840931.163
Ohio	7	1822144.806
Maryland	4	1785535.959
Missouri	4	1778319.947
Texas	17	1769496.87
New York	12	1759555.274
California	23	1759401.452
Pennsylvania	8	1738780.794
Oregon	3	1731585.124
Florida	13	1727024.333
Washington	5	1725337.977
Illinois	8	1713510.575
New Jersey	6	1696934.492
California	24	1684498.643

Colorado	4	1669168.992
Texas	18	1668297.648
Georgia	7	1654945.708
Minnesota	4	1648263.427
New York	13	1618555.443
Oklahoma	3	1618098.631
Wisconsin	4	1615851.272
California	25	1615714.339
North Carolina	7	1613079.197
Arizona	5	1600783.847
Florida	14	1598913.84
Virginia	6	1580095.959
Texas	19	1578051.592
Ohio	8	1578023.691
Massachusetts	5	1572731.48
Michigan	7	1556063.183
California	26	1552328.125
Tennessee	5	1546665.189
Pennsylvania	9	1533460.521
Indiana	5	1518352.767
Illinois	9	1511174.283
New Mexico	2	1499221.94
New York	14	1498491.162
Texas	20	1497071.189
California	27	1493728.435
Florida	15	1488507.778
South Carolina	4	1479376.926
Connecticut	3	1473081.49
Alabama	4	1452051.227
California	28	1439392.736
New Jersey	7	1434171.406
Georgia	8	1433225.025
Texas	21	1423998.742
Washington	6	1408732.559
North Carolina	8	1396967.563
New York	15	1395019.352
Florida	16	1392371.531
Ohio	9	1391686.083
California	29	1388871.895

Nebraska	2	1388286.078
Maryland	5	1383070.207
Missouri	5	1377480.708
Pennsylvania	10	1371568.787
Texas	22	1357729.528
Illinois	10	1351635.369
Michigan	8	1347590.247
Louisiana	4	1345649.902
California	30	1341777.726
Utah	3	1337116.03
Virginia	7	1335424.823
Florida	17	1307905.312
Arizona	6	1307034.538
New York	16	1304921.116
Iowa	3	1303294.292
Idaho	2	1302050.163
Kentucky	4	1301734.909
California	31	1297772.987
Texas	23	1297355.485
Colorado	5	1292932.741
Massachusetts	6	1284129.876
Minnesota	5	1276739.361
West Virginia	2	1269288.492
Nevada	3	1269024.298
Georgia	9	1263985.663
Tennessee	6	1262846.838
California	32	1256563.291
Wisconsin	5	1251633.013
Ohio	10	1244761.874
Texas	24	1242123.31
New Jersey	8	1242028.871
Pennsylvania	11	1240630.647
Indiana	6	1239729.843
Florida	18	1233104.954
North Carolina	9	1232009.587
Arkansas	3	1230360.735
New York	17	1225759.951
Oregon	4	1224415.583
Illinois	11	1222600.193

California	33	1217890.507
Mississippi	3	1210012.824
Kansas	3	1200603.109
Texas	25	1191402.825
Washington	7	1190596.316
Michigan	9	1188462.887
California	34	1181527.341
Florida	19	1166400.515
Virginia	8	1156511.822
New York	18	1155657.565
California	35	1147272.87
South Carolina	5	1145920.44
Texas	26	1144662.809
Oklahoma	4	1144168.515
Pennsylvania	12	1132535.652
Georgia	10	1130543.146
Maryland	6	1129272.095
Ohio	11	1125929.479
Alabama	5	1124754.044
Missouri	6	1124708.288
Illinois	12	1116076.174
California	36	1114948.819
Florida	20	1106544.687
Arizona	7	1104645.801
North Carolina	10	1101942.874
Texas	27	1101452.302
New Jersey	9	1095366.505
New York	19	1093142.619
Massachusetts	7	1085287.829
California	37	1084396.462
Tennessee	7	1067300.378
Michigan	10	1062993.522
Texas	28	1061385.996
Colorado	6	1055675.163
California	38	1055474.011
Florida	21	1052533.944
Indiana	7	1047762.951
Minnesota	6	1042453.323
Louisiana	5	1042335.932

Pennsylvania	13	1041781.279
Connecticut	4	1041625.911
New York	20	1037046.145
Hawaii	2	1032472.774
Washington	8	1031086.655
California	39	1028054.415
Ohio	12	1027828.29
Illinois	13	1026640.761
Texas	29	1024132.707
Georgia	11	1022614.752
Wisconsin	6	1021954.076
Virginia	9	1019947.556
Kentucky	5	1008319.525
Florida	22	1003551.739
California	40	1002023.496
North Carolina	11	996744.8328
Texas	30	989406.1932
New York	21	986427.6438
New Jersey	10	979725.5859
California	41	977278.3557
New Hampshire	2	975163.1838
Pennsylvania	14	964502.0474
Maine	2	964198.0789
Michigan	11	961513.818
Florida	23	958926.8902
Texas	31	956957.7778
Arizona	8	956651.3259
Maryland	7	954409.1158
California	42	953726.0186
Missouri	7	950551.995
Illinois	14	950484.6521
Oregon	5	948428.2327
Utah	4	945483.8119
Ohio	13	945464.5144
New York	22	940521.8553
Massachusetts	8	939886.8299
South Carolina	6	935640.121
Georgia	12	933515.2787
California	43	931282.2626

Texas	32	926570.3841
Tennessee	8	924309.2412
Iowa	4	921568.2317
Alabama	6	918357.8312
Florida	24	918102.599
Virginia	10	912268.8275
North Carolina	12	909899.3817
California	44	909870.6128
Washington	9	909332.9566
Indiana	8	907389.3329
New York	23	898699.7508
Texas	33	898053.6694
Pennsylvania	15	897902.5408
Nevada	4	897335.6862
Colorado	7	892208.3554
California	45	889421.4709
Oklahoma	5	886269.1206
New Jersey	11	886195.1362
Illinois	15	884853.056
Minnesota	7	881033.8611
Florida	25	880613.0772
Michigan	12	877738.0125
Ohio	14	875330.0511
Texas	34	871240.0321
Arkansas	4	869996.4189
California	46	869871.3589
New Mexico	3	865576.1904
Wisconsin	7	863708.8352
New York	24	860439.5031
Georgia	13	858709.1623
Mississippi	4	855608.2729
California	47	851162.261
Louisiana	6	851063.7249
Kansas	4	848954.5997
Florida	26	846065.6776
Texas	35	845981.3134
Arizona	9	843687.1665
Pennsylvania	16	839910.9186
North Carolina	13	836985.6966

California	48	833241.0484
Massachusetts	9	828902.2709
Illinois	16	827704.2433
Maryland	8	826542.5399
New York	25	825304.5786
Virginia	11	825178.2024
Kentucky	6	823289.4443
Missouri	8	823202.1753
Texas	36	822146.057
California	49	816058.9753
Tennessee	9	815164.1289
Ohio	15	814887.93
Florida	27	814127.0779
Washington	10	813332.1221
New Jersey	12	808981.7774
Michigan	13	807401.5398
Connecticut	5	806839.9611
Nebraska	3	801527.3409
Indiana	9	800242.1724
Texas	37	799617.2204
California	50	799571.2358
Georgia	14	795010.2024
New York	26	792926.991
South Carolina	7	790760.2292
Pennsylvania	17	788958.9294
Florida	28	784512.4822
California	51	783736.5741
Texas	38	778290.2511
Illinois	17	777492.7545
Rhode Island	2	776518.5041
Alabama	7	776154.0284
North Carolina	14	774898.1811
Oregon	6	774388.4092
Colorado	8	772675.1012
California	52	768516.9393
Montana	2	767498.65
Minnesota	8	762997.7053
New York	27	762994.3528

EXHIBIT

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Final Census Apportionment Counts Surprises Many Observers; Raising Questions of Why?

The Census Bureau released the final state-level counts from the 2020 Census on April 26, 2021, and with it the results of this decade’s round of reapportionment. But the results shifted the number of seats that were projected to change in six different states from the 2019 population estimates released by the Bureau just five months ago. This change appears to be regional in nature, with the southern states of **Arizona, Texas** and **Florida** not gaining or not gaining as many seats as expected. On the flip side, the northeastern states of **New York** and **Rhode Island**, and the upper Midwest state of **Minnesota** kept seats that they were expected to lose. *See Map #1 in this press package.* Election Data Services, Inc.’s President Kimball Brace speculated that it’s possible the southern state changes, with their large and growing Hispanic populations, have been caused by the Trump Administrations efforts to keep non-citizens from being counted in the Census. It is also reported that these three states failed to have an effective state sponsored outreach program to promote the Census.

The final Census counts found 13 states will change their number of representatives in the U.S. House starting in 2022. Six states will be gaining seats due to apportionment, with **Texas** leading the pack by gaining two seats in the new Congress. Single seat gains were achieved by the states of **Colorado, Florida, Montana, North Carolina,** and **Oregon.** As in past decades, single seat loses have been concentrated in the Northeast and upper mid-West states of **Illinois, Michigan, New York, Ohio, Pennsylvania,** and **West Virginia,** as well as the state of **California.** A map of the 2020 gains and loses is *attached as Map #2.*

As in past studies and decades, Election Data Services has generated its standard table of apportionment changes that contains more complete tallies than those released by the Census Bureau. The Election Data Services table shows not only how many seats changed for each state, but also how many more people would be needed for the state to gain an addition seat. In addition, the

Election Data Services, Inc. “2020 Reapportionment Analysis – Final Results”

April 27, 2021

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Election Data Services’ report shows a column with how many people would have to be lost from what the 2020 Census reported for the state to lose a seat. With 435 seats allocated in the apportionment process, the table also shows what seat number was the last seat gained by a state, and then if the calculations continued past the 435 cut-off, what seat number the state would gain if the program extended beyond the 435 cut-off point. See *Table 1, attached* with the results for the apportionment counts (resident population plus overseas population = apportionment counts).

In table form, the gainers and losers are:

States Gaining Districts (6)

Colorado +1 (from 7 to 8)
Florida +1 (from 27 to 29)
Montana +1 (from At-large to 2)
North Carolina +1 (from 13 to 14)
Oregon +1 (from 5 to 6)
Texas +2 (from 36 to 38)

States Losing Districts (7)

California -1 (from 53 to 52)
Illinois -1 (from 18 to 17)
Michigan -1 (from 14 to 13)
New York -1 (from 27 to 26)
Ohio -1 (from 16 to 15)
Pennsylvania -1 (from 18 to 17)
West Virginia -1 (from 3 to 2)

Since 1941, by law the number of seats in the U.S. House of Representatives has been capped at 435. As a result, there has always been interest in finding which states are close to that magic cut-off point, either just gaining their last seat, or just missing their next seat. Our tables now contain a page 2, which highlights the last five seats that were obtained (seats #430 through #435) as well as the next seats where states just missed gaining a seat (seats #436 through #440). In previous reports this table was incorporated into the press release, but now it will be automatically generated in the tables. *Map #3 attached* shows graphically the 10 states that were the closest to the 435 cut-off, and labeled with how many people each state just missed or just gained their last seat.

As in every study Election Data Services has done through the decades, this is where some important finding can be found, and 2020 is no different. In fact, we can report that in no other decade since the 1930s (when the “method of equal proportions” was adopted for apportionment), has the margin for the final seat (#435) been so close. As *Table 1, attached* notes the State of **Minnesota** secured the final seat (#435) with only 26 people to spare. In addition, the State of **New York** just missed that final seat by only 89 people when they came in with seat #436. In previous years one state may have had small margins, but this is the first time when two states are so close and battling right to the “finish line”. “These highlights more than anything”, Brace said, “why it’s so important for people to fill out the census. Just as in close elections, every vote and census count matters.” Brace further noted that all the calculations of how close or how far a state may be to a change in number of seats is premised on the supposition that all other states’ population stay the same and that only the state in question changes its’ population by the reported amount.

The Election Data Services, Inc.’s study also showed that additional states were within striking range of keeping or losing their final seat (defined by a margin of less than 100,000 people). Besides the **Minnesota** and **New York** margins noted above, some additional examples:

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- **Alabama** was within 85,285 people of losing its 7th district under the final count. Earlier speculation from population estimates anticipated the state would lose a seat, and the state used that fact to file a lawsuit against the Census Bureau seeking to stop it from counting non-citizens in the Census. One might assume the final data has “mooted” this part of the legal challenge for this decade. The state has also brought a challenge to the implementation of the Bureau’s “Disclosure Avoidance System”
- **Arizona** missed gaining an additional congressional district by 79,509 people. As noted above this may have been due to the Trump Administration’s efforts to discourage Hispanics (a large population in the state) to participate in the Census. The building of the “border wall” in the southern United States was a visible symbol of this effort.
- **Delaware** is the only At-Large state that falls closest to gaining a second district. Calculated manually, the state is 88,205 people away from getting a second congressional district. The state also becomes the largest At-Large district in the nation, replacing **Montana**’s previous distinction.
- **Colorado** picked up its new 8th congressional district by only 72,445 people to spare.
- **Idaho** just missed gaining a third seat by only 27,579 people.
- **Montana** went back to having two seats in the US House (they previously had two seats from 1910 through 1990 before they dropped down to a single seat for the last three decades). It gained back that second seat by only 6,371 people to spare.
- **Nebraska** kept its three congressional districts, but a loss of 94,387 people would have put the state down to only two seats in the House of Representatives.
- **Ohio** lost its 16th district by just 11,462 people. If the US House had 437 seats (as it did when Alaska and Hawaii were admitted as states in 1959), then Ohio would have kept their last seat.
- **Oregon** added a new seat (their 6th) with just 62,408 people to spare, securing seat number 431, four away from the magic 435-cut-off mark.
- **Rhode Island** kept its second seat by a margin of only 19,127 people to spare, a marked reversal of a long downward trend in the state and bucking speculation it would end up with only a single At-Large seat in Congress. The population estimates from last year apportionment study expected that the state would lose its second seat by 14,529 people. Therefore, a swing of just over 33,000 people has allowed the state to kept two seats in Congress.
- **West Virginia** lost its third seat in Congress by not having 73,911 more people counted in the 2020 Census. Congress would need to have at least 454 seats to keep **West Virginia** from losing a seat.

A map of this information is attached as *Map #4*.

While not close, the 2020 Census determined that **California** would lose a congressional district for the first time since it became a state in 1859. Election Data Services’ 2018 study identified that **California** was at risk to lose a congressional district for the first time in its nearly 160-year history. The population shift from the state is now shown to be larger than the population estimate series from the Census Bureau previously indicated. The official 2020 Census found that **California** lost its 53rd seat by 478,805 people, while last year’s population estimates indicated it would lose the seat by approximately 300,000 people.

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Military Overseas Populations

As has been the case since at least 1970, the Census Bureau obtains counts of military and federal civilian employees living overseas (and their dependents living with them) who could be allocated to a home state and adds those numbers for each state to the resident population counted by the Bureau. These additional numbers help form the counts used for apportionment.

Because the Bureau publishes separately the counts of the overseas populations by state (totally 350,686 this decade) and a table of just the resident population counted in 2020, Election Data Services can generate a separate table of what apportionment would look like if the military overseas numbers were not included and just the resident population formed the apportionment numbers (this is similar to the circumstances before 1970). This is attached as *Table 2* to this study.

This second and separate Election Data Services table shows that the same states would have gained, or lost seats as reported in table 1 above; thus, the addition of the overseas counts had no impact on the apportionment results this decade. The same resulted in the 2010 cycle, but the 2000 and 1990 apportionment cycles were impacted by the additional overseas population. In 2000 the inclusion of the military overseas population caused the final 435th seat to switch from **Utah** to **North Carolina**. As a result, **North Carolina** captured seat #435 by only 3,987 people to spare, with **Utah** falling to seat #436 and missing that additional seat by only 856 people. After the 2000 census **Utah** initiated a lawsuit alleging that the Bureau needed to count the Mormon missionaries stationed overseas also but did not prevail.

In 1990 Census reinstated the use of the overseas counts into the apportionment determination and it contributed to **Massachusetts** losing a House seat to **Washington State**. **Massachusetts** sued, claiming under the Federal Administrative Procedure Act that the Commerce Secretary’s decision to include the overseas count was “arbitrary and capricious” and won in the lower court. The US Supreme Court however reversed the decision in 1992.

The 1980 Census did not include overseas personnel into the apportionment formula. The 1970 census was the first in which certain categories of Americans overseas were officially included in the apportionment formula. That inclusion reportedly resulted in a change of fewer than 300 persons and caused a congressional seat to shift from **Connecticut** to **Oklahoma**.¹

For 2020 the Census Bureau changed the “residency rules” for counting the military by creating a distinction between personnel who are *deployed* overseas (usually for short periods of time) compared to those who are *stationed* or *assigned* overseas (frequently for longer periods of time). The Bureau used the Department of Defense’s administrative records to count *deployed* personnel at their usual residence in the US for both apportionment and redistricting purposes (they were embedded within the state’s resident population counts). On the other hand, personnel who are *stationed* or *assigned* overseas were counted to their “home state of record” for apportionment purposes only and showed up as part of a state’s total “overseas count” in

¹ US Commerce Dept, Bureau of the Census, Technical Paper 62, *Americans Overseas in U.S. Censuses*, by Karen M. Mills, Issued November 1993, page 4, courtesy of Margo Anderson

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yesterday’s release. Military sources have told the Census Bureau that of all overseas military, approximately 15% are *deployed* personnel and 85% are *stationed* or *assigned* overseas.

Average size of Congressional Districts

The apportionment data released on April 26 included information on the average size of congressional districts moving forward into the decade. This is based upon the apportionment count and includes the overseas population in the calculation. *Map #5, attached* depicts a graphically rendition of this information, but focuses on both the largest and smallest states to show the significant range that exists between the states. This is mainly caused by the apportionment process itself, where every state is assigned at least one seat.

But it should be noted that the average size of a district is not the same as the “ideal size” of a district used in the redistricting process (and documented below). The redistricting’s “ideal size” is based only upon the “resident” population (also reported on April 26). Given the smaller size of the overseas population reported this decade, the two calculations of “average” and “ideal” are not that far apart. But persons doing redistricting over the next year will need to make certain their district’s deviation calculations are calculating from the correct number.

Electoral College Impact

Because congressional apportionment also impacts the Electoral College and the vote for President, Election Data Services took the 2020 apportionment results for each state and applied the Presidential election results from the past six Presidential contests to determine the Electoral College outcomes in the past 20 years. The study shows that none of the presidential contests would have elected a different presidential candidate using the new apportionment counts but they would have been more Republican. *See Table #3, attached to this study.*

For example, in the 2020 Presidential election, former President Trump would have gained three more electoral votes (from 232 to 235) had the election been held with the new apportionment results, but not enough to give Trump back the White House.

The 2016 Electoral College was muddled because 7 electors voted for a different candidate than what they had pledged based on the vote totals. But at the end of the day, the new apportionment results would have caused Trump to gain one more electoral vote than he received on election night. President-elect Trump’s ability to carry states that will be losing congressional seats in 2020 also contributed to a reversal of the pattern depicted in previous elections.

In 2012 President Obama would still have won the Electoral College, but with three fewer votes (329 vs 332) than he won at the time of voting.

The biggest change would have occurred in the 2000 presidential election when George W. Bush would have gained an additional 18 electoral votes had the new 2020 apportionment projections determined the number of congressional seats in each state. When the 2000 election was finally decided, George W. Bush carried the electoral college with 271 votes compared to Al Gore’s 266

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votes. The 2020 revised counts show George W. Bush winning a more comfortable margin of 289 to 248 votes under the new apportionment results.

It should be noted that the 2020 Presidential election and resulting Electoral College occurred before the results of the 2020 Census were released on April 26th. Therefore, the Electoral College results in 2020 were governed by the state’s apportionment allocation as they existed at the time of the election, having been first determined in 2011. The first time the new 2020 apportionment results will be utilized will be the 2024 Presidential election. Election Data Services, Inc. has also worked with the website [270ToWin](#), which has built an interactive map of these new apportionment results allowing users to adjust state outcomes to discover Electoral College outcomes for the presidential elections back to 2000.

State Seat Allocation Table

Election Data Services’ apportionment calculator also creates a table showing all the seat numbers that an individual state receives as a result of the “method of equal proportions”. While this table is available for all our apportionment studies, this is the first time Election Data Services have included the results of this table (*see Table #4, attached*) within our press release as a way of furthering the education of the apportionment process. Each state receives at least one seat in apportionment, which is shown as seat #1 being “at large” in the table. Seats 51 through 435 are then shown under the respective state’s column with a seat number based on the remaining declining population in a state. As such, **California** received seat #51, **Texas** received seat number #52, and then seat number #53 comes back to **California**.

Ideal District Size Table

Following reapportionment, the results of the 2020 Census will next be used by each state in its respective redistricting processes (the actual drawing or adjustments to the state’s Congressional, State Senate and State House districts). Like last decade, Election Data Services produced a table (*see table #5, attached*) showing the ideal district size that will be used for each chamber in each state. This table is generated from the “resident count” numbers announced on Monday and will match the numbers that form the PL 94-171 file that will be released by the Bureau in August and September 2021. Because the overseas count is only available as a single number statewide, it is not used in redistricting, and therefore is not included in calculating the ideal district size. Election Data Services acknowledges the assistance of the National Conference of State Legislatures for its compilation of the number of members in each chamber in each state.

How Good was the Census?

Given how different the projections were from the final census results in a number of states, the question on how solid the Census findings are is bound to be debated in the coming months. The Bureau appears to invite that debate by releasing the most detailed information on the performance of different phases of the census in their Data Quality Metrics table.² Over 70 different numbers are shown for not only nationwide calculations, but the table also reports the same data for each of the 50 states.

² <https://www.census.gov/newsroom/press-kits/2021/2020-census-quality-and-data-processing.html>

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“The Bureau should be congratulated for compiling this look at their performance,” said Brace, “but I would urge similar metrics be generated and released for smaller levels of geography when the PL file is released in the fall.” Noting some resistance to the concept due to privacy concerns, Brace said “We’re not talking about data at the block level, but instead larger geographies like census tracts so that everyone, including redistricters, can evaluate the census in different parts and communities of a state.” During the taking of the Census, the Bureau regularly reported self-response rates at the tract level during the spring and summer of 2020. Election Data Services will continue to evaluate and report on information in the Data Quality Metrics.

Past apportionment studies by Election Data Services, Inc. can be found at <https://www.electiondataservices.com/reapportionment-studies/>. A historical chart on the number of districts each state received each decade from 1789 to current is also available at this web address and linkable at <https://www.electiondataservices.com/wp-content/uploads/2014/10/CD-apportionment-1789-2010.pdf>.

Election Data Services Inc. is a political consulting firm that specializes in redistricting, election administration, and the analysis of census and political data. Election Data Services, Inc. conducts the congressional apportionment analyses with each annual release of the census population estimates. For more information about the reapportionment analysis, contact Kimball Brace (703-580-7267 or 202-789-2004 or kbrace@electiondataservices.com).

Apportionment

2020 Apportionment Population Counts from CB Released 4/26/2021										
State	Population	Compare			Gain a Seat	Lose a Seat	Last Seat	Next Seat	Average Size	Size Rank
		To	Seats	Change			Given	At		
Alabama	5,030,053	7	7	0	879,700	85,285	429	495	715,579	40
Alaska	736,081	1	1	0			at large	640	736,081	34
Arizona	7,159,923	9	9	0	79,509	884,702	395	440	785,436	7
Arkansas	3,013,756	4	4	0	398,474	870,667	384	493	753,439	29
California	39,576,757	53	52	-1	378,806	284,400	433	441	761,091	26
Colorado	5,782,171	7	8	1	692,080	72,445	432	488	722,771	38
Connecticut	3,608,298	5	5	0	570,815	106,084	414	505	721,560	39
Delaware	990,837	1	1	0			at large	673	990,837	1
Florida	21,570,527	27	28	1	171,581	591,851	424	439	770,378	30
Georgia	10,725,274	14	14	0	301,614	431,918	419	448	766,091	24
Hawaii	1,460,137	2	2	0	408,819	381,101	324	559	730,689	37
Idaho	1,841,377	2	2	0	27,570	782,341	258	443	920,889	2
Illinois	12,822,739	18	17	-1	524,270	239,114	427	453	754,279	28
Indiana	6,780,280	9	9	0	448,152	315,069	418	466	754,476	27
Iowa	3,182,408	4	4	0	219,824	549,317	361	467	798,102	6
Kansas	2,940,866	4	4	0	471,365	297,776	382	507	735,216	35
Kentucky	4,509,342	6	6	0	435,449	830,250	404	476	751,557	30
Louisiana	4,561,488	6	6	0	283,323	482,378	391	464	770,911	15
Maine	1,383,582	2	2	0	505,374	284,546	342	595	681,781	45
Maryland	6,185,270	8	8	0	208,973	476,552	401	458	773,160	18
Massachusetts	7,033,469	9	9	0	204,963	559,248	399	447	781,497	11
Michigan	10,064,442	14	13	-1	208,950	554,546	413	444	775,728	16
Minnesota	5,709,750	6	8	0	764,499	36	435	484	713,719	41
Mississippi	2,893,914	4	4	0	448,318	320,825	389	503	740,979	32
Missouri	6,180,281	8	8	0	313,970	450,555	405	460	770,035	21
Montana	1,085,407	1	2	1	733,549	6,371	434	738	542,704	50
Nebraska	1,863,333	3	3	0	879,769	84,397	415	584	654,444	48
Nevada	3,108,462	4	4	0	303,766	485,373	373	477	777,116	14
New Hampshire	1,379,089	2	2	0	409,857	300,053	340	589	689,545	44
New Jersey	9,294,483	12	12	0	235,846	528,358	412	448	774,541	17
New Mexico	2,120,220	3	3	0	522,882	251,274	386	540	706,740	43
New York	20,216,761	27	26	-1	89	783,136	420	438	777,529	19
North Carolina	10,453,948	13	14	1	802,840	160,592	430	462	746,711	31
North Dakota	778,702	1	1	0			at large	801	778,702	12
Ohio	11,808,840	10	15	-1	11,462	752,010	409	437	787,257	9
Oklahoma	3,853,516	5	5	0	215,596	551,302	378	461	782,709	8
Oregon	4,241,500	6	6	1	703,291	82,408	431	509	706,917	42
Pennsylvania	13,011,864	10	17	-1	336,165	428,219	422	446	766,403	25
Rhode Island	1,099,183	2	2	0	770,793	19,127	428	724	549,082	49
South Carolina	5,124,712	7	7	0	585,041	179,844	421	487	732,102	36
South Dakota	887,770	1	1	0			at large	526	887,770	4
Tennessee	6,916,897	6	6	0	321,536	442,878	408	457	768,544	22
Texas	29,183,290	38	38	2	189,645	573,546	426	438	787,981	23
Utah	3,275,252	4	4	0	136,978	632,163	352	455	818,613	5
Vermont	643,503	1	1	0			at large	716	643,503	47
Virginia	8,854,542	11	11	0	111,835	652,180	403	442	786,777	10
Washington	7,715,946	10	10	0	286,442	477,547	411	451	771,595	19
West Virginia	1,795,048	3	2	-1	73,011	716,009	265	454	997,529	3
Wisconsin	5,897,473	8	8	0	576,778	187,747	423	478	737,184	33
Wyoming	577,719	1	1	0			at large	789	577,719	48
Washington DC	723,759	0								
331,832,186		435					Median =		763,247	
Other Inputs:								Min =		542,704
435 Seats to Apportion								Max =		980,837
75 Max Seats to Calculate										
50 States										
<input type="checkbox"/> Include										

Seat	State	District	Gain or Loss by
430	North Carolina	14	160,592
431	Oregon	6	62,408
432	Colorado	8	72,445
433	California	52	284,400
434	Montana	2	6,371
435	Minnesota	8	26
436	New York	27	89
437	Ohio	16	11,462
438	Texas	39	189,645
439	Florida	29	171,561
440	Arizona	10	79,509

Apportionment

2020 Resident Population Counts from CB Released (No Overseas Military) 4/26/2021										
State	Population	Compare To	Seats	Change	Gain a Seat	Lose a Seat	Last Seat Given	Next Seat At	Average Size	Size Rank
Alabama	5,024,279	7	7	0	682,216	83,058	429	495	717,754	40
Alaska	733,391	1	1	0			at large	641	733,391	35
Arizona	7,151,502	9	9	0	82,800	681,925	395	440	794,611	7
Arkansas	3,011,524	4	4	0	398,759	370,331	384	493	752,881	29
California	39,538,223	53	52	-1	494,485	274,053	433	441	760,350	26
Colorado	5,773,714	7	8	1	696,842	68,084	432	489	721,714	38
Connecticut	3,605,944	5	5	0	570,782	196,178	414	505	721,189	39
Delaware	989,948	1	1	0			at large	473	989,948	1
Florida	21,538,187	27	28	1	191,495	574,361	424	439	769,221	21
Georgia	10,711,908	14	14	0	338,671	425,936	419	448	765,136	24
Hawaii	1,455,271	2	2	0	412,618	377,009	325	560	727,636	37
Idaho	1,839,106	2	2	0	28,783	760,844	259	443	919,553	2
Illinois	12,812,508	18	17	-1	526,885	237,910	427	453	753,677	28
Indiana	6,785,528	9	9	0	448,774	315,951	416	466	753,948	27
Iowa	3,190,369	4	4	0	219,914	549,176	361	467	797,592	6
Kansas	2,937,880	4	4	0	472,403	296,687	392	507	734,470	34
Kentucky	4,505,836	6	6	0	436,133	329,742	404	476	750,973	30
Louisiana	4,657,757	6	6	0	284,212	481,663	390	464	776,293	14
Maine	1,362,359	2	2	0	505,530	284,097	342	595	681,180	45
Maryland	6,177,224	8	8	0	293,332	471,594	401	458	772,153	18
Massachusetts	7,029,917	9	9	0	204,385	560,340	399	447	781,102	11
Michigan	10,077,331	14	13	-1	210,198	554,371	413	444	775,179	16
Minnesota	5,706,494	8	8	0	764,062	864	435	494	713,312	41
Mississippi	2,961,279	4	4	0	449,004	320,086	389	503	740,320	32
Missouri	6,154,913	8	8	0	315,643	449,283	405	460	769,364	20
Montana	1,084,225	1	2	1	783,664	5,963	434	736	542,113	50
Nebraska	1,961,504	3	3	0	680,090	93,898	415	583	653,835	46
Nevada	3,104,614	4	4	0	305,669	463,421	373	478	776,154	15
New Hampshire	1,377,529	2	2	0	490,360	299,267	340	589	688,765	44
New Jersey	9,288,994	12	12	0	235,407	529,145	412	445	774,083	17
New Mexico	2,117,522	3	3	0	524,072	249,916	386	540	705,841	43
New York	20,201,249	27	26	-1	3,056	762,589	420	436	776,971	13
North Carolina	10,439,388	13	14	1	611,191	153,416	430	462	745,671	31
North Dakota	779,094	1	1	0			at large	601	779,094	12
Ohio	11,799,448	16	15	-1	14,117	750,542	409	437	786,630	9
Oklahoma	3,959,353	5	5	0	217,373	549,587	377	461	791,871	8
Oregon	4,237,256	5	6	1	704,713	61,162	431	509	706,209	42
Pennsylvania	13,002,700	18	17	-1	336,693	428,102	422	446	764,865	25
Rhode Island	1,097,379	2	2	0	770,510	19,117	428	724	548,690	49
South Carolina	5,118,425	7	7	0	588,070	177,204	421	486	731,204	36
South Dakota	886,667	1	1	0			at large	526	886,667	4
Tennessee	6,910,840	9	9	0	323,462	441,263	408	457	767,871	22
Texas	29,145,505	36	38	2	210,670	556,284	426	438	766,987	23
Utah	3,271,616	4	4	0	138,667	630,423	353	455	817,904	5
Vermont	643,077	1	1	0			at large	716	643,077	47
Virginia	8,631,393	11	11	0	129,782	634,782	403	442	784,672	10
Washington	7,705,281	10	10	0	292,541	472,074	411	452	770,528	19
West Virginia	1,793,716	3	2	-1	74,173	715,454	265	454	896,858	3
Wisconsin	5,893,718	8	8	0	576,838	188,088	423	477	736,715	33
Wyoming	576,851	1	1	0			at large	790	576,851	48
Washington DC	723,755	0								
	331,483,491		435					Median =	762,608	
Other Inputs:								Min =	542,113	
	435 Seats to Apportion							Max =	989,948	
	75 Max Seats to Calculate									
	50 States									
<input type="checkbox"/> Include										

Apportionment

Seat	State	District	Gain or Loss by
430	North Carolina	14	153,416
431	Oregon	6	61,162
432	Colorado	8	68,084
433	California	52	274,053
434	Montana	2	5,963
435	Minnesota	8	864
436	New York	27	3,056
437	Ohio	16	14,117
438	Texas	39	210,670
439	Florida	29	191,495
440	Arizona	10	82,800

State	New Apportionment Count (2020)	New Electoral College Count	2010s Electoral College Count	2000s Electoral College Count	2020 Presidential Election				
					2020 Presidential Victor	Electoral Votes For Biden (D)	Electoral Votes For Trump (Rep)	Revised Electoral Votes For Biden (D)	Revised Electoral Votes For Trump (Rep)
Alabama	7	9	9	9	Trump	0	9	0	9
Alaska	1	3	3	3	Trump	0	3	0	3
Arizona	9	11	11	10	Biden	11	0	11	0
Arkansas	4	6	6	6	Trump	0	6	0	6
California	52	54	55	55	Biden	55	0	54	0
Colorado	8	10	9	9	Biden	9	0	10	0
Connecticut	5	7	7	7	Biden	7	0	7	0
Delaware	1	3	3	3	Biden	3	0	3	0
Florida	28	30	29	27	Trump	0	29	0	30
Georgia	14	16	16	15	Biden	16	0	16	0
Hawaii	2	4	4	4	Biden	4	0	4	0
Idaho	2	4	4	4	Trump	0	4	0	4
Illinois	17	19	20	21	Biden	20	0	19	0
Indiana	9	11	11	11	Trump	0	11	0	11
Iowa	4	6	6	7	Trump	0	6	0	6
Kansas	4	6	6	6	Trump	0	6	0	6
Kentucky	6	8	8	8	Trump	0	8	0	8
Louisiana	6	8	8	9	Trump	0	8	0	8
Maine	2	4	4	4	Biden	3	1	3	1
Maryland	8	10	10	10	Biden	10	0	10	0
Massachusetts	9	11	11	12	Biden	11	0	11	0
Michigan	13	15	16	17	Biden	16	0	15	0
Minnesota	8	10	10	10	Biden	10	0	10	0
Mississippi	4	6	6	6	Trump	0	6	0	6
Missouri	8	10	10	11	Trump	0	10	0	10
Montana	2	4	3	3	Trump	0	3	0	4
Nebraska	3	5	5	5	Trump	1	4	1	4
Nevada	4	6	6	5	Biden	6	0	6	0
New Hampshire	2	4	4	4	Biden	4	0	4	0
New Jersey	12	14	14	15	Biden	14	0	14	0
New Mexico	3	5	5	5	Biden	5	0	5	0
New York	26	28	29	31	Biden	29	0	28	0
North Carolina	14	16	15	15	Trump	0	15	0	16
North Dakota	1	3	3	3	Trump	0	3	0	3
Ohio	15	17	18	20	Trump	0	18	0	17
Oklahoma	5	7	7	7	Trump	0	7	0	7
Oregon	6	8	7	7	Biden	7	0	8	0
Pennsylvania	17	19	20	21	Biden	20	0	19	0
Rhode Island	2	4	4	4	Biden	4	0	4	0
South Carolina	7	9	9	8	Trump	0	9	0	9
South Dakota	1	3	3	3	Trump	0	3	0	3
Tennessee	9	11	11	11	Trump	0	11	0	11
Texas	38	40	38	34	Trump	0	38	0	40
Utah	4	6	6	5	Trump	0	6	0	6
Vermont	1	3	3	3	Biden	3	0	3	0
Virginia	11	13	13	13	Biden	13	0	13	0
Washington	10	12	12	11	Biden	12	0	12	0
West Virginia	2	4	5	5	Trump	0	5	0	4
Wisconsin	8	10	10	10	Biden	10	0	10	0
Wyoming	1	3	3	3	Trump	0	3	0	3
Washington DC	1	3	3	3	Biden	3	0	3	0
						306	232	303	235
								-3	3

State	2016 Presidential Election					2012 Presidential Election				
	2016 Presidential Victor	Electoral Votes For Clinton (D)	Electoral Votes For Trump (Rep)	Revised Electoral Votes For Clinton (D)	Revised Electoral Votes For Trump (Rep)	2012 Presidential Victor	Electoral Votes For Obama (D)	Electoral Votes For Romney (Rep)	Revised Electoral Votes For Obama (D)	Revised Electoral Votes For Romney (Rep)
Alabama	Trump	0	9	0	9	Romney	0	9	0	9
Alaska	Trump	0	3	0	3	Romney	0	3	0	3
Arizona	Trump	0	11	0	11	Romney	0	11	0	11
Arkansas	Trump	0	6	0	6	Romney	0	6	0	6
California	Clinton	55	0	54	0	Obama	55	0	54	0
Colorado	Clinton	9	0	10	0	Obama	9	0	10	0
Connecticut	Clinton	7	0	7	0	Obama	7	0	7	0
Delaware	Clinton	3	0	3	0	Obama	3	0	3	0
Florida	Trump	0	29	0	30	Obama	29	0	30	0
Georgia	Trump	0	16	0	16	Romney	0	16	0	16
Hawaii	Clinton*	3	0	3	0	Obama	4	0	4	0
Idaho	Trump	0	4	0	4	Romney	0	4	0	4
Illinois	Clinton	20	0	19	0	Obama	20	0	19	0
Indiana	Trump	0	11	0	11	Romney	0	11	0	11
Iowa	Trump	0	6	0	6	Obama	6	0	6	0
Kansas	Trump	0	6	0	6	Romney	0	6	0	6
Kentucky	Trump	0	8	0	8	Romney	0	8	0	8
Louisiana	Trump	0	8	0	8	Romney	0	8	0	8
Maine	Clinton	3	1	3	1	Obama	4	0	4	0
Maryland	Clinton	10	0	10	0	Obama	10	0	10	0
Massachusetts	Clinton	11	0	11	0	Obama	11	0	11	0
Michigan	Trump	0	16	0	15	Obama	16	0	15	0
Minnesota	Clinton	10	0	10	0	Obama	10	0	10	0
Mississippi	Trump	0	6	0	6	Romney	0	6	0	6
Missouri	Trump	0	10	0	10	Romney	0	10	0	10
Montana	Trump	0	3	0	4	Romney	0	3	0	4
Nebraska	Trump	0	5	0	5	Romney	0	5	0	5
Nevada	Clinton	6	0	6	0	Obama	6	0	6	0
New Hampshire	Clinton	4	0	4	0	Obama	4	0	4	0
New Jersey	Clinton	14	0	14	0	Obama	14	0	14	0
New Mexico	Clinton	5	0	5	0	Obama	5	0	5	0
New York	Clinton	29	0	28	0	Obama	29	0	28	0
North Carolina	Trump	0	15	0	16	Romney	0	15	0	16
North Dakota	Trump	0	3	0	3	Romney	0	3	0	3
Ohio	Trump	0	18	0	17	Obama	18	0	17	0
Oklahoma	Trump	0	7	0	7	Romney	0	7	0	7
Oregon	Clinton	7	0	8	0	Obama	7	0	8	0
Pennsylvania	Trump	0	21	0	19	Obama	20	0	19	0
Rhode Island	Clinton	4	0	4	0	Obama	4	0	4	0
South Carolina	Trump	0	9	0	9	Romney	0	9	0	9
South Dakota	Trump	0	3	0	3	Romney	0	3	0	3
Tennessee	Trump	0	11	0	11	Romney	0	11	0	11
Texas	Trump	0	36	0	38	Romney	0	38	0	40
Utah	Trump	0	6	0	6	Romney	0	6	0	6
Vermont	Clinton	3	0	3	0	Obama	3	0	3	0
Virginia	Clinton	13	0	13	0	Obama	13	0	13	0
Washington	Clinton	8	0	8	0	Obama	12	0	12	0
West Virginia	Trump	0	5	0	4	Romney	0	5	0	4
Wisconsin	Trump	0	10	0	10	Obama	10	0	10	0
Wyoming	Trump	0	3	0	3	Romney	0	3	0	3
Washington DC	Clinton	3	0	3	0	Obama	3	0	3	0
		227	304	226	305		332	206	329	209
				-1	1				-3	3
	#One elector voted for John Kasich for President									
	#One elector voted for Ron Paul for President									
	&Three electors voted for Colin Powell for President									
	&One elector voted for Faith Spotted Eagle									
	*One elector voted for Bernie Sanders									

State	2008 Presidential Election					2004 Presidential Election				
	2008 Presidential Victor	Electoral Votes For Obama (D)	Electoral Votes For McCain (Rep)	Revised Electoral Votes For Obama (D)	Revised Electoral Votes For McCain (Rep)	2004 Presidential Victor	Electoral Votes For Kerry (D)	Electoral Votes For Bush (Rep)	Revised Electoral Votes For Kerry (D)	Revised Electoral Votes For Bush (Rep)
Alabama	McCain	9	9	0	9	Bush	9	9	0	9
Alaska	McCain	0	3	0	3	Bush	0	3	0	3
Arizona	McCain	9	10	0	11	Bush	9	10	0	11
Arkansas	McCain	0	6	0	6	Bush	0	6	0	6
California	Obama	55	0	54	0	Kerry	55	0	54	0
Colorado	Obama	9	0	10	0	Bush	0	9	0	10
Connecticut	Obama	7	0	7	0	Kerry	7	0	7	0
Delaware	Obama	3	0	3	0	Kerry	3	0	3	0
Florida	Obama	27	0	30	0	Bush	0	27	0	30
Georgia	McCain	0	15	0	16	Bush	0	15	0	16
Hawaii	Obama	4	0	4	0	Kerry	4	0	4	0
Idaho	McCain	0	4	0	4	Bush	0	4	0	4
Illinois	Obama	21	0	19	0	Kerry	21	0	19	0
Indiana	Obama	11	0	11	0	Bush	0	11	0	11
Iowa	Obama	7	0	6	0	Bush	0	7	0	6
Kansas	McCain	0	6	0	6	Bush	0	6	0	6
Kentucky	McCain	0	8	0	8	Bush	0	8	0	8
Louisiana	McCain	0	9	0	8	Bush	0	9	0	8
Maine	Obama	4	0	4	0	Kerry	4	0	4	0
Maryland	Obama	10	0	10	0	Kerry	10	0	10	0
Massachusetts	Obama	12	0	11	0	Kerry	12	0	11	0
Michigan	Obama	17	0	15	0	Kerry	17	0	15	0
Minnesota	Obama	10	0	10	0	Kerry	9	0	9	0
Mississippi	McCain	0	6	0	6	Bush	0	6	0	6
Missouri	McCain	0	11	0	10	Bush	0	11	0	10
Montana	McCain	0	3	0	4	Bush	0	3	0	4
Nebraska	McCain	1	4	1	4	Bush	0	5	0	5
Nevada	Obama	5	0	6	0	Bush	0	5	0	6
New Hampshire	Obama	4	0	4	0	Kerry	4	0	4	0
New Jersey	Obama	15	0	14	0	Kerry	15	0	14	0
New Mexico	Obama	5	0	5	0	Bush	0	5	0	5
New York	Obama	31	0	28	0	Kerry	31	0	28	0
North Carolina	Obama	15	0	16	0	Bush	0	15	0	16
North Dakota	McCain	0	3	0	3	Bush	0	3	0	3
Ohio	Obama	20	0	17	0	Bush	0	20	0	17
Oklahoma	McCain	0	7	0	7	Bush	0	7	0	7
Oregon	Obama	7	0	8	0	Kerry	7	0	8	0
Pennsylvania	Obama	21	0	19	0	Kerry	21	0	19	0
Rhode Island	Obama	4	0	4	0	Kerry	4	0	4	0
South Carolina	McCain	0	8	0	9	Bush	0	8	0	9
South Dakota	McCain	0	3	0	3	Bush	0	3	0	3
Tennessee	McCain	0	11	0	11	Bush	0	11	0	11
Texas	McCain	9	34	0	40	Bush	0	34	0	40
Utah	McCain	0	5	0	6	Bush	0	5	0	6
Vermont	Obama	3	0	3	0	Kerry	3	0	3	0
Virginia	Obama	13	0	13	0	Bush	0	13	0	13
Washington	Obama	11	0	12	0	Kerry	11	0	12	0
West Virginia	McCain	0	5	0	4	Bush	0	5	0	4
Wisconsin	Obama	10	0	10	0	Kerry	10	0	10	0
Wyoming	McCain	0	3	0	3	Bush	0	3	0	3
Washington DC	Obama	3	0	3	0	Kerry	3	0	3	0
		365	173	357	181		251	286	241	296
				-8	8				-10	10

2000 Presidential Election					
State	2000 Presidential Victor	Electoral Votes For Gore (D)	Electoral Votes For Bush (Rep)	Revised Electoral Votes For Gore (D)	Revised Electoral Votes For Bush (Rep)
Alabama	Bush	0	9	0	9
Alaska	Bush	0	3	0	3
Arizona	Bush	0	5	0	11
Arkansas	Bush	0	6	0	6
California	Gore	54	0	54	0
Colorado	Bush	0	8	0	10
Connecticut	Gore	8	0	7	0
Delaware	Gore	3	0	3	0
Florida	Bush	0	35	0	30
Georgia	Bush	0	13	0	16
Hawaii	Gore	4	0	4	0
Idaho	Bush	0	4	0	4
Illinois	Gore	22	0	19	0
Indiana	Bush	0	12	0	11
Iowa	Gore	7	0	6	0
Kansas	Bush	0	6	0	6
Kentucky	Bush	0	5	0	8
Louisiana	Bush	0	9	0	8
Maine	Gore	4	0	4	0
Maryland	Gore	10	0	10	0
Massachusetts	Gore	12	0	11	0
Michigan	Gore	18	0	15	0
Minnesota	Gore	10	0	10	0
Mississippi	Bush	0	7	0	6
Missouri	Bush	0	11	0	10
Montana	Bush	0	3	0	4
Nebraska	Bush	0	5	0	5
Nevada	Bush	0	4	0	6
New Hampshire	Bush	0	4	0	4
New Jersey	Gore	15	0	14	0
New Mexico	Gore	5	0	5	0
New York	Gore	33	0	28	0
North Carolina	Bush	0	14	0	16
North Dakota	Bush	0	3	0	3
Ohio	Bush	0	21	0	17
Oklahoma	Bush	0	8	0	7
Oregon	Gore	7	0	8	0
Pennsylvania	Gore	23	0	19	0
Rhode Island	Gore	4	0	4	0
South Carolina	Bush	0	8	0	9
South Dakota	Bush	0	3	0	3
Tennessee	Bush	0	11	0	11
Texas	Bush	0	32	0	40
Utah	Bush	0	5	0	6
Vermont	Gore	3	0	3	0
Virginia	Bush	0	13	0	13
Washington	Gore	11	0	12	0
West Virginia	Bush	0	5	0	4
Wisconsin	Gore	11	0	10	0
Wyoming	Bush	0	3	0	3
Washington DC	Gore	2	0	2	0
		266	271	248	289
				-18	18

Table #4

Apportionment2020_CB2020PopApptCounts_wLegCtrl.xls
States

Seat	Alabama	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	Florida	Georgia	Hawaii	Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky	Louisiana	Maine	Maryland	Massachusetts	Michigan
	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large	at large
1																						
2	106		80	163	51	96	137		54	65	324	258	59	85	156	167	113	112	342	90	81	68
3	171		122	277	53	148	230		61	89			79	131	257	283	189	184		140	126	95
4	231		169	384	57	204	322		71	117			103	178	361	392	259	249		191	172	123
5	299		212		60	262	414		83	145			127	222			332	320		243	217	157
6	362		255		67	315			98	179			149	274			404	391		297	263	188
7	429		304		73	374			111	206			177	318						347	309	218
8			346		78	432			125	234			200	369						401	355	248
9			395		86				138	267			223	416							399	286
10					93				154	296			247									313
11					101				170	330			280									343
12					108				186	357			301									381
13					114				198	388			328									413
14					121				213	419			350									
15					132				228				378									
16					136				239				400									
17					144				254				427									
18					155				275													
19					162				288													
20					173				303													
21					181				317													
22					187				333													
23					195				344													
24					203				363													
25					210				380													
26					219				393													
27					227				410													
28					232				424													
29					241																	
30					250																	
31					260																	
32					269																	
33					281																	
34					287																	
35					291																	
36					302																	
37					310																	
38					316																	
39					326																	
40					334																	
41					339																	
42					348																	
43					358																	
44					367																	
45					375																	
46					385																	
47					390																	
48					398																	
49					407																	
50					418																	
51					425																	
52					433																	
53																						

Apportionment2020_CB2020PopApptCounts_wLegCtrl.xls
States

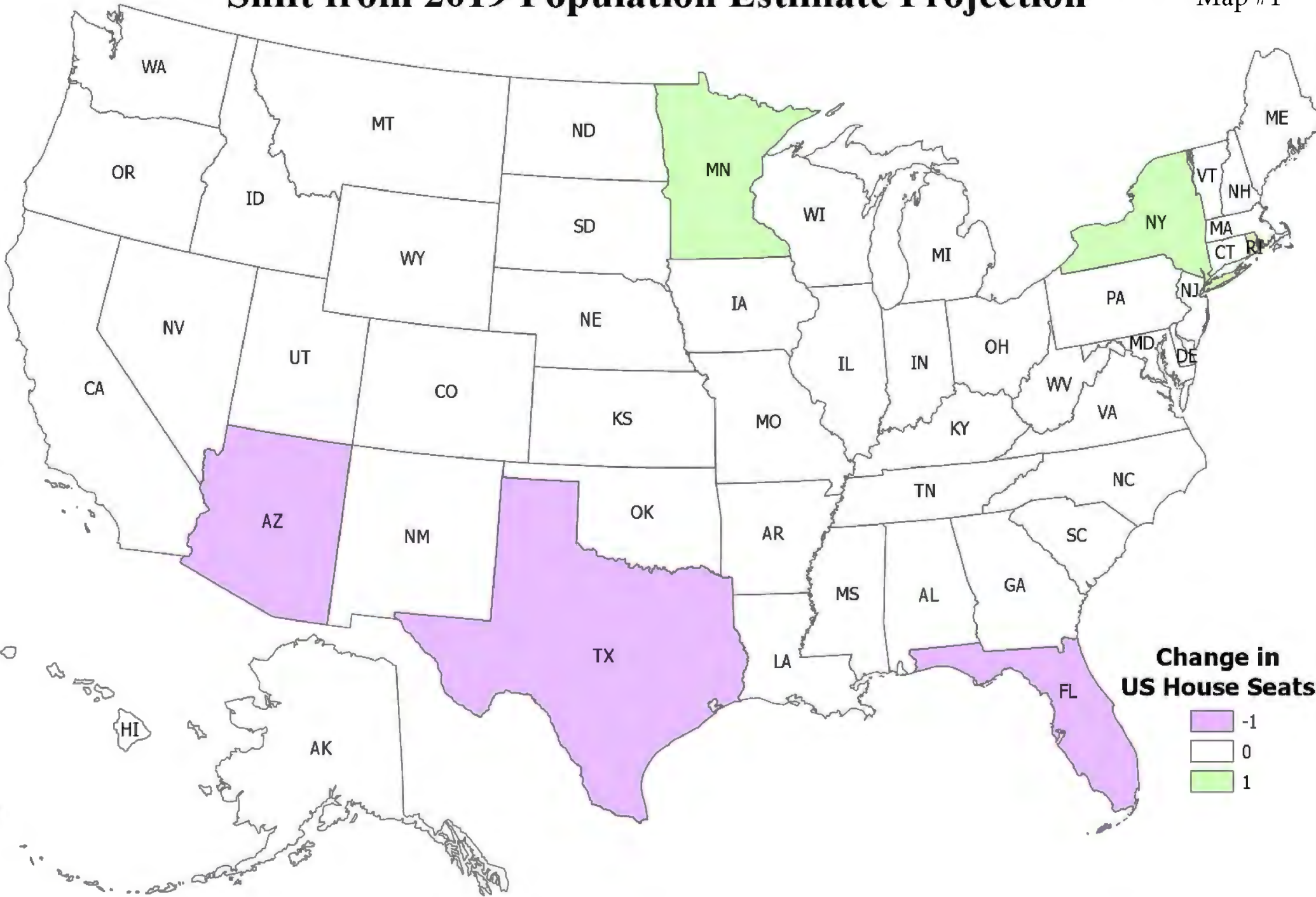
Minnesota at large	Mississippi at large	Missouri at large	Montana at large	Nebraska at large	Nevada at large	Hampshire at large	New Jersey at large	New Mexico at large	New York at large	North Carolina at large	North Dakota at large	Ohio at large	Oklahoma at large	Oregon at large	Pennsylvania at large	Rhode Island at large	South Carolina at large	South Dakota at large	Tennessee at large	Texas at large	Utah at large	Vermont at large
97	165	91	434	242	159	340	69	224	55	66		63	129	120	58	428	105		82	52	153	
152	282	141		415	266		100	386	64	92		84	209	197	77		166		128	56	251	
207	389	192			373		134		74	119		110	294	279	102		229		176	62	352	
264		244					168		87	150		135	376	351	124		292		220	70		
319		300					202		104	183		161		431	147		356		268	76		
379		349					233		116	211		190			175		421		312	88		
435		405					272		133	237		216			196				360	99		
							307		146	276		240			221				408	109		
							338		164	305		270			245						118	
							377		182	335		298			273						130	
							412		194	366		327			295						139	
									208	397		353			321						151	
									225	430		382			341						160	
									238			409			372						174	
									256						396						185	
									278						422						193	
									290												205	
									308												215	
									323												226	
									337												235	
									354												246	
									370												261	
									387												271	
									402												284	
									420												293	
																					306	
																					314	
																					329	
																					336	
																					345	
																					359	
																					371	
																					383	
																					394	
																					406	
																					417	
																					426	

Table #5

Using 2020 Resident population							
Released 4/26/2021							
	2020	Congressional		State Senate		State House	
	Resident	# of	Ideal Dist	# of	Ideal Dist	# of	Ideal Dist
	Population	Districts &	Size	Districts	Size	Districts	Size
Alabama	5,024,279	7	717,754	35	143,551	105	47,850
Alaska	733,391	1	733,391	20	36,670	40	18,335
Arizona	7,151,502	9	794,611	30	238,383	60	See Senate *
Arkansas	3,011,524	4	752,881	35	86,044	100	30,115
California	39,538,223	52	760,350	40	988,456	80	494,228
Colorado	5,773,714	8	721,714	35	164,963	65	88,826
Connecticut	3,605,944	5	721,189	36	100,165	151	23,880
Delaware	989,948	1	989,948	21	47,140	41	24,145
Florida	21,538,187	28	769,221	40	538,455	120	179,485
Georgia	10,711,908	14	765,136	56	191,284	180	59,511
Hawaii	1,455,271	2	727,636	25	58,211	51	28,535
Idaho	1,839,106	2	919,553	35	52,546	70	See Senate *
Illinois	12,812,508	17	753,677	59	217,161	118	108,581
Indiana	6,785,528	9	753,948	50	135,711	100	67,855
Iowa	3,190,369	4	797,592	50	63,807	100	31,904
Kansas	2,937,880	4	734,470	40	73,447	125	23,503
Kentucky	4,505,836	6	750,973	38	118,575	100	45,058
Louisiana	4,657,757	6	776,293	39	119,430	105	44,360
Maine	1,362,359	2	681,180	35	38,925	151	9,022
Maryland	6,177,224	8	772,153	47	131,430	141	43,810
Massachusetts	7,029,917	9	781,102	40	175,748	160	43,937
Michigan	10,077,331	13	775,179	38	265,193	110	91,612
Minnesota	5,706,494	8	713,312	67	85,172	134	42,586
Mississippi	2,961,279	4	740,320	52	56,948	122	24,273
Missouri	6,154,913	8	769,364	34	181,027	163	37,760
Montana	1,084,225	2	542,113	50	21,685	100	10,842
Nebraska	1,961,504	3	653,835	49	40,031	Unicameral	
Nevada	3,104,614	4	776,154	21	147,839	42	73,919
New Hampshire	1,377,529	2	688,765	24	57,397	400	3,444
New Jersey	9,288,994	12	774,083	40	232,225	80	See Senate *
New Mexico	2,117,522	3	705,841	42	50,417	70	30,250
New York	20,201,249	26	776,971	63	320,655	150	134,675
North Carolina	10,439,388	14	745,671	50	208,788	120	86,995
North Dakota	779,094	1	779,094	47	16,576	94	See Senate *
Ohio	11,799,448	15	786,630	33	357,559	99	119,186
Oklahoma	3,959,353	5	791,871	48	82,487	101	39,202
Oregon	4,237,256	6	706,209	30	141,242	60	70,621
Pennsylvania	13,002,700	17	764,865	50	260,054	203	64,053
Rhode Island	1,097,379	2	548,690	38	28,878	75	14,632
South Carolina	5,118,425	7	731,204	46	111,270	124	41,278
South Dakota	886,667	1	886,667	35	25,333	70	See Senate *
Tennessee	6,910,840	9	767,871	33	209,419	99	69,806
Texas	29,145,505	38	766,987	31	940,178	150	194,303
Utah	3,271,616	4	817,904	29	112,814	75	43,622
Vermont	643,077	1	643,077	30	21,436	150	4,287
Virginia	8,631,393	11	784,672	40	215,785	100	86,314
Washington	7,705,281	10	770,528	49	157,251	98	See Senate *
West Virginia	1,793,716	2	896,858	34	52,756	100	17,937
Wisconsin	5,893,718	8	736,715	33	178,598	99	59,533
Wyoming	576,851	1	576,851	30	19,228	60	9,614
TOT	330,759,736	435	760,367	1,972	167,728	5,411	61,127
	Smallest		542,113		16,576		3,444
	Largest		989,948		988,456		494,228
	Median		762,608		119,002		43,810
	Average		751,861		166,367		64,737
* State House members are elected as multi-members to a state senate district							
& Distribution of apportioned Congressional Districts based on Resident + Overseas Military Population, but ideal sizes are based on only resident population							
Created by Election Data Services, Inc., Manassas, VA (703) 580-7267							
April 26, 2021							

Shift from 2019 Population Estimate Projection

Map #1

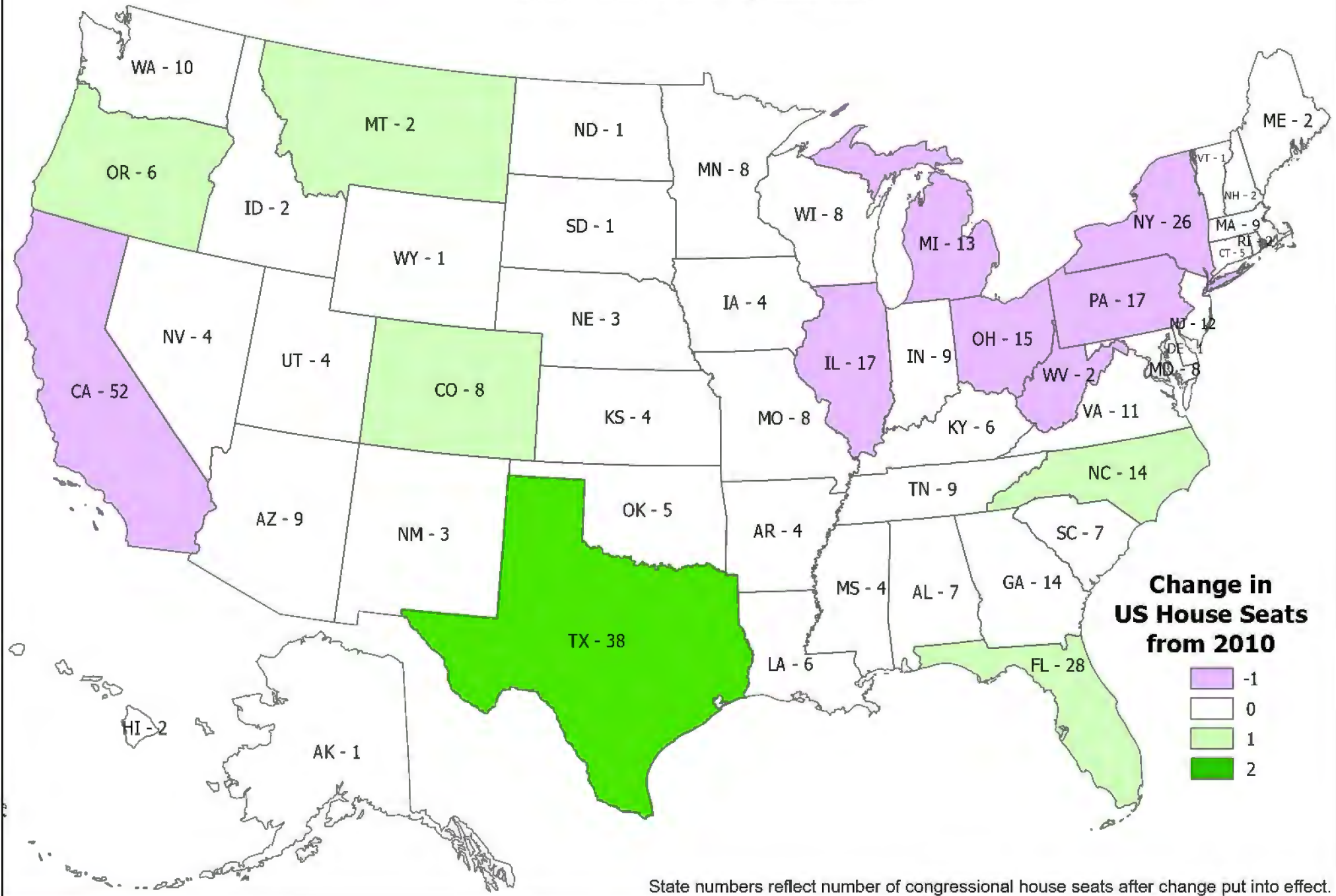


Change in US House Seats

- 1
- 0
- 1

Gains/Losses in Reapportionment 2020 Census Population

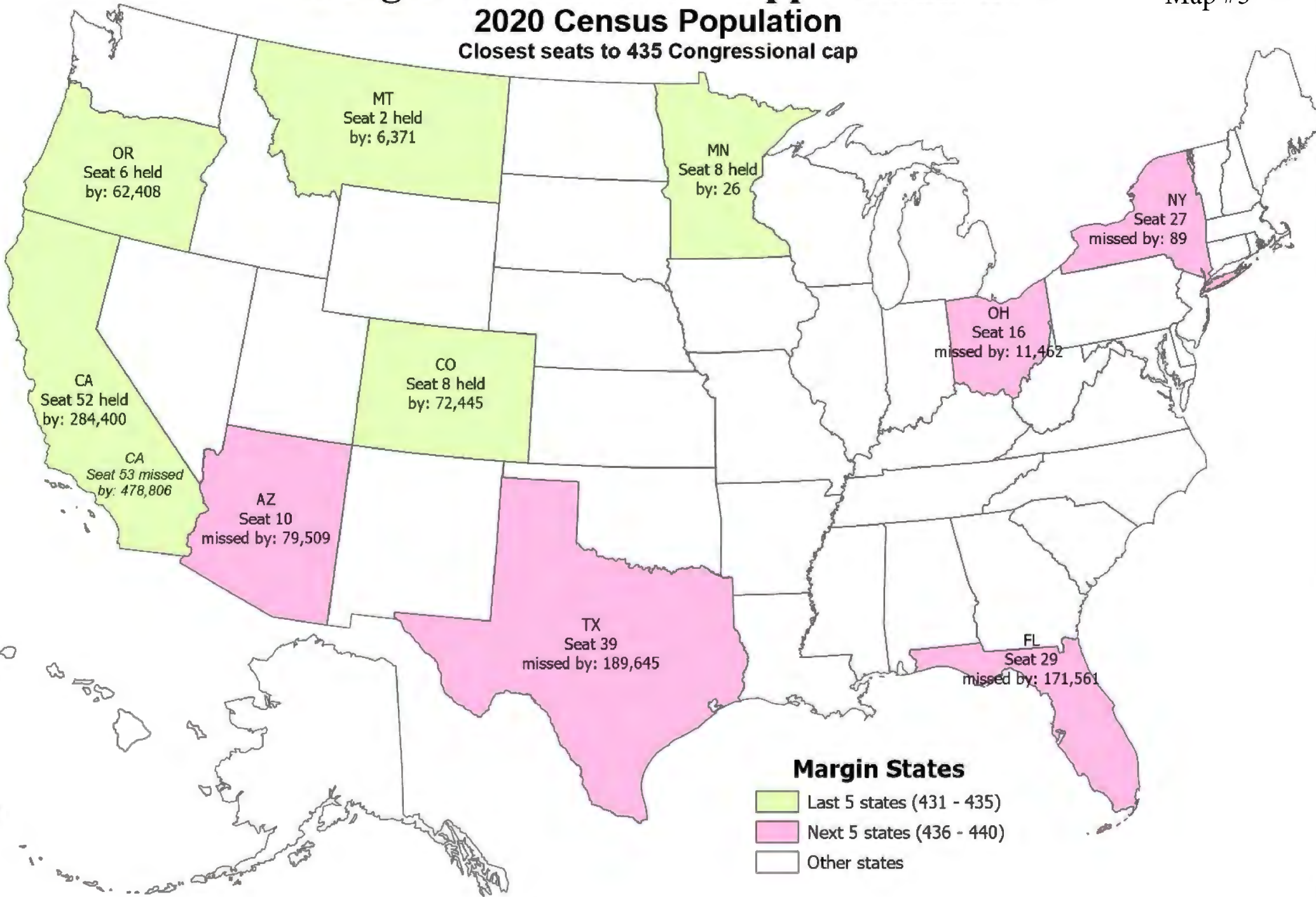
Map #2



State numbers reflect number of congressional house seats after change put into effect.

Margin Seats in 2020 Reapportionment

2020 Census Population Closest seats to 435 Congressional cap



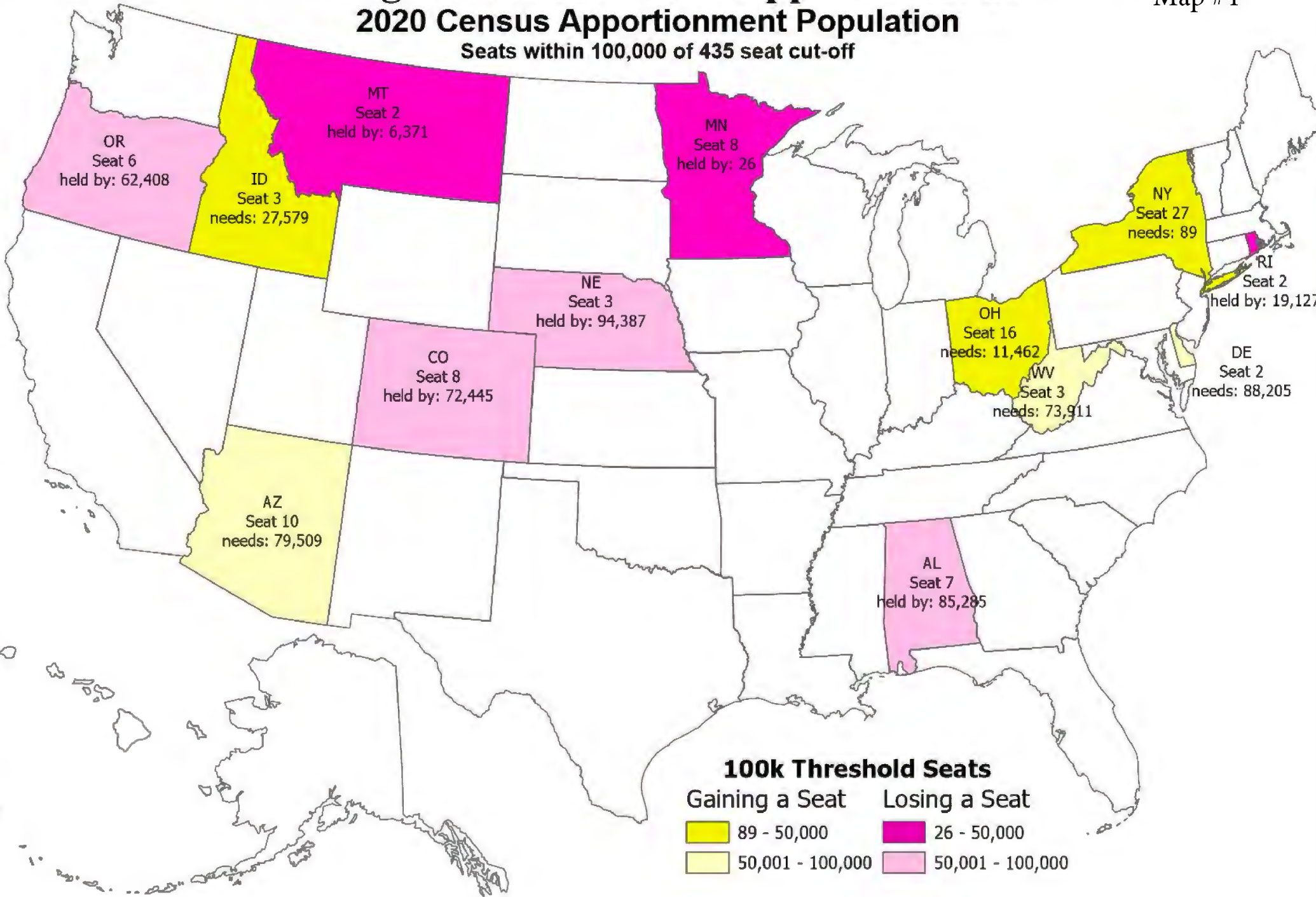
Margin States

- Last 5 states (431 - 435)
- Next 5 states (436 - 440)
- Other states

Margin Seats in 2020 Reapportionment

2020 Census Apportionment Population

Seats within 100,000 of 435 seat cut-off



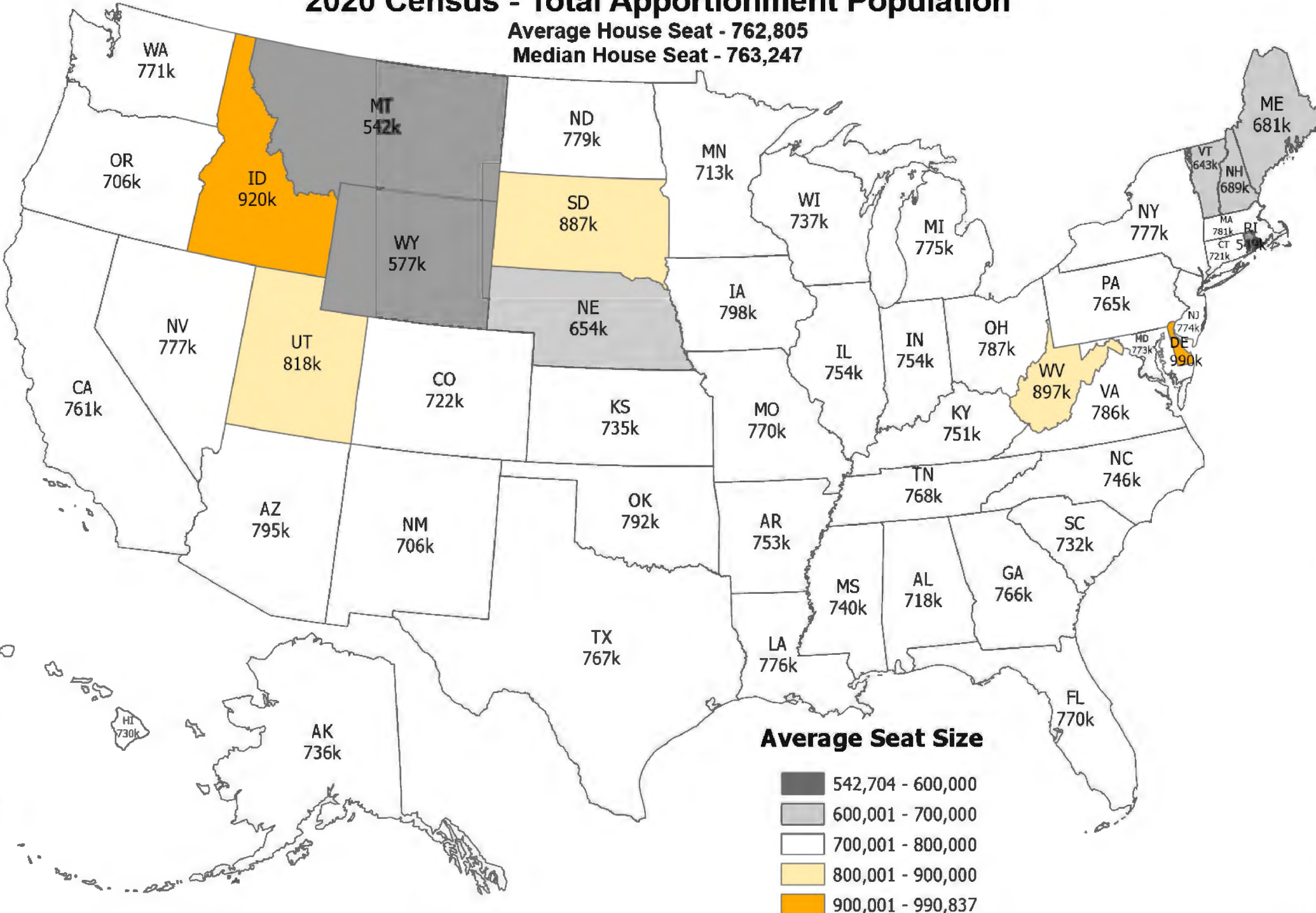
100k Threshold Seats

Gaining a Seat	Losing a Seat
89 - 50,000	26 - 50,000
50,001 - 100,000	50,001 - 100,000

Average Size of Congressional District

2020 Census - Total Apportionment Population

Average House Seat - 762,805
Median House Seat - 763,247



Average Seat Size

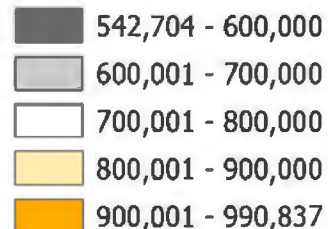


EXHIBIT 13

Scenario 4 basis-of-representation value calculations

State	Census enumerated population 1	Census citizenship population 2	Census citizen percentage registered to vote 3	Citizen population who can vote (2 * 3) 4	Citizen population who cannot vote because of Wisconsin's photo voter ID law 5	Citizen population who can vote despite Wisconsin's photo voter ID law (4 - 5) 6	Sentencing Project Citizens who cannot vote because of a criminal conviction 7	Total citizens who can vote plus citizens who cannot vote because of a criminal conviction (6 + 7) 8	Percentage of citizens who can vote plus citizens who cannot vote because of a criminal conviction (8 / 2) 9	Fourteenth Amendment basis of representation (1 * 9) 10
Alabama	5030053	3716000	0.680032293	2527000	0	2527000	328198	2855198	0.76835253	3864853.9
Alaska	736081	516000	0.742248062	383000	0	383000	5541	388541	0.752986434	554259.0
Arizona	7158923	5075000	0.764137931	3878000	0	3878000	233816	4111816	0.810210049	5800231.4
Arkansas	3013756	2195000	0.620045558	1361000	0	1361000	87187	1448187	0.659766287	1988374.6
California	39576757	25946000	0.693787096	18001000	0	18001000	243181	18244181	0.703159678	27828779.7
Colorado	5782171	4200000	0.712619048	2993000	0	2993000	22607	3015607	0.718001667	4151608.4
Connecticut	3608298	2524000	0.73296355	1850000	0	1850000	20124	1870124	0.740936609	2673520.1
Delaware	990837	722000	0.750692521	542000	0	542000	11524	553524	0.76665374	759628.9
Florida	21570527	15645000	0.670821349	10495000	0	10495000	1132493	11627493	0.743208245	16031393.5
Georgia	10725274	7400000	0.707162162	5233000	0	5233000	275089	5508089	0.744336351	7983211.3
Hawaii	1460137	980000	0.686734694	673000	0	673000	4899	677899	0.691733673	1010025.9
Idaho	1841377	1299000	0.692840647	9.00E+05	0	9.00E+05	32500	932500	0.717859892	1321850.7
Illinois	12822739	8860000	0.743792325	6590000	0	6590000	39005	6629005	0.748194695	9593905.3
Indiana	6790280	4921000	0.693355009	3412000	0	3412000	30659	3442659	0.699585247	4750379.7
Iowa	3192406	2293000	0.759703445	1742000	0	1742000	34227	1776227	0.774630179	2472934.0
Kansas	2940865	1975000	0.707848101	1398000	0	1398000	21256	1419256	0.718610633	2113336.9
Kentucky	4509342	3227000	0.759219089	2450000	0	2450000	197672	2647672	0.820474744	3699801.2

Louisiana	4661468	3299000	0.692937254	2286000	0	2286000	76924	2362924	0.716254623	3338798.0
Maine	1363582	1075000	0.773953488	832000	0	832000	0	832000	0.773953488	1055349.0
Maryland	6185278	4303000	0.786195677	3383000	0	3383000	18778	3401778	0.79055961	4889831.0
Massachusetts	7033469	4897000	0.724116806	3546000	0	3546000	8956	3554956	0.725945681	5105916.4
Michigan	10084442	7467000	0.738315254	5513000	0	5513000	38819	5551819	0.743513995	7497923.8
Minnesota	5709752	4142000	0.829550942	3436000	0	3436000	64700	3500700	0.845171415	4825719.2
Mississippi	2963914	2177000	0.803399173	1749000	0	1749000	235152	1984152	0.91141571	2701357.8
Missouri	6160281	4475000	0.757094972	3388000	0	3388000	95485	3483485	0.778432402	4795362.3
Montana	1085407	827000	0.775090689	641000	0	641000	4221	645221	0.78019468	846828.8
Nebraska	1963333	1369000	0.709276844	971000	0	971000	22396	993396	0.725636231	1424665.6
Nevada	3108462	2198000	0.661965423	1455000	0	1455000	14397	1469397	0.668515469	2078054.9
New Hampshire	1379089	1077000	0.782729805	843000	0	843000	2905	845905	0.785427112	1083173.9
New Jersey	9294493	5921000	0.845803074	5008000	0	5008000	19896	5027896	0.849163317	7892542.5
New Mexico	2120220	1498000	0.686248331	1028000	0	1028000	18451	1046451	0.698565421	1481112.4
New York	20215751	13298000	0.704617236	9370000	0	9370000	44343	9414343	0.707951797	14311777.3
North Carolina	10453948	7391000	0.698281694	5161000	0	5161000	83837	5244837	0.709624814	7418380.9
North Dakota	779702	556000	0.771582734	429000	0	429000	1821	430821	0.774857914	604158.3
Ohio	11808848	8740000	0.770366133	6733000	0	6733000	50402	6783402	0.776132952	9165236.1
Oklahoma	3963516	2800000	0.672857143	1884000	0	1884000	56995	1940995	0.6932125	2747558.8
Oregon	4241500	3242000	0.798889574	2590000	0	2590000	15871	2605871	0.803785009	3409254.1
Pennsylvania	13011844	9621000	0.76260264	7337000	0	7337000	48823	7385823	0.767677268	9988896.9
Rhode Island	1098163	776000	0.740979381	575000	0	575000	2588	577588	0.744314433	817378.6
South Carolina	5124712	3878000	0.699587416	2713000	0	2713000	44584	2757584	0.711084064	3644101.0
South Dakota	887770	649000	0.673343606	437000	0	437000	13339	450339	0.693896764	616020.7
Tennessee	6916897	5038000	0.742755062	3742000	0	3742000	451227	4193227	0.83231977	5757070.1
Texas	29183290	18581000	0.718099134	13343000	0	13343000	500474	13843474	0.745033852	21742539.0
Utah	3275252	2178000	0.674012856	1468000	0	1468000	7987	1475987	0.677679982	2219572.7
Vermont	643503	500000	0.73	365000	0	365000	0	365000	0.73	469757.2
Virginia	8654542	5974000	0.760127218	4541000	0	4541000	366065	4907065	0.821403582	7108871.8

Washington	7715946	5389000	0.747634069	4029000	0	4029000	45090	4074090	0.756001113	5833263.8
West Virginia	1795045	1379000	0.672951414	928000	0	928000	17274	945274	0.685477883	1230463.6
Wisconsin	5897473	4421000	0.767021036	3391000	300000	3091000	69344	3160344	0.7148482	4215798.1
Wyoming	577719	427000	0.693208431	296000	0	296000	11403	307403	0.719913349	415907.6

EXHIBIT 14

Scenario 4 priority values based on the basis-of-representation

State	Seat Number	Priority Value
California	2	19677918.8
Texas	2	15374296.7
California	3	11361051.7
Florida	2	11335907.1
New York	2	10119954.7
Texas	3	8876354.4
California	4	8033476.7
Pennsylvania	2	7063216.7
Illinois	2	6783915.5
Florida	3	6544789.0
Ohio	2	6480800.6
Texas	4	6276530.4
California	5	6222704.3
New York	3	5842758.6
Georgia	2	5644982.9
New Jersey	2	5580870.3
Michigan	2	5301832.7
North Carolina	2	5245587.4
California	6	5080816.8
Virginia	2	5026731.5
Texas	5	4861779.5
Florida	4	4627864.7
California	7	4294073.9
New York	4	4131454.2
Washington	2	4124740.4
Arizona	2	4101382.9
Pennsylvania	3	4077950.1
Tennessee	2	4070863.3
Texas	6	3969626.3
Illinois	3	3916695.4
Ohio	3	3741692.0
California	8	3718777.1
Massachusetts	2	3610428.1
Florida	5	3584728.6
Maryland	2	3457632.6
Minnesota	2	3412298.8
Missouri	2	3390833.2
Indiana	2	3359025.7
Texas	7	3354946.6
California	9	3279653.1
Georgia	3	3259132.4

New Jersey	3	3222117.0
New York	5	3200210.7
Michigan	3	3061014.6
North Carolina	3	3028541.3
Wisconsin	2	2981019.4
Colorado	2	2935630.5
California	10	2933410.9
Florida	6	2926918.6
Texas	8	2905469.0
Virginia	3	2902184.8
Pennsylvania	4	2883546.1
Illinois	4	2769521.9
Alabama	2	2732864.4
California	11	2653370.0
Ohio	4	2645775.8
Kentucky	2	2616154.5
New York	6	2612961.1
South Carolina	2	2576768.6
Texas	9	2562382.8
Florida	7	2473697.7
California	12	2422184.4
Oregon	2	2410706.7
Washington	3	2381420.0
Arizona	3	2367934.5
Louisiana	2	2360886.7
Tennessee	3	2350314.0
Georgia	4	2304554.6
Texas	10	2291864.8
New Jersey	4	2278380.8
Pennsylvania	5	2233585.2
California	13	2228085.6
New York	7	2208355.2
Michigan	4	2164464.1
Illinois	5	2145262.4
Florida	8	2142285.1
North Carolina	4	2141502.1
Massachusetts	3	2084481.7
Texas	11	2073069.7
California	14	2062806.4
Virginia	4	2052154.5
Ohio	5	2049409.1
Maryland	3	1996265.1
Minnesota	3	1970091.6
Missouri	3	1957698.5
Oklahoma	2	1942817.5

Indiana	3	1939334.4
California	15	1920368.2
New York	8	1912491.7
Mississippi	2	1910148.4
Texas	12	1892445.1
Connecticut	2	1890464.2
Florida	9	1889317.8
Pennsylvania	6	1823714.7
California	16	1796340.0
Georgia	5	1785100.3
New Jersey	5	1764826.2
Illinois	6	1751599.4
Iowa	2	1748628.4
Texas	13	1740796.3
Wisconsin	3	1721092.4
Colorado	3	1694887.0
Florida	10	1689857.3
California	17	1687367.6
New York	9	1686659.1
Washington	4	1683918.2
Michigan	5	1676586.7
Arizona	4	1674382.6
Ohio	6	1673335.5
Tennessee	4	1661923.0
North Carolina	5	1658800.4
Texas	14	1611664.2
California	18	1590865.4
Virginia	5	1589592.1
Alabama	3	1577820.0
Utah	2	1569474.9
Pennsylvania	7	1541320.2
Florida	11	1528533.4
Kentucky	3	1510437.5
New York	10	1508593.8
California	19	1504808.1
Texas	15	1500377.7
Kansas	2	1494354.8
South Carolina	3	1487698.0
Illinois	7	1480371.7
Massachusetts	4	1473951.1
Nevada	2	1469406.7
Georgia	6	1457528.3
New Jersey	6	1440974.5
California	20	1427586.3
Ohio	7	1414226.6

Maryland	4	1411572.6
Arkansas	2	1405993.2
Texas	16	1403474.9
Florida	12	1395353.7
Minnesota	4	1393065.1
Oregon	3	1391822.2
Missouri	4	1384301.9
Indiana	4	1371316.5
Michigan	6	1368927.3
New York	11	1364574.4
Louisiana	3	1363058.6
California	21	1357905.4
North Carolina	6	1354404.9
Pennsylvania	8	1334822.5
Texas	17	1318335.1
Washington	5	1304357.4
Virginia	6	1297896.5
Arizona	5	1296971.2
California	22	1294712.0
Tennessee	5	1287320.0
Florida	13	1283538.7
Illinois	8	1282039.5
New York	12	1245680.3
Texas	18	1242938.2
California	23	1237140.2
Georgia	7	1231836.2
Ohio	8	1224756.2
New Jersey	7	1217845.7
Wisconsin	4	1216996.1
Colorado	4	1198466.1
Florida	14	1188325.9
California	24	1184471.5
Pennsylvania	9	1177202.8
Texas	19	1175701.9
Michigan	7	1156954.8
New York	13	1145859.2
North Carolina	7	1144681.0
Massachusetts	5	1141717.6
California	25	1136105.2
Illinois	9	1130652.6
Oklahoma	3	1121686.2
Alabama	4	1115687.2
Texas	20	1115368.7
Florida	15	1106271.3
Mississippi	3	1102824.7

Virginia	7	1096922.7
Maryland	5	1093399.4
California	26	1091534.5
Connecticut	3	1091460.0
Ohio	9	1080133.4
Minnesota	5	1079063.6
Missouri	5	1072275.6
Kentucky	4	1068040.6
Georgia	8	1066801.5
Washington	6	1065003.4
Indiana	5	1062217.2
Texas	21	1060927.3
New York	14	1060859.5
Arizona	6	1058972.5
New Jersey	8	1054685.4
Pennsylvania	10	1052922.2
South Carolina	4	1051961.4
Tennessee	6	1051092.4
California	27	1050329.6
New Mexico	2	1047304.6
Florida	16	1034822.0
California	28	1012122.9
Texas	22	1011554.5
Illinois	10	1011286.4
Iowa	3	1009571.1
Nebraska	2	1007390.7
Michigan	8	1001952.2
North Carolina	8	991322.8
New York	15	987606.5
Oregon	4	984166.9
California	29	976598.7
Florida	17	972046.0
Texas	23	966573.8
Ohio	10	966100.7
Louisiana	4	963828.0
Pennsylvania	11	952403.9
Virginia	8	949963.0
California	30	943484.0
Wisconsin	5	942681.1
Georgia	9	940830.5
Idaho	2	934689.6
Massachusetts	6	932208.5
New Jersey	9	930145.1
Colorado	5	928327.9
Texas	24	925423.9

New York	16	923821.2
Florida	18	916453.8
Illinois	11	914743.0
California	31	912541.6
Utah	3	906136.8
Washington	7	900092.1
Arizona	7	894995.1
Maryland	6	892756.9
Tennessee	7	888335.2
Texas	25	887635.4
Michigan	9	883638.8
California	32	883564.6
Minnesota	6	881051.7
Missouri	6	875509.4
North Carolina	9	874264.6
Ohio	11	873871.0
West Virginia	2	870069.2
Pennsylvania	12	869421.9
New York	17	867779.0
Indiana	6	867296.7
Florida	19	866878.5
Alabama	5	864207.6
Kansas	3	862766.2
California	33	856371.5
Texas	26	852812.5
Nevada	3	848362.4
Georgia	10	841504.4
Virginia	9	837788.6
Illinois	12	835042.3
New Jersey	10	831947.0
California	34	830802.4
Kentucky	5	827300.7
Florida	20	822393.1
Texas	27	820619.3
New York	18	818149.8
South Carolina	5	814845.8
Arkansas	3	811750.5
California	35	806716.0
Pennsylvania	13	799751.8
Ohio	12	797731.4
Oklahoma	4	793151.9
Texas	28	790768.5
Michigan	10	790350.6
Massachusetts	7	787860.0
California	36	783987.1

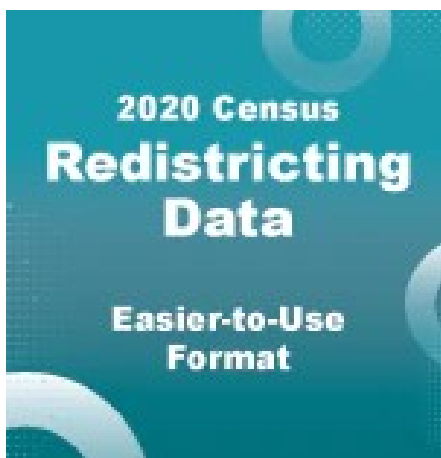
Florida	21	782251.9
North Carolina	10	781966.0
Mississippi	4	779814.8
Washington	8	779502.7
Arizona	8	775088.5
New York	19	773892.3
Connecticut	4	771778.8
Wisconsin	6	769695.9
Tennessee	8	769320.9
Illinois	13	768127.2
New Hampshire	2	765919.6
Texas	29	763013.5
California	37	762503.9
Oregon	5	762332.4
Georgia	11	761169.3
Colorado	6	757976.5
Maryland	7	754517.3
New Jersey	11	752524.4
Virginia	10	749340.9
Louisiana	5	746577.9
Maine	2	746244.5
Florida	22	745847.9
Minnesota	7	744624.6
California	38	742166.8
Pennsylvania	14	740426.3
Missouri	7	739940.5
Texas	30	737141.1
New York	20	734178.7
Ohio	13	733806.2
Indiana	7	732999.5
California	39	722886.4
Michigan	11	714899.0
Hawaii	2	714196.2
Iowa	4	713874.6
Texas	31	712965.9
Florida	23	712682.4
Illinois	14	711147.6
North Carolina	11	707314.9
Alabama	6	705622.6
California	40	704582.5
New York	21	698343.2
Georgia	12	694849.4
Texas	32	690326.3
Pennsylvania	15	689299.4
Washington	9	687456.7

California	41	687182.7
New Jersey	12	686957.6
Arizona	9	683563.8
Florida	24	682341.4
Massachusetts	8	682306.8
Ohio	14	679372.5
Tennessee	9	678477.2
Virginia	11	677804.3
Kentucky	6	675488.2
California	42	670621.7
Texas	33	669080.4
New York	22	665844.1
South Carolina	6	665318.8
Illinois	15	662042.4
California	43	654840.1
Florida	25	654478.9
Maryland	8	653431.1
Michigan	12	652610.5
Wisconsin	7	650511.8
Texas	34	649103.3
North Carolina	12	645687.2
Minnesota	8	644863.9
Pennsylvania	16	644780.5
Missouri	8	640807.2
Utah	4	640735.5
Colorado	7	640607.1
California	44	639784.3
Georgia	13	639168.4
New York	23	636236.1
Indiana	8	634796.2
Ohio	15	632461.4
New Jersey	13	631909.1
Texas	35	630284.7
Florida	26	628803.0
California	45	625405.3
Oregon	6	622441.8
Illinois	16	619283.9
Virginia	12	618747.9
Washington	10	614880.0
Oklahoma	5	614372.8
Texas	36	612526.6
California	46	611658.5
Arizona	10	611398.1
Kansas	4	610067.8
Louisiana	6	609578.3

New York	24	609149.7
Tennessee	10	606848.5
Pennsylvania	17	605665.8
Florida	27	605066.0
New Mexico	3	604661.6
Mississippi	5	604042.0
Massachusetts	9	601738.0
Michigan	13	600314.3
Nevada	4	599882.8
Montana	2	598798.4
California	47	598503.0
Connecticut	5	597817.3
Alabama	7	596359.9
Texas	37	595741.9
North Carolina	13	593945.8
Georgia	14	591755.0
Ohio	16	591613.4
California	48	585901.5
New Jersey	14	585034.2
New York	25	584275.9
Florida	28	583056.1
Illinois	17	581716.0
Nebraska	3	581617.3
Texas	38	579852.6
Rhode Island	2	577973.9
Maryland	9	576272.1
Arkansas	4	573994.3
California	49	573819.8
Pennsylvania	18	571027.2

EXHIBIT

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[/newsroom/press-releases/2021/2020-census-redistricting-data-easier-to-use-format.html]

FOR IMMEDIATE RELEASE: THURSDAY, APRIL 29, 2021

2020 Presidential Election Voting and Registration Tables Now Available

APRIL 29, 2021

RELEASE NUMBER CB21-TPS.49

APRIL 29, 2021 — The 2020 presidential election had the highest voter turnout of the 21st century, with 66.8% of citizens 18 years and older voting in the election, according to new voting and registration tables released today by the U.S. Census Bureau. These data come from the 2020 Current Population Survey Voting and Registration Supplement [/data/tables/time-series/demo/voting-and-registration/p20-585.html] for the November 2020 presidential election, which surveyed the civilian noninstitutionalized population in the United States.

