Sweeping Voting Rights Bill Proposed in 1965

President Johnson March 17 submitted to Congress a comprehensive voting rights bill designed to "strike down restrictions to voting in all elections -- federal, state, and local -- which have been used to deny Negroes the right to vote." In areas to which the bill would apply -- six Southern states and numerous counties and electoral subdivisions of other states -- all restrictions on voting other than age, residence, conviction of a felony without subsequent pardon, or mental incompetence would be abolished. If enacted substantially in its present form, the measure would be the strongest voting rights legislation to gain Congressional approval in 90 years.

In a televised address before an extraordinary Joint Session of Congress, Mr. Johnson March 15 issued a strong call for summary action on the measure. The President declared that "...the time for waiting is gone... outside this chamber is the outraged conscience of a nation -- the grave concern of many nations -- and the harsh judgment of history on our acts."

The proposed legislation received impetus from a month-long series of events in Selma, Ala., in which state and local authorities continually interfered with Negro demonstrations dramatizing discriminatory voter registration practices.

The Administration bill was the product of a series of conferences at which Senate Republican and Democratic leaders participated with top Justice Department officials in the actual drafting of the measure. Central figures in the talks were Senate Majority Leader Mike Mansfield (D Mont.), Senate Minority Leader Everett McKinley Dirksen (R Ill.), Senate Minority Whip Thomas H. Kuchel (R Calif.), Attorney General Nicholas deB. Katzenbach and Deputy Attorney General Ramsey Clark.

Selma Campaign

The 1964 Civil Rights Act was intended by its proponents to take the civil rights struggle "out of the streets and into the courts." But in several states the Negro was still denied the right to vote, either by strict requirements set by local officials, through administration of a stiff literacy test, or -- if he appealed to a court -- through unfavorable court action or through litigation periods so slow that in effect he was denied his vote in the election in question.

The Rev. Martin Luther King Jr., president of the Southern Christian Leadership Conference, decided to take the voting rights movement back into the streets in Selma, Ala., beginning Jan. 18 to "dramatize" to the nation the existing bars to Negro voting in many Southern states. Through the Selma campaign, King and other civil rights leaders hoped to arouse the nation's conscience by pointing out these difficulties.

King chose Selma for a number of reasons. By law, registration takes place only two days a month in Dallas County, of which Selma is the county seat. The actual registration process is lengthy because of the detailed requirements involved. An applicant must fill in more than 50 blanks, write from dictation a part of the Constitution, answer four questions on the governmental process, read four passages from the Constitution and answer four questions on the passages, and sign an oath of loyalty to the United States and to Alabama. Negro registration in Dallas County has lagged substantially behind white registration. Figures from the 1960 census show that Dallas County is 57.6 percent Negro. Its voting-age population is 29,515 -- 14,400 whites and 15,115 Negroes. Yet when the Selma campaign began Jan. 18, of those 9,877 who were registered to vote, 9,542 were white and 335 were Negro. Between May 1962 and August 1964, only 93 of the 798 Negroes who applied to register were enrolled, while during the same period, 945 of the 1,232 applications from whites were accepted.

On April 13, 1961, the Justice Department had filed a suit to enjoin the Dallas County registrars from discriminating against Negro applicants. A Federal District Court Nov. 1, 1963, issued a permanent injunction against discrimination. In response to a motion for supplementary relief, stating that discrimination still prevailed, Federal District Judge Daniel H. Thomas Feb. 4, 1965, ordered the Board of Registrars to speed its voter registration processes, adding that if all those eligible and desiring to vote were not enrolled by July 1, he would appoint a voting referee under terms of the 1964 Civil Rights Act.

The civil rights leaders, dismayed by the results of previous court orders, continued to protest in the streets and in the courts. Negroes were joined by whites from all parts of the country. Clergymen of all faiths traveled to Selma to participate in the drive. The profession goal continued to be an agreement by the Board of Registrars to remain open every day until all Negroes who wished to vote were registered. However, a larger goal -- to arouse public sentiment in favor of a new voter rights law -- was also being effectively achieved. King made no secret of his hopes for the movement. He said Feb. 5, "We plan to triple the number of registered Negro voters in Alabama for the 1966 Congressional elections, when we plan to purge Alabama of all Congressmen who have stood in the way of Negroes." He added that "a state that denies people education cannot demand literacy tests as a qualification for voting."