The table package shows patterns of voter turnout by race, Hispanic origin, age and other characteristics such as educational attainment and family income. Asian voter turnout was at an all-time high of 59.7% for the 2020 presidential election. As with past elections, a higher share of women (68.4%) than men (65.0%) turned out to vote. Voter turnout also increased as age, educational attainment and income increased. Voter turnout was highest among those ages 65 to 74 at 76.0%, while the percentage was lowest among those ages 18 to 24 at 51.4%. Overall, voter turnout increased as age increased, with the exception of 75-plus which had a turnout rate that was below 65-74 year-olds and not significantly different than the turnout for 55 to 64 year-olds. High school graduate turnout was 55.5%, while turnout for those with a bachelor's degree was 77.9%. Overall, voter turnout increased as income increased, with the exception of those in the income ranges \$10,000-\$14,999 and \$15,000-\$19,999, which had turnouts that were not significantly different. For people whose income was \$100,000-\$149,999, turnout was 81.0%, while for people whose income was \$30,000-\$39,999, turnout was 63.6%.

Despite COVID-19 concerns, 155 million people turned out for the 2020 presidential election. However, 4% (552,500) of registered nonvoters reported not voting due to their concerns about the COVID-19 pandemic.

Other highlights from the table package include:

- People registered to vote in various ways, the most common being at a department of motor vehicles (27.7%).
- Veterans voted at a higher rate (74.1%) than nonveterans (66.1%).
- The most common reason for not voting among registered nonvoters was they were not interested in the election (17.6%). Other reasons included not liking the candidates or campaign issues, being too busy and forgetting to vote.

The Census Bureau has collected voting and registration data since 1964 and has fielded the Voting and Registration Supplement to the Current Population Survey every two years. This survey is the most

2020 Presidential Election Voting & Registration Tables Now Available <https://www.census.gov/newsroom/press-releases/2021/2020-presidential...>
comprehensive data source available on U.S. social and demographic composition. For more information on the 2020 federal
elections. Examining these characteristics and how they have changed over the years provides a better
understanding of the social and demographic characteristics of American voters. For more information on
methodology, confidentiality protection, sampling and nonsampling error, and definitions, see
<www2.census.gov/programs-surveys/cps/techdocs/cpsnov20.pdf [<https://www2.census.gov/programs-surveys/cps/techdocs/cpsnov20.pdf>] >.

The estimates presented in this table package may differ from those based on administrative data or exit polls due to factors such as survey nonresponse, vote misreporting and methodological issues related to question wording and survey administration.

For data from previous presidential election years, visit the Voting and Registration [</topics/public-sector/voting.html>] page. To learn more about how citizens chose to participate in the presidential election and about the general turnout, read our “What Methods Did People Use to Vote in the 2020 Election?” [</library/stories/2021/04/what-methods-did-people-use-to-vote-in-2020-election.html>]” and “Record High Turnout in 2020 General Election [</library/stories/2021/04/record-high-turnout-in-2020-general-election.html>]” America Counts articles.

No news release associated with this product. Tip sheet only

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Contact

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Last Revised: October 8, 2021

EXHIBIT

E

First 2020 Census Data Release Shows U.S. Resident Population of 331,449,281

Population

[\[library/stories/2021/04/2020-census-data-release.html\]](#)

U.S. Census Bureau Today Delivers State Population Totals for Congressional Apportionment

BRYNN EPSTEIN AND DAPHNE LOFQUIST | APRIL 26, 2021

The U.S. Census Bureau today released [\[/newsroom/press-kits/2021/2020-census-apportionment-counts.html\]](#) the first population counts from the 2020 Census.

At the same time, Secretary of Commerce Gina Raimondo delivered to the President population counts used for apportionment [\[/topics/public-sector/congressional-apportionment.html\]](#), along with the number of seats in the U.S. House of Representatives that will be allocated to each state based on the 2020 Census.

The population counts used for apportionment include the total resident population for each of the 50 states, plus a count of U.S. military and federal civilian employees living overseas (and their dependents living with them) who could be allocated to a home state.

The 2020 Census shows that the resident population of the United States, including the 50 states and the District of Columbia, was 331,449,281 as of April 1, 2020, an increase of 7.4% since the 2010 Census.

Apportionment calculations based on the 2020 Census show that Texas, Colorado, Florida, Montana, North Carolina, and Oregon will gain seats, while California, Illinois, Michigan, New York, Ohio, Pennsylvania, and West Virginia will lose seats.

What is Apportionment?

Apportionment is the process of distributing the 435 seats in the U.S. House of Representatives among the 50 states. Article 1, Section 2 of the U.S. Constitution requires that apportionment happen every 10 years based on population counts from the decennial census.

The District of Columbia and Puerto Rico are not included in the apportionment process because they do not have voting seats in Congress, but population counts for those areas were also released today.

The populations of the U.S. Island Areas — American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands—will not be included in this release, but resident population counts for those areas will be released later.

For more details on who was counted (and where they were counted), see the [Residence Criteria and Residence Situations for the 2020 Census](#) [\[/content/dam/Census/programs-surveys/decennial/2020-census/2020-Census-Residence-Criteria.pdf\]](#).

An [Apportionment Fact Sheet](#) [\[/library/fact-sheets/2021/apportionment-101.html\]](#) is available that provides easily accessible and sharable information about apportionment in a one-page document.

Calculating Apportionment

The population counts used for apportionment include the total resident population for each of the 50 states, plus a count of U.S. military and federal civilian employees living overseas (and their dependents living with them) who could

be allocated to a home state.

For more information about who is included in the apportionment population counts, visit our [Frequently Asked Questions \(FAQs\)](#) [/topics/public-sector/congressional-apportionment/about/faqs.html] .

When calculating apportionment, each of the 50 states gets one seat in the U.S. House of Representatives. The rest of the seats are distributed based on each state's apportionment population.

Following the 1940 Census, Congress adopted the Method of Equal Proportions [/topics/public-sector/congressional-apportionment/about/computing.html] for calculating how the rest of the seats are distributed. It has been used every decade since. [/topics/public-sector/congressional-apportionment/about/computing.html]

The method first calculates values based on each state's total population and the number of potential seats each state could receive. It then ranks those values to determine how many additional seats each state gets.

A recently published blog [/newsroom/blogs/random-samplings/2021/04/how-apportionment-is-calculated.html] describes the calculation process in more detail.

The video below describes the purpose and importance of apportionment. It also explains the apportionment process and how it's calculated to ensure equal representation for all.

2020 Census Apportionment Results

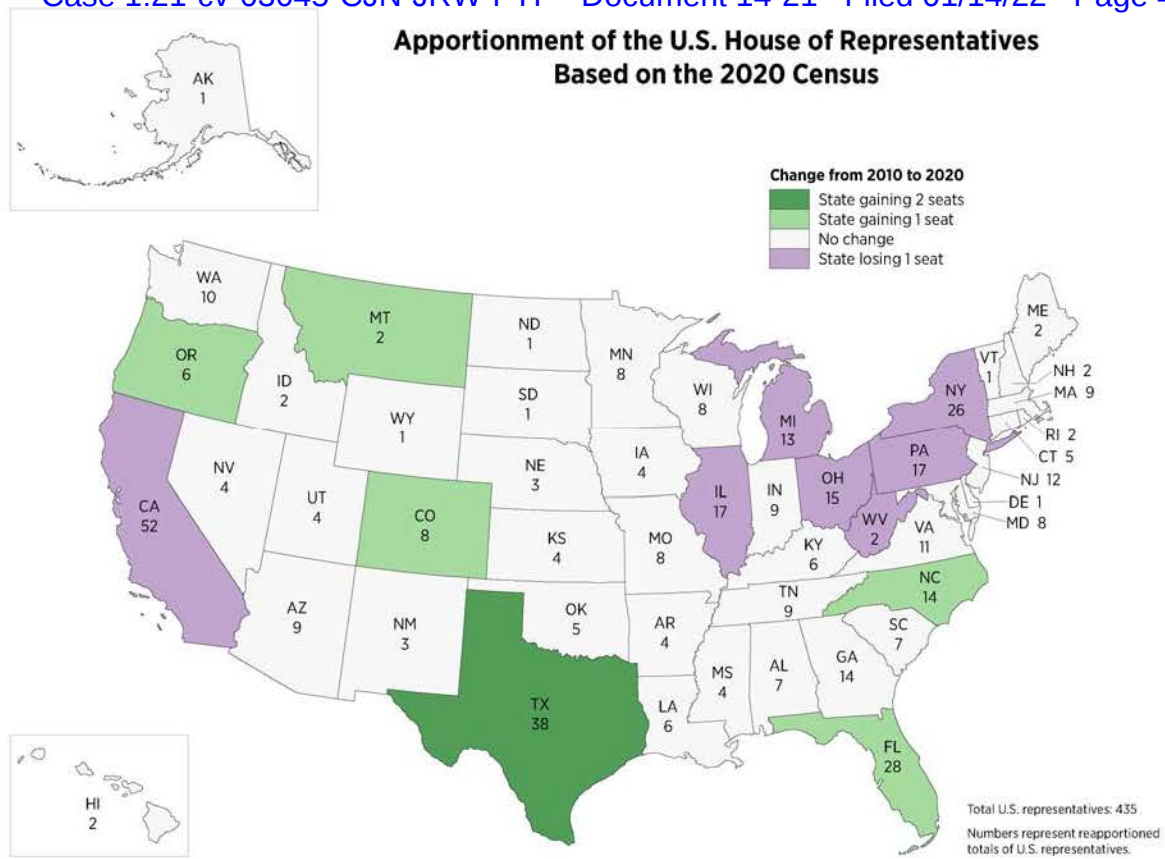
The 2020 Census apportionment population for the 50 states is 331,108,434. The apportionment population is the sum of the resident population for the 50 states (330,759,736) and the overseas population for the 50 states (348,698).

Apportionment Population = Resident Population + Overseas Population

331,108,434	330,759,736	348,698
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Based on the 2020 Census apportionment population counts, 7 House seats will shift among 13 states. One state will gain two seats (Texas), and 5 states will gain one seat (Colorado, Florida, Montana, North Carolina, and Oregon). Seven states will lose one seat (California, Illinois, Michigan, New York, Ohio, Pennsylvania, and West Virginia).

California, Texas, Florida, and New York are the four states that will have the largest number of representatives, and Alaska, Delaware, North Dakota, South Dakota, Vermont, and Wyoming are the states that will have only one representative each.



The average congressional district population size will increase. Each member of the House of Representatives will represent an average of 761,169 people based on the 2020 Census. This will be an increase of 50,402 (7.1% increase) compared with the average of 710,767 people per representative based on the 2010 Census.

Delaware will have the largest average district size (990,837), while Montana will have the smallest average district size (542,704).

2020 Census Resident Population

The 2020 Census resident population of 331,449,281 includes all people living in the 50 states and the District of Columbia as of April 1, 2020.

Of the U.S. resident population, 37.2% (123,425,864) lived in the five most populous states in 2020 and over a quarter (27.2%) were in the three largest states: California, Texas, and Florida (Table 1).

Table 1.

States with the Largest and Smallest Resident Population: 2020 Census

State	Population
Largest Population	
California	39,538,223
Texas	29,145,505
Florida	21,538,187
New York	20,201,249
Pennsylvania	13,002,700
Smallest Population	
Wyoming	576,851
Vermont	643,077
Alaska	733,391
North Dakota	779,094
South Dakota	886,667

Source: U.S. Census Bureau, 2020 Census

[/content/dam/Census/library/stories/2021/04/apportionment-table-1-resident-population.jpg](#)

The five least-populous states had a combined resident population of 3,619,080. Those five states – Wyoming, Vermont, Alaska, North Dakota, and South Dakota – made up 1.0% of the U.S. resident population.

Table 2.

States with the Fastest and Slowest Growth in Resident Population: 2010 to 2020

State	Population		Change	
	2010	2020	Number	Percent
Fastest Growing				
Utah	2,763,885	3,271,616	507,731	18.4
Idaho	1,567,582	1,839,106	271,524	17.3
Texas	25,145,561	29,145,505	3,999,944	15.9
North Dakota	672,591	779,094	106,503	15.8
Nevada	2,700,551	3,104,614	404,063	15.0
Slowest Growing				
Connecticut	3,574,097	3,605,944	31,847	0.9
Michigan	9,883,640	10,077,331	193,691	2.0
Ohio	11,536,504	11,799,448	262,944	2.3
Wyoming	563,626	576,851	13,225	2.3
Pennsylvania	12,702,379	13,002,700	300,321	2.4

Source: U.S. Census Bureau, 2020 Census and 2010 Census

</content/dam/Census/library/stories/2021/04/apportionment-table-2-population-change.jpg>

Utah was the fastest-growing state, followed by Idaho, Texas, North Dakota, Nevada (Table 2). The five states with the slowest population growth, all under 2.5%, were: Connecticut, Michigan, Ohio, Wyoming, and Pennsylvania. North Dakota, with one of the smallest resident populations (779,094), had one of the largest percent increases in population size (15.8%). Illinois, Mississippi, and West Virginia were the states that lost population.

2020 Census Overseas Population

The 2020 Census overseas population for the United States, including the 50 states and the District of Columbia, was 350,686. This included military or civilian employees of the U.S. government who were stationed or assigned outside the United States on April 1, 2020, as well as their dependents living with them outside the United States.

U.S. government agencies and departments provided the Census Bureau with counts of their employees and their dependents living overseas by the employees' home state listed in agency administrative records.

Table 3.
**States with the Largest and Smallest Overseas
Population: 2020 Census**

State	Population
Largest Population	
California	38,534
Texas	37,785
Florida	32,340
Virginia	23,149
North Carolina	14,560
Smallest Population	
Vermont	426
North Dakota	608
Rhode Island	784
Wyoming	868
Delaware	889

Source: U.S. Census Bureau, 2020 Census

[/content/dam/Census/library/stories/2021/04/apportionment-table-3-overseas-population.jpg](#)

The five states with the largest overseas populations had a combined 41.7% (146,368) of the total overseas population. Three of the states with the largest overseas population were also the states with the largest resident population: California, Texas, and Florida (Table 3).

The five states with the smallest overseas population had a combined overseas population of 3,575, or 1.0% of the total overseas population. Three of the states with the smallest overseas population, Vermont, North Dakota, and Wyoming, were also some of the states with the smallest resident population.

More 2020 Census Apportionment Data

The 2020 Census apportionment data tables were published on the apportionment press kit webpage [</newsroom/press-kits/2021/2020-census-apportionment-counts.html>] today, along with many other resources for information about apportionment.

A few days after the apportionment release, a set of supplemental tables will be published on a new 2020 Census Apportionment Results webpage that will be linked to the apportionment press kit webpage.

These tables will include additional data on the apportionment population and its components, as well as historical changes in the number of seats each state has in the U.S. House of Representatives.

Brynn Epstein is a statistician and an apportionment project analyst at the Census Bureau.

Daphne Lofquist is a statistician and an apportionment project analyst at the Census Bureau.

Story Ideas and Statistics

Directors Blog | July 28, 2021 | BY Dr. Ron Jarmin, Acting Director

Redistricting Data: What to Expect and When

Since releasing the apportionment results in April, we've had several teams working hard on the next set of 2020 Census data – the redistricting data.

[</newsroom/blogs/director/2021/07/redistricting-data.html>]

Directors Blog | April 26, 2021 | Written By: Dr. Ron Jarmin, Acting Director

The 2020 Census: Our Growing Nation

The U.S. Census Bureau released results from the 2020 Census, marking the 24th time the nation's population has been counted.

[</newsroom/blogs/director/2021/04/2020-census-our-growing-nation.html>]

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About

America Counts tells the stories behind the numbers in a new inviting way. We feature stories on various topics such as families [<https://www.census.gov/library/stories/all.html/category/Topic/Families>], housing [<https://www.census.gov/library/stories/all.html/category/Topic/Housing>], employment [<https://www.census.gov/library/stories/all.html/category/Topic/Employment>], business [<https://www.census.gov/library/stories/all.html/category/Topic/business-economy>], education [<https://www.census.gov/library/stories/all.html/category/Topic/Education>], the economy [<https://www.census.gov/library/stories/all.html/category/Topic/business-economy>], emergency management [<https://www.census.gov/library/stories/all.html/category/Topic/Government/Emergency-Preparedness>], health [<https://www.census.gov/library/stories/all.html>]

[/category/Topic/Health](#), [population](#) [<https://www.census.gov/library/stories/all.html/category/Topic/The-Population>], [income and poverty](#) [<https://www.census.gov/library/stories/all.html/category/Topic/Income-Poverty>].

Contact our Public Information Office [[/newsroom/about.html](#)] for media inquiries or interviews.

Census.gov > Topics > Population

The U.S. Census Bureau is the leading source of statistical information about the nation's people. Our population statistics come from decennial censuses, which count the entire U.S. population every ten years, along with several other surveys.

Newsroom

Press Release | January 28, 2021

Data on Minority-Owned, Veteran-Owned and Women-Owned Businesses

Approximately 18.3% (1.0 million) of all U.S. businesses were minority-owned and about 19.9% (1.1 million) of all businesses were owned by women.

[/newsroom/press-releases/2021/annual-business-survey.htm](#)

Press Release | July 27, 2021

New Vintage 2020 Population Evaluation Estimates Available

The U.S. Census Bureau today released Vintage 2020 evaluation estimates updated to include April 1, 2020, resident population and housing unit estimates.

[/newsroom/press-releases/2021/vintage-2020-population-evaluation-estimates.htm](#)

Press Release | April 21, 2021

Computer and Internet Use in the United States: 2018

The U.S. Census Bureau today released a report that examines trends in computer and Internet use in 2018.

[/newsroom/press-releases/2021/computer-internet-use.htm](#)

Videos



[/library/video/2021/accessing-2020-census-redistricting-data-from-legacy-format-summary-files.htm](#)



[/library/video/2021/2020-census-stakeholder-briefing-july-22-2021.htm](#)



[/library/video/2021/data-about-race-ethnicity-and-ancestry.htm](#)

Data Tables

Table | April 26, 2012

Hispanic Origin and Race of Coupled Households (CPH-T-4)

This CPH-T-4 table is from the 2010 Decennial Census.

[/data/tables/time-series/dec/cph-series/cph-t/cph-t-4.htm](#)

Table | 2011

A Child's Day: 2011 - Detailed Tables

Source: Survey of Income and Program Participation (SIPP), 2008 Panel, Wave 10

</data/tables/2008/demo/2011-childs-day.html>

Table | 2011

Dynamics of Economic Well-Being: Poverty, 2005-2011

These data tables describe patterns of poverty using measures with different time horizons.

</data/tables/time-series/demo/income-poverty/p70-137.html>

Visualizations



</library/visualizations/interactive/decennial-census-measurement-of-race-and-ethnicity-across-the-decades-1790-2020.html>

Estimated Vaccination Rates by State: June 9-21, 2021



</library/visualizations/interactive/household-pulse-survey-covid-19-vaccination-tracker.html>



</library/visualizations/2021/comm/fourth-of-july.html>

Publications

Publication | April 22, 2021 | Yefra Mayol-García, Benjamin Gurreniz, And Rose M. Krekler

Number, Timing, and Duration of Marriages and Divorces: 2016

This report uses data from major U.S. Census Bureau demographic surveys to provide a comprehensive look at current and earlier marital patterns in the U.S.

</library/publications/2021/demo/p70-167.html>

Publication | April 21, 2021 | Michael Martin

Computer and Internet Use in the United States, 2018

This report highlights computer and internet use data for various demographic and geographic characteristics using estimates from the 2018 ACS.

</library/publications/2021/acs/acs-49.html>

Publication | November 10, 2020 | Clayton Gumber And Jonathan Vespa

The Employment, Earnings, and Occupations of Post-9/11 Veterans

This report describes the employment, earnings, and occupations of Post-9/11 Veterans during the period between 2014 and 2018.

</library/publications/2020/demo/acs-46.html>

Fact Sheets



</library/fact-sheets/2021/redistricting-data-101.html>



</library/fact-sheets/2021/differential-privacy-and-the-2020-census.html>



</library/fact-sheets/2021/what-are-synthetic-data.html>

This story was posted in: Population </library/stories/all.html/category/Topic/ThePopulation>



First 2020 Census Population Counts Will Be Released Today

[<https://www.census.gov/library/stories/2021/04/first-2020-census-population-counts-will-soon-be-released.html>]



Demographic Analysis Produces Range of U.S. Population Estimates as of April 1, 2020

[<https://www.census.gov/library/stories/2020/12/demographic-analysis-produces-range-of-population-estimates.html>]



2020 Census Is Critical for Your Community

[<https://www.census.gov/library/stories/2020/05/2020-census-is-critical-for-your-community.html>]

Last Revised: May 3, 2021

EXHIBIT

F

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA**

CITIZENS FOR CONSTITUTIONAL
INTEGRITY,

Plaintiff,

v.

THE CENSUS BUREAU, *et al.*,

Defendants.

No. 1:21-cv-3045

SARAH BANKS DECLARATION

1. My name is Sarah Banks, and I reside in Lancaster, Pennsylvania. I am a member of Citizens for Constitutional Integrity. Although I had lived in Pennsylvania for almost three months before the November 2020 election, Pennsylvania would not permit me to register to vote. I felt devastated when I could not vote in that election, and I felt frustrated that Pennsylvania law disenfranchised me. I understand that because the Census Bureau did not complete the analysis the Fourteenth Amendment requires, Pennsylvania lost a seat in the U.S. House of Representatives. The Census Bureau harmed me by diluting my vote.

2. As a United States citizen, I enjoy the freedom to move between states, and my husband, and I had spent so little time outside of Montana that I wanted to live somewhere else with new opportunities. I did not expect that would come with the price of losing my ability to vote in an election.

3. When my husband and I moved to Pennsylvania, on or about August 3, we first lived with a friend for about a week. Starting on August 9, I rented a place on Airbnb in the town of Bird in Hand, Pennsylvania. I started working at an animal hospital. In early September, my husband and I moved in with friends in York, Pennsylvania. In the meantime, we searched eagerly for a

house to buy. We ultimately put a contract on a house in Lancaster with a target closing date on October 13. We continued staying with our friends in York while waiting for the closing date.

4. After closing, I knew the election was almost upon me, and I was running out of time to register. Everyone in my life was discussing it, and I felt compelled to make my voice heard. When I went to the Lancaster County voter registration office to register to vote, the elections officials gave me a form to complete.

5. To my surprise, the directions on the form prohibited me from registering to vote for the November 2020 elections. *See Pennsylvania Voter Registration Application, Ex. 1.* I had not resided in the election district for thirty days before the election. I had just closed on my house on October 13, and I had lived at a different address until then. I moved too close to the November election. Therefore, when I tried to register, I had lived in Pennsylvania for three months, but Pennsylvania would not allow me to vote because I had moved too close to the election. I felt powerless, and I deserved to be able to vote.

6. I could not vote in Montana because I did not live there anymore. I could not vote in my friend's place's district because I did not live there anymore and because it was not in the same district as where I lived now. And I could not vote where I lived now because I had resided there eight days too few.

7. I had no choice. I did not vote in 2020. I believe I deserved to vote as a United States citizen who has lived in this country my whole life, and I felt frustrated that the laws of my new state made it impossible.

8. Since the November 2020 election, I have registered, and I look forward to voting in November 2022 and into the future. My frustrating experience in 2020 only reinforces my deep believe in the importance of voting.

9. Ultimately, the Census Bureau has injured me by failing to implement the Fourteenth Amendment. I understand that other states have denied their citizens' rights to vote by failing to register them to vote, and the Census Bureau and Department of Commerce have not discounted those states' populations when distributing seats in the U.S. House of Representatives. I understand that the Fourteenth Amendment and a federal statute require those discounts.

10. If the Census Bureau and the Secretary of Commerce do not complete the calculations for their reports and statements, they will cause Pennsylvania to lose a representative seat in the U.S. House of Representatives—even as other states deny their citizens' rights to vote. With one fewer representative for Pennsylvania, the Census Bureau's report and the Department of Commerce's statement dilute my vote. I want the Census Bureau to complete the analysis the Fourteenth Amendment requires.

11. Implementing the Fourteenth Amendment will likely make my voter registration easier when I next move election districts in Pennsylvania. I understand that, if the Census Bureau implements the Fourteenth Amendment, Section 2, to discount those states' basis of representation, those states will make registration easier. And if other states make registration easier, Pennsylvania will want to make registration easier, so its basis for representation does not decrease. Then, if I move districts again within thirty days before an election, Pennsylvania may allow me to register in my new election district.

12. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12/7/21.


SARAH BANKS

EXHIBIT

G

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA**

CITIZENS FOR CONSTITUTIONAL
INTEGRITY,

Plaintiff,

v.

THE CENSUS BUREAU, *et al.*,

Defendants.

No. 1:21-cv-3045

ANDRONIKI LAGOS DECLARATION

1. My name is Androniki Lagos, and I reside in the Brooklyn borough of New York City. I am a member of Citizens for Constitutional Integrity. The Census Bureau's 2021 Census injured me by resulting in the State of New York receiving one fewer seat in the U.S. House of Representatives (from 27 to 26 seats). Consequently, each representative will have more constituents. That injures me by diluting my vote and by making my vote less effective. It also injures me by making my congressperson harder to reach because I will be competing with more constituents for my congressperson's time and attention.

2. I am a native-born United States citizen, and I have lived in New York State for 6 years. I moved here to study urban planning at Columbia University in the City of New York, earning a Master's Degree in 2017. I have always wanted to impact public policy in pursuit of more equitable access to the American dream, and to foster resiliency—from individual resiliency to national resiliency.

3. As the child of immigrants, I was raised with the notion that our representative democracy is first among reasons why the United States is a place of possibility. I have lived in states ranging from Alaska to Florida, and I have personally witnessed both the effects of disparate

representation, and what is possible when laws and policies sufficiently account for local character and needs.

4. Currently, I work at Urbane Development Group LTD, a company that builds bridges to community wealth in traditionally underinvested neighborhoods. As an economic development consultant there, I design strategies to grow capacity and opportunity within low- and moderate-income (LMI) communities. I conduct primary community research, analyze market conditions, and design responsive economic interventions that bolster neighborhood anchors and individual residents.

5. My work largely aims to advance and uplift New Yorkers by identifying and marshalling federal resources from agencies that include the U.S. Department of Housing and Urban Development, the Small Business Administration, and the U.S. Department of Agriculture. Congressional actions impact my work through the allocation of federal subsidies that are the lifeblood of services and programs which the private market fails to provide. Federal policies shape incentives that enable my employer to develop affordable spaces for people to live, create and operate small businesses. For example, Community Development Block Grants are indispensable for my nonprofit clients to train people for in-demand jobs and to support seniors with healthy aging programs. Having fewer members in the House advocating for New York will likely result in the United States spending fewer resources on critical community investments in affordable housing, public infrastructure, education and workforce training, food access programs and micro and small business development, among many others. That potential loss of federal funding fundamentally jeopardizes the health and stability of New York and New Yorkers through a mismatch in size and type of investment in proportion to the population. Those funding allocations affect not only my work, but also the community where I live.

Lagos Decl.

Citizens for Constitutional Integrity v. Census Bureau, No. 1:21-cv-3045

6. Currently, Nydia M. Velázquez represents me. I voted for her. When I moved to New York after living for years in Washington, D.C., where I could not vote for U.S. Representatives or U.S. Senators, I felt grateful to have that opportunity in New York. I voted in the general election in 2020, and I intend to vote in New York in the general election in 2022 and beyond. I want to have a representative represent my interests more directly and more effectively.

7. I understand that the Secretary of Commerce Gina Raimondo, the Department of Commerce, Acting Census Bureau Director Ron S. Jarmin, and the Census Bureau have failed to comply with the Fourteenth Amendment and the United States Code by failing to account for voting abridgments in several states, and by failing to discount those states' populations when distributing seats in the U.S. House of Representatives. I understand that the Census Bureau's report and the Secretary of Commerce's statement will result in New York losing a representative seat in the U.S. House of Representatives, while other states abridge their citizens' rights to vote. With one fewer representative for the State of New York, the Census report and Commerce statement dilute my vote.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11.20.2021.



ANDRONIKI LAGOS

EXHIBIT

H

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA**

CITIZENS FOR CONSTITUTIONAL
INTEGRITY,

Plaintiff,

v.

THE CENSUS BUREAU, *et al.*,

Defendants.

No. 1:21-cv-3045

ISABEL MAGNUS DECLARATION

1. My name is Isabel Magnus, and I reside in Brooklyn, New York. I am a member of Citizens for Constitutional Integrity. I believe in the power of our communities to make real change, and we cannot accomplish that change without enough representatives to carry our interests to Congress. The Census Bureau decreased New York's delegation, and that harms me by diluting my vote and my voice.

2. In April 2021, the Census Bureau released its report that cut New York's delegation to the U.S. House of Representatives from 27 to 26 seats. That means New York will have fewer voices in the House of Representatives, and that will dilute my vote by making it harder for me to elect the candidate I support. Moreover, I will have to compete with more people when I seek help from my representative.

3. I was born in New Jersey, and I moved to New York in September 2017. I registered to vote when I obtained my driver's license, and I have voted in the federal elections in New York since then. I voted in 2020, and I intend to vote for Representative Yvette Clarke in 2022. I would like to continue voting for her in the future. Unfortunately, when New York loses a seat,

some representative will not have a position, and the districts will change. I may not be able to vote for Representative Clark again.

4. I have seen first-hand the benefits of having more representatives and more political access when I worked as a community organizer for Older Adults Technology Services (OATS). There, we used government grants to connect older adults through technology. Some buildings do not have the technological infrastructure to handle modern broadband or wireless internet, and I worked with politicians and community members to bring that infrastructure and access.

5. We have all experienced a lengthy Covid-19 pandemic, and older adults living their last years have felt that loneliness and isolation most acutely. Their ability to connect with and be heard by their representatives as they advocate for internet-and-technology infrastructure directly affects their life outcomes. My work helped older Americans not only better stay in touch with their friends and family, but also access the culture and resources across the internet that so many Americans take for granted. I know that more representatives results in more resources for communities.

6. My injuries arise from the actions of the Census Bureau and the Department of Commerce. I understand that other states have abridged their citizens' rights to vote, and that the Census Bureau and Department of Commerce have not discounted those states' populations when distributing seats in the U.S. House of Representatives. I understand that the Fourteenth Amendment and a federal statute require those discounts. If the Census Bureau and the Secretary of Commerce do not change their reports and statements, they will cause New York to lose a representative seat in the U.S. House of Representatives as other states abridge their citizens' rights to vote. With one fewer representative for the State of New York, the Census Bureau's report and the Department of Commerce's statement dilute my vote.

Magnus Decl.

Citizens for Constitutional Integrity v. Census Bureau, No. 1:21-cv-3045

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/24/2021.



ISABEL MAGNUS

EXHIBIT

I

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE DISTRICT OF COLUMBIA**

CITIZENS FOR CONSTITUTIONAL
INTEGRITY,

Plaintiff,

v.

THE CENSUS BUREAU, *et al.*,

Defendants.

No. 1:21-cv-3045

MICHAEL CARR DECLARATION

1. My name is Michael Carr, and I reside in Alexandria, Virginia. I am a member of Citizens for Constitutional Integrity. I have resided in Virginia since 1994. I voted in the 2020 election, and in every election that I can remember. I plan to vote in the 2022 election and in future elections.

2. Across the United States, I see states making it harder and harder for citizens to vote. States have traditionally used registration requirements to disenfranchise the voters they did not want voting—most often based on race. I understand that the Fourteenth Amendment requires the Census Bureau and the Department of Commerce (the Agencies) to analyze state denials and abridgments of citizens' right to vote. When distributing seats in the U.S. House of Representatives, I understand the Agencies did not complete that analysis or calculate the basis of representation for states that make voter registration or voting more difficult.

3. The Framers intended the Fourteenth Amendment as an indirect measure to encourage states to ensure universal right to vote for all citizens. I expect that, if the Agencies completed the analysis the Fourteenth Amendment required, states would make it easier to register to vote

and to vote, so they could retain the full number of representatives to which their entire population entitles them.

4. In the meantime, I live in Virginia, and a larger proportion of Virginia citizens can vote than in many other states, so if the Agencies completed the analysis the Fourteenth Amendment requires, I see some possibility that they would have allocated Virginia an additional seat. I would rather Virginia have that seat than some state that disenfranchises its voters. Right now, Virginia has fewer seats than the Fourteenth Amendment entitles it to, and I am injured by my vote dilution. I want the Agencies to complete the analysis that I understand the Fourteenth Amendment requires.

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 13 Jan 2022.



MICHAEL CARR

EXHIBIT

J

POLITICAL PARTICIPATION



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The University of Maryland School of Law

A Report of the United States Commission on Civil Rights • 1968

U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
- Appraise Federal laws and policies with respect to equal protection of the laws;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws; and
- Submit reports, findings, and recommendations to the President and the Congress.

Members of the Commission

JOHN A. HANNAH, *Chairman*

EUGENE PATTERSON, *Vice Chairman*

FRANKIE M. FREEMAN

REV. THEODORE M. HESBURGH, C.S.C.

ROBERT S. RANKIN

WILLIAM L. TAYLOR, *Staff Director*



POLITICAL PARTICIPATION

A study of the participation by Negroes in the electoral and political processes in 10 Southern States since passage of the Voting Rights Act of 1965

United States Commission on Civil Rights
Washington, D.C.
May 1968

Letter of Transmittal

THE U.S. COMMISSION ON CIVIL RIGHTS
Washington, D.C., May 1968

THE PRESIDENT

THE PRESIDENT OF THE SENATE

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

SIRS:

The Commission on Civil Rights presents to you this report pursuant to Public Law 85-315, as amended.

This report deals with political participation by Negroes since the passage of the Voting Rights Act of 1965. The information in the report was obtained by the Commission primarily from field investigations and analysis of the files of the U.S. Department of Justice. The Commission has found that the Voting Rights Act has resulted in a great upsurge in voter registration, voting, and other forms of political participation by Negroes in the South. In many areas, there has been voluntary compliance.

Nevertheless, many new barriers to full and equal political participation have arisen, including measures or practices diluting the votes of Negroes, preventing Negroes from becoming candidates, discriminating against Negro registrants and poll watchers, and discriminating against Negroes in the appointment of election officials. Intimidation and economic dependence in many areas of the South continue to prevent Negroes from exercising their franchise or running for office fully and freely. Negroes still are excluded from the affairs of many State and local party organizations or feel unwelcome. Neither the Democratic nor the Republican national party organization has taken adequate steps to deal with this problem.

We urge your consideration of the facts presented and the recommendations for corrective action.

Respectfully yours,

JOHN A. HANNAH, *Chairman*
EUGENE PATTERSON, *Vice Chairman*
FRANKIE M. FREEMAN
REV. THEODORE M. HESBURGH, C.S.C.
ROBERT S. RANKIN

WILLIAM L. TAYLOR, *Staff Director*

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Acknowledgments

The Commission is indebted to Frank R. Parker, Staff Attorney, who worked under the direction of Howard A. Glickstein, General Counsel, and David Rubin, Deputy General Counsel, in the preparation of this report. The Commission also is grateful to the following members and former members of the professional staff of the Office of General Counsel who assisted in the preparation of this report: Paul S. Adler, Sophie Eilperin, Vernon S. Gill, Peter W. Gross, David H. Hunter, Mordecai Johnson, Ivan E. Levin, Roger Lowenstein, Richard T. Seymour, and Stephanie Wenkert.

The Commission expresses its appreciation to the following members and former members of the secretarial staff of the Office of General Counsel: Edna Bush, Treola Grooms, Sandra Hall, Mary Hanson, Lorraine Johnson, Celestine Sledd, Naomi Tinsley, Ruth Whitaker, and Sheila Wilson. The Commission is indebted to the following additional staff members and former staff members who assisted in the preparation of statistical material and in preparing the manuscript for publication: Robert Amidon, Edward Beis, George Bradley, Harold Culmer, Sara Green, Hedy Harris, Eleanor Horne, Gay Johnson, Bruce Newman, Leda Rothman, Everett Santos, John Ulfelder, and Howard Wu.

Introduction

In the first week of March 1965 Negro and white demonstrators attempting to march from Selma, Alabama to Montgomery, the State capital, to dramatize their appeal for full voting rights, were attacked and tear-gassed by Alabama law enforcement officers. Five months later the Voting Rights Act of 1965 was signed into law.

In enacting the Voting Rights Act, Congress placed on the statute books for the first time an effective instrument for meeting the problem of racial discrimination against Negro applicants for voter registration. As a result of the Act, Negro voter registration in the South has risen substantially.

In this study the Commission sought to determine the extent to which unregistered Negroes in the South have since registered to vote; the extent to which the newly registered Negroes in the South are voting; whether those who are voting are encountering obstacles because of their race; whether, and to what extent, obstacles confront Negro candidates and prospective Negro candidates for public and party office; and the extent to which Negroes are participating fully in party affairs. The objective of the Commission study was to determine whether any changes in Federal law or policy are necessary to guarantee to Negroes in the South the right to vote and participate fully and freely in political activity.

This study was begun in November 1966. Since that time Commission attorneys and other staff members have visited 55 counties in 10 Southern States (Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia). They interviewed Negro political and civil rights leaders, Negro candidates for office, and Negro voters, and met with leading party officials at the State and county level in each State visited.

Visits were made to counties with histories of racial discrimination against Negroes in the voter registration process or in which racial discrimination occurring since the Voting Rights Act had been reported. Among the counties visited were those in which Negroes had been elected to office and those in which Negroes had been defeated for elective office, those to which Federal examiners and Federal election observers authorized by the Voting Rights Act had been dispatched, and those to which these Federal officials had not been sent. An effort was made to

obtain a geographic distribution of counties visited within each State, and to visit urban as well as rural areas.

In preparing this report, Commission staff interviewed U.S. Department of Justice officials and officials of National, State, and local political parties and reviewed Department of Justice files, Federal observer reports, and judicial opinions, pleadings, and evidence in pending litigation relating to the subject of Negro political participation.

The material in this report is based primarily on the 1966 elections in the States studied. Allegations arising out of the 1967 elections have been included, although many have not been investigated by Commission staff.

It should be stressed that this study does not purport to be a complete catalog of all progress in or obstacles to Negro participation in the electoral and political processes of the Southern States. The incidents described in this report are intended to characterize the typical difficulties experienced by Negro candidates and voters in the South because of their race since the passage of the Voting Rights Act.

PART I

History of Negro Political Participation

Since the franchise was first guaranteed to Negroes, there has been a history in the South of efforts to render the guarantee meaningless. As devices have been struck down, others have been adopted in their place. An understanding of this history is relevant to an understanding of the progress of Negroes in the South under recent Federal laws and the obstacles which they face in achieving full and free participation in the electoral and political processes.

The Reconstruction Period

The end of the Civil War did not immediately bring the right of suffrage to the ex-slaves. The former Confederate States still were governed by the same men who had led them during secession. The legal rights that Negroes had were little better than those they had had under slavery,¹ and “[n]o serious consideration was given to broadening the franchise to include even a few Negroes.”²

The Reconstruction program of 1867 took power away from the white Southern governments and gave it to the military rulers of the five military districts established.³ Under the Radical Reconstruction legislation these military rulers, within a year, registered more than 700,000 Negroes to vote, slightly more than the number of whites then registered

¹ William A. Dunning, *Reconstruction, Political and Economic 1865-1877* at 54-59 (first published 1907; Harper Torchbook ed. 1962); see U.S. Commission on Civil Rights, *Freedom to the Free* 32-35 (1963); 1 W.L. Fleming, *Documentary History of Reconstruction* 273-312 (1906).

² John Hope Franklin, *Reconstruction: After the Civil War* 42 (1961). Those Southern States that had once permitted free Negroes to vote had all disfranchised them by 1835. Franklin, *supra* at 80. See also Kenneth M. Stampp, *The Era of Reconstruction 1865-1877* at 47 (1965). Full equality for Negroes at the polls existed in only five Northern States in 1865. Joseph James, *The Framing of the Fourteenth Amendment* 13 (1956). See W.E.B. DuBois, *Black Reconstruction in America, 1860-1880* at 293 (1964); C. Vann Woodward, *The Strange Career of Jim Crow* 20 (2d rev. ed. 1966).

³ Act of March 2, 1867, 14 Stat. 428; Dunning, *supra* note 1, at 95-96.

in the South.⁴ The Freedmen's Bureau tried to inform the Negroes of their new political rights and to protect them in the exercise of those rights.⁵

Dissatisfied with the temporary suffrage arrangements in the reconstruction legislation and with the provisions in the 14th amendment—unclear in their application to the franchise—Congress proposed the 15th amendment, which became a part of the Constitution on March 30, 1870.⁶

This amendment contains the declaration that the right to vote “shall not be denied . . . on account of race, color, or previous condition of servitude.”⁷

Negroes played a large role in the political process in several Southern States in the decade following the War. Negroes participated in all Southern radical governments, although they exercised control in none of them. They were in the majority in South Carolina's first radical legislature, which contained 87 Negroes and 69 whites, although they controlled only the lower house.⁸ No Negro became Governor of any

⁴ Franklin, *supra* note 2, at 80. The military governments registered 660,000 whites, all of whom were required to subscribe to an “ironclad oath” which excluded all who had been disfranchised for participation in rebellion, and all who, after holding State or Federal office, had given aid and comfort to enemies of the United States. *Id.* at 81; Dunning, *supra* note 1, at 96. Franklin notes that “the number of native whites who qualified and registered is impressive.” Franklin, *supra* note 2, at 81.

⁵ See generally Stamp, *supra* note 2, at 131–36 and George R. Bentley, *A History of the Freedmen's Bureau*, ch. 13, *The Bureau and the Ballot* (1955).

⁶ Franklin, *supra* note 2, at 83–84.

⁷ The full text of the amendment reads:

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

The 15th amendment was implemented by the Act of May 31, 1870. 16 Stat. 140. The Act, defined as a “criminal code upon the subject of elections by Congress” (Cong. Globe, 41st Cong., 2d Sess. 3656 (1870); Williams of Oregon), declared that all otherwise qualified citizens were entitled to vote and to have all tests for voting administered without regard to race, color or previous condition of servitude. Secs. 1–2. The offer to perform any act prerequisite to voting, if wrongfully refused, was to be deemed performance of such an act (sec. 3); judges, inspectors, and election officials, who wrongfully refused “to receive, count, certify, register, report, or give effect to the vote of any such citizen” were to be fined five hundred dollars or imprisoned for one month to one year. *Id.* The Act provided criminal punishments and civil remedies for bribery, threats, intimidations, or other unlawful attempts to prevent the free exercise of the right of suffrage. Secs. 4–6.

Acts such as impersonating another voter, preventing a qualified voter from voting, and causing any officer of election not to comply with his duties were made punishable by a maximum of a five hundred dollar fine and three years in jail. Sec. 19. Acts pertaining to the registration of voters which were made unlawful included intimidation, bribery, threat, hindrance of registration, refusal to receive a legal vote and receipt of an illegal vote. Sec. 20. Persons deprived of election to any office by exclusion of votes on account of race could bring suit to recover possession of such office in a Federal or State court. Sec. 23.

The 1870 Act was amended and extended the next year by the Act of Feb. 28, 1871 (16 Stat. 433), which authorized the Federal courts to appoint supervisors of elections and made interference with the discharge of their duties a Federal offense. Penalties for violation, severe under the Act of 1870, were made even more severe.

⁸ The upper house contained twice as many white persons as Negroes. Stamp, *supra* note 2, at 167–68.

Southern State, although South Carolina, Mississippi, and Louisiana had Negro lieutenant governors. In addition, at various times during the Reconstruction period South Carolina had a Negro secretary of state and speaker of the house; Mississippi, a Negro secretary of state, superintendent of education, and speaker of the house; and Louisiana, a Negro secretary of state, treasurer, and superintendent of public education. On the national level, the South during this period sent 14 Negroes, six from South Carolina, to the House of Representatives. In 1869, after the Republicans assumed control, Mississippi sent two Negroes, Blanche K. Bruce and Hiram R. Revels, to the Senate.⁹

Nearly all of these Negro officeholders were men of ability and integrity.¹⁰ They were, moreover, seldom vindictive in the use of their newly gained political power and were generally conservatives on all issues except civil and political rights.¹¹

One Negro secretary of state in South Carolina, Francis L. Cardozo, "was regarded by friends and enemies . . . as one of the best educated men in South Carolina, regardless of color."¹² Negro legislators in Alabama helped to adopt the 14th and 15th amendments and to put a State system of schools into operation.¹³ Negro members of the Georgia Legislature—who were able to take their seats only after the State Supreme Court declared them eligible—introduced many bills on education, the jury system, city government reform, and woman suffrage.¹⁴ In Florida, Negro members of the Reconstruction government were primarily interested in relief, education, and suffrage, and in North Carolina Negroes helped to inaugurate a system of public schools.¹⁵

Notwithstanding the substantial Negro voter registration and significant Negro participation in the political process, Negro voting and political participation was hindered by harassment and intimidation and subjected to exploitation. Facts collected by a subcommittee of the House Committee on Elections in the Louisiana contested election cases of 1868 showed

that over 2,000 persons were killed, wounded and otherwise injured in [the State] within a few weeks prior to the presidential election; that half the State was overrun by violence; midnight raids, secret

⁹ V. Wharton, *The Negro in Mississippi* 157–66 (first published 1947; Harper Torchbook ed. 1965). Revels completed the unexpired term of Jefferson Davis. Senators Bruce and Revels were the only Negroes to sit in the Senate before the election of Senator Edward W. Brooke of Massachusetts in 1966.

¹⁰ See Stamp, *supra* note 2, at 167.

¹¹ *Id.* at 168.

¹² John Hope Franklin, *From Slavery to Freedom* 313–14 (2d rev. ed. 1956).

¹³ *Id.* at 314.

¹⁴ *Id.*

¹⁵ *Id.* at 315. See also Franklin, *supra* note 2, at 85–94. For more detailed descriptions of Negro officeholders in each of the Southern States see DuBois, *supra* note 2: Alabama, 490–91; Arkansas, 547; Florida, 513; Georgia, 498–99, 504–07; Louisiana, 469–70; Mississippi, 436, 441–42, 445; North Carolina, 528–29, 535; South Carolina, 417–19; Texas, 557–58, 561; Virginia, 540.

murders, and open riot kept the people in constant terror until the Republicans surrendered all claims, and then the election was carried by the democracy.¹⁶

Before elections, a member of the North Carolina Klan testified at a hearing of a select congressional committee, members would go around and give Negroes orders to stay at home.¹⁷ In South Carolina, a white person testified: "I heard men proclaim that the order had been issued to shoot any colored man who voted for the reform ticket. . . . Undoubtedly, it was believed by the colored people."¹⁸

When they did vote, Negroes were exploited by both sides. There was testimony that the Republicans in some areas made them swear not to vote for anybody but Republicans, leading them to believe that if they did not vote Republican, "they would be put back into slavery, and their wives made to work on the road."¹⁹ In the December 1870 elections for the Georgia Legislature, a witness testified, the Democrats

got altogether probably about thirty colored democrats. Well, they would carry them into a room and put a cloak on them, bring them out and vote them, and then carry them back again and put a high hat on, and bring them out and vote them again. . . . I am satisfied there were seven or eight hundred illegal votes given there. I do not think there are more than sixteen hundred or seventeen hundred democrats in the county, . . . yet on that occasion they polled twenty-seven hundred votes. . . .²⁰

The testimony before the committee revealed the use of a variety of methods for reducing the opposition's vote. Candidates were systematically scratched off ballots.²¹ Negroes were harassed by election officials "asking questions not pertinent . . . [with] the result . . . that out of 1500 voters" only 400 to 500 voted during the day;²² votes were stolen from the boxes;²³ polls were not opened at all because of "the tremendous crowd of republicans present wanting to vote;"²⁴ the door to the voting place was blocked by police favoring the Democrats who allowed in only those who would vote Democratic.²⁵ By such techniques, Georgia, for example, with Republican voters in the majority by a margin of 20,000, showed a Democratic majority of more than 46,000 out of a

¹⁶ Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, Rep. No. 41, 42d Cong., 2d Sess., pt. 1, at 21-22 (1872) [hereinafter cited as Select Committee Report].

¹⁷ *Id.*, pt. 2, at 225 (North Carolina).

¹⁸ *Id.*, pt. 3, at 240 (South Carolina).

¹⁹ Testimony of Mr. Sayre, Ala., *id.*, pt. 1 at 298-99; see also documents in H.R., 43d Cong., 2d Sess., No. 261, App. B.

²⁰ Select Committee Report, pt. 7, at 1038 (Georgia).

²¹ *Id.*, pt. 3, at 180 (South Carolina).

²² *Id.*, pt. 7, at 1087.

²³ *Id.*, pt. 9, at 1151 (Alabama).

²⁴ *Id.*, pt. 10, at 1462.

²⁵ *Id.*, pt. 6, at 253 (Georgia).

total electorate of 102,411 white and 98,507 Negro registered voters in the statewide election of November 1868.²⁶

The End of Negro Participation

The end of the Negro's tenuous foothold in politics in the South is symbolized by the Compromise of 1877, in which Southern Democrats helped to resolve a contested presidential election by supporting Republican Rutherford B. Hayes, with the understanding that the demands of white southerners would be looked upon with more favor than they had been in the past. But with regard to the political power of Negroes in the South, this compromise in effect recognized a *fait accompli*.²⁷

In Mississippi, the takeover by Democratic white supremacists was completed in 1875. While in 1873 the Democrats carried only 39 out of 74 counties, in 1875 they carried 62. Nevertheless, Negroes continued to hold offices, primarily through operation of the "fusion principle", under which the white Democratic executive committee of the county, in return for Negro support, would consult with Negro leaders on the number of offices to be distributed to Negroes.²⁸

In order to consolidate its power, the white supremacist Democratic machine in Mississippi continued to resort to violence and fraud at the polls, as "[w]ith mock solemnity, newspapers reported that boxes containing anti-Democratic majorities had been eaten by mules or horses."²⁹ The 1890 Mississippi Constitutional Convention adopted the scheme of requiring, as a prerequisite for registration, a "reasonable" interpretation of the Constitution to eliminate the Negro voter without obviously violating the 15th amendment.³⁰ By this time, although there still were Negroes in the State legislature under the fusion system from Adams, Bolivar, and Sharkey Counties, more and more Negroes, "rebuffed by unfriendly registrars, frowned on by the mass of the white population, and absolutely forbidden to support any candidates save those of a party

²⁶ Id. at 454, 456 (Georgia).

²⁷ See generally C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (1951).

During the Civil War and for a few years after its end there was much discussion of economic measures to help the Negroes in the South. There was widespread realization "that there was a close relationship between the securing of civil and political rights . . . and the establishment of economic independence. . . ." Stampp, *supra* note 2, at 123. The redistribution of land to Negroes was the favored method of achieving this economic independence. Although a few experiments in land reform were made, in the end the program was defeated. Id. at 128-29 (for a description of one such experiment, see Wharton, *supra* note 9, at 38-41). According to Stampp, "[t]he failure of land reform probably made inevitable the ultimate failure of the whole radical program. . . ." *Supra* at 129.

²⁸ Wharton, *supra* note 9, at 175, 197, 202-04.

²⁹ Id. at 204.

³⁰ See Wharton, *supra* note 9, at 214-15. This scheme, known as the Mississippi Plan, quickly was adopted in other Southern States. See note 34 *infra*.

based on white supremacy,"³¹ simply abandoned their efforts to vote.³²

Between 1895 and 1910 other Southern States set up similar qualifications for voting, and new ones such as the "good character" tests, enacted disfranchising constitutions which required the payment of a poll tax,³³ set up property qualifications for registration, and required applicants to pass literacy and "civic understanding" tests.³⁴ Throughout the South residency requirements were lengthened and the list of disfranchising crimes expanded to include offenses believed more often committed by Negroes, such as petty larceny. To assure white control even in predominantly Negro localities, electoral machinery was centralized, and in most of the States the appointment of registration and election officials, who were given broad discretion, was placed in the hands of State, rather than local, officials.

But "if the Negroes did learn to read, or acquire sufficient property, and remember to pay the poll tax and to keep the receipt on file, they could even then be tripped by the final hurdle devised for them—the

³¹ Wharton, *supra* note 9, at 215.

³² The Democratic Party in South Carolina eliminated most of its Negro members by ruling at its convention in 1890 that in Democratic primaries "only white Democrats should be allowed to vote, except that Negroes who voted for General Hampton in 1876, and who have voted the Democratic ticket continuously since, may be permitted to vote." George B. Tindall, *South Carolina Negroes 1877-1900*, at 67 (1966). As in Mississippi, the 15th amendment was nullified by giving registration officials great discretion in deciding the qualifications of a potential voter, and resorting to fraud and intimidation for increased effectiveness. In 1876, Republican voters in South Carolina—the majority of whom were Negroes—cast 91,870 votes; in 1888 they cast only 13,740. *Id.* at 73.

In 1871 and again in 1874, 1876, 1878, 1883, and 1891, Virginia altered its legislative districts with the effect of reducing Negro representation. The 1874 measure abolished the township system of the carpetbaggers which had permitted Negroes to exercise political control in areas in which they constituted a majority of the population, and took control of local government in the Black Belt from the Negroes' hands. Virginia also adopted a new election code in 1894 which required voters to secure registration certificates long in advance of the election and preserve and show them at the polling place, imposed restrictions on the amount of time a voter could spend in the polling booth, and provided that the names of candidates be arranged by office rather than by party. The practical effect of the code was to disfranchise illiterate Negroes. In some voting precincts from one-third to one-half of the ballots had to be thrown out because they were marked incorrectly. In addition, using as a model the original Mississippi Plan, Virginia changed its Constitution to require of a prospective voter that, among other things, he be able to read the Constitution or give a reasonable interpretation of certain passages, and pay a poll tax. P. Lewinson, *Race, Class and Party 65-66* (1965).

³³ The poll tax was a reliable means of curtailing the franchise and reducing the Negro vote. See Woodward, *supra* note 2, at 84; V.O. Key, Jr., *Southern Politics 578-618* (1949); and U.S. Commission on Civil Rights, *Freedom to the Free 57-58* (1963). The 24th amendment, ratified in 1964, prohibits the use of the poll tax in Federal elections. In *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966), the Supreme Court held the poll tax unconstitutional as applied to State elections.

³⁴ See generally Key, *supra* note 33, at 553-77 and Woodward, *Origins of the New South*, ch. 12, *The Mississippi Plan as the American Way* (1951). To avoid disfranchising whites many States passed a so-called grandfather clause. The effect of the grandfather clause was to permit certain classes of individuals, defined so as to exclude Negroes, to register permanently within a specified period without the necessity of meeting literacy or other tests. The grandfather clause was declared unconstitutional in litigation arising in Oklahoma. *Guinn v. United States*, 238 U.S. 347 (1915).

white primary.”³⁵ This was a declaration by the Democratic Party that only whites were eligible for membership or allowed a voice in the nomination of party candidates. Since nomination by the Democratic party was tantamount to election, debarment from the nominating process was the equivalent of disfranchisement.³⁶ The earliest primaries had been local, informal, and unregulated by law. Statutory recognition and regulation began in the mid-1880’s and soon spread throughout the South.³⁷ Permission was given to the parties either to formulate rules of membership themselves or to impose qualifications beyond those laid down by statute.³⁸ By 1930, in 11 Southern States the Democratic Party barred the Negro from a share in the nominating process by statewide rule or by rules of the county and city Democratic committees restricting the Negro to nonpartisan and special elections and to general elections, in which his Republican vote was a mere gesture.³⁹

Because of such devices,⁴⁰ and the Negro’s growing psychological and economic dependence upon the white man, intimidation by violence became less and less necessary to assure that the Negro would stay away from the polls and cease to run for office—although violence still was employed as were such tactics as massing at the polls to keep Republicans and independents from voting, stuffing of ballot boxes, use of boxes with false bottoms, manipulation of the vote counts, and tampering with the registration books.⁴¹ Polling places were set up at points removed from Negro communities, and the location of polling places was changed without notice or Negroes were told of a change which never was made.⁴²

When the Negro sought to redress the denial of his 15th amendment rights, he was rebuffed. For example, Wilmington, North Carolina redistricted in a way disadvantageous to Negroes, but a Federal court refused to exercise its equity powers to enjoin the subsequent election, holding that other remedies were available.⁴³ In *Giles v. Harris*,⁴⁴ the Supreme Court held that equity could not intervene to protect purely political rights such as the right to vote. When the Negro plaintiffs sued at law the court denied recovery on technical grounds.⁴⁵

³⁵ Woodward, *supra* note 2, at 84; see also Key, *supra* note 33, at 424–42.

³⁶ See Edward McChesney Sait, *American Parties and Elections* 53 (4th ed. H.R. Peniman, 1948).

³⁷ Sait, *supra* note 36, at 299–300. By 1900 North Carolina was the only State in the South without a primary law. *Id.* at 300 n. 14. Virginia had no general State primary election law, but had numerous statutes regulating primaries in particular counties. Ernst Christopher Meyer, *Nominating Systems: Direct Primaries versus Conventions in the United States* 136–38 (1902).

³⁸ Sait, *supra* note 36, at 53.

³⁹ Lewinson, *supra* note 32, at 112, 114.

⁴⁰ See Franklin, “Legal” Disfranchisement of the Negro, 26 *J. Negro Education* 241 (1957).

⁴¹ See Woodward, *supra* note 34, at 51–58.

⁴² Lewinson, *supra* note 32, at 64.

⁴³ *Holmes v. Oldham*, 12 Fed. Cas. No. 6643 (C.C.E.D.N.C. 1877).

⁴⁴ 189 U.S. 475 (1903).

⁴⁵ *Giles v. Teasley*, 193 U.S. 146 (1904).

By 1900, the Negro vote in the South virtually had disappeared. Figures from Louisiana attest to the efficacy of the methods used to disfranchise the Negro. In Louisiana in 1896, there were 130,334 Negroes registered to vote; in 1900, after a new constitution had incorporated aspects of the Mississippi Plan, there were only 5,320.⁴⁶ Excluded from the Democratic primary, those Negroes who were on the registration rolls had political power only in very limited circumstances.⁴⁷

Invalidation of the White Primary and Continued Efforts to Disfranchise Negroes

In 1944, after almost half a century of Negro disfranchisement, the United States Supreme Court in *Smith v. Allwright*⁴⁸ voided as unconstitutional the white primary, “the most formidable barrier of all” the disfranchising devices.⁴⁹

Southern States reacted to *Allwright* in three ways.⁵⁰ Some—Florida, Texas, Tennessee, North Carolina, and Virginia—did nothing more than express dissent, “chiefly for the record.”⁵¹ Others—Georgia, South Carolina, Arkansas, and Mississippi—sought to divorce the process of selecting party candidates from governmental action.⁵² Finally, some States—Alabama and Louisiana—relied upon other devices, such as literacy or good character tests, to limit Negro suffrage.⁵³

⁴⁶ Woodward, *supra* note 2, at 85; Lewinson, *supra* note 32, at 80–81. By 1904, Negro registration in Louisiana was a mere 1,342.

⁴⁷ “[T]here were four circumstances in which there might be an appreciable Negro vote in a Southern community. One was the case of the presidential election, which may be dismissed as insignificant from the viewpoint of effective Negro political power. The two which were most significant were nonpartisan municipal elections, and referenda. Cases under a fourth heading—unexpected contests for office—while most sensational, were exceptional; they depended on such accidents as some politician’s resignation or removal, death, or courage to bolt from his party.” Lewinson, *supra* note 32, at 162.

⁴⁸ 321 U.S. 649 (1944).

⁴⁹ Woodward, *supra* note 2, at 141. Exclusion of Negroes from primary elections had been voided when dictated by State statute, *Nixon v. Herndon*, 273 U.S. 536 (1927), or when mandated by the State executive committee in the exercise of a power delegated to it by the State legislature, *Nixon v. Condon*, 286 U.S. 73 (1932). But the Supreme Court previously had upheld exclusion of Negroes from party primaries when required by a resolution of the State party convention acting on its own. *Grovey v. Townsend*, 295 U.S. 45 (1935).

⁵⁰ The history of the *Allwright* decision and the subsequent efforts to circumvent it is traced in Weeks, *The White Primary: 1944–1948*, 42 *Am. Pol. Sci. Rev.* 500 (1948) and Key, *supra* note 33, at 621–43.

⁵¹ Key, *supra* note 33, at 626.

⁵² *Id.*

⁵³ Alabama, by an amendment to the State constitution, tightened its voting qualifications to insure white domination of the electoral process. The so-called Boswell Amendment provided that if a person desiring to register was not physically disabled, he had to demonstrate an ability to read and write, to “understand and explain” any article of the United States Constitution in English, possess “good character” and an understanding of “the duties and obligations of good citizenship

Footnote continued on following page.

Because the Supreme Court had stressed that in Texas, where the *Allwright* case arose, party primaries were regulated in large part by State statute, the South Carolina Legislature attempted to remove the primary from the reach of the decision by repealing all State laws and constitutional provisions relating to primary elections. Subsequently, the Democratic State convention established as a qualification for membership in the Democratic clubs and participation in the primary election that the voter "be a white Democrat."⁵⁴ A Negro denied the right to cast a ballot in the 1946 Democratic primary election sued to void this provision, and the Federal courts struck it down as unconstitutional.⁵⁵

No longer able expressly to exclude Negroes from the primaries, the Democratic State convention in South Carolina met again and took a different tack. Although Negroes still were excluded from party membership, they were to be permitted to vote in the primaries if they were registered voters and took an oath pledging to support the principles of the Democratic Party of South Carolina, which included belief in "State's Rights" and "the social and educational separation of the races" and opposition to any Federal voting rights legislation or "any Federal legislation setting up the proposed so-called F.E.P.C. law."⁵⁶ In subsequent legal action the Federal district court held unconstitutional the exclusion of Negroes from club membership and enjoined administration of the oath.⁵⁷

In Arkansas a similar strategy was adopted. The legislature tried for two years a scheme in which the primaries for Federal offices were separated from those for State and county offices, on the theory that the constitutional guarantee protecting Negro suffrage extended only to the former. The legislature centered its effort on a provision allowing political parties to prescribe their own qualifications for membership and participation in primary elections. The effect was to give legal sanction to the resolutions of the 1944 Democratic State convention which excluded Negroes from party membership and therefore from becoming candidates for public or party office, but allowed Negroes to vote in the primary election if they "openly declared (their) allegiance to and sympathy with the principles and policies of the Democratic Party of Arkan-

under a republican form of government" and show that he had been employed for the preceding 12 months. Key, *supra* note 33, at 632. A successful action was brought to have the amendment declared unconstitutional. A three-judge Federal district court held that the "understanding" test provided no objective standard by which a board of registrars could decide to accept or reject any prospective elector, and that the amendment constituted a grant of arbitrary power to voter registration officials for the purpose of enabling them to discriminate against Negro applicants. *Davis v. Schnell*, 81 F. Supp. 872 (S.D. Ala.), *aff'd per curiam*, 336 U.S. 933 (1949).

⁵⁴ As quoted in Key, *supra* note 33, at 627.

⁵⁵ *Elmore v. Rice*, 72 F. Supp. 516 (E.D.S.C. 1947), *aff'd*, 165 F.2d 387 (4th Cir. 1947), *cert. denied*, 333 U.S. 875 (1948).

⁵⁶ Key, *supra* note 33, at 629 n.19.

⁵⁷ *Brown v. Baskin*, 78 F. Supp. 933, 942 (E.D.S.C. 1948), *injunction issued*, 80 F. Supp. 1017 (E.D.S.C. 1948), *aff'd*, 174 F.2d 391 (4th Cir. 1949).

sas.”⁵⁸ The principles of the party, as adopted at that convention, included “preservation of existing laws relating to the segregation of races in schools, public conveyances and other lawfully designated places;” the “legal prohibition of intermarriage of persons of White and African descent,” and “preservation of the constitutional provision which requires payment of a poll tax as a qualification of an elector.”⁵⁹

The Civil Rights Acts of 1957, 1960, and 1964

Although the right to vote had been guaranteed by law to Negroes since the adoption of the 15th amendment, its vindication prior to 1957 had depended almost entirely upon private litigation. In the Civil Rights Act of 1957,⁶⁰ Congress gave the U.S. Attorney General statutory authority to institute suits on behalf of Negroes deprived of voting rights, and in 1960⁶¹ and 1964⁶² passed supplementary legislation strengthening the 1957 Act. These Acts, however, did not produce a significant rise in Negro voter registration except in limited areas.

The chief means of limiting the franchise in the 1950’s and early 1960’s was the literacy test. State laws vested wide discretion in local registrars in administering these and other qualification tests. Although the Department of Justice had a right to sue, litigation was protracted and successfully reached only a small percentage of counties where Negro registration was being limited.

Meanwhile, dramatic events were drawing public attention to the issue of voting rights discrimination, as well as discriminatory exclusion of Negroes from the affairs of the Democratic Party in Mississippi. In 1964, members of a predominantly Negro political organization, the Mississippi Freedom Democratic Party, challenged the seating of the regular Democratic Party delegation of that State at the Democratic National Convention, claiming that Mississippi Negroes had been prevented from registering to vote through intimidation and the discriminatory administration of voter registration tests and that Negroes had been totally excluded from participation in the precinct meetings and other affairs of the Mississippi Democratic Party.⁶³ In 1965, the American public witnessed on television the beating of demonstrators in Selma, Alabama, who were seeking to achieve for Negroes the right to vote without discrimination. Congress thereupon adopted a more direct approach to dealing with these problems.

⁵⁸ As quoted in Key, *supra* note 33, at 638.

⁶⁰ Id. After a few thousand Negroes voted in the 1946 Mississippi Democratic primary, the Mississippi Legislature adopted the essence of the Arkansas plan, barring from participation in primary elections any person not “in accord with the statement of principles of the party holding such primary” as declared by the State executive committee at least 60 days before the primary election. Id. at 640.

⁶¹ 71 Stat. 637.

⁶² 74 Stat. 90.

⁶³ 78 Stat. 241. These statutes are codified in 42 U.S.C. § 1971 (1964).

⁶⁴ For an account of the proceedings on this challenge see pp. 139–40 *infra*.

PART II

Progress Under the Voting Rights Act of 1965

The Voting Rights Act of 1965 departed from the pattern set by the 1957, 1960, and 1964 Acts in that it provided for direct Federal action to enable Negroes to register and vote without reliance upon often protracted litigation required by previous legislation. The Act suspended literacy tests and other discriminatory voter registration tests and requirements in six Southern States (Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia) and in 40 counties in North Carolina.¹ It also sought to deal with the abuse of the broad discretion vested in local registrars, by providing for the assignment by the U.S. Civil Service Commission, in counties designated by the Attorney General, of Federal examiners to list persons qualified to vote. In addition, the Act provided

¹ Section 4 of the Act suspends the use of literacy tests and other specified prerequisites to registration or voting (education or knowledge tests, character tests, and voucher requirements) in any State or political subdivision where any such test or device was in effect in November 1964 and where less than 50 percent of the voting age residents were registered or where less than 50 percent voted in the November 1964 presidential election. In addition to the States and political subdivisions cited in the text the formula covers the State of Alaska, three counties in Arizona, one county in Hawaii, and one county in Idaho.

Under section 4(a), a State or political subdivision may remove itself from coverage by filing a suit in the U.S. District Court for the District of Columbia and convincing the court that no test or device has been used for the purpose or with the effect of denying the right to vote because of race or color during the preceding five years. Section 4(a), 42 U.S.C. § 1973b(a) (Supp. II, 1967). A judgment may be obtained more quickly if the Attorney General advises the court that he believes the tests have not been used to discriminate on the basis of race or color during the five years preceding the filing of the action.

As of Jan. 16, 1968, the State of Alaska, three counties in Arizona, one county in Idaho, and one county in Hawaii had removed themselves from coverage by obtaining consent judgments in the U.S. District Court for the District of Columbia. Letter from D. Robert Owen, First Assistant to the Assistant Attorney General, Civil Rights Division, to David Rubin, Deputy General Counsel, U.S. Commission on Civil Rights, Jan. 16, 1968. See *State of Alaska v. United States*, Civil No. 101-66, consent judgment entered Aug. 17, 1966; *Apache County, Arizona v. United States*, Civil No. 292-66, consent judgment entered Aug. 12, 1966; *Elmore County, Idaho v. United States*, Civil No. 320-66, consent judgment entered Sept. 22, 1966; *Wake County, North Carolina v. United States*, Civil No. 1198-66, consent judgment entered Jan. 23, 1967. In the Arizona case a group of Navajo Indians, dissatisfied with the Attorney General's acquiescence, filed a motion to intervene. Although the court held that it had discretion to allow intervention, it determined that intervention was inappropriate in the circumstances of the case. *Apache County v. United States*, 256 F. Supp. 903 (D.D.C. 1966). In two cases North Carolina counties have sought to remove themselves from coverage, but the Attorney General has not consented. *Gaston County, North Carolina v. United States*, Civil No. 2196-66, filed Aug. 18, 1966; *Nash County, North Carolina v. United States*, Civil No. 1702-66, filed June 27, 1966.

for the assignment of Federal observers to monitor elections in counties where examiners are serving under the Act.²

Since the passage of the Voting Rights Act there has been a significant increase in numbers of Negroes registered, voting, and running for office in the Southern States.

Records of the Civil Service Commission show that as of December 31, 1967, Federal examiners had been assigned to 58 counties in Southern States and had listed as eligible to vote 158,094 persons, including 150,767 nonwhites and 7,327 whites.³ In addition, officials of the Department of Justice have estimated that as of May 3, 1967, an additional 416,000 Negro citizens had been registered by local voting registrars since the passage of the Act.⁴

Negro registration now is more than 50 percent of the voting age population in every Southern State. Before the Act this was true only of Florida, Tennessee, and Texas. The biggest gain has been in Mississippi, where Negro registration has gone from 6.7 to 59.8 percent. But there also have been important gains in other States. In Alabama, the percentage has gone from 19.3 to 51.6; in Georgia, from 27.4 to 52.6; in Louisiana, from 31.6 to 58.9; and in South Carolina, from 37.3 to 51.2. The following table shows the changes in voter registration by race since the enactment of the Voting Rights Act of 1965:

Voter Registration by Race Before and After Passage of the Voting Rights Act of 1965^a

State	Pre-Act Registra- tion ^b	Post-Act Registra- tion ^c	Pre-Act Percent of Voting Age Population Registered	Post-Act Percent of Voting Age Population Registered
Alabama:				
Nonwhite.....	92, 737	248, 432	19.3	51.6
White.....	935, 695	1, 212, 317	69.2	89.6
Arkansas:				
Nonwhite.....	77, 714	121, 000	40.4	62.8
White.....	555, 944	616, 000	65.5	72.4
Florida:				
Nonwhite.....	240, 616	299, 033	51.2	63.6
White.....	1, 958, 499	2, 131, 105	74.8	81.4
Georgia:				
Nonwhite.....	167, 663	332, 496	27.4	52.6
White.....	1, 124, 415	1, 443, 730	62.6	80.3

See footnotes at end of table.

² For a more detailed description, see Part V, *infra*.

³ U.S. Civil Service Commission, Memorandum on Voting Rights Program, January 1968. Under the Voting Rights Act, Federal examiners do not "register" voters, but rather "examine applicants concerning their qualifications for voting" and place the names of those qualified on a list of eligible voters. Secs. 7 (a) and (b), 42 U.S.C. §§ 1973e (a) and (b) (Supp. II, 1967). State or local election officials are obligated to place the names of those persons listed by the Federal examiners as qualified on the official voting list. *Id.*

⁴ U.S. Commission on Civil Rights, *Civil Rights Digest*, September 1967, at 4.

Voter Registration by Race Before and After Passage of the Voting Rights Act of 1965^a—Continued

State	Pre-Act Registration ^b	Post-Act Registration ^c	Pre-Act Percent of Voting Age Population Registered	Post-Act Percent of Voting Age Population Registered
Louisiana:				
Nonwhite.....	164,601	303,148	31.6	58.9
White.....	1,037,184	1,200,517	80.5	93.1
Mississippi:				
Nonwhite.....	28,500	263,754	6.7	59.8
White.....	525,000	665,176	69.9	^d 91.5
North Carolina:				
Nonwhite.....	258,000	277,404	46.8	51.3
White.....	1,942,000	1,602,980	96.8	83.0
South Carolina:				
Nonwhite.....	138,544	190,017	37.3	51.2
White.....	677,914	731,096	75.7	81.7
Tennessee:				
Nonwhite.....	218,000	225,000	69.5	71.7
White.....	1,297,000	1,434,000	72.9	80.6
Texas:				
Nonwhite.....	} ^e 2,939,535	400,000	} ^e 53.1	61.6
White.....		2,600,000		53.3
Virginia:				
Nonwhite.....	144,259	243,000	38.3	55.6
White.....	1,070,168	1,190,000	61.1	63.4

^a Appendix VII contains county by county estimates of pre-Act and post-Act registration by race.

^b All pre-Act registration statistics are from Information Center, U.S. Commission on Civil Rights, Registration and Voting Statistics, Mar. 19, 1965. The registration statistics for Alabama are as of May 3, 1964; Arkansas, October 1963; Florida, May 1964; Georgia, December 1962; Louisiana, Oct. 3, 1964; Mississippi, Nov. 1, 1964; North Carolina, 1964; South Carolina, Nov. 1, 1964; Tennessee, Nov. 1, 1964; Texas, Nov. 3, 1964; and Virginia, October 1964. These statistics represent estimates based on official and unofficial sources and vary widely in their accuracy. Even where official figures were available, registrars frequently failed to remove the names of dead or emigrated voters and thus reported figures which exceeded the actual registration. Unofficial figures which came from a variety of sources are subject to even greater inaccuracies.

^c The statistics for Alabama are as of Oct. 31, 1967; for Georgia, Aug. 31, 1967; for Louisiana, October 1967; for Mississippi, Sept. 30, 1967; and for South Carolina, July 31, 1967, and were obtained from the Department of Justice. The statistics for the other States are estimates of the Voter Education Project of the Southern Regional Council contained in Voter Registration in the South, Summer 1966. The VEP accumulated its statistics during the summer of 1966. The figures were compiled from a variety of sources—public and private, official and unofficial. In this report the term "Post-Act Registration" is intended to refer to the total number of persons registered before and after the passage of the Voting Rights Act, and not only to persons registered since the passage of the Act. In addition to the persons listed there were 14,297 registered voters in Alabama, 33,694 in Florida, and 22,776 in Georgia whose race was unknown.

^d Mississippi statistics have been adjusted to include those registrants whose race was unknown by dividing persons according to the following formula: 75 percent of the pre-Act registrants whose race was unknown were considered white; 75 percent of the post-Act registrants whose race was unknown were considered Negroes. The unadjusted 1967 percentages were 41.1 percent Negro and 78.7 percent white. The unadjusted totals were 181,233 Negro, 571,598 white, and 176,099 unknown.

^e Percentages and totals by race are not available.



Since passage of the Voting Rights Act of 1965, more Negroes each year are campaigning for political office across the South. Here, a candidate addresses an audience in rural Alabama.

The substantial rise in Negro voter registration has been accompanied by a significant increase in the number of Negroes actually voting. A survey by the Voter Education Project of the Southern Regional Council found that in 1966, the growing Negro vote was a major factor in elections across the South, supplying the winning margin for a U.S. Senator in South Carolina, at least one Governor, in Arkansas, and at least two members of the U.S. House of Representatives.⁵ The Project estimated that in Arkansas, 80,000 to 90,000 of a total of between 115,000 to 120,000 registered Negroes voted in the November 1966 general elections; in South Carolina, 100,000 of 191,000; and in Georgia, 150,000 of 300,000. In Alabama, the Negro turnout for the May 3, 1966 primary was estimated at 74 percent of the total Negro registration of just under 250,000; in the general election, faced with a choice between two segre-

⁵ Voter Education Project, Press Release, What Happened in the South, 1966, Dec. 14, 1966. Major contributions to this progress have been made by voter registration campaigns such as the Southern Regional Council's Voter Education Project and other drives conducted by civil rights organizations.



Negro voters crowd into a polling place.

gationists who were the major candidates in the Governor's race, less than half the registered Negroes voted. In Mississippi an estimated 50,000 to 55,000 of an approximately 170,000 registered Negroes voted in the general election. In Louisiana, where there were no major statewide contests, a sampling of several Negro precincts indicated turnouts of 50 to 60 percent of those registered.

After the 1966 elections, the number of local Negro officeholders and legislators in the 11 Southern States was 159; after the 1967 elections the number exceeded 200—more than twice as many as were serving when the Voting Rights Act of 1965 was passed. Although the vast majority of Negro officeholders hold minor posts, in 1966, 20 Negroes—11 in Georgia, 6 in Tennessee, and 3 in Texas—were elected to State legislatures in the South, a total increase of 9. Negroes also were elected to posts at the county level in such Deep South States as Georgia, Louisiana, Alabama, and Mississippi. Lucius Amerson, elected sheriff of Macon County, Alabama, became the first Negro sheriff in the South since Reconstruction.

In 1967, 22 Negroes were elected to office in Mississippi including the first Negro representative in the State legislature in almost 100 years,



A Negro candidate seeks the support of a prospective voter.

and seven were elected in Virginia, including a member of the State house of representatives and a sheriff. In Mississippi, notwithstanding reports of harassment and intimidation of Negro candidates and voters,⁶ Negroes won victories in five predominantly Negro counties in which there had been great resistance to civil and political rights for the Negro. In Holmes County a Negro was elected to the State house of representatives and to the post of constable. A Negro constable and a Negro justice of the peace were elected in Issaquena County. Madison and Bolivar Counties now have Negro county supervisors.⁷ As of February 1, 1968, 24 Negroes were serving in State or local offices in Alabama, 29 in Mississippi, 37 in Louisiana, 21 in Georgia, 33 in Arkansas, 16 in Florida, 10 in North Carolina, 11 in South Carolina, 26 in Tennessee, 15 in Texas, and 24 in Virginia.⁸

A dramatic example of the effect of the Act is afforded by Selma, Alabama, symbol of resistance to the exercise of the franchise by Negroes. When Dr. Martin Luther King began his campaign for Negro voting

⁶ Delta Ministry Reports, November 1967, at 1.

⁷ Southern Courier, Nov. 11-12, 1967, at 1.

⁸ See Appendix VI.

rights three years ago, Selma had only about 500 registered Negro voters. As of February 9, 1968, there were about 5,300; a Negro minister was running for mayor, and six other Negroes for the city council. The city had four Negro policemen, and the Dallas County sheriff's office, once occupied by James G. Clark, a militant segregationist, had two Negro deputies under former city public safety director Wilson Baker, a moderate who beat Clark in the 1966 election. Lines of communication reportedly had opened between city officials and civic leaders and Negro spokesmen.⁹

Holmes County, Mississippi—another area where public officials and the white community had been deeply resistant to Negro voting—provides another striking illustration. In Holmes County, Negroes of voting age outnumber whites by two to one. Before passage of the Act the registration rolls of the county carried the names of 4,800 white voters—more persons than the 1960 census indicated were in the white voting age population of the county—but the names of only 20 Negro voters.¹⁰ The county was one of the first to be designated for Federal examiners, and by December 31, 1967, as a result of Federal listing activity and registration with the local registrar, 5,844 Negroes had been registered to vote in the county.¹¹ In 1966, not a major election year in Mississippi, three Negro candidates ran for local office in the county.¹² In the 1967 general election, 12 Negro candidates ran for State and county posts¹³ and two of them won office, including a seat in the Mississippi House of Representatives.¹⁴

Although gains have been made in many areas, the progress should not be permitted to obscure the difficulties experienced by Negro candidates and voters as the result of discriminatory or intimidatory actions on the part of public or party officials or of private citizens. Part III of this report is devoted to a discussion of obstacles to full and free participation by Negroes in the electoral and political processes of the South.

⁹ Baltimore Sun, Feb. 9, 1968, at A-7.

¹⁰ Information Center, U.S. Commission on Civil Rights, Registration and Voting Statistics, Mar. 19, 1965.

¹¹ U.S. Civil Service Commission, Memorandum on Voting Rights Program, January 1968.

¹² Interview with Henry Lorenzi, civil rights worker in Holmes County, Feb. 15, 1967.

¹³ Southern Courier, June 24-25, 1967, at 1.

¹⁴ Id., Nov. 11-12, 1967, at 1.

PART III

Obstacles to Negro Participation in the Electoral and Political Processes

In its investigation the Commission sought to determine whether new stratagems had been devised to deny or hinder equal participation by Negroes in the electoral and political processes. This section identifies actions by governmental bodies, political parties, public and party officials, and private persons which may have the effect of barring, deterring, or reducing political participation by Negroes in the South.

A major theme running through the history of Southern politics has been the fear of a Negro take-over of the political and governmental structure.¹ As one Southern political scientist has written, "The Negro unwittingly has exercised a tyranny over the mind of the white South, which has found continuous expression in the politics of the region."²

The passage of the Voting Rights Act of 1965, the most significant step toward Negro enfranchisement since the 15th amendment, and the effects of that Act once again raised the old fears of Negro domination. For many, the choice appeared to be the same as that following the Civil War when white Mississippians felt that universal Negro suffrage meant Negro government on the one hand or illegal election contrivances on the other.³

The hostile reaction to extended Negro enfranchisement under the Act appears to have been less organized than, say, the reaction to the Supreme Court's school desegregation decision in *Brown v. Board of Education*.⁴ Except in a few cases, notably in Mississippi, there has been nothing like the Southern Manifesto or the Virginia statewide "massive resistance" program. In some areas local officials have complied with the Act. Nevertheless, according to reports received by Commission staff from across the South, there have been resistance to change in varying degrees in the Deep South States of Mississippi, Alabama, Louisiana,

¹ See generally V. O. Key, Jr., *Southern Politics* (1949); C. Vann Woodward, *The Strange Career of Jim Crow* (2d rev. ed. 1966).

² S. Cook, *Political Movements and Organizations*, in *The American South of the 1960's* at 131 (Leiserson ed. 1964).

³ F. Johnston, *Suffrage and Reconstruction in Mississippi*, 6 *Publications of the Mississippi Historical Society* at 205 (1902).

⁴ 347 U.S. 483 (1954); 349 U.S. 294 (1955).

Georgia, and South Carolina and isolated incidents in other Southern States.

According to these reports, Negro candidates and newly-enfranchised Negro voters in the South have experienced discrimination at almost every step in the political and electoral process. A number of techniques reportedly have been used in Mississippi and Alabama to dilute the votes of newly-registered Negroes, generally by combining predominantly Negro voting districts with predominantly white voting districts to cancel out the effectiveness of the voting power of Negroes. There have been complaints that, in some Southern States—principally in Mississippi, Georgia, and Alabama—measures have been adopted and administrative practices have been employed to make it more difficult for prospective Negro candidates to get on the ballot and be elected to office—in Mississippi on a statewide basis and in Alabama and Georgia in a few counties. In all of the States and in more than half of the counties visited there were complaints of discrimination in the electoral process itself. Such complaints were widespread in the counties visited in the Deep South States.⁵

Threats of violence and economic sanctions and actual reprisals against Negro candidates and voters have been reported in some areas of Mississippi, Louisiana, South Carolina, Alabama, Georgia, and Virginia. In some areas, Negroes fear reprisals for engaging in “forbidden” activities and their position of economic dependence reportedly hinders full realization of their civil and political rights.

⁵ Discrimination in the electoral process has not been confined to the South. Before the November 1967 mayoralty election in Gary, Indiana, in which a Negro, Richard Hatcher, was the Democratic candidate, the Department of Justice brought a suit under Section 12(d) of the Voting Rights Act against the Lake County Boards of Election, Registration, and Canvassers, and against various officials alleging that the defendants had engaged in illegal acts and practices for the purpose and with the effect of diluting the vote of Negro citizens of Gary. Specifically, the Department of Justice—and also candidate Hatcher in a private suit that was consolidated with the Department of Justice action—accused the defendants of “[a]dding to the voter rolls as eligible voters in white precincts the names of persons who are not eligible to vote” and of purging the registration rolls “in a manner designed to decrease the Negro vote but not the white vote.” Complaint at 5, 6, *United States v. Lake County Election Board*, Civil No. 4809, N. D. Ind., Nov. 6, 1967. The court found these accusations supported by the facts. Concerning the second allegation it found specifically that on Oct. 25, 1967, the Election Board sent letters to at least 5200 registered voters in Gary. “These letters were directed largely to persons registered in precincts which are entirely or almost entirely Negro.” Findings of Fact at 2-3. The persons to whom the letters were sent were not to be allowed to vote unless certain information was furnished to the Election Board. The court found that these letters had the purpose of depriving Negro citizens of Gary of the right to vote. *Id.*

Chapter 1

Diluting the Negro Vote

Many new devices involve the dilution of the significantly expanded Negro vote through such measures as conversion from elections by district to elections at-large, laws permitting the legislature to consolidate predominantly Negro counties with predominantly white counties, and reapportionment and redistricting statutes.⁶

Switching to At-Large Elections

Where Negroes are heavily concentrated in particular election districts their votes can be diluted effectively by converting to at-large elections, in which their votes are outweighed by white votes in adjoining districts. This technique has been used in Mississippi and Alabama.

Mississippi

Mississippi was strongly affected by the Voting Rights Act of 1965. Before the Act only about 7 percent (28,500) of Mississippi's Negro voting age population was registered to vote.⁷ On the other hand, about 70 percent of the white voting age population was registered.⁸ From the passage of the Act until the cut-off registration date for the statewide primary on June 7, 1966, Federal examiners listed 33,231 Negroes in 23 Mississippi counties to which they had been assigned.⁹ The State's

⁶ The Commission does not suggest that every measure which involves the dilution of Negro votes is necessarily motivated by racial considerations. Consolidation of counties in some cases may have a legitimate purpose even where the votes of Negroes are in fact diluted. Nor does every measure which has the effect of diluting the votes of Negroes necessarily have an adverse effect on Negro voters. For example, some would argue that it is better for Negroes to constitute 40 percent of the voters of two districts—almost half the constituencies of two representatives—than 80 percent of the voters of one district.

⁷ Information Center, U.S. Commission on Civil Rights, Registration and Voting Statistics, Mar. 19, 1965, at 9. The registration figures for Mississippi are unofficial statewide totals as of November 1964.

⁸ *Id.*

⁹ U.S. Civil Service Commission, Cumulative Totals on Voting Rights Examining, Apr. 16, 1966. Once it is determined that a political subdivision is covered by the suspension of tests provision of the Voting Rights Act of 1965, the Attorney General may direct the U.S. Civil Service Commission to appoint Federal examiners for the

Footnote continued on following page.

total Negro registration was estimated at 132,000 that same month.¹⁰

At least 30 bills relating to elections or the political process were introduced in the 1966 regular and special sessions of the Mississippi Legislature, many apparently in reaction to the increased Negro vote in many parts of the State. The legislature passed 12 bills and resolutions which substantially altered the State's election laws.

After the June 7 primary a statute approved by the Mississippi Legislature allowed voters to decide if members of the county boards of education would be elected at-large.¹¹ Six of 11 counties which were exempted from the general requirement that the issue be submitted to the voters had predominantly or almost majority Negro populations. Four of the other five counties are approximately one-third Negro. The statute required at-large elections in Hancock,¹² Lafayette, Lincoln, Lowndes, Warren, and Wayne Counties and permitted at-large elections in Benton and Marshall Counties when directed by the county boards of education. Other statutes passed during the regular session of the legislature provided for at-large election of county boards of education in Coahoma, Washington, and Leflore Counties.¹³

Until May 1966 each Mississippi county was divided into five supervisors districts, and one member of the board of supervisors—the governing authority of the county—was elected by the voters of each district.¹⁴ In May, a new law granted a local option to the county boards of supervisors to provide for at-large election of members of the board.¹⁵

subdivision who are to prepare and maintain lists of persons eligible to vote in any election. The Attorney General may designate a political subdivision for Federal examiners if he has received 20 meritorious complaints alleging voter discrimination or he believes that the appointment of examiners is necessary to enforce the guarantees of the 15th amendment. See § 6 of the Act. Because the Act requires that the names of all persons eligible to vote in any election must be sent to the State election officials at least 45 days prior to the election, those persons who qualified within the 45 day period were not eligible to vote in the June primary election. See § 7(b) of the Act.

¹⁰ N.Y. Times, June 8, 1966, at 27.

¹¹ Senate Bill 1966, Miss. Laws, 1966, ch. 404, codified as Miss. Code 6271-03.5 Supp. 1966), approved June 16, 1966. Upon receiving a petition for an at-large election signed by at least 25 percent of the qualified voters of the county, the board of supervisors within 60 days must call a special election to submit the proposal to county residents. The proposal is accepted or rejected by a majority vote. In accord with previous statutes governing the election of board members, residents of municipal school districts are not permitted to participate in selecting board members, or in proposing or voting on the method of selection.

¹² After Jan. 1, 1967.

¹³ House Bill 275, Miss. Laws, 1966, ch. 431, approved May 10, 1966; House Bill 1074, Miss. Laws, 1966, ch. 428, June 15, 1966.

¹⁴ Miss. Code § 2870 (Recomp. 1956).

¹⁵ House Bill 223, Miss. Laws, 1966, ch. 290, amending Miss. Code § 2870 (Recomp. 1956), approved May 27, 1966. Each supervisor still must represent and be a resident of a particular district. The burden of preventing the order from becoming final is placed upon the voters of the county. Notice of the adoption of the order must be published in a newspaper of general circulation 12 months before the next general election. If within 60 days after the order is adopted and published, 20 percent of the voters of the county sign and present a petition to the supervisors objecting to the change, the question must be submitted to the voters. The voters then accept or reject the change by a majority vote of all voters of the county participating in the election.

The new statute permits any board of supervisors to adopt an order under which each supervisor would be elected by all the voters in the county.

It has been contended that this enactment was racially motivated and has the effect of permitting county supervisors to dilute the Negro vote to prevent the election of Negroes to county governing bodies.¹⁶ Almost all sponsors of the bill in the State house of representatives either were from counties with potential Negro majorities or counties in which at least one supervisors district had a potential Negro majority. For example, in Oktibbeha County—home of one of the sponsors of the new act—District Five contains about 1,500 more voting-age Negroes than voting-age whites.¹⁷

In the fall of 1966 the boards of supervisors of Adams and Forrest Counties, pursuant to the new law, ordered that board members be selected at-large at all future elections. In July 1967 Negro residents of both counties filed suits asking a Federal district court to void the statute and set aside the orders. The plaintiffs received an adverse ruling in the district court¹⁸ and the case is pending on appeal to the Supreme Court.¹⁹

Alabama

Registration in Alabama also has been affected substantially by the Voting Rights Act. Within two weeks after passage of the Act, six Alabama counties were designated for Federal examiners. Subsequently, six

¹⁶ Memorandum of the Lawyers' Committee for Civil Rights Under Law, Mississippi Legislation, Regular Session 1966: Elections 1-2 (August 1966) [hereinafter cited as Lawyers' Committee Legislation Memo]. The memorandum concludes:

The amendment . . . helps counties like Oktibbeha. In an at-large election a Negro candidate running in a county where at least three beats [districts] are white has little chance . . . of getting on the board. He would be defeated by the white bloc vote.

¹⁷ *Id.* at 2.

¹⁸ *Marsaw v. Patterson*, Civil No. 1201W, S.D. Miss., Oct. 5, 1967 (Adams County); *Fairley v. Patterson*, Civil No. 2205H, S.D. Miss., Oct. 5, 1967 (Forrest County). The complaints—almost identical in their wording—set out two claims for relief. First, the plaintiffs charged that the statute was being enforced in contravention of Section 5 of the Voting Rights Act of 1965, which voids any “standard, practice or procedure with respect to voting” passed by a State covered by the Act unless that State first has obtained approval from the Attorney General of the United States or the United States District Court for the District of Columbia, 42 U.S.C. § 1973(c) (Supp. II, 1967). Second, they alleged that the statute and the orders had the purpose and effect of abridging on account of their race, votes of Negro residents of the two counties, preventing the election of Negro candidates to county boards of supervisors, and deterring potential Negro candidates from running for the office. The plaintiffs contended that the purpose and effect of the new laws would be the same in all counties, like Adams and Forrest, where there was a countywide white voting majority, but a Negro voting majority in one or more individual supervisors districts.

Prior to trial the plaintiffs amended their complaints to delete the second claim for relief, reportedly for reasons of trial strategy. Letter from Denison Ray, Chief Counsel of the Lawyers' Committee for Civil Rights Under Law, to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Oct. 22, 1967. After a hearing on the two cases on Oct. 3, 1967, a three-judge Federal district court ruled that Section 5 of the Voting Rights Act was not applicable to the challenged legislation.

¹⁹ *Fairley v. Patterson*, *appeal docketed*, 36 U.S.L.W. 3315 (U.S. Feb. 6, 1968) (No. 1058).

more counties were so designated. By the time of the primary election on May 3, 1966, Federal examiners had listed 59,063 Negro applicants.²⁰ In the wake of the increased Negro registration, some local Democratic Party executive committees which formerly elected their members by district switched to elections at-large.²¹

BARBOUR COUNTY.—As a result of voter registration following passage of the Voting Rights Act of 1965, Negro registrants became a majority in four beats (districts) in Barbour County, Alabama.²² In March 1966 the county Democratic executive committee altered the method of selecting its members by converting from election by beats or districts to countywide election. Conversion to the new method was made 16 days after six Negroes had qualified as candidates for committee membership.

When the six Negro candidates were defeated in the May 1966 primary election—held countywide under the new rule—they brought suit in Federal district court attacking the action of the committee. Answering the complaint, the committee argued that the change had been made to comply with the constitutional principle that elected public officials must represent equal, or nearly equal, population areas. Looking at the context of the change the court termed this justification “nothing more than a sham.”²³ It held that the change was racially motivated and “born of an effort to frustrate and discriminate against Negroes in the exercise of their right to vote” in violation of the 15th amendment and enjoined the committee from holding future elections under the new scheme.²⁴

MONTGOMERY COUNTY.—In similar fashion, the January 29, 1966 resolution of the Montgomery County Democratic Executive Committee ordering the 1966 primary election changed the method of selecting committee members from precinct to countywide elections.²⁵

According to a representative of a Montgomery County civil rights organization, Negroes constituted a majority of the registered voters in several precincts in the county by the time of the primary election.²⁶ The practical effect of the January resolution was to deny these voters the opportunity to elect Negro committeemen.²⁷ The chairman of the committee, who took office after the resolution was passed, told a Commission

²⁰ U.S. Civil Service Commission, Cumulative Totals on Voting Rights Examining, Apr. 30, 1966.

²¹ In Alabama State law permits parties to establish rules governing elections to party office. Ala. Code, tit. 17, § 336 (1958).

²² Information on Barbour County taken from the Findings of Fact in *Smith v. Paris*, 257 F. Supp. 901 (M.D. Ala. 1966).

²³ *Id.* at 905.

²⁴ *Id.* at 904.

²⁵ Resolution of the Montgomery County Democratic Executive Committee § 3(A), Jan. 29, 1966.

²⁶ Interview with E. D. Nixon, president of the Montgomery County NAACP, Nov. 10, 1966. Montgomery County was designated for appointment of a Federal voting examiner on Oct. 1, 1965. By Jan. 29, 1966, a total of 9,344 Negro applicants had been listed by the examiner. U.S. Civil Service Commission, Cumulative Totals on Voting Rights Examining, Jan. 29, 1966.

²⁷ Nixon interview.

staff member that the purpose of the change was to correct malapportionment and provide all voters in the county with an equal voice in the selection of committee members. He conceded, however, that the effect of the change would be to prevent the election of Negro committeemen in precincts with a majority Negro registration.²⁸

Consolidating Counties

Another device which can have the effect of diluting the Negro vote is the consolidation of counties having Negro voting majorities with counties having white voting majorities.

Less than a week after the June 1966 primary election, the Mississippi Senate and House of Representatives, respectively, passed a resolution submitting to the voters a constitutional amendment to permit the legislature by a two-thirds vote to consolidate adjoining counties.²⁹ Formerly, counties could be consolidated only if a majority of voters in the affected counties voted for consolidation.³⁰ The amendment was approved by the electorate of the State in a statewide referendum on November 8, 1966.

The legislative history of the amendment suggests that the legislature was motivated by racial considerations in approving the resolution. The measure passed the house in March,³¹ but was tabled in the senate in May.³² In the June 7 primary the Negro candidate for U.S. Senator sponsored by the Mississippi Freedom Democratic Party—an independent Negro political organization—won majorities in two counties, including Claiborne County. The next day, Senator P. M. Watkins of Claiborne County revived the county consolidation proposal.³³ Opponents of the resolution contended that it was designed to permit consoli-

²⁸ Interview with Truman M. Hobbs, chairman of the Montgomery County Democratic Executive Committee, Nov. 11, 1966.

Previously, on Jan. 11, 1963—less than two months after a Federal district court had found that there had been racial discrimination in the registration of voters in Montgomery County and issued an injunction barring further discrimination, *United States v. Penton*, 212 F. Supp. 193 (M.D. Ala. Nov. 20, 1962)—the Montgomery City Democratic Executive Committee had adopted a resolution altering the method of choosing committeemen from election by ward to a citywide vote. The present chairman of the committee denied that the measure was designed to discriminate against Negro candidates. Letter from Jesse M. Williams, Jr., chairman of the Montgomery City Democratic Executive Committee, to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, May 9, 1967.

²⁹ House Concurrent Resolution 36, Miss. Const., art. 14, § 271 (Supp. 1966), passed June 10, 1966.

³⁰ See Miss. Const., art. 14, § 271 (1942).

³¹ *New Orleans Times-Picayune*, Mar. 31, 1966, at 1.

³² *New Orleans Times-Picayune*, May 24, 1966, at 21.

³³ *Jackson Daily News*, June 8, 1966, at 1A, 16A; *Clarion-Ledger* (Jackson, Miss.), June 9, 1966, at 1A, 16A; *New Orleans Times-Picayune*, June 9, 1966, at § 2, p. 14.

dation of counties heavily populated by Negroes with predominantly white counties. "All they're trying to do is avoid a few Negro votes," charged Senator E. K. Collins of predominantly white Jones County.³⁴ Collins also argued that the bill was being revived in the senate "just because a few Niggers voted down there [in Claiborne County]." ³⁵ Senator Ben Hilburn of predominantly white Oktibbeha County, who also opposed the measure, commented during the senate debate: "We get so concerned because some Negroes are voting in a few counties, we are going to disrupt our entire institutions of government."³⁶

A proponent of the amendment, Senator Bill Corr from predominantly Negro Panola County, told the senate that he had abandoned his former opposition to the bill because "a lot of things have happened" in the meantime.³⁷ He referred to the primary victory of Lucius D. Amerson, Negro candidate for sheriff in Macon County, Alabama, and to the results of Mississippi's congressional primaries the day before.³⁸

The Mississippi Freedom Democratic Party and several Negro plaintiffs have challenged the constitutionality of the amendment in Federal court, charging among other things that its purpose and effect is to permit counties to be combined to dilute the Negro vote and, by eliminating counties with Negro voting majorities, prevent the election of Negro candidates.³⁹ As of March 1, 1968, the case had not yet been decided by the Federal district court. No action had been taken to combine any of Mississippi's counties.

Reapportionment and Redistricting Measures

City dwellers and suburbanites long have had their votes diluted by legislative malapportionment and maldistricting. The apportionment and districting processes also are potent weapons for dilution of Negro votes. In the South, there is evidence that these processes are being used in some areas for this purpose.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Id. Press reports indicate that speakers for the bill generally represented predominantly or largely Negro areas while opponents of the measure generally came from predominantly white counties.

³⁹ Mississippi Freedom Democratic Party v. Johnson, Civil No. 4082, S.D. Miss., filed Jan. 24, 1967. The complaint also charges that the measure violates Section 5 of the Voting Rights Act of 1965. The provisions of Section 5 are summarized, note 18 *supra*.

Alabama

In 1962, a three-judge Federal district court, in a decision affirmed by the Supreme Court, held that malapportionment in the Alabama Legislature violated the equal protection clause of the 14th amendment. The court rejected two measures passed by the Alabama Legislature because they failed to correct the inequities, but ordered into effect a combination of the two plans as a provisional measure until the legislature passed a constitutional scheme.⁴⁰

The Alabama Legislature did not pass further reapportionment legislation until its Second Special Session in the fall of 1965⁴¹—six weeks after passage of the Voting Rights Act of 1965—when a new apportionment plan consisting of two acts was signed into law. The three-judge court held the act providing for reapportionment of the State senate constitutional, but ruled the act reapportioning the house invalid.⁴²

The main objection to the senate plan was that it provided for one district which comprised a population 25.7 percent greater than the average.⁴³ This deviation, the court ruled, was justified because it maintained the integrity of the county unit and minimized the number of multi-member districts. Noting that strong inferences of a legislative purpose to prevent the election of Negroes to the State senate could be drawn, the court nevertheless concluded that inferences indicating a legitimate purpose were equally justifiable.

The court found, however, that 21 districts in the house deviated irrationally by more than 10 percent from the population norm, and that the house scheme violated the State constitutional prohibition against multi-member districts. In addition, the court held “that the legislature intentionally aggregated predominantly Negro counties with predominantly white counties for the sole purpose of preventing the election of Negroes to House membership.”⁴⁴

The plan grouped predominantly Negro Macon County and predominantly white Elmore and Tallapoosa Counties into a single house district allotted three representatives, with the stipulation that the district delegation must include residents of each county but be elected by a

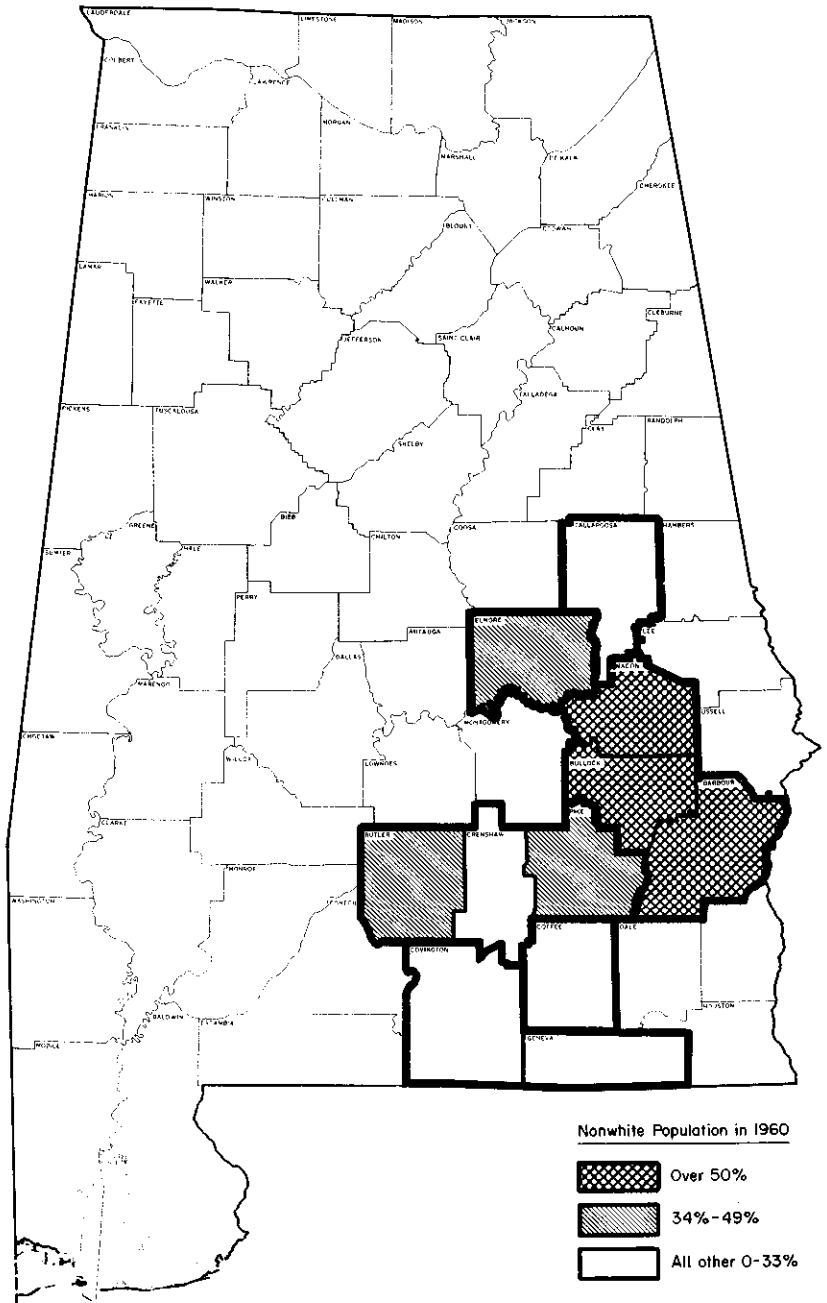
⁴⁰ *Sims v. Frink*, 208 F. Supp. 431 (M.D. Ala. 1962), *aff'd sub nom. Reynolds v. Sims*, 377 U.S. 533 (1964).

⁴¹ Ala. Acts 1965, 2d Sp. Sess., No. 47, p. 69 (senate) and No. 48, p. 70 (house of representatives).

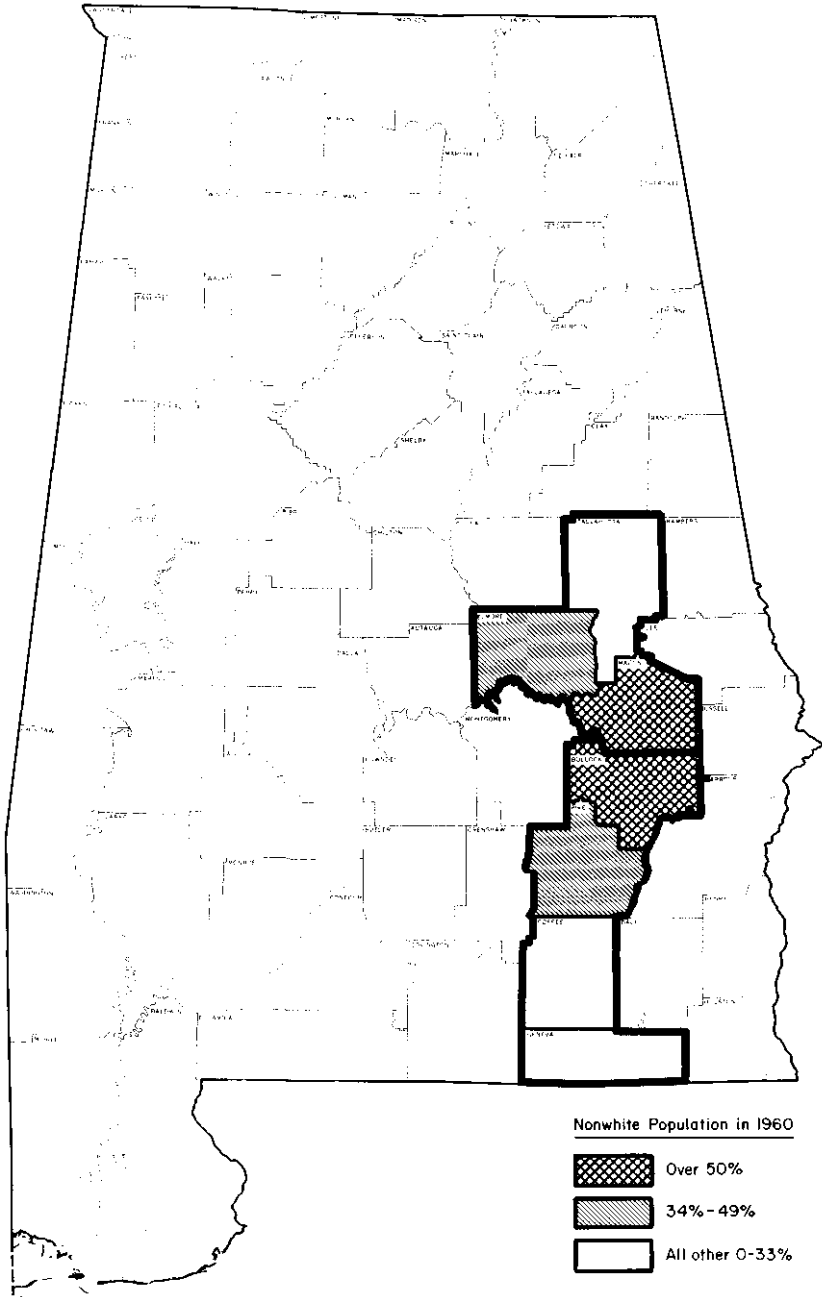
⁴² *Sims v. Baggett*, 247 F. Supp. 96 (M.D. Ala. 1965).

⁴³ The population mean, or norm, is reached by dividing the total State population by the number of seats in the legislative house to be apportioned.

⁴⁴ 247 F. Supp. at 109.



Map No. 1—The State legislature's reapportionment plan for the Alabama House of Representatives, ruled unconstitutional by a Federal district court, combined majority Negro counties with majority white counties to prevent the election of Negroes to the Alabama House. The heavy lines indicate house district lines.



Map No. 2—The reapportionment plan decreed by the court minimized the number of multi-county, multi-member house districts and created districts of contiguous counties regardless of the Negro population percentage.

majority vote of the entire district. Analyzing the purpose of the plan, the court concluded:

The conclusion is inescapable that Elmore, Tallapoosa and Macon were combined needlessly into a single House district for the sole purpose of preventing the election of a Negro House member. In the Bullock-Pike-Coffee-Geneva House district to which the Legislature proposes to allot three members, the inference is also clear that there is no purpose other than racial considerations. The obvious effect of this grouping, from a racial standpoint, is to equalize the 71.9% of nonwhite citizens in Bullock County.⁴⁵

Holding that the house plan contravened both the 14th and 15th amendments to the U.S. Constitution, the court declared it invalid and enjoined its enforcement.⁴⁶

Mississippi

The new Mississippi election laws enacted in 1966 included several reapportionment and redistricting statutes which had the effect of diluting Negro voting strength.

In October 1965, before the 1966 regular session of the Mississippi Legislature, the Mississippi Freedom Democratic Party and several Negro plaintiffs filed a complaint in Federal district court attacking the boundaries of the State's congressional districts and the apportionment of the seats in both houses of the State legislature on grounds of racial discrimination and gross disparity of population between districts.⁴⁷ Before a three-judge Federal district court was convened to hear the case, the legislature enacted a bill redrawing the boundaries of the five congressional districts.⁴⁸ The plaintiffs then amended their complaint to challenge the validity of the new legislation on the ground that it was racially

⁴⁵ Id. (footnote omitted). Referring to the recent passage of the Voting Rights Act, the assignment of Federal examiners to the State, the history of racial discrimination in Alabama, and that State's denial to Negroes of constitutionally protected voting rights, the court observed:

The House plan adopted by the all-white Alabama Legislature was not conceived in a vacuum. If this court ignores the long history of racial discrimination in Alabama, it will prove that justice is both blind and deaf.

In the present case, we have a situation where nonwhites have been long denied the right to vote and historically have not been represented by nonwhites in the councils of state.

⁴⁶ On Oct. 4, 1965, the district court decreed a plan of apportionment for house of representatives districts in the Nov. 8, 1966 general election.

⁴⁷ The description of the complaint and amended complaint is taken from the opinion of the district court and papers filed in the case. *Connor v. Johnson*, 11 Race Rel. L. Rep. 1859 (S.D. Miss. 1966).

⁴⁸ House Bill No. 911, Miss. Laws, 1966, ch. 616, approved Apr. 7, 1966, codified as Miss. Code § 3305 (Supp. 1966).

motivated, that the redistricting did not follow the boundaries of the economic, geological, and geographic regions of the State, and that the effect of the plan was to deprive Mississippi Negroes of the opportunity for congressional representation by at least one Negro Congressman. The complaint alleged that Mississippi Negroes were entitled to be represented by a Negro Congressman since they constituted 43 percent of the State's population.

Rejecting these contentions, the district court held that in evaluating the constitutionality of the redistricting plan, it could consider only whether population disparities between districts violated constitutional requirements. Because the variation in population among the five districts was no greater than 3.2 percent from the population norm, the court held that the population disparity was not unconstitutional.⁴⁹ The court also commented that the plaintiffs had failed to prove that the drawing of the district boundaries was racially motivated⁵⁰ and found no indication that the effect was to dilute or negate Negro votes.

The plaintiffs then appealed to the U.S. Supreme Court. They argued that the new legislation

creates five congressional districts in each of which the white vote will, presently and in the foreseeable future, outweigh the Negro vote, and thus preserves a white majority in all five of the state's congressional districts, despite a 43% Negro population in the state as a whole, which is largely concentrated in one compact and geographically discrete section of the state.⁵¹

Citing legislative history, the plaintiffs observed that the act was a compromise between a senate plan which would have given one district a substantial Negro majority, and a house plan which would have precluded a nonwhite majority in any district. They noted that although the act provided for a nonwhite majority in one district, Negro voting strength would not predominate even there because eligible white voters outnumbered eligible nonwhite voters. The act divided the Delta region of western Mississippi (where most of the State's Negro population lived and which traditionally had been considered an historic, geographic, and economic unity) into three new congressional districts.⁵² The plaintiffs

⁴⁹ 11 Race Rel. L. Rep. at 1863.

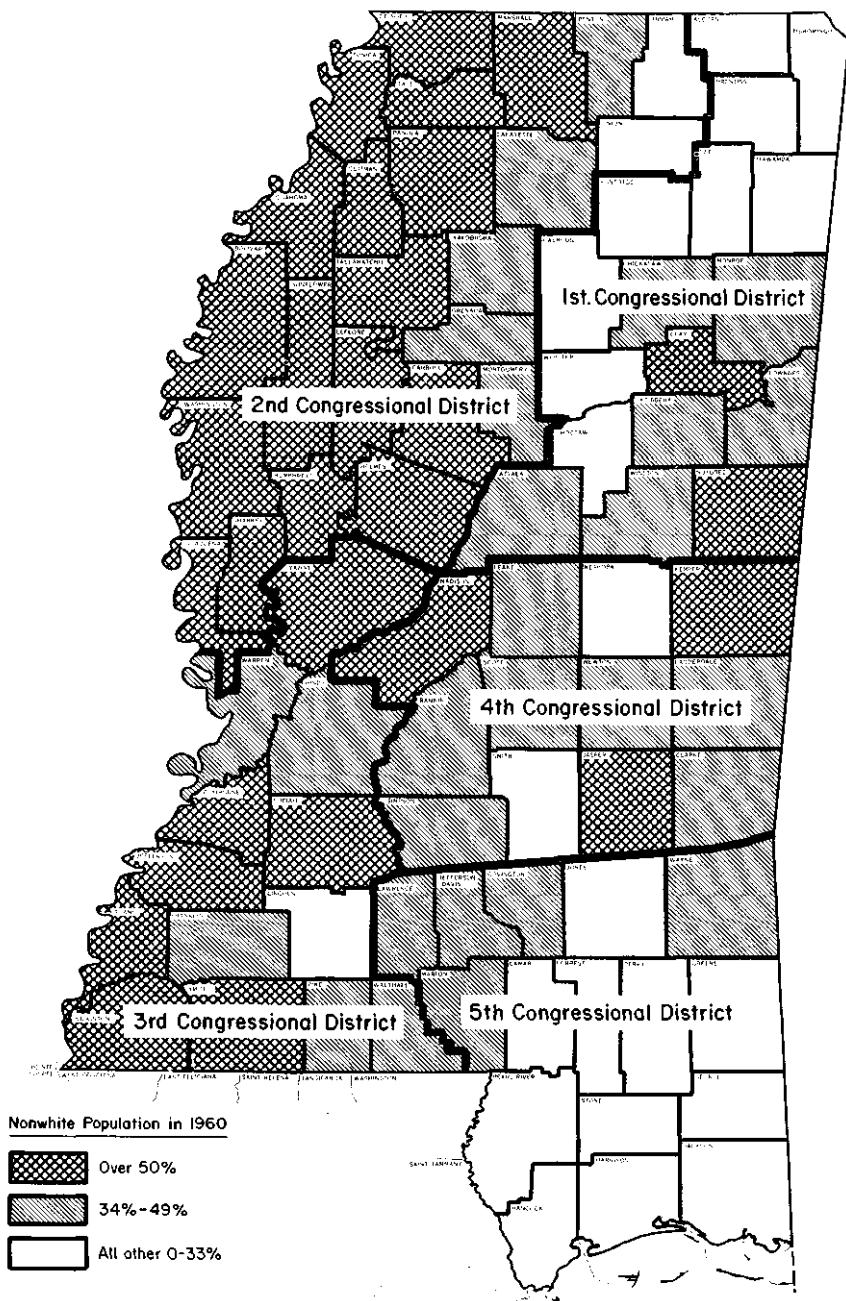
⁵⁰ *Id.* at 1862. "They proved that there were newspaper reports as to what a few legislators thought or said, but the solemn acts of the Congress or of State legislatures may not be impeached or invalidated on nothing more than newspaper reports." (Citation omitted.)

⁵¹ Appellants' Jurisdictional Statement at 4, *Connor v. Johnson*, 386 U.S. 483 (1967).

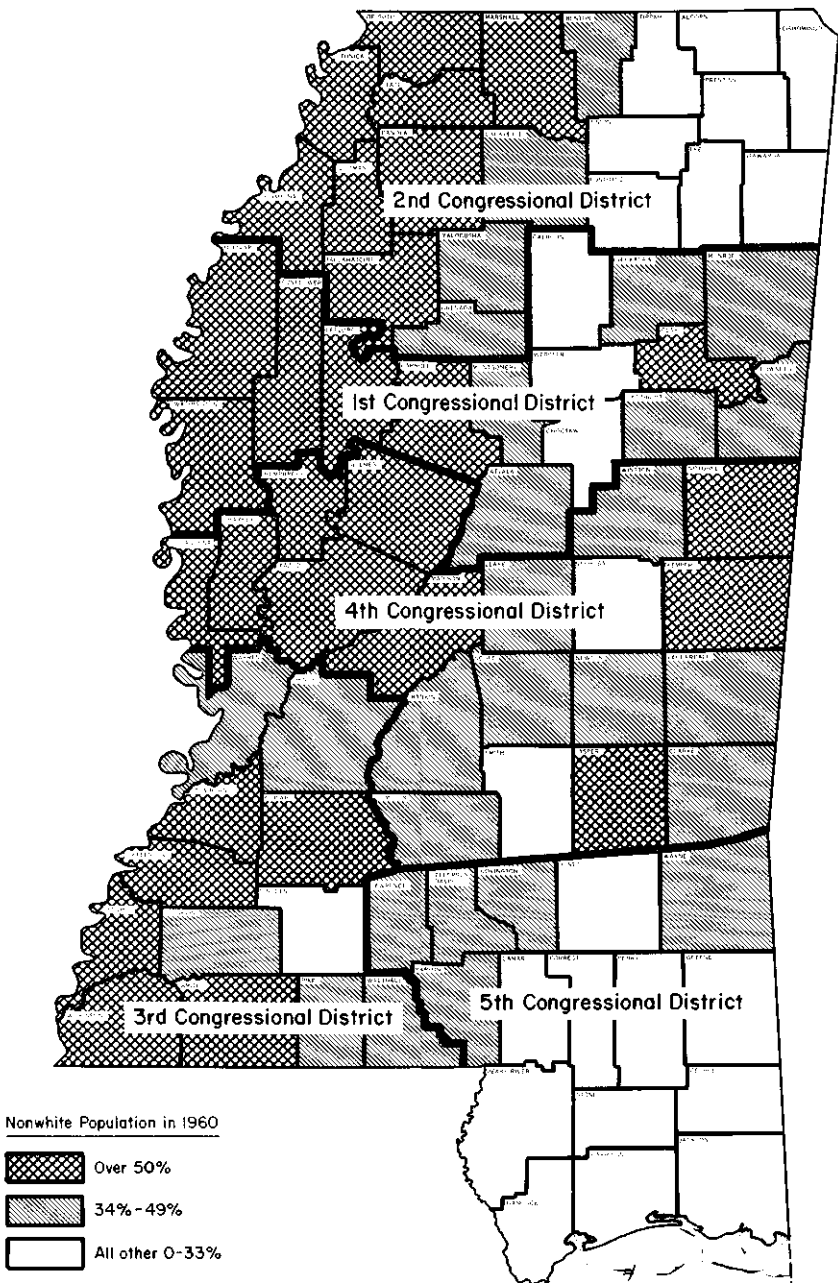
⁵² This move, plaintiffs contended, not only had a racial effect, but also showed the racial motivation of the legislature:

As long as Negroes were directly denied the franchise, this caused no problem in the establishment of voting districts. Once Negroes in Mississippi obtained the legal right to vote . . . their majority status in the Delta became a threat to those previously in political control of the state. The present gerrymandering of districts followed.

Id. at 7.



Map No. 3—Prior to the 1966 re-drawing of Congressional district lines by the Mississippi Legislature, the 2nd Congressional District covered most of Mississippi's Delta region and contained more than half of the majority Negro counties in the State.



Map No. 4—The 1966 Congressional redistricting plan adopted by the State legislature divided the Delta counties among three new Congressional districts, excluding from the new 2nd Congressional District nine majority Negro counties which had been in the old 2nd District.

argued that additional evidence of racial motivation could be found in a newspaper account of debates in the Mississippi House of Representatives on the bill, indicating that supporters as well as opponents of the measure viewed the division of the Delta as a means of diluting the substantial Negro vote.⁵³

The defendants argued in the Supreme Court that the district court's finding that the legislation had no racial purpose or effect could be overturned only if it were "clearly erroneous." They contended that the Delta region previously had been divided into electoral districts for the election of State supreme court justices and for the election and appointment of members of several State commissions and administrative agencies.⁵⁴ Without hearing oral argument, the Supreme Court summarily affirmed the lower court judgment without opinion, one Justice dissenting.⁵⁵

The Federal district court took no action on the section of the plaintiffs' complaint challenging the apportionment of seats in the Mississippi Legislature until the end of the regular session, whereupon the court, finding "disparities [in apportionment] that defy rational explanation,"⁵⁶ held the apportionment in conflict with the equal protection clause of the 14th amendment and directed the legislature to enact a fair apportionment by December 1, 1966.

A special session of the legislature, convened in November 1966, passed a bill reapportioning the seats in both houses, and the bill was approved by the Governor on the December 1 deadline.⁵⁷ In several instances, the legislature combined counties in which Negroes constituted a majority of the population and a majority of the registered voters in legislative districts with counties having white population and voting majorities. For example, majority Negro Claiborne County was joined in a senatorial district with majority white Hinds County, Jefferson County, with a 70

⁵³ "Did the Negro situation enter in this redistricting plan?" asked Rep. Odie Trenor. . . . When he go not answer to his question he said, "we all know the Negro situation was the main factor."

Rep. Thompson McClellan of Clay said, "When this bill is attacked in the courts they're going to look into what areas were moved, where they were moved and for what purposes they have been moved. They were moved so there shall not be a majority of certain groups in a district. The courts will consider a similar case and they'll throw this out. We will have congressmen elected at-large or by districts fixed by the Supreme Court.

"This patently was drawn in a manner to devalue the vote of a certain group of people."

Backers of the plan did not deny that the Delta area was split up to divide the heavy Negro vote.

Id. at 10 quoting Jackson Daily News, Jan. 14, 1966.

⁵⁴ Appellees' Motion to Dismiss or Affirm, *Connor v. Johnson*, 386 U.S. 483 (1967).

⁵⁵ 386 U.S. 483 (1967). Mr. Justice Douglas was of the view that probable jurisdiction should have been noted and the case set down for oral argument.

⁵⁶ *Connor v. Johnson*, 256 F. Supp. 962, 966 (S.D. Miss. 1966).

⁵⁷ Senate Bill No. 1504, Miss. Laws 1966-67, Sp. Sess., ch. 41, Miss. Code §§ 3326, 3327 (Supp. 1966).

percent Negro population and a Negro voting majority, was combined with Lincoln County, which has a population 69 percent white.⁵⁸ In both cases the resulting district had a majority white population.

The three-judge district court reconvened to consider objections to this new legislation but, consistent with its earlier position that no factors other than population disparity were to be considered,⁵⁹ examined only the population characteristics of the new districts. It held the new legislation unconstitutional because of “glaring variations” in population figures among both house and senate districts,⁶⁰ and redrew the district lines itself.⁶¹ Under the court’s plan, only six senatorial districts and only two house districts varied more than 10 percent from the population norm. Although the court stressed that it was disregarding racial considerations entirely, the effect of the court’s reapportionment was to undo several districts which had combined predominantly Negro with predominantly white counties.⁶² On appeal the Supreme Court affirmed the district court’s decision in a memorandum opinion without receiving briefs or hearing oral argument.⁶³

Full-Slate Voting

During the field work for this report, Negro political and civil rights leaders complained about other State legislation apparently not designed

⁵⁸ Connor v. Johnson, 265 F. Supp. 492, 500 (S.D. Miss. 1967).

⁵⁹ Id. at 493.

⁶⁰ Id.

⁶¹ Id. at 494.

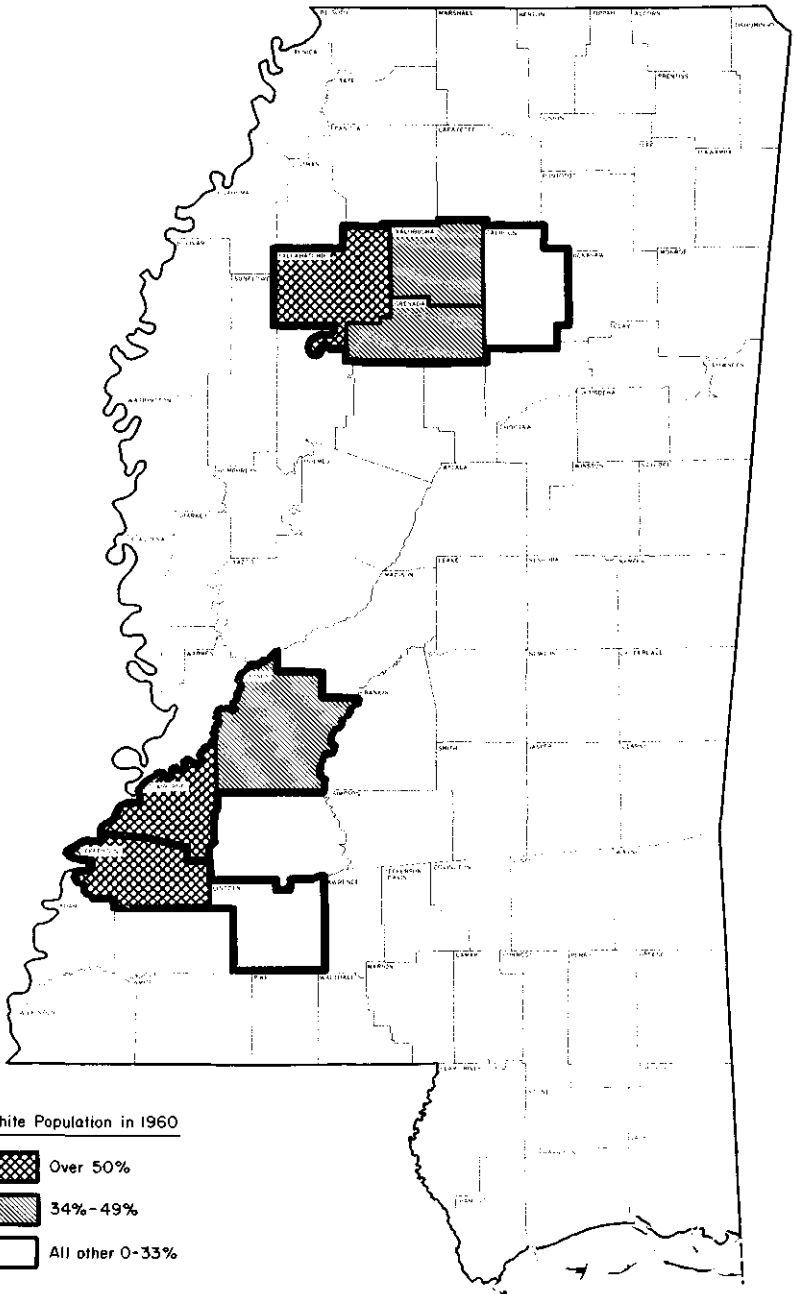
⁶² Id. at 498–99.

⁶³ 386 U.S. 483 (1967). In other Southern States reapportionment laws enacted prior to the Voting Rights Act of 1965 also have been challenged on the ground that their purpose and effect was to dilute the Negro vote. In each case, however, the courts either have ruled against the plaintiffs or have held that the issue was not properly presented.

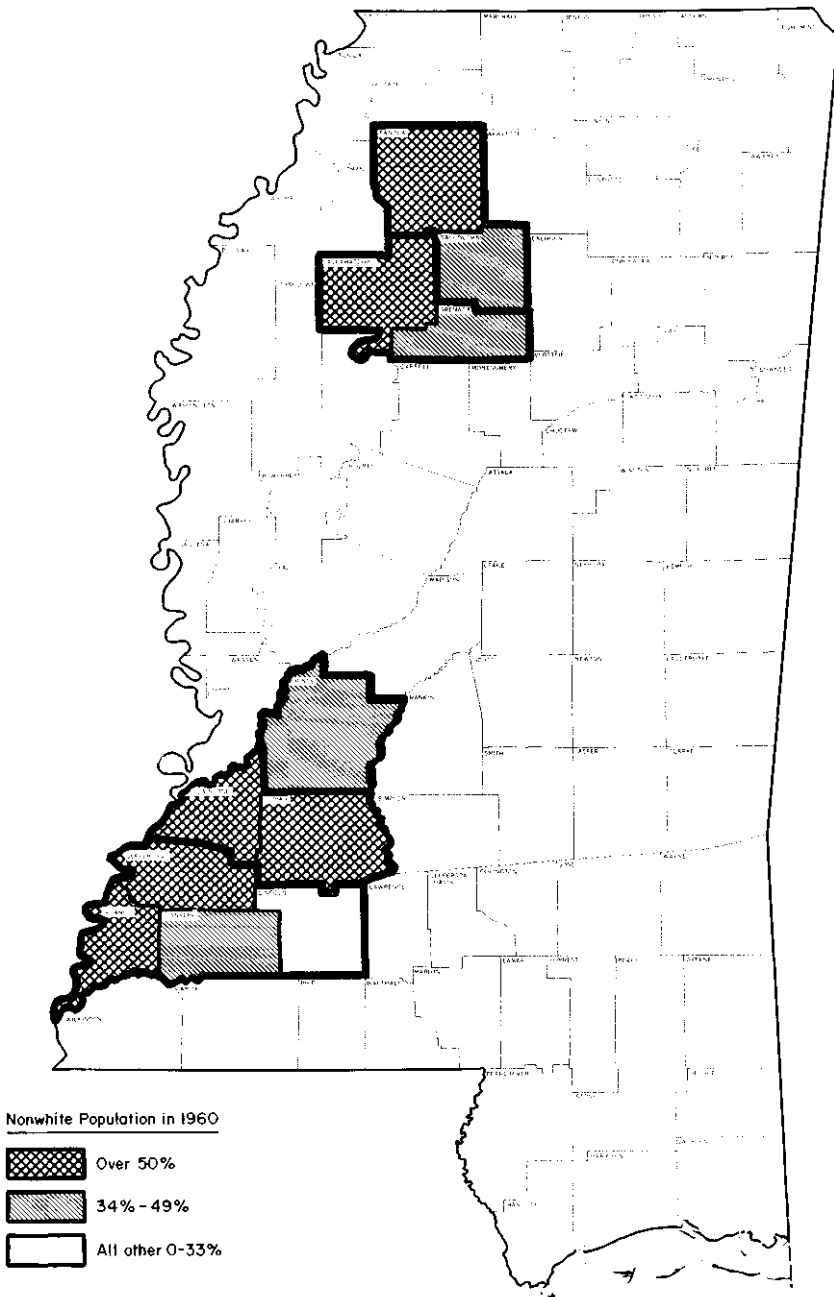
In Fortson v. Dorsey, 379 U.S. 433 (1965), the U.S. Supreme Court upheld a Georgia apportionment plan which provided for the election on a countywide basis of all senators whose districts were located within a county; the Court did not rule on the contention that the countywide election method was intended to minimize the strength of racial and political minorities in the populous urban counties, holding that the issue was not properly presented by the record.

In Mann v. Davis, 245 F. Supp. 241 (E.D. Va. 1965), *aff’d sub nom.* Burnette v. Davis, 382 U.S. 42 (1965), the Court affirmed a decision upholding a Virginia reapportionment statute which combined the city of Richmond, located in Henrico County, with the rest of Henrico County and provided for the at-large election of the eight city-county representatives to the Virginia House of Delegates, against the claim that it unconstitutionally diluted the votes of Negroes in Richmond. In 1967 Dr. W. Ferguson Reid, a Negro resident of Richmond, was elected to the Virginia House of Delegates.

In 1967 the Court invalidated a 1965 Texas apportionment plan but sustained the district court’s judgment rejecting the plaintiffs’ argument that multi-member districts were created in certain areas of the State (with single-member districts elsewhere) in order to minimize or cancel out the voting strength of Negroes, as well as liberal Democrats and Republicans. Kilgarlin v. Martin, 252 F. Supp. 404 (S.D. Tex. 1966), *rev’d sub nom.* Kilgarlin v. Hill, 386 U.S. 120 (1967).



Map No. 5—The Mississippi Legislature's reapportionment plan for the State senate combined majority Negro Claiborne, Jefferson, and Tallahatchie Counties with majority white counties to create in areas with heavy Negro population senatorial districts which contained white majorities.



Map No. 6—The Mississippi State Senate reapportionment decreed by the Federal district court voided the State legislature's plan and combined counties to make up senate districts regardless of the racial composition of the counties.

to dilute the Negro vote but allegedly having that effect. One frequently mentioned provision was the full-slate voting requirement. Under this requirement, where there is more than one post to be filled in a particular category, such as school board member, failure to vote for a number of candidates equal to the number of positions to be filled voids the ballot insofar as it applies to the office in question.⁶⁴ Full-slate voting creates special problems for Negro voters, who may be forced to vote for white candidates if their votes for a Negro candidate are to be counted, thus diluting the effect of their vote for the Negro candidate.

A Negro candidate in South Carolina, where such a requirement is in force,⁶⁵ complained that unless Negroes run in numbers sufficient to occupy all the posts in a given category, the Negro vote for Negro candidates inevitably will be diluted by votes which Negro voters themselves are required to cast.⁶⁶ For example, there are 10 at-large Richland County seats in the State house of representatives. According to the complainant, most Negroes in the community oppose contests by Negroes for all the county seats in the State legislature, fearing that such a display of aggressiveness would generate antagonism in the white community. If two or three Negro candidates seek the office, however, Negroes are forced by the statute to vote for seven or eight white candidates as well or their votes will be voided. The Negro votes for the white candidates are added to the votes cast for the white candidates by white voters, thus diluting the vote for the Negro candidates.

Persons attending a meeting of Negro political and civil rights leaders in Rocky Mount, North Carolina, made a similar complaint about the operation of the North Carolina statute.⁶⁷

Zelma Wyche, a Negro candidate for city alderman in Tallulah, Louisiana, complained that as a result of that State's full-slate voting requirement many inexperienced Negro voters were disqualified in the April

⁶⁴ In most States, the single-shot vote for one candidate where two or more candidates are to be elected to a particular office is voided, but this does not affect the validity of the rest of the ballot. See, e.g., Miss. Code § 3110 (Recomp. 1956).

⁶⁵ S.C. Code § 23-400.92 (Supp. 1966) provides in relevant part: "*Ballot improperly marked.*—If a voter marks more or less names than there are persons to be elected or nominated to an office . . . his ballot shall not be counted for such office; but this shall not vitiate the ballot, so far as properly marked." This provision is identical to the one in effect at the time of the interviews. Cf. S.C. Code § 23-357 (1962).

⁶⁶ Interview with Joseph Stroy, Negro, winner of preferential election for magistrate of Hopkins Township, Richland County, Dec. 5, 1966. Complaints against this provision were also received in interviews with Richard Miles, director of the South Carolina Voter Education Project, Dec. 5, 1966, and Matthew J. Perry, Negro attorney and legal advisor to the Voter Education Project, Dec. 5, 1966.

⁶⁷ Complaint received from participants in meeting on Negro voting held in Rocky Mount, N.C., July 25, 1967. The North Carolina full-slate voting requirement applies only to county and municipal primary elections in certain political subdivisions named in the statute. N.C. Gen. Stats. § 163-175 (Supp. 1965).

1966 Democratic municipal primary election.⁶⁸ Three city aldermen were to be nominated in the primary election. To cast a valid ballot, a voter had to vote for three candidates. Wyche, the only Negro candidate, alleged that many Negroes pulled the lever of the voting machine only once to vote for him. Many Negroes were voting for the first time and, in Wyche's view, received inadequate instructions from the election officials. The disqualifications, he believes, contributed to his defeat.

⁶⁸ Interview with Zelma Wyche, Mar. 20, 1967. Bruce Bains, civil rights worker in Madison Parish with the Congress on Racial Equality, and Harrison Brown, secretary of the Madison Parish Voters League, a Negro civil rights and political organization, and Democratic nominee for member of the parish school board in the November 1966 general election, both interviewed Mar. 20, 1967, also expressed the view that a large number of votes cast by inexperienced or illiterate Negro voters inadvertently were voided by the voters in the 1966 elections because of the Louisiana full-slate requirement.

Chapter 2

Preventing Negroes from Becoming Candidates or Obtaining Office

Since the passage of the Voting Rights Act of 1965, measures also have been adopted to prevent Negroes from becoming candidates or obtaining office. These measures include abolishing elected offices, extending the terms of incumbent white officials, substituting appointment for election, increasing filing fees, and otherwise stiffening the requirements for getting on the ballot. In addition, Negroes elected to county office in Mississippi have encountered difficulty in securing the bonds which under State law they must obtain before assuming office. Abortive efforts also have been made to challenge the right of victorious Negro candidates to take their seats.

Abolishing the Office

When Walter Singletary, a prominent Negro farmer in Baker County, Georgia, filed to run for justice of the peace in the predominantly Negro Hoggard Mill district, the post was abolished by the county commissioners.

During the second week of February 1966 Singletary, now deceased, went to the office of the county ordinary and qualified to run for the justice of the peace position vacated by the death of the incumbent.⁶⁹ According to the county attorney, Singletary's candidacy created the occasion for the county commissioners to re-evaluate the functions of justices of the peace in Baker County.⁷⁰

The minutes of the county commissioners indicate that on February 22, 1966, a special call meeting was held "at the instance and request of several citizens of the county who expressed their interest in the consolidation of several militia districts in the county into one county-wide district."⁷¹ The minutes record that the question was discussed

⁶⁹ County ordinaries in Georgia have a variety of administrative and minor judicial duties, among them holding elections for justice of the peace when a vacancy occurs. Ga. Code § 24-407 (1959).

⁷⁰ Interview with Earl Jones, Baker County Attorney, Nov. 16, 1966.

⁷¹ Minutes of the County Commissioners of Baker County, Feb. 22, 1966.

thoroughly and that “[i]t was generally observed that hardly any of the outlying districts actually performed any duties at all.”⁷² A three-man commission was appointed to consolidate all the militia districts into one countywide district and the next day at another special call meeting the report of the commission was accepted and the change accomplished.⁷³

According to the county ordinary the effect of this action was to abolish only the vacant post for which the Negro candidate had filed, since Georgia law prohibits abolition of an office during the term of the incumbent.⁷⁴ The action of the county commissioners will not take effect in the other militia districts until the terms of the present justices of the peace expire in 1968. Although the county attorney, in a staff interview, maintained that the move was a reform measure because the county justices of the peace had been doing little business,⁷⁵ it was the belief of a Democratic Party official and Negro residents of the county that the change was made to prevent the election of a Negro as justice of the peace.⁷⁶

Extending the Term of Incumbent White Officials

In Bullock County, Alabama the county commissioners are elected to staggered terms. Primary elections to nominate candidates for two county commission seats were scheduled to be held on May 3, 1966. In July 1965, shortly before enactment of the Voting Rights Act of 1965, legislators representing Bullock County, where the Negro voting age population is almost twice as large as the white voting age population, introduced local legislation to extend for two years the terms of office of the Bullock County commissioners. The bill was passed by both houses and approved by the governor on August 20, 1965, two weeks after passage of the Voting Rights Act.⁷⁷ The effect of the new law was to cancel the previously scheduled primary election.⁷⁸

⁷² Id.

⁷³ Minutes of the County Commissioners of Baker County, Feb. 23, 1966.

⁷⁴ Interview with Mrs. T. A. Rogers, Baker County Ordinary, Nov. 15, 1966.

⁷⁵ Jones interview.

⁷⁶ Interviews with Ralph B. Phillips, chairman of the Baker County Democratic Executive Committee, Nov. 15, 1967; Mrs. Grace Miller, member of the Baker County Movement, a Negro civil rights organization, Nov. 14, 1966; and Mrs. Josie Miller, official in the Baker County Movement, Nov. 15, 1967.

⁷⁷ Ala. Acts 1965, No. 536. The text of the statute may also be found at 11 Race Rel. L. Rep. 980 (1966). The factual description relating to the passage of the Bullock County statute is taken from the opinion of the Federal district court, cited note 79 *infra*.

⁷⁸ According to a press report, when would-be Negro candidates visited the county courthouse in late February 1966 to qualify to run for the office of county commissioner, they were told that no elections for the office were to be held in 1966. Until then they had been unaware of the change. N.Y. Times, Mar. 12, 1966, at 16.

An action was brought in Federal district court to void the new law as unconstitutional, and the court, one judge dissenting, issued an injunction against its enforcement.⁷⁹ Circuit Judge Rives, in his opinion, concluded that the statute had a racially discriminatory effect:

Act No. 536 freezes into office for an additional two years persons who were elected when Negroes were being illegally deprived of the right to vote. Under such circumstances, to freeze elective officials into office is, in effect, to freeze Negroes out of the electorate. That is forbidden by the Fifteenth Amendment.⁸⁰

Judge Rives also believed that Section 5 of the Voting Rights Act encompassed any kind of practice with respect to voting, and therefore enforcement of the change embodied in the new legislation, without approval of the U.S. District Court for the District of Columbia or the U.S. Attorney General, contravened that section.

District Judge Johnson, concurring in the decision, believed that the history of voting discrimination against Negroes in the county, taken with the absence of any reasonable explanation for the statute, justified a conclusion that the introduction and passage of the statute were racially motivated.⁸¹

Substituting Appointment for Election

For many years county superintendents of education in Mississippi were elected at the same time and in the same manner as other county officers.⁸² A statute passed after the June 1966 primary election established a mechanism generally applicable throughout the State by which the office may be made appointive. The act itself made the office appointive in certain counties.⁸³

Under the new act the voters of a county may require the county board of supervisors to hold an election on the question of whether the school superintendent must be appointed by presenting a petition containing the names of 20 percent of the qualified electors of the county. The act, however, *requires* that the superintendent be appointed by the county board of education in Madison, Holmes, Humphreys, Noxubee, Jefferson, Claiborne, Lincoln, Coahoma, Copiah, and Hancock Counties.⁸⁴

All but two of the counties in which appointment is required by the act have Negro population majorities.⁸⁵ Since all county boards of

⁷⁹ *Sellers v. Trussell*, 253 F. Supp. 915 (M.D. Ala. 1966).

⁸⁰ *Id.* at 917 (citations omitted).

⁸¹ *Id.* at 918-19.

⁸² Miss. Code § 6252 (Rcomp. 1956).

⁸³ House Bill 183, Miss. Laws, 1966, ch. 406; Miss. Code § 6271-08 (Supp. 1966).

⁸⁴ The statute does not apply to Hancock County until 1972. The school superintendent of Washington County had been made appointive by previous legislation.

⁸⁵ Lawyers' Committee Legislation Memo at 21-22. The memo maintains that the act was racially motivated and has the effect of preventing the election of Negro school superintendents.

education affected by the change presently are white and their members are elected to staggered 6-year terms, the bill, by providing that the superintendent is to be appointed by the county board, makes it possible to retain a white superintendent in office for several years (until a Negro majority is elected to the county board) in counties with Negro voting majorities.

In July and August 1967 three suits were filed in Federal district court to enjoin enforcement of the new law and to restrain the county boards of education from appointing county school superintendents in Holmes, Claiborne, and Jefferson Counties. A plaintiff in the Jefferson County action, Seth Ballard, alleged that he intended to qualify and run as a candidate for county superintendent of education in the November 1967 general election. The three-judge Federal district court ruled against the plaintiffs,⁸⁶ and the cases are pending on appeal to the Supreme Court.⁸⁷

Another Mississippi statute enacted in 1966 provided that where territory is added to a municipal separate school district, the school trustee representing the supplemental area shall be elected. An exception was made for Grenada County, where Negroes constitute close to a majority of the population. The statute provides in effect that the school trustee representing the area outside the municipality of Grenada must be appointed by the county board of supervisors rather than elected by residents of the area.⁸⁸

Increasing Filing Fees

In at least one Alabama county, filing fees have been raised apparently to preclude Negroes from running for office.

⁸⁶ *Griffin v. Patterson*, Civil No. 4148J, S.D. Miss., Oct. 5, 1967 (Holmes County); *Bunton v. Patterson*, Civil No. 1204W, S.D. Miss., Oct. 5, 1967 (Claiborne County); *Ballard v. Patterson*, Civil No. 1200W, S.D. Miss., Oct. 5, 1967 (Jefferson County). The complaints alleged, first, that the new legislation had been passed and enforced contrary to Section 5 of the Voting Rights Act of 1965 (supra note 18), and second, that by making the office of county school superintendent appointive in counties with Negro voting majorities, such as the counties involved in the litigation, the act had the purpose and effect of preventing the election of Negro candidates, and denying or abridging the votes of registered Negroes in those counties. The plaintiffs further contended that all-white or nearly all-white county boards of education, such as those in these three Mississippi counties, had been elected at a time when Negroes were largely denied the ballot due to racial discrimination and that such boards were "not likely seriously to consider the appointment of qualified Negroes to the office of county superintendent of education, thus denying or abridging, on account of race or color, the right of those persons to participate in Government as office-holders."

As in the actions to void legislation permitting at-large election of county boards of supervisors, the second claim for relief subsequently was deleted—according to the plaintiffs' attorney, for reasons of trial strategy. Ray letter, supra note 18.

The three-judge Federal district court, at a hearing on Oct. 3, 1967, held Section 5 of the Voting Rights Act inapplicable to the challenged legislation.

⁸⁷ *Bunton v. Patterson*, *appeal docketed* 36 U.S.L.W. 3315 (U.S. Feb. 6, 1968) (No. 1059).

⁸⁸ House Bill 200, Miss. Laws, 1966, ch. 410, amending Miss. Code § 6328-07 (Supp. 1966).

Under the rules of the Alabama Democratic Party, filing fees for most candidates seeking county office are set by the county Democratic executive committee.⁸⁰ In February 1966—six months after Lowndes County had been designated for a Federal examiner⁹⁰—the Lowndes County Democratic Executive Committee raised the filing fee for candidates in the Democratic primary tenfold.⁹¹ For example, the filing fee for the office of sheriff was raised from \$50 to \$500 and for member of the board of education from \$10 to \$100.

In Lowndes County, where Negroes constitute 81 percent of the population, the per capita income is \$507 a year.⁹² An attorney for an independent Negro political organization—the Lowndes County Freedom Organization—charged that the increase in filing fees was intended to create an obstacle to Negro candidacy in the Democratic primary.⁹³ The county solicitor, a member of the white community with experience in local Democratic party politics, also indicated to a Commission staff member that he believed the county committee raised the fees to prevent Negroes from running in the Democratic primary.⁹⁴

Negro candidates in 1966 did not run in the Democratic primary in Lowndes County, but instead ran as independent candidates of the Lowndes County Freedom Organization in the general election. All seven were defeated.⁹⁵

Adding Requirements for Getting on the Ballot

In Mississippi, State statutes have added to the requirements for qualifying as a candidate for the apparent purpose of preventing Negroes from running for office.

For example, a statute passed by the Mississippi Legislature directly after the June 1966 Democratic primary stiffened the requirements for qualifying as an independent candidate in the general election.⁹⁶ The new law increased the number of signatures of registered voters required

⁸⁰ Alabama Democratic Party Rules, Rule 16 (adopted July 6, 1962).

⁹⁰ Lowndes County was designated for a Federal examiner on Aug. 9, 1965, U.S. Commission on Civil Rights, *The Voting Rights Act . . . The First Months 49* (1965).

⁹¹ Interview with Carlton L. Perdue, county solicitor of Lowndes County, Nov. 8, 1966. See also *N.Y. Times*, Mar. 12, 1966, at 16.

⁹² U.S. Bureau of the Census, 1960 Census of Population, Supplementary Report PC (51)-48, Table 3 at 8. Per capita income figure is as of 1959.

⁹³ Interview with Morton Stavis, attorney for the Lowndes County Freedom Organization, Nov. 7, 1966.

⁹⁴ Perdue interview.

⁹⁵ *Birmingham Post-Herald*, Nov. 10, 1966, at 44.

⁹⁶ House Bill 68, Miss. Laws, 1966, ch. 614, amending Miss. Code § 3260 (Recomp. 1956), approved June 15, 1966.

on the nominating petition;⁹⁷ required each elector “personally” to sign the petition and include his polling place and county;⁹⁸ required independent candidates to file their petitions before or on the day of party primary elections,⁹⁹ and disqualified any person voting in a primary election from running as an independent candidate in the general election. As of November 1967, 19 independent Negro candidates reportedly had been disqualified under this statute, most under the provision disqualifying a person who votes in a primary from running as an independent in the general election.¹⁰⁰

After the bill became law three Negro members of the Mississippi Freedom Democratic Party sought to qualify as independent candidates in the general election for the offices of U.S. Senator and Member of the U.S. House of Representatives.¹⁰¹ Two, Clifton Whitley and Dock Drummond, had been defeated in the June Democratic primary. The three attempted to file their nominating petitions with the Mississippi secretary of state during the last week of September, but the petitions were rejected, solely or in part on the ground that none of them contained the number of signatures required by the new law.

Whitley’s petition as a prospective candidate for U.S. Senator contained 3,540 signatures, of which 2,055 were certified by county registrars. The old statute had required only 1,000 signatures to qualify; the new statute required 10,000. The two prospective candidates for U.S. Representatives, Dock Drummond and Emma Sanders, had 537 signatures, of which 449 were certified, and 386 signatures, of which 218 were certified, respectively. The former statute required 200 signatures to qualify as a candidate for this office, while the new statute required 2,000.

The three aspirants to office then sued in Federal district court to void the new law, alleging that its purpose and effect were to abridge on ac-

⁹⁷ Under the new law, for an office elected by voters of a county, senatorial district, supervisors district, or municipality having a population of 1,000 or more, the petition must contain the signatures of 10 percent of the voters of the political subdivision or the signatures of at least 500 voters, whichever is the lesser. For an office elected by the voters of a supervisors district or a municipality with less than 1,000 population, the petition must contain the signatures of 10 percent of the voters of the subdivision. Formerly, there were no such percentage requirements. Candidates in the first category needed the signatures of only 50 voters; candidates in the second category needed the signatures of only 15 voters. Cf. Miss. Code § 3260 (Recomp. 1956).

⁹⁸ Formerly, the petition only had to be “signed by . . . qualified electors.” Miss. Code § 3260 (Recomp. 1956). On appeal, plaintiffs challenging this statute contended that the new provision was open to the construction that handwritten signatures were required even from illiterates. Appellants’ Jurisdictional Statement, Whitley v. Williams, cited note 104 *infra*.

⁹⁹ Formerly, independent candidates could qualify up to 40 days prior to the general election. Miss. Code § 3260 (Recomp. 1956).

¹⁰⁰ Delta Ministry Reports, November 1967.

¹⁰¹ Factual description taken from the complaint and the opinions of the Federal district court in Whitley v. Johnson, *infra*.

count of their race their right to run as independent candidates and discriminatorily to abridge the right of Negro voters to vote for candidates of their choice.¹⁰² They also asserted that the statute was being enforced in violation of Section 5 of the Voting Rights Act of 1965.

Prior to the November 1966 general election the plaintiffs obtained a temporary injunction allowing their names to appear on the ballot, but the court did not pass on the substantive questions presented.¹⁰³ In the general election, all plaintiffs were defeated. Subsequently, to expedite the case, the plaintiffs by stipulation eliminated their claim that the statute was racially discriminatory and rested their case on the charge that the statute was being enforced in violation of Section 5 of the Voting Rights Act. A three-judge Federal district court rejected this claim, and the case is now on appeal to the U.S. Supreme Court.¹⁰⁴

Two Mississippi statutes of local application passed during the 1966 regular session barred from the county boards of education in Coahoma, Washington, and Leflore Counties anyone not a resident freeholder and the owner of real estate valued at \$5,000 or more.¹⁰⁵ The requirements for a county board candidate in other counties remain what they were previously, i.e., he "must be a bona fide resident and a qualified elector of . . . [the] school district."¹⁰⁶ Census figures indicate that in the affected counties many more white persons than Negroes own their residences.¹⁰⁷ In the three counties white persons own almost twice as many of the owner-occupied dwellings as nonwhites, even though whites comprise a minority of the population in each county. More than 55 percent of the white homes in these counties, but less than 10 percent of the non-white homes, are owner-occupied. In Leflore County, where Negroes make up approximately 65 percent of the population, less than 5 percent of the nonwhite residences are owned by their occupants as contrasted with more than 45 percent of the white residences.

In its 1966 regular session the Mississippi Legislature also enacted legislation which made it more difficult to qualify as a candidate for the office of school district trustee.

In Mississippi the governing body of a municipal separate school district is the board of trustees.¹⁰⁸ School district trustees are elected at

¹⁰² *Whitley v. Johnson*, Civil No. 4025, S.D. Miss., filed Oct. 20, 1966.

¹⁰³ *Whitley v. Johnson*, 260 F. Supp. 630 (S.D. Miss. 1966).

¹⁰⁴ *Whitley v. Johnson*, Civil No. 4025, S.D. Miss., Oct. 31, 1967, *appeal docketed sub nom. Whitley v. Williams*, 36 U.S.L.W. 3349 (U.S. Mar. 5, 1968) (No. 1174).

¹⁰⁵ House Bills 275 and 1074, *supra* note 13. The Lawyers' Committee Legislation Memo concludes that the purpose of these provisions was to discriminate against Negroes. *Id.* at 18.

¹⁰⁶ Miss. Code § 6328-07(f) (Supp. 1966).

¹⁰⁷ Data from U.S. Bureau of the Census, U.S. Census of Housing: 1960, Vol. 1, States and Small Areas, Mississippi, Final Report HC (1)-26, Table 33 (1961); U.S. Bureau of the Census, U.S. Census of Population: 1960, General Population Characteristics, Mississippi, Final Report PC (1)-26B, Table 28 (1961).

¹⁰⁸ The powers of boards of trustees of school districts are set out at Miss. Code § 6328-24 (Supp. 1966).

a mass meeting which all registered voters residing within the school district are eligible to attend.¹⁰⁹ Meetings for this purpose must be held at a school within the district on the first Saturday in March. Prior to enactment of the new statute, there was no formal procedure for qualifying to run.¹¹⁰ Candidates were nominated at the mass meeting and elected by secret ballot. There was a run-off election if no candidate received a majority. The new legislation required candidates to submit a nominating petition containing the certified signatures of 25 voters 10 days before the scheduled election even though public notice of the election was not to be given until one week before the election.¹¹¹

Soon after passage of the bill five Negroes from Clay and Bolivar Counties filed a complaint in Federal district court seeking a temporary restraining order and an injunction against its enforcement.¹¹² When the new law went into effect on February 21, candidates for school district trustee had less than 48 hours to qualify because they had to submit their nominating petitions by February 23 for the election which was set for March 5. The plaintiffs contended that no newspaper in the State had published a story about the new qualification requirement prior to the filing deadline, and only one government official had publicized the new requirement. One of the complainants alleged that she had experienced difficulty in getting information from official sources on how to qualify.¹¹³

The plaintiffs also attacked the statute for not requiring notice of the pending election until after the deadline for qualifying as a candidate. They argued that this provision, as well as the nominating petition requirement, deprived them of due process of law as guaranteed by the 14th amendment. They further contended that the purpose and effect of the statute was to maintain white political supremacy in the State by excluding Negro candidates from the 1966 school trustee elections and by depriving Negro voters of the right to vote for Negro candidates.

A temporary restraining order against enforcement of both statutes was issued by the court,¹¹⁴ and the plaintiffs were permitted to qualify and run. All were defeated overwhelmingly, however,¹¹⁵ and the plaintiffs withdrew their complaint.¹¹⁶

¹⁰⁹ Miss. Code § 6328-09 (Supp. 1964).

¹¹⁰ *Id.*

¹¹¹ House Bill 446, Miss. Laws, 1966, ch. 411, approved Feb. 21, 1966, and Senate Bill 1880, Miss. Laws, 1966, ch. 412, approved Feb. 22, 1966, now codified in Miss. Code § 6328-09 (Supp. 1966).

¹¹² *Boyd v. Johnson*, Civil No. DC668, N.D. Miss., filed Mar. 2, 1966.

¹¹³ For a detailed discussion of this complaint, see pp. 52-53 *infra*.

¹¹⁴ *Boyd v. Johnson*, Civil No. DC668, N.D. Miss., temporary restraining order issued Mar. 2, 1966.

¹¹⁵ *N.Y. Times*, Mar. 6, 1966, at 75.

¹¹⁶ Information supplied by clerk's office, Oct. 10, 1967.

Withholding Information

In some areas of the South during 1966, public and party officials reportedly failed or refused to provide prospective Negro candidates with pertinent information about elective office.

Dallas County, Alabama

Organizers of the Dallas County Independent Free Voters Organization—an independent Negro political organization—reported difficulty in obtaining the necessary information to run independent Negro candidates for county and State offices in the November 1966 general election.

Stuart House, Negro field secretary for the Student Non-Violent Coordinating Committee and one of the organizers of the Free Voters Organization, reported that he visited the office of Bernard Reynolds, probate judge of Dallas County, in late April 1966 seeking information on how independent candidates could qualify.¹¹⁷ According to his account, the judge's secretary told him that Judge Reynolds was "not there right now" and added: "You can wait for him in the hallway." House reported that Judge Reynolds was in another room but came out when he heard the discussion whereupon House questioned him about the method by which independent candidates could qualify. Judge Reynolds allegedly responded that he was not a lawyer and that the Alabama Code was just as ambiguous to him as it was to House. House reported that Judge Reynolds chastised him for not obeying the secretary's order to wait in the hallway and that he eventually was told not to return to the office again. House indicated that other visits to obtain information from Judge Reynolds also were unsatisfactory and that the judge had failed to answer most of the questions posed by representatives of the Free Voters Organization.

Questioned about these requests for such information, Judge Reynolds said that he did not remember specific visits but acknowledged that during this period he had received frequent requests for information from civil rights workers.¹¹⁸ When asked by a Commission attorney about his responses to such requests, Judge Reynolds replied: "I gave damn few answers and said the answer to most questions could be found in the Alabama Code." He conceded that many of the Code's election provi-

¹¹⁷ Interview with Stuart House, Apr. 25, 1967. Under Alabama law, the probate judge of the county has numerous responsibilities with regard to primary and general elections. He has the duty of having printed on the official ballots the names of all candidates who have been nominated or have otherwise qualified to run for office in primary and general elections. Ala. Code, tit. 7, § 145 (1958). He also is custodian of the official list of registered voters, Ala. Code, tit. 17, §§ 38, 90, and serves as a member of the three-man appointing board which selects election officials, Ala. Code, tit. 17, § 120, custodian of the sealed election returns, and member of the board which canvasses the results of general elections. Ala. Code, tit. 17, §§ 139, 199.

¹¹⁸ Interview with Bernard A. Reynolds, probate judge of Dallas County, Apr. 26, 1967.

sions were ambiguous. The judge admitted that he might have given some rude answers to civil rights workers seeking election information, but maintained that he had been very busy during the period in question. He said he was not a lawyer and thus not in any position to give legal opinions on matters involving interpretation of the Alabama Code. Further, he claimed he was not under any legal obligation, as probate judge, to respond to every question about candidates qualifying to run for office.

Taliaferro County, Georgia

In Taliaferro County, Georgia, four of six Negroes who sought to qualify in 1966 as candidates for membership on the county Democratic executive committee failed, according to their accounts, because the committee called a convention to nominate candidates for committee-man without adequate notice, and because party officials discriminatorily withheld necessary information, made false statements with respect to required procedure, and refused to permit them to qualify before the deadline.¹¹⁹

The prospective candidates reportedly first attempted to qualify on June 14, 1966, when Robert L. Billingsley and Calvin G. Turner, with three other Negro residents of the county, visited the secretary of the county Democratic executive committee, Ralph Golucke, in his office in the Taliaferro County courthouse and asked about qualifying.¹²⁰ According to their accounts, Golucke responded that he could not take their qualifying papers until August 8, 1966 even though August 6, 1966 was the last possible day on which a prospective candidate could qualify.¹²¹ On two later occasions James Milton Leslie and Joseph Heath, other prospective Negro candidates, reportedly were given the same information.¹²²

¹¹⁹ Their accounts were given in affidavits filed with the State Democratic executive committee protesting the alleged discrimination and in interviews with a Commission staff member.

¹²⁰ Affidavits of Calvin G. Turner, Aug. 31, 1966, and Robert L. Billingsley (undated), filed in proceedings before the special primary subcommittee of the Georgia Democratic Executive Committee; interviews with Calvin G. Turner and Robert L. Billingsley, Jan. 6, 1967.

¹²¹ The Rules of the State Democratic executive committee then in effect provided:

Any county Democratic Executive Committee may call a county convention on or before August 1, 1966, for the purpose of nominating candidates for membership on the County Democratic Executive Committee. In the event a convention is not called as herein provided, or if any other members of the local Democratic Party desire to qualify as candidates for membership on the County Democratic Executive Committee, they may do so by qualifying with the Chairman or his designee no later than August 8, 1966, or seven days after the date of the County Convention, whichever shall first occur. The names of all such persons nominated or qualified shall be placed upon the ballot to be used in such primary for such purpose.

Georgia Democratic Party Rules, Rules 10-B (adopted May 19, 1966).

¹²² Turner affidavit; affidavit of Joseph Heath, Aug. 31, 1966. Although Golucke acknowledged that he had talked to Joseph Heath about the manner of qualifying

Footnote continued on following page.

On Saturday, July 30, at 10 a.m., the county Democratic executive committee held a nominating convention in the office of the ordinary in the courthouse at Crawfordville, the county seat, and nominated candidates to run for membership on the committee in the September primary. Notice of the convention, which all members of the party were eligible to attend, was sent to white members but not to Negroes.¹²³ The convention was attended by about 30 persons, all white, and lasted for about half an hour.¹²⁴

Under party rules, persons desiring to run for committeeman, but not nominated by the convention, then had until August 6 to qualify. On Friday August 5, Turner, who by then had seen a copy of the party rules, went to Golucke's office in another attempt to qualify, but Golucke reportedly told him again that August 8 was the only day on which he could do so.¹²⁵ When Turner went to the committee chairman, J. D. Nash, he was told he would have to qualify with Golucke.¹²⁶

The next morning Lorraine Bowman Howard, a Negro resident of Taliaferro County who had not previously attempted to qualify, called Nash and told him that she would be coming to his office to qualify as a candidate for membership on the committee. According to her affidavit, Nash tried to discourage her, stating that he thought being a member of the committee was just a lot of hard work. When Nash arrived at his office he told her she would have to qualify with Golucke, but finally qualified her after she insisted she wanted to qualify with Nash.¹²⁷

A short time later, at a few minutes past 10 o'clock, Rolene Wynne and her sister-in-law, Roberta Wynn, Negro residents of the county who also had not previously attempted to qualify, went to Nash's office to qualify as candidates for committee membership. Nash reportedly refused to qualify them because they had come after the 10 a.m. dead-

to run for the county executive committee in July, he denied having seen Billingsley and Turner. Golucke claimed that when he talked to Heath, he had not yet received a copy of the rules of the State Democratic executive committee governing filing to run for the county committee. Golucke neither affirmed nor denied that he had given Aug. 8 as the qualifying date. Interview with Ralph Golucke, secretary of the Taliaferro County Democratic executive committee, Jan. 6, 1967.

¹²³ Negroes who attempted to qualify with party officials claimed they received no notice of the convention. Turner and Billingsley interviews. Golucke stated in an interview that notice of the nominating convention had been posted on the bulletin board inside the courthouse for a week before the convention, but did not recall seeing in the local newspaper any notice or news of the convention before it was held. Approximately 30 announcements were sent out by mail, to both members and nonmembers of the county executive committee. Golucke did not recall whether any notices were sent to Negroes. Golucke interview.

¹²⁴ Golucke interview.

¹²⁵ Turner interview; Turner affidavit.

¹²⁶ Turner affidavit. In an interview Golucke stated that under the Rules of the Taliaferro County executive committee, candidates for committeeman must qualify with the secretary or, in his absence, the chairman.

¹²⁷ Affidavit of Lorraine Bowman Howard, Aug. 31, 1966.

line—a deadline of which the two women were unaware and which they had no way of knowing about.¹²⁸

Joseph Heath asserted that he intended to go to Golucke's office on August 8, in accordance with Golucke's instructions, but when he learned that Mrs. Rolene Wynne and Mrs. Roberta Wynn has been told they were too late to qualify on August 6, he did not attempt to qualify on the 8th.¹²⁹

Turner, on the other hand, received a call from Nash on August 5, asking him to come to Nash's office the next day to qualify but he did not appear.¹³⁰ On Monday morning, August 8, he received another call from Nash who said that Turner could qualify if he visited Nash at his home that day. Turner complied and thus qualified to run two days after the alleged deadline.¹³¹ He believes Nash changed his mind because he knew Turner would protest that he had attempted to qualify within the appropriate period but had not been permitted to qualify.¹³²

¹²⁸ Affidavits of Mrs. Rolene Wynne and Roberta Wynn, both Aug. 31, 1966; interview with Mrs. Rolene Wynne, Jan. 6, 1967.

According to the attorney for the prospective candidates at a subsequent hearing before a special primary subcommittee of the State's Democratic executive committee the evidence showed that the 10 a.m. deadline had been established in a letter from the executive secretary of the State executive committee, Travis B. Stewart, to the county committee. Interview with Mrs. Isabel Gates Webster, attorney for the prospective candidates, Jan. 5, 1967. Rolene Wynne gave the following account of the episode at Nash's office:

We went in and said we wanted to qualify (me and my sister-in-law, Roberta Wynn). Both of us spoke to Mr. Nash, Chairman of the Taliaferro County Democratic Executive Committee, and he said, "All right, you have your ten dollars?" I told him yes and was ready to give it to him. Lois Richards [deputy registrar of voters] put her head in his office door and said, "The time's up, it's past ten o'clock." Nash looked at his watch and said, "Oh yes, ten o'clock was the deadline." (It was nine past ten). He said, "But I don't guess a few minutes will hurt." She said, "No, you have to go by the letter and the letter said ten o'clock. You have to go by the law." So I told him then, "I didn't get the word until 9:00 or 9:30 A.M. If I had the hour, I could have been here when the office opened."

He said, "The letter said ten o'clock, read the letter." I don't know who it was to or who it was from, but the letter said that the time for qualifying would be out at 10 A.M. Saturday, August 6th. The time was on the letter twice. I said, "If I had known when they were having their meeting, I could have figured out the time." He said that it was in the paper that the meeting was on Saturday, July 30th. I said, "We can't qualify Monday either?" He said, "No, the deadline was out today at ten unless you see the committeemen." I said, "Who are they?", and he said, "Sheriff Moore, Ralph Golucke, and others." He didn't say who the others were. Nash then said, "If they say it will be O.K. to take you a few minutes late, it will be all right." I saw Sheriff Moore and he said, "I'm in the dark about it. I know nothing about any of this." I went back to Nash's office and said I wanted to see the date on the letter. It was August 4th, 1966. It also said Atlanta, Georgia. I said, "You mean that us being a few minutes late would make the difference when we didn't know that Saturday was the deadline." He said, "Yes." I asked, "Did you tell Calvin what hours to be there when you called him last night?" He answered, "No. I didn't think to tell him the time." He said that Calvin could come in any time during the morning and be qualified because he had been there twice Friday, "But that's just for Calvin cause he was here Friday," he said.

Affidavit of Mrs. Rolene Wynne.

¹²⁹ Heath affidavit.

¹³⁰ Turner affidavit.

¹³¹ Turner affidavit; Turner interview.

¹³² Turner interview.

Those who were denied the opportunity to qualify or who claimed to have been misled petitioned the State Democratic executive committee to “supersede all powers and duties of the Taliaferro County Democratic Executive Committee . . . concerning the forthcoming primary and general election.”¹³³ The petitioners charged that the primary laws and the regulations of the State executive committee relating thereto “are not being, and will not be, fairly, impartially, or properly enforced, or applied by the County (Taliaferro) Executive Committee.”¹³⁴

On September 1, 1966, the petitioners received a hearing before an all-white special primary subcommittee of the State Democratic executive committee in Atlanta. The special primary subcommittee found against the major grievances of the Negro petitioners.

The subcommittee ruled that the nominating convention had been properly held; that proper notice had been given; that under party rules the proper deadline for qualifying was 10 a.m., August 6; that those petitioners who “inquired about qualifying” before the convention or applied after the deadline were not entitled to be qualified, but that Calvin G. Turner and Lorraine B. Howard had been properly qualified.¹³⁵

The subcommittee made no specific determination whether information on when to qualify had been withheld from Negroes, whether potential Negro candidates had intentionally been misled as to the proper qualifying date, or whether racial discrimination had been involved in denying the applications to qualify. The subcommittee found no reason to believe that State law or party rules governing primary elections would not be fairly enforced by the county executive committee and therefore denied the petition to supersede the powers of the county committee.

Clay County, Mississippi

Dawson Horn, chairman of the Council of Community Organizations (COCO)—a coalition of civil rights organizations in Clay County—complained to a Commission staff member that one of the chief obstacles

¹³³ The Petition (Amended and Substantiated) by the Citizens of Taliaferro County, Georgia, Addressed to the State Democratic Executive Committee of Georgia Petitioning the State Committee to Supersede the Taliaferro County Democratic Executive Committee, at 1. The statutory basis for the complaint was section 34-903 of the Georgia Election Code. The Negro petitioners coupled the claims regarding the nominating convention and their efforts to qualify as candidates for committee membership with charges that the county deputy voting registrar had failed to make voter registration lists available upon request and failed to register some Negro applicants as provided by State law, and that the name of one of the Negro candidates, Lorraine B. Howard, was misspelled on the official ballot.

¹³⁴ The Petition at 6.

¹³⁵ Findings and holdings of the special primary subcommittee of the Georgia State Democratic executive committee, Sept. 1, 1966. The misspelling of the name of Mrs. Howard was ordered corrected. Allegations not relating to party officials, such as the charges relating to voter registration, were deemed to be outside the jurisdiction of the State Democratic executive committee.

to Negro political participation in the county was the difficulty in obtaining election information.¹³⁶

During the summer of 1966 in meetings with the leading members of the white community, Negro civil rights leaders asked the county attorney for a list of the names of all registered voters in the county. According to Horn's account, the county attorney was to transmit the request to the clerk of the circuit court, who in Mississippi also functions as voter registrar. The clerk reportedly responded that representatives of Negro civil rights organizations could copy the names from the registration books, but he would not furnish them with a list of registrants.¹³⁷

Jimmy Walker, the circuit clerk, acknowledged, however, that he had prepared a list of registered voters for the "wet element" in the September 1966 liquor referendum and that he had been paid \$25 for the list. Walker said that the Negroes sought such a list before its preparation for the September 1966 referendum and that he agreed to furnish the list after the referendum. Since he received no further request for the list after the liquor referendum, Walker said he did not furnish the list to members of the Negro community. Voting lists will be made available to whites and Negroes on an equal basis, the circuit clerk affirmed, so long as he is adequately paid for the service.¹³⁸

Walker indicated that he would provide information about qualifying to any prospective candidate acting "in good faith" and that he made no distinction between Negro and white candidates.

Lincoln County, Arkansas

In 1966, two Negro candidates for local office in predominantly Negro Lincoln County, Arkansas, failed to get on the ballot because public officials misled them or gave them erroneous information as to the proper official to receive the \$1 statutory filing fee.

Under Arkansas law a person may secure a place on the ballot as an independent candidate for township office by filing with the county election commissioners a nominating petition containing the required number of signatures of registered voters,¹³⁹ but the nominating petition must be "accompanied by the receipt of the treasurer or collector of each county in which any candidate is to be voted for" showing payment of a \$1 filing fee.¹⁴⁰ To obtain a place on the ballot for city office, the fee must be paid to the appropriate city treasurer.¹⁴¹

Although Negroes comprise 62 percent of the voting population of

¹³⁶ Interview with Dawson I. Horn, who also is the president of Mary Holmes Junior College, a predominantly Negro institution, Feb. 28, 1967.

¹³⁷ *Id.*

¹³⁸ Interview with Jimmy Walker, Feb. 28, 1967.

¹³⁹ Ark. Stat. Ann. §§3-261, 3-262 and 3-837 (1947).

¹⁴⁰ *Id.* at § 3-261(g) (Supp. 1961).

¹⁴¹ *Id.*

Gould Township in Lincoln County, no Negroes have held elective office in the township in recent years.¹⁴² In 1966 two Negro residents of the county, Hunter Bynum and Mrs. Carrie Dillworth, attempted to qualify as independent candidates respectively for justice of the peace of Gould Township and mayor of the city of Gould.¹⁴³

On September 23, 1966, Mrs. Dillworth went to the office of the county clerk in Star City, the county seat, with her nominating petition. The clerk was out, but one of his deputies referred her to the chairman of the county election commission, T. I. Burns. Burns indicated that before Mrs. Dillworth could qualify to run for office she had to pay the filing fee. In subsequent litigation, Burns testified: "I told her if I wasn't mistaken that she should pay her filing fee to her city treasurer in Gould."¹⁴⁴ When Mrs. Dillworth indicated that she thought she could pay the fee in Star City, the county seat, Burns said to her that he wasn't sure, but "to go and check with our city treasurer."¹⁴⁵ Mrs. Dillworth then went to the office of the city treasurer of Star City, John Carter, and, after some discussion, Carter accepted her filing fee and gave her a receipt. Burns then accepted Mrs. Dillworth's nominating petition.

The next day Mrs. Dillworth accompanied the Negro candidate for justice of the peace, Hunter Bynum, to the county clerk's office to file his nominating petition. The clerk's office was closed, so the two went to see Burns who, according to his testimony, told Bynum "that he hadn't paid his filing fee and that he should have paid it in Gould to the city treasurer"¹⁴⁶ but sent the two candidates to Carter's office. Bynum paid his filing fee to Carter, who accepted the money. Then Bynum gave the nominating petition and receipt to Burns, who accepted them. This was the last day for filing as a candidate in the November general election.

On September 29, 1966, the county election commissioners met and disqualified both Mrs. Dillworth and Bynum from appearing on the ballot—Bynum on the ground that he should have paid his fee to the county treasurer instead of the city treasurer, and Mrs. Dillworth on the ground that she should have paid her fee to the city treasurer of Gould instead of Star City. At the meeting Burns did not tell the other commissioners that he had sent the two candidates to the city treasurer of Star City.¹⁴⁷

In the November general election, Bynum ran as a write-in candidate and lost to another write-in candidate. Prior to the election, Bynum filed suit in Federal district court seeking to be put on the ballot, but the dis-

¹⁴² Unless otherwise indicated, the account is taken from the opinion of the U.S. Court of Appeals for the Eighth Circuit, *Bynum v. Burns*, 379 F.2d 229 (8th Cir. 1967).