Although the peaceful marches, by their size and frequency, attracted public attention, it was three violent actions which most aroused public sentiment. A 26-year-old Selma Negro, Jimmie Lee Jackson, who said he was shot in the stomach and clubbed by Alabama state troopers Feb. 18, died Feb. 26. A white Unitarian minister from Boston, Rev. James J. Reeb, 38, died March 11 of skull fractures inflicted when he was clubbed on the head by white men March 9 in Selma. And state troopers March 7, acting on orders from Gov. George C. Wallace (D Ala.), used tear gas, night sticks and whips to halt a march from Selma to Montgomery, the state capital, severely injuring about 40 marchers. Attorneys for civil rights groups immediately filed petitions with the U.S. District Court in Montgomery for a temporary restraining order against Wallace and the state troopers.
businesses to urging communities and smaller businesses to join the attack on discrimination.

A less optimistic view, however, was taken by Roy Wilkins, executive director of the NAACP. "As far as the Negro worker is concerned, the skilled and craft local and the building and construction trade are closed unions operating closed shops," he said.

RELATED DEVELOPMENT -- The President's Committee on Equal Employment Opportunity March 18 announced a program to coordinate anti-discrimination efforts in the construction industry by appointing area coordinators in 20 metropolitan areas. The coordinators would not actually be responsible for enforcing compliance with the non-discrimination clauses in contracts. This responsibility would remain with the "predominant interest agency" in each area, as designated by the Committee (GSA in some areas, HHFA in others, etc.). The coordinators would be charged with seeing to it that all federal agencies in an area act as one in regard to equal employment opportunity, working directly with the federal agencies in the field, contractors, sub-contractors, apprenticeships committees, unions, building trades councils and the like. The President's Committee has had the most difficulty in obtaining compliance with non-discrimination requirements in the construction industry, especially in view of the "closed" nature of a number of the highly skilled unions involved.

TITLE VIII -- REGISTRATION AND VOTING STATISTICS

The Law -- Title VIII directs the Census Bureau to gather registration statistics based on race, color and national origin and to determine to what extent such groups have voted in such geographic areas as the Civil Rights Commission recommends. A similar survey must also be conducted on a nationwide basis in connection with the 1970 Census. Effect -- In January the Civil Rights Commission asked the Census Bureau to gather registration and voting statistics by race in Alabama, Mississippi and Louisiana. In a supplemental fiscal 1965 budget request, the Census Bureau asked for $7.5 million to conduct such censuses. The amount was included in a fiscal 1965 supplemental appropriation bill but eliminated by a point of order on the House floor April 6 because it would be used in fiscal 1966 as well. Dr. A. Ross Eckler, Acting Director of the Census, told CQ that there would be a lead time of about six months between appropriation of funds and an actual census, leaving time for pre-testing of questions.

TITLE IX -- INTERVENTION AND REMOVAL OF CASES

The Law -- Title IX made reviewable in higher federal courts the action of federal district courts in remanding a civil rights case to state courts. (Under previous law, such a federal court order was not reviewable and a case had to be disposed of in the state courts -- often a protracted process -- before it could again be appealed through the federal courts.) Title IX also authorized the Attorney General to intervene in private suits where persons alleged denial of equal protection of the laws and where he certified that the case was of "general public importance."

Effect -- The removal section has yet to be construed fully by the federal courts.

The Justice Department utilized its new power of intervention Jan. 4 when it asked a U.S. District Court in Shreveport, La., for the right to intervene on behalf of a group of Negro students whose parents filed suit Dec. 2 against alleged discriminatory conduct by Bossier Parish school officials. It employed its power again to intervene in March in the Alabama federal court case relating to the civil rights march from Selma to Montgomery. (Weekly Report p. 428, 377)

TITLE X -- COMMUNITY RELATIONS SERVICE

The Law -- Title X created a Community Relations Service in the Department of Commerce to aid communities in resolving disputes relating to discriminatory practices.

Effect -- President Johnson appointed former Gov. LeRoy Collins (D Fla. 1955-60) to be director of the new Community Relations Service on July 2, the same day he signed the 1964 Civil Rights Act into law. The CRS received a fiscal 1965 appropriation of $1.1 million and began to assemble a staff of persons trained in conciliation work. By March 31, it had filled all but four out of its 51 authorized staff positions.