¹⁴³ 379 F.2d at 230.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.* at 232.

¹⁴⁷ *Id.* at 230-31.

strict court refused to grant this relief. After the election and on appeal, Bynum asked that the election be set aside. The U.S. Court of Appeals, however, affirmed the decision of the lower court, ruling that there had been no proof of racial discrimination (“There is nothing in the record to indicate that Bynum was treated differently than any other citizen would have been treated under the same or similar circumstances”),¹⁴⁸ that the candidates should have sought the advice of their own lawyers,¹⁴⁹ and that there was no showing that Burns intentionally had misled Bynum.¹⁵⁰

Withholding Certification of Nominating Petition

Another tactic reportedly employed in some areas of Mississippi to forestall Negro candidacy or harass prospective Negro candidates has been to withhold or delay the required certification of the nominating petition.

The Mississippi statute passed after the June 1966 primary election which increased the number of signatures required on the nominating petitions of independent candidates also added a requirement that there be attached to each nominating petition a certificate from the registrar of each county in which the candidate is running showing the number of signatures of qualified electors appearing on the petition.¹⁵¹

Campaign workers of Negro candidates affiliated with the Mississippi Freedom Democratic Party (MFDP) reported difficulty in some counties in getting signatures on petitions nominating Negro candidates certified by white circuit clerks, who also serve as voter registrars, and in getting the nominating petitions accepted by county election commissioners. In the legal action challenging the new statute, the plaintiffs filed an affidavit executed by Laurence Guyot, State chairman of the MFDP, alleging “that he has been informed by the plaintiffs and by some of their campaign workers, that in a number of instances they were able to obtain certification of the signatures on plaintiffs’ petitions only after a great deal of resistance, trouble, and harassment by State registrars and county election commissioners and in a few instances they were totally

¹⁴⁸ *Id.* at 232.

¹⁴⁹ *Id.* at 231. According to John A. Walker, attorney for the plaintiff, there is only one attorney in Lincoln County, and he is white. The closest Negro attorney is 40 miles away and the attorney selected by the plaintiff to represent him lives 90 miles away. Interview with John A. Walker, Feb. 22, 1968.

¹⁵⁰ 379 F.2d at 231. Bynum died shortly after the decision was rendered, and no further appeal was taken.

¹⁵¹ Miss. Code § 3260 (Supp. 1966). For a description of the act and of the challenge to it, see pp. 44-46.

unable to obtain certification of the signatures on plaintiffs' petitions by virtue of the refusal of the appropriate State official."¹⁵² The Commission received complaints that Negro candidates had experienced difficulty or harassment in obtaining certification of their nominating petitions in Carroll County¹⁵³ and Neshoba County.¹⁵⁴ In Neshoba County Mrs. Mary Inez Batts, affiliated with the Mississippi Freedom Democratic Party, decided in the fall of 1966 to run for the Beat Five seat on the county board of education in the November 1966 general election.¹⁵⁵ Mississippi law provides that candidates for membership on the county board of education must file with the county election commissioners a nominating petition containing the signatures of not less than 50 qualified electors who reside within the candidate's beat.¹⁵⁶

According to her account, Mrs. Batts, along with her friends and neighbors, circulated a nominating petition and collected the signatures of approximately 60 registered Negroes.¹⁵⁷ When she presented her nominating petition at the office of the circuit clerk on Saturday, October 8, the deadline for filing, an employee of the circuit clerk reportedly informed her that she had not collected a sufficient number of signatures to qualify, stating that the other candidates had obtained more than 110 signatures, and that she would have to get more than 100 signatures (in view of the deadline, before 5 o'clock that day).¹⁵⁸ According to Mrs. Batts, a civil rights worker who accompanied her insisted that either the officials in the clerk's office reject the petition in writing or certify the signatures and accept the nominating petition. Officials in the clerk's office then reportedly summoned the county attorney and conferred with him out of the hearing of the Negro candidate and her helpers. After this conference, the county attorney allegedly indicated to the group that he was representing the officials in the clerk's office in the matter and therefore could not give the candidate legal advice. "There's something else you have to do, but I won't tell you," he was reported as saying.

¹⁵² Affidavit of Lawrence Guyot, Oct. 25, 1966, filed in *Whitley v. Johnson*, 260 F. Supp. 630 (S.D. Miss. 1966).

¹⁵³ Interview with Mrs. Barbara Shapiro, attorney with the Lawyers' Committee for Civil Rights Under Law, Feb. 13, 1967.

¹⁵⁴ Interview with Mrs. Mary Inez Batts, Feb. 14, 1967.

¹⁵⁵ Members of the county boards of education in Mississippi are elected to staggered terms of office. Miss. Code § 6271-02 (Supp. 1966). In 1966, members representing county supervisors District Five were up for election. In Neshoba County, as in some other parts of the State, supervisors districts are referred to as "beats."

¹⁵⁶ Miss. Code § 6271-03 (Supp. 1966). Where there are less than 100 qualified electors residing in the supervisors district, the petition must be signed by at least 20 percent of the qualified electors in the district.

¹⁵⁷ Information on the effort to qualify obtained in interview with Mrs. Mary Inez Batts, Feb. 14, 1967.

¹⁵⁸ The official also reportedly declared that three of the persons who had signed the petition were not registered voters, but after some discussion retreated from this position. *Id.*

Ultimately, the petition was submitted to the county election commissioners who accepted the petition.¹⁵⁹

Questioned about Mrs. Batts' complaint, the attorney for the county election commission stated: "It was my opinion that the petition presented was not in strict conformity of law and I advised Mrs. Batts that we would file anything she handed or submitted to be filed, and the only reason that there was any hesitancy was the questions about her petition being in strict compliance with the law. . . ." ¹⁶⁰

According to the complaint filed in a Federal lawsuit, it is the custom in Rankin County, Mississippi, for the circuit clerk and voting registrar to act as agents for the election commissioners in accepting petitions of candidates to be put on the ballot.¹⁶¹ On June 8, 1967, the complaint states, three prospective independent Negro candidates—John Q. Adams, Eli Watson, and Joseph Sidney Tucker, the only Negroes seeking public office in the county at the time¹⁶²—filed petitions to qualify for the November 7 general election.¹⁶³ Adams wanted to run as an independent candidate for the post of supervisor of District Three in Rankin County, and Watson and Tucker for constable and justice of the peace respectively for the same district.¹⁶⁴ The clerk, Mrs. J. R. Bradshaw, purportedly accepted the petitions, which complied with the statutory criteria and were filed prior to the filing deadline,¹⁶⁵ and gave the candidates receipts,¹⁶⁶ but then got an informal ruling from the Mississippi attorney general that the filing was invalid because it was done with the clerk and

¹⁵⁹ Members of the commission reportedly told Mrs. Batts that they had to turn her petition over to the State attorney general for an opinion as to its legality, and summoned her to a meeting of the commission to be held the next day, Tuesday, October 11. At the meeting, one of the commissioners allegedly challenged the petition on the ground that all the signatures on page three of the petition were in the same handwriting—a ground not cited by the employee in the circuit clerk's office. According to Mrs. Batts, she indicated that she had left this page with friends to collect signatures. The deputy sheriff of Neshoba County, Cecil Price, reportedly told Mrs. Batts at the commission meeting that if she had circulated the page, she would be in trouble, but if she had not seen her friends signing the names of others, she had committed no offense. At the close of this meeting the county election commissioners accepted Mrs. Batts' nominating petition. Mrs. Batts was on the ballot in November but lost the election. *Id.*

¹⁶⁰ "As best I can remember, one of the reasons I felt her petition might be insufficient was because she stated she wished to comply with provisions of a certain statute which dealt with another type election. I advised her the purposes of the discussion were to deal fairly with her and so she would not be misled. I did not merely want her to file something void and not get on the ticket and in some way be misled by some technicality [sic], as I felt it my duty to warn her if there were insufficiencies in the petition that she should be called attention to." Letter from Laurel G. Weir to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Nov. 10, 1967.

¹⁶¹ Complaint in *Adams v. Ponder*, Civil No. 4216, S.D. Miss., filed Oct. 31, 1967, at 3 [hereinafter cited as *Adams complaint*].

¹⁶² *Id.* at 1-3.

¹⁶³ *Id.* at 1-2.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.* at 3.

¹⁶⁶ Letter from Denison Ray, chief counsel, Lawyers' Committee for Civil Rights Under Law, to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Nov. 3, 1967.

not with the county election commission.¹⁶⁷ Even though the election commissioners apparently were aware of what was going on, the complaint asserted, neither they nor the clerk informed the candidates of the alleged defect¹⁶⁸ and the commissioners refused to put their names on the ballot.¹⁶⁹

Imposing Barriers to the Assumption of Office

For many of the Negroes who successfully ran for office in the November 1967 election in Mississippi, winning a majority of the votes was not the last hurdle to overcome before assuming office. In Mississippi Negroes elected to office had difficulty in obtaining bonds.¹⁷⁰ Mississippi law requires most county officials to post a bond to cover any losses they might cause.¹⁷¹ If these officials do not post bond in time for their swearing-in ceremonies their positions can be declared vacant and new elections held. Although all finally were successful, the oath-taking for some came only after a long struggle to find companies willing to write the required bonds. Their final success in obtaining bonds was attributed to the efforts of lawyers and civil rights groups in the North and South in putting pressure on the bonding companies¹⁷² and to “the glare of publicity.”¹⁷³

Abortive efforts were made to prevent the only Negroes elected to the Mississippi and Louisiana legislatures in 1967 from assuming office. Robert Clark, elected to the Mississippi House of Representatives on November 7, 1967, was challenged by the candidate he had defeated on the grounds that he had not qualified properly as a candidate.¹⁷⁴ The challenge was dropped a few days before the legislature convened.¹⁷⁵ Ernest N. Morial, a prominent New Orleans attorney and former president of the New Orleans Branch of the National Association for the Advancement of Colored People (NAACP), was elected to the Louisiana House of Representatives in the February 6, 1968 general election.¹⁷⁶

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ Adams complaint at 4.

¹⁷⁰ V.E.P. News, Dec. 1967, at 1; Southern Courier, Dec. 23–24, 1967, at 1; *Id.*, Jan. 6–7, 1968, at 1.

¹⁷¹ Miss. Code § 2872 (Recomp. 1956).

¹⁷² Southern Courier, Jan. 6–7, 1968, at 1.

¹⁷³ Wall Street Journal, Dec. 21, 1967, at 8; Southern Courier, Dec. 23–24, 1967, at 1. The companies involved—northern insurance companies—claimed that their delay in bonding was strictly for business reasons. Charles Evers of the Mississippi NAACP said, however: “A lot of poor whites don’t even own a chicken, and they get bonded.” *Id.*

¹⁷⁴ N.Y. Times, Dec. 10, 1967, at 45.

¹⁷⁵ Southern Courier, Jan. 6–7, 1968, at 1.

¹⁷⁶ Information obtained from the office of the Louisiana Secretary of State, Feb. 28, 1968.

A suit filed shortly after the primary challenging Morial's residency was dismissed.¹⁷⁷

Julian Bond, a Negro and officer of the Student Non-Violent Coordinating Committee, a civil rights organization, was elected to the Georgia House of Representatives in June 1965. He was denied his seat because of his statements, and statements to which he subscribed, criticizing the policy of the Federal Government in Vietnam and the operation of the Selective Service laws and complaining that it was hypocritical "to maintain that we are fighting for liberty in other places and we are not guaranteeing liberty to citizens inside the continental United States."¹⁷⁸ He protested the debarment on several grounds, one of which was that the challenge to his being seated was racially motivated. His seat was restored to him by a decision of the U.S. Supreme Court, which held that in disqualifying Bond because of his statements, the Georgia House of Representatives had violated his first amendment rights.¹⁷⁹ The Court did not reach the question of racial discrimination, although the lower court—noting that seven Negroes were seated in the Georgia House on the same day that Bond was excluded—determined that racial discrimination was not involved.¹⁸⁰ Bond finally was permitted to take his seat as a member of the Georgia House on January 9, 1967.

¹⁷⁷ V.E.P. News, November 1967, at 1.

¹⁷⁸ Bond v. Floyd 385 U.S. 116 at 121 (1966) *reversing* 251 F. Supp. 333 (N.D. Ga. 1966).

¹⁷⁹ *Id.* at 137.

¹⁸⁰ 251 F. Supp. 333, 339 (N.D. Ga. 1966).

Chapter 3

Discrimination Against Negro Registrants

In addition to the various legislative and administrative measures designed to dilute the Negro vote and to prevent the election of Negroes to office, Negroes experienced during 1966 other practices excluding them from full participation in the electoral and political processes in the South. These practices included exclusion from precinct meetings at which party officials were chosen, omission of the names of registered Negroes from voter lists, failure to provide sufficient voting facilities in areas with heavy Negro registration, harassment of Negro voters by election officials, refusal to assist illiterate Negro voters, provision of erroneous or inadequate instructions to Negro voters, disqualification of Negro ballots on technical grounds, failure to afford Negro voters the same opportunity as white voters to cast absentee ballots, and discriminatory location of polling places. The Commission staff also found instances of racially segregated voting facilities and voter lists in some Southern counties.

Exclusion From Precinct Meetings

Political parties in some Southern States select party officials and convention delegates at precinct-level meetings to which all members of the party are invited. Often these meetings along with subsequent higher level conventions are substitutes for party primary elections. Negroes consider it essential to participate in such meetings if they are to have a meaningful role in party affairs. A South Carolina NAACP official stated: "If you don't get in at the precinct meeting, you are out."¹⁵¹

In 1964, Mississippi Negroes attempted for the first time in recent years to play a role in the Democratic Party organization of that State. This largely unsuccessful effort produced complaints that Mississippi Negro Democrats had been denied the opportunity to participate fully

¹⁵¹ Interview with Rev. I. DeQuincy Newman, South Carolina field director of the NAACP, Dec. 6, 1966.

in Democratic Party precinct meetings. Negroes alleged that in addition to being threatened with economic or physical harm to deter participation, they had been excluded from the meetings, denied relevant information with respect to their time and place, or denied full parliamentary rights at the meetings.¹⁸²

During its 1966 field investigation, Commission staff received reports in some areas that Negroes participated fully in precinct meetings, while in other areas complaints were made similar to those voiced by Mississippi Negroes in 1964.

South Carolina

Officers of the party precinct club, delegates to the county convention, and a precinct representative on the county executive committee are elected at precinct meetings in South Carolina.¹⁸³ The precinct representative generally is responsible for the selection of election officials to serve at the polls.

Three counties in South Carolina were visited by Commission staff. In one county Negroes reported they participated fully in precinct meetings. In the other two counties Negroes reported either outright exclusion from precinct meetings or denial of the right to participate fully.

RICHLAND COUNTY

In Richland County, Negroes maintained control of Democratic Party offices in precincts they had controlled in the past such as Wards 9, 18 and 19 in Columbia.¹⁸⁴ Negro leaders also reported gains in precincts traditionally dominated by whites but in which Negroes constituted a majority of the population.

Because of the extensive organizational efforts of Negro political organizations approximately 200 Negroes attended the February Democratic Party precinct meeting in rural Hopkins precinct in south Richland County. Only three or four white persons were present.¹⁸⁵ Negroes were elected to all the precinct offices; two Negroes and one white person were elected delegates to the county convention.

Since 1960, Negroes have been attempting to elect Negro officers to

¹⁸² 110 Cong. Rec. 20742 (1964) (Brief of the Mississippi Freedom Democratic Party).

¹⁸³ South Carolina Democratic Rules, Rules 3, 8, 9, (1964); S.C. Code §§ 23-254 (Supp. 1966), 23-258, 23-259 (Supp. 1966). The delegates to the county convention elect delegates to the State convention, who choose the delegates to the National convention. S. C. Democratic Party Rules, Rule 9; S.C. Code § 23-259 (Supp. 1966); S.C. Laws, 1950, No. 858, § 6-H.

¹⁸⁴ Interview with Matthew J. Perry, Negro attorney and legal adviser to the S.C. Voter Education Project, Dec. 5, 1966.

¹⁸⁵ Information on the Hopkins precinct activity obtained in an interview with Joseph Stroy, Negro winner of preferential election for magistrate of Hopkins Township, Dec. 5, 1966.

the suburban College Place Democratic precinct club.¹⁸⁶ In February 1964, white precinct officials, after learning of plans to secure a large Negro turnout, produced enough white persons to outnumber the Negroes. During an intensive campaign conducted in 1966 by the North Columbia Civic Club, a Negro civic and political organization, captains were appointed for each residential street in the Negro neighborhood to organize and encourage Negro residents to attend the precinct meeting. The meeting was announced in all Negro churches, a telephone network was established, and car pools were organized. On the night of the meeting the Negroes purposely arrived just before the meeting was to convene so as to give the white voters no time to bring in more white persons. The meeting was attended by approximately 135 Negroes and 40 whites. Negroes were elected to the positions of president, secretary, and county executive committeeman; 10 Negroes and 10 whites were chosen as delegates to the county convention.

DORCHESTER COUNTY

In Dorchester County, however, Negro voters were denied an equal chance to participate in the 1966 Democratic Party precinct meeting in rural Ridgeville.

On the announced meeting day, eight registered Negro voters arrived at the Ridgeville school, the meeting place, about an hour before the meeting was scheduled to begin.¹⁸⁷ According to Negroes present, the 10 white persons attending the meeting were surprised to see the Negroes and immediately recruited additional white persons. When the meeting was called to order at 10:15 a.m., 15 minutes after it was scheduled to begin, a large number of white persons, including families with their children, reportedly were present. According to this account, whenever a Negro voter attempted to nominate a Negro for precinct office, the chairman invariably ruled him out of order. The white persons in attendance reportedly derided the Negroes and laughed at their attempts to speak, make a point of order, or nominate Negroes for office. All precinct officers and county convention delegates elected at the meeting were white.

After the meeting, the leader of the Negro group, Mrs. Victoria DeLee, sent complaints to the State Democratic executive committee. She was told by the executive director of the committee that the prescribed method of challenging the procedure at the precinct meeting was to contest the

¹⁸⁶ Information on the College Place precinct activity obtained in an interview with Rev. Collie L. Moore, Negro president of the College Place Democratic Club, Dec. 6, 1966.

¹⁸⁷ Information on the Ridgeville precinct meeting and subsequent complaint relating to it obtained from interview with Mrs. Victoria DeLee, chairman of the Ridgeville precinct branch of the Dorchester County Voters League, Dec. 7, 1966, and interview with Mrs. Anna Williams, a member of the executive committee of the DCVL, Dec. 8, 1966. Both Mrs. DeLee and Mrs. Williams were present at the Ridgeville precinct meeting.

seating of the precinct delegation at the county convention. After unsuccessfully pursuing her grievance at the county convention, Mrs. DeLee complained to the credentials committee of the State convention in Columbia. After a full hearing, the credentials committee rejected Mrs. DeLee's plea that the Dorchester County delegation not be seated.

Richard Miles, then director of the South Carolina Voter Education Project who attended the challenge proceedings at the State convention, reported that no disciplinary action, formal or informal, was taken against the delegation.¹⁸⁸

WILLIAMSBURG COUNTY

Negro Democratic voters in Williamsburg County constituted a majority of the persons present at four of the 33 Democratic precinct meetings held in the county during 1966 and at each of the four meetings elected Negro precinct club officers. At another precinct meeting where they did not constitute a majority, Negroes were given an equal opportunity to participate in the proceeding.¹⁸⁹ But Negroes were excluded from attendance or denied a full opportunity to participate in other precinct meetings in the county.

Raymond Fulton, an official of the Williamsburg County Voters League, a Negro civil rights organization, reported that when he asked the president of the Black River Precinct Club about the time and place of the February precinct meeting, he was rebuffed with the question: "What in the hell do you want to know for?"¹⁹⁰ After considerable discussion, the Negro official said he finally received the information he sought and arrived at the meeting with 30 registered Negro voters, outnumbering the 20 white persons present.

Before the meeting, he stated, the Negroes had decided at a political participation workshop to try to divide the elected posts between Negroes and whites, electing Negroes to the county executive committee and as county convention delegates and leaving the other precinct posts to whites. According to his account, the white persons at the meeting apparently were aware of this strategy, because after the precinct president, secretary, and treasurer were elected, a white person moved that the elected officers also serve as executive committeemen and county convention delegates. There reportedly was no vote on this motion. The precinct organization president, who had been elected to succeed himself, reportedly decided against further elections. There were no nominations

¹⁸⁸ Interview with Richard Miles, Dec. 12, 1966.

¹⁸⁹ Interviews with Furman Dimery, member of the Williamsburg County Voters League, Dec. 6, 1966, and Jesse Lawrence, a Negro candidate for the State house of representatives in the Democratic primaries in June 1966, an official of the Williamsburg County Voters League and a member of the Commission's South Carolina State Advisory Committee, Dec. 8, 1966.

¹⁹⁰ Interview with Raymond Fulton, chairman of the Black River precinct branch of the Voters League, Dec. 8, 1966. The account of the Black River Democratic Precinct Club meeting was given by Fulton.

for executive committeemen or county convention delegates, Fulton stated.¹⁹¹

The denial of an opportunity to elect a Negro county committeeman was particularly frustrating to the Negroes, the Negro official declared, because the county committeeman selects the polling officials who serve on election day. Consequently, all election officials serving in the Black River precinct during the primary election and the primary run-off were white.

A Negro complainant in the Mount Vernon precinct told a Commission staff member that four or five registered Negro voters went to a store on the morning of February 26, 1966 to attend a precinct meeting which they understood was to begin at 10 o'clock. When they arrived shortly before the stipulated time, the store was deserted. The Negro voters inquired of three white persons at a nearby church about the meeting. Denying knowledge of the meeting, the whites were hostile toward the Negroes. Unable to locate the precinct meeting and fearful of the hostility of the whites, the Negroes left. At the June Democratic primary all the clerks and managers at the Mount Vernon precinct polling place were white, the complainant reported.¹⁹²

Omission of Registered Negroes From Voter Lists

During 1966 and 1967, it was reported that in some counties in Mississippi, Alabama, Louisiana, Georgia, and South Carolina the names of Negro registrants were omitted from the official poll lists or listed with the wrong party designation.

Mississippi

In 1967 the Law Students Civil Rights Research Council (LSCRRC) assigned 55 law students to Mississippi to educate voters, orient Negro poll watchers, provide technical advice to Negro candidates, and document instances of intimidation and irregularities in the November 1967 general election. A report on their activities, which were coordinated with similar activities of volunteer lawyers from the North by the

¹⁹¹ *Id.*

¹⁹² Account given in an interview with Laura Mae Conyers, Dec. 9, 1966. Similarly, a complaint was made that in Barnwell County registered Negro voters were excluded from February precinct meetings of the Democratic Party in two precincts, and although permitted to attend in another precinct they were denied an opportunity to participate. Interview with Rev. I. DeQuincy Newman, State field director of the National Association for the Advancement of Colored People, Dec. 6, 1966.

Asked for his response to these complaints, the chairman of the Williamsburg County Democratic Party, James M. Connor, stated that subsequent to his election as county chairman after the 1966 precinct meetings and county convention, he had "received no complaints regarding the precinct meetings at the Black River and Mt. Vernon precincts." Letter from James M. Connor to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Nov. 14, 1967.

Lawyers Constitutional Defense Committee (LCDC) stated that during the election voters had been subjected to a number of illegal practices in the nine counties visited by the law students. "The most common practice" the report said, "was to inform Negro voters that they were not registered to vote in a particular precinct. In some instances Election Managers refused to check with the Chancery Clerk to make sure his list was up to date. In other instances (which the report stated were "quite common") the election manager refused to allow the allegedly ineligible voter to cast a challenged ballot," in violation of Mississippi law.¹⁹³ A lawsuit challenging these alleged practices has been filed in Yazoo County.¹⁹⁴

Bullock County, Alabama

Fred Gray, a Negro lawyer who unsuccessfully sought the Democratic nomination for a seat in the Alabama Legislature, alleged in a suit to void the results of the 1966 run-off primary in Bullock County, that the names of many registered Negroes were omitted from the official poll lists. Alabama law stipulates that before one can cast a valid ballot his name must appear on the official poll list. If his name does not appear on this list, he may cast a "challenged ballot."¹⁹⁵ The Gray complaint asserted that almost all of the Negro registrants whose names were omitted from the poll lists were refused permission to cast challenged ballots, and that "in the few instances in which the named Negro electors, whose names had been omitted from the poll lists, insisted upon and were permitted to cast challenged ballots, such ballots were not counted or indicated on the official certificates of results. . . ."¹⁹⁶

West Feliciana Parish, Louisiana

Louisiana has a closed primary system. A person is permitted to vote in a primary election only if he is registered as a member of the party conducting the primary.¹⁹⁷ In the 1966 Democratic primary election in which a Negro was running for the parish school board, many Negroes registered as Democrats were not allowed to vote, according to reports from Negro leaders, on the ground that they were registered as Repub-

¹⁹³ Report on the Mississippi Election Project 10-11. Under Mississippi law a voter has the right to cast a "challenged ballot." Miss. Code § 3170 (Recomp. 1956) (primary elections).

¹⁹⁴ Johnson v. Hood, Civil No. 7543, S.D. Miss., filed Jan. 3, 1968.

¹⁹⁵ Ala. Code, tit. 17, §§ 355 (primary election), 188 (general election) (1958).

¹⁹⁶ Gray complaint at 15. Shortly before publication of this report the Federal district court found that the probate judge had made changes in beat assignments as to where persons were to vote prior to the election, but that these changes were not racially discriminatory and were justified by the tremendous increase in registration in 1965 and 1966. The court recognized that this must have created confusion, but found "that the evidence indicates that no Negro was unable to vote due to the published changes nor that any change was incorrect." There were 17 challenged ballots but all were counted. Gray v. Main, Civil No. 2430-N, M.D. Ala., Mar. 29, 1968, slip opinion at 36-38.

¹⁹⁷ La. Rev. Stat., §§ 118:33 (Supp. 1966), 118:308 (1951).

licans or as Independents. Estimates varied, but Negro leaders believe that between 40 and 60 Negroes, most of whom were believed to be registered as Democrats, discriminatorily were denied the ballot in the August 1966 Democratic primary election on the ground that they were not registered Democrats.¹⁹⁸

Alvin White, Jr., a successful Negro candidate for the parish school board, said that as many as 50 or 60 Negro voters reported that they had registered as Democrats but were not permitted to vote because the voting registrar claimed they had registered as Republicans or Independents.¹⁹⁹ Nathaniel Smith, vice-chairman of the West Feliciana Parish Voters League, a Negro political and civil rights organization, believes that approximately 40 Negroes had this experience.²⁰⁰

One Negro who was not allowed to vote was Mrs. Margaret Miller, who recalled registering in September 1965, and filling out the registration form herself. She did not attempt to vote in the August 13 primary election, but did try to vote in the September 17 run-off primary. When she appeared at the polling place and asked for her ballot, she said, she was told by one of the commissioners that she could not vote in the Democratic primary because she was registered with the States' Rights Party, a political organization generally considered to support racial segregation and oppose civil rights for Negroes. The commissioner showed her a copy of of what she understood to be the registration form, which contained a check mark beside the States' Rights Party. Mrs. Miller believes, however, that she registered with the Democratic Party and not with the States' Rights Party.²⁰¹

Sumter County, Georgia

In the Americus municipal Democratic primary on November 15, 1966, in which a Negro candidate, Rev. J. R. Campbell, lost a race for alderman, many persons claiming to be registered voters—a majority of them Negro—were not permitted to vote. A poll watcher for the Negro candidate believed that approximately 100 Negroes were turned away by election officials because they were not registered to vote.²⁰²

Although the voting lines were not segregated on the basis of race as had been done in 1965,²⁰³ they were segregated on the basis of sex. The polling place manager on the male side related that about 25 persons, most of them Negro, attempted to vote but they were not on his list of

¹⁹⁸ Interviews with Alvin J. White, Jr., and with Nathaniel Smith, Mar. 24, 1967.

¹⁹⁹ White interview.

²⁰⁰ Smith interview.

²⁰¹ Interview with Mrs. Margaret Miller, Mar. 24, 1967.

²⁰² Interview with Sammy Mahone, Nov. 16, 1966. Sumter County and Americus have a dual registration system. Thus, to be eligible to vote in municipal elections, a voter must (1) be a resident of Americus and (2) be registered to vote both in the county (where registration is at the county courthouse) and in the city (where registration is at the city hall).

²⁰³ See p. 82-83 *infra*.

those registered.²⁰⁴ A few, including some Negroes, returned with registration certificates. The manager on the female side indicated that 15 to 20 women, mostly Negroes, were not on his list of qualified voters and that eight to 10 of them, half of whom were Negro, returned with registration certificates.²⁰⁵ The Negroes who returned with certificates were allowed to vote. Both managers attributed the discrepancy to clerical errors in transcribing the names of registered voters from the registration book to the voters list.²⁰⁶

Failure to Provide Sufficient Voting Facilities

Zelma Wyche, a Negro, sought the Democratic nomination for alderman of the city of Tallulah in Madison Parish, Louisiana in the April 9, 1966 municipal primary election. He believes that a factor contributing to his defeat was the difficulty experienced by Negroes in casting their ballots in Precinct Three, then the only precinct in which Negroes constituted a majority of the registered voters.²⁰⁷ A single polling place was provided in the precinct, Wyche related, with the result that the 1,400 voters were required to wait in long lines. When the polls opened at 6 a.m., he said, 600 persons, mostly Negroes, were standing in line. He believes that because of the long wait, many Negro voters, who would have voted for him, tired of waiting and went home without casting ballots.

Harassment of Negro Voters by Election Officials

In at least one Alabama county Negro voters cited instances of harassment and intimidation by election officials during 1966.

Rev. Linton I. Spears, a Negro candidate for county commissioner of Choctaw County, reported numerous instances of harassment and intimidation of Negro voters in the May 3, 1966, Democratic primary election. Negro poll watchers at one ballot box allegedly overheard an election official ask Negro voters: "Why do all you niggers want to vote for Spears?"²⁰⁸

²⁰⁴ Interview with C. C. Bridges, Nov. 17, 1966.

²⁰⁵ Interview with E. A. Tomlin, Nov. 17, 1966.

²⁰⁶ Bridges and Tomlin interviews. Five or six registered Negro voters reportedly were not permitted to vote at the Ridgeville precinct polling place and between five and 10 were not allowed to vote at the St. George No. 1 polling place in Dorchester County, S.C. Interviews with Mrs. Victoria DeLee, an official with the Dorchester County Voters League, a civil rights organization, Dec. 7, 1966, and Mrs. Geneva Tracy, president of the Dorchester County chapter of the Congress of Racial Equality, Dec. 7, 1966.

²⁰⁷ Interview with Zelma Wyche, Mar. 20, 1967. Another reason given for his defeat was the full-state voting requirement, discussed pp. 38-39 supra.

²⁰⁸ Interview with Rev. Linton I. Spears, Jan. 4, 1967.



Negro voters in some areas of the South in 1966 had to stand in line for long periods of time to cast their ballots because election officials were not prepared for such large turnouts. Here, Negroes wait in line to vote in Lowndes County, Alabama.

The candidate's wife, who served as a poll watcher at the Lisman polling place in a predominantly Negro area, reported instances of harassment there.²⁰⁰ All election officials at the polling place were white.²¹⁰ Mrs. Spears stated that Negroes waiting to vote were not permitted to talk to each other and that she heard one election official use abusive language when addressing Negro voters.

It also was reported that voters were not allowed to place their ballots in the ballot box themselves, but were required to hand the ballots to an election official, M. T. Ezell, Jr.—the first cousin of C. R. Ezell, Rev. Spears' principal white opponent—who deposited the ballots. Many Negroes, Mrs. Spears said, felt that this arrangement (required by Alabama law²¹¹ and followed for all voters), allowed the election official to learn the identity of the candidate for whom they voted.

²⁰⁰ Interview with Mrs. Linton I. Spears, Jan. 4, 1967.

²¹⁰ A timely request for the appointment of Negro election officials nominated by the Negro candidate was turned down. See pp. 102-03 *infra*.

²¹¹ Ala. Code tit. 17, §§ 179, 184 (1958).



Many Negroes voted for the first time in their lives when they participated in the general election at the Benton polling place in predominantly Negro Lowndes County, Alabama, on November 8, 1966.

Rev. Spears won a plurality in the primary but failed by six votes to receive a majority which would have averted the necessity for a run-off. After the primary the U.S. Department of Justice granted the Choctaw County Civic League's request for Federal observers at the May 31 run-off where he was defeated. The run-off election, Rev. Spears said, "was so different there was no comparison between it and the May 3rd election."²¹² With Federal observers present, he reported, election officials allowed voters to deposit their ballots in the boxes themselves, and there was little intimidation or abuse of Negro voters.

The chairman of the county Democratic executive committee said he thought the May 3rd primary election had been conducted fairly and in fact had congratulated all election officials for the "fine job" they had done.²¹³

²¹² Rev. Spears interview.

²¹³ Interview with Albert H. Evans, Jr., chairman of the Choctaw County Democratic Executive Committee, Jan. 4, 1967. A copy of the letter of congratulations was obtained from Mr. Evans. It reads:

This is just a note to thank each of you and congratulate you for the fine job you

Footnote continued on following page.

Refusal to Assist or Permit Assistance to Illiterate Voters

The Voting Rights Act of 1965 has enfranchised otherwise eligible illiterates in States where literacy tests have been suspended. Federal courts construing the Act have held that "if an illiterate is entitled to vote, he is entitled to assistance at the polls which will make his vote meaningful."²¹⁴ In several counties in Alabama, South Carolina, and Mississippi there have been reports that election officials have refused to provide or allow adequate assistance to illiterate Negro voters. In addition, illiterate voters in some Southern States have been denied the use of aids to enable them to overcome their lack of literacy. In some areas of Mississippi illiterates have been denied the use of sample ballots even though such use is not prohibited by State law. In Virginia officials have rejected write-in ballots cast by illiterates through the use of gummed labels.

Bullock and Barbour Counties, Alabama

Under Alabama law governing primary elections, if a qualified elector is unable to read or is physically incapacitated from marking his ballot, he may request assistance from two polling place inspectors who must assist him in the presence of each other.²¹⁵ Alabama illiterates also are entitled to assistance at the polls by virtue of the Voting Rights Act.

In his suit to void the results of the 1966 run-off primary election, Fred Gray, Negro candidate for the State house of representatives, alleged that at several polling places in Bullock and Barbour Counties election officials refused to adequately assist Negro voters, including illiterates, as required by State and Federal law. The complaint stated:

At several polling places in Bullock and Barbour Counties election officials refused to assist Negro voters requiring help because of unfamiliarity with voting machines and procedures; refused to assist Negroes who could sign their names but were otherwise functionally illiterate; refused to permit Negroes to use persons of their choice to assist them in voting at voting machines as required by the law of the State of Alabama; refused to supply the proper number of voting officials to assist Negro illiterates and attempted to humiliate and

did in conducting the Democratic Primary of May 3rd. There were many new voters and I know the election was conducted, in some of the boxes, under trying circumstances.

* * * * *

Looking back on the election, I am convinced that all of you did a good job. The Executive Committee has had the usual run of complaints from some of the candidates but I am genuinely pleased that there have been so few valid complaints coming out of the May 3rd Primary.

²¹⁴ United States v. Louisiana, 265 F. Supp. 703, 708 (E.D. La. 1966), *aff'd per curiam*, 386 U.S. 270 (1967); United States v. Mississippi, 256 F. Supp. 344, 348 (S.D. Miss. 1966); Morris v. Fortson, 261 F. Supp. 538 (N.D. Ga. 1966).

²¹⁵ Ala. Code, tit. 17, § 359 (1958).

mortify Negroes requesting assistance. White electors requesting assistance at all times received polite and courteous treatment from poll officials.²¹⁶

Greene County, Alabama

In Greene County, Alabama, Negro voters in the 1966 Democratic primary election reportedly were denied on account of their race the use of sample ballots to assist them in voting. It also was reported that voting officials, in purporting to assist Negro illiterates in casting their votes, marked the ballots contrary to the wishes of the voters they assisted.

Four Negro candidates and four functionally illiterate Negro voters sued to void the primary election. Their complaint stated that sample ballots were used by voter organizations in instructing illiterate Negroes on voting procedures so they could cast their ballots within the 5-minute limit imposed by Alabama law²¹⁷ without having to seek assistance from voting officials who were almost exclusively white. The plaintiffs alleged that prior to the election the county probate judge instructed election officials not to allow illiterate Negro voters to enter the voting booths with sample ballots or cards bearing the names of candidates. Voting officials, however, were instructed to allow *literate* voters and *white illiterate* voters to take sample ballots or cards into the voting booths, the complainants alleged.²¹⁸

On election day, the complaint says, illiterate Negro voters uniformly and consistently were not allowed to use sample ballots and thus were forced to request the assistance of white voting officials. The plaintiffs alleged that out of sight of Negro poll watchers and Federal observers “[t]he great majority of Negro illiterate voters instructed the voting officials assisting them to mark their ballots for the various candidate plaintiffs. In numerous instances the white voting officials failed and refused to mark the ballots as instructed. Rather they designated a vote for the various white candidates.”²¹⁹

²¹⁶ Complaint in *Gray v. Main*, Civil No. 2430-N, M.D. Ala., filed July 5, 1966, at 14, 15. Racial discrimination in the assistance of voters and the denials of adequate assistance allegedly “had the purpose, intent, and effect of discouraging and excluding from the elective process other Negro electors who needed assistance in casting their ballots.” *Gray* complaint at 18. In its opinion, the court found that no voter was refused assistance, but that there was a dispute over who were the proper parties or officials to render assistance. The court held that the evidence was insufficient to establish a “burdensome discriminatory practice.” *Gray v. Main*, Civil No. 2430-N, M.D. Ala., Mar. 29, 1966, slip opinion at A-6 to A-7.

²¹⁷ Under Alabama law, when voters are waiting to vote and the other voting booths are filled, the voter is not permitted to take longer than five minutes to mark his ballot. Ala. Code, tit. 17, § 177 (1958).

²¹⁸ *Gilmore v. Greene County Democratic Party Executive Committee*, Civil No. 66-341, N.D. Ala., filed May 27, 1966, at 3-8 [hereinafter cited as the *Gilmore* complaint].

²¹⁹ *Gilmore* complaint at 8.

Dallas County, Alabama

Under Alabama law governing *general* elections, a voter who needs assistance in filling out his ballot because of illiteracy or physical handicaps “may have the assistance of any person he may select.”²²⁰ In two reported instances, Negro poll watchers allegedly were denied the opportunity to assist illiterate Negro voters requesting their help.²²¹ In describing one of these instances, Mrs. Clara Walker, a Dallas County Independent Free Voter Organization poll watcher at a polling place in Precinct Four, complained to a Commission staff member that the election officials managing the polling place refused to allow her to assist a Negro voter who requested help.²²²

Dorchester County, South Carolina

South Carolina law provides that a voter unable to read or write is permitted to be assisted by a poll manager and a bystander of his own choice who must be an elector of the precinct.²²³ On November 8, 1966, the day of the general election, a number of illiterate Negro voters who had gone to the Ridgeville precinct polling place in Dorchester County, requested the assistance of Negroes affiliated with the local civil rights movement to help them vote. According to complaints, however, the poll manager, claiming to be acting in accordance with instructions from the U.S. Attorney in Columbia, refused to permit Negroes who had registered in 1965 to receive assistance in voting from anyone except the poll officials, all of whom were white.²²⁴

During the late afternoon illiterate Negro voters reportedly asked Mrs. Victoria DeLee and Mrs. Anna Williams, both Negro, to assist them but the poll manager refused to allow Mrs. DeLee and Mrs. Williams to do so. According to this account, Mrs. DeLee protested to the poll manager and telephoned the office of the U.S. Attorney and the Department of Justice in Washington. A Department of Justice attorney was sent to Ridgeville and intensive efforts were made to gain compliance with the law. At approximately 6 p.m. Negro illiterates registered in 1965 finally received assistance in casting their ballots.

²²⁰ Ala. Code, tit. 17, § 176 (1958).

²²¹ Interview with Clarence Williams, chairman of the Dallas County Independent Free Voters Organization, Nov. 9, 1966.

²²² Interview with Mrs. Clara Walker, Nov. 9, 1966.

²²³ S.C. Code § 23-400.56 (Supp. 1966).

²²⁴ Information on the incident obtained in interviews with Mrs. Victoria DeLee, chairman of the Ridgeville precinct branch of the Dorchester County Voters League, Dec. 7, 1966, and Mrs. Anna Williams, a member of the executive committee of the Voters League, Dec. 8, 1966. The rationale for the alleged refusal to allow assistance to 1965 Negro registrants is unclear. The poll manager died after the election and therefore could not be interviewed.

Williamsburg County, South Carolina

In Williamsburg County, eyewitnesses reported that poll managers in the 1966 Democratic primary election did not permit illiterate Negro voters to select bystanders of their own choice to assist them in the Black River, Mount Vernon, and several other precincts.²²⁵ In Bloomingdale and Central precincts, where a similar complaint was made, it was reported that the poll manager refused to discuss the matter with a Negro candidate who challenged the refusal.²²⁶

Reports that assistance to Negro illiterates was not permitted were made in four additional precincts.²²⁷ Relying in part upon these complaints, losing Negro candidates unsuccessfully challenged the results of the election before the county and State Democratic executive committees.²²⁸

Holmes County, Mississippi

In Holmes County, an attorney supervising law students in observing the November 1967 general election in West, Durant, and Goodman precincts reported that the white manager asked questions calculated to intimidate or embarrass illiterate Negro voters, such as "You can read, now, can't you?"²²⁹

During the August 8, 1967 Democratic primary in Holmes County, election officials in some areas refused to allow the use of sample ballots, either by all voters or just by voters receiving assistance. In some cases the use of sample ballots was allowed only after strong objections from law students.²³⁰ The Federal observer reports for the August 8, 1967 Democratic primary in Mississippi show that in polling places in Tchula,²³¹ Lexington²³² and Thornton²³³ no one was allowed to use sample ballots. In Ebenezer²³⁴ and in another polling place in Lexing-

²²⁵ Interview with Virgil Dimery, chairman of the voter registration committee of the Williamsburg County Voters League, Dec. 9, 1966, and Laura Mae Conyers, poll watcher at the Mount Vernon precinct polling place, Dec. 9, 1966.

²²⁶ Interview with Jesse Lawrence, Negro candidate for member of the State house of representatives, Dec. 8, 1966.

²²⁷ *Id.*

²²⁸ The election protest is described at pp. 95-96 *infra*.

²²⁹ Letter from Herbert A. Schwartz to James Lewis, Nov. 10, 1967, LCDC Holmes County, Mississippi, Nov. 7, 1967 election file. See also copy of notes of law student Dick Roisman, describing events at the Durant polling place, in Commission files.

²³⁰ Report on the Mississippi Election Project at 11.

²³¹ Reports of Federal observers, Tchula, Holmes County, Mississippi, Aug. 8, 1967 primary election.

²³² Reports of Federal observers, Lexington, Holmes County, Mississippi, Aug. 8, 1967 primary election.

²³³ Reports of Federal observers, Thornton, Holmes County, Mississippi, Aug. 8, 1967 primary election.

²³⁴ Reports of Federal observers, Ebenezer, Holmes County, Mississippi, Aug. 8, 1967 primary election.

ton²³⁵ illiterate voters were not allowed to use sample ballots, although other voters were.²³⁶

Richmond, Virginia

In the 1966 election in the Fourth Congressional District, which includes Richmond, a write-in campaign for a Negro candidate for the U.S. House of Representatives, S. W. Tucker, was conducted. It was felt that such a campaign would pose difficulties for illiterate voters, who would need help in writing in the candidate's name and might be deterred from participating in the write-in campaign because of the resulting lack of privacy. Therefore "stickers"—gummed labels on which Tucker's name was printed—were prepared, in order that illiterate voters could vote for Tucker by pasting the sticker on the ballot in the appropriate blank for write-in votes. The State Board of Elections refused to count the votes—numbering several thousand—cast in this manner. A suit challenging this refusal was filed, but a three-judge district court refused to overrule the board. The case is pending on appeal to the Supreme Court.²³⁷

Giving Inadequate or Erroneous Instructions to Negro Voters

Baker County, Georgia

In a special election in Baker County in July 1966 to fill a vacant seat on the county board of education, Negro candidate Davie Cowart lost in a contest with two white candidates. For the ballots cast in this election to be counted, the stub containing the ballot number at the bottom of each ballot had to be torn off by the voter. There were several complaints that because Negroes, many voting for the first time, were not instructed by the election officials to detach the stub, they cast ballots which were invalidated.

One Negro voter reported that neither she nor several other Negroes who went with her to vote at the courthouse in Newton were instructed

²³⁵ Reports of Federal observers, Lexington, Holmes County, Mississippi, Aug. 8, 1967 primary election.

²³⁶ A sample ballot enables a voter to remember the candidate for whom he wishes to vote. For an illiterate voter a sample ballot is particularly helpful, for the voter need merely tell the person giving the assistance that he wishes to vote for the persons indicated on the sample ballot. Mississippi law neither expressly prohibits nor expressly permits the use of sample ballots.

²³⁷ *Allen v. State Board of Elections*, 268 F. Supp. 218 (E.D. Va. 1967), *appeal docketed*, 36 U.S.L.W. 3193 (U.S. Sept. 28, 1967) (No. 661). On Feb. 14, 1968, the Department of Justice filed a brief at the request of the Supreme Court. It argued that Virginia's refusal to allow the use of stickers violates Section 5 of the Voting Rights Act. See p. 165 note 62 *infra*.

by the election officials (all of whom were white) to tear the stub from the ballot before placing it in the ballot box.²³⁸ The one voter among them who did detach the stub as required, she said, reported that he had been so instructed at a civil rights movement meeting.

Similar complaints were voiced by Negroes who voted at the Hoggard Mill polling place.²³⁹ According to the official election returns, election officials voided four ballots at Hoggard Mill and 81 ballots at the Newton courthouse polling place. The poll manager at Newton courthouse told a Commission staff member that most of the ballots were voided because they were improperly marked or because the stubs were not detached.²⁴⁰ He denied any knowledge of discriminatory instructions given to white and Negro voters and acknowledged that Negro voters were entitled to assistance from election officials if they requested it.

Madison Parish, Louisiana

On February 23, 1968, the Department of Justice filed suit in U.S. District Court in Shreveport, Louisiana to invalidate an election in Tallulah, Louisiana, claiming that election officials released erroneous instructions on the use of voting machines. Their action, the complaint charged, deprived Negro voters of the right to cast effective ballots in the election of a village marshal.²⁴¹

Clayton W. Cox, a white candidate for the marshal's post, received 1,954 votes and Zelma C. Wyche, a Negro candidate, received 1,659 in the special municipal election on February 6, 1968 in conjunction with a statewide general election. Official instructions distributed in Tallulah before the election advised that a voter could cast ballots for all candidates of a political party by turning the party lever. Because of mechanical limitations of the voting machines, it was later determined that party levers would not register votes in the marshal's election and separate votes for marshal would be required. Neither the election commissioners nor Wyche was advised of the change by the custodian of the voting machines in Madison Parish, and the erroneous instructions were posted on voting machines on election day, the complaint asserted. It said Wyche's supporters had been urged to vote the Democratic ticket on the basis of the erroneous information while supporters of Cox, a Republican, had been urged to vote for him individually.

²³⁸ Interview with Mrs. Mendel Cowart, Nov. 16, 1966.

²³⁹ Interview with Davie Cowart, the candidate, Nov. 16, 1966.

²⁴⁰ Interview with Earl Jones, Nov. 16, 1966.

²⁴¹ *United States v. Post*, Civil No. 13571, W.D. La., filed Feb. 23, 1968. The conduct of the election officials, the complaint charged, violated Sections 2 and 11(a) of the Voting Rights Act and Section 1971(a) of Title 42 of the United States Code. Subsequently, the defeated candidate filed a similar complaint.



Many Negroes, voting for the first time, were unfamiliar with the mechanics of casting a ballot. Here, a community leader explains how to use a voting machine.

The complaint said 486 Tallulah voters who participated in the general election failed to cast ballots for marshal. Results of the marshal's race were inaccurate, it asserted, because of the erroneous instructions. The Department sought a court order declaring the marshal's election void, and ordering a new election within 90 days.

Disqualification of Negro Ballots on Technical Grounds

During 1966 in some counties in Alabama and Georgia Negro ballots were disqualified on technical grounds under circumstances indicating racial motivation.

Dallas County, Alabama

In the 1966 Democratic primary election in Dallas County, five Negro candidates sought nomination for county offices. In addition, Wilson

Baker, a moderate white candidate supported by the Negro community, sought the Democratic nomination for the office of sheriff against white incumbent James Clark, who had the reputation of being hostile toward civil rights and Negro progress.

When the ballot boxes were canvassed by the county Democratic executive committee to tabulate the official returns, the committee voted to exclude the votes in six ballot boxes.²⁴² The vast majority of the votes in these boxes had been cast by Negroes registered by Federal examiners under the provisions of the Voting Rights Act of 1965.

The county executive committee said the votes were excluded from the canvass because no certificates of results had been prepared by election officials and placed in or attached to the outside of the boxes, as required by Alabama law.²⁴³ The votes in these boxes were rejected despite the absence of evidence of vote fraud, and even though members of the county Democratic executive committee had been able to conduct unofficial tabulations of the vote in the disqualified boxes with little apparent difficulty, and some of the persons conducting such tabulations had urged inclusion of some of the boxes.

In a suit brought by the U.S. Department of Justice challenging the exclusion, the Federal district court held that failure to count the votes in the excluded boxes violated rights secured by the Voting Rights Act of 1965 and was inconsistent with State law, and ordered that the votes be counted. Although the court-ordered inclusion of the six boxes did not affect the results of the election as far as the Negro candidates were concerned, it did obtain the nomination of the moderate white candidate for sheriff,²⁴⁴ who was elected to the office in November.

Choctaw County, Alabama

In the May 1966 Democratic primary and run-off elections in Choctaw County, Rev. Linton I. Spears, a Negro, was defeated in his bid to obtain the Democratic nomination for the District Two seat on the Board of County Commissioners²⁴⁵ although Negroes constituted a majority of the

²⁴² Unless otherwise noted, the facts concerning this incident are taken from the findings of fact and opinion of the court in *United States v. Executive Committee of Democratic Party of Dallas County, Alabama*, 254 F. Supp. 537 (S.D. Ala. 1966).

²⁴³ There was evidence that the election officials who had failed to resolve all tally discrepancies and fill out the certificates of results had been inadequately trained and instructed by those responsible for the conduct of the election.

²⁴⁴ *N.Y. Times*, May 5, 1966, at 1.

²⁴⁵ According to the official returns, the vote in the first primary was:

Spears -----	910
Ezell -----	539
Reynolds -----	377
Total Votes of Opponents-----	916
The vote in the primary run-off election was:	
Ezell -----	1,051
Spears -----	872

registered voters in the district.²⁴⁶ Rev. Spears and civil rights leaders charged that he did not get a majority vote in the first primary election because of racially motivated irregularities, including disqualification of ballots by election officials in violation of State law.²⁴⁷

Negro poll watchers reported that nine ballots at the Halsell polling place were disqualified because the voters' "X" marks were placed on the wrong side of Rev. Spears' name.²⁴⁸ Since in the first primary the Negro candidate had been only six votes short of a majority, the nine disqualified ballots, if counted, might have made him the winner. Asked about this complaint, the chairman of the county Democratic executive committee acknowledged that under Alabama law if the election official can determine from the ballot precisely how the voter intended to vote, the ballot should be counted even though the voter may not have followed the directions on the ballot exactly.²⁴⁹ Thus, according to the chairman, if an "X" is made beside the name of a candidate but not in the box specified, the ballot nevertheless should be tallied.

Rev. Spears complained about the disqualified ballots to the chairman of the county committee.²⁵⁰ The chairman advised him to ask for a recount, and said he would need a lawyer for this purpose.²⁵¹ Rev. Spears contacted a Negro lawyer in Mobile but later decided that he could not afford to contest the election and dropped his challenge. He believes the failure to count the nine disqualified ballots was racially motivated.²⁵²

Sumter County, Georgia

Sammy Mahone—representative of Rev. J. R. Campbell, Negro candidate for alderman in the Americus Municipal Democratic primary in November 1966—asserted his belief that a large number of ballots for Rev. Campbell were rejected by election officials for insufficient legal reasons.²⁵³ A "scratch-out" ballot was used in this primary. To cast a "scratch-out" ballot, the voter deletes the name of the candidate for whom he does not wish to vote. Although Mahone was not permitted to inspect the disqualified ballots, he overheard election officials discussing their reasons

²⁴⁶ Interview with William H. Harrison, president of the Choctaw County Civic League, a civil rights organization, Jan. 4, 1967, and Anthony S. Butler, chairman of the Civic League's franchise committee, Jan. 4, 1967.

²⁴⁷ *Id.* and interview with Rev. Linton I. Spears, Jan. 4, 1967. Other complaints were that the Civic League was not permitted to obtain lists of the registered voters for each box to determine whether voters were casting their ballots in the proper boxes; that the white employers of local Negroes intentionally were placed as election officials at District Two boxes to intimidate their Negro employees; that the election officials, all of whom were white, harassed and intimidated Negro voters; and that there was discrimination in the selection of election officials.

²⁴⁸ Harrison and Spears interviews.

²⁴⁹ Interview with Albert H. Evans, Jr., chairman of the Choctaw County Democratic Executive Committee, Jan. 4, 1966. See Ala. Code, tit. 17, § 193 (1958).

²⁵⁰ Spears interview.

²⁵¹ Evans interview.

²⁵² Spears interview.

²⁵³ Interview with Sammy Mahone, Nov. 16, 1966.

for rejecting certain ballots. According to his account, ballots were rejected because voters did not use heavy enough lines in scratching out the names of candidates, placed check marks beside the favored candidate instead of marking out the name of an opponent, or wrote in the name of Rev. Campbell at the bottom of the ballot in the space designed to accommodate write-in choices for posts on the Americus Democratic Executive Committee. Mahone was unable to determine with certainty, however, whether the rejected ballots had been cast for the Negro candidate or his opponent.

The official returns showed 42 disqualified ballots. The Americus city clerk, who was custodian of the official returns and who had considerable experience in municipal and electoral affairs, told a Commission staff member that the usual practice was to count any ballot which clearly indicated the voter's choice, regardless of whether the vote was cast according to the technical requirements of the law.²⁵⁴ Thus, according to the clerk, election officials in the past usually had counted "scratch-out" ballots marked with a check or where the line striking out the disfavored candidate was not heavy but still perceptible enough to indicate the voter's intention.

All balloting in the Americus election was done at a single polling place—which was segregated according to sex. The manager of the male side of the polling place admitted that ballots were not counted if the voter had checked his choice instead of crossing out the name of the opposing candidate. He denied, however, that ballots were disqualified when the stroke used to cross out the opposing candidate was light or when Rev. Campbell's name was written in at the bottom of the ballot.²⁵⁵ The manager of the female side of the polling place stated that he followed the same criteria except that in some instances ballots containing check marks or crosses beside a candidate's name were counted where the intention to vote for a particular candidate was clear.²⁵⁶

Denial of Equal Opportunity to Vote Absentee

Harrison H. Brown, a Negro resident of Madison Parish, Louisiana, won the Democratic nomination for member of the parish school board from Ward Four in the August 1966 Democratic primary election. Brown was the first Negro to win a primary election in Madison Parish in this century. In October 1966 a white write-in candidate, J. T. Fulton,

²⁵⁴ Interview with City Clerk A. T. Gatewood, Jr., Nov. 17, 1966.

²⁵⁵ Interview with C. C. Bridges, Nov. 17, 1966.

²⁵⁶ Interview with E. A. Tomlin, Nov. 17, 1966.

qualified to run as an independent against Brown and in the November general election won by a margin of 269 votes.

Madison Parish has a majority Negro voting age population with approximately 5,000 voting age Negroes and 3,000 voting age whites. Ward Four is predominantly Negro. At the time of the general election, 2,660 Negroes and 2,329 whites were registered to vote in the ward.

After the election, Brown filed suit in Federal district court charging fraud in the solicitation of absentee ballots. He alleged that of 512 absentee ballots cast, 510 were for Fulton. No more than 50 absentee ballots, he stated, had been cast in any previous election in the parish. Brown charged a conspiracy by white officials and others to encourage white voters to sign false affidavits stating their intention to be out of the parish on election day, and thus to qualify for absentee ballots.²⁵⁷ This defrauded Negro voters and contributed to the defeat of the Negro candidate, he charged.

Brown asked the court to nullify the election and declare him the winner or order a new election. The U.S. Department of Justice also filed a separate complaint asking that the election be set aside, and the two cases were consolidated for hearing.

The district court held that although the defendants had acted in good faith in attempting to comply with Louisiana absentee voting laws, there had been discrimination against the Negro voting population of the parish.²⁵⁸ The election officials had discriminated, the court found, by allowing absentee ballots to be cast by inpatients in a white nursing home, by white residents in their private homes, by the residents in a white section of the parish, and by the white employees of a local plantation without affording the same opportunities to Negro voters of the parish. The court determined that this discrimination was sufficient to void the election and ordered that a new election be held for the school board post.

Discriminatory Location of Polling Places

Commission staff investigators received complaints that in 1966 Negroes had been deterred from voting in certain areas of Mississippi by the location of polling places in plantation stores where Negro plantation workers could be intimidated easily by the plantation owner and where they were afraid to vote for fear that a principal source of credit would be withdrawn. It was reported also that some polling places in at

²⁵⁷ La. Rev. Stat. §18:1071 (1959) provides that "any qualified registered voter of the State who expects to be absent from the parish in which he is qualified on the day of holding any special, general, or primary election . . . may" cast an absentee ballot. Sec. 18:1073 provides that the application for an absentee ballot must be made by sworn affidavit.

²⁵⁸ Brown v. Post, Civil Nos. 12,471 and 12,583, W.D. La., Jan. 24, 1968.

least one Mississippi county were located in white institutions such as schools and churches which Negroes customarily were not expected or allowed to enter.

Clay County, Mississippi

An official of the Clay County Freedom Democratic Party, a Negro political and civil rights organization, complained that the polling place in a rural precinct during the November 1966 general election had been located in the store of one of the big plantations in Clay County. The location of the polling place was alleged to have deterred voting by Negroes.²⁵⁹

A detailed description of the balloting at this polling place, the J. T. Brand plantation store in Caradine precinct, is contained in the report of Federal observers who were present :

Mr. J. T. Brand's [the plantation owner's] cotton gin was directly across the highway from this general store and he was in and out, all day long, visiting. . . . The whole atmosphere, throughout the day, was of a social gathering, rather than an official election. A large cheese ring was on the counter and all were encouraged to have some with crackers provided free of charge by Mr. J. T. Brand. . . . There were many people, friends, wives, and voters that remained for social conversation during the day. Most of the voters were members of the Brand family, the officials and their wives and neighbors of the Brands and other officials. Most everyone called each other by their first names or initials and as a result the voting was very informal and after voting most of the voters remained from 5 minutes to all day, socializing, and for cokes, candy, cheese and crackers.²⁶⁰

Of the approximately 55 Negroes registered to vote in that precinct,²⁶¹ only one voted in the November general election even though Negro candidates for U.S. Senator and Member of the U.S. House of Representatives were on the ballot.²⁶² The report of the Federal observers describes the conduct and demeanor of this Negro voter :

Prior to [the one Negro voter's] entrance to the store, I observed him walking toward the store in a slow, and in my opinion, apprehensive manner. He finally came up onto the porch, looked inside, and then walked to the right of the porch, where the voting instruc-

²⁵⁹ Interviews with Mrs. Dora Adams, Feb. 28, 1967; Dawson I. Horn, president of Mary Holmes Junior College and chairman of the Council of Community Organizations, a coalition of civil rights organizations, Feb. 28, 1967; and Isaac Coleman, a SNCC field secretary working in the county, Feb. 28, 1967. According to Horn, a request to change this polling place was denied.

²⁶⁰ Report of Federal observers, Caradine precinct, Clay County, Miss., Nov. 8, 1966 general election.

²⁶¹ Information obtained from the Department of Justice, Mar. 25, 1968.

²⁶² Report of Federal observers, supra note 260.

tion card was posted. I don't know if he was reading the card or if anyone else had seen him. Finally, Mr. Loden [a polling place manager] saw him and asked him if he wanted to vote. Prior to his entrance, a period of 5 to 10 minutes had elapsed since I first saw him and he was only in the store a few minutes. Both during the period before he entered the store and while [he was] in the store, both myself and Mr. Forester [the other Federal observer] thought he looked very nervous and apprehensive. Mr. Forester remarked that he looked like "a whipped pup."²⁶³

Hinds County, Mississippi

Rev. Ed King, a white candidate of the Mississippi Freedom Democratic Party who sought the Democratic nomination for Member of the U.S. House of Representatives in the June 1966 primary election, complained that the location of polling places in the city of Jackson, seat of Hinds County and the Mississippi State capital, deterred Negroes from voting.²⁶⁴ He asserted that the Jackson polling places were located primarily in white areas and in white institutions, including white churches in which Negroes are not permitted to attend services. He felt that polling places in precincts with a substantial Negro population should be located in Negro institutions, such as predominantly Negro schools.

In response to this complaint, the attorney for the county board of supervisors, which under Mississippi law has responsibility for establishing polling places,²⁶⁵ stated that the voting places in Hinds County "are fixed without regard to race or color."²⁶⁶

Racially Segregated Voting Facilities and Voter Lists

Racially segregated voting and related facilities have been reported in some areas.

On July 20, 1965—17 days before enactment of the Voting Rights Act of 1965—a special election was called in Americus, seat of Sumter Coun-

²⁶³ Id. Joe Harris, a field worker for the Delta Ministry, a civil rights organization, complained to Commission staff that many polling places in the most rural portions of Sunflower County, Mississippi, were located in plantation stores. He believed that many registered Negroes are afraid to vote in the stores operated by plantation owners because of the threat of economic sanctions. Interview with Joe Harris, Mar. 2, 1967. The clerk of the county board of supervisors, responding to this complaint, denied that the location of polling places in plantation stores deterred Negroes from voting. Letter from Jack E. Harper, Jr., to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Nov. 16, 1967.

²⁶⁴ Interview with Rev. Ed King, Feb. 13, 1967.

²⁶⁵ Miss. Code § 3209 (Supp. 1966).

²⁶⁶ Letter from John M. Putnam, attorney for the Hinds County Board of Supervisors, to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Nov. 15, 1967.

ty, Georgia, to fill a vacancy caused by the death of the local justice of the peace. A Negro, Mrs. Mary F. Bell, lost in a race against five white men for the position, and successfully sued to set aside the election.²⁶⁷

According to the statement of facts—largely admitted by the defendants—by the U.S. Court of Appeals for the Fifth Circuit, the officials for the special election, which was supervised by the county ordinary, conducted the election on a segregated basis. Voter lists for the election were segregated on the basis of race. The polling booths were segregated by race and sex with booths designated for “white males,” “white women,” and “Negroes.” During the balloting a number of qualified Negro women voters sought to cast their votes in the “white women” polling booth. When they refused on constitutional grounds to leave the booth after being ordered to do so by the deputy sheriff acting under the county ordinary’s direction, they were arrested.

The Fifth Circuit held that the election “was conducted under procedures involving racial discrimination which was gross, state-imposed, and forcibly state-compelled,”²⁶⁸ ordered the election set aside, and directed the calling of a new special election.²⁶⁹

Although in the 1966 Sumter County elections the voting lines were racially desegregated,²⁷⁰ the U.S. Department of Justice filed suit in 1967 to enjoin the maintenance of racially segregated voting facilities in Johnson County, Georgia.²⁷¹

In predominantly Negro Lowndes County, Alabama, police officials maintained segregated parking facilities at one polling place during the November 1966 general election, although the voting lines were desegregated.

In the same election seven Negro nominees of the Lowndes County Freedom Organization, whose symbol was the black panther, contested the major elective offices in the county. The polling place in Lowndesboro—one of eight polling places in the county—was located in a building directly adjacent to the Lowndes County Christian Academy, a segregated private school established by whites to avoid public school desegregation. A Commission staff member observed that white voters

²⁶⁷ The circumstances of the special election and the charges of discrimination growing out of it are described in the opinion of the Court of Appeals for the Fifth Circuit. *Bell v. Southwell*, 376 F.2d 659 (5th Cir. 1967), *reversing* 11 Race Rel. L. Rep. 1360 (M.D. Ga. 1966).

²⁶⁸ 376 F.2d at 659.

²⁶⁹ In parallel companion cases before the Federal district court, the district judge had enjoined the same defendants from maintaining racial segregation at the polls and segregated voter lists, and from prosecuting the Negro women for remaining in the white women’s polling booth. *United States v. Chappell*, 10 Race Rel. L. Rep. 1247 (M.D. Ga. 1965).

²⁷⁰ Sumter County voting facilities still were segregated by sex in 1966. See p. 66 *supra*.

²⁷¹ *United States v. Attaway*, Civil No. 962, S.D. Ga., filed June 23, 1967; *United States v. Brantley*, Civil No. 694, S.D. Ga., filed Aug. 18, 1967.

were permitted to park their cars on the grounds of the private school.²⁷² Negroes, however, were directed by Y. C. Nichols, a uniformed Lowndesboro police officer, to park on a dirt road directly south of the polling place.

²⁷² Staff memorandum to the files from Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Nov. 8, 1966.

Chapter 4

Exclusion of and Interference with Negro Poll Watchers

The primary election laws of most Southern States grant each candidate or his appointed representative, usually termed a "poll watcher," the right to remain in each polling place to observe the balloting during the election and the tabulation of the ballots after the polls have closed. Negro candidates and civil rights leaders generally consider this an important right and appoint poll watchers whenever a Negro candidate is running for office. In areas where Negro election officials have not been appointed, or where Negroes appointed to serve as election officials are identified with the white community, poll watchers are considered to be the only resource through which Negro candidates can monitor the election process to deter irregularities and to identify instances of racial discrimination and vote fraud.

In general and special elections, Negro candidates who do not receive the nomination of an organization qualified under State law as a political party generally are at a disadvantage. The laws of most Southern States provide generally for the selection of poll watchers to represent such political parties and all party nominees running in the election. An independent candidate not running as the nominee of a qualified political party generally is not granted by law the right to designate poll watchers to observe the election process. As a matter of practice, however, in most counties independent candidates are allowed to station poll watchers in polling places in general and special elections.

During 1966 there were reports that Negro poll watchers discriminatorily were excluded from polling places, restricted in their activities, or mistreated in some areas of the South during primary elections in which State law gave them the right to observe the conduct of the election. In some areas of Alabama, Negro poll watchers were allowed to observe general elections while in other areas they reportedly were denied this opportunity. In some areas of Mississippi, Negro poll watchers, while allowed to attend general and special elections, reportedly were harassed and mistreated in the primary. In Georgia, where State law requires that

ballots be counted in public, Negro poll watchers reportedly were not permitted to inspect disqualified ballots. In 1967 there were reports of harassment of Negro poll watchers at general and special elections in Mississippi.

South Carolina

Under South Carolina law, each candidate in a contested primary election is entitled to appoint watchers to observe the balloting in any polling place he may designate.²⁷³ In at least one South Carolina county during 1966, there were reports that Negro poll watchers were subjected to intimidation and in many precincts were not permitted to watch the balloting.

In the June Democratic primary and the primary run-off in Williamsburg County, four Negroes ran for office: one for State senator, two for State representative, and one for county road commissioner.²⁷⁴ In the county road commissioner election, the Negro candidate won majorities in both the primary and general elections. Each of the other candidates received pluralities but not majorities in the primary and lost in the run-off. There were complaints that in the primary and run-off elections poll watchers designated by the Negro candidates were not permitted by election officials to observe the balloting as stipulated by State law.

During the first primary, an owner of property adjacent to the polling place in Piney Forest precinct allegedly refused to permit watchers designated by the Negro candidates to remain in the polling place to observe the counting of the ballots.²⁷⁵ Negro candidates received reports from their poll watchers in seven additional precincts that the watchers were not permitted to view the balloting—in some precincts by the action of poll managers, in others by local police officials, and in still others by unidentified white persons.²⁷⁶ Negro poll watchers reported that they were able to observe balloting in three precincts located in predominantly Negro areas.²⁷⁷

The primary run-off pitted three Negro candidates against white candidates for State legislative offices and the reported incidents increased in number and significance. At Piney Forest, the poll managers reportedly changed the location of the Negro poll watchers several times.²⁷⁸ Finally, according to an eyewitness, the owner of the adjacent property arrived,

²⁷³ S.C. Code § 23-400.64 (Supp. 1966).

²⁷⁴ Interview with Furman Dimery, Dec. 6, 1966.

²⁷⁵ Interview with Jesse Lawrence, Negro candidate for the State house of representatives, Dec. 8, 1966. Lawrence also is an official of the Williamsburg County Voters League, a civil rights organization, and a member of the South Carolina State Advisory Committee to the U.S. Commission on Civil Rights.

²⁷⁶ Interview with Jesse Lawrence and Virgil Dimery, State senatorial candidate and chairman of the voter registration committee of the Williamsburg County Voters League, Dec. 9, 1966.

²⁷⁷ Interviews with Laura Mae Conyers, Raymond Fulton, and Paul Murray, Dec. 9, 1966.

²⁷⁸ Account given in the Lawrence interview.

announced that he “didn’t allow no niggers on his property” and ordered the poll watchers out of the area. According to this account, the election officials charged with enforcing State law made no attempt to resist the owner’s order.

Another complainant alleged that at the Sandy Bay precinct polling place a man exhibiting a pistol attempted to intimidate Negro poll watchers and voters.²⁷⁹ Election officials at two other precincts reportedly refused to discuss with a Negro candidate the rights of poll watchers and bystanders to assist illiterate voters.²⁸⁰

According to an eyewitness at the Black River precinct polling place, the poll manager did not permit an officially designated poll watcher with the proper identification and credentials to remain in the polling place or to assist illiterate Negro voters. When the poll watcher attempted to enter the polling place the manager threatened to strike him, this witness reported.²⁸¹

Difficulties also were reported at several other precincts. The Negro candidates believe that the intimidation or ejection of their certified Negro poll watchers had the effect of intimidating Negro voters.²⁸²

Alabama

Under Alabama law each candidate in a primary election is entitled to appoint for each polling place a poll watcher who is entitled to watch the conduct of the election and, after the polls have closed, to observe the counting of the ballots.²⁸³ In general elections each qualified party is entitled to watchers—appointed by the chairman of the county executive committee, the beat committeeman, or the party nominees—having the same privileges.²⁸⁴ In 1966, in at least one Alabama county, Negro poll watchers at primary elections reportedly were excluded from the polls or made to comply with rules which made it impossible for them to perform their tasks. In the 1966 general election, independent Negro candidates were allowed to station poll watchers at polling places in some Alabama counties but in at least one county, watchers for independent Negro candidates were excluded from several polling places.

Bullock County

In the May 1966 Democratic primary election in Bullock County, Negro candidates qualified and ran for office for the first time in recent

²⁷⁹ *Id.*

²⁸⁰ *Id.*

²⁸¹ Interview with Raymond Fulton, chairman of the Black River precinct branch of the Williamsburg County Voters League, Dec. 9, 1966.

²⁸² V. Dimery and Lawrence interviews. The Negro candidates challenged the results of the election before the State Democratic executive committee, but the challenge was unsuccessful. The election protest is described on pp. 95–96 *infra*.

²⁸³ Ala. Code, tit. 17, § 357 (1958).

²⁸⁴ Ala. Code, tit. 17, § 126 (1958).

history. Three Negro candidates ran for the offices of member of the State house of representatives, tax assessor, and sheriff, respectively. Two Negro candidates ran in a special election the same day for seats on the Bullock County Court of County Commissioners. All five candidates received large numbers of votes but each failed to receive a majority, necessitating a run-off primary election on May 31, 1966, in which they were defeated.

Before the election the attorneys for the Negro candidates reportedly explained to the Bullock County probate judge and his legal adviser that their clients planned to assign poll watchers to every voting machine or ballot box, and asked the probate judge to inform the election officials of the rights of the Negro watchers.²⁸⁵ In the suit brought by Fred Gray, candidate for the State house of representatives, to void the run-off, however, it was alleged that the Bullock County election officials were not instructed to allow the Negro watchers freedom of movement and inquiry, and that at a meeting of election officials severe restrictions were placed upon the freedom of the Negro watchers to communicate with others, and to enter, remain at, leave, and record events at the polling places.²⁸⁶ The complaint stated:

On the morning of May 31, 1966, poll watchers in Bullock, Barbour, and Macon counties reported to their assigned polling places and presented letters from Negro candidates authorizing them to act as poll watchers. They brought with them paper, pencils and lists of registered voters assigned to ballot boxes or machines for which they were to act as poll watchers.

In Bullock County attempts of poll watchers to perform their lawful tasks were uniformly resisted. They were informed of the meeting of voting officials held the night before and told that as a result of the said meeting they had no right to use paper, pencil or registration lists; that their presence was in violation of law; that they must leave the polling place immediately or face arrest, conviction, fine and/or imprisonment. In some polling places poll watchers were completely excluded. In other instances at other polling places poll watchers were made to conform to rules which were so rigorous and unreasonable that it was impossible for them to perform their assigned tasks. Where poll watchers insisted that they had a lawful right to remain at the polling places and did so, they were not permitted to use public bathroom facilities or drinking fountains. They were not permitted freedom of movement or lawful inquiry at the polling places.²⁸⁷

²⁸⁵ Interview with Solomon S. Seay, attorney for Fred D. Gray, candidate for State house of representatives, Nov. 11, 1966.

²⁸⁶ Complaint in Gray v. Main, Civil No. 2430-N, M.D. Ala., filed July 5, 1966, at 9-10 [hereinafter cited as the Gray complaint].

²⁸⁷ Id. at 13-14.

In its opinion the Federal district court found that there was a conflict of legal authority on the number of poll watchers allowed by Alabama law for each polling place and on the rights of poll watchers to checkoff the names of the voters who cast their ballots on election day.²⁸⁸ The court also determined that there was sufficient provocation on the part of some Negro poll watchers to justify disciplinary efforts by polling place officials.²⁸⁹ On these issues the court held that the actions of the polling place officials were not arbitrary or wrongful. However, the court found that the closing of the restroom facilities at one polling place was an “instance of discrimination” and condemned the restrictions placed upon the poll watchers’ use of pens, pencils, and paper.²⁹⁰ In its decree, the court enjoined further such interference.

Dallas County

In the 1966 Democratic primary election in Dallas County, five Negro candidates associated with the Dallas County Voters League ran for State and county offices. Negro poll watchers named by these candidates to observe the conduct of the election experienced no difficulties or mistreatment, according to one of the candidates.²⁹¹

On November 8, Negro candidates affiliated with the Dallas County Independent Free Voters Organization—reportedly the more militant of the two Negro organizations—ran for county office as independents and appointed watchers for each polling place in the county.²⁹² In contrast to the treatment accorded poll watchers of the Voters League candidates, and to the practice in Lowndes County (where independent Negro candidates associated with the Lowndes County Freedom Organization were allowed to assign poll watchers to observe the November election), the chairman of the Free Voters Organization reported that its Negro poll watchers were excluded and in some cases chased away from five polling places.²⁹³ In one polling place, Negro watchers reportedly were threatened with a shotgun.²⁹⁴ Additional complaints were voiced that in violation of State law, some Negro poll watchers were denied an opportunity to challenge ballots cast by persons whom the poll watcher knew or suspected were not qualified to vote.²⁹⁵ The probate judge said he was satisfied with the conduct of the election.²⁹⁶

²⁸⁸ Gray v. Main, Civil No. 2430-N, M.D. Ala., Mar. 29, 1968, slip opinion at 29-34.

²⁸⁹ Id. at 35.

²⁹⁰ Id. at 36.

²⁹¹ Interview with Rev. F. D. Reese, president of the Dallas County Voters League, Nov. 9, 1966.

²⁹² Interview with Clarence Williams, chairman of the Dallas County Independent Free Voters Organization, Nov. 9, 1966.

²⁹³ Id.

²⁹⁴ Id.

²⁹⁵ Id.

²⁹⁶ Interview with Bernard Reynolds, probate judge of Dallas County, Apr. 26, 1967.

Mississippi

Mississippi law provides that in primary elections each candidate or his representative has a right to be present at the polling place; may observe the conduct of the election; and may challenge the qualifications of persons offering to vote.²⁹⁷ In general and special elections two “challengers” selected by each organization qualified as a political party under State law may remain within the polling place to challenge the qualifications of persons presenting themselves to vote.²⁹⁸ There appears to be no provision of Mississippi law giving independent candidates in general or special elections the right to have poll watchers, representatives, or challengers at the polling place. Nevertheless, in some areas of the State, Negro candidates for office in general and special elections during 1966 and 1967 appointed poll watchers who were able to observe the conduct of the election without interference. In Claiborne County, for example, a Negro candidate in a 1966 general election for the District Five seat on the county board of education reported that he was permitted to station watchers at the polling places and even served as a watcher himself at one polling place.²⁹⁹ Poll watchers in other counties, however, reportedly experienced difficulty in fulfilling their functions.

Holmes County

Mrs. Elra Johnson, a poll watcher for Rev. Clifton Whitley, the Mississippi Freedom Democratic Party candidate for U.S. Senator in the November 1966 general election, reported that election officials permitted her and another Negro resident of Holmes County, Mrs. Barbie Reed, also an officially designated poll watcher for Whitley, to remain in the polling place at Durant city hall. According to Mrs. Johnson’s account, however, a Durant city policeman directed them to remain at least 20 feet from the two tables where the election officials were seated, preventing them from closely observing the activities of the officials. Although the polling place was in the city hall where many chairs were available, the election officials, all of whom were white, told the two Negro poll watchers, according to Mrs. Johnson: “You’ll have to stand all day.”

During the morning, Mrs. Johnson related, she used the lavatory facilities in the city hall, but found them locked when she returned to use them again. Election officials told her, she said, that if she left the polling place for any reason, no one could undertake her duties for her. “No one can relieve you,” she reportedly was told by the manager of

²⁹⁷ Miss. Code § 3128 (Recomp. 1956).

²⁹⁸ Miss. Code § 3248 (Recomp. 1956). But see § 3269 which provides in relevant part: “A person shall not be allowed in the room in which the ballot boxes, compartments, tables, and shelves are, except the officers of the election and those appointed by them to assist therein.”

²⁹⁹ Interview with Floyd D. Rollins, Mar. 21, 1967.

the polling place. According to this account, poll watchers who arrived at the polling place at around noon to relieve the two women were not allowed to do so.

At this point Mrs. Johnson reportedly left the polling place and made several phone calls complaining of this treatment to, among others, Federal officials at the Federal examiner's office, the mayor of Durant, and the clerk of the chancery court. The clerk, Mrs. Johnson related, after denying that he could furnish chairs for the poll watchers, told Mrs. Johnson: "They [the election officials] don't want you up there. You better go home."³⁰⁰

The chairman of the county election commission, William Moses, told Commission staff that he first heard of the complaint of mistreatment of poll watchers in Durant when he received a call from an attorney in Jackson inquiring about the lack of chairs for the Durant poll watchers.³⁰¹ Moses stated he informed the attorney that the physical facilities of the polling places technically were outside the jurisdiction of the county election commission and were the responsibility of the county sheriff. He resolved the complaint, however. He related that he simply told the manager of the polling place to use her common sense in determining whether poll watchers should be permitted to sit down. After a telephone conversation which she could not hear, Mrs. Johnson reported, the polling place manager remarked to her: "I don't see why you can't have a chair." According to Mrs. Johnson, she then obtained some chairs from a nearby Negro cafe.³⁰²

During the counting of the ballots, Mrs. Johnson reported, she was not able to get a tally of the votes because the counters did not call out the votes as had been the custom, but exchanged notes to tabulate them. She reported also that she was not permitted to see disqualified ballots adjudged by the election officials to be spoiled.³⁰³ The chairman of the election commission, in an interview, indicated that upon request poll watchers customarily are permitted to see spoiled ballots in Holmes County.³⁰⁴

Grenada County

Poll watchers representing the Negro candidate for city councilman had difficulty monitoring the election process in a February 1967 special election in Grenada, according to reports from the candidate and civil rights workers and observations of a Commission staff member.

According to his account, two days before the election Negro candidate U. S. Gillon visited the chairman of the city election commission

³⁰⁰ Unless otherwise indicated, the account of this incident was given in an interview with Mrs. Elra Johnson, Feb. 15, 1967.

³⁰¹ Interview with William Moses, Feb. 15, 1967.

³⁰² Mrs. Elra Johnson interview.

³⁰³ Id.

³⁰⁴ Moses interview.

and requested, first, that his representatives be permitted to examine the ballot boxes on election day before the polls opened to determine whether they were empty and, second, that he be allowed to station poll watchers to observe the conduct of the election from inside the polling places.³⁰⁵ The election commission chairman, Gillon related, denied both requests, asserting that "everyone's honest." Gillon could assign poll watchers outside but not inside the polling place, the chairman reportedly indicated.

On the day of the election, Gillon reported, he sent poll watchers, all of whom were Negro, into the polling places even though the election commission chairman had denied his request, whereupon the chairman relented and allowed the watchers to observe the election. In addition, Federal observers, sent by the U.S. Department of Justice at Gillon's request, were present at the polling places on election day. According to Gillon, however, when the polls were closed the Negro poll watchers were not permitted to inspect the disqualified ballots and were not told why the approximately 30 ballots ruled spoiled were disqualified.

Because no candidate received a majority of the votes, a run-off election was held two weeks later between the two candidates (one of whom was Gillon) receiving the highest number of votes. On the day of the run-off, February 27, a civil rights worker helping Gillon's campaign complained to a Commission staff member that the election officials had so arranged the ballot boxes that the poll watchers for the Negro candidate were unable to observe the balloting at each box.³⁰⁶ Robert Johnson of the Southern Christian Leadership Conference related that watchers were limited to one per polling place, but at least two of the polling places contained more than one ballot box located in separate parts of the building. He complained that single poll watchers for candidate Gillon were unable to observe balloting at the two boxes at Grenada Fire Station No. 2 because the boxes were separated by a fire engine, and at the polling place located in the building occupied by the Grenada County Health Department because the three ballot boxes were located in separate rooms. Johnson indicated then that he was requesting the city election commission to permit more than one poll watcher at these polling places.

During the day these two polling places were visited by a Commission staff member who had obtained permission to enter the polling places from the chairman of the city election commission. By the time the staff member arrived at the fire station polling place, poll watchers for the Negro candidate had stationed themselves on each side of the fire engine which separated the two ballot boxes so that they could see the

³⁰⁵ Interview with U. S. Gillon, Feb. 26, 1967.

³⁰⁶ Interview with Robert Johnson, project director for the Southern Christian Leadership Conference, Feb. 27, 1967.

balloting at each box. At the Grenada County Health Department, however, the staff member observed that there were three ballot boxes in separate rooms but only one Negro poll watcher, who was able to observe the balloting in only one of the rooms.

C. H. Calhoun, chairman of the city election commission, when interviewed by a Commission staff member, indicated that the use of poll watchers was unusual in city elections. He said that to his knowledge Mississippi law authorized only one poll watcher per polling place, although he did permit two poll watchers of the Negro candidate to observe the balloting at the fire station.³⁰⁷

A U.S. Department of Justice attorney confirmed that when first approached regarding the use of poll watchers, the chairman of the election commission ruled against allowing poll watchers altogether.³⁰⁸ According to the attorney, however, the day prior to the first election the State attorney general, during a visit to Grenada, ruled in an informal meeting that the Negro candidate should be allowed one poll watcher per polling place. At the time, each polling place had only one box, and therefore this ruling would have allowed adequate surveillance of the election by the candidate's representatives. At the February 27 run-off election, according to this account, additional boxes were placed in each polling place to relieve congestion and delays in voting, but the initial ruling of one watcher per polling place was not changed.³⁰⁹

Georgia

Georgia law requires that ballots must be counted publicly after the polls are closed, although it does not require election officials to allow poll watchers of the candidates to observe the balloting inside the

³⁰⁷ Interview with C. H. Calhoun, Feb. 27, 1967. Federal observers, however, were in each room and observed the balloting at each ballot box, as was the case at each of the other polling places in the city.

³⁰⁸ Interview with Robert Atmore, attorney for the Civil Rights Division, Department of Justice, Feb. 27, 1967.

³⁰⁹ *Id.* According to reports of the law students sent by the Law Students Civil Rights Research Council to observe the November 1967 general election in Mississippi, poll watchers often were told that the authorizations which they carried, signed by their candidates, were invalid, or that the authorization required the signature of the chancery clerk. In one instance, poll watchers reportedly were told that they needed a new authorization every time they wanted to re-enter the polling place. These practices are illegal under Mississippi law. See Miss. Code § 3248 (Recomp. 1956). Although in almost every instance the poll watchers finally were admitted after protests from watchers, law students or lawyers, once inside the polls the watcher reportedly often faced open hostility from the white officials. The report summarizing the student's findings states:

A number of devices were employed to diminish or destroy the effectiveness of the representatives of Black candidates. Many were refused seats in the polling places and had to stand all day. Others were not allowed to watch the clerks who are responsible for determining whether an individual is eligible to vote. In a number of instances poll watchers were told that they could not stand within thirty (30)

Footnote continued on following page.

enclosed portion of the polling place.³¹⁰ In at least one Georgia county during 1966, Negro poll watchers, unlike other watchers, were not allowed to see disqualified ballots.

In the November 1966 special election to fill a vacancy on the Americus Board of Aldermen, Rev. J. R. Campbell's poll watchers reportedly were harassed in their efforts to observe the counting of ballots. After the polls were closed, his representatives were permitted to observe the ballot counting, but allegedly were not allowed to examine the ballots disqualified as unlawfully marked or spoiled. When one of Rev. Campbell's representatives asked to see the disqualified ballots, an election manager reportedly told the other election officials: "Don't let them see nothing."³¹¹ The election manager denied making the statement, but admitted that he had been instructed to keep the poll watchers a sufficient distance away from where the ballots were being counted so that they could not inspect the disqualified ballots.³¹² Two weeks previously, in the general election, disqualified ballots were shown to representatives of the Republican candidates for their comments.³¹³

feet of the polls, a clear violation of Mississippi law. Poll watchers in the town of Moorehead, Sunflower County, were ejected from the polls for using voting lists in deciding who should or should not be challenged [a situation remedied by the intervention of one of the lawyers].

Report on the Mississippi Election Project at 9-10. The report further states that at certain precincts in Mississippi during the counting of the votes after the November election, Negro poll watchers were not permitted to observe the tallying. Two means reportedly were used to prevent observation: placing the Negroes where they were unable to see and threatening them or ordering them out of the polling place.

³¹⁰ Information provided by the office of the Georgia secretary of state, Nov. 8, 1967. See Ga. Code §§ 34-1319, 34-1320, 34-1321 (Supp. 1967).

³¹¹ Interview with Sammy Mahone, Negro poll watcher for candidate Rev. J. R. Campbell, Nov. 16, 1966.

³¹² Interview with C. C. Bridges, polling place manager, Nov. 17, 1966.

³¹³ Interview with Robert J. Maginnis, chairman of the Sumter County Republican Executive Committee, Nov. 18, 1966.

Chapter 5

Vote Fraud

In 1966 there were complaints that election officials in several Southern counties committed vote fraud to prevent the election of Negro candidates.

Williamsburg County, South Carolina

In Williamsburg County, South Carolina the Negro candidates in the primary run-off election claimed a 250 vote discrepancy between the number of valid ballots cast according to the count of poll watchers and Voters League members stationed at the polls and the final official tally by election officials.³¹⁴ After they challenged the election results, the Negro candidates were allowed to inspect the voting records. The inspection, according to their account, revealed that in seven precincts there were no poll lists containing the signatures of those who had voted, as required by State law; in three or four precincts, the number of signatures on the poll lists was greater than the number of votes indicated by the final tally; in one precinct there was no signature sheet at all; and in other precincts the names were typed on the poll list, or were printed instead of written, or all the signatures were in the same handwriting.³¹⁵

After the election the defeated Negro candidates for the State house challenged the results before the county Democratic executive committee and the losing Negro candidate for the State senate filed a challenge with the State Democratic executive committee.³¹⁶ The contest-

³¹⁴ Interview with Virgil Dimery, Negro candidate for the State senate, Dec. 9, 1966.

³¹⁵ Dimery interview and interview with Jesse Lawrence, candidate for the State house of representatives, Dec. 8, 1966.

³¹⁶ The candidates charged many irregularities, including refusals of poll managers to allow poll watchers to assist Negro voters; refusals of poll managers to allow voters to select a bystander for assistance; barring of poll watchers from polling places; intimidation of voters by persons bearing arms; threats by police officials to arrest poll watchers; denial to poll watchers of the right to observe the counting of the ballots; refusals by poll managers to discuss election procedures with Negro candidates; and discrepancies between the number of votes cast for Negro candidates according to the counts of poll watchers and the official tallies. Election Protest, filed July 2, 1966.

ants asked that the election be set aside and that another primary run-off be ordered.

The State executive committee held a hearing in Columbia at which all the candidates were given an opportunity to present evidence in support of their allegations. Although the committee allowed the contestants access to the voting records, it refused to order a second primary run-off.³¹⁷ The committee concluded that in only two or three cases was any concrete testimony or evidence presented which would in any way substantiate the suggestion that Negroes had been discouraged from participating in the primary run-off, and concluded that "nothing which took place in the primary could have in any way changed the results. . . ." ³¹⁸ The county executive committee, which made no independent investigation of the complaints, adopted the conclusions of the State committee and denied the protest.³¹⁹

Bullock, Barbour, and Macon Counties, Alabama

As previously indicated, Fred Gray, a Negro who sought the Democratic nomination for a seat in the Alabama House of Representatives in the May 1966 Democratic primary election, was defeated in the primary run-off according to the official returns. Four other Negro candidates running for local offices in Bullock County were defeated as well. All three of the counties in the house district in which Gray ran were predominantly Negro. At the time of the election, the number of Negroes registered to vote exceeded the total white voting age population as set forth in the 1960 census.³²⁰

After the election, the Negro candidates and Negro voters in the May 31 primary run-off election sued in Federal district court to set aside the election, charging, among other things, that many white persons had been permitted to cast illegal ballots to prevent the election of the Negro candidates.³²¹ The complaint alleged that at the time of the election, in each county in the district, the number of white persons on the registration rolls exceeded the white voting age population. It was further alleged that

³¹⁷ Dimery and Lawrence interviews and interview with James Connor, chairman of the Williamsburg County Democratic Executive Committee, Dec. 9, 1966.

³¹⁸ Letter from Donald L. Fowler, executive director of the Democratic Party of South Carolina, to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, June 7, 1967.

³¹⁹ Connor interview.

³²⁰ Voter Education Project, Voter Registration in the South, Summer 1966.

³²¹ Gray v. Main, Civil No. 2430-N, M.D. Ala., filed July 5, 1966.

because of the failure of defendant Boards of Registrars and their chairmen to purge the registration lists as required by law,³²² at least and approximately 5,547 names of white persons are listed as eligible to vote in Alabama House District 31 in excess of the number of white persons eligible to vote in the said District. Votes may be entered in the names of these persons without any discrepancy, imbalance, fraud, or error being evident upon the face of the officials records. . . .³²³

The plaintiffs charged that in violation of the 14th and 15th amendments to the U.S. Constitution, “[n]umerous white persons in Barbour, Bullock and Macon Counties were permitted to cast illegal absentee or regular ballots by the various election officials of those counties. . . .”³²⁴

In its opinion, the Federal district court concluded that despite extensive investigation and use of discovery by the plaintiffs and the Department of Justice, no specific evidence had been uncovered of illegal voting by whites. The court found that census data were not an accurate standard by which to judge excessive registration because many persons not physically present in the county, and thus not counted by the census, might be qualified under Alabama law to vote in the county.³²⁵

However, in Bullock County there was evidence that when voter registration officials purged the voter lists different standards had been applied to white and Negro voters which appeared to discriminate against Negro voters. The court found that the manner of purging those who had died or moved away from the county gave rise to suspicion, and the court established a procedure for fair and nondiscriminatory purging of voter lists.³²⁶

Further, in a stipulation attached to the opinion, the plaintiffs and Macon County voter registration officials agreed that the official voter list for the 1966 primaries contained a number of names of persons who were not legally qualified voters in the county and that these names should be removed. They also stipulated that a purge list submitted to the probate judge in January 1966 had not been acted upon and that the names on that list should have been purged from the registration rolls. The parties agreed to a consent decree, made part of the court’s decree, which established a fair procedure for purging disqualified voters.³²⁷

³²² Ala. Code, tit. 17, § 44 (1958) requires that the board of registrars of each county must purge the voter registration rolls every two years.

³²³ Gray complaint at 8, 9.

³²⁴ Id. at 17. The plaintiffs sought to have the election set aside. A hearing has been held on the merits, but the trial judge has not yet decided the case.

³²⁵ Gray v. Main, Civil No. 2430-N, M.D. Ala., Mar. 29, 1968, slip opinion at 18-29.

³²⁶ Id. at 38-40, 45.

³²⁷ Id. at A-9 to A-13.

Greene County, Alabama

In Greene County, Alabama the Negro candidates for county office, all of whom were defeated in the May 1966 Democratic primary election, brought an action in Federal district court alleging, among other things, fraud in the conduct of the election.³²⁸ Eighty-one percent of the county population was Negro in 1960,³²⁹ and by the time of the primary election the number of registered Negroes exceeded the white voting age population of the county.

The complaint asserted that when the list of eligible voters was published in April 1966, it contained large numbers of names of deceased persons and persons ineligible to vote in the primary because they no longer resided in the county. The candidates charged that the purpose of this alleged fraud was to defeat them because of their color and to dilute the votes of the Negro voters, and asked that the election be set aside or that they be named the winners in the election.

³²⁸ The plaintiffs also charged that there had been discrimination in the selection of election officials in that only four of the 96 officials appointed were Negroes, that illiterate Negro voters discriminatorily were denied the right to use sample ballots to assist them in voting, and that white election officials assisting illiterate Negro voters failed to mark the ballots as instructed. *Gilmore v. Greene County Democratic Party Executive Committee*, Civil No. 66-341, N.D. Ala., filed May 27, 1966.

³²⁹ 1960 Census. Because of extended litigation on a supplemental complaint in this case, the plaintiffs have not yet had a hearing on their original complaint.

Chapter 6

Discriminatory Selection of Election Officials

Primary and general elections in the South are conducted by officials specially appointed to serve on election day at each polling place.

Election officials usually are divided into categories according to the functions they perform. In one category are officials variously termed managers, inspectors, or judges. Their job generally is to supervise the balloting process, to determine that each person receiving a ballot is a registered voter, to assist disabled or illiterate voters, to supervise the tallying of the ballots and to decide which ballots should be rejected for being mis-marked or for other irregularities. Another category of election officials is composed of those who perform clerical functions such as keeping a record of the persons voting in the election and recording the final tallies after the ballots have been counted. In some States there are separate officials appointed to perform tasks such as carrying the final tallies to a central office or keeping the peace in the polling place.

In many areas Negro election officials nominated by candidates were selected and served during 1966 and 1967. When this study was undertaken, however, complaints of discrimination against Negroes in the selection of election officials were widespread and arose in many of the States visited by the Commission staff. Negro leaders interviewed by staff investigators considered such discrimination a major obstacle to full Negro political participation. Most of the charges of discrimination against Negro registrants—including omission of names of Negroes from voter lists, harassment of Negro voters, refusal to assist illiterate Negro voters, discriminatory disqualification of Negro ballots on technical grounds, racial segregation in polling places, exclusion or restriction of Negro poll watchers, and vote fraud—have been laid at the feet of white election officials. The presence of Negro election officials in substantial numbers served to restrain and eliminate such practices. Negro leaders feel that the selection of Negroes as election officials also is important so that Negro voters, many of them voting for the first time after decades of discrimination, will not feel intimidated in casting their ballots and will have confidence in the integrity of the electoral process.

Alabama

In some Alabama counties Negroes were selected to serve at the polls as election officials. Negro leaders reported, however, that even in some of these counties the Negro officials were selected on the basis of whether their opinions were acceptable to the white community and they only served at polling places in predominantly Negro areas. In other Alabama counties Negroes either were not chosen as election officials or were appointed in token numbers despite requests for the appointment of Negroes by Negro candidates and civil rights leaders.

Lowndes County

In the November 1966 general election in predominantly Negro Lowndes County seven Negro candidates ran for county office under the black panther emblem of the independent Lowndes County Freedom Organization. Although Alabama law has been interpreted in some counties as not giving newly formed political organizations a right to nominate persons to serve as election officials, the probate judge appoint-



In many areas of the South, Negroes formed independent political organizations to run Negro candidates for office. Here, workers for the Lowndes County Freedom Organization in Alabama solicit supporters.

ed Negro election officials from the Freedom Organization to serve at every ballot box in the county.³³⁰ A poll watcher for the Freedom Organization at one polling place, chosen at random, reported to a Commission staff member that of the eight election officials manning the two boxes at the polling place, three were Negro and five were white.³³¹

Bullock, Barbour, and Macon Counties

Alabama law provides that each candidate in a primary election may submit to the county executive committee of the party in whose primary he is running a list of nominations of persons to serve as election officials.³³² This list must be presented to the committee at least 25 days before the election. The party county executive committee must then "so far as practicable" select from the lists submitted to it a list of six persons to serve as election officials at each election precinct and forward this list to the county appointing board, composed of the probate judge, the sheriff, and the clerk of the county circuit court. If the list submitted to the board contains a sufficient number of names of persons who are qualified to serve, the county appointing board appoints those whose names appear on the list to conduct the primary election.

Solomon Seay, attorney for the Negro candidate seeking the Democratic nomination for a seat representing Bullock, Barbour, and Macon Counties in the State house of representatives, indicated that Negro election officials were appointed in each county for the May 1966 Democratic primary and run-off.³³³ Negro election officials, he reported, generally were selected from lists of names submitted by the Negro candidates for office. He believes, however, that the respective probate judges selected some Negroes whose names did not appear on these lists because they had opinions acceptable to the white community.

Dallas County

Negro candidates sought nomination for county office in the May 1966 primary election in Dallas County. According to the probate judge of the county, without any request from the Negro community for the appointment of Negro election officials, the appointing board met and decided on its own to ask Negro candidates and leading members of the Negro community, selected by the appointing board, to submit names of Negroes to serve.³³⁴ Leaders of the Dallas County Voters League, a Negro political and civil rights organization with which the

³³⁰ Interview with Morton Stavis, attorney for the Lowndes County Freedom Organization, Nov. 7, 1966.

³³¹ Interview with Miss Janet Dewart, poll watcher at the Letohatchee polling place, Nov. 8, 1966.

³³² Ala. Code, tit. 17, § 349 (1958).

³³³ Interview with Solomon Seay, attorney for candidate Fred D. Gray, Nov. 11, 1966.

³³⁴ Interview with Judge Bernard A. Reynolds, Apr. 26, 1967.

five Negro candidates in the primary election were associated, were among those who submitted names.³³⁵ The appointing board selected persons whose names were submitted by the Voters League leaders.³³⁶

According to Voters League officials, however, Negroes served as poll officials only in the Negro areas of the county.³³⁷

Choctaw County

In 1966, the Democratic primary election in Choctaw County was held on May 3; hence, the deadline for the submission of candidates' lists of election officials (25 days earlier) was April 8. On April 7, Rev. Linton I. Spears, a Negro candidate who sought the Democratic nomination for Choctaw County Commissioner, submitted to Albert H. Evans, Jr., chairman of the county Democratic executive committee, a list of 22 persons, all Negroes, to serve as election officials at eight boxes in the primary election.³³⁸ On April 9, Rev. Spears received a letter dated April 8 from the chairman of a subcommittee of the county executive committee charged with managing the primary election, stating that prior to receipt of the Spears list "the subcommittee had already met and named the election officials for the May primary."³³⁹

Upon receiving this letter the Negro candidate, according to his account, arranged to meet immediately with Evans in an effort to have Negro election officials appointed.³⁴⁰ Approximately four meetings took place, but the chairman refused to commit himself to the appointment of Negro officials.³⁴¹

In the May 3 primary, Rev. Spears was six votes shy of a majority and the election was forced into a run-off on May 31.³⁴² The Choctaw County Civic League—a Negro civil rights organization with which Rev. Spears was affiliated—sought on behalf of the candidate the appointment of Negro election officials to serve at the May 31 election, at which he was defeated. A petition containing 169 signatures of local Negroes was sent to the county Democratic executive committee requesting, among other things, the appointment of two Negro election officials for every ballot box in the county from a list of nominees submitted by the Civic League.³⁴³

³³⁵ Interview with Rev. F. D. Reese, president of the Dallas County Voters League, Nov. 9, 1966.

³³⁶ *Id.*

³³⁷ *Id.* and interview with Rev. P. H. Lewis, first vice-president of the Dallas County Voters League and candidate for the State house of representatives in the 1966 Democratic primary election, Nov. 9, 1966.

³³⁸ Interviews with Rev. Linton I. Spears and with Albert H. Evans, Jr., chairman of the Choctaw County Democratic Executive Committee, Jan. 4, 1967.

³³⁹ *Id.* Copy of letter supplied by Evans.

³⁴⁰ Spears interview.

³⁴¹ *Id.*

³⁴² See note 245 *supra*.

³⁴³ Interview with William H. Harrison, president of the Choctaw County Civic League, Jan. 4, 1967; U.S. Commission on Civil Rights Complaint No. 6257 from William H. Harrison.

On May 16, according to the president of the Civic League, a committee of five Civic League members met with Evans to complain of irregularities and to request the appointment of Negro officials.³⁴⁴ The request was denied and only white persons served as election officials in the run-off.³⁴⁵

The question of the appointment of Negro election officials was critical to Choctaw County Negroes. Both the Negro candidate for county commissioner and the president of the Civic League had received many reports from Negro voters and poll watchers in the May 3 primary that Negro voters had been abused, intimidated, illegally disqualified, and instructed by white election officials to place their ballots in the wrong box, nullifying votes for Rev. Spears.³⁴⁶ In a complaint to the Attorney General of the United States, the Civic League president attributed many of these irregularities to the fact that the election officials were white and the county executive committee refused to appoint Negroes as election officials.³⁴⁷

The chairman of the Choctaw County Democratic Executive Committee acknowledged that Rev. Spears had asked him on April 7 to appoint Negro election officials.³⁴⁸ He indicated that he had forwarded the request to the chairman of the subcommittee which had been delegated the power to conduct the party primary election. The county committee did not submit the names of any Negroes to the appointing board, Evans related, because on April 6, one day prior to receiving Rev. Spears' request, the subcommittee already had met and drawn up a list of nominees to serve as election officials.

Evans stated that he did make an effort to permit Negroes to serve as election officials by encouraging white persons appointed to such posts not to appear at their assigned polling places on the morning of the election. Alabama law provides that when no election officials report for duty by 8 a.m., the voters at the polling place may select from among themselves officials to conduct the election.³⁴⁹ This effort to obtain Negro election officials failed, the chairman said, because the white appointees refused to cooperate.³⁵⁰

Montgomery County

According to the chairman of the Montgomery County Democratic Executive Committee, election officials in primary elections traditionally have been selected from lists of names forwarded by committeemen rep-

³⁴⁴ Harrison compliant.

³⁴⁵ Id.

³⁴⁶ Harrison and Spears interviews.

³⁴⁷ A copy of this complaint was sent to the U.S. Commission on Civil Rights. Harrison complaint.

³⁴⁸ Evans interview.

³⁴⁹ Ala. Code, tit. 17, § 349 (1958).

³⁵⁰ Evans interview.

resenting each precinct in the county.³⁵¹ No committeeman submitted names of Negroes and no Negro officials were appointed to serve in the primary or run-off primary in 1966. Because primary election officials ordinarily are retained for the general election, no Negroes served in the general election, to the best of the chairman's knowledge.

Greene County

In a suit to void the results of the primary election in Greene County Negro candidates complained, among other things, of discrimination in the selection of election officials.³⁵² According to their complaint, 81 percent of the county population and a majority of the registered voters are Negro. Pursuant to Alabama law, they claimed, the Negro candidates submitted the names of 75 persons to serve as election officials. Of the approximately 100 officials chosen, however, only four were from the list submitted by the Negro candidates. As of February 28, 1968, the Federal district court had not ruled on this portion of the complaint.³⁵³

Mississippi

In 1966 and the early part of 1967, Negroes were appointed as election officials in some Mississippi counties. In other counties, either requests for the appointment of Negroes were ignored or Negroes were appointed only in token numbers. Complaints were made that the only Negroes chosen were those who had not participated in civil rights activity. In at least one instance it was reported that a Negro election official, because of his race, was not allowed to assist illiterate voters. Although hundreds of county commissioners of election—the persons who select election officials in Mississippi—were appointed during 1966, all of the appointees were white.

In the 1967 primary and general elections, considerable progress was made in the appointment of Negro election officials in Mississippi, but many problems still remained.³⁵⁴

Mississippi Statewide and Jefferson and Claiborne Counties

In Mississippi, the county commissioners of election are appointed to 2-year terms by the State Board of Election Commissioners, composed of the Governor, the secretary of state and the attorney general.³⁵⁵ These

³⁵¹ Interview with Truman M. Hobbs, Nov. 11, 1966.

³⁵² *Gilmore v. Greene County Democratic Party Executive Committee*, Civil No. 66-341, N.D. Ala., filed May 27, 1966, item VI.

³⁵³ Information supplied by clerk's office, Feb. 28, 1968.

³⁵⁴ See Part V, p. 168 *infra*.

³⁵⁵ Miss. Code §§ 3204 (Supp. 1966), 3205 (Recomp. 1956).

commissioners appoint the election managers³⁵⁶ and bailiffs³⁵⁷ for general and special elections. The managers in turn appoint the clerks.³⁵⁸ The county election commissioners also are responsible for receiving nominating petitions of independent candidates for local offices, preparing ballots for general elections, and supervising generally the conduct of all general elections.³⁵⁹

On September 1, 1966, the State Board of Election Commissioners appointed 246 persons—all white—to serve on county election commissions. In October 1966 Negro voters and Negro candidates for public office from Jefferson and Claiborne Counties filed a lawsuit against the State Board of Election Commissioners complaining of systematic exclusion of Negroes from county election commissions as well as discrimination in the selection of election managers by the commissions.³⁶⁰ The plaintiffs asked for an injunction voiding all 1966 appointments of county election commissioners, enjoining the State Board from refusing to appoint Negroes to the office, ordering the board to appoint Negroes and whites “in such proportions that the ratio of Negro to white election commissioners is not disproportionate to the ratio of Negro to white persons in the state,”³⁶¹ and restraining the holding of general elections in Mississippi in November 1966 unless new commissioners were appointed in accordance with the prayer for relief.

The Federal district court found that none of the county election commissioners appointed on September 1 by the State Board of Elections was Negro, and that no Negroes had ever been appointed to county election commissions during the terms of the incumbent members of the State Board, going back to 1948.³⁶²

Nevertheless, the court refused to grant the requested relief. The court ruled that although all the county election commissioners of Jefferson and Claiborne Counties were white, they had not discriminated in the selection of election officials. Evidence presented at the hearing showed that in Jefferson County 26 Negro election officials had been appointed to serve in 13 of the 17 precincts in a June 1966 special election and 27 Negroes had been appointed to serve in 15 precincts in an August special election. In Claiborne County, which has eight precincts, affidavits filed by county election commissioners showed that for the two special elections held in that county, 15 Negro managers had served in the first election

³⁵⁶ Miss. Code § 3243 (Recomp. 1956). The managers are responsible for insuring that the election is conducted fairly and for judging the qualifications of voters. Miss. Code § 3244 (Recomp. 1956).

³⁵⁷ Miss. Code § 3246 (Recomp. 1956). The bailiffs are responsible for keeping the peace at the polling place and guaranteeing to all voters unobstructed access to the polls.

³⁵⁸ Miss. Code § 3245 (Recomp. 1956).

³⁵⁹ Miss. Code §§ 3205, 3260–63, 3253 (Recomp. 1956).

³⁶⁰ *Allen v. Johnson*, Civil No. 4021, S.D. Miss., filed Oct. 4, 1966.

³⁶¹ Complaint at 7.

³⁶² *Allen v. Johnson*, Civil No. 4021, S.D. Miss., Oct. 27, 1966.

and 12 Negro managers had served in the second election. Election commissioners in those counties indicated in affidavits that they intended to continue this policy of appointing Negroes to assist in managing elections.

The court also held that there was no evidence of discrimination by the white county election commissioners in the performance of their other duties. The court found that independent Negro candidates running for office in Jefferson and Claiborne Counties had no difficulty having their nominating petitions accepted by the election commissioners and getting on the ballot in the general election. The court also found that since the incumbent county election commissioners had begun their terms of office in 1964, there had been no challenge to the right of Negroes to run for public office. Further, the court determined that whatever discrimination in voter registration had occurred in the past, for which the county election commissioners as judges of the qualifications of voters under Mississippi law were responsible, had been eliminated by judicial decisions and Federal voting rights legislation.

Finally, the court noted that the members of the State Board of Election Commissioners had denied that they would discriminate against Negroes in future appointments. Weighing the possibility of continued discrimination against the disruption that would be caused by granting the plaintiffs' request to set aside the appointments already made and delay the general election which was scheduled for two weeks hence, the court ruled against the disruption of the electoral process and dismissed the plaintiffs' complaint. The case is now pending on appeal to the U.S. Court of Appeals for the Fifth Circuit.

In Claiborne County, Negro election official Daniel A. Newman complained that although he was permitted to assist voters in casting their ballots in the June 1966 primary election he was not allowed to perform this function in the November general election.³⁶³ In the June election no Negro candidates ran for local office, but in November there was a contest between a Negro and a white candidate for the Beat Five seat on the county board of education.

Federal observers present at the Beat Five polling place in June listed Newman in their report as an assistant manager and noted that he had assisted Negroes in voting.³⁶⁴ The observers' report on the November election lists Newman as a clerk and states that the chief manager of the polling place, S. J. Mann, expressly prohibited Newman from assisting

³⁶³ Interview with Daniel A. Newman, Mar. 21, 1967. Although the Mississippi Legislature has repealed the State statute providing for the assistance of illiterate voters, Federal courts have interpreted the Voting Rights Act of 1965 to require that Mississippi election officials must render assistance to illiterate voters. See p. 70 *supra*. Prior to its repeal, the Mississippi voter assistance statute provided that the managers of a polling place must designate one of their number to perform this function, Miss. Code § 3273 (Recomp. 1956), and this remains the practice in many parts of the State.

³⁶⁴ Report of Federal observers, Beat 5, Claiborne County, Miss., June 6, 1966 primary election.

voters at the voting booths. White election officials were assigned to assist voters, however.³⁶⁵

One observer, reporting on the November election, noted: "When I spoke to Mr. Newman I addressed him as Mr. Newman. Mrs. Sorrels [a white manager] asked me to please call him Dan. She said, 'You calling him Mr. Newman makes me sick.' I continued to call him Mr. Newman."³⁶⁶

Interviewed by a Commission staff member, S. J. Mann asserted that Newman had been appointed clerk for both elections and thus was not authorized under Mississippi law to assist illiterate voters.³⁶⁷ He stated that Newman had not assisted illiterate Negroes to vote in either election.³⁶⁸

Grenada County

In a February 1967 municipal special election in the city of Grenada, Negro election officials were selected to serve in token numbers, and civil rights workers and Negro leaders charged racial discrimination in the selection process.³⁶⁹

At the special election, registered Negro voters constituted approximately 40 percent of the registered voters,³⁷⁰ but only two of the 34 election officials were Negro.³⁷¹ Approximately two weeks before the election, U.S. Gillon, Negro candidate for city councilman, and members of the Grenada County Freedom Movement, a Negro civil rights organization, reportedly requested the chairman of the city election commission to appoint Negroes to serve as election officials.³⁷² According to Gillon, C. H. Calhoun, city election commission chairman, responded that the commission was not able to appoint Negroes but that all the election officials would be honest. Calhoun denied that he had received a request for the appointment of Negro election officials.³⁷³

³⁶⁵ Report of Federal observers, Beat 5, Claiborne County, Miss., Nov. 8, 1966 general election.

³⁶⁶ Id.

³⁶⁷ Interview with Shelby J. Mann, Mar. 22, 1967.

³⁶⁸ Charles Evers of the Mississippi NAACP is reported to have charged that in the second Mississippi primary in 1967, Negro election officials were not allowed to assist Negro voters in Claiborne, Jefferson, and Wilkinson Counties. Freedom Information Service, Mississippi Newsletter, Sept. 1, 1967, at 1. According to the chief of the Civil Rights Division of the Department of Justice, no irregularities involving assistance to illiterates occurred in these counties at the second primary in 1967. Letter from Stephen J. Pollak, Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice, to William L. Taylor, Staff Director, U.S. Commission on Civil Rights, Mar. 13, 1968.

³⁶⁹ Interview with Robert Johnson, Feb. 27, 1967.

³⁷⁰ Clarion-Ledger (Jackson, Mississippi), Mar. 1, 1967, at 2.

³⁷¹ Two Negro clerks were appointed by the election manager at the Ward One polling place.

³⁷² Interview with U. S. Gillon, Feb. 26, 1967.

³⁷³ Interview with C. H. Calhoun, Feb. 27, 1967.

Sunflower County

In the June 1966 primary election and the November 1966 general election, Negro candidates for seats in the U.S. Senate and House of Representatives were on the ballot in Sunflower County. At that time, although Negroes constituted a substantial majority of the county's voting age population, they made up less than 20 percent of its registered voters.³⁷⁴ Some Negroes were selected to serve as election officials.³⁷⁵ A civil rights worker charged, however, that only Negroes who never had engaged in civil rights activities were chosen.³⁷⁶

Oscar Giles, a leader of the Mississippi Freedom Democratic Party in Sunflower County, noted that in the general election five Negro clerks served at the polling place in Indianola, the county seat, but he complained that they were closely identified with the white community and never had participated in civil rights activity.³⁷⁷ "They won't use anyone to be an election official or to serve on a jury who has done civil rights work," he commented.³⁷⁸

Holmes County

In Holmes County, where Negroes constituted a majority of the registered voters,³⁷⁹ three Negro candidates ran for office in the November 8, 1966 general election.³⁸⁰ Despite a request, the Holmes County Commissioners of Election reportedly failed to designate any Negroes to help manage the general election.³⁸¹

³⁷⁴ Registration figures reported by the Voter Education Project of the Southern Regional Council, *Voter Registration in the South, Summer 1966*.

³⁷⁵ Interview with Mrs. Fannie Lou Hamer, Mar. 2, 1967.

³⁷⁶ Under Mississippi law managers of primary elections are appointed by the respective party county executive committees two weeks before the date of the primary election. Miss. Code § 3115 (Supp. 1966). As with special and general elections, the managers appoint the clerks. Miss. Code § 3116 (Recomp. 1956).

³⁷⁷ Interview with Oscar Giles, Mar. 2, 1967.

³⁷⁸ Giles interview.

³⁷⁹ Figures provided by the U.S. Civil Service Commission show estimated Holmes County registration at the time of the election to be as follows:

Total Voting Age population, 1960		Nonwhites registered (as of 10-22-65)	Listed (as of 11-5-66)	Total	Total whites registered (as of 10-22-65) and Listed (as of 11-5-66)
Nonwhite	White				
8, 757	4, 773	1, 302	3, 952	5, 254	4, 801

Current State voter registration figures were not available at the time of the November 1966 general election and, therefore, all registration figures are as of Oct. 22, 1965, when the Department of Justice made a complete analysis of registration by race in the county. Voters "listed" were deemed qualified to vote by Federal examiners. Not all of these persons would have been qualified to vote in the November general election, however, because of the qualification deadline, i.e., 45 days prior to any election. See Voting Rights Act of 1965 § 7(d), 42 U.S.C. § 1973e (d) (Supp. II, 1967).

³⁸⁰ Interview with Henry Lorenzi, civil rights worker affiliated with the Mississippi Freedom Democratic Party, Feb. 15, 1967. The candidates affiliated with the Mississippi Freedom Democratic Party ran as independents for the U.S. House of Representatives seat for the Second Congressional District, justice of the peace for Beat Five, and the Beat Five seat on the county board of education, respectively.

³⁸¹ Lorenzi interview.

Workers for the Holmes County branch of the Mississippi Freedom Democratic Party (MFDP) reported that William Moses, chairman of the Holmes County Election Commissioners, indicated in conversations with representatives of the Holmes County MFDP before the election that if a list of names of Negroes willing to serve as election officials were submitted to him during the last week of September, the county election commissioners would appoint Negro managers and bailiffs for the November 8 election.³⁸²

On September 27, 1966, Ralthus Hayes, Negro candidate for Member of the U.S. House of Representatives and a member of the executive committee of the Holmes County branch of the Mississippi Freedom Democratic Party, reportedly sent Moses a letter containing the names of 52 Negroes who were willing to serve as election officials in 10 precincts and requesting that three Negroes be appointed to each ballot box.³⁸³

Eugene Montgomery, a precinct leader for the Holmes County MFDP, reported that he visited Moses in late October to inquire about the request for the appointment of Negro election officials. After acknowledging receipt of the letter, Montgomery said, Moses told him that there would be a meeting of the election commissioners the following evening and that the commission would try to grant the request. According to Montgomery, Moses said: "All I'm interested in is a fair election." Reportedly, Montgomery declared: "Well, we can't have a fair election without Negro election officials," and Moses replied: "Gene, you know that before white people would sit at the table with Negro people, they would sooner die and go to hell."³⁸⁴

No formal response was received from the election commissioners until the names of the appointed poll workers appeared in a local newspaper on November 3, five days before the election. All of the persons named were white. Reportedly, a committee of Negroes associated with the county MFDP then arranged a meeting with Moses to discuss his refusal to appoint Negroes, but nothing came of the meeting.³⁸⁵

Moses acknowledged receiving a written request for the appointment of Negro election officials containing the names of Negroes willing to serve.³⁸⁶ He stated that the members of the election commission, all of whom were white, had been willing to accede to the request, but that when the proposal was submitted to the white clerks, managers, and bailiffs previously appointed by the commission these election officials rejected the proposal and indicated generally that they were unwilling to

³⁸² Id.; letter from Mrs. Henry Lorenzi to the U.S. Department of Justice, Civil Rights Division, Oct. 10, 1966.

³⁸³ Letter from Ralthus Hayes to William Moses, Sept. 27, 1966. A copy of this letter was provided to the Commission by Alvin J. Bronstein, attorney for the Holmes County Freedom Democratic Party.

³⁸⁴ Interview with Eugene Montgomery, Feb. 15, 1967.

³⁸⁵ Lorenzi interview.

³⁸⁶ Interview with William Moses, chairman of the Holmes County Election Commission, Feb. 15, 1967.

work with Negro election officials. Some of the white officials told Moses, according to his account, that they would not report for duty on election day if Negroes were selected. Because the white election officials were unwilling to agree to the appointment of Negroes, Moses indicated, all 48 election officials who served in the general election were white.³⁸⁷

Moses denied that he had made any agreement with MFDP officials on the appointment of Negroes. Although he acknowledged that he had met with Montgomery before the general election, he denied making the statement attributed to him by Montgomery that white election officials would sooner die than serve with Negroes. Asked whether the county election commissioners had any intention of appointing Negroes to serve in the 1967 general election, Moses refused to commit himself to the appointment of Negroes. He indicated that he believed in being fair, but he also declared: "I believe in segregation."³⁸⁸

Negro candidates and civil rights workers in Holmes County considered the failure to appoint Negro poll officials to be a major barrier to voting by Negroes. A Negro candidate for justice of the peace, Rev. R. L. Whitaker, thought the failure to appoint Negroes had contributed to his defeat.³⁸⁹ Relying upon the alleged promise of the county election commission to appoint Negro election officials, he said Negro candidates gave little consideration to the appointment of poll watchers. As a result, he indicated, on election day poll watchers were organized hastily and surveillance by Negroes of the balloting and the counting of the ballots was inadequate. He also believed that Negroes are deterred from voting by the absence of Negroes serving as clerks and managers. "If we had [Negro] poll officials more Negroes would have voted," he said.³⁹⁰

Eugene Montgomery believed that discrimination in the appointment of election officials had undermined any confidence Holmes County Negroes might have in the electoral process.³⁹¹ He related that many Negroes in the county feel that unless there are Negro officials their votes will not be counted fairly. Montgomery also pointed out that under Mississippi law only a designated election manager may assist illiterate voters in casting their ballots. Appointment of Negro managers, therefore, also is necessary, he believes, so that illiterate Negro voters will feel that they are being assisted fairly when their ballots are marked for them.³⁹²

Considerable progress was made in 1967 in securing the appointment of Negro election officials throughout Mississippi and in Holmes County.³⁹³ Problems remained, however. Lawyers and law students

³⁸⁷ *Id.*

³⁸⁸ *Id.*

³⁸⁹ Interview with Rev. R. L. Whitaker, Feb. 15, 1967.

³⁹⁰ *Id.*

³⁹¹ Montgomery interview.

³⁹² *Id.*

³⁹³ See p. 168 *infra*.

attending the 1967 general elections in Mississippi reported a lack of aggressiveness on the part of some Negro election officials in helping illiterate Negroes who requested their assistance. As a result, it was noted, many illiterate Negroes, who might otherwise have been assisted by the Negro officials, were assisted by white officials. Several instances of this were reported in Holmes County. A law student who was present at the election in Lexington gave this description of the scene:

Our carefully coached illiterate or semi-literate voters would arrive with a sample ballot and request to be aided by a particular named Negro manager. The white manager or supervising manager would announce that [the Negro manager] was not available although he in fact was right there and able to help (in numerous cases his readiness and willingness are open to question) and proceed to give the help himself.³⁹⁴

The law student reported that:

Mr. Green managed to help one voter all day long. . . . Scores of others who asked for his help specifically were aided by his white counterpart who, while not forbidding him to take any action, merely pre-empted it by being more aggressive.³⁹⁵

According to the law student this Negro manager—who was not among those nominated by the Freedom Democratic Party, but was chosen by the all-white election commission—was fairly typical of Negro election officials in Lexington.

There were several reported incidents in which the white officials who rendered assistance did so in a discriminatory or inadequate manner. Cases were reported of a white election official mismarking the ballots of Negro illiterates,³⁹⁶ giving false instructions,³⁹⁷ not marking the ballots of persons assisted,³⁹⁸ reading the names of Negro candidates in a low voice,³⁹⁹ discouraging Negroes from requesting assistance,⁴⁰⁰ and not allowing Negroes to use sample ballots.⁴⁰¹

Georgia

Similar complaints of discrimination in the selection of election officials during 1966 were made in Georgia.

³⁹⁴ Report by Jerry Gutman, Nov. 8, 1967, LCDC Holmes County, Mississippi, Nov. 7, 1967 Election File.

³⁹⁵ *Id.* at 3.

³⁹⁶ Letter from Richard Parker to Alvin Bronstein, Nov. 15, 1967, LCDC Holmes County, Mississippi, Nov. 7, 1967 Election File.

³⁹⁷ *Id.*

³⁹⁸ Report of Beth Livezey and Ruby Roy, Nov. 7, 1967, LCDC Holmes County, Mississippi, Nov. 7, 1967 Election File.

³⁹⁹ Report of Beth Livezey, *supra*.

⁴⁰⁰ Report of Dick Roisman, Nov. 7, 1967, LCDC Holmes County, Mississippi, Nov. 7, 1967 Election File.

⁴⁰¹ Report of Ruby Roy, *supra*.

Baker County

In 1960, Negroes accounted for 58.9 percent of the population of Baker County,⁴⁰² and by the summer of 1966 Negroes constituted 32 percent of the registered voters.⁴⁰³ Nevertheless, Negroes have not been appointed as election officials in special, primary, or general elections in the county.

At a special election in July 1966 a Negro candidate sought election to the county board of education. On the day before the election local civil rights leaders on behalf of the Negro candidate asked Mrs. T. A. Rogers, the county ordinary, to appoint Negroes as election officials.⁴⁰⁴ The request was denied by Mrs. Rogers, according to her account, because the election officials already had been chosen.⁴⁰⁵ As a matter of local custom, lists of nominees to serve as election officials are submitted to the ordinary by the justices of the peace of each militia district in the county, and the final list of appointments is drawn up by the ordinary three or four weeks before the election.⁴⁰⁶

Mrs. Rogers told a Commission staff attorney, however, that no Negro election officials ever had been appointed during her 14 years in the ordinary's office as clerk and then as ordinary. Further, she had no plans to appoint Negroes because she wanted to "prevent trouble." She stated that Negro election officials might cause problems because the counting of the ballots sometimes takes all night.⁴⁰⁷

Under Georgia law election officials for party primary elections are appointed by the party county executive committee.⁴⁰⁸ In Baker County, the chairman of the county Democratic executive committee is responsible under local practice for the conduct of the Democratic primary and for the selection of election officials.⁴⁰⁹ There was no request for Negro election officials to serve in the September primary and no Negroes were selected by the party chairman. In an interview the chairman asserted that he would "work them if any qualified Negroes applied who were capable of handling the job." He indicated, however, that the burden of

⁴⁰² U.S. Dept. of Commerce, Bureau of the Census, *Negro Population, by County: 1960 and 1950*, U.S. Census of Population: 1960, Supplementary Reports, Series PC(S1)-52.

⁴⁰³ Voter Education Project, *Voter Registration in the South, Summer 1966*.

⁴⁰⁴ Interview with Mrs. Josie Miller, affiliated with the Baker County Movement, a local civil rights organization, Nov. 15, 1966.

⁴⁰⁵ Information on the appointment of special and general election officials obtained in interview with Mrs. T. A. Rogers, ordinary of Baker County, Nov. 15, 1966.

⁴⁰⁶ *Id.*

⁴⁰⁷ Local civil rights leaders made no request for the appointment of Negroes to serve in the general election in November 1966. There were no Negro candidates in that election and the Negro community was reported to have considered the contest for Governor and other State offices "white folks day" and didn't want to get involved in disputes between the "white folks." Miller interview.

⁴⁰⁸ Ga. Code §§ 34-103 (ac), 34-501 (Supp. 1967).

⁴⁰⁹ Information on the appointment of Democratic primary election officials obtained in interview with Ralph B. Phillips, chairman of the Baker County Democratic Executive Committee, Nov. 15, 1966.

applying was on the Negroes and that the county executive committee was making no affirmative efforts to include Negroes in party affairs.⁴¹⁰

Sumter County

In 1960, Negroes in Sumter County constituted 53 percent of the population and in 1966 constituted 27 percent of the registered voters. Many registered Negroes resided in Americus, the county seat.

Rev. J. R. Campbell, Negro candidate for alderman in the November 15, 1966 municipal primary election, asked the mayor of Americus to appoint Negroes as election officials.⁴¹¹ Responsibility for conducting the election, however, rested with the Americus Municipal Democratic Executive Committee and its chairman. When the election was held, all clerks and managers at the polling place were white, although Negroes were employed to pin "I have voted" tags on the voters as they left the polling place.⁴¹² The chairman of the Americus Municipal Democratic Executive Committee admitted that no Negroes had been appointed to serve as officials, and declined to discuss the matter further.⁴¹³

Dougherty and Taliaferro Counties

In Dougherty and Taliaferro Counties Negro election officials were appointed in token numbers. A Negro attorney in Dougherty County, where Negroes constitute 34 percent of the population and about one-fourth of the registered voters, indicated that no Negroes had served as clerks or managers in the Democratic primary in 1966, and to his knowledge, only three Negroes had served as election officials in the November general election.⁴¹⁴

The present chairman of the Dougherty County Democratic Executive Committee confirmed that there were no Negro poll officials in the 1966 Democratic primary election.⁴¹⁵ He added that to the best of his knowledge, although he was not chairman at the time and did not know definitely, there were no "applications" from Negroes to serve. He related that three Negroes assisted him in the general election:

In the General Election I assisted the County Ordinary who conducts the election, as superintendent at one of the polling places. She had three Negro applications and I volunteered to take them as

⁴¹⁰ Id.

⁴¹¹ Interview with Rev. J. R. Campbell, chairman of the Sumter County Movement, Nov. 16, 1966.

⁴¹² Interviews with the managers of the polling place, C. C. Bridges, Nov. 17, 1966, and E. A. Tomlin, Nov. 17, 1966.

⁴¹³ Interview with William E. Smith, chairman of the Americus Municipal Democratic Executive Committee, Nov. 16, 1966.

⁴¹⁴ Interview with C. B. King, attorney for the Albany Movement, a civil rights organization, Nov. 16, 1966.

⁴¹⁵ Letter from Wilson Smith to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Jan. 22, 1967. Smith was not chairman of the county executive committee at the time of the 1966 Democratic primary election.

officials in my precinct. They were very efficient and seemed to work out very well. I presume that at the next primary we will have applications from Negroes and if we do they will be accepted.⁴¹⁶

Similarly, a civil rights leader and Negro candidate for office in Taliaferro County, where Negroes constitute 62 percent of the population and a majority of the registered voters, complained that in the Democratic primary election in which three Negroes ran for county and party offices, only three of the 20 election officials selected by the all-white county Democratic executive committee were Negroes.⁴¹⁷ He further complained that in his view the Negroes selected to serve were controlled by the white community and did not take any effective action to deter or correct irregularities which prevented the Negro candidates from winning.⁴¹⁸

South Carolina and Louisiana

In South Carolina Negro, as well as white, election officials were appointed during 1966 to serve in primary elections in Richland County, where Negroes were a majority at some of the precinct meetings and had been selected as party county executive committeemen.⁴¹⁹ In Dorchester County and Williamsburg County, in precincts where the county committeemen elected at February precinct meetings were white, polling places were manned exclusively by white officials.⁴²⁰

There were no complaints of discrimination in the selection of election officials in the three Louisiana parishes visited by Commission staff.⁴²¹

⁴¹⁶ Id.

⁴¹⁷ Interview with Calvin G. Turner, Negro candidate for county commissioner and candidate for the county Democratic Executive Committee, Jan. 6, 1967.

⁴¹⁸ Id. The candidate also complained that there were numerous irregularities of great variety, including extensive voting by white nonresidents, fraudulent use of absentee ballots, denials to registered Negroes of the right to vote, restrictions upon assistance to illiterate voters, and capricious challenges against ballots cast by Negroes with the aid of a sample ballot.

⁴¹⁹ Interview with Rev. I. DeQuincy Newman, state field director of the South Carolina National Association for the Advancement of Colored People, Dec. 6, 1966. Negroes have served as election officials in predominantly Negro and predominantly white precincts in Richland County for approximately eight years. Id.; interview with Matthew J. Perry, counsel for South Carolina NAACP, Dec. 5, 1966.

⁴²⁰ Interviews with Benjamin Wamer, president of the Dorchester County Voters League, a Negro civil rights organization, Dec. 8, 1966, Raymond Fulton, chairman of the Black River precinct branch of the Williamsburg County Voters League, a civil rights organization, Dec. 8, 1966, and Laura Mae Conyers, poll watcher at the Mount Vernon precinct polling place, Dec. 9, 1966.

⁴²¹ Negro commissioners were appointed to serve in the August 1966 primary election in Madison Parish. Interview with Harrison Brown, Negro candidate for membership on the Madison Parish School Board, Mar. 20, 1967. In the other two parishes lists of nominees to serve as commissioners in the primary were submitted by Negro candidates to the party parish committees too late. Interviews with Henry A. Montgomery, Negro candidate for membership on the Concordia Parish School Board, Mar. 21, 1967, and Alvin White, Jr., Negro candidate for member of the West Feliciana Parish School Board, Mar. 24, 1967.

Chapter 7

Intimidation and Economic Dependence

Intimidation and Harassment of Politically Active Negroes

Negroes who have attempted to register and vote in many areas of the South in recent years have been subjected to physical violence and economic sanctions.⁴²² Since the passage of the Voting Rights Act and the assignment of Federal examiners to many counties where Negroes had experienced the greatest hardships in attempting to register, there have been fewer incidents of intimidation related to voter registration.

Nevertheless, in some areas persons engaged in voter registration work and in aiding Negro citizens to exercise their voting rights reportedly continue to be harassed, shot at, and subjected to economic reprisals. There have been reports that hostile whites have threatened Negro candidates and campaign workers for Negro candidates with economic and physical harm. In some instances the threats have materialized in the form of violence, abuse of legal process, and economic sanctions.

Louisiana

CONCORDIA PARISH.—Negroes active in voter registration efforts in Ferriday, Louisiana, reportedly have been subjected to harassment and intimidation by hostile whites.

In November 1966, shots fired into her home wounded Mrs. Carrie Washington who, as secretary of the local NAACP organization, was active in initiating a drive to register Negro voters. At the beginning of the drive in July 1966, she reported, she personally urged and assisted Negroes to register and subsequently served as a coordinator of the

⁴²² See U.S. Commission on Civil Rights, *Law Enforcement: A Report on Equal Protection in the South* (1965); *Voting in Mississippi* (1965); and 1961 Report, Vol. 1, Voting.

activities of about 40 civil rights workers. During the drive, she placed stickers on the side of her house which urged:

Register Now . . .
Voting Means Freedom
NAACP

On the evening of November 2, 1966, Mrs. Washington reported, she heard a loud noise in the adjoining portion of her duplex residence. While outside investigating the noise, she was struck by six pellets of buckshot which she believes were fired from a shotgun aimed from across the road in front of her house. She never saw the assailants and no arrests were made in the case, which was reported to the FBI. Mrs. Washington believes she was shot because of her voter registration activity.⁴²³

Mrs. Washington and her mother, Mrs. Alberta Whatley, who also is active in civil rights activities, reported eight additional instances of violence against Ferriday Negroes which occurred in 1965 and 1966.⁴²⁴ Four of these incidents allegedly were directly related to civil rights and voter registration activities. Two homes belonging to Negroes active in civil rights and voter registration work were bombed and shot into, a service station owned by a Negro active in civil rights work was bombed, and the building which served as the headquarters for the voter registration campaign was fired upon, according to Mrs. Washington and Mrs. Whatley. During this same period, the two women related, three Negro homes and a Negro church were bombed or shot into for no apparent reason, since the owners of the homes had not been directly affiliated with civil rights' activity and the church had not been used for that purpose.

This campaign of racial violence also has had the effect of deterring Negroes from seeking political office, Mrs. Whatley indicated. "The people are just afraid; they've been so put down here."

WEST FELICIANA PARISH.—After he was elected in 1966 to the parish school board in predominantly Negro West Feliciana Parish, Louisiana, a Negro carpenter reported, he was boycotted by white persons and has had difficulty finding other work.⁴²⁵

Before his candidacy, Alvin White, Jr., made his living doing carpentry work for white people in the parish. In the August 13, 1966 primary election, White won the Democratic nomination to represent Ward 10

⁴²³ Information on this incident obtained from interview with Mrs. Carrie Washington, Mar. 21, 1967. A Commission staff investigator found several shotgun pellets in the side of her residence.

⁴²⁴ Interviews with Mrs. Alberta Whatley and Mrs. Carrie Washington, Mar. 21, 1967.

⁴²⁵ Interview with Alvin White, Jr., Mar. 24, 1967.

on the West Feliciana Parish School Board. He was unopposed in the November general election. After the primary election, according to his account, his former white customers no longer hired him. He said he had applied for work at a local paper mill, and had been required to undergo several physical examinations. His application had been pending for several months at the time of the interview. White believes that both the white boycott and the delay in acting upon his application for employment at the mill were prompted by his candidacy.

MADISON PARISH.—Bruce Bains, a civil rights worker affiliated with the Congress of Racial Equality, believes that during 1966, harassment of Negro voters by a white candidate materially affected the outcome of a primary election in Madison Parish where a Negro was running.

In the August 1966 primary election, Rev. F. W. Wilson, a Negro, ran for the Ward Two seat on the parish school board. According to Bains, a plantation owner—also a candidate—threatened to evict her Negro workers and close a Negro church on the plantation if they supported Rev. Wilson.⁴²⁶ The Negro candidate failed to get a majority in the primary election by five votes, and lost in the run-off primary to his white opponent, the plantation owner.

South Carolina

In Dorchester County, South Carolina, several instances of harassment and intimidation of Negroes associated with efforts to vote and participate in politics in 1966 were reported. Two allegedly were related to the efforts of Mrs. Victoria DeLee and Mrs. Anna Williams to urge and aid registered Negro voters to vote in the general election.

In the November 8, 1966 general election James P. Harrelson, a white person supported by Negro voters, was the successful candidate for State senator.⁴²⁷ On the night of Thursday, November 10, two anonymous telephone calls to the DeLee residence reportedly conveyed this message: "Harrelson won but you are going to lose."

Two nights later, November 12, the DeLees reported that Mr. DeLee, armed with a gun, chased a car occupied by unidentified persons from their yard. Because the occupants continued to drive back and forth in front of the residence that evening, the DeLees sat up until 2:30 a.m. After they had been in bed about an hour, they awakened to discover flames around their house. Mrs. DeLee, it was reported, seized two chil-

⁴²⁶ Interview with Bruce Bains, Mar. 20, 1967.

⁴²⁷ Information on this incident obtained in an interview with Mrs. Victoria DeLee, Dec. 7, 1966, and telephone interview with S. B. DeLee, Dec. 8, 1966.

dren who were staying with them that night and ran to safety. After they had evacuated the house, Mrs. DeLee said, she heard an explosion near the front of the house under the eaves of the roof. The house burned to the ground. Mrs. DeLee believes the house was set on fire by hostile whites because of her activities in assisting registered Negro voters to vote. White persons in the community friendly to Mrs. DeLee reportedly have told her that it is general knowledge and belief in the white community that the house was set on fire by her white antagonists.

On November 10, 1966, Ned Williams, husband of Mrs. Anna Williams, was discharged from his job. According to his account, the following occurred: He was approached before lunch by the superintendent of the mill who inquired, "Victoria DeLee and Anna Williams had that argument on voting day?"⁴²⁸ Williams replied: "I was working. I don't know nothing about that." The superintendent then reportedly responded: "I can't work no politicians on this job. Pick up your check at 4 o'clock and leave." Subsequently, it was reported, mill officials attributed the discharge to economy measures, but Williams believes he was the only worker laid off. Williams stated that his efforts to gain employment elsewhere have failed even though the firms to which he has applied have hired new workers. He believes he has been blacklisted by the mill from which he was discharged because of his wife's efforts in aiding registered Negro voters to vote.

Mississippi

CLAY COUNTY.—Prior to the 1966 general election, the manager of a Clay County plantation store in which a polling place was located was reported to have said that he would shoot any black people who came to the store to vote.⁴²⁹

GRENADA COUNTY.—The first Negro candidate to enter a political race in Grenada County since Reconstruction days, U. S. Gillon, ran unsuccessfully in a special election for the Grenada County City Council in February 1967. The day after Gillon lost the run-off election, a warrant charging him with fraudulent receipt of old age assistance payments was issued for his arrest. He believed the warrant was issued as a reprisal for his candidacy.⁴³⁰

⁴²⁸ Information on this incident obtained in interview with Ned Williams, Dec. 8, 1966. The incident which was alleged to have caused Williams to be discharged is described at p. 72 *supra*.

⁴²⁹ Interviews with Mrs. Dora Adams, official in the Clay County Freedom Democratic Party, and Isaac Coleman, a SNCC field secretary working in the county, Feb. 28, 1967.

⁴³⁰ Unless otherwise indicated, information on this incident obtained in telephone interview with U. S. Gillon, Nov. 3, 1967.

According to Gillon's account, he began receiving old age assistance payments from the Mississippi State Welfare Department in 1964 and continued to receive them until he ran for office, except for a few months in late 1964 and 1965 when he lived outside the State. His other income consisted of retirement benefits from the State of Illinois, a former employer, and social security retirement checks.

Gillon was a candidate for a vacant city council seat in a municipal special election on February 13, 1967. He finished second in a race with three white candidates. Just prior to the run-off election on February 27, he related, two persons who identified themselves as being from the Mississippi State and Grenada County Welfare Departments visited him in his home on the pretense of investigating his eligibility to receive State welfare payments. Gillon's white opponent in the run-off election had charged that he was a "retired Chicago policeman."⁴³¹ The two welfare officials allegedly told Gillon that he had been receiving old age assistance payments for which he was ineligible because of his other income. Gillon explained that county welfare department officials had known about his other income yet had not disqualified him for State welfare benefits. According to his account, Gillon told the welfare officials that he would be willing to repay any money to which he was not entitled if the welfare officials proved to him that he had been ineligible to receive it.

Gillon said he signed a statement declaring he had no intention of defrauding the State Welfare Department and indicating his willingness to repay the money he had received at the rate of \$10 per month.⁴³² The welfare officials seemed satisfied with this arrangement, and he heard no more about it, Gillon related.

In the run-off election on February 27, Gillon lost to the white candidate who had received the most votes in the first election. The following day Grenada Justice of the Peace J. R. Ayres issued a warrant

⁴³¹ During the campaign, Gillon related, he repeatedly had denied that he had been a policeman in Chicago. According to Gillon, his principal occupation when he lived in Illinois had been as an elevator operator for the University of Illinois. He believes the "retired Chicago policeman" label was used by his opponent as part of a smear campaign to persuade voters that Gillon was not a resident of Grenada. Gillon interview, Feb. 26, 1967.

⁴³² The text of the signed statement is as follows:

My name is U. S. Gillon, colored male, age 68. I live at 714 E. Govan Street, Grenada, Mississippi. I received old age assistance from the Grenada County Welfare Department until my case was closed when they learned that I was receiving State Retirement from the State of Illinois. I thought that when a person reached the age of 65 that they were eligible for Old Age Pension. I did not know that income entered the picture or had anything to do with receiving old age assistance. I listened carefully to the visitors when they asked me if I was receiving money from social security, or railroad retirement, or if I had bonds, etc. I did not hear them ask me if I received state retirement from any state.

I had no intention of defrauding the State Welfare Department and I am willing to make full restitution. I will pay \$10.00 each month to the State Department of Public Welfare until I have repaid the \$924.00 that I received to which I was not eligible.

Copy of the statement provided by Gillon's attorney.

for Gillon's arrest based upon an affidavit filed by the Grenada County Prosecuting Attorney, Jim McRae Criss.⁴³³ The charge was the fraudulent receipt of old age assistance payments.

Gillon believes he was charged with the offense because he ran for the city council seat and there was a substantial Negro vote for him.⁴³⁴ He told a Commission staff member why he thought the warrant was issued for his arrest: "Because I ran for office and they weren't expecting Negroes to vote. They just couldn't take it. The idea was to get the leader, and they could stop the people."⁴³⁵

NESHOBA COUNTY.—A Negro candidate in Neshoba County reportedly was ticketed and fined for fictitious traffic violations, harassed by law enforcement officers, arrested and jailed, and had his car impounded between the time he announced he would seek nomination to the U.S. Congress and the June 7, 1966 primary.⁴³⁶

Officials of the Mississippi Freedom Democratic Party first announced in January 1966 that Rev. Clint Collier of Philadelphia, Mississippi, would be a candidate for the Fourth Congressional District seat in the Democratic primary.⁴³⁷ Even before he formally qualified to run for the office, he related, he was given a traffic ticket by Sheriff Lawrence Rainey and his deputy, Cecil Price, in March 1966, for illegally parking his car on the highway.

Three weeks later, after he had filed his qualifying papers with the secretary of the State Democratic executive committee, Rev. Collier was charged with another traffic violation. On this occasion, according to his account, as he drove toward Dixon, a small community 14 miles south of Philadelphia, he was followed by Deputy Sheriff Price who kept his auto about 25 feet from Rev. Collier's vehicle. Upon reaching Dixon, Rev. Collier reportedly turned off the main highway, whereupon Deputy Sheriff Price stopped him and gave him a ticket for failing to signal for the turn. Rev. Collier believes he was ticketed not because he had violated

⁴³³ Letter from Jim McRae Criss to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Oct. 30, 1967; (Jackson, Miss.) Clarion-Ledger, Mar. 1, 1967, at 1. According to Mr. Criss, the affidavit he signed as county prosecuting attorney was based upon information furnished him by the Grenada County Welfare Department and the Mississippi State Welfare Department.

⁴³⁴ The results of the first election were:

Robert Alexander.....	1,314
U. S. Gillon.....	1,068
Other two candidates combined.....	574

(Clarion-Ledger, Feb. 27, 1967).

The results of the run-off election were:

Robert Alexander.....	1,914
U. S. Gillon.....	1,228

(Clarion-Ledger, Mar. 1, 1967, at 2).

⁴³⁵ Gillon interview, Nov. 3, 1967.

⁴³⁶ Information obtained in interview with Rev. Clint Collier, Feb. 23, 1967.

⁴³⁷ See, e.g., N.Y. Times, Jan. 7, 1966, at 34.

State law, but because he was a Negro candidate for public office. The fines for both tickets totaled \$33.

This pattern of harassment continued in April 1966, according to Rev. Collier. On one occasion, neighbors told him that Sheriff Rainey had parked near his home at approximately 2 a.m. and had remained there for some time. Because Rev. Collier had made a speech in Canton that evening and spent the night there, he reported, he did not encounter Sheriff Rainey that evening.

Toward the end of April, driving from a campaign meeting in Canton, Rev. Collier was arrested by Willie Windham, a Negro police officer employed by the town of Philadelphia, who, according to the minister, had a reputation in the Negro community of being "a pawn of the white power structure."⁴³⁸ Windham reportedly took Rev. Collier to the city jail and impounded his car. Rev. Collier said his daughter, who had been riding with him at the time, was left standing on the highway. He was charged with speeding, resisting arrest, and profanity. All these charges, he said, were groundless and motivated by his candidacy. He was forced to pay \$10.50 to claim his car and was fined \$58 upon conviction on the charges.⁴³⁹

HOLMES COUNTY.—Rev. R. L. Whitaker, a Negro resident of Holmes County, ran in 1966 for a justice of the peace post vacated by the death of the incumbent.⁴⁴⁰ The special election originally had been scheduled for September 8, 1966, but was postponed until the November general election. In September 1966, Rev. Whitaker was appointed pastor of a Negro rural church with between 50 and 60 members located on one of the big plantations in the county. Two days after his appointment, the elders of the church voted to rescind the appointment.

From information he was able to gather, Rev. Whitaker concluded that his appointment was withdrawn because he was running for justice of the peace. The plantation on which the church is located is owned by white persons, and, according to the candidate, the elders feared that the church might be burned or other reprisals taken against it or its members if its pastor ran for public office. Only three or four Negroes on the plantation had registered to vote, he pointed out.

BOLIVAR COUNTY.—In Bolivar County, it was reported 12 persons who were passing out sample ballots on the day of the November 1967 general election were arrested for littering the streets, and subsequently were released without charge after the polls closed at 6 p.m.⁴⁴¹ In Beat Two, the day for distributing food stamps reportedly was changed from

⁴³⁸ Collier interview.

⁴³⁹ *Id.*

⁴⁴⁰ Information on this incident obtained in interview with Rev. R. L. Whitaker, Feb. 15, 1967.

the usual day to election day, making it difficult, and in some cases impossible, for a large number of Negro voters to get to the polls.⁴⁴²

Alabama

In Alabama the chairman of the Dallas County Independent Free Voters Organization—the Negro political organization which ran eight Negro candidates as independents for county offices in the November 1966 general election—complained that arrests and prosecutions three days before the election of three workers of the Student Nonviolent Coordinating Committee (SNCC) who were campaigning for the Negro candidates were designed to harass the candidates and interfere with their campaigns.⁴⁴³

The petition of one of the SNCC workers for removal of the prosecutions from the State court to the Federal district court provides this version of the incident:⁴⁴⁴

From May to November the SNCC workers campaigned for the election of Free Voters Organization candidates. On the afternoon of November 5, one of the workers, Thomas Lorenzo Taylor, was operating a sound truck in Selma from which he broadcast voting information and encouraged Selma residents to vote for the Negro candidates. Other campaign workers were distributing leaflets urging voters to vote for the same candidates. When he double-parked the truck in front of the building housing the offices of SNCC and the Free Voters Organization, Taylor said, he left two lanes free for moving traffic but was ordered by a city policeman to move the vehicle. While he was preparing to comply with the order, the policeman reportedly struck him through the open window and when Taylor rolled up the window to defend himself, the police officer allegedly got a shotgun with which he struck the closed window of the truck.

⁴⁴¹ Report on the Mississippi Election Project at 12.

⁴⁴² *Id.* In Wilkinson County, law students observing the 1967 general elections reportedly were followed wherever they went by the Highway Patrol. *Id.*

⁴⁴³ Interview with Clarence Williams, Nov. 9, 1966.

⁴⁴⁴ *Petition for Removal in City of Selma v. Carmichael*, Crim. No. 15,015, S.D. Ala., filed Nov. 6, 1966. The removal statute, 28 U.S.C. § 1443, provides in part: "Any of the following civil actions or criminal prosecutions commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending: (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;" Removal in civil rights cases is discussed in U.S. Commission on Civil Rights, *Law Enforcement: A Report on Equal Protection in the South* 130-35 (1965). See *Amsterdam, Criminal Prosecutions Affecting Federally Guaranteed Civil Rights: Federal Removal and Habeas Corpus Jurisdiction to Abort State Court Trial*, 113 U. Pa. L. Rev. 793 (1965); *Georgia v. Rachel*, 384 U.S. 780 (1966); and *City of Greenwood v. Peacock*, 384 U.S. 808 (1966).

Meanwhile, 10 other police officers had converged on the scene, and when Taylor stepped from the cab of the truck, he allegedly was struck with the muzzle of the shotgun and forced at gun point to the nearby city jail. On the way to the jail, he allegedly was further assaulted by city policemen and firemen. He was charged with "Blocking Traffic—Resisting Arrest."

After Taylor was arrested and while he was being taken to jail, another SNCC worker, William Stuart House, began addressing a crowd which had gathered. According to the petition, House urged Selma residents to vote and elect Free Voters Organization candidates to end police brutality in Selma. Within a few moments, an official of the Selma Police Department demanded that House stop speaking to the crowd because it might cause a riot. House allegedly responded that the people were orderly and "it was only the City Police which continuously rioted." He was then arrested for "Inciting to Riot." It was alleged that the Negroes who made up the crowd had remained on the sidewalk in an orderly and peaceable manner.

Also after Taylor was arrested, but before House was taken into custody, the third worker, Stokely Carmichael, who then was chairman of SNCC, drove the sound truck from the scene and broadcast over the loudspeaker that Selma police used brutality and harassment to interfere with the campaign of the Negro candidates. Subsequent to House's arrest, as Carmichael picketed the city jail to protest the interference by police officers, he was approached by the mayor of Selma and police officers who ordered him to stop picketing. When he refused, he was arrested for "Inciting to Riot." The official report of Carmichael's arrest attached to the petition for removal read:

Made remark in front of city building about Black Power & made provocative [sic] move toward police—also was on loud speaker urging a large group of Negroes to go to the jail and see about their brother. Also yelling Black Power.

In his petition, Carmichael charged that he

was arrested by Police Officials of the City of Selma while peaceably engaged in activities which were designed to encourage voting in the November 8, 1966 elections and which are protected from prosecution by the Voting Rights Act of 1965. The arrests, on the other hand, were effectuated for reasons of race and color for the sole purpose of discouraging activities on behalf of the Negro electorate of Selma which might result in Negro participation in local affairs and the government of Dallas County.⁴⁴⁵

The three SNCC workers failed in their attempt to have their case removed to a Federal court.⁴⁴⁶ On November 29, according to a newspaper

⁴⁴⁵ Petition for Removal, *supra* note 444, at 4.

⁴⁴⁶ *City of Selma v. Carmichael*, 12 Race Rel. L. Rep. 349 (S.D. Ala. 1966).



Willie Ricks of the Student Nonviolent Coordinating Committee addresses Negro voters.

report, they were tried and convicted in Selma Recorder's Court.⁴⁴⁷ Taylor was sentenced to pay a \$60 fine or to serve 74 days in jail, House was sentenced to 30 days at hard labor and fined \$100, and Carmichael was sentenced to 60 days at hard labor and fined \$100.

Members of a Negro family in Dallas County believe their landlord refused to renew their lease partly because of their voter registration and other civil rights activities.

Until September 1965 Will and Pearl Moorer had been tenants farming 90 to 100 acres of land on the Minter Plantation for about

⁴⁴⁷ N.Y. Times, Nov. 30, 1966, at 23. The three defendants appealed their convictions to the next highest State court and also brought an action in Federal district court requesting an injunction against their further prosecution and harassment. They cited as an additional ground that the statute under which Carmichael and House were arrested and convicted was unconstitutional. *Carmichael v. City of Selma*, Civil No. 4335-66, S.D. Ala., filed Nov. 21, 1966. In their answer the city officials denied all of the SNCC workers' claims. Answer filed Apr. 17, 1967. The case was heard by a three-judge Federal district court on Apr. 25, 1967, but as of Apr. 11, 1968, the judges had not rendered a decision in the case. The State court appeals have been stayed pending the Federal district court decision. Information supplied by clerk's office, Apr. 11, 1968.

31 years.⁴⁴⁸ In September 1965 Will Moorers was the first Negro to be registered in the county under the Voting Rights Act of 1965. According to the Moorers, the owner of the plantation, James Minter, formerly had been willing to take his rent in kind, but in April 1966, Minter told the Negro family that he wanted the rent paid in cash only. In May 1966, Mrs. Pearl Moorers became the candidate of the Dallas County Independent Free Voters Organization for a seat in the State house of representatives.⁴⁴⁹ In November 1966, the Moorers reported, Minter gave notice that he would not renew the lease on their farmland for 1967. Without this land to farm, the Moorers were unable to remain on the plantation.

The Moorers believe that their political activity was one of the reasons why Minter failed to renew their lease. According to their account, at one point Minter said to them: "If it weren't for you two, I could have handled the rest of the Negroes." The Moorers believe this was a reference to the fact that as a result of their efforts the Negroes on the Minter Plantation overcame their fears and registered to vote.⁴⁵⁰

Georgia

Rev. J. R. Campbell, Negro candidate in the special election in November 1966 to fill the vacancy on the Americus Board of Aldermen, reported that after the polls had closed he sat outside the polling place in his car awaiting the results.⁴⁵¹ From his car, he said, he saw white teenagers shouting insults and otherwise harassing Negro bystanders who had served as poll watchers outside the polling place. These teenagers also reportedly harassed him when he brought food to his representatives inside the polling place during the counting of the ballots

⁴⁴⁸ Interviews with Will and Pearl Moorers, Apr. 26, 1967.

⁴⁴⁹ Mrs. Moorers did not get on the ballot in November because she failed to file a timely statement of financial responsibility with the probate judge of the county as required by the Alabama Corrupt Practices Act.

⁴⁵⁰ The Moorers also believe Minter was motivated partially by the desire to gain control over more land to increase his farm subsidy payments under the Food and Agriculture Act of 1965.

In Lowndes County, Alabama, the chairman of the Lowndes County Freedom Organization, which ran seven independent Negro candidates in the November 1966 general election, reported that a Negro organizer for the Freedom Organization in the Fort Deposit area was beaten by unidentified white men after the polls had closed and had to be hospitalized. Interview with John Hulet, Nov. 9, 1966.

According to press reports, approximately two hours after the polls had closed 52-year-old Andrew Jones was standing beside his automobile, which was parked in front of the Fort Deposit City Hall, the area polling place, waiting for a Negro election official who was counting the votes inside. A white man allegedly approached him and asked him what he was doing there. He responded, according to this account, that he was waiting for one of the clerks at the polling place, and that he was going to leave when she finished counting the ballots. The white man reportedly told him to get out of there and swung at him, and thereupon another man ran up behind him and knocked him out. After he came to, he reportedly was taken to a local hospital where he was treated for a severe blow to the head. (Montgomery) Alabama Journal, Nov. 10, 1966, at 37; Birmingham News, Nov. 11, 1966, at 6.

⁴⁵¹ Interview with Rev. J. R. Campbell, Nov. 17, 1966.

that evening. The city police headquarters was near the polling place, but police officers did not interfere with this harassment, according to his account.

The principal poll watcher of the Negro candidate was arrested by a city police officer early the next morning. After the results of the election had been tallied and Rev. Campbell's defeat announced, some members of the local civil rights movement met to discuss the results. While driving home from this meeting in the local civil rights movement's minibus, the Negro poll watcher, Sammy Mahone, was stopped and arrested for driving an auto with an invalid registration.⁴⁵² His account was that the police officer who arrested him told him that the license plate on the vehicle belonged to another car. Mahone was taken to jail where, because the sheriff was not available to make bail, he spent the rest of the night. The next morning he was released on \$100 bail. Rev. Campbell expressed the view that the arrest was a reprisal against Mahone for serving as his poll watcher in the municipal primary election.⁴⁵³

Asked for his response to the complaint, the Americus chief of police said that the city police were simply doing their duty and that the arrest had no relation to the election.⁴⁵⁴

Virginia

Moses Riddick, a Negro who ran as a candidate in the July 1967 Democratic primary election in Nansemond County and won the nomination for a second term on the county board of supervisors, reported election day Ku Klux Klan activity designed to deter Negroes from voting.⁴⁵⁵

Riddick stated that Negroes in the county, through the Independent Voters League (IVL), a Negro political organization, have used bloc voting to swing elections to candidates favored by the organization. On July 11, 1967, the day of the Democratic primary election, the Ku Klux Klan reportedly burned a cross in front of Riddick's home. According to Riddick, the Klan wanted to stop the IVL from encouraging bloc voting elsewhere, and also sought to divide the vote in Nansemond County. Therefore, he said, in an effort to confuse the Negro voters, one Klan group went through Negro communities with signs supporting the candidates backed by the IVL, followed by another Klan group which supported an opposing slate of candidates. Riddick said that this tactic created a great deal of confusion, and that because of the confusion and intimidation many Negroes stayed away from the polls on primary day.

⁴⁵² Interview with Sammy Mahone, Nov. 16, 1966.

⁴⁵³ Campbell interview.

⁴⁵⁴ Letter from R. M. Chambliss, chief of police of Americus, Georgia to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, Nov. 9, 1967.

⁴⁵⁵ Information obtained in interview with Moses Riddick, July 18, 1967.

General Intimidation Affecting the Exercise of Political Rights

It was reported in some areas that a significant deterrent to political activity by Negroes is a generalized climate of intimidation in the area, not necessarily related to the exercise of political rights.

Anna Williams, a member of the executive committee of the Dorchester County (South Carolina) Voters League—a Negro civil rights organization—was asked why more Negroes did not seek political office in the county. Among other reasons, she cited a long-standing campaign of harassment and intimidation of Negroes who attempted upward mobility. As an example, she said that when a Negro tried to establish a store in Ridgeville, hostile whites closed down his store and ran him out of town.⁴⁵⁶

Asked why more Negroes had not run for office in Sumter County, Georgia, and the city of Americus, Rev. Campbell responded that there had been a pattern of harassment of Negroes for civil rights activity in the county and that many people were afraid. “Some folks in Americus are afraid to breathe hard if they think it would displease the white man,” he said.⁴⁵⁷

Economic Dependence as a Deterrent to Free Political Activity by Negroes

In the course of its investigation, the Commission heard complaints that even in the absence of specific threats or reprisals, the economic dependence of Negroes in the South inhibits them from engaging freely in political activity and voting for candidates of their own choice.

In many parts of the South, it is reported, whites are able to maintain their political and economic positions without resort to specific acts of physical violence or economic reprisal or to electoral irregularities.⁴⁵⁸ The land and industry in the South are owned almost exclusively by whites. This economic domination of the region together with the history of racial violence previously alluded to, reportedly infects the entire political process in many areas. Although Negroes theoretically may have the right to a secret ballot, in many cases a Negro will not go to the polls

⁴⁵⁶ Interview with Mrs. Anna Williams, Dec. 8, 1966.

⁴⁵⁷ Campbell interview.

⁴⁵⁸ Wall Street Journal, Nov. 2, 1966, at 1; Note, The Federal Agricultural Stabilization Program and the Negro, 67 Col. L. Rev. 1121, 1125 (1967). (“The economic dependence of Negro sharecroppers on white landowners and the history of violent reprisal by Southern whites against Southern Negroes keep the Negro ‘in his place’ far more effectively than individual threats or actions”).

In a recent study by Donald R. Matthews and James W. Prothro, *Negroes and the New Southern Politics* (1966), the authors state that their data support the

Footnote continued on following page.

or cast his vote in a way that he thinks will offend the white persons who own the land and the industry, and upon whom he is absolutely dependent for his livelihood.⁴⁵⁹

In these circumstances, it is reported, there is no need for the white landowner or the white employer to direct the Negro sharecropper or worker not to run for office, not to vote, or to vote only for white candidates (although this sort of direction often does occur). In many cases the Negro worker reportedly *knows* what his white landlord or boss wants him to do and naturally conforms. A Negro brickmason in a rural North Carolina county told a Commission staff member: "You just know what you are supposed to do and what you are not supposed to do."⁴⁶⁰

Clay County, Mississippi

In a previous section it was reported how, in a rural area in Clay County, Mississippi, the selection of a plantation store as a polling place discriminated against Negroes who were dependent upon the plantation owner for their livelihood and the manager of the store for credit.⁴⁶¹

As noted previously, only one of the approximately 55 registered Negro voters in the precinct (Caradine) voted in the November 1966 general election even though Negro candidates were on the ballot.⁴⁶² In the Au-

argument that "[o]nly when there is a pool of educated and skillful leaders whose means of livelihood is not controlled by whites can sufficient leadership and political organization develop to ensure a relatively high rate of Negro registration in the South." Matthews and Prothro, *supra*, at 120. They show that Negro members of groups that are relatively independent of whites economically, such as ministers, lawyers, doctors, and morticians, are regarded as community leaders in greater proportion than would be warranted by their numbers alone. School teachers, who represent the largest group of highly educated Negro professionals in the South, are relatively under-represented among community leaders. This, according to Matthews and Prothro, is because in most Southern communities teachers "are extremely vulnerable to white pressures." *Id.* at 180-82.

In another recent study, by Pat Watters and Reese Cleghorn, *Climbing Jacob's Ladder: The Arrival of Negroes in Southern Politics* (1967), the authors describe some of the behavior of Negro teachers resulting from these pressures. A Negro principal in a rural south Georgia county, for example, is reported to have "reduced the teaching of civics and government because it was in these classes that embarrassing questions most often were asked, . . . [and] acted with hostility . . . toward voter registration workers who had arrived in the community." Watters and Cleghorn, *supra*, at 97-98. In New Orleans there were 1,600 Negro public school teachers, the largest element in that city's Negro middle class. Few of these teachers played important roles in community life. *Id.* at 96-97, citing Daniel C. Thompson, *The Negro Leadership Class 46* (1963). See also 1 U.S. Commission on Civil Rights, *Hearings, Jackson, Mississippi, 1965*, at 215-22.

⁴⁵⁹ See U.S. Commission on Civil Rights, 1961 Report, Vol. 1, *Voting* at 197-99 ("A dependent economic position appears to be one of the most significant factors that inhibits Negroes from registering and voting." *Id.* at 197). Illiterates must be assisted in casting their votes. In States such as Mississippi, where they may not have the assistance of friends or bystanders, they must be assisted by election officials, who usually (especially in rural areas) are white and are associated with the white political and economic power structure. In these circumstances, Negro illiterates cannot be assured of a secret ballot.

⁴⁶⁰ Interview with Richard Butler, July 29, 1967.

⁴⁶¹ See pp. 81-82 *supra*.

⁴⁶² Report of Federal observers, Caradine Precinct, Clay County, Mississippi, Nov. 8, 1966 general election. Thirty-two votes were cast by whites.

gust 8, 1967 primary election, however, 64 Negroes registered to vote cast ballots.⁴⁶³

The primary explanation for this increase in Negro voting, according to a Department of Justice attorney who was in the county on election day, was that J. T. Brand, the plantation owner, was widely known throughout the precinct to favor the candidacy of J. Shelton Brand for membership on the county board of supervisors.⁴⁶⁴ J. Shelton Brand was a relative of J. T. Brand.⁴⁶⁵ One Department attorney felt that the knowledge that the candidate was favored by the plantation owner was sufficient to encourage Negroes in the precinct to vote overwhelmingly for J. Shelton Brand.⁴⁶⁶

In contrast to the Caradine precinct, in the Una precinct just down the road, Negro voters in large numbers voted against J. Shelton Brand and for one of his rivals, according to a Department of Justice attorney. The difference in voting behavior was attributed to J. T. Brand's economic domination of Caradine precinct.⁴⁶⁷

Concordia Parish, Louisiana

Henry A. Montgomery, a Negro candidate for the parish board of education in Concordia Parish—the first Negro candidate for office in the parish in this century—gave the following example of the deterrent effect of economic dependence on office-seeking by Negroes in the South. In Louisiana, each parish is divided into police jury wards. Each ward elects a member to sit on the police jury, the main governing body in most Louisiana parishes. In one ward, the candidate related, registered Negroes outnumbered registered whites by 39 to 19. Most of the Negroes in the ward, however, lived and worked on a large plantation owned by

⁴⁶³ Report of Federal observers, Caradine precinct, Clay County, Mississippi, Aug. 8, 1967 primary election; interviews with J. Harold Flannery and Michael Flicker, attorneys in the Civil Rights Division, Department of Justice, Dec. 5 and 11, 1967. Between the two elections the precinct was redistricted, increasing the number of registered Negro voters.

⁴⁶⁴ Flicker interview.

⁴⁶⁵ J. T. Brand told a Department of Justice attorney that he was not a "close" relative of J. Shelton Brand. Id.

Some of the election officials at the polling place in Caradine precinct during the 1966 and 1967 elections also were related to J. T. Brand. Billy Brand, one of the managers of the polling place, was a second cousin of J. T. Brand. A Miss Christine Brand was one of the two clerks. All of the election officials were white.

In the August 8 primary election many illiterate Negro voters specifically asked Billy Brand for assistance in marking their ballots. Flicker interview. The Report of the Federal observers indicates that 33 Negroes were assisted and that at least 11 of these were assisted by Billy Brand. The observers noted that all ballots were marked according to the voter's wishes. Report of Federal observers, Caradine precinct, Clay County, Mississippi, Aug. 8, 1967 primary election.

⁴⁶⁶ Flicker interview. The official tally in the precinct for the county board of supervisors race was:

J. Shelton Brand	96
Wallace Cox	13
Howard Crosswhite	22

⁴⁶⁷ Flicker interview.

a white person who was the president of the police jury of Concordia Parish. It was inconceivable, according to Montgomery, that Negroes living on this plantation and depending upon its owner for their livelihood would have been willing to contest his place on the police jury.⁴⁶⁸

Hardeman County, Tennessee

In the fall of 1966, four Negro candidates—the first ones in the county in recent years—ran for positions as county court magistrate (member of the county governing body) in Hardeman County. Mrs. Bernice Miller, chairman of the Hardeman County Civic and Voters League and a candidate herself, told a Commission staff member that she had had considerable difficulty persuading other Negroes to run for the post and had been unable to get the best qualified Negroes to run because Negroes in the county were economically dependent upon white persons. Many of the people she talked to about running, particularly school teachers, she said, expressed fear of being fired by their white employers and not being able to find other employment.

Mrs. Miller had similar difficulty, according to her report, in finding candidates to run for a post on the county board of education during the fall of 1966.⁴⁶⁹

Holmes County, Mississippi

In Holmes County three Negro candidates ran for local and Federal office in the 1966 general election.⁴⁷⁰ In 1967, there were 12 Negro candidates for beat, county, and State office. Robert Clark, the first Negro to be elected to the Mississippi State Legislature in this century, was elected from a district including Holmes County in the 1967 general election.

Ralthus Hayes, an official of the Holmes County Freedom Democratic Party and candidate for the U.S. House of Representatives, stated that

⁴⁶⁸ Interview with Henry A. Montgomery, Mar. 22, 1967. Joseph Stroy, a successful Negro candidate in Richland County, South Carolina, also reported that Negroes economically dependent on white persons were unwilling for that reason to take the risk of running for office. Interview with Joseph Stroy, Dec. 5, 1966.

⁴⁶⁹ Interview with Mrs. Bernice Miller, June 29, 1967. Negro leaders in many of the counties and in almost every State visited during the field investigation told Commission staff that the economic dependence of Negroes upon whites who might be hostile to Negroes elected to or running for office deterred Negro candidates from running. This point especially was emphasized by persons interviewed in Clay County, Mississippi (Adams and Coleman interviews); Grenada County, Mississippi (interview with Rev. S. T. Cunningham, chairman of the Grenada County Freedom Movement, Feb. 27, 1967); Richland County, South Carolina (Story interview); and Lowndes County, Alabama (Stavis and Logan interviews) in addition to the persons giving the accounts cited in the text.

Negroes and civil rights leaders interviewed in many parts of the South expressed the view that economic dependence of Negroes upon hostile whites was one factor deterring Negroes from registering or voting. This view was expressed in Neshoba County, Mississippi (interview with Johnny Brown, civil rights worker, Feb. 14, 1967); Holmes County, Mississippi (Lorenzi interview); Lowndes County, Alabama (Stavis, Logan, and Hulett interviews); Choctaw County, Alabama (Spears and Harrison interviews); and Baker County, Georgia (Grace Miller interview).

⁴⁷⁰ Interview with Henry Lorenzi, Feb. 15, 1967.

although there still was some residual fear of harassment and intimidation from local white persons, Negro candidates generally felt free to run and Negro voters felt free to vote in Holmes County because of the large number of Negroes in the county who have their own farms or are economically independent of the white community. Hayes, himself an independent farmer and owner of 114 acres, remarked: "One of the major reasons the movement [in Holmes County] is as strong as it is, is because so many of the people are independent farmers."⁴⁷¹

⁴⁷¹ Interview with Ralthus Hayes, Feb. 15, 1967.

PART IV

Negro Participation in Democratic and Republican Party Affairs

Participation in political party affairs is one way in which Negroes can become more significantly involved in the electoral and political process in the South. By participating in precinct and county political organizations and by holding party office at these levels, they could do much to assure that Negroes have an equal chance to become candidates for office. Their participation also would help assure fair elections.

During the field investigation for this study Commission staff explored with leading State and local officials of both national political parties the extent to which Negroes are participating in party affairs, and whether State and local Democratic and Republican organizations in the South were attempting to eliminate racial discrimination and make Negroes feel welcome in their activities.¹ These questions were discussed with party officials at the State level in each Southern State and with party officials at the county level in selected counties.

Negroes in Party Office

The administration of party affairs in the South generally is in the hands of State party executive committees, which are established by statute in many States. In some States, these committees adopt rules governing the qualifications for party membership and set policy between State party conventions. The committees play a significant role in managing party primary elections, such as calling the primaries, establishing rules governing their conduct, and deciding election contests. Party affairs are managed at the county level by county executive committees whose major function in many States is to conduct primary elections. Party rules in some States authorize the formation of party committees at the municipal level and at the level of other electoral districts, such as Congressional districts or State legislative districts.

There is no uniform method by which members of party committees are selected. In some States members are elected in primary elections; in

¹ The Voting Rights Act prohibits discrimination in elections for party office. Section 14(c)(1), 42 U.S.C. § 19731(c)(1) (Supp. II, 1967).

other States they are selected at precinct meetings and party conventions. In a few instances, notably in the Democratic Party of Georgia² and the Republican Party of Virginia,³ members of the State party executive committees are appointed by party officials or by party committees. In at least one county (Dallas) in Alabama, the county Democratic executive committee is self-perpetuating and vacancies caused by resignation or death are filled by members of the committee.⁴

As a general rule, relatively few Negroes hold responsible party office even in those States with a substantial Negro population. Only five of the 20 State party executive committees studied had any Negroes as members.⁵ On State committees where Negroes do serve, they are represented in token fashion. Of the approximately 1,700 persons who served on such committees in the 10 Southern States, only about 10, or less than 0.6 percent were Negroes.⁶

Negroes were represented on some county committees. In the Democratic Party, no Negroes served on any county executive committee in Mississippi,⁷ but Negroes had gained some seats on the Democratic executive committees of at least four of the 67 Alabama counties and five of the 64 Louisiana parishes.⁸

In the 1966 Democratic primary election in Alabama, six Negroes were elected to the 35-member Choctaw County Democratic Executive Com-

² Georgia Democratic Party Rules, Rule 31 (adopted June 21, 1967) (100 members designated by the state chairman with the advice and consent of the party gubernatorial nominee; 100 selected by the respective Congressional district committees).

³ Virginia Republican Plan of Organization, art. III, § 1 (adopted July 8, 1961, as amended through June 17, 1967) (various members appointed by the State central committee).

⁴ Interview with Alston Keith, chairman of the Dallas County Democratic Executive Committee, Nov. 10, 1966.

⁵ In Georgia, four Negroes were on the 200-member State Democratic executive committee. Three of these were elected by the Fifth Congressional District Committee, whose territory includes the Atlanta area, where Negroes are very active politically, and one was appointed by the State chairman. Interview with Joseph A. Sports, executive director of the Georgia Democratic Executive Committee, July 18, 1967. In the same State two Negroes served on the 28-member State Republican executive committee. One Negro, Dr. C. C. Powell, was elected parliamentarian of the party by the 1966 State convention and therefore served on the committee ex officio, and the other, William Merritt, was appointed to the committee by the State chairman. Interview with G. Paul Jones, chairman of the Georgia Republican Executive Committee, Jan. 6, 1967. In Louisiana, where members of the State Democratic and Republican committees are elected in primaries, two Negroes from the New Orleans area served on the State Republican central committee. Interview with Charlton H. Lyons, Sr., chairman of the Louisiana Republican State Central Committee, May 12, 1967. Only one Negro was on the 64-member Virginia Republican Executive Committee. Interview with Robert Corber, chairman, Feb. 21, 1968. The executive director of the North Carolina Republican State Executive Committee said that "one or two or more Negroes" were on his 220-member committee. Interview with Gene Anderson, Feb. 20, 1968.

⁶ This percentage assumes that the North Carolina Republican Executive Committee has one Negro member. See note 5 supra.

⁷ Interview with Bidwell Adam, chairman of the Mississippi State Democratic Executive Committee, Apr. 24, 1967.

⁸ V.E.P. News, November 1967, at 1; January 1968, at 1 (Louisiana).

mittee;⁹ 16 Negroes won seats on the 116-member Jefferson County Democratic Executive Committee,¹⁰ 10 Negroes were elected to the 100-member Mobile County Executive Committee,¹¹ and Negroes gained a majority of the seats on the 10-member Macon County Democratic Executive Committee.¹² In the fall 1967 primary elections in Louisiana, nine Negroes were elected to parish Democratic committees.¹³ Negroes also served on some county Democratic executive committees in Georgia, South Carolina, Tennessee, and Virginia.¹⁴

Negroes were represented to some extent on county Republican executive committees. Although they did not occupy any responsible party office at the county level in Louisiana,¹⁵ Mississippi,¹⁶ or South Carolina,¹⁷ Negroes served on county Republican executive committees in some of the other States visited. Republican party officials in these States, with the exception of Arkansas, indicated, however, that the number of Negroes in county level positions and Negro participation in party affairs were low.¹⁸

⁹ Interview with Albert H. Evans, Jr., chairman of the Choctaw County Democratic Executive Committee, Jan. 4, 1967.

¹⁰ Interview with Arthur Shores, president of the Jefferson County Democratic Council, a Negro political organization, Jan. 3, 1967.

¹¹ Interview with Charles M. Bancroft, chairman of the Mobile County Democratic Executive Committee, Dec. 10, 1967.

¹² Interview with Dr. C. G. Gomillion, Negro member of the Macon County Democratic Executive Committee, Nov. 13, 1966. In each of the counties where Negroes won county committee seats members of the county committee were elected by precinct or ward; successful Negro candidates for committee seats ran in predominantly Negro precincts or wards.

¹³ V.E.P. News, January 1968, at 1.

¹⁴ Interviews with Joseph A. Sports, executive director of the Georgia State Democratic Executive Committee, July 28, 1967 (at least two counties); Calhoun Thomas, Jr., executive director of the South Carolina State Democratic Executive Committee, Dec. 7, 1966 (five counties); James A. Peeler, Jr., chairman of the Tennessee Democratic Party, June 30, 1967 (at least one county); Congressman Watkins Abbitt, chairman of the Virginia State Democratic Party, Oct. 25, 1967 (at least three counties). Two other State Democratic party officials indicated that there might be some Negroes on county executive committees in their States but were unable to name any counties where this was the case. Interviews with Leon Catlett, chairman of the Arkansas State Democratic Executive Committee, Nov. 17, 1967, and with Perry E. McCotter, Jr., assistant executive director of the North Carolina State Democratic Executive Committee, July 24, 1967.

¹⁵ Lyons interview.

¹⁶ Interview with Clarke Reed, chairman of the Mississippi State Republican Executive Committee, Mar. 3, 1967.

¹⁷ Interview with Harry S. Dent, chairman of the South Carolina State Republican Executive Committee, Dec. 6, 1966.

¹⁸ Interviews with Charles O. Smith, chairman of the Alabama State Republican Executive Committee, Jan. 3, 1967; William F. Murgin, chairman of the Florida State Republican Executive Committee, May 24, 1967; G. Paul Jones, Jan. 6, 1967; Gene Anderson, executive secretary of the North Carolina State Republican Executive Committee, July 24, 1967; Claude K. Robertson, chairman of the Tennessee State Republican Executive Committee, June 26, 1967; and Robert Corber. In Arkansas, Negro participation in Republican Party affairs has been extensive. Interview with Odell Pollard, chairman of the Arkansas State Republican Executive Committee, Nov. 17, 1967. See p. 148 *infra*.

Willingness to Correct Racial Discrimination

State Party Organizations

In most Southern States primary elections are conducted by the political parties and not by government officials. In some States the regulations governing primaries are promulgated by the legislature; in others the regulations are a combination of State statutes and party rules. Typically, formal remedies are provided by State law or party rule for violation of the regulations, to be administered and implemented by the governing bodies of the parties themselves. Party rules usually provide a mechanism for the redress of grievances within the party.

In some cases, Negro candidates or candidates with Negro support have been successful in having their complaints of racial discrimination resolved by party officials.

In Georgia, no candidate may seek the Republican Party nomination or circulate a nominating petition as a Republican without first obtaining the approval of the party executive committee of the political unit in which he seeks office.¹⁹ A right of appeal is granted from an adverse ruling by a county executive committee to the State executive committee or its special primary subcommittee.²⁰ In 1966 the Muscogee County Republican Executive Committee denied Rev. W. R. Walters (a Columbus, Georgia Negro active in voter registration who had been a Republican for 30 years and had held several party offices²¹) the right to circulate a nominating petition to run as the Republican candidate for a seat in the State house of representatives in the November general election on the ground that his views were inconsistent with recent party platforms.²² He complained to the chairman of the State executive committee, which ruled that this was an inadequate reason for preventing him from running as a Republican candidate.²³ The State committee authorized him to circulate the nominating petition.

The South Carolina Democratic Executive Committee also resolved a complaint in favor of a Negro candidate. The Negro received a plurality in the primary election in Hampton County but was disqualified from the run-off by the county Democratic executive committee because he failed to file a statement of campaign finances immediately after the election as required by party rules.²⁴ The Negro candidate lost on appeal to the

¹⁹ Rules of the Republican Party of Georgia for the Nomination of Candidates by the Primary Election of 1966: Petitions and Conventions, Rules 5(f), 10, 15 (adopted May 7, 1966).