Reports indicated that the CRS, carrying out its conciliation services with the minimum of publicity prescribed in the 1964 Act, had achieved a good measure of success in resolving local problems. As of March 31, it had handled cases in 96 communities in 23 states, including all 11 states of the old Confederacy. Of the 96 cases, 33 were listed as closed and 63 were still active. Access to public accommodations was involved in 28 cases, school desegregation in 17, public facilities desegregation in 4, housing and real estate in 10, general community tension in 22, law enforcement in 5, employment and labor practices in 11, and miscellaneous problems in 10 (Some cases involved multiple problems).

Greatest national attention was drawn to CRS activities when President Johnson dispatched Gov. Collins to Selma, Ala., in March 1965, to attempt mediation of the tensions aroused by Negro voting rights demonstrations there.

In a Feb. 3 speech in Nashville, Tenn., Collins said the "doomsday" prophecies of opponents of the 1964 Act "have not dawned" and that compliance with the law was better than many backers had expected. In the 19 states not having their own public accommodations laws, he said, there had been desegregation in more than two-thirds of the hotels, motels, chain restaurants, theatres, sports facilities, parks and libraries. "Whereas formerly the segregated facility was the notable exception," Collins said, "it is now the segregated facility which stands out as the exception -- and consequently attracts the most notoriety." Despite the progress achieved, however, Collins said "the nation is still a long, lonely way down the road from the full enjoyment of civil rights by all citizens. Americans are still being degraded, cheated, threatened, terrorized and even brutally murdered -- for no other reason than that they are Negroes or allies of Negroes."
On March 16, Negro leaders presented to the court a detailed plan for the proposed march. On March 17, Judge Frank M. Johnson issued the injunction requested by the Negro leaders. At the same time he denied a Justice Department request for an order to prohibit interference with civil rights demonstrations in addition to the march from Selma to Montgomery, and he denied a petition from Gov. Wallace for an injunction forbidding the march. In a strongly worded opinion accompanying the injunction, Judge Johnson said, "It seems basic to our constitutional principles that the extent of the right to assemble, demonstrate and march peaceably along the highways and streets in an orderly manner should be commensurate with the enormity of the wrongs that are being protested and petitioned against. In this case the wrongs are enormous." Admitting that the order was going to the "outer limits" of what the Constitution allowed in peaceful assembly, the Judge added that "the wrongs and injustices inflicted upon these plaintiffs...have clearly exceeded...the outer limits of what is constitutionally permissible." The march then began again March 21. It ended five days later when King led a crowd estimated at about 30,000 to the steps of the Alabama capitol in Montgomery, where Jefferson Davis had been inaugurated president of the Confederacy.

On their march, the demonstrators had trudged 50 miles, pitching tents or sleeping in the open at planned intervals along their route. On the third day, 300 marchers walked 11 miles in a downpour and then camped in ankle-deep mud.

The marchers were protected by nearly 3,000 federalized National Guard troops and regular forces. President Johnson had federalized nearly 2,000 National Guardsmen at the request of Gov. Wallace, who declared that his state was unable financially to provide for the protection of the marchers.

In the meantime, sympathy marches and demonstrations had been called in every part of the country, all marked by calls for federal action. Republicans and Northern Democrat in both houses of Congress urged strong voting rights legislation. The National Assn. for the Advancement of Colored People March 8 called on the President to send troops to Selma to guard against recurrences of brutality against the marchers by state troopers. Several clergymen criticized the President for avoiding federal intervention to assure Negro voting rights as well as freedom from police brutality. The United Steelworkers Union March 12 sent telegrams to Gov. Wallace asking him to protect the rights of all Alabamians and to President Johnson urging him to take all steps necessary to protect lives in Alabama. In front of the White House in Washington, pickets maintained a round-the-clock vigil. There were sit-ins at the Capitol, in the White House and during rush hour across Pennsylvania Avenue in front of the White House, as well as demonstrations at the Justice Department. It was against this backdrop that the Administration submitted to Congress its voting rights proposals.

Administration Bill

The Administration proposal was based on the 15th Amendment to the Constitution, which maintains that no person shall be denied the right to vote "on account of race, color, or previous condition of servitude" and gives Congress the power to enforce its terms.

The bill called for a voter registration process supervised by federal voting examiners in states or electoral subdivisions which fail to meet standards embodied in the measure for allowing qualified applicants to vote. States or voting districts falling short of the bill's standards would be those in which literacy tests or similar devices were used as a qualification for voting on Nov. 1, 1964, and where the Director of the Census determined that less than 50 percent of the persons of voting age residing in the area were registered to vote on that date or actually voted in the 1964 Presidential election. If one condition but not the other existed in an area in November of 1964, the bill would not apply.

Prior Approval Provision. Before a state or local government whose voter-qualification law is nullified by the bill may enforce any new law, that government would have to obtain prior approval in a three-judge court in the District of Columbia, with the right of direct appeal to the Supreme Court. Federal judges outside the District of Columbia would thus be prohibited from hearing such cases. When asked during hearings March 18 before the House Judiciary Committee whether the intent of that provision was to exclude Southern judges from hearing such cases, Attorney General Nicholas de B. Katzenbach replied that the provision was added in order to simplify implementation of the Act. Katzenbach said otherwise three judicial circuits would be handling cases arising from the bill, and would establish different procedures in their adjudication.

Triggering Device. The machinery of the bill actually would be triggered when the Attorney General certified to the Civil Service Commission that discrimination against voters existed in a particular area or state to which the bill was applicable and that corrective federal action was necessary. The Attorney General would either make the certification on his own initiative or after receiving and deeming legitimate 20 or more written complaints from residents of an applicable area who claimed that they have been denied the right to vote on the grounds of race or color. The Civil Service Commission then would appoint as many federal examiners as were considered necessary to supervise voting registration in the voting district where discrimination occurred.

Role of Examiners. When federal examiners took over the registration process, literacy tests and similar devices would be automatically barred from use. State standards regarding such requirements as age, residence, conviction of felonies without subsequent pardon, and mental incompetence would remain in force. Other than being required to meet the non-discriminatory state standards, the applicant would be required only to fill out a simple form giving his name, address, and length of residence.

If state and local officials denied a federally registered applicant the right to vote, the examiner could go into a federal district court and get an order impounding the ballots until persons entitled to vote had been permitted to do so.

States and Areas Affected. The formula set forth in the bill would apply to six Southern states and to Alaska in their entirety. Voting percentages in all seven states fell below 50 percent in the November 1964 general election. Administration officials have said they regard Alaska as a special case, however, because of the long distances voters must travel in the extreme cold, and because of the state's large military population.
of how low the voting participation may be, the following
and their 1964 voting percentages are: Mississippi, 33
percent; South Carolina, 38 percent; Alabama, 36 percent;
Virginia, 41 percent; Georgia, 43 percent; and Louisiana,
47 percent. A voting district in any of these states which
had more than 50 percent of voting age population regis-
tered and voting in the November 1964 election would
nevertheless be subject to the provisions of the bill.
Voting examiners also could be appointed in 34
counties of North Carolina and one county each in
Arizona, Maine, and Idaho. Since the bill would not apply
to a state which does not have a literacy test, regardless
of how low the voting participation may be, the following
areas would be exempted, even though they had less than
50 percent participation in the November 1964 general
election: 19 Arkansas counties, the District of Columbia,
five Florida counties, two Kansas counties, 13 Kentucky
counties, three Maryland counties, one Missouri county,
two Oklahoma counties, 22 Tennessee counties and 137
Texas counties. (See Chart p. 88)
Although 18 states had literacy tests in November
1964, Administration officials have said they were used
to keep Negroes away from the polls only in the six
states immediately affected by the bill.

Appeal of Federal Action. A state or electoral dis-
trict in which the bill had been invoked would have judicial
recourse. Such a state or political subdivision would be
permitted to file suit in a three-judge federal court in the
District of Columbia to the effect that there had been no
discrimination against voters on the basis of race or
color for a ten-year period preceding the filing of the suit.
If such a case were successful, the Act would become
inapplicable in the area represented by the petitioner.
However, the Act could not be declared inapplicable in
the case of any state in which a U.S. court had found
voting discrimination in the preceding 10 years. Admin-
nistration officials pointed out that past court judgments
finding voter discrimination in Alabama, Louisiana and
Mississippi cases ensured that the laws of those states
could not be exempted for at least ten years. Judgments
in suits regarding Georgia counties ensured that Georgia
could not be exempted under the provisions of the bill for
at least five years. Only Virginia and South Carolina, of
the states covered by the bill, could technically seek
exemption. The Government would be prepared to intro-
duce evidence that discrimination had in fact occurred
in those states.