²⁰ *Id.* at 5(f), 10.

²¹ Letter from Rev. W. R. Walters to G. Paul Jones, dated Aug. 2, 1966. Copies of this correspondence supplied by Mike Hudson, executive director of the Georgia Republican Party.

²² Minutes of the meeting of the State Republican executive committee, Aug. 15, 1966.

²³ *Id.*

²⁴ South Carolina Democratic Party Rules, Rule 16 (adopted Mar. 24, 1954, as amended through 1964).

county committee but the State committee reinstated him as a run-off candidate, ruling that no one had been prejudiced by his failure to file a timely financial statement.²⁵

In other instances, party governing bodies have declined to take corrective action when presented with credible complaints by Negroes of discrimination by party officials.

In Taliaferro County, Georgia, Negroes complained that party officials, for racial reasons, had withheld information on how to qualify as a candidate, misled them as to the proper qualifying date, and denied their applications to qualify. They were unable to obtain any corrective action or specific ruling on these charges before the all-white subcommittee of the State Democratic executive committee designated to hear their complaints.²⁶ And in Dorchester County, South Carolina, even though Negroes reportedly were denied an equal opportunity to participate at the Ridgeville precinct meeting, no disciplinary action was taken against the precinct delegation, notwithstanding a contest within the party structure to the seating of the delegation at the county convention.²⁷

In many cases involving alleged discrimination, Negroes made no effort to resolve complaints through the party machinery, apparently because they lacked confidence that the party officials accused of discrimination or responsible for allowing discrimination to occur would take remedial action.

Some party officials, when asked about complaints of racial discrimination, questioned or minimized the validity or significance of the complaints. In Arkansas, the chairman of the State Democratic executive committee told a Commission staff member that there was a cordial relationship between the races and "outsiders" were responsible for any trouble.²⁸ When the former chairman of the Louisiana Democratic Central Committee was asked about complaints that Negroes in East and West Feliciana Parishes had difficulty running for office and voting in the Democratic primary election, he dismissed the complaints as "isolated instances."²⁹

The Mississippi Freedom Democratic Party complained in 1964 that threats of economic and physical harm had prevented Negroes from attending precinct meetings; that Negroes had been denied equal opportunity to participate in the meetings by outright exclusion or parliamentary maneuvering; and that public and party officials had withheld from Negroes information about the time and place of the meetings.³⁰

²⁵ Thomas interview.

²⁶ See p. 52 *supra*.

²⁷ See pp. 62-63 *supra*.

²⁸ Catlett interview.

²⁹ Interview with C. H. Downes, Mar. 23, 1967. See e.g. pp. 65-66, 116-17 *supra*. The complaints from West Feliciana Parish were verified by a Commission staff member. The others were not.

³⁰ 110 Cong. Rec. at 20744 (1964) (Brief of the Mississippi Freedom Democratic Party).

Bidwell Adam, chairman of the Mississippi State Democratic Executive Committee, said the Negro complaints of exclusion from precinct meetings were “not by 10 or 20 percent justified.”³¹

Some Southern State party officials admit that their organizations are unwilling to resolve complaints of discrimination. They assert that it must be done by the Federal Government and the Federal judiciary. Adam said that the Mississippi Democratic Party would do nothing to remedy the exclusion of only one or two Negroes from a precinct meeting or from a county convention, and that a more serious infraction, if it occurred, would have to be remedied by the Federal Government.³²

Asked about complaints of discrimination in the selection of election officials in the 1966 Democratic primary election,³³ Joseph A. Sports, executive director of the Georgia Democratic Party, said that election officials are selected at the county level.³⁴ The State party does not use its power to prohibit discrimination. “We [the State party] don’t send out any regulations prohibiting discrimination; we don’t send out any regulations requiring discrimination,” he said. Reacting to complaints that election officials appointed by the county Democratic executive committees in Georgia had discriminated against Negro registrants and failed to provide adequate assistance to Negro voters,³⁵ Sports commented that these matters were regulated by the Georgia Election Code. He said he did not know who would be responsible for correcting discrimination but that he was certain “the word has gotten out” to respect the civil rights of voters.

Under its own rules, the Alabama State Democratic Executive Committee has broad powers to discipline county committees and could prohibit discrimination by county committees if it wished.³⁶ Robert S. Vance, the State chairman, indicated in an interview, however, that as a practical matter the State executive committee is unlikely to take forceful corrective action on complaints of discrimination within the party.³⁷ At the time of the interview the committee was split over the question of loyalty to the national Democratic Party. Therefore, the chairman explained,

³¹ Interview with Bidwell Adam, Apr. 24, 1967.

³² *Id.*

³³ See pp. 111–14 *supra*.

³⁴ Sports interview.

³⁵ See pp. 66–67, 74–75, 78–79, 82–83 *supra*.

³⁶ Alabama Democratic Party Rules, Rule 4, (as amended to July 6, 1962) provides: The State Committee has supervisory power over County Committees and is authorized of its own motion to set aside any action of a County Committee when it may deem proper and legal to do so.

Rule 12 provides:

The State Committee, except as otherwise provided by law has sovereign, original, appellate, and supervisory power and jurisdiction of all party matters throughout the state, and each county thereof. It is empowered and authorized to prescribe and enforce rules, regulations, and penalties against the violation of party fealty including removing or debarring from party office or party privilege anyone within its jurisdiction, including a member of this committee, who violates such fealty or its rules, or its other lawful mandate.

³⁷ Interview with Robert S. Vance, Jan. 3, 1967.

he refrained from introducing controversial complaints or issues for consideration by the committee. As far as he was concerned, the State executive committee had "as few meetings as possible."

The Alabama State chairman questioned whether the State committee could act in response to specific allegations of discrimination. "We have no party discipline in Alabama," he said.³⁸ He had seen reports in the press that the Lowndes County Democratic Executive Committee had raised filing fees allegedly to exclude Negroes from the primary election,³⁹ but did not know what the State committee could do about it. Asked about the complaint that certain executive committees, for example the Montgomery County Democratic Executive Committee, had changed the method of selecting members allegedly to prevent the election of Negroes,⁴⁰ the chairman replied that "county committees are more or less autonomous" and in such a case the State committee could do nothing. The State chairman was unaware that the Dallas County Democratic Executive Committee was not elected, but was self-perpetuating. He felt it was "stupid" that no Negroes ever had been appointed members of the Dallas County Democratic Executive Committee.⁴¹ The State executive committee had no authority to correct the discriminatory situation, he said. The Negro complainants, he remarked, could "file a Federal lawsuit."

National Party Organizations

At the Democratic Party's 1964 National Convention in Atlantic City, a predominantly Negro slate of delegates chosen at a State convention of the Mississippi Freedom Democratic Party, contending that Mississippi Negroes had been prevented discriminatorily from becoming registered voters and excluded discriminatorily from party precinct meetings, insisted that they be seated in place of the State's regular party delegates, all of whom were white.⁴² The Convention's credentials committee, after hearing the rival claims, recommended as a compromise that any member of the regular Mississippi delegation could be seated if he took a party loyalty oath; that two members of the Mississippi Freedom Party delegation could be seated as at-large delegates from the State; that the rest of the Mississippi Freedom Party delegation could have floor privileges but no votes; that the party resolve to eliminate discrimination in party affairs before the 1968 convention; and that a special equal rights committee be appointed to draft standards of nondiscrimination for the seating of delegates to the 1968 convention. Although the Mississippi Freedom

³⁸ Id.

³⁹ See pp. 43-44 *supra*.

⁴⁰ See pp. 24-25 *supra*.

⁴¹ See p. 151 note 93 *infra*.

⁴² For a recent summary of the events at the 1964 Atlantic City convention, see P. Watters and R. Clegghorn, *Climbing Jacob's Ladder: The Arrival of Negroes in Southern Politics* 289-92 and *passim* (1967).

Party delegates rejected the compromise and stood by their original claims, the convention adopted the recommendations of the credentials committee and instructed the Democratic National Committee to include in its convention call⁴³ the following paragraph:

It is the understanding that a State Democratic Party, in selecting and certifying delegates to the Democratic National Convention, thereby undertakes to assure that voters in the State, regardless of race, color, creed or national origin, will have the opportunity to participate fully in Party affairs, and to cast their election ballots for the Presidential and Vice Presidential nominees selected by said Convention and for electors pledged formally and in good conscience to the election of these Presidential and Vice Presidential nominees, under the Democratic Party label and designation.⁴⁴

In January 1965, in accordance with the convention resolution, the Democratic National Committee established a Special Equal Rights Committee, and the national party chairman appointed 18 members, in addition to the officers of the National Committee.⁴⁵ In October 1965 the Special Equal Rights Committee held a 2-day public hearing in Washington and received testimony regarding exclusion of Negroes from party affairs. Those testifying made recommendations for action by the national Democratic Party. Members of the staff of the Democratic National Committee, working for the Special Equal Rights Committee, collected State election codes and party rules from every State to determine whether there were any statutes relating to party affairs or party rules which were discriminatory on their face. Further, committee members and staff reported on observations made on field trips and information gathered through discussions with persons informed on voter participation in party affairs.

In April 1966 the committee made its first report to the Democratic National Committee. The report noted that in 1964 "some segments of the Party were openly hostile to the Negro and opposed to his participation in Party affairs" but considered that since then progress had been made. As evidence of this progress, the committee referred to the advances in Negro voter registration resulting from the passage of the Voting Rights

⁴³ The convention "call" is the initial announcement by the Democratic National Committee that the Democratic National Convention will be held. The call sets forth the convention rules governing the selection and allocation of delegates which have been approved by the Democratic National Committee and which will be recommended for adoption by the Convention itself.

⁴⁴ Letter from Gov. Richard J. Hughes, of New Jersey, chairman of the Special Equal Rights Committee of the Democratic National Committee, to William L. Taylor, Staff Director, U.S. Commission on Civil Rights, Jan. 31, 1968.

⁴⁵ Unless otherwise indicated, information on the activities of the national Democratic Party obtained from the Hughes letter, *supra* note 44; letter to State party chairmen from Governor Hughes, July 26, 1967; Report of the Special Equal Rights Committee, Apr. 20, 1966; and interviews with John M. Bailey, chairman of the Democratic National Committee, and Louis Martin, deputy chairman in charge of the Minorities and Nationalities Division, Feb. 6, 1968.

Act, the removal of the "white supremacy" legend from the symbol of the Alabama Democratic Party, and the participation by 25 Negroes in the 1966 South Carolina party convention. The committee also stated that "action is in progress" to enable the Mississippi party to meet the requirements of the 1968 call. The report acknowledged that there was residual discrimination against Negroes in party affairs based largely on custom and practice, and the committee pledged to "remove these last vestiges of discrimination" by putting State parties on notice of the requirements of the 1968 call and by working with them to achieve voluntary compliance. The committee was not specific with regard to the discriminatory practices which remained, but indicated that if State parties failed to change "rules, laws, and procedures which tend to bar full Party participation," such inaction would mean forfeiting the right to sit in the 1968 convention. There was no mention of seating alternate delegations.

After the committee's report was issued, some of its members expressed views on guidelines for the establishment of nondiscrimination within the party which the committee could recommend to the national committee. At the beginning of February 1967, Mrs. Mildred M. Jeffrey of Michigan, a member of the Special Equal Rights Committee, and Joseph L. Rauh, associate counsel, proposed detailed guidelines providing for the exclusion of State party delegations and delegates who prevented Negroes from becoming registered voters or participating fully in party affairs. The proposal would have required that parties take affirmative steps to encourage Negro participation, and that if Negroes comprised less than 10 percent of the delegation to the convention from any State where they constituted more than 20 percent of the voting age population, the party justify this disparity. The credentials committee of the convention would have been empowered not only to exclude offending delegations but to seat a rival delegation.⁴⁶

A new chairman of the Special Equal Rights Committee was appointed in March 1967 to replace the former chairman, Gov. David Lawrence, of Pennsylvania, who had died. In July the new chairman, Gov. Richard J. Hughes, in a letter to all State party chairmen set forth the committee's views on the nondiscrimination provision to be placed in the 1968 call. Governor Hughes indicated that the committee had ruled out as "not feasible in practice" the discrimination test included in the Jeffrey-Rauh proposal.⁴⁷ Earlier it had been reported that leaders of the Democratic Party had shelved the Jeffrey-Rauh proposal in part because it would have placed the party leadership at odds with party leaders in Southern States.⁴⁸ The chairman of the Democratic National Committee, John M. Bailey, interviewed by Commission staff, indicated that the

⁴⁶ Memorandum to the Special Equal Rights Committee from Mrs. Mildred M. Jeffrey and Joseph L. Rauh, Feb. 1, 1967.

⁴⁷ Washington Post, July 13, 1967, at 1.

⁴⁸ N.Y. Times, Mar. 8, 1967, at 27.

formula was dropped because it would have required the committee to adopt quotas for other minority groups as well.⁴⁹

In his July letter the chairman of the Special Equal Rights Committee told State party chairman that the committee interpreted its mandate “as insuring an equal opportunity to participate in Party affairs for all Democrats of all States regardless of race, color, creed or national origin.” He wrote that the committee “is determined to make certain that all delegations to the 1968 Democratic National Convention are broadly representative of the Democrats of the State.”⁵⁰ The chairman warned that if any State party violated the 1964 convention resolution against discrimination, the committee would recommend to the credentials committee of the 1968 convention not only that the seats of the offending delegation be declared vacant, but that the vacant seats be filled “with a delegation broadly representative of the Democrats of that State.” Included in the letter was a listing of six “basic elements” adopted by the committee as “minimal prerequisites” for facilitating and encouraging Negro participation in party affairs. These six points advised State parties that they should conduct open and well-publicized public party meetings, abandon party loyalty tests involving support of racial discrimination, support nondiscriminatory voter registration, and publicize the qualifications to run for party office and the procedures for the selection of members of party committees and other party officials.

In January 1968 the Democratic National Committee issued the call for the 1968 convention and included in the call the nondiscrimination resolution adopted by the 1964 convention. The letter sent to party officials by Governor Hughes in July 1967 was adopted by the Democratic National Committee as its policy statement and Mr. Bailey distributed copies of it with the call.

Neither the Hughes letter nor the 1968 convention call, however, specifically require State party organizations to guarantee against discrimination in many areas in which there are widespread complaints. The six points fail to deal with many forms of alleged discrimination which may violate the Voting Rights Act, such as switching to at-large elections of party officers to dilute the Negro vote; discrimination by party officials in the appointment of other party officials and in the selection of polling place officials for primary elections; and actions by polling officials in primary elections excluding or interfering with poll watchers for Negro

⁴⁹ Bailey interview.

⁵⁰ Although this formula has been interpreted editorially by the N.Y. Times to mean that delegations from Southern States to the 1968 Democratic National Convention would have to include Negroes (N.Y. Times, Jan. 13, 1968, at 30) and this is the unofficial and informal understanding in some party circles (Martin interview), Chairman John M. Bailey in an interview with Commission staff indicated that the formula means only that the selection of convention delegates must be fair and nondiscriminatory, and that fairly selected all-white delegations from States with a substantial Negro population would not ipso facto be denied their seats. Bailey interview.

candidates, harassing Negro voters, or rendering inadequate assistance to illiterate or inexperienced Negro voters. Mr. Bailey and Mr. Louis Martin, deputy chairman of the Democratic National Committee, told Commission staff that the Special Equal Rights Committee had agreed to refer violations of the Voting Rights Act to the Department of Justice for appropriate action.⁵¹ Mr. Bailey pointed out that if the Department of Justice brought a successful lawsuit against a party organization for violation of the Act this might constitute grounds for refusing to seat its delegation. The Department of Justice, however, has not effectively reached all aspects of discrimination in party affairs.⁵² As a result, there is an enforcement vacuum in some areas where discrimination persists without redress from any source.⁵³

Neither the 1964 convention nondiscrimination resolution nor the 1968 call provide specific guidelines as to what is to be required of State party organizations. The six points provide specific direction in some areas but party officials have indicated that the points are advisory only.⁵⁴ While the credentials committee of the 1968 national convention, in ruling on delegation challenges, may be guided by these points, they are not requirements the committee is obliged to enforce.⁵⁵

Finally, the 1968 convention call does not require State Democratic Party organizations to overcome the effects of past discrimination by affirmative steps to encourage Negro participation, but only provides that all voters must have "the opportunity" to participate fully in party affairs, i.e., that discrimination must be eliminated. Three of the six

⁵¹ Bailey and Martin interviews.

⁵² See pp. 163-64, 167-70 *infra*.

⁵³ There also is some doubt as to whether or to what extent the call and the six points cover discrimination in party affairs unrelated to the delegate selection process. In some Southern States, such as Mississippi and South Carolina, the delegates to the national convention are selected through the operation of a precinct mass meeting—county convention—state convention system unrelated to the party's primary elections, at which there may be discrimination. In other States, such as Arkansas, Georgia, and Louisiana, the delegates are chosen by the State party executive committee. This procedure also is separate from the primary election process.

Governor Hughes, in his letter to the Staff Director of the Commission, called attention to the fact that the six points covered more than the selection of delegates, and dealt with such matters as voter registration, voter participation in party elections and meetings, and running for party office. Chairman Bailey, however, interviewed by Commission staff, was unclear as to whether the credentials committee of the convention, which passes on delegation challenges, could consider discrimination in party affairs except as related to the delegate selection process.

⁵⁴ Although Governor Hughes, in his letter to State chairmen, refers to the six points as "minimum prerequisites," in the succeeding sentence he states: "Needless to say, I *hope* that your actions at least would coincide with these *thoughts* and, indeed, that your activities have gone beyond the *elements* we have set down in outline form." (emphasis added) Also Bailey and Martin interviews.

⁵⁵ Another problem is the limited means for finding facts where a delegation is challenged on the ground of discrimination in party affairs. The factual issue would have to be resolved at a hearing of the credentials committee in a forum likely to be a great distance from the residences of the witnesses. Chairman Bailey stated that if a challenge were made well in advance of the convention there was the possibility that the staff of the Democratic National Committee would make an independent investigation. Bailey interview.

points do advise State party organizations to undertake minimal affirmative efforts by publicizing public party meetings, party officer selection procedures, and qualifications for party office, but it is not suggested that State party organizations take such steps as specifically inviting Negro Democrats to party meetings or undertaking voter registration campaigns in Negro communities.⁵⁶

The Democratic National Committee has the power to recommend,⁵⁷ and the Democratic National Convention has the power, as the supreme governing body of the national party, to pass strict requirements for party operation and conduct in all the States so long as these rules do not contravene provisions of State law.⁵⁸

The Republican National Committee has adopted no rules or guidelines either requiring or advising State and local party organizations to eliminate discrimination or to take affirmative steps to encourage Negro participation in party affairs.⁵⁹ In March 1966 functions of the Minorities Division of the Republican National Committee were taken over by a new Division headed by a Negro, Clarence L. Townes, Jr., who also was appointed special assistant to the chairman of the Republican National Committee. Townes indicated in an interview, however, that his function was limited to providing assistance when the decision was made at the State or local level to seek Negro support, although he recognized that this often put him in a "begging position out in the hustings."⁶⁰

In April 1966 two organizations composed of moderate and liberal members of the Republican Party—the Republicans for Progress and the Republican Advance at Yale University—after a study of Southern Republican party organizations—recommended that the Republican National Committee and the national Republican Party take a number of steps to eradicate discrimination in party activities and to encourage Negro interest and participation in Republican Party affairs in the South.⁶¹ Among their recommendations were the elimination of segregation provisions in State party platforms, the adoption of procedures to

⁵⁶ The Democratic National Committee itself has taken steps to attract Negroes to the Democratic banner. In 1967 the activities of the Minorities and Nationalities Division of the Democratic National Committee, under Louis Martin, included State, regional, and national workshops with Negro Democrats, working with leaders of civil rights organizations and supplying information to the Negro press and radio. Memorandum, Minorities and Nationalities Division, Louis Martin, deputy chairman.

⁵⁷ Clarence Cannon, *Official Manual for the Democratic National Convention of 1964* at 10 (1964).

⁵⁸ Hughes letter to William L. Taylor.

⁵⁹ Unless otherwise indicated, information on the activities of the national Republican Party obtained in interviews with Clarence L. Townes, Jr., special assistant to the chairman of the Republican National Committee, Nov. 4, 1966, and Feb. 19, 1968.

⁶⁰ As of February 1968, Townes had a staff of nine salaried employees. Townes and his staff have sought to establish communications with Negro leaders and the Negro press. Report by the Chairman to the Republican National Committee, Jan. 23–24, 1967. They also have worked with State and local party committees in the South to develop Negro Republican organizations and to assist white Republican candidates in establishing liaison with the Negro community.

⁶¹ Republicans for Progress, Press Release, Apr. 13, 1966.

terminate racial discrimination in party activities, voter registration campaigns among Negro citizens, and the nomination of more Negro Republicans as candidates for office. Townes believed that some of the criticism made by these groups of the Republican National Committee was unfair, but acknowledged that even the worthy recommendations would not be implemented. "How are we going to get them accomplished?" he asked. Party rules to eliminate discrimination, he stated, would only create "confusion and animosity" on the part of State party leaders.

The Republican National Committee is empowered by the Rules of the Republican National Convention to issue the call for the next national convention, and the delegates and alternates must be selected according to the rules set out in the call so long as they are not inconsistent with State law and other party rules.⁶² The Republicans for Progress and Republican Advance, in their report, suggested that the Republican National Committee has the power to deny State party organizations votes on national party committees and to strip such organizations of official party recognition.⁶³

Party Principles and Loyalty Oaths

Most of the Democratic and Republican Party organizations in the South no longer openly espouse racist or segregationist principles in official party statements. In Mississippi, however, both the Democratic and Republican State organizations not only continue to include such principles in their platforms, but are required by State law to exclude from participation in primary elections persons not in accord with those principles. Although the requirement is unenforceable, there have been complaints that it nevertheless discourages Negroes from attempting to participate in the affairs of the parties.

In Mississippi, the most recent platforms of both the Democratic and Republican State Parties contained provisions endorsing segregation of the races. At its 1964 convention the Mississippi Democratic Party adopted the following resolution:

We believe in separation of the races in all phases of our society. It is our belief that the separation of the races is necessary for the peace and tranquility of all the people of Mississippi and the continuing good relationship which has existed over the years.⁶⁴

Similarly, at its last State convention in 1964, the Mississippi Republican Party included the following plank in its platform:

⁶² Republican National Convention Rules, Rule 24 (adopted July 13, 1964).

⁶³ Press Release, *supra* note 61, at 10-11.

⁶⁴ Quoted in 110 Cong. Rec. at 20744 (1964) (Brief of the Mississippi Freedom Democratic Party). When asked by a staff attorney for a copy of the 1964 platform or statement of principles of the Mississippi Democratic Party, the secretary of the State Democratic executive committee said he had no authority to release them. Letter from Byrd P. Mauldin to Frank R. Parker, Staff Attorney, U.S. Commission on Civil Rights, May 20, 1967.

SEGREGATION—We feel that in the field of racial relations that Mississippi has its own distinct problem that can best be handled at the state level without outside interference. To this end, we feel segregation of the races is absolutely essential to harmonious racial relations and the continued progress of both races in the State of Mississippi.⁶⁵

A Mississippi statute provides that “no person shall be eligible to participate in any primary election unless he . . . is in accord with the statement of the principles of the party holding such primary, which principles shall have been declared by the state convention of the party holding the primary. . . .”⁶⁶ The statute further provides that any party member or election official may challenge the eligibility of any voter and may ask the voter, under oath and in writing, “questions relating to his qualifications and whether or not he is in accord with the principles of the party stated by the state convention of such party. . . .” False testimony given under oath during such an inquiry is made punishable as perjury.

The Mississippi Freedom Democratic Party, in its challenge to the seating of the regular Mississippi delegation to the 1964 Democratic National Convention, charged that the party principles loyalty requirement, coupled with the convention resolution expressing belief in the separation of the races, constituted a barrier to the free participation of Negroes in party affairs.⁶⁷

The chairman of the Mississippi State Democratic Executive Committee, Bidwell Adam, interviewed by Commission staff, stated that he did not believe the party principles loyalty test constituted a barrier to Negro participation in the activities of the Mississippi Democratic Party. He suggested that the loyalty test was unenforceable and said he did not know of any instances where the provision had been used to prevent Negroes from participating in any party primary election. He stated that the test “hasn’t stopped any Negroes from registering or voting.” It is the official policy of the State party, he declared, that “if

⁶⁵ 1964 Platform of the Mississippi Republican Party, adopted in State convention May 30, 1964.

⁶⁶ Miss. Code §3129 (Recomp. 1956).

⁶⁷ See Brief submitted by the Mississippi Freedom Democratic Party, in 110 Cong. Rec. 20742-48 (1964). The authors of a study of State Republican Parties in the South have charged that the statutory provision requiring loyalty to party principles, coupled with the party platform endorsement of segregation, constitutes a barrier to Negro participation in the Mississippi Republican Party. J. Topping, J. Lazarek & W. Linder, *Southern Republicanism and the New South* 83 (1966). The authors state: “In order to meet the requirements for membership set out in Article III, a Mississippi citizen would have to be in accord with the pro-segregation stand of the party platform. Such a requirement would, if applied, ban all advocates of integration and practically all Negroes from participation. Ironically, the only Negroes who could even in theory meet this requirement for Republican membership would likely be Black Muslims or members of other separatist Black Nationalist groups.”

any Negroes present themselves at a precinct meeting they would certainly have a right to vote for county convention delegates.”⁶⁸

Affirmative Efforts To Include Negroes in Party Affairs

Since Negroes in the South for generations have been excluded from party affairs by such devices as the white primary and by discrimination in voter registration—a condition of party membership in the South—the Commission sought to determine from party officials if they were attempting to counteract the effects of past discrimination by affirmative efforts to secure the participation of Negroes.

Leading officials of eight of the 20 State committees studied told Commission staff in interviews that their parties were making no affirmative efforts to encourage Negro participation or, if any were being made, they did not know of them. The State chairman of the South Carolina Republican Party, for example, stated that the party “is making no deliberate effort either to include or exclude Negroes.”⁶⁹ The executive secretary of the North Carolina Republican Party summed up his party’s policy with the remark: “The Republicans are not going out of their way to get Negroes. The Negroes must come to them.”⁷⁰ In addition, no affirmative steps were being taken, according to party officials, by the Democratic Parties of Louisiana, Mississippi, North Carolina, or Tennessee, or by the Republican Parties of Alabama or Mississippi.

Officials of Republican State Party committees generally attributed their unwillingness to take affirmative steps to include Negroes in party affairs to political considerations. For example, officials in both Mississippi and South Carolina reported that public opinion polls taken in 1966 prior to the elections showed very few Negroes in their States were willing to vote for Republican candidates.⁷¹ As a result, they stated, no attempt

⁶⁸ Interview with Bidwell Adam, Apr. 24, 1967.

In *Brown v. Baskin*, 78 F. Supp. 933 (E.D.S.C. 1948), *aff’d*, 174 F.2d 391 (4th Cir. 1949), party rules conditioning voting in the Democratic primary upon taking an oath which pledged the voter to support social and educational separation of the races and opposition to a proposed Federal equal employment law were declared unconstitutional. More recently, Negro and white candidates for United States Senate and House of Representatives in the 1966 Democratic primary who were affiliated with the Mississippi Freedom Democratic Party brought an action to void, among other provisions, the Mississippi party principles loyalty requirement. *Whitley v. Democratic Party of State of Mississippi*, Civil No. WC 6616, N.D. Miss., filed Apr. 29, 1966. The State party chairman and the State Democratic executive committee, however, took the position that refusal to adhere to the party principles as declared in the party platform did not constitute an obstacle to the plaintiffs qualifying and running in the Democratic primary, and, after other issues were settled, the complaint was withdrawn by the plaintiffs.

⁶⁹ Interview with Harry S. Dent, Dec. 6, 1966.

⁷⁰ Interview with Gene Anderson, July 24, 1967.

⁷¹ Adam interview and interview with Calhoun Thomas, Jr., executive director of the South Carolina Democratic Executive Committee, Dec. 7, 1966.

was made to woo Negro voters or affirmatively to include them in party affairs, not from motives of racial discrimination, but because they felt it would not produce political rewards for the party. Officials of Democratic Party organizations not making affirmative efforts to encourage Negro participation generally did not offer an explanation for their policy. Officials of the remaining 12 State committees asserted that they were taking affirmative steps to involve Negroes in party affairs. Perhaps the most extensive efforts reported were being made by the Arkansas Republican Party.⁷²

After the 1964 general election, the Arkansas Republican Party hired a Negro staff member to serve as field coordinator in an effort to encourage Negro participation. Subsequently, another Negro was employed on the State executive committee staff to help with the 1966 general election.

Prior to the 1966 general election, the Arkansas Republican Party organized a voter registration campaign in 44 of the State's 75 counties to encourage Negroes as well as white persons to register and vote. Both white and Negro voter registration workers were used and their expenses were paid by the party. According to Johnny Lang, one of the two Negro field coordinators for the campaign, the Republican Party campaign, together with nonpartisan voter registration campaigns, accomplished the registration of nearly 20,000 Negroes.

The party also reportedly made an effort to encourage the appointment of Negro election officials to work at the polls in the primary and general elections. In 44 Arkansas counties, the Republican organization appointed a county committee to recommend appointments to party and governmental positions. Negroes, appointed to serve on 30 of these committees, recommended other Negroes to serve as election clerks and judges. Republican officials reportedly worked actively on election day to remove any barriers to Negro voting which they discovered.

After the election, which the Republican gubernatorial candidate won largely because of Negro support, the Arkansas Republican Party appointed a Human Resources Committee consisting of 15 Negroes from different counties across the State "to get Negroes active in the party on a day-to-day basis rather than just during elections."⁷³ Each Negro member was authorized to recommend one white member he knew he could work with to be appointed to the committee.

The Arkansas Democratic Party, according to its chairman, also has taken some steps to encourage Negro participation in its activities.⁷⁴ The

⁷² Unless otherwise indicated, information on the Arkansas Republican Party was obtained in interviews with Odell Pollard, chairman of the State Republican executive committee, Everett A. Ham, Jr., assistant to the Republican national committeeman, Nov. 17, 1967, and Johnny Lang, field coordinator for the State Republican executive committee, Nov. 30, 1967.

⁷³ Lang interview.

⁷⁴ Interview with Leon Catlett, chairman of the Arkansas Democratic Executive Committee, Nov. 24, 1967.

State party recently hired a Negro staff member to serve as assistant to the executive director of the State committee. An effort was being made to invite Negroes to attend Democratic meetings and rallies throughout the State. Negroes also were helping to circulate the party newspaper.

In South Carolina, the State Democratic executive committee in cooperation with the U.S. Department of Justice, mailed to all county chairmen instructions on the conduct of primary elections and a questionnaire which the county chairmen were to return.⁷⁵ The purpose of this action, according to the State committee's executive director, was to make certain that the primaries were conducted fairly and without discrimination and to determine in advance if any difficulties or irregularities were expected. The U.S. Attorney in Columbia, Terrell Glenn, indicated that this letter was "extremely helpful" in deterring racial discrimination in the conduct of the primary elections and recommended that this should be done in other States where discrimination against Negroes in primary elections was expected.⁷⁶

In Georgia, officials of both the State Democratic and Republican Parties reported that they were encouraging Negro participation in party affairs.⁷⁷ On June 27, 1967, the Rules of the State Democratic executive committee governing qualifications of party officers were changed to provide that elective and appointive offices "should be filled by those best qualified to serve without regard to race or sex."⁷⁸ The executive director of the party reported that statements had been made by party officials on television and at meetings, encouraging everyone to become party members.⁷⁹ He also revealed that he kept lists of persons he had determined to be "key Negro leaders" so that he might consult with them. Negro elected officials were invited to a party fund-raising dinner in February 1968, and Negroes attended the dinner.

The chairman of the Alabama Democratic executive committee reported that his party had taken steps to remove the symbols which previously had identified the party with white supremacy and racial segregation.⁸⁰ The party emblem had been a crowing rooster with a scroll above it containing the legend "White Supremacy" and a scroll below inscribed "For the Right."⁸¹ In 1966 the party changed its rules to substitute the word "Democrats" for "White Supremacy."⁸² Approximately four weeks before the 1966 general election Robert S. Vance, chairman of the State Democratic executive committee, appeared before a

⁷⁵ Thomas interview.

⁷⁶ Interview with Terrell Glenn, Dec. 7, 1966.

⁷⁷ Interviews with Joseph A. Sports, executive director of the Georgia Democratic Executive Committee, July 10, 1967, and G. Paul Jones, chairman of the Georgia Republican Executive Committee, Jan. 6, 1967.

⁷⁸ Georgia Democratic Party Rules, Rule 3 (as amended June 21, 1967).

⁷⁹ Sports interview.

⁸⁰ Interview with Robert S. Vance, Jan. 3, 1967.

⁸¹ Alabama Democratic Party Rules, Rule 1(b) (adopted July 6, 1962).

⁸² Vance interview.

convention of the Alabama Democratic Conference, Inc., a Negro Democratic political organization, to discuss the accomplishments of the State party in improving conditions in Alabama. According to a newspaper report Vance was the first State committee chairman in recent times to address a Negro audience at a public meeting in Alabama.⁸³

Officials of the Democratic Parties in South Carolina, Florida, and Virginia and the Republican Parties in Louisiana, Florida, Tennessee, and Virginia, also indicated that their organizations had been taking some affirmative steps to encourage Negro participation.⁸⁴

Even in States where the party policy may be one of affirmative encouragement, it often is not implemented at the county level. In Alabama, where the State Democratic chairman claimed the party was making efforts to open the party to Negroes, county Democratic committee chairmen in two of the six counties visited reported that no affirmative steps were being taken to encourage Negro participation.⁸⁵ Democratic party leaders in the other four counties were not interviewed, but Negro civil rights and political leaders in these counties indicated that, to their knowledge, the local Democratic party organizations were not making any affirmative efforts to involve Negroes in their affairs.⁸⁶

Similarly, in Georgia, where both the statewide Democratic and Republican Parties claim to be taking affirmative steps to include Negroes, Democratic and Republican county chairmen in both Baker and Sumter Counties admitted that their county committees were taking no such steps.⁸⁷

The chairman of the Democratic committee of Nansemond County, Virginia, a State where the Democratic Party claims to have a program of affirmative encouragement, told Commission staff members that the county committee never has made any effort to bring Negroes or any

⁸³ Southern Courier, Oct. 15-16, 1966, at 1.

⁸⁴ The chairman of the Louisiana Republican State Central Committee, however, expressed the view that his party was not doing enough to include Negroes. Despite his party's affirmative efforts, which included supporting the formation of a State human relations commission and private discussions with Negro leaders to obtain Negro participation, the State chairman believed that Negroes still felt excluded from the Louisiana Republican Party. "They don't feel a part of it," he said. Interview with Charlton H. Lyons, Sr., chairman of the Louisiana Republican State Central Committee, May 12, 1967.

⁸⁵ Interviews with Truman M. Hobbs, chairman of the Montgomery County Democratic Executive Committee, Nov. 11, 1966, and Alston Keith, chairman of the Dallas County Democratic Executive Committee, Nov. 10, 1966.

⁸⁶ Interviews with Rev. Linton I. Spears, Negro candidate for county commissioner in the May 1966 primary election, Jan. 4, 1967 (Choctaw County); Arthur D. Shores, president of the Jefferson County Democratic Council, a Negro political organization, Jan. 3, 1967 (Jefferson County); Sidney Logan, Lowndes County Freedom Organization candidate for sheriff in the November 1966 general election, Nov. 8, 1966 (Lowndes County); Fred D. Gray, candidate for the Alabama House of Representatives in the May 1966 primary election, Nov. 11, 1966, and Dr. Stanley Smith, faculty member at Tuskegee Institute and official of the Macon County Democratic Club, a Negro political organization, Nov. 12, 1966 (Macon County).

⁸⁷ Interviews with Ralph B. Phillips, chairman of Baker County Democratic Executive Committee, Nov. 14, 1966, and Wingate Dykes, chairman of the Sumter County Democratic Executive Committee, Nov. 18, 1966.

other group into the organization, although all who wished to participate were welcome.⁸⁸ Negro candidates for office in two other Virginia counties expressed the view that the local Democratic Party organizations were not encouraging Negro participation.⁸⁹

In Halifax County, North Carolina, where there are several predominantly Negro precincts, Negro civil rights and political leaders told Commission staff that the local Democratic party organization had failed to publicize and inform leaders in the Negro community of precinct meetings.⁹⁰ A Negro candidate for city council said: "You just don't hear about those things."⁹¹

According to the chairman of the Halifax County Democratic Executive Committee, notices of precinct meetings were posted at the precinct voting places.⁹² He said he had announced the meetings in 1966 to local newspapers and radio stations, but the local radio station had not publicized the meetings. The chairman did not recall whether there had been newspaper publicity. He said that the county executive committee had not considered the question of affirmative action to encourage Negro participation at precinct meetings and other party functions.⁹³

⁸⁸ Interview with Robert E. Parker, July 18, 1967.

⁸⁹ Interviews with Miss Ruth Harvey (Pittsylvania County) and Moses D. Knox (Greensville County), July 19, 1967.

⁹⁰ Interviews with August Cofield, chairman of the Halifax County Voters League, July 27, 1967; Rev. Clyde Johnson, assistant director of the Choanoke Area Development Association, July 28, 1967; and Joseph Exum, Negro candidate for city council in 1967, July 27, 1967.

⁹¹ Exum interview.

⁹² Interview with A. L. Hux, July 28, 1967.

⁹³ The failure of many Democratic and Republican Party organizations in the South to correct discrimination or take affirmative action to encourage Negroes to become involved in party affairs has led to the formation of independent Negro political organizations in many areas. A principal reason for the establishment of the Mississippi Freedom Democratic Party was the exclusion of Negroes from participation in the Mississippi Democratic Party. Brief of the MFDP, *supra* note 67, at 20742. The Lowndes County Freedom Organization was formed because the local Democratic Party organization traditionally had been dominated by white persons, and Lowndes County Negroes, who constituted a majority of the county population, wanted an independent organization which they themselves could control. Interview with Sidney Logan, Negro candidate for sheriff of Lowndes County in 1966, Nov. 8, 1966. According to a civil rights worker who helped organize the Dallas County Independent Free Voters Organization, the organization was formed because of numerous complaints of discrimination within the Democratic Party. Interview with Stuart House, Apr. 25, 1967. He cited unsuccessful demonstrations at the office of the county Democratic executive committee chairman to get some Negroes appointed to the committee. A Negro candidate for the Dallas County Court of County Revenue, the county governing board, said she ran as an independent candidate, rather than in the Democratic primary election, because she felt that the local Democratic Party was not open to Negroes. Interview with Mrs. Agatha Harville, Apr. 26, 1967. A faculty member at Tuskegee Institute, a predominantly Negro college in Macon County, Alabama, reported that local Negroes had organized the Macon County Democratic Club, made up of Negro Democrats, because Negroes were excluded from the local Democratic Party structure. Smith interview.

PART V

Enforcement of the Voting Rights Act of 1965

The U.S. Department of Justice has primary responsibility for enforcing the rights secured by the Voting Rights Act of 1965. Although examiners and observers charged with duties under the Act are appointed by the Civil Service Commission, these officials are assigned to political subdivisions designated by the Attorney General, who also has responsibility for enforcing provisions of the Act authorizing criminal prosecutions and suits for injunctive relief.

The progress in Negro voter registration and voting that has taken place since the Act is attributable in part to the enforcement program of the Department, including the assignment of examiners and observers in significant numbers, extensive and often successful informal efforts to secure compliance by local election officials with the provisions of the Act, and the institution of a number of lawsuits to secure voting rights. Discrimination and the effects of past discrimination have not been entirely eliminated, in part because of restrictive Department of Justice policies with respect to the assignment of examiners and observers and the functions of observers and limited manpower in the Department's Civil Rights Division.

Administrative Enforcement

The Examiner Program

The Voting Rights Act provides that in political subdivisions where voter qualification tests or devices are suspended, Federal examiners can be appointed by the Civil Service Commission to list applicants eligible to vote. The appointment may be ordered by the U.S. Attorney General upon his certification that he has received written complaints from 20 or more residents claiming voting rights discrimination and he believes them to be meritorious, or that in his judgment "the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment."¹ In making this latter judgment the Attorney General is

¹ Section 6, 42 U.S.C. § 1973d (Supp. II, 1967).

authorized to consider, among other factors, whether the ratio of nonwhite to white persons registered to vote in the subdivision appears to be reasonably attributable to violations of the 15th amendment or whether substantial evidence exists that bona fide efforts are being made within the subdivision to comply with the amendment.² In a letter to local registrars shortly after passage of the Act the then Attorney General, Nicholas DeB. Katzenbach, stated that the following criteria would guide his judgment: whether the percentage of Negroes and whites over 21 in the county was disproportionate to the percentage of each which was registered and, if so, whether this was attributable to violations of the 15th amendment; whether the registrar had adopted application procedures to insure that all persons eligible under the Act had an opportunity to become registered; and whether officials were taking affirmative steps to overcome the effects of past discrimination.³

As of December 31, 1967, examiners had been sent to 58 counties in five Southern States.⁴ Examiners in these counties had listed as eligible to vote a total of 158,094 persons, including 150,767 nonwhites and 7,327 whites.⁵

There are several reasons for the sharp increase in Negro voter registration in examiner counties and parishes. In many of these localities voter registration drives were mounted by private civil rights organizations. Voter registration in almost all of these areas was stimulated by a general knowledge and awareness of voting rights stemming from involvement of the county or parish in one to four years of voting rights litigation. But, according to a Department of Justice spokesman, the assignment of examiners itself generally has a significant effect in encouraging Negroes to register.⁶ Representatives of private organizations en-

² *Id.*

³ Letter from Attorney General Nicholas DeB. Katzenbach to local registrars in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia, Jan. 8, 1966. In memorandum dated Aug. 24, 1965, John Doar, then Assistant Attorney General in charge of the Civil Rights Division, stated: "The fact that 20 meritorious complaints were filed does not compel the appointment of an examiner. It is a factor to be added into the scale in considering whether substantial evidence of compliance exists." Memorandum on Procedures for the Continuous Evaluation of Counties Covered by 4(b) of the Voting Rights Act, Aug. 24, 1965.

⁴ U.S. Civil Service Commission, Memorandum on Voting Rights Program, January 1968. This figure does not include Bolivar and Sunflower Counties, Mississippi, Choctaw County, Alabama, and Hancock County, Georgia, which had been designated for examiners but in which no listing activity had taken place. These counties were designated by the Attorney General for Federal examiners on the eve of an election to permit the assignment of Federal observers to monitor elections in them. A description of the implementation of the Act during the first months of its operation can be found in the Commission report, *The Voting Rights Act . . . The First Months (1965)*.

⁵ *Id.*

⁶ Telephone interview with D. Robert Owen, First Assistant to the Assistant Attorney General, Civil Rights Division, Department of Justice, Feb. 7, 1968 [hereinafter cited as Owen interview]. The present Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice, formerly First Assistant in that Division and successor to John Doar, questioned whether the assignment of examiners

Footnote continued on following page.

gaged in voter registration work agree. Vernon Jordan, director of the Voter Education Project of the Southern Regional Council, said that examiners "have a positive effect in increasing Negro voter registration in counties to which they are sent."⁷ Marvin Wall, the Voter Education Project's director of research, stated: "Where the examiners are present the registration goes up tremendously almost at once."⁸

One year after the passage of the Voting Rights Act, the Voter Education Project studied the effects of Federal examiners and of private registration campaigns on Negro voter registration in the South.⁹ The study found that the highest Negro registration was in counties where there were Federal examiners and where there had been a voter registration campaign. Next were counties with Federal examiners but without a voter registration campaign. Third were counties with a voter registration campaign but without Federal examiners. Lowest registration levels were found in counties with neither.¹⁰

Percentage of Negroes Registered to Vote in Particular Counties of the South ¹¹

	<i>State</i>		
	<i>Alabama</i>	<i>Mississippi</i>	<i>South Carolina</i>
Federal Examiners and Voter Education Project.....	69.5	51.7	67.0
Federal Examiners Only.....	63.7	41.2	71.4
Voter Registration Project Only.....	57.6	34.9	51.6
Neither.....	45.4	24.2	48.8

There are 185 counties and parishes in States covered by the Act in which less than 50 percent of the Negro voting age population is registered

alone has a significant effect in encouraging Negroes to register. In a letter to the Staff Director of the Commission, he stated: "My experience would indicate that—at least after the first few months of experience with the Voting Rights Act—the key factor is the mounting of a drive for voter registration. The assignment of examiners may help generate enthusiasm but its major significance is as a means to assure that full opportunities are available for registration where the State fails to meet its responsibilities." Letter from Stephen J. Pollak to William L. Taylor, Mar. 13, 1968 [hereinafter cited as Pollak letter].

⁷ Telephone interview with Vernon Jordan, Jan. 25, 1968.

⁸ Telephone interview with Marvin Wall, Jan. 25, 1968.

⁹ Voter Education Project of the Southern Regional Council, *The Effects of Federal Examiners and Organized Registration Campaigns on Negro Voter Registration*, July 1966. See also, P. Watters and R. Cleghorn, *Climbing Jacob's Ladder: The Arrival of Negroes in Southern Politics* 244-48 (1967).

¹⁰ *Id.* It should be noted that certain variables were not controlled. That is, the possible effects of such factors as the proportion Negro of the county population, pre-Act Negro registration, and the percentage of the labor force in agriculture were not considered. In addition, the sample used in some cases may have been too small to have statistical significance.

¹¹ Voter Education Project Report.

but which have not been designated for examiners (76 in Georgia, 16 in Mississippi, 32 in Alabama, 25 in South Carolina, 27 in North Carolina, and 9 in Louisiana).¹² The Department of Justice does not contemplate designating all such political subdivisions for examiners.¹³ In a memorandum to Ramsey Clark, then Acting Attorney General, in January 1967, John Doar, then Assistant Attorney General in charge of the Department of Justice's Civil Rights Division, concluded that it would be contrary to the language of the Act to give conclusive weight to results alone in determining whether bona fide efforts were being made within a particular county to comply with the 15th amendment. He noted that if such a formula were adopted it "would necessarily result in a designation of a great number of counties for examiners", and expressed the fear that the "public would believe that the Federal examiners are a substitute for active local organizations" in accomplishing registration. This, he believed, "can be counterproductive as far as bringing Negroes out of the caste system and making them viable participants in our political life."¹⁴

Doar stated in an interview that during the preceding year the results of appointing examiners had been uneven, and that in some cases few Negroes had registered after an examiner was assigned to a county because there was no voter registration drive by private civil rights groups in the area. He felt that before a county should be designated for an examiner there should be the potential for registering at least a thousand new Negro voters.¹⁵

Doar affirmed the Department policy rejecting the recommendation made in previous Commission reports¹⁶ that the Federal Government should undertake affirmative programs to encourage Negro voter registration in the South. He expressed the view that the Federal Government has no authority or business encouraging or supporting voter registration drives.¹⁷

¹² Under Section 13 of the Voting Rights Act, a political subdivision designated for an examiner may petition for withdrawal of the examiner only when more than 50 percent of the non-white voting age population is registered to vote. 42 U.S.C. § 1973k (Supp. II, 1967).

¹³ Interview with John Doar, Assistant Attorney General in charge of the Civil Rights Division during the period covered by this study, Dec. 22, 1967. On Nov. 29, 1967, the President appointed Stephen J. Pollak to succeed Mr. Doar. Mr. Pollak assumed office Jan. 3, 1968.

¹⁴ "A political organization at the local level is needed and the designation of examiners alone and the subsequent registration of the Negro electorate by the Federal Government cannot achieve this." Memorandum dated Jan. 12, 1967, from John Doar to Ramsey Clark.

¹⁵ Doar interview.

¹⁶ See *Voting in Mississippi (1965)* at 62; *The Voting Rights Act . . . The First Months* at 4.

¹⁷ Doar interview. Previously, on Nov. 21, 1965, then Attorney General Katzenbach, in a letter to Stephen Currier of The Plains, Virginia, President of The Taconic Foundation, wrote:

My conclusion is that success turns principally on the effectiveness of a local registration drive which, of course, turns on the accomplishment of the local

Footnote continued on following page.

The Observer Program

The Act provides that in political subdivisions designated for Federal examiners, the Civil Service Commission, at the request of the Attorney General, may assign Federal election observers who are permitted to enter polling places during an election "for the purpose of observing whether persons who are entitled to vote are being permitted to vote" and to observe the votes being counted to determine if they are properly counted.¹⁸

The Department of Justice has made extensive use of the observer provisions of the Act.¹⁹ Federal observers were assigned to monitor primary, general, and special elections (but not precinct meetings or party conventions at which party officials were elected) in five States during 1966 and 1967: Mississippi, Alabama, Louisiana, Georgia, and South Carolina. Varying numbers of observers served in one or more elections in 28 Mississippi counties, nine Alabama counties, seven Louisiana parishes, one Georgia county, and two South Carolina counties.²⁰

In November 1966, some 600 Federal officials were in the South enforcing the provisions of the Act on election day.²¹ At the primary election in Mississippi on August 8, 9, and 10, 1967 observers were present in 27 counties.²² During 1966 and 1967, approximately 1,500 observers attended elections in the South.²³

Federal observers have no power to force correction of discrimination or irregularities which they observe. They are instructed to observe and not to inject themselves into the election process except insofar as it may be necessary to carry out the observational function. Where election officials commit violations such as mismarking the ballots of illiterates, the observer does not normally attempt to correct the matter himself but presents the matter to his team captain, who relays the report to a

organization. This is true whether or not federal examiners have been appointed for the county.

It has been suggested that this work can be done by the federal government. For a number of reasons, I don't think this is either possible or desirable.

The government has no budgetary approval for such a project. Besides, the only way that political participation can be permanently achieved is through many local organizations doing the routine, the drudgery, but step-by-step creating and developing a viable political organization. It seems to me that even if the federal government undertook to accomplish the actual registration of the mass of unregistered Negroes, when the federal government left, there would be little left for the future.

¹⁸ Section 8, 42 U.S.C. § 1973f (Supp. II, 1967).

¹⁹ Doar interview.

²⁰ Letter from Wilson M. Matthews, Director, Voter Examiner Task Force, U.S. Civil Service Commission, to David Rubin, Deputy General Counsel, U.S. Commission on Civil Rights, Dec. 18, 1967 [hereinafter cited as Matthews letter]. See Appendix V.

²¹ Doar interview.

²² Matthews letter.

²³ Information obtained from D. Robert Owen, First Assistant to the Assistant Attorney General, Civil Rights Division, Department of Justice, Dec. 13, 1967. This figure does not take into account the fact that some individuals served as observers on more than one occasion.

Department of Justice attorney.²⁴ The attorney then discusses the matter with the county officials charged with managing the election. If these officials fail to take corrective action, the Department may then bring suit.²⁵

Although Federal observers cannot guarantee the absence of election day discrimination,²⁶ their presence often deters local election officials from engaging in discriminatory practices.²⁷ For example, Rev. Linton I. Spears, Negro candidate for county commissioner in Choctaw County, complained that white election officials had harassed Negro voters in the May 3, 1966 Alabama primary, but reported that there was "not much abuse" four weeks later at the primary run-off election, attended by Federal observers.²⁸

The Department of Justice considers several factors when deciding where to assign observers.²⁹ One factor stressed by Doar is whether there

²⁴ Owen interview. A group of observers assigned to monitor an election in a county is called a "team". Each such team has two co-captains who, with Department of Justice attorneys, coordinate the observer activities within the county.

²⁵ The determination whether to institute suit depends on the Department's assessment of the seriousness of the matter.

²⁶ In eight of the counties visited by Commission staff for this study to which Federal observers had been assigned, Negroes complained to Commission staff members that their voting rights had been denied at elections. In some instances the denials were admitted by election officials interviewed by Commission staff; in other instances election officials denied that discrimination had occurred. Accounts of some of the discriminatory practices are found in the reports of the Federal observers themselves. In two cases the Department of Justice brought suit to correct the discrimination. These related to the technical disqualification of ballots cast by Negro voters in the May 3, 1966 Democratic primary in Dallas County, Alabama (see pp. 76-77 supra) and the discrimination in the administration of the absentee balloting process in the Nov. 8, 1966, general election in Madison Parish, Louisiana (see pp. 79-80 supra).

²⁷ Doar interview; Owen interview.

²⁸ Interview with Rev. Linton I Spears, Jan. 4, 1967. See p. 69 supra.

²⁹ In a letter sent to local Alabama officials, the Attorney General stated "some of the factors which are important" in determining whether there is a need for Federal observers in a particular county:

1. Is the county prepared to deal with the rather sharp increase in the number of new voters?
2. Is the county prepared to deal with the further fact that some of these new voters will need assistance at the polls?
3. Have local officials made public commitments that the elections will be conducted freely and fairly?
4. Does the published list of eligible voters contain the names of all persons eligible to vote and are such persons assigned to the proper polling places?
5. Have the polling officials which have been designated by the appointing boards been fairly chosen from the lists submitted to them by candidates—particularly in areas where there is a substantial increase in Negro voters?
6. Have the registration rolls been properly purged of persons who have died, moved away, or otherwise become disqualified?
7. Are there grounds for believing that eligible persons will not have their votes counted because of their race or color?
8. Is there substantial evidence of bona fide efforts to comply with the Fifteenth Amendment in elections held in the county since the passage of the Act?

Letter from then Attorney General Nicholas DeB. Katzenbach to probate judges and chairmen of county Democratic executive committees in Alabama, Apr. 23, 1966. Letters to other election officials in other States enunciated substantially the same criteria.

is discrimination against Negroes in the selection of election officials.³⁰ Although the Department used observers extensively during 1966 and 1967, it did not assign them to all counties in which there was alleged discrimination against Negroes in the selection of election officials. For example, no observers were present at the May 3, 1966 primary election in Choctaw County, Alabama; the July 13, 1966 special school board election in Baker County, Georgia; the November 15, 1966 Americus municipal primary election in Sumter County, Georgia; or the Durant polling place in Holmes County, Mississippi in the November 1966 general election.³¹ The respective election managers admitted that no Negroes had been selected to serve as polling officials in Sumter, Baker, or Choctaw Counties or in the Durant polling place at the cited elections. In each case, there were reports of racial discrimination during the election.³²

Two other criteria used to determine the need for Federal observers are whether the county election officials have made preparations for giving assistance to new voters at the polls and whether the registration rolls have been properly purged of persons who have died, moved away, or otherwise become disqualified.³³ Negro leaders reported that election officials had failed to provide for adequate assistance to illiterate and inexperienced Negro voters in the July 13, 1966 special school board election in Baker County, Georgia; the June 1966 primary and primary run-off elections in Williamsburg County, South Carolina; and the May 1966 primary and primary run-off elections in Bullock and Barbour Counties, Alabama. There also were allegations that voter lists had not been properly purged for the 1966 primary elections in Barbour, Bullock, and Macon Counties, Alabama. No Federal observers were present at these elections. There were reports of discrimination and violations of the Voting Rights Act at each election.³⁴

The reason given by Doar for not assigning Federal observers to elections in these counties was that the counties had not been designated for Federal examiners, a precondition to the assignment of observers under the Voting Rights Act.³⁵ The Attorney General, however, has designated counties for an examiner on the eve of an election for the purpose of permitting the assignment of observers to monitor the election. This procedure was followed, for example, for the November, 1966 general election in Hancock County, Georgia.³⁶ Doar acknowledged that "I think this election eve designation where we have done it has been very

³⁰ Doar interview.

³¹ Information on where observers were sent taken from the Matthews letter; the letter does not indicate that any observers were assigned to these elections.

³² These reports discussed in Part III at pp. 66-69, 74-75, 77-79, 90-91, 94 *supra*.

³³ See note 29 *supra*.

³⁴ See Part III at pp. 65, 70-71, 72-73, 74-75, 86-89, 95-97 *supra*.

³⁵ Doar interview; Voting Rights Act, Section 8.

³⁶ Department of Justice, Press Release, Nov. 8, 1966.

effective” and that “maybe we made some mistakes” in not having more election eve designations.³⁷

The Department does not announce publicly before election day where Federal observers will be assigned and does not identify Federal observers as such by use of a badge or other conspicuous identification.³⁸ The reasons for avoiding advance public announcement and conspicuous identification are: (1) to keep the Federal presence as inconspicuous as possible and thus avoid a reaction by hostile white persons which would be reflected in voting behavior and affect the outcome of the election, and (2) to permit the Attorney General to make the determination whether observers should be assigned to a county on the basis of the facts prevailing as close to the election as possible. Civil Rights Division attorneys collect information up until the eve of the election and this information forms the basis for the decision made by the Attorney General as to whether observers should be sent to any county. In some cases, for example, Negro election officials have been appointed in a county immediately before the election, and observers tentatively assigned to that county have been reassigned to another county. About 15 percent of the observers are reassigned in this fashion.³⁹

This policy reportedly has caused difficulties for Negro voters. Federal observers are employees of the Civil Service Commission. In the case of a major election the majority of the observers come from the Commission's regional field offices, such as those in San Francisco, New York, Boston, and Chicago. For a minor election, the observers are recruited from the Southern regional field offices.⁴⁰ The observers are instructed to record the name of each voter and to observe closely the assistance being rendered to illiterate voters to ensure that the ballot is marked according to the voter's wishes. Some Negro voters, primarily in the Deep South, reportedly are deterred from voting because they associate the unidentified Federal observer, who usually is white and sometimes from the South, with the local election and registration officials who have been so hostile to Negro voting in the past.⁴¹ Illiterate

³⁷ Doar interview.

³⁸ Doar and Owen interviews. On the day of the election the Attorney General announces publicly the counties to which the observers will be sent. If a county is designated for observers the captain of the observer team and a Department of Justice attorney go to the election managers on the day before the election and tell them that observers will come into the county the next day. The public is not informed on election day of the precincts to which the observers will be sent, or how many observers there will be in the county. Nor is this information given to the election managers when they are informed on the day before the election that observers will be present in the county. Doar interview; Owen interview.

³⁹ Owen interview; Pollak letter.

⁴⁰ Owen interview.

⁴¹ Interview with Rev. Ed King, Mississippi Freedom Democratic Party candidate in 1966 for the Democratic nomination to the U.S. House of Representatives, Feb. 13, 1967. The view that unidentified Federal observers have been associated in the minds of some Negro voters with local election officials was also expressed, in interviews, by Charles Evers, Mississippi State field director of the NAACP, Mar. 25, 1968, and

Footnote continued on following page.

Negro voters, according to these complaints, fear that their actions in casting ballots and their choices of candidates are recorded for the purpose of subjecting them to reprisals after the election.⁴² One complainant recommended that Federal observers wear some badge or other mark of identification to distinguish them from local election officials.⁴³

In the view of Stephen J. Pollak, present Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice, "the conclusion expressed that Federal observers intimidate Negro voters is inaccurate. . . . I have not heard the view expressed and believe that Negro voters have generally been informed as to the presence of Federal observers."⁴⁴

Another Department of Justice spokesman stated that he had attended many elections in the South where observers were present but had never heard this complaint. He stated that it is likely that the illiterate voter recognizes the observer as a Federal employee. On the morning of the election, he said, the Department of Justice informs the Negro community that observers will be present for the election. In many places, he reported, the local officials advise the illiterate that he has the right to request the presence of the observer at the marking and casting of his ballot, and identify the observer to the illiterate.⁴⁵ In Mississippi and Alabama, according to another spokesman, the observer in most counties simply steps forward, asks the illiterate if he minds being watched, and in the great

Marvin Wall, research director for the Voter Education Project of the Southern Regional Council, Mar. 19, 1968. Doar stated that there have been only "a small number" of Negro Federal observers, although efforts were being made to recruit more Negro observers. He indicated that there were many parts of the South where Negro observers were reluctant to serve for fear of reprisals or harassment.

⁴² King interview. During the field study for this report, Commission staff members entered polling places to observe the balloting in the Feb. 27, 1967 run-off election in which U.S. Gillon, a Negro, was a candidate for the Grenada, Miss., City Council. In each polling place all of the observers were white, many were from Southern States, and there appeared to be no basis upon which Negro voters could distinguish the observers from the local election officials. Staff memorandum, Feb. 27, 1967.

The Report on the Mississippi Election Project, summarizing the reports of the law students sent by the Law Students Civil Rights Research Council to observe the 1967 general election in Mississippi states that the Federal observers were "indistinguishable from the local white election officials. In almost every instance they make no attempt to identify themselves as Federal as distinguished from local officials." Report on the Mississippi Election Project at 13 (1967).

⁴³ King interview.

⁴⁴ Pollak letter.

⁴⁵ Owen interview. In *United States v. Louisiana*, 265 F. Supp. 703 (E.D. La. 1966), *aff'd per curiam*, 386 U.S. 270 (1967), the election commissioners were required to advise each voter receiving assistance that Federal observers were present to observe the balloting and that the voter had the right to request the presence of the Federal observer to monitor the assistance rendered by the election officials. *Id.* at 715. The same procedure has been required by the Federal district court in South Carolina. *United States v. County Executive Committee of Democratic Party of Clarendon County, S.C.*, Civil No. 66-459, D.S.C., June 22, 1966.

majority of cases, identifies himself.⁴⁶ He estimated that the observer identifies himself to the Negro illiterate in 90 percent of the cases.⁴⁶

Litigation

In implementing the Voting Rights Act of 1965 the Department of Justice has instituted litigation to (1) secure substantive rights to Negro voters and candidates; (2) establish the constitutionality of the Act and implement its administrative provisions; and (3) remove economic burdens from the franchise.

The Voting Rights Act supplemented previous voting rights legislation by establishing additional civil and criminal remedies against interference with the voting rights of Negroes. Section 11(a) prohibits State and local officials from failing or refusing to permit any person to vote who is entitled to vote under any provision of the Act or is otherwise qualified to vote, or willfully failing or refusing to tabulate, count, and report such person's vote.⁴⁷ Section 11(b) prohibits any person, including private citizens, from intimidating, threatening, or coercing, or attempting to intimidate, threaten, or coerce, any person for voting or attempting to vote, or for urging or aiding any person to vote or attempt to vote.⁴⁸

Section 12(a) makes the violation of these and other provisions punishable by a fine of not more than \$5,000 or imprisonment for not more than five years,⁴⁹ and Section 12(d) authorizes the United States Attorney General to bring actions for injunctive relief to restrain violations of the Act.⁵⁰

Since the passage of the Voting Rights Act the Department of Justice has brought a number of actions to protect the substantive rights of Negro voters and Negro candidates, and has participated in others. The Department successfully attacked the attempt by the Alabama Legisla-

⁴⁶ Telephone interview with Department of Justice attorney Robert Moore, Feb. 16, 1968. Sometimes circumstances do not permit the observer to identify himself. For example, there may be several voting booths and an observer, faced with the need to observe simultaneously assistance being given to more than one illiterate, may not have time to identify himself. *Id.*

⁴⁷ Section 11(a), 42 U.S.C. § 1973i(a) (Supp. II, 1967). The constitutionality of this provision was upheld in *United States v. Executive Committee of Democratic Party of Dallas County, Alabama*, 254 F. Supp. 537 (S.D. Ala. 1966).

⁴⁸ Section 11(b), 42 U.S.C. § 1973i(b) (Supp. II, 1967). Section 11(b) also prohibits, and Section 12(a) makes punishable, intimidation, threatening, or coercion of any person for exercising any powers or duties under specified sections of the Act. 42 U.S.C. § 1973i(b) (Supp. II, 1967). Section 11(c) imposes criminal penalties on persons who give false information about their eligibility to vote, who conspire to encourage false registration, or who pay or accept payment to register to vote, in a Federal election. 42 U.S.C. § 1973i(c) (Supp. II, 1967).

⁴⁹ Section 12(a), 42 U.S.C. § 1973j(a) (Supp. II, 1967).

⁵⁰ Section 12(d), 42 U.S.C. § 1973j(d) (Supp. II, 1967). The constitutionality of this provision was sustained in *United States v. Executive Committee of Democratic Party of Dallas County, Alabama*, supra note 47.

ture to extend the terms of incumbent white county commissioners in Bullock County, Alabama⁵¹ and the disqualification on technical grounds of ballots cast mainly by Negro voters in Dallas County, Alabama.⁵² In another case the Department successfully challenged, in a Louisiana parish, discrimination in the use of absentee ballots designed to defeat a Negro candidate for membership on the school board.⁵³ In another pending case, the Department, by order of the court, is participating as a friend of the court in a suit by Fred Gray, a Negro candidate for the Alabama House of Representatives, charging racially motivated vote fraud and other election irregularities.⁵⁴

In two cases brought by the Department prior to the Voting Rights Act, but decided after the enactment of the law, Federal district courts held that the Act requires local election officials to give illiterates assistance at the polls to make their votes meaningful.⁵⁵

The Department also has filed a suit to relieve polling place overcrowding which allegedly delayed voting by Negroes in a Mississippi county⁵⁶ and two lawsuits to desegregate racially segregated voting places in a Georgia county.⁵⁷ In the Mississippi case, county authorities volun-

⁵¹ United States v. Crook, 253 F. Supp. 915 (M.D. Ala. 1966). The details of this matter are discussed at pp. 41-42 supra.

⁵² United States v. Executive Committee of Democratic Party of Dallas County, Alabama, supra note 47. The details of this incident are discussed at pp. 76-77 supra.

⁵³ United States v. Post, Civil No. 12583, W.D. La., Jan. 24, 1968. The details of this incident are discussed at pp. 79-80 supra.

⁵⁴ Gray v. Main, Civil No. 2430-N, M.D. Ala. filed July 5, 1966. The Department of Justice has also brought suit to set aside a 1968 special municipal election in Louisiana on the ground that election officials had given out erroneous information. See p. 75 supra.

⁵⁵ Until 1960, Louisiana provided assistance to illiterates in voting. In that year the legislature revoked the authority to give this assistance. In United States v. Louisiana, 265 F. Supp. 703 (E.D. La. 1966), *aff'd per curiam*, 386 U.S. 270 (1967), the court held that the failure to provide for assistance to illiterate voters conflicted with the Voting Rights Act of 1965. The court said (265 F. Supp. at 708):

The Act provides for the suspension of literacy tests in states which have used such tests as a discriminatory device to prevent Negroes from registering to vote. Like any other law, this provision implicitly carries with it all means necessary and proper to carry out effectively the purposes of the law. As Louisiana recognized for 150 years, if an illiterate is entitled to vote, he is entitled to assistance at the polls that will make his vote meaningful. We cannot impute to Congress the self-defeating notion that an illiterate has the right [to] pull the lever of a voting machine but not the right to know for whom he pulled the lever.

The same question arose after Mississippi repealed its statute providing for assistance to illiterate voters. In United States v. Mississippi, 256 F. Supp. 344, 348 (S.D. Miss. 1966), the court said:

We agree that the obvious sense of Congress is to assure not just registration but the full exercise of the right to vote itself. . . . We think that some suitable arrangements must be made to afford this assistance; and there are ample resources under the Act to effectuate it. Cf: § 5; § 12(d) [footnote omitted].

Accord, Morris v. Fortson, 261 F. Supp. 538 (N.D. Ga. 1966).

⁵⁶ United States v. Executive Committee of Democratic Party of Leflore County, Miss., Civil No. GC6632, N.D. Miss., filed June 16, 1966. Both sides filed a stipulation of dismissal on Dec. 12, 1967.

⁵⁷ United States v. Attaway, Civil No. 962, S.D. Ga., filed June 23, 1967; United States v. Brantley, Civil No. 694, S.D. Ga., filed Aug. 18, 1967 (Johnson County, Ga.).

tarily complied with the Department's suggested changes. As of March 1, 1968 the Georgia cases had not yet been heard.

The Department has brought one criminal prosecution, filed one civil action, and participated in two private civil actions involving alleged harassment and intimidation of Negroes for registering and voting. In the criminal action, the Department obtained an indictment against 12 members of the Ku Klux Klan in Mississippi charging that they had conspired to kill Vernon Dahmer, a local Negro leader active in voter registration and voting efforts and to burn his home and store.⁵⁸

Under Section 5 of the Act, when a State or political subdivision covered by Section 4 (the section suspending tests and devices) seeks to change its voting qualifications or procedures from those in effect on November 1, 1964, it either must obtain the approval of the U.S. Attorney General or initiate a suit in the U.S. District Court for the District of Columbia. If the Attorney General objects to the changes, they may not be enforced until the court rules that they do not have the purpose and will not have the effect of denying to any person the right to vote because of his race or color.⁵⁹

Section 12(d) of the Act gives the Attorney General power to sue to prevent implementation of State voting qualifications or procedures administered without complying with the provisions of Section 5. Although the Department has "had several submissions under Section 5"—all but one from South Carolina when that State made extensive revision of its election laws in the Spring of 1966⁶⁰—there have been many laws affecting voting procedures which have not been submitted. During 1966, the Mississippi Legislature passed, and State and local officials administered, at least 12 measures allegedly having the purpose or effect of discriminating against Negro voters and candidates. None was submitted to the Department of Justice; nor was permission obtained from the U.S. District Court for the District of Columbia for the change.⁶¹

As of January 1968, only one suit had been brought by the Department

⁵⁸ United States v. Bowers, Criminal No. 1436, S.D. Miss., indictment filed Feb. 27, 1967. Two of the three civil actions involved economic harassment and intimidation of Negro registrants, and in both cases judgment was entered for the defendants. United States v. Harvey, 250 F. Supp. 219 (E.D. La. 1966); Miles v. Dickson, 11 Race Rel. L. Rep. 1357 (M.D. Ala. 1966). The third civil action was a damage suit by a Louisiana Negro alleging threats against his life and property for attempting to register to vote. The trial court dismissed the action for lack of Federal jurisdiction, but the U.S. Court of Appeals reversed and the suit is now awaiting trial. Paynes v. Lee, 377 F.2d 61 (5th Cir. 1967).

⁵⁹ Section 5, 42 U.S.C. § 1973c (Supp. II, 1967). In *South Carolina v. Katzenbach*, the Supreme Court held that it was constitutionally permissible for Congress, which had reason to believe that States covered by the Act would contrive new rules to evade its remedies, to forbid such States to institute new registration tests without approval. 383 U.S. at 334-35.

⁶⁰ Letter from D. Robert Owen, First Assistant to the Assistant Attorney General in charge of the Civil Rights Division, to David Rubin, Deputy General Counsel, U.S. Commission on Civil Rights, Jan. 16, 1968 [hereinafter referred to as Owen letter].

⁶¹ Doar interview.

of Justice to enforce Section 5 of the Act.⁶² Although most of the Mississippi statutes have been challenged in court by attorneys for private civil rights organizations, three had not been challenged as of January 1968.⁶³

There is some question about whether Section 5 covers changes in party rules, as distinguished from changes in State or local laws. The Department has not sought clarification of this issue by instituting lawsuits to block such changes when administered without complying with Section 5. Some of these changes—such as those switching to at-large primary elections—allegedly have been designed to dilute the votes of Negroes and to defeat Negro candidates.

The Department has not brought suit to secure the nondiscriminatory selection of election officials, although efforts—often successful—have been made to secure voluntary compliance in this area.⁶⁴ No actions have been brought to enjoin exclusion of or interference with Negro poll watchers, except where racial discrimination has affected the outcome of the election. Nor were the instances of exclusion or interference with Negro poll watchers described in this report⁶⁵ remedied by other means. No suits have been brought, or other action taken, to prevent exclusion of Negroes from party precinct meetings, even though such exclusion is construed by the Department of Justice to contravene the provisions of the Voting Rights Act.⁶⁶

In addition to vindicating the substantive rights of Negro voters and candidates, the Department has defended successfully the major provisions of the Act against constitutional attack. In *South Carolina v. Katzenbach* the Supreme Court upheld the provisions of the Act suspending tests and devices and authorizing the assignment of examiners as a “rational means to effectuate the constitutional prohibition of racial discrimination in voting [contained in the Fifteenth Amendment].”⁶⁷ The

⁶² *United States v. Crook*, supra note 51.

At the request of the Supreme Court the Department of Justice is participating in *Allen v. State Board of Elections*, appeal docketed, 36 U.S.L.W. 3117 (U.S. Sept. 28, 1967) (No. 661) a case challenging the refusal of the Board of Elections to allow illiterate voters to use printed stickers to cast a write-in vote (see p. 74 supra). After the passage of the Voting Rights Act Virginia determined that its requirement that write-in votes be cast in the voter's own handwriting was suspended insofar as it applied to illiterates. The Department of Justice takes the position that Virginia's new practice or procedure of requiring that an illiterate desiring to cast a write-in vote must request a judge of the election to assist him by writing the vote in the judge's handwriting cannot be used without first passing the scrutiny of either the Attorney General or the United States District Court for the District of Columbia.

⁶³ These statutes and the action challenging them are discussed in Part III, ch. 2.

⁶⁴ See p. 168 infra.

⁶⁵ See Part III, ch. 4 supra.

⁶⁶ Doar interview. At the time of the interview with Mr. Doar, the Department of Justice had not received since the passage of the Voting Rights Act any complaints of exclusion of Negroes from precinct meetings. Id.

⁶⁷ 383 U.S. 301, 324 (1966). See also *Dent v. Duncan*, 360 F. 2d 333 (5th Cir. 1966); *Louisiana ex rel. Mitchell v. Moore*, 12 Race Rel. L. Rep. 889 (W.D. La. 1967). The Department also has established the constitutionality of other provisions of the Act. Under Section 14(b), exclusive jurisdiction to issue injunctions against

Footnote continued on following page.

Department in litigation under the Act has implemented the administrative provisions of the Act by securing the transfer of federally listed voters to State voter registration lists,⁶⁸ and has obtained court orders requiring local election officials to permit Federal observers to monitor the balloting process.⁶⁹

In addition, the Department has filed lawsuits to remove economic burdens from the franchise. Section 10 of the Voting Rights Act contains a congressional finding that the right to vote is denied or abridged in some areas by the requirement of payment of a poll tax as a precondition to voting and directs the Attorney General to institute suits to determine the constitutionality of such poll taxes.⁷⁰ Directly after the passage of the Voting Rights Act of 1965, the Attorney General pursuant to Section 10 filed complaints in Federal district courts in Alabama, Mississippi, Texas, and Virginia to invalidate the poll taxes enforced in those States as a precondition to voting in State elections.⁷¹ Although the Supreme Court in 1937 had held that the requirement of payment of a poll tax to vote did not violate the Constitution,⁷² three-judge district courts in the Texas⁷³ and Alabama⁷⁴ suits declined to follow that ruling and declared State poll taxes unconstitutional in February and March of 1966. On March 24, 1966 in a private action in

enforcement of the Act is vested in the United States District Court for the District of Columbia, 42 U.S.C. § 19731(b) (Supp. II, 1967). The only exception is the jurisdiction expressly vested by Section 9 in courts of appeals to decide challenges to listines by examiners. The constitutionality of Section 14(b) has been upheld in several Federal cases in which the Department was a party or participated. *McCann v. Paris*, 244 F. Supp. 870 (W.D. Va. 1965); *United States v. Parker*, 236 F. Supp. 511 (M.D. Ala. 1965); *United States v. Louisiana*, 265 F. Supp. 703 (E.D. La. 1966); *Louisiana ex rel. Mitchell v. Moore*, supra. In *Perez v. Rhiddlechoover*, 247 F. Supp. 65 (E.D. La. 1965) a Federal court held that, Section 14(b) notwithstanding, State courts have jurisdiction to issue injunctions against Federal examiners who, in registering voters, misapply State law not inconsistent with the Voting Rights Act.

⁶⁸ *State ex rel. Gremillion v. Roosa*, Civil No. 11365, consolidated with *Manning v. Roosa*, Civil No. 11364, W.D. La., dismissed without prejudice Sept. 8, 1965.

⁶⁹ *United States v. Executive Committee of Democratic Party of Greene County, Alabama*, and *Executive Committee of Democratic Party of Sumter County, Alabama*, 254 F. Supp. 543 (N.D. Ala. 1966); *United States v. Executive Committee of Democratic Party of Marengo County, Alabama*, 254 F. Supp. 543 (S.D. Ala. 1966); *United States v. County Executive Committee of Democratic Party of Clarendon County, S.C.*, Civil No. 66-459, D.S.C., June 22, 1966. In the *Greene County* case, the court held that the Federal observer may monitor the assistance given an illiterate voter only if the illiterate requests it. In a Louisiana case brought by the Department before the enactment of the Act, a Federal court ruled subsequent to the Act that while an illiterate voter should not be accompanied by a Federal observer unless he wishes to be, election officials must advise each person receiving assistance that Federal observers are present and that he may, if he wishes, have the observer watch the marking and casting of his ballot. *United States v. Louisiana*, 265 F. Supp. 703, 715 (E.D. La. 1966), *aff'd per curiam*, 386 U.S. 270 (1967).

⁷⁰ 42 U.S.C. §§ 1973a-b (Supp. II, 1967).

⁷¹ The payment of poll taxes as a prerequisite to voting in Federal elections already had been voided by the 24th amendment, passed in 1964.

⁷² *Breedlove v. Suttles*, 302 U.S. 277 (1937).

⁷³ *United States v. Texas*, 252 F. Supp. 234 (W.D. Tex. 1966), *aff'd mem.*, 384 U.S. 155 (1966).

⁷⁴ *United States v. Alabama*, 252 F. Supp. 95 (M.D. Ala. 1966).

which the Department of Justice participated, the Supreme Court overruled the 1937 case and held that the 14th amendment voids State poll taxes as a prerequisite to voting.⁷⁵ Subsequent to this decision, Federal district courts in Mississippi⁷⁶ and Virginia,⁷⁷ in the suits filed by the Department, invalidated the poll tax provisions of those States.

Informal Negotiation and Persuasion

The Civil Rights Division of the Department of Justice has relied to a considerable extent upon informal negotiation and persuasion in its enforcement of the Voting Rights Act.

Under Section 12(e) of the Act, complaints of denials of the right to vote may be made within 48 hours after an election to the Federal examiner. A complaint, if it appears to the examiner to be well-founded, must be communicated to the Attorney General, who may “forthwith” file an action with the district court for an order providing for the immediate counting of the complainant’s vote and requiring its inclusion in the total vote before the results of the election are deemed final or have any force or effect.⁷⁸ “. . . [T]he statutory procedure contained in the provision permitting the Attorney General to enjoin the certification of the election until the complainants have been allowed to vote and have their votes counted has, by its existence, made it much easier to deal with state election officials with respect to voting problems on election day.”⁷⁹

Division attorneys are assigned to particular counties on election day to deal with complaints on-the-spot.⁸⁰ About 50 Division lawyers were in the South during the general election in 1966.⁸¹ In many areas, Division attorneys—with the leverage afforded by Section 12(e)—have been successful in persuading election officials to comply with the law.⁸²

Election day complaints often have been resolved by attorneys on the scene. For example, when a polling official in Dorchester County, South Carolina at a 1966 election denied illiterate Negro voters the right to be assisted by a bystander of their choice, as provided by State law, the matter was settled through the intervention of a Division attorney who succeeded in persuading the polling place official to obey the law.⁸³ In the first primary election in Coahoma County, Mississippi, in 1967, Division attorneys succeeded in persuading local election officials to count ballots

⁷⁵ *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966).

⁷⁶ *United States v. Mississippi*, 11 Race Rel. L. Rep. 837 (S.D. Miss. 1966).

⁷⁷ *United States v. Virginia*, 11 Race Rel. L. Rep. 853 (E.D. Va. 1966).

⁷⁸ 42 U.S.C. § 1973j(e) (Supp. II, 1967).

⁷⁹ Owen letter.

⁸⁰ Owen letter.

⁸¹ Owen interview.

⁸² Doar interview; interviews with Robert Moore, Attorney, Civil Rights Division, Dec. 4 and 5, 1967.

⁸³ See p. 72 *supra*.

cast for a Negro candidate for justice of the peace which had been fraudulently spoiled by polling officials, and to disqualify ballots illegally marked by one polling official for the white candidate. As a result, the Negro candidate, who otherwise might have lost the election, was declared the winner by a clear majority.⁸⁴

Prior to election day State and local election officials are encouraged to comply with the Attorney General's criteria to avoid the assignment of Federal observers. Such informal negotiation and persuasion has stimulated compliance in many areas, including the appointment of election officials broadly representative of the community. Communities in the South generally are adverse to the appointment of Federal observers to monitor the local election process, although in a few cases the Department of Justice has had requests for observers from local officials to demonstrate to the local community the fairness of the electoral process.⁸⁵

Civil Rights Division attorneys made a concentrated effort during 1966 and 1967 to persuade local party officials and election commissioners in Mississippi to appoint Negroes as polling place officials. In 1967, some Negroes were appointed in most of the Mississippi counties, though not all the precincts, in which the Department was active. This encompassed some 60 to 70 percent of the counties in the State and the counties where discrimination was most prevalent.⁸⁶ At the insistence of the Department of Justice, William Moses, chairman of the Holmes County, Mississippi Election Commission, and members of the Commission, discussed with the Negro candidates the appointment of Negro election officials for the November 1967 general election.⁸⁷ For this election Negro election officials, nominees of the Negro candidates, were assigned to every polling place in the county. The Department generally attempts to secure the appointment of Negroes who are representative of the Negro community and it seeks to insure that those who are chosen are qualified for the task. In Sumter County, Alabama, Federal observers were assigned to an election because the Department determined that three of the six Negro election officials appointed on the eve of the election were illiterate.⁸⁸

The Department has not been successful in obtaining compliance through informal persuasion in all areas. During most of the period

⁸⁴ Doar interview; interview with J. Harold Flannery, Attorney, Civil Rights Division, Jan. 29, 1968.

⁸⁵ Owen interview.

⁸⁶ Owen interview; Moore interviews.

⁸⁷ Moore interviews.

⁸⁸ In Carroll County, on the other hand, it was reported that the Negro polling officials were not the ones suggested by the Negro candidates. In addition, Negroes appointed as polling officials reportedly lacked any information as to their duties and in some cases lacked any notice of their appointment. Report by Alex Capron, law student serving on the LSCRRR Mississippi Election Project (See p. 64 *supra*) in Carroll County, Beat 4, Nov. 8, 1967. As a result, it was reported, the Negro officials were not effective; some arrived late or not at all, and some were replaced by white persons. *Id.*

covered by this study, the Department had about 40 attorneys working full-time on Southern problems. They were responsible not only for voting problems but also for other matters such as school segregation, employment discrimination, and segregation in public accommodations.⁸⁹ Because of its limited manpower, the Department has had to concentrate its efforts in the States of Alabama, Louisiana, and Mississippi. In a memorandum to the then Acting Attorney General written in January 1967, outlining the Division's program for 1967, Doar stated:

Georgia counties are small, and it takes a lot of shoe leather to cross and recross the State. Georgia has suffered from neglect of enforcement program. Ever since I've been here, we have always given high priority to Alabama, Louisiana, and Mississippi.⁹⁰

As a result of a Division reorganization in September and November 1967, the number of attorneys working on exclusively Southern problems was reduced from approximately 40 to 27.⁹¹

There are continuing problems in Mississippi and in other States in the Deep South where the Department's enforcement effort is concentrated. In Louisiana, progress in the appointment of Negro election officials during the 1967 elections did not match that in Mississippi, although some Negro election officials were appointed.⁹² As this report shows, for the 1966 elections in Alabama (where there were no elections in 1967) there were many counties in which Negro election officials were not appointed, or were appointed in token numbers, or were chosen on the basis of whether their activities or opinions were acceptable to the white community.⁹³ Although allowance should be made for the fact that the 1966 elections were the first elections subject to the Department's enforcement program after the Voting Rights Act, the enforcement problem is not solely one of obtaining the necessary experience in implementing the Act. In December 1967, Doar indicated that

⁸⁹ Owen interview.

⁹⁰ Doar memorandum. Similarly, Owen stated that it was not possible to cover every county in every State because of lack of manpower, although he thought that coverage "had been pretty good." Owen interview.

⁹¹ Prior to the 1967 reorganization of the Civil Rights Division, 40 attorneys were assigned to the Southeastern and Southwestern Sections which included Mississippi, Alabama, Louisiana, Georgia, Florida, and South Carolina. As of Mar. 13, 1968, 27 attorneys were assigned to the new Southern Section, which includes Mississippi, Alabama, Louisiana, Florida, and Georgia. South Carolina, along with North Carolina and Virginia, was placed in the new Eastern Section to which 11 attorneys were assigned. In addition, other attorneys in the Planning and Coordination Office and in the Title VI unit also deal with Southern problems as part of their regular duties. Where responsibilities under the Voting Rights Act in connection with elections have made heavy demands on manpower, the Assistant Attorney General has called on attorneys assigned to sections with responsibilities for States outside the South. Pollak letter. In its Fiscal 1969 budget request, the Department of Justice asked for 20 additional attorneys, based on the Division's overall enforcement program, and this request was approved by the Budget Bureau. Owen letter.

⁹² Owen interview.

⁹³ See pp. 100-04 supra.

the Department of Justice did not have enough attorneys to contact and persuade all local election officials to appoint Negro polling officials.⁹⁴

In addition, the very nature of the process of negotiation and persuasion requires Division attorneys to establish personal contacts with election officials in each county in which there are complaints. Often several meetings must be held with these officials before compliance is obtained. Where the complaint involves discrimination first occurring on election day itself, part of the election day must elapse before compliance, if any, is obtained, and there is no assurance other than the word of the election officials that the discrimination will not recur in the next election.

⁹⁴ Doar interview.

Findings

Progress Under the Voting Rights Act

1. Since the passage of the Voting Rights Act of 1965, Negro voter registration and political participation in the five States of the Deep South most affected by the Act have increased substantially. Negro voter registration in these States has more than doubled to reach an overall rate of more than half of those eligible. During 1966 and 1967, hundreds of thousands of Negro voters cast ballots for the first time. In many counties and parishes where resistance to the exercise of the franchise by Negroes had been exceptionally strong, Negroes have been appointed to serve as polling officials and have monitored elections as poll watchers for Negro candidates. During this same period more than 1,000 Negroes in the South ran for State, local, and party office. Almost 250 were elected to public office and many others to party office.

Remaining Problems

2. Negro voter registration and political participation have lagged in some areas. There remain 185 counties in six Southern States covered in whole or in part by the Act where less than 50 percent of the eligible Negroes are registered to vote and which have not been designated by the U.S. Attorney General for Federal examiners. Despite significant progress in many areas of the South and the lack of any "massive resistance" movement since the passage of the Voting Rights Act, Negro candidates and voters have experienced hostility on the part of white persons and many forms of discrimination by State and local governmental bodies, political parties, and public and party officials, primarily in areas of heavy Negro concentration in the Deep South, and, in isolated cases, in other Southern States. Some types of discrimination have been widespread.

Dilution of the Negro Vote

3. State legislatures and political party committees in Alabama and Mississippi have adopted laws or rules since the passage of the Act which have had the purpose or effect of diluting the votes of newly enfranchised Negro voters. These measures have taken the form of switching to at-large elections where Negro voting strength is concentrated in particular election districts, facilitating the consolidation of predominantly Negro and predominantly white counties, and redrawing the lines of legislative districts to divide concentrations of Negro voting strength. In other

Southern States, full-slate voting laws antedating the Act have had the effect of requiring Negroes, where a full slate of candidates of their choice is not running, to dilute their votes by voting for competing candidates as well.

Measures to Prevent Negroes from Obtaining Office

4. Since the passage of the Voting Rights Act, the Mississippi and Alabama Legislatures have promulgated laws designed to prevent or having the effect of preventing Negroes from becoming candidates or obtaining office. In Mississippi, Alabama, Georgia, and Arkansas, public and party officials and private corporations have engaged in acts and practices or promulgated rules having the same purpose or effect. These laws, rules, and practices have taken the form of—

- (a) abolishing the office sought by the Negro candidate;
- (b) extending the term of office of incumbent white officials;
- (c) making formerly elective offices appointive;
- (d) raising the filing fees required of candidates for party office and party nomination for public office;
- (e) otherwise increasing the requirements for getting on the ballot;
- (f) withholding from Negro candidates pertinent information about qualifying for office and other election information;
- (g) withholding certification of the nominating petitions of Negro candidates; and
- (h) imposing barriers to the assumption of office by successful Negro candidates.

Discrimination Against Negro Registrants

5. Officials charged with managing elections in some areas of the South have discriminated against Negro voters or otherwise violated the Voting Rights Act by—

- (a) withholding from Negro party members information concerning the time and place of party precinct meetings and conventions at which party officials are elected, and preventing them from participating fully in such meetings and conventions;
- (b) omitting the names of registered Negroes from the official voter lists;
- (c) failing to provide adequate voting facilities in areas with greatly increased Negro voter registration;
- (d) harassing Negro voters;
- (e) refusing to provide or permit adequate assistance to illiterate Negro voters;

- (f) giving inadequate or erroneous instructions to Negro voters;
- (g) disqualifying ballots cast by Negro voters on technical grounds;
- (h) failing to afford Negro voters the same opportunity as white voters to cast absentee ballots;
- (i) establishing polling places in locations, such as plantation stores, likely to discourage voting by Negroes; and
- (j) maintaining racially segregated voting facilities and voter lists.

Exclusion of and Interference with Negro Poll Watchers

6. During 1966 and 1967, authorized Negro poll watchers appointed by Negro candidates to monitor the election process in some areas of South Carolina, Alabama, Mississippi, and Georgia were excluded from polling places or harassed and interfered with in the performance of their duties.

Vote Fraud

7. Since the passage of the Voting Rights Act, officials in a few counties in the Deep South have engaged in practices of vote fraud to prevent Negro candidates from obtaining office.

Discrimination in the Selection of Election Officials

8. There has been widespread discrimination by public and party officials in the selection of polling officials in Alabama, Mississippi, Georgia, and South Carolina, although such discrimination was reduced substantially in Mississippi during 1967. In some areas, no Negroes have been selected to serve despite specific requests for the appointment of Negroes by local Negro leaders. In other areas, Negroes were appointed but served only in token numbers and in predominantly Negro areas only. In some areas, only Negroes who never had participated in civil rights activity and whose opinions were acceptable to the white community were selected. In some Mississippi counties Negro polling officials were selected, but barred from rendering assistance to illiterate Negro voters.

Intimidation

9. During 1966 and 1967, in some areas of Louisiana, South Carolina, Mississippi, Alabama, Georgia, and Virginia, Negro candidates and their campaign workers and poll watchers, as well as Negro voters and persons active in urging and aiding Negroes to register and vote, were subjected to various forms of harassment and intimidation, including harassing arrests by law enforcement officials and economic and physical reprisals.

There continued to exist in some parts of the Deep South a general climate of fear and intimidation deterring Negroes from exercising civil and political rights.

Economic Dependence

10. In many parts of the South, economically dependent Negroes—particularly tenant farmers and sharecroppers who depend upon white landlords, merchants, and bankers for land, goods, and credit—are deterred by their dependence from voting, voting for the candidate of their choice, and running for office. In some areas Negroes employed as teachers by local school boards are deterred from running for office for fear of being fired. Negroes who are economically independent, such as those who own their own land, participate more fully and freely in political activity.

Political Parties

11. Comparatively few Negroes hold office on Democratic and Republican State and county party committees in the Deep South, and no Negroes hold office on the vast majority of such committees.

12. Some Southern State parties, particularly in the Deep South, have failed to take steps to correct racial discrimination within their organizations. While several Southern State parties, notably the Arkansas Republican Party, have undertaken affirmative programs of varying scope and effectiveness to encourage Negro participation in party affairs, others in the Deep South have no such program. In the State parties which have a policy of affirmative encouragement, the policy often is not implemented at the local level.

13. The Mississippi statute requiring adherence to party principles, coupled with provisions of the Mississippi Republican and Democratic Party platforms endorsing segregation of the races, requires Mississippi Negroes to endorse racial segregation as a condition of voting or running as candidates in a primary election. Although not legally enforceable, this test is a deterrent to Negro participation in party elections and activities.

14. Although the national committees and staffs of both national political parties have taken some steps to eliminate discrimination and to encourage Negro participation in State party organizations, neither national party has yet established firm or comprehensive requirements providing for the elimination of discrimination in all aspects of party activity or for significant affirmative steps to overcome the effects of past discrimination.

U.S. Department of Justice Enforcement of the Act

15. In 1965, 1966, and 1967, Federal examiners were assigned to list qualified voters in 58 counties in the South. The assignment of Federal examiners generally has had a significant effect in increasing Negro voter registration. The Attorney General does not have a policy, however, of designating all counties for examiners where Negro voter registration is low and has rejected the view that the Federal Government should undertake affirmative programs to encourage Negro voter registration in the South.

16. Federal observers were sent to 47 counties in the States covered by the Act to observe primary, general, and special elections during 1966 and 1967, and served to deter and to detect election day discrimination and irregularities. No observers were sent, however, to several counties and precincts where Negro candidates were running for office and which met Department of Justice criteria permitting the sending of observers. In some of these counties and precincts no Negro election officials had been appointed and there were complaints of election day discrimination and violations of the Voting Rights Act. The Department of Justice has not instructed observers to point out to election officials and seek the correction of irregularities affecting Negro voters.

17. In some areas the identity of Federal observers, who monitor the election process at polling places, is not made known to voters. In these areas the observers, whose presence is not publicly announced in advance of election day, are indistinguishable from local election officials generally associated with past discrimination against Negroes, and may have a deterrent effect on Negro voting.

18. Since the passage of the Voting Rights Act the Department of Justice has brought a number of lawsuits to establish the constitutionality of the Act, to implement the provisions of the Act requiring placement of federally listed voters on the State voter lists and authorizing Federal observers to monitor elections, and to implement the congressional directive to attack the poll tax as a condition of voting in State elections. The Department also has brought lawsuits to guarantee the substantive rights of Negro voters and candidates under the Act, and in many areas of the Deep South where previously there had been substantial resistance to extension of the franchise to Negroes, has secured compliance with the Act through informal discussion and negotiation with State and local officials charged with the management of elections.

19. Discrimination and violations of the Act persist in some areas and have not been attacked effectively by the Department of Justice, primarily because the Department lacks adequate funds and staff to implement the Act fully. This discrimination includes denial of the rights of

Negroes to attend and participate fully in party precinct meetings and conventions at which party officials are selected, discrimination in the selection of Negro election officials, and exclusion of and interference with Negro poll watchers. The Department has not fully enforced Section 5 of the Act, which prohibits, in States or political subdivisions where voter registration tests and devices are suspended, the enactment or administration of any practice or procedure with respect to voting different from that in force on November 1, 1964, without the approval of the U.S. District Court for the District of Columbia or the U.S. Attorney General.

Conclusion

In the relatively short period since the passage of the Voting Rights Act, there has been significant progress in voter registration and political activity by Negro citizens. There has been a dramatic increase in Negro registration and voting reflected in the election of a sizable number of Negroes to office—many at the county level and some at the State level—and in the willingness of hundreds of Negro candidates to assume the risk of running for office. This increased Negro political participation has been reflected in greater responsiveness to the needs and concerns of Negroes, both by Negro and white officeholders and candidates, and in a decline in open appeals to racism by candidates and officials. Contrary to the dire predictions of violent reaction to implementation of the Act voiced during debate on the Voting Rights Act, progress in voter registration has taken place quietly and without major conflict. After an initial period of litigation which resulted in the constitutionality of the Act being upheld, local communities have accepted the presence of Federal examiners, and local registrars have suspended the use of voter registration tests and devices. Federal observers are now accepted in some communities as a guarantee that elections will be fairly conducted. This unprecedented progress—brought about through the implementation of the Act by the Department of Justice and the the Civil Service Commission, the efforts of private civil rights organizations, and the acceptance throughout the South of the administrative enforcement of voting rights—has vindicated the firm approach taken in the Voting Rights Act to problems of discrimination.

Despite this progress, however, it is clear that we are still a long way from the goal of full enfranchisement of Negro citizens. As this report discloses, many problems remain in securing to the Negroes of the South the opportunity to participate equally with white citizens in voting and political activity. There remain areas where the number of Negroes registered to vote is disproportionately low. Some Negroes, still discouraged by past discrimination, in effect are penalized for residing in counties and parishes which have not been designated for Federal examiners and where there has been no local voter registration drive. In areas where registration has increased, we have moved into a new phase of the problem. Political boundaries have been changed in an effort to dilute the newly gained voting strength of Negroes. Various devices have been used to prevent Negroes from becoming candidates or obtaining office. Dis-

crimination has occurred against Negro registrants at the polls and discriminatory practices—ranging from the exclusion of Negro poll watchers to discrimination in the selection of election officials to vote fraud—have been pursued which violate the integrity of the electoral process. Moreover, in some areas there has been little or no progress in the entry and participation by Negroes in political party affairs—the key to meaningful participation in the electoral process. Some of the practices found are reminiscent of those which existed at an earlier time during Reconstruction when fear of “Negro government” gave rise to intimidation and a number of election contrivances which finally led to disfranchisement of the Negro citizen.

Nor can Negroes be said to have an equal opportunity for political participation where, as is still true in some areas, they are subjected to threats and reprisals, or where they occupy, as they commonly do, positions of economic subservience making political independence and full political participation virtually impossible.

It is also important to keep in perspective the progress that has been achieved. As of the end of 1967, no Negro had been elected to a State executive office in any Southern State. No Negroes have been elected to either house of the State legislature in many Southern States where a sizable proportion of the population is Negro, including South Carolina, Alabama, North Carolina, Arkansas, and Florida. Mississippi, Louisiana, and Virginia each have only one Negro legislator. Negro representation on State committees of political parties in the South is even lower than Negro representation in State legislatures.

The gains that have been made have great potential—but they are fragile. If the gains are augmented and strengthened by firm action to deal with the remaining barriers, Negroes may secure enough influence and representation in the political process that the need for Federal intervention will end. If, on the other hand, new barriers are not attacked, the progress made thus far may not be translated into effective political representation, the current Federal presence may be of diminishing effectiveness, and the gains may be destroyed entirely if and when the Federal Government decides to end its intervention and restore to the States control over the registration process and determination of the qualifications of electors.

What kind of action is needed? First, it is necessary to broaden and strengthen enforcement of existing laws. The national political parties must assume responsibility for eliminating present practices of discrimination at the State and local levels and for taking affirmative action to secure participation of Negro citizens in party processes. The Federal Government must assume its share of the responsibility to eliminate illiteracy and provide information and assistance which will enable citizens to exercise fully the rights and duties of citizenship. And action must be

taken by the Government to overcome problems of economic dependence, in recognition of the fact that citizens will never be truly free to exercise their political rights if they must fear the economic consequences of their acts.

There is every reason to believe that if these steps are taken promptly and in concert the goal of full enfranchisement can be achieved. We believe that the only alternative to the steps we are proposing would be increased Federal control of the electoral as well as the registration process, a step which undoubtedly would be effective but which few would welcome.

The problems we have dealt with in this report arise in a special context—the long history of blatant efforts in some Southern States to keep Negroes totally disfranchised. But it should be recognized that many aspects of the report and recommendations may be relevant to other parts of the Nation.

Some of the problems in voting and political participation described in this report—such as economic dependence and educational and literacy disadvantages—are not peculiar to Negroes in the South, but are shared by Negroes in other parts of the country and by members of other minority groups, including Mexican Americans, Puerto Ricans, and Indians. Similarly, racial discrimination in the electoral process also has occurred in the North, and it has been charged that laws and practices in the West and the Southwest have prevented minorities from participating fully in the electoral process. There is a need for basic information on these problems, but the Federal Government, political parties, and local communities should take steps now to consider the relevance of the matters discussed in this report to communities throughout the Nation and to take affirmative remedial steps where appropriate.

Finally, the problems discussed in this report should be viewed in the context of the Nation's current crisis in race relations. The integrity of our processes of government is being questioned as well as its capacity to respond to conditions of economic and social injustice. We may lament the fact that, increasingly, protest is taking place outside our established political and legal framework in forms which frequently are destructive and self-defeating. But our laments are likely to sound hollow and to be unavailing if we do not take steps which will make possible a response to just grievances within our established political and legal processes. In meeting this objective, there is no task more important than taking the measures which will create representative government in which all citizens can participate fully and have confidence.

Recommendations

Enforcement of the Voting Rights Act of 1965

1. *The Attorney General should assign examiners under Section 6 of the Voting Rights Act to all political subdivisions where Negro registration is disproportionately low.*

Section 6 of the Voting Rights Act of 1965 authorizes the U.S. Attorney General to designate political subdivisions for the appointment of Federal examiners where, in his judgment, the appointment is “necessary to enforce the guarantees of the fifteenth amendment.” He is directed to consider in making this judgment, “among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment”

Suspension of voter registration tests in States and political subdivisions covered by the Act was predicated on a link between racial discrimination and low voter registration or low voting totals. It is reasonable to assume that where Negro voter registration continues to lag, many persons, because of past experience with prohibited discrimination, are deterred from seeking to register to vote with local officials, and, therefore, that disproportionately low Negro registration in a particular political subdivision covered by the Act is “reasonably attributable to violations of the fifteenth amendment.” Only by affirmative efforts, including the assignment of examiners, can the continuing effects of past discrimination be overcome.

2. *The Attorney General should request the Civil Service Commission to assign Federal observers under Section 8 of the Act to attend elections, including party precinct meetings and conventions at which party officials are elected, wherever there is reasonable cause to believe that discrimination will occur at the election. The Attorney General should announce publicly in advance of the election that Federal observers will be present and should assure that the observers are identified as Federal officials.*

Although the Attorney General has made wide use of his power to request the Civil Service Commission to assign Federal observers, and

these observers have served to deter discrimination at the polls, during 1966 and 1967 there were a number of political subdivisions in which election day discrimination was likely—including subdivisions in which Negro candidates were running and no Negroes had been appointed as election officials—to which observers were not sent. While these subdivisions had not previously been designated for Federal examiners—a precondition to the assignment of observers under the Act—the Attorney General could have, and has, designated subdivisions for examiners on the eve of the election.

The Attorney General has requested the Civil Service Commission to assign observers only to attend general, special, and primary elections. He has not requested observers to attend party precinct meetings or conventions at which party officials are elected, even though Section 8 of the Act provides for the assignment of observers “to enter and attend at any place for holding an election” in a subdivision in which an examiner is serving. Negroes have been excluded from, denied the opportunity to participate fully in, or denied information concerning the time and place of some of these meetings and conventions, including those held in a county in which an examiner was serving.

Where the Attorney General decides to request the assignment of observers to a particular political subdivision, he should announce publicly, in advance of election day, that observers will be present in the subdivision, and should assure that the observers are identified as such. This is contrary to present Department of Justice policy, which favors keeping the Federal presence as inconspicuous as possible in order to avoid triggering a reaction in hostile white persons which will be reflected in voting behavior and affect the outcome of the election. This possibility must be balanced against the benefits of increased publicity and identifiability.

The subdivisions where the assignment of observers is warranted are those in which there is a likelihood of discrimination at the polls. It is important for Negro voters in these subdivisions to know that observers will be present to deter local election officials from subjecting Negroes who attempt to vote to discrimination and the harassment, indignity, and humiliation which accompany it. Announcing the presence of Federal observers on the morning of election day is not sufficient to fully inform the Negro community and is not an adequate substitute for advance publication. Similarly, identification of the observers will serve to confirm to Negro voters that they will be afforded comparable treatment with other citizens at the polls.

Public announcement in advance of election day that observers will be present in a county should not affect the outcome of the election. Efforts can be made in advance to increase the understanding and appreciation within the white community of the role of Federal observers.

Local officials and the people generally should be made to understand that the presence of Federal observers is a good method for obtaining the agreement of everyone, Negro and white, that the election was a fair and an honest one. If the policy underlying the assignment of observers is made known to the community, the knowledge that observers will be present to assure that Negro registrants are allowed to vote should not alter white voting behavior any more than the presence of Federal examiners, who register the Negro voters and of whom the observers are a logical extension.

While it may be desirable for the Attorney General to know as closely as possible before the election the state of compliance by local officials with the Attorney General's criteria for the assignment of observers, there appears to be no reason why the determination whether to request the assignment of observers cannot be made known in advance of election day.

3. The Attorney General should take steps to secure in each State and political subdivision in which tests and devices are suspended, or in which discrimination prohibited by the Voting Rights Act has occurred, the appointment in each precinct of election officials broadly representative of the community, including the Negro community, either by informal means or by invoking remedies under the Act.

The appointment of Negro election officials in areas where Negroes comprise a substantial portion of the population is, and should be, a central objective of the Department of Justice. Affording Negroes a share in the management of the election process serves to reduce the possibilities of discrimination against Negro voters and violations of the Voting Rights Act, instill confidence in Negro voters that elections are fairly conducted, and minimize the need for Federal intrusion into the local election process. Care must be taken to insure that Negroes are appointed in more than token numbers, and that the Negroes selected are qualified and not chosen on the basis of whether their activities and opinions are acceptable to the white community.

Should the Department determine that it lacks the manpower to negotiate voluntary compliance in areas where discrimination in the selection of election officials is widespread, the Attorney General should consider the possibility of instituting lawsuits under the Voting Rights Act, including statewide suits, to obtain the appointment of election officials broadly representative of the community.

4. The Attorney General should make full use of the sanctions available under the Voting Rights Act and other Federal laws to eliminate other practices which deny or abridge the right to vote on account of race or color. Such practices include racial discrimination in the treatment of election officials, discrimination against candidates, campaign

workers, and poll watchers because of their race, and exclusion of party members from precinct meetings or failure to accord them notice or equal participation because of their race. The Attorney General should bring suit seeking to withhold certification of an election wherever there is evidence of discrimination which may have affected the outcome of the election or deterred voting by Negroes.

Although much has been done, by informal means and through litigation, to secure compliance with the nondiscrimination requirements of the Voting Rights Act and other Federal laws protecting the right to vote without discrimination (see 42 U.S.C. §§ 1971(a)-(c)), many problems remain and must be corrected. One effective sanction is the threat that an election infected with discrimination will be declared invalid. Courts have afforded such a remedy even where it has not been possible to determine whether the outcome of the election has been affected by the discrimination.¹ Where the outcome may have been affected, or where there is evidence that the discrimination is of such a nature as to deter Negroes from voting, the Attorney General should seek judicial relief withholding certification of the election and requiring the conduct of a new election free from discrimination.

5. The Attorney General should (1) instruct Federal observers that they have a duty to point out to local election officials irregularities affecting Negro voters and (2) take whatever other action may be necessary in States and political subdivisions covered by the Act to prevent such irregularities.

As Judge Wisdom said for a three-judge Federal district court in *United States v. Louisiana*,² "if an illiterate is entitled to vote, he is entitled to assistance at the polls which will make his vote meaningful." By the same token election officials should not be permitted, by their own acts or omissions, to disqualify illiterate Negro voters, whose voting is made possible or facilitated by the Voting Rights Act.

In some areas, even though Federal observers have been present, local election officials have engaged in various practices resulting in the denial of adequate assistance to Negro illiterates or in the disqualification of their ballots. These practices include (1) failing to inform Negro illiterates of their right to assistance; (2) refusing to assist Negro illiterates; (3) refusing to assist Negroes who can sign their names but are otherwise functionally illiterate; (4) refusing to supply the proper number of voting officials to assist Negro illiterates; (5) humiliating Negro illiterates who need or request assistance; (6) marking the ballots of Negro illiterates contrary to their wishes; (7) permitting Negro illiterates to mis-

¹ *Bell v. Southwell*, 376 F.2d 659 (5th Cir. 1967); *Brown v. Post*, Civil No. 12, 471, W.D. La., Jan. 24, 1968.

² 265 F. Supp. 703, 708 (E.D. La. 1966), *aff'd per curiam*, 386 U.S. 270 (1967), discussed Part V, note 55 *supra*.

mark their own ballots; (8) failing to instruct Negro illiterates on the use of voting machines; (9) failing to point out to Negroes disqualifying errors in the marking or casting of their ballots; (10) denying to Negro illiterates the right to use sample ballots where permitted by State law; and (11) denying to Negro illiterates the right to have the assistance of bystanders where permitted by State law.

Observers currently are instructed not to intrude into the election process beyond taking such steps as may be necessary to fulfill the observational function. They are not instructed to point out and attempt to secure the correction of irregularities, although in practice some observers do point out at least some types of irregularities to election officials. In some cases irregularities have been stopped and the offending election official dismissed after the practices have been reported to the captain of the observer team, then to a Department of Justice attorney, and then taken up with officials charged with managing the elections. Much or all of the election day may elapse, however, before the matter is settled. Where the obligation of the election official is clear, and there is a violation in the presence of the observer, an effort should be made to correct it on the spot by pointing out the irregularity to the official.

6. The Attorney General should promptly and fully enforce Section 5 of the Act, which prohibits States or political subdivisions in which tests and devices are suspended from enacting or administering without the approval of the U.S. District Court for the District of Columbia or the U.S. Attorney General, any standard, practice, or procedure with respect to voting different from that in force on November 1, 1964. Section 5 should be invoked against both statutes and party rules enacted after that date, including those governing elections, election districts, and qualifying and running for office.

Failure to enforce the flat prohibition of Section 5 in the face of repeated violations—most notably in Mississippi—is bound to encourage the enactment and enforcement of additional measures having the purpose or effect of diluting or inhibiting the Negro vote or making it more difficult for Negroes to run for office. Swift and comprehensive enforcement of Section 5 is required to make it clear that such stratagems cannot succeed. The provisions of Section 5, construed in light of decisions of the Supreme Court, fairly admit of an interpretation that Section 5 covers party rules as well as State statutes.³ Section 5 and judicial decisions construing it, can fairly be said to encompass—as standards or procedures “with respect to voting”—all measures governing elections, election districts, and qualifying and running for office.⁴

³ See Appendix II, p. 198 *infra*.

⁴ See *Sellers v. Trussell*, 253 F. Supp. 915 (M.D. Ala. 1966) (opinion of Judge Rives), discussed pp. 41–42 *supra*.

7. If the Attorney General determines or the courts rule that he lacks power to take any of the actions specified in (1) through (6) above, he should seek amending legislation to authorize him to take such action.

8. The President should request and Congress should appropriate additional funds to permit the hiring of sufficient personnel to carry out the foregoing recommendations and otherwise fully enforce the rights of all citizens to full and equal political participation regardless of race.

The program evolved by the Department of Justice to enforce the Voting Rights Act is hampered by limitations of staff. These limitations are reflected in the absence of lawsuits in areas where they are needed to curb violations of the Act, and in the inability to cover adequately all geographical and substantive areas in which discrimination and violations of the Act are occurring. The process of informal negotiation and persuasion requires the presence of attorneys in large numbers to deal with local officials. In 1967 an effort to assure that personnel would be assigned to deal with problems of discrimination in the North as well as the South resulted in a reduction in the number of attorneys assigned exclusively to the South.

Federal Programs of Affirmative Assistance

1. The resources of the Executive branch should be explored for the purpose of establishing an affirmative program to encourage persons to register and vote. Such a program should: (a) assure better dissemination of information concerning the right to vote and the requirements of registration, and (b) provide training and education to foster better understanding of the rights and duties of citizenship and the significance of voting, and to encourage persons to register and vote. Congress should repeal the 1967 amendment to the Economic Opportunity Act of 1964 prohibiting the use of program funds and personnel for nonpartisan voter registration activity.

In two 1965 reports, *Voting in Mississippi* and *The Voting Rights Act . . . The First Months*, the Commission recommended an affirmative Federal program of citizenship training and voter registration. Now, as then, there are counties in the South where Negro voter registration is disproportionately low. In these areas, the effects of past discrimination against Negroes in the voter registration process have not yet been overcome. Although private civil rights organizations have an important role in this area, they lack the resources to finance and direct voter registration drives in all such counties, and few political party organizations have undertaken major drives to register Negro voters. The right to vote will not be realized fully unless the burden of taking affirmative action to

encourage registration is shared by the Federal Government. Assistance and encouragement should not be confined to one class of citizens, but should be offered to all citizens regardless of race. Such a nonpartisan program is no more "political" in nature than Federal programs to remove obstacles to registration and voting, including proposed measures to eliminate residence requirements for voting in Presidential elections.

To assure better dissemination of registration and voting information, consideration should be given to the use of branch facilities and personnel of such agencies as the Post Office and the Department of Agriculture. To provide citizenship training and voter education and to encourage persons to register to vote, consideration should be given to the use of programs of adult education, literacy, and community action which are administered by the Department of Health, Education, and Welfare, the Department of Agriculture, the Department of Labor, and the Office of Economic Opportunity.

Implementation of such an affirmative citizenship training and voter registration program would be hindered by a 1967 amendment to the Economic Opportunity Act of 1964 which prohibits the use of funds or personnel for the Administration's war on poverty in connection with "any voter registration activity." While there is a legitimate interest in prohibiting use of Government funds or personnel for partisan political purposes, the injunction should not be so broad as to cover politically neutral voter registration and citizenship training efforts necessary in some areas to remedy historic patterns of discrimination.

2. The Federal Government should publish and disseminate information about qualifying for office, the rights of candidates and voters, and the duties of election officials in those States in which tests and devices are suspended.

In some areas prospective Negro candidates have had difficulty obtaining information about how to qualify to run for public and party office and other election information. In those States in which tests and devices are suspended, the Federal Government itself should provide this information. Under the Federal Voting Assistance Act of 1955, the Department of Defense currently provides information on State laws concerning voting and elections to members of the armed forces and Executive agencies of the Federal Government and their spouses and dependents.

3. The Federal Government should encourage the growth of local legal services programs, particularly in rural areas, and these should be authorized to render assistance to candidates in securing election information.

Because many prospective Negro candidates cannot afford private attorneys, and because of the limited number of attorneys in the South willing to advise Negroes in civil rights or political matters, local legal

services programs operated by the Office of Economic Opportunity could play an important role in guiding prospective Negro candidates through the procedural requirements of running for office and in securing other election information. Funding of legal services programs is spotty throughout the South, and there are few programs in rural areas. More funds should be made available for such programs, particularly in the rural South.

Federal Programs to Reduce Economic Dependence

The Federal Government should undertake to reduce the economic dependence of Negroes to permit them to participate freely in voting and political activity.

It should be recognized that many of the problems described in this report can be overcome only by eliminating the economic dependence of Southern Negroes upon white landlords, white employers, and white sources of credit—dependence which deters Negroes from voting freely and seeking political office. To the extent that existing programs are capable of contributing to a reduction of such dependence, they should be fully implemented. The Commission is conducting investigations of problems of economic insecurity facing Negroes in the South and hopes to contribute along with other agencies to an understanding of the specific steps that should be taken to deal with such problems.

National Political Parties

The national political parties should take immediate steps to require State political party organizations, as a precondition to the seating of their delegations at their national conventions, to—

- (1) *eliminate all vestiges of discrimination at every level of party activity including primary elections, meetings, and conventions, and the election and appointment of party officials;*
- (2) *publicize fully, in such manner as to assure adequate notice to all interested parties (a) the time and place of all public meetings of the party at every level, in places accessible to, and large enough to accommodate, all party members; (b) a full description of the legal and practical procedures for selection of party officers and representatives at every level; and (c) a full description of the legal and practical qualifications for all officers and representatives of the party at every level; and*

- (3) *take affirmative steps to open activities to all party members regardless of race.*

Prompt action by the national political parties before and at their forthcoming conventions could obviate the need for legislation by Congress to establish specific guidelines covering the activities of political parties to assure the accomplishment of these objectives.

As this report documents, Negroes continue to be excluded from full and equal participation in political party affairs, including precinct mass meetings and conventions, in some areas of the South. While some State party committees have taken affirmative steps of varying scope to overcome past discrimination by encouraging Negro participation, progress overall has been limited.

The national party organizations have not promulgated public and binding rules that afford full and equal participation in every aspect of party affairs—whether or not directly related to the choice of delegates to the national conventions. These rules should provide for the denial to the offending State party organization of the right to have its delegation seated at the national party convention and, in appropriate circumstances, the seating of a challenging delegation pledged to afford full and equal participation to Negroes. Absent such action by the national party organizations, it may be necessary for Congress to implement further the 15th amendment by promulgating specific guidelines governing the activities of political parties to insure that this objective is achieved.

New Legislation to Prevent Discrimination and Intimidation

1. Congress should (a) broaden the Civil Rights Act of 1968 to provide criminal penalties for intimidation of campaign workers and to reach economic as well as physical intimidation; (b) authorize victims of intimidation in connection with all forms of protected political activity to bring civil actions for damages and injunctive relief; and (c) provide that where a claim of intimidation in connection with voting or political activity is made in a civil case, a rebuttable presumption of unlawful motive shall arise upon a showing that the defendant has applied or threatened any physical or economic sanction against the plaintiff related in time to his voting or other political activity.

Present Federal statutes are inadequate to protect Negroes who seek to exercise their right to vote and engage in political activity from harassment and intimidation by physical or economic means. While Section 11(b) of the Voting Rights Act, taken with Section 12 of the Act, provides penalties for intimidation of persons “for voting or attempting

to vote," "for urging or aiding any person to vote or attempt to vote," and for exercising powers and duties under the Act, the provision does not expressly cover persons acting as candidates, campaign workers, poll watchers, or election officials.

The recently enacted Civil Rights Act of 1968 provides criminal penalties for intimidation of persons engaging in "voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election." This bill, however, does not cover campaign workers, extends only to intimidation by "force or threat of force" and therefore does not cover economic intimidation, and does not provide for civil actions for damages or injunctive relief.

Civil cases brought by the Department of Justice to protect persons exercising voting rights from intimidation, especially economic harassment, often have not been successful because of the difficulties of proving the motive of the defendant. It would be reasonable and would facilitate proof, to establish a rebuttable presumption of unlawful motive when the alleged intimidatory act and the exercise of protected rights are closely related in time.

2. Congress should evaluate, after the 1968 elections, whether practices such as those described in this report persist in States and political subdivisions in which tests and devices are suspended. If such practices continue to exist, Congress should extend the suspension in such States and subdivisions for an additional period of time. In making its judgment, Congress should consider the facts in this report and whether remedial steps have been taken by the States and localities involved.

By the terms of the Voting Rights Act, after August 6, 1970, States and political subdivisions in which voter registration tests were suspended will be free to petition a three-judge Federal district court in the District of Columbia for the right to resume the use of such tests. They will be permitted to do so if the district court finds that no test or device has been used in the State during the preceding five years for the purpose of discrimination. This provision will permit almost all States and subdivisions where these tests are now suspended to restore the use of literacy and constitutional interpretation tests, moral character tests, and voucher devices, and to require persons now on the registration rolls to meet such tests as a condition of voting in the future.

After the 1968 elections Congress should evaluate whether to fully implement the 15th amendment it is appropriate to continue suspension of these tests and devices. One of the factors which Congress should consider is whether practices such as those described in this report continue to exist. The purpose of suspending tests in the Voting Rights Act was to secure full enfranchisement of Negro citizens. So long as barriers continue

to exist the Federal Government cannot with confidence allow reinstitution of the tests.

3. In its evaluation Congress should determine whether the steps taken by the Department of Justice and the voluntary actions of political parties have eliminated patterns of discrimination against Negro voters and candidates in particular political subdivisions. If Congress determines that these actions have not proved effective, it should consider legislation giving the Federal Government greater control over the electoral process, including provisions authorizing Federal observers to render assistance to voters in marking and casting their ballots where the Attorney General determines that such assistance is necessary to secure 15th amendment rights.

Experience under the Voting Rights Act indicates that although there has been significant general progress, officials in some counties continue to flout the law. In 1965, Congress enlarged Federal control of the registration process when experience demonstrated that discrimination persisted under earlier statutes despite extensive litigation. Similarly, if resistance continues to be maintained notwithstanding the Voting Rights Act and its enforcement, it may become necessary for Congress to give the Federal Government greater control over the electoral process in these hard-core areas. Such legislation might include provisions authorizing Federal observers to render assistance to voters in marking or casting their ballots where the Attorney General makes a specific determination that such assistance is necessary to secure 15th amendment rights.

Statement of Commissioner Patterson

One troubling aspect of this report is the evidence that notwithstanding some progress, there are Democratic and Republican Party organizations which neither are affording Negroes equal opportunity to participate nor taking meaningful affirmative steps to overcome the deterrent effects of past discrimination. The elimination of discrimination in the affairs of political party organizations and affirmative efforts to involve Negroes are not only constitutional imperatives, but also are in the practical interest of both major political parties and of our two party system of government. Negroes constitute a substantial and growing segment of the registered voters in many States. It is in the interest of national and local political party organizations to bring these new Negro voters—many of whom are forming independent political organizations—into their own folds. It would be undesirable indeed if the two major political parties in any area of the country became identified with white voters and Negroes were impelled to seek a political voice through separate parties.

Statement of Commissioner Rankin

I do not favor the repeal of the 1967 amendment to the Economic Opportunity Act of 1964. Because of the difficulty of defining and engaging in nonpartisan voter registration activity and the ease with which nonpartisan activity becomes partisan, I believe that this restriction serves a good purpose.

APPENDIX I

The Constitutional Duty of Political Parties Not to Discriminate on the Grounds of Race or Color

The 14th and 15th amendments require political parties to afford full and equal participation to Negroes in all aspects of party affairs which are related in any way to the choice of public officials. This includes primary elections, meetings, or conventions at which candidates for public office are chosen, or at which party officials who play a role in the management of such elections, meetings, or conventions are selected. Congress, which has the power to implement the 14th and 15th amendments by "appropriate legislation", may enact such legislation as may be necessary and proper to implement this requirement.

The courts have long recognized the important role of political parties in the electoral process, a process which was opened to Negroes by the 15th amendment. Early cases involved Article I, Section 4 of the Constitution, which gives Congress the power to regulate "the manner of holding elections" of Senators and Representatives. In *Newberry v. United States*¹ the issue was whether Congress under Article I, Section 4 could restrict the amount to be spent by a candidate for Federal office in his campaign. Four Justices construed the Federal power narrowly, to exclude primaries from the "elections" referred to in Article I, Section 4. A fifth Justice concurred for different reasons. Nevertheless, the opinion of the Court recognized that primaries affect the outcome of elections and lay the foundation for subsequent holdings that Federal power extends to this area.

Four Justices would have construed the power of Congress to regulate elections to extend to primaries. According to an opinion concurred in by three of them, "primary elections and nominating conventions are so closely related to final election, and their proper regulation so essential to effective regulation of the latter, so vital to representative government, that power to regulate them is within the general authority of Congress."²

The issue of the power of Congress to regulate primary elections under Article I, Section 4 was settled in *United States v. Classic*,³ where the Court had to decide whether Federal criminal statutes protecting the exercise of "any right or privilege secured . . . by the Constitution"⁴ could be constitutionally construed to cover the right of voters to have their votes counted in congressional primaries without fraud or unlawful interference. The Court held that Congress had the power to protect the right of citizens to

¹ 256 U.S. 232 (1921).

² *Id.* at 285.

³ 313 U.S. 299 (1941).

⁴ Sections 19 and 20 of the Criminal Code, 18 U.S.C. §§ 51, 52, now 18 U.S.C. §§ 241, 242 (1964).

vote in a congressional primary⁵ against infringement “where the primary is by law made an integral part of the election machinery.”⁶

The principles of *Classic* soon were applied to the problem of the exclusion of Negroes from the party nominating process, which had been the subject of another developing line of cases.

The institution of the Southern “white primary” had been challenged in a number of cases. In *Nixon v. Herndon*⁷ a Texas statute declaring that “in no event shall a Negro be eligible to participate in a Democratic party primary election”⁸ was held in violation of the equal protection clause of the 14th amendment. Subsequently, the State executive committee of the Texas Democratic Party voted to limit primary participation to white Democrats, pursuant to a Texas statute empowering the executive committee to determine the qualifications of party members for voting or participation.⁹ The Court held in *Nixon v. Condon*¹⁰ that the committee was the “delegate” of the State and that its action therefore constituted discriminatory “state action” in violation of the 14th amendment. In *Grovey v. Townsend*,¹¹ however, the action of the State convention of the Texas Democratic Party in excluding Negroes from participating in party primaries, without a statute such as the one in *Condon*, was held to be private action with which “the State need have no concern” and which did not deprive Negroes of any rights under the 14th and 15th amendments.

The Supreme Court overruled *Grovey* in *Smith v. Allwright*.¹² The decision in *Classic*, “fusing . . . the primary and general elections into a single instrumentality for choice of officers,”¹³ had cast doubt upon the rationale of *Grovey* that party primaries did not constitute State action. In *Allwright* the Court held that the Texas statutory scheme for regulation of primaries made the action of the party “state action.” Discrimination against Negro voters in party primaries was therefore held to violate the 15th amendment.

Southern attempts to avoid the effects of *Allwright* led to a broadening of its doctrine. In *Rice v. Elmore*¹⁴ the Court of Appeals for the Fourth Circuit held that in South Carolina, where State law relating to general elections gave effect to the results of party primaries, such primaries were part of the election machinery of the State, even though all of the State’s laws regulating primaries had been repealed. In *Brown v. Baskin*¹⁵ the same court, following *Elmore*, invalidated a “test oath” prescribed by the South Carolina Democratic Party as a prerequisite for voting in primaries, on the ground that it was clearly designed to exclude Negro voters.¹⁶

Finally, in *Terry v. Adams*¹⁷ the Supreme Court considered the consti-

⁵ U.S. Const., art. I, § 2.

⁶ 313 U.S. at 318.

⁷ 273 U.S. 536 (1924).

⁸ *Id.* at 540.

⁹ *Nixon v. Condon*, 286 U.S. 73, 82 (1932).

¹⁰ 286 U.S. 73 (1932).

¹¹ 295 U.S. 45 (1935).

¹² 321 U.S. 649 (1944).

¹³ *Id.* at 660.

¹⁴ 165 F.2d 387 (4th Cir. 1947), *cert. denied*, 333 U.S. 875 (1948).

¹⁵ 174 F.2d 391 (4th Cir. 1949).

¹⁶ These cases were followed in *Perry v. Cyphers*, 186 F.2d 608 (5th Cir. 1951).

¹⁷ 345 U.S. 461 (1953).

tutional power of a Texas county political association, the Jaybird Democratic Association, to exclude Negroes from its primaries. These primaries took place before the regular Democratic primary, but had a decisive effect on that primary and on every county election. The Supreme Court adopted the view of the Fourth Circuit that no election machinery could be sustained if its purpose and effect was to deny Negroes on account of their race an effective voice in the governmental affairs of their county, State, or community. The Supreme Court stated that the 15th amendment protects access by Negroes to “any election in which public issues are decided or public officials selected.”¹⁸

The foregoing decisions left open the question of whether the 14th or 15th amendments reach primary elections at which only party officials or delegates to party conventions—rather than party nominees for public office—are chosen. In *Smith v. Paris*,¹⁹ however, the U.S. District Court for the Middle District of Alabama invalidated a resolution of a Democratic Party county executive committee as violative of the 15th amendment even though it governed only the election of party officials.

Until 1966, of the 21 members of the Barbour County (Alabama) Democratic Executive Committee, 16 had been elected by beats. Prior to March 1966 no Negro had ever qualified to run as a member of the committee, and prior to the Voting Rights Act of 1965 few Negroes in the county were registered to vote. By March 1966, because of the Voting Rights Act, four beats had a majority Negro voting population, and several Negroes had qualified to run for the committee. During that month the county executive committee changed the method of electing committee members so that the 16 members previously elected by beats were elected on an at-large basis, although each candidate was still required to reside within a particular beat and to represent that beat. The court found that “if the election had been held under the system that had previously been in force . . . three . . . [Negroes] would very likely have been elected. Under the countywide vote system . . . all . . . were defeated by substantial majorities.”²⁰ The court concluded that the method of electing committee members established by the executive committee “was born of an effort to frustrate and discriminate against Negroes in the exercise of their right to vote, in violation of the Fifteenth Amendment and 42 U.S.C. § 1981.”²¹ Given the circumstances of the committee’s resolution, the court thought the inference of a discriminatory purpose compelled.

Although the court in *Smith v. Paris* did not give a rationale for holding the 15th amendment applicable to a party requirement governing an election to party office as distinguished from an election in which candidates for public office were nominated, such a rationale is easily supplied. Party offi-

¹⁸ *Id.* at 468. Once the principle is established that primaries are an integral part of the State election process, and that political parties are agencies of the State subject to 14th and 15th amendment obligations when they manage party primaries, further duties follow. Not only must party officials not engage in racial discrimination as to voters in party primaries, but they must not discriminate on the basis of race in the selection of election officials, in according poll watchers their statutory rights, and in all other matters relating to the conduct of primary elections.

¹⁹ 257 F. Supp. 901 (M.D. Ala. 1966) (Johnson, J.).

²⁰ *Id.* at 903.

²¹ *Id.* at 904.

cial have a role in determining the persons who shall conduct primary elections to nominate candidates for public office, and in conducting the meetings and conventions which ultimately produce the delegates to the national conventions, who in turn choose the presidential and vice presidential nominees.²²

An additional question is whether the 14th or 15th amendment reaches party activities other than primary elections—such as precinct meetings and conventions—at which nominees for public office, party officials, or convention delegates are selected.

When party nominees for public office are selected by means of party meetings and conventions, these meetings and conventions are in effect the primary election, and the constitutional restrictions associated with the conduct of party primaries must also apply. When the purpose of the mass meetings and conventions is to select party officials only, these meetings and conventions are still an “integral part of the procedure of choice”²³ of public officials because the party officials selected at these meetings and conventions are responsible in most States for the management of the primary election process itself. Further, in several States these party precinct meetings and county and State conventions are important steps in the process which leads to the selection of the national party candidates for President and Vice President of the United States. In States which do not have presidential primaries, attendance at the precinct meetings may be the only opportunity the ordinary voter has to influence the selection of his party’s presidential and vice presidential nominees.²⁴

The inclusion of party meetings and conventions within the ambit of the Constitution was recognized in *United States v. Fayette County Democratic Executive Committee*.²⁵ There the county Democratic executive committee had conducted a white primary election from which Negroes were excluded. After a complaint against the county committee charging violations of the 15th amendment was filed by the Department of Justice, the parties agreed to an injunction against the county committee excluding voters on account of their race from effectively participating in “any election.” The decree defined “election” to include “the election or selection of persons for public or political party office or political committee membership, whether by means of voting or by means of a convention.”²⁶

Political parties have a constitutional obligation not only to refrain from

²² In Section 14(c)(1) of the Voting Rights Act of 1965, 42 U.S.C. § 1973l(c)(1) (Supp. II, 1967), Congress expressly defined the right to vote which was protected by that Act to include the right to vote “with respect to candidates for public or party office . . .” (emphasis added). This section is discussed more fully in Appendices II and III infra.

²³ *United States v. Classic*, 313 U.S. at 318.

²⁴ See Part IV supra.

²⁵ 5 Race Rel. L. Rep. 421 (W.D. Tenn. 1960).

²⁶ *Id.* at 422 (emphasis added).

A judicial recognition of the convention chain between the voter and national presidential and vice presidential nominees appears in *Stassen for President Citizens Committee v. Jordan*, 377 U.S. 927 (1964). California has a presidential party primary to choose the person whom the State delegation will support as the presidential nominee at the national convention, in lieu of making that selection at the county and State

Footnote continued on following page.

discrimination in all aspects of their affairs but also to take affirmative steps to overcome the effects of their own past discrimination.

It is settled that a State is under an affirmative duty to take whatever corrective action is necessary to undo the harm it created and fostered by its own discrimination or that of its agent.²⁷ Political party organizations—agencies of the State when their activities constitute an integral part of the electoral process—are not exempt from this constitutional obligation. Their responsibility to take affirmative action to involve Negroes in party affairs arises, in part, from past exclusion of Negroes from party primary elections throughout the South²⁸ and from continued efforts to exclude Negroes after the white primary was judicially invalidated.²⁹ Further, every political party organization in the South, through the operation of State statutes or party rules, has conditioned or now conditions party membership and participation in party primaries and mass meetings at which officers are selected, upon being a registered voter,³⁰ thus incorporating by reference the widespread

conventions. Petitions to place Stassen's name on the primary ballot were challenged as bearing signatures which were not on the county clerk's indices. The Supreme Court of California upheld the challenge and the U.S. Supreme Court denied certiorari, 377 U.S. 914 (1964). Mr. Justice Douglas, joined by Mr. Justice Goldberg and Chief Justice Warren, dissented from the denial of certiorari. The names were not on the indices, he argued, not through any fault of the voter, "but for reasons that relate solely to the administrative convenience of the county clerks." *Id.* at 928. This, in the opinion of the three Justices, violated the voter's right to participate in the nominating process. Justice Douglas reasoned that congressional primaries had been held subject to constitutional requirements in the *Classic* and *Terry* decisions and then noted that the *Stassen* case differed only in that the voter was participating in choosing a nominee for his State delegation to support. He stated:

The "mode of choice" [*United States v. Classic*, 313 U.S. at 316] in California for Presidential candidates is first, the nominating petition, second, the primary, third, the convention, and fourth, the general election. That fact that the "mode of choice" is enlarged to four stages is irrelevant to the constitutional purpose to protect "the free choice" of the people (*ibid.*) in federal elections.

²⁷ See *United States v. Louisiana*, 380 U.S. 145 (1965); *United States v. Duke*, 332 F.2d 759 (5th Cir. 1964) (discrimination in voter registration); and *United States v. Jefferson County Board of Education*, 372 F.2d 836 (5th Cir. 1966), *aff'd on rehearing en banc*, 380 F.2d 385 (5th Cir. 1967), *cert. denied*, 389 U.S. 840 (1967) (segregation in public schools). See also Cox, *Constitutional Adjudication and the Promotion of Human Rights*, 80 Harv. L.R. 91, 93 and *passim*.

²⁸ *Nixon v. Herndon*, *supra* note 7; *Nixon v. Condon*, *supra* note 10; *Smith v. Allwright*, *supra* note 12; *Terry v. Adams*, *supra* note 17; *Rice v. Elmore*, 165 F.2d 387 (4th Cir. 1947); *United States v. Fayette County Democratic Executive Committee*, 5 Race Rel. L. Rep. 421 (W.D. Tenn. 1960).

²⁹ See pp. 8–10 *supra*. See also V.O. Key, Jr., *Southern Politics in State and Nation* 625–63 (1948).

³⁰ Ala. Code, tit. 17, §§ 1, 12 (1958); Alabama State Democratic Executive Committee Resolution of Jan. 29, 1968; Arkansas Democratic Party Rules § 2(b) (Reprint 1960); Arkansas Republican Party Rules, § 1 (adopted Sept. 3, 1966); Fla. Code § 97.031 (1967); Georgia State Democratic Executive Committee Rules Governing Democratic Primary Elections, Rule 2 (adopted May 19, 1966); Georgia Republican Party Rules for the Nomination of Candidates by Primary Elections of 1966, Rule 3 (adopted May 7, 1966); La. Rev. Stat. § 18:306 (1951); Miss. Code § 3235 (Supp. 1966); North Carolina Democratic Party Plan of Organization, art. I, § 4 (Rev. January 1964); North Carolina Republican Party Plan of Organization, art. I, § 1 (adopted Mar. 12, 1966); N.C. Stat. § 163–104 (Supp. 1967); South Carolina Democratic Party Rules, Rule 6 (adopted Mar. 24, 1954, as amended 1964); South Carolina Republican Party Rules, Rule 4(c)(3) (adopted May 26, 1962); Tenn. Code § 2–815 (1955); Tennessee Republican Party Rules at 17 (adopted Oct. 7, 1967); Virginia Democratic Party Plan of Organization, Primary Plan at 11 (as amended through July 17, 1952); Virginia Republican Party Plan of Organization, art. 1, § 1 (as amended through June 17, 1967).

discrimination in the voter registration process which the Voting Rights Act was designed to correct. Finally, since the passage of the Voting Rights Act many Southern political party organizations have engaged in acts of discrimination or have failed to correct incidents of discrimination such as those described in this report.³¹

³¹ See generally Part III *supra*.

APPENDIX II

Applicability of Section 5 of the Voting Rights Act to Party Rules

Section 5 of the Voting Rights Act of 1965¹ provides that whenever any “State or political subdivision” in which voter registration tests and devices have been suspended attempts to enact or enforce “any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting” different from that in force on November 1, 1964, it must first obtain a declaratory judgment of the United States District Court for the District of Columbia that the new qualification or standard does not have the purpose or effect of denying or abridging the right to vote on account of race. This procedure may be circumvented only if the new qualification or standard has been submitted to the United States Attorney General and he has not objected to its enforcement within 60 days after it has been submitted to him. Section 5, which clearly reaches State legislation and local ordinances, may fairly be interpreted to cover party rules and procedures as well.

The Supreme Court has held that in prohibiting “any State” from denying or abridging the right of citizens to vote on account of race or color, the 15th amendment erects a barrier to discriminatory party rules which deny or abridge the right to vote or to participate in the procedure by which parties choose their nominees.² The reasoning applied by the Supreme Court in holding that discriminatory party rules are subject to 15th amendment limitations is equally applicable here. In *Smith v. Allwright* the Supreme Court held that

state delegation to a party of the power to fix the qualifications of primary elections is delegation of a state function that may make the party’s action the action of the state.³

The Court in *Allwright* concluded that because the primary elections in that case were conducted by the party under State statutory authority, the party became an agency of the State and the resolution of the State party convention excluding Negroes was the action of the State for purposes of the 15th amendment.

In States where tests are suspended by the Voting Rights Act, political parties similarly are regulated by State statutory provisions and are delegated certain powers and duties with regard to primary elections and the selection of party officials. In these States, political parties are given rule-making

¹ 42 U.S.C. § 1973c (Supp. II, 1967).

² *Smith v. Allwright*, 321 U.S. 649 (1944) (resolution of State party convention) *Nixon v. Condon*, 286 U.S. 73 (1932) (resolution of party State executive committee). See also *Smith v. Paris*, 257 F. Supp. 901 (M.D. Ala. 1966) (rule of county executive committee).

³ 321 U.S. at 660.

power which is exercised to regulate and control the selection of party nominees for public office and of party officials. The delegation by the State of this authority and responsibility to a political party must make the party's action in passing such rules the action of the State for purposes of the 15th amendment and Section 5.

Congress indicated its intention that Section 5 cover party rules in its definition of "voting" (which is used in Section 5) contained in Section 14(c) (1) of the Act:

The terms "vote" or "voting" shall include all action necessary to make a vote effective in any *primary*, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or *party office* and propositions for which votes are received in an election.⁴

In enacting this definition, Congress must have known that there are States to which Section 5 applies where primary elections and the election of party officials are regulated by party rules, as well as State statutes. Indeed, in some States, the manner of selection of party officials is regulated almost entirely by party rules.⁵ Therefore, if the right to vote as defined in Section 14(c) (1) is to be protected, Congress must have intended, and Section 5 must be interpreted, to include party rules.

Section 5, moreover, was enacted because of congressional anticipation, in light of past experience, that once their voter registration tests were suspended, States and subdivisions covered by the Act would institute new devices violating the 15th amendment. To interpret the Section 5 proscription less broadly than the 15th amendment itself would permit circumvention of the Act through discriminatory party rules or procedures, just as, after the white primary was declared unconstitutional in *Allwright*, certain States tried to circumvent the 15th amendment by repealing all legislation regulating primaries, thereby giving the parties a free hand to exclude Negroes.⁶ It follows that States and political subdivisions in which tests are suspended are obligated by Section 5 of the Voting Rights Act to see that changes in party rules are submitted to the Attorney General for his approval or that the approval of the U.S. District Court for the District of Columbia is obtained.

⁴ 42 U.S.C. § 1973l(c) (1) (Supp. II, 1967) (emphasis added).

⁵ For example, in Alabama, political parties may choose by party rule or resolution whether to hold primary elections or not and may establish rules and procedures governing the conduct of primaries and the selection of party officials. Ala. Code, tit. 17, § 336 (1958). County executive committees may hold elections for the selection of members, but are free to abolish elections and to establish their own rules for the selection of members. Ala. Code, tit. 17, § 342 (1958).

⁶ See pp. 8-10 *supra*.

APPENDIX III

Authority to Assign Observers to Party Meetings and Conventions

Section 8 of the Voting Rights Act of 1965¹ provides for the assignment at the request of the Attorney General of Federal observers to political subdivisions designated for Federal examiners. The function of the Federal observer is:

(1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated.

The Department of Justice has interpreted Section 8 to permit the assignment of observers to monitor primary, special, and general elections, but has not yet assigned Federal observers to elections of party officials or party nominees by means of precinct or mass meetings and county or State conventions.

The assignment of Federal observers to these meetings and conventions is authorized by the Act. The term "election" fairly embodies meetings and conventions at which party nominees and officials are chosen. See *United States v. Fayette County Democratic Executive Committee*,² where the final judgment, consented to by the parties, enjoined the county Democratic executive committee from excluding any voter on account of his race from participating in "any election," which was defined to include party primaries and party conventions.

Although no definition of "election" is provided either in Section 8 or elsewhere in the Act, a definition including in its coverage any election in which party officials or nominees are chosen can be inferred from the definition of "vote" and "voting" contained in Section 14(c)(1):³

The terms "vote" and "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

Representative Jonathan B. Bingham, the author of an amendment which expanded the definition of "vote" in Section 14(c)(1), indicated on the floor of the House of Representatives that he viewed "all action necessary

¹ 42 U.S.C. § 1973f (Supp. II, 1967).

² 5 Race Rel. L. Rep. 421 (W.D. Tenn. 1950).

³ 42 U.S.C. § 1973f(c)(1) (Supp. II, 1967).

to make vote effective in any primary, special, or general election” is including participation in party conventions. He stated:

I recommended the addition of language which would extend the protection of the bill to the type of situation which arose last year when the regular Democratic delegation from Mississippi to the Democratic National Convention was chosen through a series of Party caucuses and conventions from which Negroes were excluded.⁴

⁴ 111 Cong. Rec. 16273 (1965).

APPENDIX IV

Voting Rights Act of 1965

79 Stat. 437, 42 U.S.C. § 1973

AN ACT

To enforce the fifteenth amendment to the Constitution of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965."

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if any incidents of denial or abridgment of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or po-

litical subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgements of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(e) (1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school, in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory

judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons : white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine

applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission

shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the

United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to elections, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accept payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in

part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a) or (b), shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11(a) or (b) shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order of temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c) (1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial

district of the United States: *Provided*, That no writ of subpoena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

- (a) Delete the word "Federal" wherever it appears in subsections (a) and (c);
- (b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved August 6, 1965.

APPENDIX V**Observation of Elections Under the Voting Rights Act
of 1965¹**

(as of December 15, 1967)

<i>Type of election</i>	<i>Date of election</i>	<i>County or Parish</i>
ALABAMA		
1st general primary . . .	May 3, 1966 . . .	Dallas, Greene, Hale, Marengo, Perry, Sumter.
2d general primary . . .	May 31, 1966 . . .	Greene, Hale, Marengo, Perry, Sumter.
General	Nov. 8, 1966 . . .	Choctaw, Dallas, Greene, Hale, Lowndes, Marengo, Perry, Sumter, Wilcox.
GEORGIA		
General	Nov. 8, 9, 10, 1966	Hancock.
LOUISIANA		
Democratic primary . .	Aug. 13, 1966 . . .	E. Carroll, E. Feliciana, W. Feliciana, Madison, Ouachita, Plaquemines.
Democratic runoff . . .	Sept. 17, 1966 . . .	E. Carroll, E. Feliciana, W. Feliciana, Madison, Ouachita.
General	Nov. 8, 1966 . . .	E. Feliciana, W. Feliciana, Madison, Ouachita, Plaquemines.
Democratic primary . .	Nov. 4, 1967 . . .	Desoto, Madison, E. Carroll, E. Feliciana, W. Feliciana, Plaquemines.
Democratic runoff . . .	Dec. 16, 1967 . . .	E. Carroll, Madison.

¹The information in this appendix was obtained from the U.S. Civil Service Commission. Federal observers attended the elections specified in the table in the counties and parishes indicated.

*Type of election**Date of election**County or Parish*

MISSISSIPPI

1st general primary . . .	June 7, 1966 . . .	Carroll, Claiborne, Clay, Holmes, Humphreys, Jasper, Jefferson, Jefferson Davis, Jones, Leflore, Madison, Neshoba, Noxubee, Rankin.
General	Nov. 8, 9, 10, 1966	Carroll, Claiborne, Clay, Franklin, Grenada, Hinds, Holmes, Humphreys, Jasper, Jefferson, Jefferson Davis, Jones, Leflore, Madison, Neshoba, Noxubee.
Municipal	Nov. 22, 1966 . . .	Leflore.
Municipal	Feb. 3, 1967 . . .	Grenada.
Municipal runoff	Feb. 27, 1967 . . .	Grenada.
Municipal	May 2, 1967 . . .	Moorehead, Sunflower.
Municipal runoff	May 22, 1967 . . .	Sunflower.
1st primary	Aug. 8, 9, 10, 1967.	Amite, Carroll, Claiborne, Clay, Coahoma, Desoto, Forrest, Franklin, Grenada, Hinds, Holmes, Humphreys, Issaquena, Jasper, Jefferson, Jones, Leflore, Madison, Marshall, Neshoba, Noxubee, Oktibbeha, Rankin, Sharkey, Simpson, Sunflower, Wilkinson.
2d primary	Aug. 28, 29, 30, 1967.	Benton, Carroll, Claiborne, Coahoma, Grenada, Holmes, Humphreys, Jefferson, Leflore, Madison, Marshall, Neshoba, Noxubee, Wilkinson.
General	Nov. 7, 1967 . . .	Bolivar, Carroll, Hinds, Holmes, Issaquena, Madison, Rankin, Sunflower, Wilkinson.

SOUTH CAROLINA

1st general primary . . .	June 14, 1966 . . .	Clarendon, Dorchester.
2d general primary . . .	June 28, 1966 . . .	Clarendon.

APPENDIX VI

Negroes Holding Public Office in the South ¹

(as of February 1, 1968)

ALABAMA

Sheriff:		
Macon County	Lucius Amerson	1966. ²
Mayor:		
Triana	Clyde Foster	
Hobson City	J. R. Striplin	1964.
City Council:		
Triana	David Barnes	
	Mrs. Jessie J. Bennie	
	Joe L. Fletcher	
	William Griffin	
Tuskegee	William Peterson	1966.
	Dr. Stanley H. Smith	1964.
	Dr. T. S. Williams	1966.
Hobson City	Lee D. Young	1964.
	C. R. Atkinson	1964.
	Charles Dumas	1964.
	A. Snow	1964.
	Charles Staton	1964.
School Board:		
Greene County	Rev. Peter Kirksey	1966.
Macon County	Dr. Charles Gomillion	1964.
	Mrs. Elizabeth H. Richardson	1965.
Board of Revenue:		
Macon County	Rev. V. A. Edwards	1964.
	Harold Webb	1966.
Tax Collector:		
Macon County	L. A. Locklair	1966.
County Coroner:		
Sumter County	James R. Weatherly	1966.
Justice of the Peace:		
Macon County	William C. Allen	1964.
	William C. Childs	1964.

¹ The information in this appendix was obtained from the Voter Education Project of the Southern Regional Council.

² The year designates the year of election.

ARKANSAS

School Board:

Bradley County		
Banks District	Shuley Lovett	1967.
Chicot County		
Eudora	Mrs. Mable Allen	1967.
Columbia County		
Walker	T. L. Story	1967.
	John Holmes	1967.
	Louis Copers	1967.
Conway County		
East Side	R. E. Hemphill	1967.
	J. D. Hammond	1967.
	Cain Crockran	1967.
	Ladell Morris	1967.
	Sammie A. Criswell	1967.
Jefferson County		
County District	Frank Hunter	1967.
	C. W. Olloway	1967.
	Jethro Fair	1967.
Dollarway	Arthur H. Miller	1967.
Linwood	J. C. Hamilton	1967.
	Dennis Curry	1967.
	DeArthur Grice	1967.
Sherrill	Mrs. Minnie Macklin	1967.
Wabaseka	James Sims	1967.
	Andrew Walker	1967.
Barnes	C. W. Olloway	1967.
Little River County		
Ashdown	Donald Mills	1967.
Nevada County		
Oak Grove	Ira J. Tidwell	1967.
	Oscar Johnson	1967.
	Aaron Thompson	1967.
	Ivory Murphy	1967.
	Syble Dockery	1967.
Pulaski County		
Little Rock	T. E. Patterson	1967.
Sevier County		
County District	D. B. Bell	1967.
	Earl Austin	1967.
	Mervin Bell	1967.
	R. C. Cravens	1967.
	Joe Walls	1967.

FLORIDA

City Commission:

Vero Beach.....	William Blackshear.....	
Miami.....	Mrs. Athalie Range.....	Appointed 1966, elected 1967.
Dania.....	Boisy Waiters.....	1966.
Melbourne.....	Nathaniel Nicolas.....	

City Council:

Daytona.....	James Huger.....	1965.
Jacksonville.....	Mrs. Sallye Mathis.....	1966.
	Mrs. Mary Singleton.....	1966.
	Oscar Taylor.....	1967.
	Earl Johnson.....	1967.
Lawtey.....	Robert Scott.....	
Rivera Beach.....	Bobbie Brooks.....	
West Palm Beach.....	F. Malcolm Cunningham.....	
Delray Beach.....	O. F. Youngblood.....	1967.
Fort Pierce.....	Jackie Kenoe.....	

School Board:

Vero Beach.....	Walter M. Jackson
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Civil Service Board:

Jacksonville.....	Charles E. Simmons, Jr.	1967.
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GEORGIA

State Senate:

Fulton County.....	Leroy Johnson.....	1962.
	Horace T. Ward.....	1964.

State House of

Representatives:

Fulton County.....	William H. Alexander.....	1965.
	Julian Bond.....	1965.
	Benjamin D. Brown.....	1965.
	J. C. Daugherty.....	1965.
	Rev. J. D. Grier.....	1965.
	Mrs. Grace T. Hamilton.....	1965.
	John Hood.....	1965.
Muscogee County.....	Albert Thompson.....	1966.
Richmond County.....	R. L. Dent.....	1966.

Board of Aldermen:

Atlanta.....	Q. V. Williamson.....	1965.
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County Commissioner:

Hancock County.....	James H. Smith.....	1966.
Liberty County.....	Earl Baggs.....	1966.
McIntosh County.....	Henry Curry.....	1966.

City Council:		
Augusta.....	David C. Albert.....	
	B. L. Dent.....	1964.
	Rev. C. S. Hamilton.....	1965.
School Board:		
Atlanta.....	Dr. Horace C. Tate.....	1965.
	Dr. A. C. Yancey.....	Appointed 1967.
Hancock County.....	Robert Ingram.....	1966.

LOUISIANA

State House of Representatives:		
Orleans Parish.....	Ernest N. Morial.....	1968.
Mayor Pro Tem:		
Grand Coteau.....	Peter Smith.....	1965.
School Board:		
East Carroll Parish....	F. J. Atlas.....	1966.
Iberville Parish.....	J. W. Holmes.....	1966.
West Feliciana Parish..	Raymond Minor.....	1966.
	Alvin White, Jr.	1966.
City Council:		
Grand Coteau.....	Russel Richard, Sr.....	1965.
	John Bobb, Jr.	1965.
Alderman:		
Crowley.....	Harry Lee Fusillier.....	1966.
	Joseph A. Pete.....	1966.
Maringouin.....	Reed Greene.....	1966.
Police Jury:		
Ascension Parish.....	Raymond Julien.....	1968.
East Carroll Parish....	Watson Sanders.....	1968.
	Rev. O. L. Virgin.....	1968.
St. James Parish.....	Oliver Cooper.....	1968.
St. John the Baptist Parish.....	Rudolph Sorapuru.....	1968.
St. Mary Parish.....	Joseph M. Davis.....	1968.
	Anderson Yancy.....	1968.
West Feliciana Parish..	Eddie Davis.....	1968.
	Ledell Mackie.....	1968.
	Nathaniel Smith, Sr.....	1968.
Constable:		
Natchitoches Parish....	Larry Barthazar.....	1968.
Pointe Coupee Parish..	Thomas Nelson.....	1968.
St. James Parish.....	Anatale Monduit.....	1968.
St. John the Baptist Parish.....	Roland Adams.....	1968.
	Joseph J. Borne.....	1968.
St. Landry Parish.....	Morris Barns.....	1968.
St. Mary Parish.....	Ernest Metz.....	1968.
	Leonard Tardy.....	1968.

Justice of Peace:

Pointe Coupee Parish..	Wesley Albert.....	1968.
	Charlie Harris.....	1968.
St. James Parish.....	Sultan Cezar.....	1968.
	Oliver Cooper.....	1968.
	Isaac Garritt, Jr.....	1968.
St. John the Baptist Parish.....	Whitmore Gordan.....	1968.
	Harvey Schexnayder.....	1968.
St. Mary Parish.....	Anderson Broussard.....	1968.

MISSISSIPPI

State House of

Representatives:

Holmes County.....	Robert Clark.....	1967.
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Mayor:

Mound Bayou.....	Wesley Liddle.....	
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Vice Mayor:

Mound Bayou.....	Herman Johnson.....	
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Councilman:

Mound Bayou.....	R. W. Jones.....	
	Mrs. Sally W. Griffin.....	
	Mrs. L. A. Reed.....	
	Rev. C. L. Woodley.....	

Constable:

Adams County.....	Sandy Nealey.....	1967.
Claiborne County.....	Leander Monroe.....	1967.
Holmes County.....	Griffin McLaurin.....	1967.
Issaquena County.....	Melvin Smith.....	1967.
Jefferson County.....	Earlie Lott, Sr.....	1967.
Marshall County.....	McEwen Walker.....	1967.

Supervisor:

Bolivar County.....	Kermit Stanton.....	1967.
Claiborne County.....	William Matt Ross.....	1967.
Jefferson County.....	Sylvester Gaines.....	1967.
Wilkinson County.....	James Jolliff, Jr.....	1967.

Chancery Clerk:

Claiborne County.....	Mrs. Geneva Collins.....	1967.
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School Board:

Jefferson County.....	Robert Williams.....	1966.
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Coroner:

Marshall County.....	Osborn Bell.....	1967.
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Justice of the Peace:

Adams County.....	Rev. W. S. Scott.....	1967.
Claiborne County.....	Alexander Collins.....	1967.
Coahoma County.....	Rev. Dan Ferguson.....	1967.
	Charles Jones.....	1967.
Issaquena County.....	Matthew Walker.....	1967.

Jefferson County	Mrs. Martha Lee	1967.
	Willie Thompson	1967.
Madison County	U. S. Rimmer	1967.
Marshall County	James Malone	1967.

NORTH CAROLINA

City Council:

Southern Pines	Felton J. Chapel	
Winston-Salem	C. C. Ross	
	Carl H. Russell	
Durham	John S. Setward	
	C. E. Boulware	
Lumberton	Rev. E. B. Turner	
Raleigh	Clarence E. Lightner	1967.
Charlotte	Fred Alexander	1965.
Winton	J. Ely Reid	

School Board:

Hertford County	Howard Hunter	
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SOUTH CAROLINA

County Board of Directors:

Beaufort County	Leroy Brown	1966.
	Dave Jones	1966.
	Booker Washington	1966.

City Council:

Beaufort	Joseph Wright	1967.
Richland County	Richard Johnson	1967.
	Freddie Campbell	1967.
Sumter County	Willie Jefferson	1967.
Charleston County	St. Julian Devine	1966.

Road Commission:

Williamsburg County	Paul Murray	1966.
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Magistrate:

Richland County		
Gadsden Precinct	Mrs. Hattie Sims	1966.
Hopkins Precinct	Joseph Stroy	1966.

TENNESSEE

State House of

Representatives:

Shelby County	A. W. Willis	1964.
	J. O. Patterson	1966.
	Russell Sugarmon	1966.
Davidson County	M. G. Blakemore	1966.
	Mrs. Dorothy Brown	1966.
Knox County	Robert J. Booker	1966.

City Council:		
Nashville	Mansfield Douglas	
	John Driver	
	Robert Lilliard	
	Z. Alexander Looby	
	Harold M. Love	
	Robert Scales	
Memphis	Fred L. Davis	1967.
	James L. Netters	1967.
County Court:		
Fayette County	Gladys Allen	1966.
	Herbert Bonner ³	
	William Hazlitt	1966.
	Sherman Perry	1966.
	Mrs. Geraldine Johnson	1966.
	Charlie Minor	1966.
	Cooper Parks	1966.
Shelby County	Jesse Turner	1966.
	H. T. Lockhard ⁴	
Hamilton County	Rev. Robert Richards	1966.
School Board:		
Lauderdale County	Albert Lockard	1966.
Shelby County	Blair T. Hunt	
Magistrate:		
Haywood County		
9th District	Dan Nixon	1966.
	A. D. Powell	1966.

TEXAS

State Senate:		
Harris County	Miss Barbara Jordan	1966.
State House of Representatives:		
Harris County	Curtis Graves	1966.
Dallas County	Joseph Lockridge	1966.
City Council:		
Malakoff	I. W. Brown	1966.
Port Arthur	Arthur Guidry	1964.
San Antonio	Rev. S. H. James	1965.
Huntsville	Scott Johnson	1966.
Hearne	John Miles	1966.
Waco	Dr. G. H. Radford	1966.

³ Elected but never seated.

⁴ Now the Governor's Administrative Assistant.

School Board:

Houston	Asberry Butler	
Dallas	Dr. Emmett J. Conrad	
Beaumont	William H. Taft	1965.
Port Arthur	A. Z. McElroy	1968.
La Margue	George Drake	
Crosby	Wilbur Eagleton	

VIRGINIA

State House of

Representatives:

Richmond	W. Ferguson Reid	1967.
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City Council:

Richmond	B. A. Cephas	1966.
	Henry L. Marsh III	1966.
	Winfred Mundle ⁵	1966.
Port Royal	Embria Byrd	
Petersburg	Oliver Fortune	
	H. E. Fautleroy	1966.
Tappahannock	Joseph Owens	
	Ernest A. Gaines	1966.
Fredericksburg	Rev. Lawrence A. Davies	1966.
Dumfries	John Wilmer Porter	
Purcellville	Basham Simms	
Middleburg	Charles R. Turner	

Sheriff:

Charles City County	James N. Bradby	1967.
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County Clerk:

Charles City County	Mrs. Iona W. Adkins	1967.
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Board of Supervisors:

Southampton County	S. O. Sykes	1967.
Nansemond County	Moses A. Riddick, Jr.	1967.

School Board:

Hampton	William M. Cooper	
Richmond	Dr. Thomas H. Henderson	1965.
Lynchburg	Charles B. Hutchenson	
Portsmouth	David L. Muckler	
Newport News	Dr. Waldo Scott	

Justice of the Peace:

Greensville	Murrell Owens	1967.
	Garland Faison	1967.

⁵ Elected Vice-Mayor by City Council.

APPENDIX VII—Voter Registration

TABLE 1.—Registration by

State	1960 voting age population ¹		Pre-Act registration ²	
	White	Nonwhite	Number	
			White	Nonwhite
Alabama	1, 353, 122	481, 220	935, 695	92, 737
Arkansas ⁴	848, 393	192, 629	555, 944	77, 714
Florida	2, 617, 438	470, 261	1, 958, 499	240, 616
Georgia	1, 796, 963	612, 875	1, 124, 415	167, 663
Louisiana	1, 289, 216	514, 589	1, 037, 184	164, 601
Mississippi	751, 266	422, 273	525, 000	28, 500
North Carolina	2, 005, 955	550, 929	1, 942, 000	258, 000
South Carolina	895, 147	371, 104	677, 914	138, 544
Tennessee ⁵	1, 779, 018	313, 873	1, 297, 000	218, 000
Texas ⁶	4, 884, 765	649, 512		
Virginia ⁷	1, 876, 167	436, 718	1, 070, 168	144, 259
Total	20, 097, 450	5, 015, 933	11, 123, 816	1, 530, 634

¹ The source of all population data in this appendix is the 1960 census.

² The source of all data on registration before the passage of the Voting Rights Act of 1965 is Information Center, U.S. Commission on Civil Rights, Registration and Voting Statistics, Mar. 19, 1965. The introduction to that report states: "The figures reproduced here are those currently available in Commission files from official and unofficial sources. . . . Registration figures themselves vary widely in their accuracy. Even where official figures are available, registrars frequently fail to remove the names of dead or emigrated voters and thus, report figures which exceed the actual registration. Unofficial figures which come from a variety of sources are subject to even greater inaccuracies." For more detailed information on sources see the tables for individual States.

³ For the sources of these data see the tables for individual States and footnotes 4, 5, 6, and 7 infra. In this report the term "Post-Act Registration" is intended to refer to the total number of persons registered before and after the passage of the Voting Rights Act, and not only to persons registered since the passage of the Act.

TABLE 2.—Registration by

State	1960 voting age population		Pre-Act registration			
	White	Nonwhite	Number		Percentage	
			White	Nonwhite	White	Nonwhite
Alabama	374, 866	214, 804	214, 964	31, 732	57. 3	14. 8
Georgia	9, 022	9, 581	7, 675	990	85. 1	10. 3
Louisiana	183, 012	94, 621	128, 817	8, 939	70. 4	9. 4
Mississippi	284, 469	136, 739	129, 338	9, 158	83. 7	8. 1
South Carolina	12, 344	13, 105	12, 572	2, 273	100+	17. 3
Total	863, 713	468, 850	493, 366	53, 092	67. 2	11. 9

¹ This table contains State totals for all counties to which Federal examiners have been sent.

Statistics

State—All Counties

Pre-Act registration ² — Continued		Post-Act registration ³				
Percentage		Number			Percentage	
White	Nonwhite	White	Nonwhite	Unknown	White	Nonwhite
69.2	19.3	1,212,317	248,432	14,297	89.6	51.6
65.5	40.4	616,000	121,000	.....	72.4	62.8
74.8	51.2	2,131,105	299,033	33,694	81.4	63.6
62.6	27.4	1,443,730	322,496	22,776	80.3	52.6
80.5	31.6	1,200,517	303,148	.....	93.1	58.9
69.9	6.7	589,066	181,233	176,099	91.5	59.8
96.8	46.8	1,602,980	277,404	.....	83.0	51.3
75.7	37.3	731,096	190,017	.....	81.7	51.2
72.9	69.5	1,434,000	225,000	.....	80.6	71.7
.....	.....	2,600,000	400,000	.....	53.3	61.6
61.1	38.3	1,140,000	243,000	.....	63.4	55.6
73.4	35.5	14,750,811	2,810,763	246,866	76.5	57.2

⁴ Post-Act registration statistics are from V.E.P. News, September 1967.

⁵ Statewide statistics for post-Act registration are from V.E.P. News, September 1967. Because county figures showing white and nonwhite registration are not available, no separate table for Tennessee is included.

⁶ Statewide statistics for post-Act registration are from V.E.P. News, September 1967. Figures showing pre-Act statewide white and nonwhite registration are not available. Because no county figures by race are available, no separate table for Texas is included.

⁷ Statewide figures are from V.E.P. News, September 1967.

State—Examiner Counties ¹

Post-Act registration—Continued					Listing by Federal examiners ²	
Number			Percentage		White	Nonwhite
White	Nonwhite	Unknown	White	Nonwhite	White	Nonwhite
293,020	127,416	.....	87.2	59.3	5,244	60,316
9,383	6,013	.....	100+	62.8	16	3,397
145,178	50,413	.....	79.3	53.5	1,770	24,130
234,268	94,674	36,360	90.8	70.9	243	57,896
14,192	9,377	.....	100+	71.6	16	4,606
696,041	287,893	36,360	83.4	61.9	7,289	150,345

² Under the Voting Rights Act, Federal examiners do not “register voters,” but rather “examine applicants concerning their qualifications for voting” and place the names of those qualified on a list of eligible voters. State or local election officials are obligated to place the names of those persons listed by the Federal examiners as qualified on the official voting list. Secs. 7 (a), (b), 42 U.S.C. §§ 1973e (a), (b) (Supp. II, 1967).

TABLE 3.—Registration by State

State	1960 Voting age population		Pre-Act registration	
			Number	
	White	Nonwhite	White	Nonwhite
Alabama.....	978, 246	266, 416	720, 731	61, 005
Georgia.....	1, 787, 941	603, 294	1, 116, 740	166, 673
Louisiana.....	1, 106, 204	419, 968	908, 367	155, 662
Mississippi.....	466, 797	285, 534	98, 176	3, 817
South Carolina.....	882, 803	357, 999	665, 342	136, 271
Total.....	5, 221, 991	1, 933, 211	3, 509, 356	523, 428

Table 4.—

County	1960 voting age population		Pre-Act registration ¹ Number	
	White	Nonwhite	White	Nonwhite
*Autauga ³	6, 353	3, 651	4, 991	50
Baldwin.....	22, 236	4, 527	20, 021	1, 100
Barbour.....	7, 338	5, 787	7, 107	450
Bibb.....	5, 807	1, 990	7, 192	475
Blount.....	14, 368	298	12, 600	150
Bullock.....	2, 387	4, 450	2, 300	1, 200
Butler.....	8, 363	4, 820	7, 239	248
Calhoun.....	44, 739	9, 036	29, 000	2, 200
Chambers.....	15, 369	6, 497	10, 083	850
Cherokee.....	8, 597	782	6, 438	288
Chilton.....	12, 861	1, 947	8, 139	700
Choctaw.....	5, 192	3, 982	5, 163	252
Clarke.....	7, 899	5, 833	8, 350	650
Clay.....	6, 470	926	6, 342	320
Cleburne.....	5, 870	385	5, 235	80
Coffee.....	14, 221	2, 985	9, 310	503
Colbert.....	21, 680	4, 575	16, 229	500
Conecuh.....	5, 907	3, 635	4, 385	400
Coosa.....	4, 201	1, 794	3, 800	350
Covington.....	18, 460	2, 876	12, 330	685
Crenshaw.....	6, 310	2, 207	5, 452	492
Cullman.....	25, 848	285	19, 850	250
Dale.....	14, 861	2, 743	8, 864	794
*Dallas.....	14, 400	15, 115	9, 463	320
DeKalb.....	23, 878	441	22, 950	250
*Elmore.....	12, 510	4, 808	11, 728	400
Escambia.....	12, 779	5, 685	11, 843	1, 150
Etowah.....	48, 563	7, 661	35, 200	1, 800
Fayette.....	8, 277	1, 291	9, 432	360
Franklin.....	12, 412	645	11, 787	800
Geneva.....	11, 357	1, 606	8, 043	75
*Greene.....	1, 649	5, 001	2, 305	275
*Hale.....	3, 594	5, 999	4, 824	236
Henry.....	5, 165	3, 168	4, 958	503

See footnotes at end of table.

—Nonexaminer Counties¹

Pre-Act registration— Continued		Post-Act registration				
Percentage		Number			Percentage	
White	Nonwhite	White	Nonwhite	Unknown	White	Nonwhite
73.7	22.9	919,257	121,016	14,297	94.0	45.4
62.5	27.6	1,434,347	316,483	22,776	80.2	52.5
82.0	37.1	1,055,339	252,735	.....	95.4	60.2
76.7	4.5	354,798	86,559	138,939	93.5	50.3
75.4	38.1	716,904	180,640	.....	81.2	50.5
71.9	30.2	4,480,665	957,433	176,012	87.4	52.5

¹ This table contains State totals for all counties to which Federal examiners have not been sent in the five States in which examiners have served.

Alabama

Pre-Act registration 1—Continued		Post-Act registration ²				Listing by Federal examiners ²	
Percentage		Number		Percentage		White	Nonwhite
White	Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite
78.6	1.4	7,508	2,391	100+	65.5	275	1,017
90.0	24.3	20,771	1,382	93.4	30.5	.....	.....
96.9	7.8	9,931	3,684	100+	63.7	.....	.....
100+	23.9	8,137	954	100+	47.9	.....	.....
87.7	50.3	14,116	163	98.2	54.7	.....	.....
96.4	27.0	3,431	2,854	100+	64.1	.....	.....
86.6	5.1	8,036	1,835	96.1	38.1	.....	.....
64.8	24.3	34,427	4,463	77.0	49.4	.....	.....
65.6	13.1	12,082	1,458	78.6	22.4	.....	.....
74.9	36.8	9,729	483	100+	61.8	.....	.....
63.3	36.0	16,371	774	100+	39.8	.....	.....
99.4	6.3	5,953	3,044	100+	76.4	.....	.....
100+	11.1	10,579	2,614	100+	44.8	.....	.....
98.0	34.6	8,627	404	100+	43.6	.....	.....
89.2	20.8	7,565	144	100+	37.4	.....	.....
65.5	16.9	11,521	1,007	81.0	33.7	.....	.....
74.9	10.9	21,881	3,009	100+	65.8	.....	.....
74.2	11.0	5,645	2,103	95.6	57.9	.....	.....
90.5	19.5	5,742	1,026	100+	57.2	.....	.....
66.8	23.8	16,863	1,066	91.3	37.1	.....	.....
86.4	22.3	6,534	1,299	100+	58.9	.....	.....
76.8	87.7	25,437	123	98.4	43.2	.....	.....
59.6	28.9	11,955	1,442	80.4	52.6	.....	.....
65.7	2.1	13,134	10,644	91.2	70.4	75	8,972
96.1	56.9	26,969	224	100+	50.8	.....	.....
93.7	8.3	16,072	2,912	100+	60.6	192	1,558
92.7	20.2	15,986	1,904	100+	33.5	.....	.....
72.5	23.5	43,116	4,197	88.8	54.8	.....	.....
100+	27.9	9,263	675	100+	52.3	.....	.....
95.0	100+	13,952	734	100+	100+	.....	.....
70.8	4.7	10,780	611	94.9	38.0	.....	.....
100+	5.5	2,057	3,953	100+	79.0	49	2,053
100+	3.9	4,517	4,104	100+	68.4	34	3,570
96.0	15.9	6,715	1,474	100+	46.5	.....	.....

TABLE 4.—

County	1960 voting age population		Pre-Act registration ¹ Number	
	White	Nonwhite	White	Nonwhite
Houston.....	22,095	6,899	12,106	1,000
Jackson.....	19,298	1,175	13,034	350
*Jefferson.....	256,319	116,160	130,804	23,992
Lamar.....	7,503	1,027	8,580	300
Lauderdale.....	31,089	3,726	21,600	1,200
Lawrence.....	10,509	2,471	11,227	800
Lee.....	17,547	8,913	11,384	1,995
Limestone.....	16,173	3,579	11,221	750
*Lowndes.....	1,900	5,122	2,314	0
Macon.....	2,818	11,886	3,733	3,479
Madison ⁴	54,516	10,666	32,000	2,000
*Marengo.....	6,104	7,791	6,280	295
Marion.....	12,656	383	7,050	400
Marshall.....	26,997	637	21,925	125
Mobile ⁵	121,589	50,793	69,795	12,917
Monroe.....	6,631	4,894	7,017	325
*Montgomery.....	62,911	33,056	33,000	5,500
Morgan.....	30,955	4,159	18,000	1,200
*Perry.....	3,441	5,202	3,006	289
Pickens.....	7,336	4,373	6,511	438
Pike.....	9,126	5,259	10,356	273
Randolph.....	9,196	2,366	9,900	1,100
Russell.....	13,761	10,531	7,520	800
St. Clair.....	12,244	2,035	7,726	850
Shelby ⁶	14,771	2,889	12,500	500
*Sumter.....	3,061	6,814	3,275	375
Talladega.....	25,635	9,333	19,000	3,000
Tallapoosa.....	15,310	4,999	14,880	903
Tuscaloosa.....	47,076	15,332	26,000	6,000
Walker.....	28,148	2,890	21,602	1,710
Washington.....	5,293	2,297	6,068	700
*Wilcox.....	2,624	6,085	2,974	0
Winston.....	8,559	47	10,354	15
Totals:				
Nonexaminer counties ⁷	978,246	266,416	720,731	61,005
Examiner counties.....	374,866	214,804	214,964	31,732
All counties ⁸	1,353,122	481,220	935,695	92,737

¹ Source: Birmingham News, May 3, 1964.² Source: U.S. Department of Justice. Statistics are as of Oct. 31, 1967.³ An asterisk indicates a county which has been designated by the Attorney General for appointment of Federal examiners and in which examiners have been appointed.⁴ The post-Act figures exclude 5,191 registered voters of unknown race.⁵ The post-Act figures exclude 8,357 registered voters of unknown race.

Alabama—Continued

Pre-Act registration 1—Continued		Post-Act registration ²				Listing by Federal examiners ²	
Percentage		Number		Percentage			
White	Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite
54.8	14.5	15,831	1,834	71.6	26.6		
67.5	29.8	18,714	633	97.0	53.9		
51.0	20.7	181,083	63,978	70.6	55.1	4,122	19,126
100+	29.2	10,001	375	100+	36.5		
69.5	32.2	19,217	1,397	61.8	37.5		
100+	32.4	14,779	1,337	100+	54.1		
64.9	22.5	14,140	3,066	80.6	34.4		
69.4	20.9	14,486	1,285	89.6	35.9		
100+	0.0	2,854	3,025	100+	59.1	23	2,730
100+	29.3	5,066	5,379	100+	45.3		
58.7	18.8	42,988	3,187	78.9	29.9		
100+	3.8	7,403	4,821	100+	74.7	193	4,890
55.7	100+	16,585	269	100+	70.2		
81.2	19.6	17,816	192	66.0	30.1		
57.4	25.4	107,455	25,663	88.4	50.5		
100+	6.6	7,647	2,515	100+	51.4		
52.5	16.6	45,302	19,504	72.0	59.0	174	9,991
58.1	28.9	27,720	1,298	89.5	31.2		
87.4	5.6	5,563	3,861	100+	74.2	87	2,731
88.8	10.0	7,512	1,741	100+	39.8		
100+	5.2	11,945	3,440	100+	65.4		
100+	46.5	10,319	1,200	100+	50.7		
54.6	7.6	12,879	4,219	93.6	40.1		
63.1	41.8	11,431	922	93.4	45.3		
84.6	17.3	13,211	987	76.7	34.2		
100+	5.5	3,848	3,443	100+	50.5	9	12
74.1	32.1	22,376	4,288	87.3	45.9		
97.2	18.1	18,024	1,880	100+	37.6		
55.2	39.1	30,675	5,943	65.2	38.8		
76.7	59.2	27,170	1,301	96.5	45.0		
100+	30.5	7,785	1,475	100+	64.2		
100+	0.0	3,679	3,780	100+	62.1	11	3,666
100+	31.9	11,411	40	100+	85.1		
73.7	22.9	919,297	121,016	94.0	45.4		
57.3	14.8	293,020	127,416	87.2	59.3	5,244	60,316
69.2	19.3	1,212,317	248,432	89.6	51.6	5,244	60,316

⁶ The post-Act figures exclude 749 registered voters of unknown race.

⁷ The post-Act total for nonexaminer counties exclude 14,297 registered voters of unknown race.

⁸ The post-Act totals for all counties exclude 14,297 registered voters of unknown race.

TABLE 5.—Arkansas

County	1960 voting age population		Pre-Act registration ¹			
	White	Nonwhite	Number		Percentage	
			White	Nonwhite	White	Nonwhite
Arkansas.....	10, 589	2, 809	7, 316	1, 271	69. 1	45. 2
Ashley.....	9, 012	4, 258	6, 822	1, 650	75. 7	38. 8
Baxter.....	6, 584	3	5, 080	0	77. 2	0. 0
Benton.....	23, 309	63	13, 872	10	59. 5	15. 9
Boone.....	10, 414	4	7, 022	0	67. 4	0. 0
Bradley.....	5, 837	2, 372	4, 323	1, 059	74. 1	44. 6
Calhoun.....	2, 496	1, 056	2, 442	785	97. 8	74. 3
Carroll.....	7, 533	8	4, 926	0	65. 4	0. 0
Chicot.....	4, 817	5, 555	3, 913	2, 919	81. 2	52. 6
Clark.....	9, 419	2, 725	6, 048	1, 095	64. 2	40. 2
Clay.....	12, 645	3	6, 950	0	55. 0	0. 0
Cleburne.....	5, 697	1	3, 907	0	68. 6	0. 0
Cleveland.....	3, 246	832	2, 699	445	83. 2	53. 5
Columbia.....	10, 646	4, 808	6, 907	1, 509	64. 9	31. 4
Conway.....	7, 323	1, 674	6, 813	1, 444	93. 0	86. 3
Craighead.....	26, 047	881	15, 019	301	57. 7	34. 2
Crawford.....	12, 505	340	7, 547	181	60. 4	53. 2
Crittenden.....	10, 569	12, 871	7, 299	1, 777	69. 1	13. 8
Cross.....	7, 608	2, 640	4, 648	611	61. 1	23. 1
Dallas.....	4, 122	2, 049	3, 276	1, 004	79. 5	49. 0
Desha.....	6, 103	4, 802	4, 670	2, 445	76. 5	50. 9
Drew.....	5, 926	2, 506	3, 987	1, 190	67. 3	47. 5
Faulkner.....	12, 850	1, 246	10, 731	560	83. 5	44. 9
Franklin.....	6, 363	63	4, 691	48	73. 7	76. 2
Fulton.....	4, 237	4	3, 595	0	84. 8	0. 0
Garland.....	27, 811	2, 964	19, 495	2, 317	70. 1	78. 2
Grant.....	4, 794	256	3, 738	94	78. 0	36. 7
Greene.....	14, 835	11	9, 022	4	60. 8	36. 4
Hempstead.....	8, 333	3, 717	5, 970	1, 581	71. 6	42. 5
Hot Springs.....	11, 267	1, 584	8, 110	720	72. 0	45. 5
Howard.....	5, 667	1, 210	3, 983	621	70. 3	51. 3
Independence.....	12, 386	321	7, 840	75	63. 3	23. 4
Izard.....	4, 349	36	3, 498	14	80. 4	38. 9
Jackson.....	11, 117	1, 736	7, 357	1, 031	66. 2	59. 4
Jefferson.....	27, 284	17, 505	17, 462	7, 733	64. 0	44. 2
Johnson.....	7, 715	137	5, 373	82	69. 6	59. 9
Lafayette.....	3, 839	2, 447	2, 756	1, 031	71. 8	42. 1
Lawrence.....	10, 016	112	7, 074	40	70. 6	35. 7
Lee.....	4, 545	5, 957	2, 792	1, 434	61. 4	24. 1
Lincoln.....	4, 619	3, 579	3, 114	1, 541	67. 4	43. 1
Little River.....	3, 923	1, 415	3, 296	781	84. 0	55. 2

See footnote at end of table.