Penalties for Interference. Intimidation, vote fraud,
or other interference with rights ensured by the bill
would carry upon conviction a maximum fine of $5000,
maximum imprisonment of five years, or both.

Poll Taxes. The bill did not go so far as to ban poll
taxes in state and local elections. It provided, however,
that no voter applicant could be denied the ballot for
failure to pay a poll tax if he offers to pay during the year
of the election in which he wishes to vote. The federal
examiner was authorized to collect the tax and pass it on
to state or local officials. An Administration spokesman
said the poll tax provision of the bill would assuage
situations in which poll taxes had to be paid as much as
19 months before the election.

Outlook

Bipartisan Support. Strong bipartisan support for the
Administration bill appeared certain in the Senate. The
picture was less clear in the House, however, where a
number of Republicans indicated preference for a Repub-
lican bill. Twenty-three similar versions of the GOP
bill, introduced in February and March by liberal Repub-
licans, would provide for a federal registration process in
any area in which at least 50 persons certified that they
had been denied the ballot or had been delayed in register-
ning on the basis of race or color. House Democratic
leaders nevertheless have expressed confidence that the
Administration bill would pass without great delay or
impairing amendments.

Rep. Emanuel Celler (D N.Y.), chairman of the House
Judiciary Committee, introduced the Administration bill
(HR 6400) March 17 and ordered Committee hearings for
the following day.
The Senate March 18 voted 67-13 to send the bill to
the Judiciary Committee with instructions that it be re-
ported by April 9. There had been speculation that the
Senate might wait for a House bill in order to bypass the
Judiciary Committee, headed by Sen. James O. East-
land (D Miss.), a strong opponent of civil rights legis-
lation.

A massive Southern filibuster in the Senate appeared
unlikely. Statements of Southern opposition have been
mild in comparison with past reactions to proposed civil
rights legislation. Senate Majority Whip Russell B. Long
(D La.), who opposed the 1964 Civil Rights Act, said he
did not expect a filibuster and indicated he might support
the bill. Sen. J. W. Fulbright (D Ark.), another foe of the
1964 Act, said, "The probabilities are I'll vote for the
bill." The harshest Southern reaction came from Sen.
Allen J. Ellender (D La.), who said he hoped to filibuster
"as long as God gives me breath." Any serious attempt
to filibuster the bill would be weakened by the fact that
the long-time floor captain of such actions, Sen. Richard
B. Russell (D Ga.), is seriously ill and is not expected to
be fully recovered for some time.

Criticism of Bill

A wide spectrum of criticism, from civil rights advoca-
ces as well as constitutional authorities and opponents
of civil rights legislation, developed as Congressional
committees began work on the Administration bill. Ob-
jections fell into the broad categories of constitutional
questions, inadequacies of coverage, and practical prob-
lems posed by the measure. Some critics of the proposed
law, and even some of its supporters, thought the Admin-
istration arguments for various provisions of the bill had
to be "stretched" to fit constitutional provisions and
existing precedents. None, however, would predict invalida-
dation of the Administration bill by the present U.S.
Supreme Court.

Proposed Amendments, GOP Bills

Administration-Dirksen Amendments. The Admin-
istration, in consultation with the Senate Republican
leadership, April 5 agreed to broaden the bill as follows:
• Permit the Attorney General to initiate suits in
federal district courts alleging discrimination against
voter applicants. If the court determined that there had
been discrimination, the Civil Service Commission would
assign federal voting examiners to that locality. This
provision would cover states that did not have literacy
tests as well as those that did.
• Exempt from the bill's triggering mechanism a state
or county where less than 20 percent of the voting-age
public was non-white.
 Permit federal courts, on suits filed by the Attorney General, to suspend indefinitely any state poll tax they determined had been used to discriminate against voters. (Non-discriminatory poll taxes would remain in force.)