TABLE 5.—Arkansas—Continued

County	1960 voting age population		Pre-Act registration ¹			
	White	Nonwhite	Number		Percentage	
			White	Nonwhite	White	Nonwhite
Logan.....	10, 290	163	6, 518	45	63. 3	27. 6
Lonoke.....	11, 121	2, 518	7, 874	918	70. 8	36. 5
Madison.....	5, 552	7	3, 900	0	70. 2	0. 0
Marion.....	3, 938	2	3, 129	0	79. 5	0. 0
Miller.....	14, 327	4, 290	9, 290	1, 848	64. 8	43. 1
Mississippi.....	26, 739	9, 638	12, 366	3, 134	46. 2	32. 5
Monroe.....	5, 101	3, 914	3, 728	1, 281	73. 1	32. 7
Montgomery.....	3, 372	20	2, 750	0	81. 6	0. 0
Nevada.....	4, 619	1, 940	3, 360	1, 047	72. 7	54. 0
Newton.....	3, 403	2	2, 680	0	78. 8	0. 0
Ouachita.....	12, 021	6, 163	8, 756	3, 298	72. 8	53. 5
Perry.....	2, 892	82	2, 685	57	92. 8	69. 5
Phillips.....	10, 431	12, 208	6, 381	3, 963	61. 2	32. 5
Pike.....	4, 786	188	3, 395	98	70. 9	52. 1
Poinsett.....	14, 636	1, 446	8, 905	337	60. 8	23. 3
Polk.....	7, 686	8	5, 116	0	66. 6	0. 0
Pope.....	12, 431	370	8, 584	90	69. 1	24. 3
Prairie.....	5, 179	938	3, 728	429	72. 0	45. 7
Pulaski.....	118, 811	27, 822	67, 918	12, 960	57. 2	46. 6
Randolph.....	7, 427	94	4, 751	25	64. 0	26. 6
St. Francis.....	7, 963	8, 403	5, 613	2, 920	70. 5	34. 8
Saline.....	16, 990	1, 340	10, 175	388	59. 9	29. 0
Scott.....	4, 625	3	3, 320	45	71. 8	100+
Searcy.....	4, 942	1	3, 451	0	69. 8	0. 0
Sebastian.....	38, 180	2, 485	23, 355	750	61. 2	30. 2
Sevier.....	5, 910	499	3, 751	231	63. 5	46. 3
Sharp.....	4, 104	0	3, 520	0	85. 8	0. 0
Stone.....	3, 718	1	3, 441	0	92. 5	0. 0
Union.....	21, 725	7, 590	15, 133	2, 799	69. 7	36. 9
Van Buren.....	4, 565	56	3, 608	22	79. 0	39. 3
Washington.....	33, 359	311	17, 448	12	52. 3	3. 9
White.....	19, 172	659	12, 782	381	66. 7	57. 8
Woodruff.....	4, 836	2, 652	3, 528	1, 083	73. 0	40. 8
Yell.....	7, 395	253	5, 622	150	76. 0	59. 3
Total.....	848, 393	192, 629	555, 944	77, 714	65. 5	40. 4

¹ Official figures. Arkansas had no permanent registration prior to 1965. County registration figures represent sales of poll tax receipts, as reported by the State auditor as of October 1963. Current figures by county are not available.

TABLE 6.—

County	1960 voting age population		Pre-Act registration ¹	
	White	Nonwhite	White	Nonwhite
Alachua	30, 555	9, 898	21, 534	4, 421
Baker	3, 203	807	3, 439	569
Bay	31, 940	4, 964	21, 634	3, 473
Bradford	5, 580	1, 345	4, 714	772
Brevard	58, 433	6, 494	49, 977	2, 570
Broward	189, 517	27, 009	153, 175	13, 430
Calhoun	3, 434	582	4, 606	440
Charlotte	8, 659	427	9, 652	294
Citrus	5, 174	829	5, 598	548
Clay	9, 508	1, 276	8, 084	1, 008
Collier	8, 163	1, 364	6, 970	489
Columbia	8, 092	3, 122	8, 552	2, 309
Dade	537, 448	75, 573	383, 304	41, 634
De Soto	6, 339	1, 343	4, 123	640
Dixie	2, 138	363	2, 861	375
Duval	203, 804	58, 430	130, 285	36, 972
Escambia	76, 688	18, 041	54, 151	11, 075
Flagler	1, 789	846	1, 860	294
Franklin	3, 186	779	3, 510	585
Gadsden	11, 711	12, 261	8, 015	1, 425
Gilchrist	1, 513	154	1, 721	97
Glades	1, 061	741	1, 142	287
Gulf	4, 196	1, 138	4, 063	737
Hamilton	2, 486	1, 621	2, 729	1, 056
Hardee	6, 734	552	5, 635	348
Hendry	3, 430	1, 180	3, 499	794
Hernando	5, 689	1, 151	5, 387	679
Highlands	10, 997	2, 251	10, 591	1, 352
Hillsborough	213, 950	31, 114	147, 270	18, 876
Holmes	6, 131	249	6, 511	185
Indian River	13, 182	2, 637	10, 672	1, 292
Jackson	14, 087	5, 390	11, 518	3, 382
Jefferson	2, 383	2, 600	2, 443	638
Lafayette	1, 536	152	1, 889	0
Lake	30, 535	6, 438	22, 972	1, 948
Lee	30, 363	4, 677	25, 979	1, 270
Leon	28, 241	12, 322	20, 783	6, 334
Levy	4, 483	1, 568	4, 857	543
Liberty	1, 525	240	2, 104	0
Madison	4, 380	3, 067	4, 632	1, 602
Manatee	42, 291	5, 278	31, 696	2, 444
Marion	21, 001	9, 283	18, 215	6, 377
Martin	9, 291	1, 753	8, 752	1, 062
Monroe	25, 512	2, 919	15, 922	2, 189
Nassau	7, 054	2, 076	6, 039	1, 474
Okaloosa	30, 816	2, 097	23, 334	1, 138
Okeechobee	2, 870	533	3, 063	394
Orange	137, 780	21, 771	89, 582	8, 381
Osceola	11, 697	1, 122	9, 836	508
Palm Beach	119, 342	29, 541	99, 123	11, 035
Pasco	22, 329	2, 391	20, 820	1, 052
Pinellas	255, 369	18, 121	189, 134	8, 462
Polk	97, 314	19, 224	67, 362	9, 010
Putnam	13, 095	5, 089	9, 054	1, 722
St. Johns	13, 771	4, 331	10, 919	2, 329
St. Lucie	17, 238	6, 527	13, 791	2, 338

See footnotes at end of table.

Florida

Pre-Act registration ¹ — Continued		Post-Act registration ²			
Percentage		Number		Percentage	
White	Nonwhite	White	Nonwhite	White	Nonwhite
70.5	44.7	25,595	6,216	83.8	62.8
100+	70.5	3,497	562	100+	69.6
67.7	70.0	23,587	3,345	73.8	67.4
84.5	57.4	4,899	907	87.8	67.4
85.5	39.6	65,360	4,217	100+	64.9
80.8	49.7	180,735	20,123	95.4	74.5
100+	75.6	4,007	390	100+	67.0
100+	68.9	11,887	320	100+	74.9
100+	66.1	7,011	565	100+	68.2
85.0	79.0	9,771	1,006	100+	78.8
85.4	35.9	8,763	753	100+	55.2
100+	74.0	8,792	2,558	100+	81.9
71.3	55.1	377,856	55,660	70.3	73.7
65.0	47.7	4,648	990	73.3	73.7
100+	100+	2,778	370	100+	100+
63.9	63.3	139,353	39,014	68.4	66.8
70.6	61.4	59,197	13,574	77.2	75.2
100+	34.8	1,942	388	100+	45.9
100+	75.1	3,423	533	100+	68.4
68.4	11.6	6,557	4,620	56.0	37.7
100+	62.9	1,833	88	100+	57.1
100+	38.7	1,185	267	100+	36.0
96.8	64.7	3,681	712	87.7	62.6
100+	65.1	2,695	1,063	100+	65.6
83.7	63.0	5,543	349	82.3	63.2
100+	67.3	3,400	753	99.1	63.8
94.7	59.0	5,746	733	100+	63.7
96.3	60.1	12,287	1,666	100+	74.0
68.8	60.7	156,642	20,117	73.2	64.7
100+	74.3	6,406	196	100+	78.7
80.9	49.0	11,732	1,571	89.0	59.6
81.7	62.7	11,485	3,525	81.5	65.4
100+	24.5	2,470	1,628	100+	62.6
100+	0.0	1,778	102	100+	67.1
75.2	30.3	25,834	2,715	84.6	42.2
85.6	27.2	32,313	1,914	100+	40.9
73.6	51.4	25,856	7,331	91.6	59.5
100+	34.6	3,910	613	87.2	39.1
100+	0.0	2,088	177	100+	73.8
100+	52.2	4,287	2,038	97.9	66.4
74.9	46.3	35,530	3,517	84.0	66.6
86.7	68.7	20,394	5,886	97.1	63.4
94.2	60.6	9,365	1,283	100+	73.2
62.4	75.0	16,828	1,945	66.0	66.6
85.6	71.0	5,858	1,561	83.0	75.2
75.7	54.3	24,140	1,349	78.3	64.3
100+	73.9	3,220	424	100+	79.5
65.0	38.5	101,777	10,455	73.9	48.0
84.1	45.3	10,005	627	85.5	55.9
83.1	37.4	105,762	18,611	88.6	63.0
93.2	44.0	24,631	1,145	100+	47.9
74.1	46.7	217,764	11,409	85.3	63.0
69.2	46.9	74,879	10,047	76.9	52.3
69.1	33.8	9,347	2,044	71.4	40.2
79.3	53.7	10,501	2,259	76.3	52.2
80.0	35.8	15,149	4,154	87.9	63.6

TABLE 6.—

County	1960 voting age population		Pre-Act registration ¹	
	White	Nonwhite	Number	
			White	Nonwhite
Santa Rosa	14, 710	1, 082	12, 322	789
Sarasota	49, 533	4, 125	36, 620	1, 161
Seminole	24, 372	7, 050	16, 017	2, 377
Sumter	5, 396	1, 523	5, 168	889
Suwannee	6, 409	2, 149	6, 970	1, 046
Taylor	5, 454	1, 724	5, 911	876
Union	2, 880	1, 082	2, 254	128
Volusia	74, 209	11, 615	57, 701	6, 428
Wakulla	2, 120	753	2, 603	552
Walton	7, 958	1, 086	8, 050	820
Washington	5, 364	1, 021	5, 800	892
Total	2, 617, 438	470, 261	1, 958, 499	240, 616

¹ Official figures. Official publication of the secretary of state of Florida, in the Capitol, May 1964.

TABLE 7.—

County	1960 voting age population		Pre-Act registration ¹			
	White	Nonwhite	Number		Percentage	
			White	Nonwhite	White	Nonwhite
Appling	5, 862	1, 401	7, 705	1, 359	100+	97.0
Atkinson	2, 486	812	2, 498	692	100+	85.2
Bacon	4, 203	536	6, 184	101	100+	18.8
Baker	1, 139	1, 285	1, 631	24	100+	1.9
Baldwin	16, 109	9, 235	5, 353	1, 477	33.3	16.0
Banks	3, 850	213	3, 696	30	96.0	14.1
Barrow	7, 865	1, 332	5, 848	312	74.4	23.4
Bartow	14, 942	2, 393	11, 239	1, 208	75.2	50.5
Ben Hill	5, 931	2, 436	3, 292	740	55.5	30.4
Berrien	6, 179	964	5, 078	561	82.2	58.2
Bibb	60, 429	26, 812	26, 827	5, 042	44.4	18.8
Bleckley	4, 528	1, 380	3, 346	45	73.9	3.3
Brantley	2, 854	384	3, 500	265	100+	69.0
Brooks	5, 059	3, 711	3, 097	445	61.2	12.0
Bryan	2, 289	1, 111	1, 972	817	86.2	73.5
Bulloch	10, 101	4, 337	7, 780	1, 403	77.0	32.3
Burke	4, 358	6, 600	3, 664	427	84.1	6.5
Butts	3, 195	2, 099	4, 086	1, 582	100+	75.4
Calhoun	1, 654	2, 393	1, 685	145	100+	6.0
Camden	3, 447	2, 059	2, 428	1, 176	70.4	57.1
Candler	2, 714	1, 200	2, 989	1, 066	100+	88.8
Carroll	19, 234	3, 595	11, 789	797	61.3	22.2
Catoosa	12, 370	172	7, 876	73	63.7	42.4
Charlton	2, 077	810	1, 096	204	52.8	25.2
Chatham	78, 118	37, 563	36, 072	10, 068	46.2	26.8

See footnotes at end of table.

Florida—Continued

Pre-Act registration 1— Continued		Post-Act registration 2			
Percentage		Number		Percentage	
White	Nonwhite	White	Nonwhite	White	Nonwhite
83.8	72.9	13,281	765	90.3	70.7
73.9	28.1	43,834	2,162	88.5	52.4
65.7	33.7	18,601	3,231	76.3	45.8
95.8	58.4	5,387	930	99.8	61.1
100+	48.7	5,563	1,134	86.8	52.8
100+	50.8	5,393	974	98.9	56.5
78.3	11.8	2,062	175	71.6	16.2
77.8	55.3	64,771	6,946	87.3	59.8
100+	73.3	2,684	602	100+	79.9
100+	75.5	7,909	862	99.4	79.4
100+	87.4	5,641	867	100+	84.9
74.8	51.2	2,131,105	299,033	81.4	63.6

² Official statistics, from Tabulation of Official Votes Cast in the General Election, Nov. 8, 1966, compiled by Tom Adams, Secretary of State. Statistics are as of Oct. 8, 1966. Statistics include only persons registered as Democrats or Republicans; there are 33,694 persons registered in other parties, for which no breakdown by race was obtained.

Georgia

Post-Act registration 2				Listing by Federal examiners 2		
Number			Percentage 3			
White	Nonwhite	Unknown	White	Nonwhite	White	Nonwhite
7,400	1,281		100+	91.4		
3,202	806		100+	99.3		
4,671	300		100+	56.0		
1,560	921		100+	71.7		
6,984	1,934	207	43.3	20.9		
3,668	78		95.3	36.6		
6,563	465		83.4	34.9		
13,903	1,532		93.0	64.0		
3,666	1,007		61.8	41.9		
5,844	844		94.6	87.6		
44,480	14,023	5,548	73.6	52.3		
4,756	287	6	100+	20.8		
4,047	378		100+	98.4		
3,545	940		70.1	25.3		
2,335	1,165		100+	100+		
8,775	2,277		86.9	52.5		
4,346	2,760		99.7	41.8		
4,143	974		100+	46.4		
1,898	588		100+	24.6		
3,286	1,551		95.3	75.3		
2,478	832		91.3	69.3		
14,232	2,372		74.0	66.0		
11,967	88	3	96.7	51.2		
2,275	438		100+	54.1		
56,047	21,527		71.7	57.3		

TABLE 7.—

County	1960 voting age population		Pre-Act registration ¹			
			Number		Percentage	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
Chattahoochee.....	8,061	1,830	338	17	4.2	0.9
Chattooga.....	11,460	1,025	8,733	906	76.2	88.4
Cherokee.....	13,964	517	14,300	325	100+	62.9
Clarke.....	23,895	6,740	8,907	1,451	37.3	21.5
Clay.....	1,130	1,441	900	150	79.6	10.4
Clayton.....	23,996	2,456	15,094	544	62.9	22.1
Clinch.....	2,373	1,256	2,293	339	96.6	27.0
Cobb.....	63,291	4,568	29,622	1,808	46.8	39.6
Coffee.....	9,682	2,977	8,000	2,000	82.6	67.2
Colquitt.....	15,982	4,081	11,362	1,117	71.1	27.4
Columbia.....	5,096	2,364	4,061	659	79.7	27.9
Cook.....	5,213	1,755	5,400	600	100+	34.2
Coweta.....	11,891	5,579	9,108	1,594	76.6	28.6
Crawford.....	1,596	1,611	1,403	284	87.9	17.6
Crisp.....	6,451	3,858	5,179	890	80.3	23.1
Dade.....	4,083	70	4,100	26	85.4	37.1
Dawson.....	2,148	1	1,835	0	85.4	0.0
Decatur.....	9,069	5,515	7,841	1,016	86.4	18.4
De Kalb.....	148,167	12,407	64,450	2,153	43.5	17.4
Dodge.....	7,392	2,328	8,794	2,180	100+	93.6
Dooly.....	3,581	2,866	4,252	722	100+	25.2
Dougherty.....	29,897	14,163	13,700	4,800	45.8	33.9
Douglas.....	8,595	1,268	8,489	916	98.8	72.2
Early.....	4,013	3,277	3,729	261	92.9	8.0
Echols.....	832	246	838	19	100+	7.7
Effingham.....	4,008	1,756	2,618	188	65.3	10.7
Elbert.....	7,752	3,127	8,787	934	100+	29.9
Emanuel.....	7,627	3,005	7,864	2,098	100+	69.8
Evans.....	2,738	1,308	2,206	483	80.6	36.9
Fannin.....	8,111	31	8,649	18	100+	58.1
Fayette.....	3,585	1,190	2,760	26	77.0	2.2
Floyd.....	38,230	5,949	21,045	1,653	55.0	27.8
Forsyth.....	7,328	4	5,418	0	73.9	0.0
Franklin.....	7,611	776	7,500	100	98.5	12.9
Fulton.....	247,892	117,049	109,262	35,834	44.1	30.6
Gilmer.....	5,431	7	4,106	4	75.6	57.1
Glascocock.....	1,281	351	1,283	1	100+	0.3
Glynn.....	18,750	6,762	7,701	2,133	41.1	31.5
Gordon.....	11,441	669	8,423	321	73.6	48.0
Grady.....	7,205	3,364	4,080	629	56.6	18.7
Greene.....	3,565	2,998	2,665	1,538	74.8	51.3
Gwinnett.....	24,299	1,841	20,628	1,301	84.9	70.7
Habersham.....	10,676	518	8,223	200	77.0	38.6
Hall.....	27,726	2,789	13,174	733	47.5	26.3
Hancock.....	1,727	3,576	1,409	853	81.6	24.0
Haralson.....	8,571	642	7,162	384	83.6	59.8
Harris.....	3,310	3,102	3,340	263	100+	8.5
Hart.....	7,382	1,832	5,978	281	81.0	15.3
Heard.....	2,661	590	2,321	325	87.2	55.1
Henry.....	6,429	3,539	7,225	2,377	100+	67.2
Houston.....	17,742	4,228	7,799	413	44.0	9.8
Irwin.....	3,759	1,602	3,500	1,300	93.1	81.1
Jackson.....	10,228	1,309	6,679	408	65.3	31.2
Jasper.....	1,925	1,705	2,044	653	100+	38.3
Jeff Davis.....	4,116	909	6,130	56	100+	6.2
Jefferson.....	4,937	4,780	4,050	283	82.0	5.9

See footnotes at end of table.

Georgia—Continued

Post-Act registration ²			Percentage ³		Listing by Federal examiners ²	
Number						
White	Nonwhite	Unknown	White	Nonwhite	White	Nonwhite
510	131		6.3	7.2		
9,384	956	59	81.8	93.3		
13,855	614	535	99.2	100+		
14,621	4,960		61.2	73.6		
1,214	398		100+	27.6		
19,977	777		83.3	31.6		
2,449	359		100+	28.6		
29,680	1,808	8,341	46.9	39.6		
11,779	1,619		100+	54.4		
12,802	1,673	642	80.1	41.0		
5,312	1,007		100+	42.6		
5,351	1,010		100+	57.5		
11,086	3,496		93.2	62.7		
1,548	739	28	97.0	45.9		
6,462	1,915		100+	49.6		
4,242	60		88.3	85.7		
2,373	0		100+	0.0		
10,308	1,193		100+	21.6		
125,984	8,177		85.0	65.9		
7,013	1,871		94.9	80.4		
3,828	1,604		100+	56.0		
13,811	4,800	3,332	46.2	33.9		
8,945	1,000	24	100+	78.9		
4,099	655		100+	20.0		
855	19		100+	7.7		
4,006	617		99.9	35.1		
7,191	1,246		92.8	39.8		
6,869	1,954		90.1	65.0		
2,816	745		100+	57.0		
8,494	18		100+	58.1		
3,043	68		84.9	5.7		
25,885	2,647		67.7	44.5		
6,539	0		89.2	0.0		
7,669	728		100+	93.8		
184,242	77,064		74.3	65.8		
7,997	3		100+	42.8		
1,371	21		100+	6.0		
8,758	2,882		46.7	42.6		
10,832	544		94.7	81.3		
5,411	1,326		75.1	39.4		
3,446	2,638		96.7	88.0		
23,750	1,538	33	97.7	83.5		
7,437	515		69.7	99.4		
17,485	1,224		63.1	43.9		
1,661	2,400	125	96.2	64.3		
7,456	331	89	87.0	51.6		
3,893	1,119		100+	36.1		
6,095	418		82.6	22.8		
3,094	376		100+	63.7		
8,551	3,174		100+	89.7		
14,220	2,318		80.1	54.8		
4,382	1,523		100+	95.1		
8,162	749		79.8	57.2		
2,238	830		100+	48.7		
5,607	591		100+	65.0		
4,524	2,623		91.6	54.9		

TABLE 7.—

County	1960 voting age population		Pre-Act registration ¹			
			Number		Percentage	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
Jenkins.....	2,985	2,210	2,837	704	95.0	32.0
Johnson.....	3,455	1,261	3,208	262	92.9	20.8
Jones.....	2,655	2,185	2,570	923	96.8	42.2
Lamar.....	4,078	2,118	3,590	992	88.0	46.8
Lanier.....	2,158	756	1,794	359	83.1	47.5
Laurens.....	13,178	6,284	9,590	2,231	72.8	35.5
*Lee ⁴	1,427	1,795	1,210	29	84.8	1.6
Liberty.....	5,310	3,176	2,000	2,014	37.7	63.1
Lincoln.....	1,974	1,336	2,437	3	100+	0.2
Long.....	1,527	635	2,201	1,061	100+	100+
Lowndes.....	20,746	8,459	8,943	1,673	43.1	19.4
Lumpkin.....	4,500	79	2,886	43	64.1	54.4
McDuffie.....	4,625	2,740	4,046	251	87.5	9.2
McIntosh.....	1,643	1,823	1,396	1,219	85.0	66.9
Macon.....	3,171	4,077	3,052	443	96.2	10.9
Madison.....	5,962	989	4,588	55	77.0	5.6
Marion.....	1,353	1,609	1,508	55	100+	3.4
Meriwether.....	6,547	4,990	4,508	950	68.9	19.0
Miller.....	3,095	946	3,220	6	100+	0.6
Mitchell.....	6,055	4,971	7,928	375	100+	7.5
Monroe.....	3,607	2,652	3,938	738	100+	27.8
Montgomery.....	2,520	1,288	2,385	715	94.6	55.5
Morgan.....	3,415	2,469	1,576	892	46.1	36.1
Murray.....	6,209	51	4,520	27	72.8	52.9
Muscogee.....	74,662	22,549	27,595	4,801	37.0	21.3
Newton.....	9,045	3,767	5,883	901	65.0	23.9
Oconee.....	3,228	681	2,317	89	71.8	13.1
Oglethorpe.....	2,964	1,709	2,763	259	93.2	15.2
Paulding.....	7,353	603	7,626	543	100+	90.0
Peach.....	3,650	4,562	2,539	679	69.6	14.9
Pickens.....	5,264	251	5,124	140	97.3	55.8
Pierce.....	4,432	1,135	3,876	380	87.5	33.5
Pike.....	2,584	1,643	2,520	496	97.5	30.2
Polk.....	15,065	2,442	10,490	1,395	69.6	57.1
Pulaski.....	3,018	1,843	3,020	235	100+	12.8
Putnam.....	2,297	2,204	2,303	563	100+	25.5
Quitman.....	581	707	793	38	100+	5.4
Rabun.....	4,392	43	5,089	29	100+	67.4
Randolph.....	2,878	3,663	2,495	423	86.7	11.5
Richmond.....	61,315	24,785	26,097	6,747	42.6	27.2
Rockdale.....	4,708	1,512	4,641	731	98.6	48.3
Schley.....	961	903	893	134	92.9	14.8
*Screven.....	4,557	3,729	3,530	863	77.5	23.1
Seminole.....	2,648	1,255	3,500	11	100+	0.9
Spalding.....	16,657	5,252	9,370	1,391	56.3	26.5
Stephens.....	9,975	1,355	8,242	627	82.6	46.3
Stewart.....	1,465	2,681	1,656	136	100+	5.1
Sumter.....	7,730	6,710	5,681	548	73.5	8.2
Talbot.....	1,437	2,507	1,448	219	100+	8.7
Taliaferro.....	917	1,073	946	828	100+	77.2
Tattnall.....	7,377	3,135	6,630	1,310	89.9	41.8
Taylor.....	2,767	2,004	2,940	389	100+	19.4
Telfair.....	4,938	2,087	3,959	325	80.2	15.6
*Terrell.....	3,038	4,057	2,935	98	96.6	2.4
Thomas.....	13,179	7,644	8,422	1,579	63.9	20.7
Tift.....	10,211	3,513	6,681	1,113	65.4	31.7

See footnotes at end of table.

Georgia—Continued

Post-Act registration ²			Percentage ³		Listing by Federal examiners ²	
Number						
White	Nonwhite	Unknown	White	Nonwhite	White	Nonwhite
2,564	895		85.9	40.5		
3,424	642		99.1	50.9		
2,695	974	205	100+	44.6		
3,913	1,114		96.0	52.6		
1,830	389	10	84.8	51.5		
13,794	4,327		100+	69.3		
1,800	988		100+	55.0	1	472
2,950	2,594		55.6	81.7		
2,341	636		100+	47.6		
2,273	1,095		100+	100+		
12,192	2,629		58.8	31.1		
4,467	109		99.3	100+		
4,559	1,133		98.6	41.4		
1,641	1,961		99.9	100+		
3,607	1,796		100+	44.1		
4,778	261		80.1	26.4		
1,599	280		100+	17.4		
5,690	1,966		86.9	39.4		
1,637	188		52.9	19.9		
5,761	1,474		95.1	29.7		
3,454	1,212	224	95.8	45.7		
2,931	1,033		100+	80.2		
1,675	999	127	49.0	40.5		
6,210	25		100+	49.0		
39,384	10,157		52.7	45.0		
7,107	2,002		78.6	53.1		
2,903	119		89.9	17.5		
3,035	448		100+	26.2		
7,735	551	30	100+	91.4		
3,034	1,805		83.1	39.6		
6,129	196		100+	78.1		
4,666	649		100+	57.2		
2,630	701		100+	42.7		
12,768	1,784		84.8	73.0		
3,420	627		100+	34.0		
2,408	790	228	100+	35.8		
685	181		100+	25.6		
4,415	33		100+	76.7		
2,598	1,139		90.3	31.1		
38,706	13,985		63.1	56.4		
4,977	903		100+	59.7		
1,165	332	7	100+	36.8		
4,209	2,837		92.4	76.1	10	1,467
3,690	425		100+	33.9		
12,494	3,246		75.0	61.8		
7,840	766		78.6	56.5		
1,700	707		100+	26.4		
8,527	3,134		100+	46.7		
1,483	650		100+	25.9		
1,054	1,172		100+	100+		
6,693	3,028		90.7	96.6		
2,843	653		100+	32.6		
4,547	1,260		92.1	60.4		
3,374	2,188		100+	53.9	5	1,458
8,707	1,681	1,948	66.1	22.0		
7,955	1,701		77.9	48.4		

TABLE 7.—

County	1960 voting age population		Pre-Act registration ¹			
			Number		Percentage	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
Toombs	7, 513	2, 444	5, 962	431	79. 4	17. 6
Towns	2, 942	1	3, 514	0	100+	0. 0
Treutlen	2, 473	968	2, 638	45	100+	4. 6
Troup	20, 579	8, 577	11, 759	1, 732	57. 1	20. 2
Turner	3, 422	1, 535	3, 530	464	100+	30. 2
Twiggs	1, 969	2, 255	1, 698	246	86. 2	10. 9
Union	3, 957	1	5, 662	0	100+	0. 0
Upson	11, 159	3, 615	6, 404	655	57. 4	18. 1
Walker	26, 511	1, 388	24, 928	1, 019	94. 0	73. 4
Walton	9, 392	3, 076	6, 381	458	67. 9	14. 9
Ware	15, 671	4, 763	12, 365	2, 391	78. 9	50. 2
Warren	1, 911	2, 224	1, 640	188	85. 8	8. 4
Washington	5, 373	5, 451	5, 269	1, 542	98. 1	28. 3
Wayne	8, 204	1, 878	7, 171	809	87. 4	43. 1
Webster	775	975	766	9	98. 8	0. 9
Wheeler	2, 236	824	2, 302	474	100+	57. 5
White	4, 047	169	4, 220	242	100+	100+
Whitfield	24, 437	1, 085	17, 259	898	70. 6	82. 7
Wilcox	3, 309	1, 282	3, 059	230	92. 4	17. 9
Wilkes	3, 621	3, 101	3, 529	493	97. 5	15. 9
Wilkinson	3, 135	2, 279	3, 041	411	97. 0	18. 0
Worth	5, 324	3, 776	5, 855	296	100+	7. 8
Totals:						
Nonexaminer counties	1, 787, 941	603, 294	1, 116, 740	166, 673	62. 5	27. 6
Examiner counties	9, 022	9, 581	7, 675	990	85. 1	10. 3
All counties	1, 796, 963	612, 875	1, 124, 415	167, 663	62. 6	27. 4

¹ Unofficial figures. Published by the Atlanta Journal and Constitution, Apr. 28, 1963, representing registration as of December 1962.

Georgia—Continued

Post-Act registration ²						Listing by Federal examiners ²	
Number			Percentage ³		White	Nonwhite	
White	Nonwhite	Unknown	White	Nonwhite	White	Nonwhite	
7,099	902		94.5	36.9			
2,600	0		88.4	0.0			
2,112	601		85.4	62.1			
13,387	2,943		65.1	34.3			
2,918	537		85.3	35.0			
1,880	895	187	95.5	39.7			
3,500	0		88.5	0.0			
6,913	961		58.8	26.6			
32,101	1,178	10	100+	84.9			
6,800	982	35	72.4	31.9			
13,421	2,801		85.6	58.8			
1,965	1,417		100+	63.7			
5,367	1,672	763	99.9	30.7			
8,140	1,218		99.2	64.9			
875	261		100+	26.8			
2,179	730		97.5	88.6			
4,735	235		100+	100+			
20,545	1,010	8	84.1	93.1			
3,919	608		100+	47.4			
3,696	1,088		100+	35.1			
3,427	975	22	100+	42.8			
5,428	973		85.8	25.8			
1,434,347	316,483	22,776	80.2	52.5			
9,383	6,013	0	100+	62.8	16	3,397	
1,443,730	322,496	22,776	80.3	52.6	16	3,397	

² Source: U.S. Department of Justice. Statistics are as of Aug. 31, 1967.

³ In calculating the percentage, registrants of unknown race were excluded.

⁴ An asterisk indicates a county which has been designated by the Attorney General for the appointment of Federal examiners and in which examiners have been appointed.

TABLE 8.—

Parish	1960 voting age population		Pre-Act registration ¹	
			Number	
	White	Nonwhite	White	Nonwhite
Acadia	22,399	4,557	20,187	3,580
Allen	8,357	2,310	8,343	1,884
Ascension	10,110	4,171	8,808	2,448
Assumption	5,877	3,237	5,141	1,933
Avoyelles	15,845	4,717	13,157	1,756
Beauregard	8,682	2,145	7,936	1,048
Bienville	5,617	4,077	5,007	584
*Bossier ³	23,696	6,847	14,934	599
*Caddo	87,774	41,749	62,362	4,954
Calcasieu	62,987	14,924	46,918	8,213
Caldwell	3,843	1,161	3,786	361
Cameron	3,642	239	3,400	190
Catahoula	4,110	1,919	4,080	236
Claiborne	6,415	5,032	5,229	96
Concordia	5,963	4,582	5,505	563
*DeSoto	6,543	6,753	5,830	849
East Baton Rouge	87,985	36,908	75,773	11,990
*East Carroll	2,990	4,183	1,939	136
*East Feliciana	7,043	6,081	2,726	182
Evangeline	13,652	3,342	14,055	3,136
Franklin	8,954	4,433	7,540	284
Grant	6,080	1,553	5,966	618
Iberia	20,200	7,165	17,670	4,336
Iberville	8,733	7,060	7,422	2,971
Jackson	6,607	2,535	6,078	1,244
Jefferson	98,013	14,970	86,430	8,177
Jefferson Davis	12,892	2,881	10,056	1,549
Lafayette	35,513	9,473	32,253	5,863
LaFourche	25,737	3,078	24,788	1,963
LaSalle	6,799	849	6,961	272
Lincoln	9,611	5,723	6,937	1,314
Livingston	12,306	1,818	13,156	1,419
*Madison	3,334	5,181	2,467	294
Morehouse	10,311	7,208	7,690	491
Natchitoches	11,328	7,444	9,743	1,983
Orleans	257,495	125,752	162,215	35,736

See footnotes at end of table.

Louisiana

Pre-Act registration 1—Continued		Post-Act registration ²				Listing by Federal examiners ²	
Percentage		Number		Percentage			
White	Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite
90.1	78.6	22,926	4,378	100+	96.1		
99.8	81.6	9,412	2,210	100+	95.7		
87.1	58.7	10,373	3,199	102.6	76.7		
87.5	59.7	5,913	2,293	100+	70.8		
83.0	37.2	15,504	3,242	97.8	68.7		
91.4	48.9	9,326	1,397	100+	65.1		
89.1	14.3	5,535	2,063	98.5	50.6		
63.0	8.7	17,688	3,077	74.6	44.9	26	1,409
71.0	11.9	65,217	20,912	74.3	50.1	87	7,291
74.5	55.0	53,662	10,514	85.2	70.5		
98.5	31.1	4,644	714	100+	61.5		
93.4	79.5	3,873	230	100+	100+		
99.3	12.3	5,170	1,092	100+	56.9		
81.5	1.9	5,982	2,083	93.3	41.4		
92.3	12.3	7,500	2,821	100+	61.6		
89.1	12.6	6,851	5,032	100+	74.5	6	2,235
86.1	32.5	89,550	21,285	100+	57.7		
64.8	3.3	3,208	2,882	100+	68.9	25	2,633
38.7	3.0	3,569	2,365	50.7	38.9	51	2,048
100+	93.8	15,866	4,231	100+	100+		
84.2	6.4	8,862	721	99.0	16.3		
98.1	39.8	6,915	944	100+	60.8		
87.5	60.5	19,988	5,769	99.0	80.5		
85.0	42.1	9,259	6,311	100+	89.4		
91.9	49.1	6,647	1,863	100+	73.5		
88.1	54.6	105,510	10,647	100+	71.1		
78.0	53.7	11,595	2,160	89.9	75.0		
90.8	61.9	36,792	6,732	100+	71.1		
96.3	63.8	28,009	2,559	100+	83.1		
100+	32.0	7,797	738	100+	86.9		
72.2	23.0	8,567	2,277	89.1	39.8		
100+	78.1	16,181	1,780	100+	97.9		
74.0	5.7	3,921	3,862	100+	74.5	14	492
74.6	6.8	9,252	1,408	89.7	19.5		
86.0	26.6	11,617	5,403	100+	72.6		
63.0	28.4	174,261	60,308	67.7	48.0		

TABLE 8.—

Parish	1960 voting age population		Pre-Act registration ¹	
			Number	
	White	Nonwhite	White	Nonwhite
*Ouachita	40, 185	16, 377	29, 587	1, 744
*Plaquemines	8, 633	2, 897	7, 627	96
Pointe Coupee	6, 085	5, 273	4, 384	1, 515
Rapides	44, 823	18, 141	32, 456	3, 792
Red River	3, 294	2, 181	3, 530	96
Richland	7, 601	4, 608	5, 688	381
Sabine	8, 251	2, 143	8, 735	1, 366
St. Bernard	15, 836	1, 105	18, 425	682
St. Charles	8, 117	2, 621	7, 969	2, 342
St. Helena	2, 363	2, 082	2, 059	560
St. James	4, 892	3, 964	4, 611	2, 537
St. John the Baptist	4, 982	4, 279	4, 475	3, 009
St. Landry	25, 550	14, 982	22, 131	10, 325
St. Martin	9, 781	4, 664	9, 397	3, 182
St. Mary	17, 991	7, 176	14, 782	3, 214
St. Tammany	16, 032	5, 038	18, 350	2, 807
Tangipahoa	22, 311	9, 401	19, 918	3, 247
Tensas	2, 287	3, 533	2, 154	60
Terrebonne	24, 393	5, 464	19, 132	1, 645
Union	7, 021	3, 006	6, 534	864
Vermilion	19, 710	2, 429	18, 972	2, 183
Vernon	9, 279	1, 268	9, 971	684
Washington	16, 804	6, 821	15, 795	1, 634
Webster	15, 713	7, 045	12, 002	803
West Baton Rouge	3, 974	3, 502	3, 642	1, 245
West Carroll	6, 171	1, 389	4, 078	76
*West Feliciana	2, 814	4, 553	1, 345	85
Winn	6, 790	2, 590	6, 947	1, 175
Totals:				
Nonexaminer parishes	1, 106, 204	419, 968	908, 367	155, 662
Examiner parishes	183, 012	94, 621	128, 817	8, 939
All parishes	1, 289, 216	514, 589	1, 037, 184	164, 601

¹ Official figures. Data furnished by secretary of state of Louisiana showing registration as of Oct. 3, 1964.

Louisiana—Continued

Pre-Act registration ¹ — Continued		Post-Act registration ²				Listing by Federal examiners ²	
Percentage		Number		Percentage			
White	Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite
73.6	10.6	33,049	7,755	82.2	47.4	50	5,468
88.3	3.3	9,917	1,389	100+	47.9	1,492	1,254
72.0	28.7	6,014	3,722	98.8	70.6		
72.4	20.9	37,579	8,821	83.8	48.6		
100+	4.4	4,126	1,414	100+	64.8		
74.8	8.3	7,128	1,000	93.8	21.7		
100+	63.7	10,075	1,688	100+	78.8		
100+	61.7	23,819	880	100+	79.6		
98.2	89.4	9,457	2,825	100+	100+		
87.1	26.9	2,808	2,042	100+	98.1		
94.3	64.0	5,220	3,385	100+	85.4		
89.8	70.3	5,692	3,689	100+	86.2		
86.6	68.9	25,769	13,536	100+	90.3		
96.1	68.2	10,689	4,151	100+	89.0		
82.2	44.8	19,620	5,531	100+	76.0		
100+	55.7	21,145	3,301	100+	65.5		
89.3	34.5	23,535	5,736	100+	61.0		
94.2	1.7	2,563	1,067	100+	30.2		
78.4	30.1	23,093	2,900	94.7	53.1		
93.1	28.7	7,417	1,647	100+	54.8		
96.3	89.9	21,547	2,758	100+	100+		
100+	53.9	11,697	858	100	67.7		
94.0	24.0	18,126	3,943	100+	57.8		
76.4	11.4	13,431	3,655	85.5	51.9		
91.6	35.6	4,707	2,805	100+	80.1		
66.1	5.5	5,724	362	92.8	26.1		
47.8	1.9	1,758	2,195	100+	98.2	19	1,300
100+	45.4	7,870	1,647	100+	63.6		
82.0	37.1	1,055,339	252,735	95.4	60.2		
70.4	9.4	145,178	50,413	79.3	53.5	1,770	24,130
80.5	31.6	1,200,517	303,148	93.1	58.9	1,770	24,130

² Source: U.S. Department of Justice. Statistics are as of October 1967.

³ An asterisk indicates a county which has been designated by the Attorney General for the appointment of Federal examiners and in which examiners have been appointed.

TABLE 9.—

County	1960 voting age population		Pre-Act registration ¹			
	White	Nonwhite	Number		Percentage	
			White	Nonwhite	White	Nonwhite
Adams	10,888	9,340				
Alcorn	13,347	1,756				
*Amite	4,449	3,560				
Attala	7,522	4,262				
*Benton	2,514	1,419	2,226	55	88.5	3.9
Bolivar	10,031	15,939				
Calhoun	7,188	1,767				
*Carroll	2,969	2,704				
Chickasaw	6,388	3,054	4,548	1	71.2	0.0
Choctaw	3,728	1,105				
*Claiborne	1,688	3,969	1,528	26	90.5	0.7
Clarke	6,072	2,988	4,829	64	79.5	2.1
*Clay	5,547	4,444				
*Coahoma	8,708	14,604				
Copiah	8,153	6,407	7,533	25	92.4	0.4
Covington	5,329	2,032				
*De Soto	5,338	6,246				
*Forrest	22,431	7,495	13,253	236	59.1	3.1
*Franklin	3,403	1,842				
George	5,276	580	4,200	14	79.6	2.4
Greene	3,518	859				
*Grenada	5,792	4,323				
Hancock	6,813	1,129				
Harrison	55,094	9,670				
*Hinds	67,836	36,138	62,410	5,616	92.0	15.5
*Holmes	4,773	8,757	4,800	20	100+	0.2
*Humphreys	3,344	5,561	2,538	0	75.9	0.0
*Issaquena	640	1,081	640	5	100.0	0.5
Itawamba	8,523	463				
Jackson	24,447	5,113				
*Jasper	5,327	3,675	4,500	10	84.5	0.3
*Jefferson	1,666	3,540				
*Jefferson Davis	3,629	3,222	3,236	126	89.2	3.9
*Jones	25,943	7,427				
Kemper	3,113	3,221				
Lafayette	8,074	3,239				
Lamar	6,489	1,071	5,752	0	88.6	0.0
Lauderdale	27,806	11,924	18,000	1,700	64.7	14.3
Lawrence	3,878	1,720				
Leake	6,754	3,397	6,000	220	88.8	6.5
Lee	18,709	5,130				
*Leflore	10,274	13,567	7,348	281	71.5	2.1
Lincoln	11,072	3,913				
Lowndes	16,460	8,362	8,687	99	52.8	1.2
*Madison	5,622	10,366	6,256	218	100+	2.1
Marion	8,997	3,630	10,123	383	100+	10.6

See footnotes at end of table.

Mississippi

Post-Act registration ²				Listing by Federal examiners ²			
Number			Percentage ³				
White	Nonwhite	Unknown	White	Nonwhite	White	Nonwhite	
7,542	4,388		69.3	47.0			
8,928	460	2,250	71.1	100+			
4,035	1,723	749	94.9	64.2	0	356	
7,316	1,996	759	99.8	60.2			
2,875	1,189		100+	83.8	0	517	
4,880	1,831	8,438	69.7	51.2			
5,565	61	1,719	83.4	76.4			
2,896	926	1,366	100+	72.1	0	900	
7,500	2,371		100+	77.6			
4,312	719		100+	65.1			
1,865	3,092		100+	77.9	1	1,343	
5,745	751		94.6	25.1			
3,524	1,481		63.5	33.3	3	1,431	
7,163	7,668	2,727	90.1	66.5	17	4,292	
8,540	4,159		100+	64.7			
5,169	1,013		97.0	49.9			
6,863	2,381	613	100+	45.5	2	1,221	
20,384	4,302	1,165	92.7	67.5	5	953	
3,114	1,171		91.5	63.6	3	57	
6,440	305		100+	52.6			
5,095	498	260	100+	65.5			
7,505	2,537		100+	58.7	1	1,405	
7,336	724		100+	64.1			
17,450	1,996	15,824	35.2	100+			
63,043	17,248	9,135	96.3	66.7	71	10,726	
5,501	6,332	40	100+	72.7	7	4,537	
2,824	1,810	841	90.7	43.9	8	1,420	
871	643		100+	59.5	2	59	
7,606	287	3,230	100+	100+			
15,841	1,649	5,224	70.1	100+			
4,668	1,124	1,143	93.0	53.9	2	629	
1,913	2,061		100+	58.2	0	2,060	
3,435	1,885		94.7	58.5	4	1,121	
12,649	3,261	114	48.9	45.1	5	2,304	
3,457	874		100+	27.1			
4,711	561	1,996	64.5	63.6			
1,063	419	7,975	100+	100+			
21,832	4,969	931	79.4	47.5			
3,960	1,821		100+	100+			
7,227	2,161		100+	63.6			
15,403	1,906		82.3	37.2			
7,428	7,526	3,021	79.6	72.2	5	7,230	
12,948	2,931		100+	74.9			
12,354	2,686		75.1	32.1			
6,287	7,037		100+	67.9	31	6,586	
12,047	2,501		100+	68.9			

TABLE 9.—

County	1960 voting age population		Pre-Act registration ¹			
	White	Nonwhite	Number		Percentage	
			White	Nonwhite	White	Nonwhite
Marshall.....	4, 342	7, 168	4, 229	177	97. 4	2. 5
Monroe.....	13, 426	5, 610				
Montgomery.....	4, 700	2, 627				
*Neshoba.....	9, 143	2, 565				
*Newton.....	8, 014	3, 018				
*Noxubee.....	2, 997	5, 172				
*Oktibbeha.....	8, 423	4, 952	4, 413	128	52. 4	2. 6
Panola.....	7, 639	7, 250	5, 922	878	77. 5	12. 1
Pearl River.....	9, 765	2, 473				
Perry.....	3, 515	1, 140				
Pike.....	12, 163	6, 936				
Pontotoc.....	8, 772	1, 519				
Prentiss.....	9, 535	1, 070				
Quitman.....	4, 176	5, 673				
*Rankin.....	13, 246	6, 944				
Scott.....	7, 742	3, 752	5, 400	16	69. 7	0. 4
*Sharkey.....	1, 882	3, 152				
*Simpson.....	8, 073	3, 186				
Smith.....	6, 597	1, 293				
Stone.....	2, 965	868				
Sunflower.....	8, 785	13, 524	7, 082	185	80. 6	1. 4
Tallahatchie.....	5, 099	6, 483	4, 464	17	87. 5	0. 3
Tate.....	4, 506	4, 326				
Tippah.....	7, 513	1, 281				
Tishomingo.....	8, 068	359				
Tunica.....	2, 011	5, 822	1, 407	38	70. 0	0. 7
Union.....	9, 512	1, 626				
*Walthall.....	4, 536	2, 490	4, 536	4	100. 0	0. 2
*Warren.....	13, 530	10, 726	11, 654	2, 433	86. 1	22. 7
Washington.....	19, 837	20, 619				
Wayne.....	5, 881	2, 556				
Webster.....	4, 993	1, 174				
*Wilkinson.....	2, 340	4, 120				
*Winston.....	6, 808	3, 611				
Yalobusha.....	4, 572	2, 441				
Yazoo.....	7, 598	8, 719				
Totals:						
Nonexaminer counties.....	466, 797	285, 534	98, 176	3, 817	76. 7	4. 5
Examiner counties.....	284, 469	136, 739	129, 338	9, 158	83. 7	8. 1
All counties.....	751, 266	422, 273	525, 000	28, 500	69. 9	6. 7

¹ Sources: County figures: Unofficial figures, furnished by the Department of Justice showing registration as of a median date, Jan. 1, 1964. Statewide figures: Unofficial registration figures as of Nov. 1, 1964, furnished by the Voter Education Project of the Southern Regional Council.

Mississippi—Continued

Post-Act registration ²					Listing by Federal examiners ²	
Number			Percentage ³		White	Nonwhite
White	Nonwhite	Unknown	White	Nonwhite	White	Nonwhite
5,643	4,603		100+	64.2		
2,789	1,669	11,142	83.0	79.4		
804	38	6,181	92.0	100+		
6,891	1,013	1,643	79.9	87.5	1	619
7,097	1,386		88.3	45.9	0	610
2,944	2,620		98.2	50.7	5	2,236
386	763	8,537	62.4	89.5	0	129
7,548	3,760	142	99.3	53.3		
13,390	1,197		100+	48.4		
4,248	704		100+	61.8		
2,168	2,834	9,576	76.8	75.5		
6,679	559		76.1	36.8		
3,462	387	8,914	100+	100+		
4,035	2,610	60	97.0	46.8		
12,503	1,793	870	96.0	35.2	0	906
8,808	1,503		100+	40.1		
5,583	1,330	972	100+	54.2	0	286
8,714	2,070	41	100+	65.9	0	1,435
1,041	392	6,841	93.6	100+		
484	282	3,181	93.3	100+		
7,418	5,548		84.4	41.0		
5,595	3,377		100+	52.1		
4,765	2,171		100+	50.2		
8,352	675		100+	52.7		
8,810	193		100+	53.8		
1,564	504	2,066	100+	35.3		
8,463	394		89.0	24.2		
4,855	1,803	3	100+	72.5	1	1,246
13,968	6,315	117	100+	59.7	27	1,266
13,385	3,274	7,174	76.6	41.9		
7,265	1,225		100+	47.9		
154	83	6,875	96.5	100+		
2,484	185	3,263	100+	80.1	42	16
5,271	558	226	78.3	20.1	0	51
768	1,126	3,963	81.8	86.7		
1,622	2,856	7,342	93.8	53.8		
354,798	86,559	138,939	93.5	50.3		
234,268	94,674	36,360	90.8	70.9	243	57,896
589,066	181,233	176,099	91.5	59.8	243	57,896

² Source: U.S. Department of Justice. Statistics are as of Sept. 30, 1967.

³ These percentages were obtained by counting 75 percent of the persons of unknown race who registered before the passage of the Voting Rights Act as white and 25 percent as nonwhite and 75 percent of the persons of unknown race who registered after the passage of the Act as nonwhite and 25 percent as white.

⁴ An asterisk indicates a county which has been designated by the Attorney General for the appointment of Federal examiners and in which examiners have been appointed.

TABLE 10.—

County	1960 voting age population		Pre-Act registration ¹	
			Number	
	White	Nonwhite	White	Nonwhite
Alamance.....	42, 755	7, 429		5, 177
Alexander.....	8, 370	506		
Alleghany.....	4, 588	119		
Anson.....	7, 847	5, 218		
Ashe.....	11, 276	115		
Avery.....	6, 507	124		
Beaufort.....	13, 737	6, 196		
Bertie.....	6, 156	6, 261		
Bladen.....	9, 173	5, 147		
Brunswick.....	7, 602	3, 170		
Buncombe.....	72, 249	8, 510	28, 894	5, 695
Burke.....	29, 506	1, 921		
Cabarrus.....	35, 165	5, 380		
Caldwell.....	25, 520	1, 723		
Camden.....	1, 988	1, 054		
Carteret.....	16, 030	1, 932		
Caswell.....	6, 026	4, 129		
Catawba.....	38, 542	3, 296		
Chatham.....	11, 227	4, 026		
Cherokee.....	9, 102	226		
Chowan.....	3, 825	2, 507		
Clay.....	3, 112	37		
Cleveland.....	30, 356	6, 747	19, 827	2, 353
Columbus.....	17, 830	7, 382		
Craven.....	22, 994	8, 242		
Cumberland.....	58, 279	18, 789		
Currituck.....	2, 845	1, 076		
Dare.....	3, 467	237		
Davidson.....	41, 462	4, 491		
Davie.....	8, 898	1, 080		
Duplin.....	14, 477	6, 955		
Durham.....	47, 098	19, 475		
Edgecombe.....	15, 515	12, 330		
Forsyth.....	87, 219	24, 952	66, 800	12, 000
Franklin.....	9, 842	5, 554		
Gaston.....	64, 154	8, 365		
Gates.....	2, 714	2, 344		
Graham.....	3, 324	125		
Granville.....	11, 584	6, 966		
Greene.....	4, 793	3, 268		
Guilford.....	116, 748	27, 292	85, 689	16, 796
Halifax.....	16, 496	13, 766	15, 469	3, 644
Harnett.....	20, 061	6, 150		
Haywood.....	23, 055	500		
Henderson.....	21, 062	1, 170		
Hertford.....	5, 606	6, 102		
Hoke.....	3, 998	3, 747		
Hyde.....	2, 201	1, 100		
Iredell.....	31, 094	5, 517		
Jackson.....	9, 227	841		
Johnston.....	28, 259	6, 395		
Jones.....	3, 248	2, 251		

See footnotes at end of table.

North Carolina

Pre-Act registration ¹ — Continued		Post-Act registration ²			
Percentage		Number		Percentage	
White	Nonwhite	White	Nonwhite	White	Nonwhite
	69.7	38,517	5,221	90.1	70.3
		10,018	460	100+	90.9
		6,899	83	100+	69.7
		6,500	1,800	82.8	34.5
		13,038	110	100+	95.7
		6,018	41	92.5	33.1
		9,857	1,721	71.8	27.8
		5,997	3,951	97.4	63.1
		10,109	2,721	100+	52.9
		10,243	2,608	100+	82.3
39.9	66.9	69,379	5,608	96.0	65.9
		35,057	2,488	100+	100+
		32,973	2,953	93.8	54.9
		23,286	1,958	91.2	100+
		1,933	422	97.2	40.0
		12,170	1,190	75.9	61.6
		5,200	1,600	86.3	38.8
		24,968	4,406	64.8	100+
		11,962	1,874	100+	46.5
		8,957	142	98.4	62.8
		3,488	828	91.2	33.0
		2,902	30	93.3	81.1
65.3	36.3	20,093	2,406	66.2	35.7
		16,512	6,107	92.6	82.7
		12,001	3,473	52.2	42.1
		26,087	7,165	44.8	38.1
		2,624	397	92.2	36.9
		3,140	98	90.6	41.4
		10,110	987	100+	91.4
		15,812	3,185	100+	45.8
		36,717	16,176	78.0	83.1
		10,650	3,525	68.6	28.6
76.6	48.1	69,394	17,428	79.6	71.6
		10,923	2,045	100+	36.8
		43,924	4,243	68.5	50.7
		3,061	1,289	100+	55.0
		4,767	0	100+	0.0
		10,205	2,537	88.1	36.4
		5,070	795	100+	24.3
73.4	61.5	76,078	15,916	65.2	58.3
93.7	26.5	15,667	4,883	95.0	35.5
		11,666	1,177	58.2	19.1
		22,052	377	95.6	75.4
		17,419	651	82.7	55.6
		4,378	2,484	78.1	40.7
		2,962	1,354	74.1	36.1
		1,970	399	89.5	36.3
		23,858	2,965	76.7	53.7
		8,244	168	89.3	20.0
		22,924	2,575	81.1	40.3
		4,508	1,604	100+	71.3

TABLE 10.—North

County	1960 voting age population		Pre-Act registration ¹	
	White	Nonwhite	Number	
			White	Nonwhite
Lee	12,041	2,803		
Lenoir	19,260	10,293		
Lincoln	14,893	1,546		
McDowell	14,693	755		
Macon	8,573	180		
Madison	9,574	75		
Martin	8,052	5,683		
Mecklenburg	123,787	34,150	72,840	15,284
Mitchell	7,977	29		
Montgomery	8,119	2,075		
Moore	15,733	4,803		
Nash	21,761	10,573		
New Hanover	31,641	10,569		
Northampton	6,178	7,304		
Onslow	33,988	5,015		
Orange	19,385	4,978		
Pamlico	3,708	1,593		
Pasquotank	9,409	4,936		
Pender	5,631	4,085		
Perquimans	3,083	2,027		
Person	9,994	4,227		
Pitt	22,621	13,575		
Polk	6,104	766		
Randolph	33,477	2,591		
Richmond	16,019	5,514		
Robeson	20,851	21,424		
Rockingham	33,438	7,398		
Rowan	42,866	7,209		
Rutherford	24,020	2,572		
Sampson	17,378	8,203		
Scotland	7,812	4,686		
Stanley	22,056	2,164		
Stokes	11,786	1,025		
Surry	26,796	1,423		
Swain	3,878	756		
Transylvania	8,687	405		
Tyrrell	1,597	849		
Union	20,044	4,423		
Vance	11,005	6,520		
Wake	76,799	22,856	43,869	12,586
Warren	4,439	5,490		
Washington	4,365	2,643		
Watauga	9,639	126		
Wayne	29,349	15,754	18,187	5,218
Wilkes	23,779	1,444		
Wilson	20,566	10,770		
Yadkin	13,039	576		
Yancey	7,856	76		
Totals	2,005,955	550,929	1,942,000	258,000

¹ Source: County figures: Unofficial figures furnished by Voter Education Project of the Southern Regional Council showing registration as of 1964. Registration figures for other counties are not available. Statewide figures: Unofficial estimates as of Nov. 1, 1964, furnished by the Voter Education Project of the Southern Regional Council.

Carolina—Continued

Pre-Act registration ¹ — Continued		Post-Act registration ²			
Percentage		Number		Percentage	
White	Nonwhite	White	Nonwhite	White	Nonwhite
		11,551	1,964	95.9	70.1
		15,709	3,673	81.6	35.7
		18,456	1,594	100+	100+
		14,232	626	96.9	82.9
		8,327	72	97.1	40.0
		8,489	42	88.7	56.0
		7,845	2,203	97.4	38.8
58.8	44.6	100,534	18,470	81.2	54.1
		7,505	15	94.1	51.7
		7,959	1,469	98.0	70.8
		13,447	2,162	85.5	45.0
		15,412	2,679	70.8	25.3
		23,190	6,799	73.3	64.3
		6,062	4,016	98.1	55.0
		8,531	1,488	25.1	29.7
		3,125	766	84.3	48.1
		6,079	2,127	64.6	43.1
		5,486	1,672	97.4	40.9
		2,327	995	75.5	49.1
		10,298	2,115	100+	50.0
		27,754	4,507	100+	33.2
		8,459	805	100+	100+
		28,054	1,413	83.8	54.5
		13,827	3,820	86.3	69.3
		12,859	9,391	61.7	43.8
		26,842	4,330	80.3	58.5
		33,211	4,387	77.5	60.9
		24,275	1,525	100+	59.3
		23,326	7,662	100+	93.4
		5,031	1,620	64.4	34.6
		19,559	1,310	88.7	60.5
		7,950	1,550	67.5	100+
		32,480	964	100+	67.7
		6,378	97	100+	12.8
		6,242	398	71.9	98.3
		1,111	424	69.6	49.9
		13,513	1,422	67.4	32.2
		8,343	2,495	75.8	38.3
57.1	55.1	64,579	11,853	84.1	51.9
		4,548	2,399	100+	43.7
		3,896	1,346	89.3	50.9
		10,081	97	100+	77.0
62.0	33.1	17,647	5,010	60.1	31.8
		24,440	1,826	100+	100+
		12,807	3,114	62.3	28.9
		8,917	68	100+	89.5
96.8	46.8	1,602,980	277,404	83.0	51.3

² Source: Alex K. Brock, Executive Secretary, State Board of Elections. Statistics are as of Feb. 2, 1967.

TABLE 11.—

County	1960 voting age population		Pre-Act registration ¹	
			Number	
	White	Nonwhite	White	Nonwhite
Abbeville.....	8, 733	3, 215	6, 100	900
Aiken.....	23, 646	10, 040	26, 000	4, 000
Allendale.....	2, 531	3, 205	2, 900	504
Anderson.....	47, 542	9, 598	30, 000	7, 500
Bamberg.....	4, 371	3, 807	4, 169	1, 400
Barnwell.....	5, 652	3, 242	6, 800	1, 500
Beaufort.....	12, 098	7, 247	6, 500	3, 500
Berkeley.....	10, 122	7, 619	10, 000	4, 000
Calhoun.....	2, 623	3, 318	2, 415	487
Charleston.....	77, 909	35, 499	50, 310	13, 976
Cherokee.....	16, 037	3, 360	14, 245	1, 438
Chester.....	11, 172	5, 664	10, 088	3, 000
Chesterfield.....	12, 099	5, 219	10, 936	2, 400
*Clarendon ³	5, 223	7, 735	4, 708	523
Colleton.....	8, 203	6, 180	8, 045	1, 870
Darlington.....	16, 706	9, 900	13, 000	5, 000
Dillon.....	8, 725	5, 529	6, 500	2, 500
*Dorchester.....	7, 121	5, 370	7, 864	1, 750
Edgefield.....	4, 103	3, 764	3, 950	650
Fairfield.....	4, 975	5, 536	5, 050	1, 650
Florence.....	27, 047	15, 951	23, 881	4, 458
Georgetown.....	8, 855	7, 173	6, 907	4, 604
Greenville.....	102, 365	18, 605	66, 040	8, 368
Greenwood.....	19, 218	6, 764	15, 714	2, 300
Hampton.....	4, 711	4, 052	4, 696	1, 025
Horry.....	27, 518	7, 429	20, 700	2, 300
Jasper.....	2, 689	3, 333	2, 580	1, 200
Kershaw.....	11, 258	5, 903	10, 862	2, 266
Lancaster.....	16, 213	4, 762	16, 265	1, 800
Laurens.....	19, 775	6, 818	9, 637	6, 400
Lee.....	4, 394	5, 446	4, 354	1, 150
Lexington.....	28, 774	4, 782	20, 500	3, 500
McCormick.....	1, 915	2, 248	1, 900	210
Marion.....	8, 103	7, 684	6, 470	1, 200
Marlboro.....	8, 230	5, 932	7, 800	1, 200
Newberry.....	12, 204	4, 954	11, 200	1, 000
Oconee.....	19, 762	2, 230	12, 100	1, 400
Orangeburg.....	16, 381	17, 355	15, 619	6, 483
Pickens.....	24, 015	2, 356	15, 300	1, 700
Richland.....	79, 050	32, 670	58, 750	8, 750
Saluda.....	5, 573	2, 327	5, 840	440
Spartanburg.....	73, 317	17, 047	57, 129	7, 171
Sumter.....	22, 004	15, 380	9, 800	4, 200
Union.....	12, 826	4, 125	13, 423	1, 438
Williamsburg.....	7, 560	10, 535	8, 067	1, 933
York.....	31, 799	10, 196	22, 800	3, 500
Totals:				
Nonexaminer counties.....	882, 803	357, 999	665, 342	136, 271
Examiner counties.....	12, 344	13, 105	12, 572	2, 273
All counties.....	895, 147	371, 104	677, 914	138, 544

¹ Source: Unofficial figures published by the Charleston News and Courier, Nov. 1, 1964.

South Carolina

Pre-Act registration¹ —
ContinuedPost-Act registration²Listing
by Federal
examiners³

Percentage		Number		Percentage		Listing by Federal examiners ³	
White	Nonwhite	White	Nonwhite	White	Nonwhite	White	Nonwhite
69.8	28.0	7,202	1,142	82.5	35.5		
77.3	39.8	33,582	8,701	99.8	86.7		
100+	15.7	3,063	1,665	100+	52.0		
63.1	78.1	31,242	2,749	65.7	28.6		
95.4	36.8	4,320	1,378	98.8	36.2		
100+	46.3	6,912	917	100+	28.3		
53.7	48.3	6,130	3,060	50.7	42.2		
98.8	52.5	10,683	4,253	100+	55.8		
92.1	14.7	2,619	619	99.8	18.7		
64.6	39.4	54,648	17,991	70.1	50.7		
88.8	42.8	14,991	1,775	93.5	52.8		
90.3	53.0	11,222	2,569	100+	45.4		
90.4	46.0	10,755	3,984	88.9	76.3		
90.1	6.8	5,491	5,368	100+	69.4	13	3,403
98.1	30.3	8,597	2,802	100+	45.3		
77.8	50.5	15,763	5,007	94.4	50.6		
74.5	45.2	7,613	2,865	87.3	51.8		
100+	32.6	8,701	4,009	100+	74.7	3	1,203
96.3	17.3	4,223	1,073	100+	28.5		
100+	29.8	4,945	2,409	99.4	43.5		
88.3	28.0	25,206	7,976	93.2	50.0		
78.0	64.2	8,758	4,450	98.9	62.0		
64.5	45.0	69,086	8,757	67.5	47.1		
81.8	34.0	16,339	2,937	85.0	43.4		
99.7	25.3	5,000	2,387	100+	58.9		
75.2	31.0	20,592	3,063	74.8	41.2		
96.0	36.0	2,953	2,107	100+	63.2		
96.5	38.4	11,972	3,185	100+	54.0		
100+	37.8	17,486	1,946	100+	40.9		
48.7	93.9	11,358	6,282	57.4	92.1		
99.1	21.1	4,680	2,691	100+	49.4		
71.3	73.2	25,777	2,540	89.6	53.1		
99.2	9.3	2,181	978	100+	43.5		
79.8	15.6	7,236	3,082	89.3	40.1		
94.8	20.2	8,556	1,593	100+	26.9		
91.8	20.2	10,997	1,897	91.1	38.3		
61.2	62.8	13,871	1,241	70.2	55.7		
95.3	37.4	16,215	8,478	99.1	48.9		
63.7	72.2	17,725	1,098	73.8	46.6		
74.3	26.8	57,628	19,621	72.9	60.1		
100+	18.9	5,629	1,119	100+	48.1		
77.9	42.1	59,292	7,850	80.9	46.0		
44.5	27.3	14,141	8,290	64.3	53.9		
100+	34.9	13,040	1,731	100+	42.0		
100+	18.3	9,352	5,847	100+	55.5		
71.7	34.3	23,324	4,535	73.3	44.5		
75.4	38.1	716,904	180,640	81.2	50.5		
100+	17.3	14,192	9,377	100+	71.6	16	4,606
75.7	37.3	731,096	190,017	81.7	51.2	16	4,606

² Source: U.S. Department of Justice. Statistics are as of July 31, 1967. All voters in South Carolina must reregister as of Jan. 1, 1968. S.C. Code § 23-67 (Michie ed. 1962).

³ An asterisk indicates a county which has been designated by the Attorney General for the appointment of Federal examiners and in which examiners have been appointed.

TABLE 12.—Virginia

County	1960 voting age population		Pre-Act registration ¹			
			Number		Percentage	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
Accomack	13, 148	6, 142	5, 698	979	43. 3	15. 9
Albemarle	15, 670	2, 576	6, 485	1, 215	41. 4	47. 2
Alleghany	6, 675	256	4, 650	800	69. 7	100+
Amelia	2, 261	1, 924	2, 447	888	100+	46. 2
Amherst	10, 523	2, 693	6, 702	1, 275	63. 7	47. 3
Appomattox	4, 245	1, 142	4, 041	505	95. 2	44. 2
Arlington	102, 364	5, 214	66, 054	2, 525	64. 6	48. 4
Augusta	21, 314	864	10, 163	339	47. 7	39. 2
Bath	2, 976	340	1, 632	116	54. 8	34. 1
Bedford	15, 258	3, 044	7, 788	1, 343	51. 0	44. 1
Bland	3, 504	146	1, 947	7	55. 6	4. 8
Botetourt	9, 045	778	4, 596	145	50. 8	18. 6
Brunswick	4, 637	4, 734	3, 671	914	79. 2	19. 3
Buchanan	16, 782	8	11, 221	0	66. 9	0. 0
Buckingham	3, 776	2, 208	1, 700	825	45. 0	37. 4
Campbell	15, 518	3, 291	6, 103	1, 132	39. 3	34. 4
Caroline	3, 793	3, 210	2, 602	1, 601	68. 6	49. 9
Carroll	13, 614	41	6, 627	11	48. 7	26. 8
Charles City	582	2, 126	490	943	84. 2	44. 4
Charlotte	5, 014	2, 500	4, 514	808	90. 0	32. 2
Chesterfield	35, 855	4, 862	29, 200	1, 794	81. 4	36. 9
Clarke	4, 016	786	3, 137	348	78. 1	44. 3
Craig	2, 053	3	1, 250	0	60. 9	0. 0
Culpepper	6, 964	2, 068	5, 054	807	72. 6	39. 0
Cumberland	1, 819	1, 647	2, 000	759	100+	46. 1
Dickenson	9, 791	64	7, 608	27	77. 7	42. 2
Dinwiddie	5, 212	8, 587	3, 241	1, 284	62. 2	15. 0
Essex	2, 241	1, 665	1, 640	667	73. 2	40. 1
Fairfax ²	140, 605	9, 110	87, 261	1, 904	66. 2	21. 4
Fauquier	10, 726	3, 093	6, 734	1, 492	62. 8	48. 2
Floyd	6, 017	308	4, 483	155	74. 5	50. 3
Fluvanna	2, 790	1, 378	1, 366	222	49. 0	16. 1
Franklin	12, 801	1, 728	5, 249	451	41. 0	26. 1
Frederick	12, 479	232	5, 975	50	47. 9	21. 6
Giles	9, 629	232	6, 020	84	62. 5	36. 2
Gloucester	5, 341	1, 882	3, 873	1, 172	72. 5	62. 3
Goochland	3, 121	2, 312	1, 627	514	52. 1	22. 2
Grayson	10, 173	329	6, 778	173	66. 6	52. 6
Greene	2, 331	328	1, 726	125	74. 0	38. 1
Greensville	4, 499	3, 885	3, 467	1, 890	77. 1	48. 6
Halifax	11, 377	6, 769	6, 155	1, 700	54. 1	25. 1
Hanover	12, 432	3, 302	8, 784	1, 639	70. 7	49. 6
Henrico	66, 822	3, 397	47, 112	1, 527	70. 5	45. 0
Henry	17, 805	4, 113	9, 829	1, 574	55. 2	38. 3
Highland	2, 040	16	1, 497	10	73. 4	62. 5
Isle of Wight	4, 991	4, 317	4, 241	1, 893	85. 0	43. 8
James City	4, 845	2, 056	2, 688	960	55. 5	46. 7
King and Queen	1, 735	1, 617	1, 156	780	66. 6	48. 2
King George	3, 200	1, 009	1, 841	513	57. 5	50. 8
King William	2, 491	1, 864	1, 870	683	75. 1	36. 6
Lancaster	3, 613	1, 978	3, 078	1, 229	85. 2	62. 1
Lee	14, 072	100	11, 931	59	84. 8	59. 0
Loudoun	12, 014	2, 239	9, 423	979	78. 4	43. 7
Louisa	4, 917	2, 482	2, 844	1, 279	57. 8	51. 5
Lunenburg	4, 611	2, 534	2, 821	660	61. 2	26. 0
Madison	3, 883	898	2, 135	247	55. 0	27. 5

See footnotes at end of table.

TABLE 12.—Virginia—Continued

County	1960 voting age population		Pre-Act registration ¹			
			Number		Percentage	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
Mathews.....	3,809	1,062	2,218	326	58.2	30.7
Mecklenburg.....	10,474	6,624	4,670	620	44.6	9.4
Middlesex.....	2,586	1,363	1,684	538	65.1	39.5
Montgomery.....	18,091	960	7,065	355	39.1	37.0
Nansemond.....	6,965	9,806	4,104	2,792	58.9	28.5
Nelson.....	5,693	1,813	4,327	704	76.0	38.8
New Kent.....	1,325	1,229	1,185	501	89.4	40.8
Northampton.....	5,340	4,786	2,325	810	43.5	16.9
Northumberland.....	3,965	2,123	3,376	1,021	85.1	48.1
Nottoway.....	5,564	3,458	4,020	1,320	72.3	38.2
Orange.....	6,269	1,429	3,025	561	48.3	39.3
Page.....	9,121	271	7,015	85	76.9	31.4
Patrick.....	8,076	616	4,980	229	61.7	37.2
Pittsylvania.....	22,835	8,604	8,340	1,476	36.5	17.2
Powhatan.....	2,376	1,563	1,820	867	76.6	55.5
Prince Edward.....	5,125	2,896	3,085	1,112	60.2	38.4
Prince George.....	8,860	2,420	3,343	986	37.7	40.7
Prince William.....	24,477	2,217	9,617	438	39.3	19.8
Princess Anne.....	33,581	6,239	.....	.....	.....	.....
Pulaski.....	14,802	1,030	6,470	366	43.7	35.5
Rappahannock.....	2,608	540	1,379	213	52.9	39.4
Richmond.....	2,713	1,132	1,644	353	60.6	31.2
Roanoke.....	35,014	2,211	27,474	977	78.5	44.2
Rockbridge.....	12,662	1,127	6,830	950	53.9	84.3
Rockingham.....	22,976	427	8,630	70	37.6	16.4
Russell.....	13,883	297	9,535	76	68.7	25.6
Scott.....	14,626	193	10,557	84	72.2	43.5
Shenandoah.....	13,416	188	9,436	115	70.3	61.2
Smyth.....	18,191	327	8,578	70	47.2	21.4
Southampton ³	7,239	7,435	4,575	2,045	87.4	39.6
Spotsylvania.....	6,262	1,503	4,465	632	71.3	42.0
Stafford.....	8,594	971	3,685	712	42.9	73.3
Surry.....	1,479	1,842	1,621	1,140	100+	61.9
Sussex.....	2,662	3,706	2,536	1,354	95.3	36.5
Tazewell.....	23,237	1,071	13,716	768	59.0	71.7
Warren.....	8,211	587	5,235	250	63.8	42.6
Washington.....	21,146	546	9,188	249	43.5	45.6
Westmoreland.....	3,836	2,352	3,320	441	86.5	18.8
Wise.....	22,602	685	11,232	225	49.7	32.9
Wythe.....	12,299	523	10,030	283	81.6	54.1
York.....	9,596	2,428	6,552	1,623	68.3	66.8
INDEPENDENT CITIES						
Alexandria.....	50,548	6,025	32,918	2,548	65.1	42.3
Bristol.....	9,373	672	4,528	192	48.3	28.6
Buena Vista.....	3,390	156	1,018	23	30.0	14.7
Charlottesville.....	15,904	3,369	11,462	2,181	72.1	64.7
Chesapeake.....	30,450	9,428	21,514	3,672	70.7	38.9
Clifton Forge.....	2,920	600	2,225	435	76.2	72.5
Colonial Heights.....	6,049	17	4,337	0	71.7	0.0
Covington.....	6,206	751	2,860	1,005	46.1	100+
Danville.....	22,404	6,388	13,879	3,246	62.0	50.8
Fairfax ².....	.....	.....	5,822	41	.....	.....
Falls Church.....	5,720	114	4,386	69	76.7	60.5
Franklin ³.....	.....	.....	1,752	899	.....	.....

See footnotes at end of table.

TABLE 12.—Virginia—Continued

County	1960 voting age population		Pre-Act registration ¹			
	White	Nonwhite	Number		Percentage	
			White	Nonwhite	White	Nonwhite
INDEPENDENT CITIES— continued						
Fredericksburg	6, 717	1, 471	3, 713	621	55. 3	42. 2
Galax	3, 073	152	1, 500	20	48. 8	13. 2
Hampton	40, 795	10, 825	21, 433	5, 789	52. 5	53. 5
Harrisonburg	6, 747	436	3, 875	190	57. 4	43. 6
Hopewell	8, 854	1, 549	5, 600	750	63. 2	48. 4
Lynchburg	27, 728	6, 574	16, 708	3, 446	60. 3	52. 4
Martinsville	8, 084	2, 972	6, 172	1, 233	76. 3	41. 5
Newport News	44, 258	20, 974	25, 489	8, 307	57. 6	39. 6
Norfolk	129, 423	45, 376	58, 893	15, 801	45. 5	34. 8
Norton	2, 764	188	1, 220	200	44. 1	100+
Petersburg	12, 528	9, 821	6, 353	3, 919	50. 7	39. 9
Portsmouth	44, 286	21, 055	17, 986	6, 725	40. 6	31. 9
Radford	5, 032	333	4, 565	296	90. 7	88. 9
Richmond	90, 508	53, 719	.....	.....	.....	.....
Roanoke	52, 527	9, 519	32, 138	3, 037	61. 2	31. 9
South Boston	2, 639	969	1, 975	540	74. 8	55. 7
Staunton	13, 290	1, 288	7, 063	645	53. 1	50. 1
Suffolk	5, 272	2, 769	2, 779	817	52. 7	29. 5
Virginia Beach	4, 706	342	26, 163	2, 961	100+	100+
Waynesboro	8, 667	548	5, 963	335	68. 8	61. 1
Williamsburg	3, 509	583	1, 632	384	46. 5	65. 9
Winchester	9, 200	708	5, 135	174	55. 8	24. 6
Total	1, 876, 167	436, 718	1, 070, 168	144, 259	61. 1	38. 3

¹ Source: Official figures furnished by State Board of Elections as an estimate of registration as of October 1964. Registration statistics for Madison, Montgomery, and Pulaski Counties are as of April 1964. Current figures are not available.

² Because the city of Fairfax became an independent city, separate from the county of Fairfax, after the 1960 census the registration percentage for Fairfax County is based on the number registered in both the city and county of Fairfax.

³ Because the city of Franklin became an independent city, separate from the county of Southampton, after the 1960 census the registration percentage for Southampton County is based on the number registered in both the city of Franklin and the county of Southampton.

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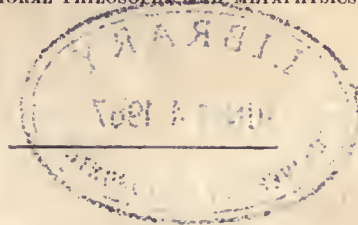
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1. On the exterior part or surface of; on every side of; all over or around; in a circle surrounding; round.

Bind them about thy neck. Prov. iii. 3.

2. Over or upon different parts of; through or over in various directions; here and there in.

Roving still about the world. Milton.

3. In contiguity or proximity to; not far from; in connection with; high; near, in place, time, quantity, or the like;—hence, much used in inexact or approximative statements.

He went out about the third hour. Matt. xxi. 3.

There fell . . . about three thousand. Ec. xxxii. 28.

4. In concern with; engaged in; dealing with; occupied upon; hence, before a verbal noun or an infinitive, ready to; on the point or verge of; in act of.

I must be about my Father's business. Luke ii. 49.

Paul was now about to open his mouth. Acts xviii. 14.

5. Relating to; concerning; with reference to; touching. "To treat about thy ransom." Milton.

A bout', adv. 1. On all sides; around.

And all about found desolate. Milton.

2. In circuit; around the outside; following or measuring the exterior surface or edge; as, a mile about, and a third of a mile across.

3. Here and there; around; in one place and another; in movement.

Wandering about from house to house. I Tim. v. 13.

4. Nearly; approximately; with close correspondence, in manner, degree, &c.; as, about ns cold; about ns high.

5. To a reversed position; in the opposite direction; around; as, to face about; to turn one's self about.

To come about, to occur in the order of things; to take place.—To bring about, to cause to take place; to accomplish.—To go about, to undertake; to prepare one's self; to endeavor.

A-bout'-sledge, n. The largest hammer used by smiths.

Wcale.

A-bove' (a-biv'), prep. [A-S. *abufan*, above, from *ufan*, *ufan*, above; compounded of prefix *be* and *ufan*, *ufan*, *ufan*, above, Ger. *oben*.]

1. Higher in place.

The fowls that fly above the earth. Gen. i. 20.

2. Superior to in any respect; surpassing; beyond; as, things above comprehension; above mean actions.

I saw in the way a light from heaven above the brightness of the sun. Acts xxvi. 13.

3. More in number, quantity, or degree than.

Haaniah feared God above many. Neh. vii. 2.

He was seen by above five hundred brethren. I Cor. xv. 6.

A-bove', adv. 1. In a higher place; overhead; in or from heaven; as, the clouds above.

Every good gift . . . is from above. Jas. i. 17.

2. Before in rank or order. "That was said above." Dryden.

3. Higher in rank or power; as, he appealed to the court above.

Above all, before every other consideration; chiefly: in preference to other things.—Above is often used elliptically as an adjective by omitting the word mentioned, quoted, or the like; as, the above observations, the above reference, the above articles.

A-bove'-board, adv. Above the board or table; hence, in open sight; without trick, concealment, or deception.

This expression is said by Johnson to be borrowed from gamblers, who, when they change their cards, put their hands under the table.

A-bove'-tiled, a. Cited before, in the preceding part of a book or writing.

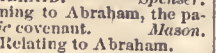
A-bove'-deck, a. On deck; and hence, without artifice.

A-bove'-mentioned, a. Mentioned before.

A-bove'-said, a. Mentioned or recited before.

A-bove'-stairs, adv. On the floor above.

Ab-ra-ca-dab-ra, n. A cabalistic word among the ancients. It was written in successive lines in the form of an inverted triangle, each line being shorter by a letter than the one above, till the last letter A



formed the apex of the triangle at the bottom. It was supposed to have power to cure certain diseases. At present the word is used chiefly in jest to denote something without meaning.

A-brade', v. t. [Imp. & p. p. ABRADED; p. pr. & vb. n. ABRADING.] [Lat. *abrudere*, to scrape off, from *ab* and *rudere*, to scrape, shave.] To rub or wear off; to waste by friction.

Ilale.

A-brade', v. t. Same as ABRAD.

Spenser.

A-bra-ham'ite, a. Pertaining to Abraham, the patriarch; as, the Abrahamic covenant.

Mason.

A-bra-ham'ite-al, a. Relating to Abraham.

Ogilvie.

Ab-ra-ham-mān, n. One of a set of impostors who wandered over England, after the dissolution of the religious houses, feigning lunacy for the sake of obtaining alms.

Nares.

To sham Abraham, to feign sickness. Goldsmith.

A-braid', v. t. [A-S. *abredian*.] To awake; to arouse. [Obs.]

For fear lest her unwares she should abraid. Spenser.

A-brān'eli-nā, n. [Gr. *ā priv.* and *βράχης*, *βράχης*, *βράχης*, *βράχης*, pl. *βράχια*, *βράχια*, branchie, the gills of fishes.] (Zool.) One of an order of annelids, so called because the species composing it, including worms and leeches, have no external organs of respiration.

Brande.

A-brān'el-i-ate, a. (Zool.) Having no gills. Owen.

A-brūge', a. [See ABRAD.] Made clean by rubbing. [Obs.] "An abrase table." B. Jonson.

Ab-rū'sion (ab-rū'zhun), n. [Lat. *abrasio*, Fr. *abrasion*. See ABRAD.]

1. The act of abrading, wearing, or rubbing off.

2. The substance rubbed off. Berkeley.

3. (Med.) A superficial excoriation, with loss of substance under the form of small shreds. Dunglison.

A-brāun', n. [Ger., from *abrubnen*, to take away, remove.] A red ocher used to darken mahogany.

Simmons.

A-brū'as, n. [A name devised by the heretic Cassilides, containing those Greek letters which, according to the numeral system then in use, stood for 365, and expressing the all-pervading spirits of the universe.]

1. A mystical word engraved on gems among the ancients.

2. A gem or stone thus engraved.

A-brūy', v. i. To start up; to awaken. [Obs.] "He out of sleep abruyed." Spenser.

Ab-ra-zil'e, a. (Min.) Not effervescent when melted before a blowpipe.

Ogilvie.

A-brēst' (a-brēst'), adv. [Prefix *a* and *breast*.]

1. Side by side, with breasts in a line; as, two men rode abreast.

2. (Naut.) Opposite to; off; over against;—with *of*; as, abreast of Montauk Point.

3. At the same time; simultaneously. [Obs.]

Abreast therewith began a convocation. Fuller.

Ab-re-nounce', v. t. To renounce; to reject. [Obs.] They abrenounce and cast them off as though they hated them. Luther.

Ab-re-ūn'ci-ā'tion (shū-n'ishun), n. [L. Lat. *abrenunciatio*, from *abrenunciare*, compounded of *ab* and *renunciare*. See RENOUNCE.] Absolute renunciation or denial. [Obs.]

An abrenunciation of that truth which he so long had professed, and still believed. Fuller.

Ab-rēp'tion, n. [Lat. *abripere*, to snatch away, from *ab* and *ripere*, to snatch.] A carrying away, the state of being seized and carried away.

Ab-riev'oir' (ā-brū-vvōir'), n. [Fr. *abrevoir*, a watering place, from *abrevoir*, to water, for *abrevoir*, Fr. *abrevoir*, Sp. *abreviar*, It. *abbeverare*, from Lat. *ad* and *bibere*, to drink.]

1. A receptacle for water. Jodrell.

2. (Masonty.) The joint between stones, to be filled with mortar. Gwilt.

Ab-ri-cock, n. See APRICOT.

A-bridge', v. t. [Imp. & p. p. ABRIDGED; p. pr. & vb. n. ABRIDGING.] [Fr. *abréger*, Fr. *abreugar*, *abreugar*, *abreugar*. See ABBREVIATE.]

1. To make shorter; to shorten.

To what purpose serve these abridged cloaks? W. Scott.

2. To shorten or contract by using fewer words, yet retaining the sense in substance; to epitomize; as, Justin abridged the history of Trogus Pompeius.

3. To lessen; to diminish; as, to abridge labor; to abridge power or rights.

4. To deprive; to cut off;—followed by *of*, and formerly by *from*; as, to abridge one of his rights.

5. (Math.) To reduce to a more simple expression, as a compound quantity or equation.

A-bridge'r, n. One who abridges.

A-bridge'ment, n. 1. That which abridges or cuts short. [Obs.] "Look where my abridgment comes" [i. e., that which cuts short my speech]. Shak.

2. That which diminishes; a reduction or deprivation; as, an abridgment of expenses, an abridgment of pleasures.

3. An epitome or compend of a book; as, an abridgment of some history.

4. A dramatic performance which crowds the events of years into a few hours.

What abridgment have you for this evening? What mask? Shak.

Syn.—ABRIDGMENT, COMPENDIUM, EPITOME, ABSTRACT, SYNOPSIS. An abridgment is made by omitting the less important parts of some larger work; as, an abridgment of a dictionary. A compendium is a brief exhibition of a subject, or science. An epitome corresponds to a compendium, and gives briefly the most material points of a subject; as, an epitome of history. An abstract is a brief statement of a thing in its main points. A synopsis is a bird's-eye view of a subject, or work, in its several parts.

A-brūch', v. t. [See *infra*.] To let out, as liquor from a cask; to broach; to tap. [Obs.] Chaucer.

A-brūch', adv. [Prefix *a* and *broach*, q. v.]

1. Broached; letting out or yielding liquor, or in a condition for letting out; as, a cask is abroached.

Hoagheads of ale were set abroach. W. Scott.

2. Hence, in a state to be diffused or propagated.

"Set mischief abroach." Shak.

A-broad' (brād'), adv. [Pref. *a* and *broad*, q. v.]

1. At large; widely; without confinement within narrow limits; over a wide space; as, a tree spreads its branches abroad. "The fox roams far abroad." Prior. Hence,

2. Beyond or out of a house, camp, or other inclosure; as, to walk abroad.

I went to St. James', where another was preaching in the court abroad. Evelyn.

3. Beyond the bounds of a country; in foreign countries; as, to go abroad for an education; we have broils at home and enemies abroad.

4. Before the public at large; extensively.

He . . . began . . . to blaze abroad the matter. Mark i. 45.

Ab-ro-ga-ble, a. Capable of being abrogated.

Ab-ro-gāte, v. t. [Imp. & p. p. ABRAGATED; p. pr. & vb. n. ABRAGATING.] [Lat. *abrogare*, to abolish, repeal, from *ab* and *rogare*, to ask, require, propose; Fr. *abroger*.] To annul by an authoritative act; to abolish by the authority of the maker or his successor;—applied to the repeal of laws, decrees, ordinances, the abolition of established customs, &c.

Let us see whether the New Testament abrogates what we so frequently see in the Old. South.

Whose laws, like those of the Medes and Persians, they can not alter or abrogate. Burke.

Syn.—To stablish; annul; do away; set aside; revoke; repeal; cancel; annihilate. See ASSORT.

Ab-ro-gā'tion, n. [Lat. *abrogatio*, Fr. *abrogation*.] The act of abrogating; repeal by authority. Thome.

A-brood', adv. [Prefix *a* and *brood*, q. v.] In the act of brooding. [Obs.]

Sawcraft.

A-brook' (27), v. t. [Prefix *a* and *brook*, q. v.] To brook; to endure. [Obs.]

Shak.

Ab-rupt'a-nim, n. [Gr. *ἀβρότον* and *ἀβρότον*, Lat. *abrotinum*, N. Lat. *abrotanium*, Fr. *abrotone*.] (Bot.) A species of artemisia (*A. abrotanium*), commonly called southernwood.

Loudan.

Ab-rūpt', a. [Lat. *abruptus*, p. p. of *abrumper*, to break off, fr. *ab* and *rumper*, to break; Fr. *abrupt*.]

1. Broken, steep, craggy, as rocks, precipices, and the like; precipitous. "Tumbling through rocks abrupt." Thomson.

2. Without notice to prepare the mind for the event; sudden. "Your abrupt departure." Shak.

3. Having sudden transitions from one subject to another; unconnected.

The abrupt style, which hath many breaches. B. Jonson.

4. (Bot.) Suddenly terminating. Gray.

Syn.—Sudden; unexpected; hasty; rough; blunt; disconnected; broken.

Ab-rūpt', n. [Lat. *abruptum*.] An abrupt place. [Rare.] "Over the vast abrupt." Milton.

Ab-rūpt', v. t. To tear off or asunder. [Obs.] "Till death abrupts them." Browne.

Ab-rūpt'ion (rūp'shun), n. [Lat. *abruptio*, Fr. *abruption*.] A sudden breaking off; a violent separation of bodies.

Woodward.

Ab-rūpt'ly, adv. In an abrupt manner; without giving notice, or without the usual forms; suddenly.

Abruptly pinnate (Bot.), pinnate without an odd leaflet at the end. Gray.

Ab-rūpt'ness, n. 1. The state of being abrupt or broken; eagerness; steepness.

2. Suddenness; unceremonious haste or vehemence; as, abruptness of style or manner.

Ab'scess, n.; pl. ABSCESSSES. [Lat. *abscessus*, from *abscedere*, to go away, depart, separate; *ab*, *abs*, and *cedere*, to go off, retire; Fr. *abcès*, O. Fr. *abscès*, *abscecz*.] (Med.) A collection of pus or purulent matter in an accidental cavity of the body.

Ab-sces'sion (sesh'un), n. [See ANCESS.] An abscess. [Obs.]

Barrough.

Ab-scind', v. t. [Lat. *abscindere*, from *ab* and *scindere*, to rend, cut.] To cut off. [Rare.] "Two syllables . . . absconded from the rest." Johnson.

Ab'scis'sa, n.; pl. ABSCESSSES. See ABSCESSA.

Ab-scis'sā, n.; pl. LAT. ABSCESSÆ, ENG. ABSCESSSES. [Lat. *abscessus*, p. p. of *abscindere*, Fr. *abscesse*. See ABSCOND.] (Geom.) One of the elements of reference by which a point, as of a curve, is referred to a system of fixed rectilinear coordinate axes. When referred to two intersecting axes, one of them called the axis of abscissas, or of X, and the other the axis of ordinates, or of Y, the abscissa of the point is the distance cut off from the axis of X by a line drawn through it and parallel to the axis of Y. When a point in space is referred to three axes having a common intersection, the abscissa may be the distance measured parallel to either of two of them, X or Y, the distance on a parallel to the third, Z, being called the ordinate. *Abscissas* and ordinates taken together are called coordinates.

Davies & Peck.—O X or P Y is the abscissa of the point P of the curve, O Y or P X its ordinate, the intersecting lines O X and O Y being the axes of the abscissas and ordinates respectively, and the point O their origin.

Ab-scis'sion (sish'un), n. [Lat. *abscessio*, Fr. *abscission*. See ABSCOND.]

1. The act or process of cutting off. "Not to be cured without the abscission of a member." Taylor.