**McCullough Bill.** Rep. William M. McCullough (R-Ohio), ranking minority member of the House Judiciary Committee, April 5 introduced a voting rights bill (HR 7112) backed by House Minority Leader Gerald R. Ford (R-Mich.), who had called for improvement of the Administration bill drafted in cooperation with Senate Minority Leader Dirksen. The House leadership bill:

- Authorized appointment of a federal voting examiner within a district whenever the Attorney General received and considered meritorious 25 or more complaints from district residents alleging discrimination against race or color in registering or voting. If the examiner found that 25 or more had been denied the right to register or vote, he would register them.

- Authorized examiners to consider a sixth-grade education evidence of literacy, and in other cases to administer state literacy tests, provided the tests were fair and non-discriminatory.

- When a hearing officer had determined that 25 or more persons in a voting district had been denied the right to vote because of race or color, a pattern or practice of discrimination would be established. The Civil Service Commission could then appoint as many additional examiners and hearing officers as necessary to register all other persons within the county who might be subject to discrimination. The decision of a hearing officer could be appealed in the local federal court of appeals, but the motion would have to be filed within 15 days of the hearing officer’s decision.

**Lindsay Bill.** Rep. John V. Lindsay (R-N.Y.), a member of the House Judiciary Committee who played a major role in broadening the Civil Rights Act of 1964, April 6 introduced a voting rights bill (HR 7191) which:

- Prohibited poll taxes in all elections.

- Established a National Voting Rights Board to enforce voting rights by appointing federal examiners to register all qualified persons where a pattern of discrimination existed. Examiners would be appointed to districts in which the Board established that 25 or more persons had been denied the right to vote because of race or color. Examiners would be appointed when the Civil Rights Commission notified the President that voting discrimination had taken place within a voting district. Examiners would administer state literacy tests but could exempt anyone with a sixth-grade education.

- When the Board, together with the Civil Rights Commission and the Attorney General, determined that threats, coercion or intimidation had jeopardized the chances for a fair election in a voting district where examiners were assigned, the President could authorize election supervisors to conduct elections following local procedures.

- Extended the life of the Civil Rights Commission for ten years from the date of enactment.

**Committees Act**

The Senate Judiciary Committee and House Judiciary Subcommittee No. 5, April 9 both approved voting rights bills substantially broader than the measure submitted by the Administration (S 1564, HR 6400). The revised Senate bill, by a vote of 12-4, was ordered reported “without recommendation.” HR 6400, as marked up by the Subcommittee, was sent to the full Committee by a vote of 10-1.

Sweeping provisions added by both committees included a ban on poll taxes as a qualification for voting in state and local elections, appointment of federal poll watchers to ensure that qualified persons were allowed to vote, and extension of the Administration bill’s criminal penalties for intimidation and interference with voter rights to include the acts of private citizens as well as state and local officials.

**Senate.** In a move to reach “pockets of discrimination” not covered in the original version of the bill, the Committee added a triggering mechanism which would provide for the appointment of federal voting examiners in states and election districts in which less than 25 percent of the adult nonwhite population was registered. Appointment of the examiners would automatically abolish state literacy tests or similar devices. In conducting the registration process of a voting district, the federal examiner would apply only legitimate state voting requirements such as age, residence, conviction of felonies without subsequent pardon, and mental incompetence.

The revised bill also retained the original provision that a federal registration apparatus could be invoked in states and voting districts that had literacy tests and less than 50 percent of voting age population registered or voting in the November 1964 general election. The Committee added an additional condition, however, that would exclude states and subdivisions otherwise covered if less than 20 percent of eligible voters, according to the 1960 Census, were non-white. (Under this provision, Virginia would be excluded on a state-wide basis, although numerous Virginia counties would still come under the bill.)

The Committee then redefined the “escape” provisions for the states or areas included in the above definitions to exempt them from appointment of federal voting examiners if a U.S. District Court in the District of Columbia, acting pursuant to a suit brought by a state or subdivision, were to issue a declaratory judgment finding:

1. That no literacy test had been used in the area in the previous five years to deprive persons of the right to vote because of race or color; or

2. (a) That the percentage of voting age persons in that state or district in the 1964 Presidential election exceeded the national average (62.0 percent), or (b) that 60 percent of the persons meeting residence requirements in the state or district were actually registered to vote; applying to either (a) or (b) and that there had been no discrimination against voters in the area.

In such legal proceedings, the burden of proof would be on the petitioning state or locality. The Committee bill also reduced from 10 to 5 years the period for which a state would have to prove it had not discriminated. It also stipulated that new voting laws enacted in states or localities where examiners have been appointed would have to be approved by a three-judge court in the District of Columbia before they could go into effect.

**House.** As referred to the full Committee, HR 6400 also retained the original triggering device and added a second formula to deal with “pockets of discrimination.” The supplementary formula chosen by the House Subcommittee differed from its counterpart provision in S 1564, however, in that it authorized the Attorney General, on his own initiative or on receipt of 20 complaints, to initiate suits alleging discrimination. If the court found that discrimination existed, examiners could be assigned to that state or voting district. Duties of examiners would be the same as under S 1564.
Low Voter Turnout Areas

The charts below show the states and counties of the United States where less than 50 percent of the voting age population cast ballots for President in 1964, or where the figure was only slightly over 50 percent. Under proposed voting rights legislation, it would be possible to appoint federal examiners to register voters if (a) the Attorney General certified that an area was using literacy tests or similar devices as a prerequisite for registration to vote and (b) the Director of the Census Bureau certified that less than 50 percent of the voting age persons in such a state or subdivision of a state voted in the 1964 Presidential election. Note, however, that this provision would apply only in those states with literacy tests. Such states are marked with an asterisk (*) below. States without literacy tests would not be covered by this portion of the proposed 1965 act. Several states with low voter turnouts but no literacy tests are included in the chart below, however, and are marked by a dagger (†). The 50 percent "trigger" mechanism of the bill could apply either to entire literacy test states or to subdivisions (counties or cities) thereof. If an entire state were under 50 percent, then every county and city within it would be covered, even if some areas in the state were individually over 50 percent. This criterion would apply, based on the 1964 statistics, to Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina and Virginia. For those states, the listing below includes only selected counties, since the entire state would be covered. For states where the statewide voting figure was over 50 percent, but individual areas less than 50 percent, every county under 50 percent is listed.

Statewide percentages of voter participation are computed on final, official Presidential election returns for all parties, compared to the Census Bureau's estimate, as of Nov. 1, 1964, of the number of persons of voting age in each state. (Voting age is 21 in all states except Georgia and Kentucky, where it is 18, Alaska, where it is 19, and Hawaii, where it is 20). The Census Bureau's gross population figures include all residents of voting age, even aliens, military personnel, the mentally incompetent and new residents not yet eligible to vote. High military personnel populations, for instance, are thought to be largely responsible for low voter turnouts (in percentage terms) in Alaska and Hawaii.

Individual county or city voting age population figures were last computed in the 1960 Census and are used below in computing percentages below the statewide level.

Voting Age Population | Voted in 1964 for President | Percent Voting
--- | --- | ---
NATIONAL FIGURE | 113,931,000 | 70,642,496 | 62.0
*Alabama | 1,915,000 | 689,817 | 36.0

Selected Counties:

Baldwin (Southern tip touching Gulf of Mexico) | 26,763 | 13,411 | 50.1
Calhoun (East-Anniston) | 53,775 | 16,845 | 31.3

Voting Age Population | Voted in 1964 for President | Percent Voting
--- | --- | ---
Crenshaw (South Central) | 8,517 | 3,824 | 44.9
Dallas (Central-Selma) | 29,515 | 6,610 | 22.4
DeKalb (Northeastern) | 24,319 | 11,694 | 48.1
Jefferson (Birmingham) | 372,479 | 139,205 | 37.4
Madison (Huntsville) | 65,182 | 27,505 | 42.2
Mobile (Mobile) | 172,382 | 70,202 | 40.8
Montgomery (Central-Montgomery) | 95,967 | 30,524 | 31.8
Tuscaloosa (West Central-Tuscaloosa, site of University of Alabama) | 62,408 | 19,263 | 30.9
Washington (Southwestern) | 7,590 | 4,026 | 53.0

*Alaska | 138,000 | 67,259 | 48.7
*Arizona | 879,000 | 480,770 | 54.7

Selected Counties:

Apache (East) (Only county in state under 50 percent) | 13,045 | 3,892 | 29.8
Coconino (North Central) | 21,108 | 11,037 | 52.3
Maricopa (Phoenix-Mesa) | 380,637 | 265,326 | 69.7
Pima (Tucson) | 153,736 | 101,278 | 65.9
Yavapai (Central, rural) | 18,210 | 13,556 | 74.4
Yuma (Southwestern) | 26,286 | 14,410 | 54.8

†Arkansas | 1,124,000 | 560,426 | 49.9

Selected Counties:

Bradley (Southeastern) | 8,209 | 4,102 | 50.0
Garland (Hot Springs) | 30,775 | 21,629 | 70.2

*State with literacy test. If there was less than a 50 percent turnout in the 1964 Presidential election, either statewide or in a subdivision, federal voting examiners could be appointed under the proposed 1965 voting rights act.
†State has no literacy test, so it would not be covered by the 50 percent feature of the proposed 1965 voting rights act. Listed here for purposes of comparison.

There are II states which have literacy tests but no counties with less than 50 percent participation in the 1964 Presidential election. Those states, with the statewide participation figure: California 64.7; Connecticut 71.8; Delaware 71.1; Hawaii 32.5; Idaho 75.8; Massachusetts 71.3; New Hampshire 73.2; New York 63.2; Oregon 69.9; Washington 71.5; Wyoming 73.2.
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<th>County</th>
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<th>Population</th>
<th>Voted in 1964 for President</th>
<th>Percent Voting</th>
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*Georgia* 2,636,000 1,139,352 43.2

Selected Counties:
- Bibb (Central-Macon) 87,241 43,472 49.8
- Chatham (Savannah) 115,681 56,317 48.7
- Chattahoochee (West Central) 9,891 439 4.4
- Cobb (Marietta) 67,859 37,510 55.3
- DeKalb (Just East of Atlanta) 160,574 86,642 54.0
- Dougherty (Albany) 44,060 18,024 40.9
- Fulton (Atlanta) 364,941 166,807 45.7
- Glascock (Northeast, rural) 1,632 970 59.4
- Lanier (South Central, rural) 2,914 1,380 47.4
- Muscogee (Columbus) 97,211 33,471 34.4
- Richmond (East Central-Augusta) 86,100 35,026 40.7
- Schley (West Central-rural) 1,864 954 51.2

*Hawaii* 395,000 207,271 52.5

*Idaho* 386,000 292,477 75.8

County with less than 50 percent:
- Elmore 8,909 4,167 46.8

*Kansas* 1,323,000 857,901 64.8

Counties with less than 50 percent:
- Geary (Fort Riley) 16,902 6,745 34.0
- Leavenworth (Fort Leavenworth) 31,206 13,089 42.2

*Kentucky* 1,976,000 1,046,105 52.9

Selected County:
- Jefferson (Louisville) 385,494 227,823 59.1

Counties with less than 50 percent:
- Bourbon 11,762 5,316 45.2
- Boyle 14,355 6,962 48.5
- Christian 38,159 12,630 33.1
- Clark 13,476 6,237 46.3
- Daviess 42,596 20,755 48.7
- Hardin 46,118 11,264 24.4
- Harlan 28,489 13,428 47.1

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### 1965 Voting Rights Crisis - 7

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<th>Voted in 1964 for President</th>
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</table>

**Louisiana**

Selected Parishes:
- Caddo (Shreveport) 129,523 52,377 40.4
- East Baton Rouge (Baton Rouge) 124,893 63,787 51.1
- Jefferson (New Orleans suburbs to the coast) 113,073 69,735 61.7
- Orleans (New Orleans) 383,247 163,395 42.6
- Cameron (smallest of all Louisiana counties) 3,881 2,447 63.0
- East Carrol (N.E. corner) 7,173 1,749 24.4
- West Feliciana (on Mississippi border) 7,367 1,120 15.2

**Maine**

Selected Counties:
- Cumberland (Portland) 112,100 73,209 65.3
- Penobscot (Bangor) 73,715 43,215 58.6

County with less than 50 percent:
- Aroostock (Farthest North and largest in area of Maine’s Counties) 55,787 27,546 49.4

**Maryland**

Selected Counties:
- Baltimore County (Baltimore City suburbs) 290,428 195,023 67.1
- Baltimore City 588,395 316,805 53.8
- Montgomery (Suburbs of Washington, D.C.) 193,991 155,667 80.2

Counties with less than 50 percent:
- Cecil (Eastern Shore) 26,961 13,184 48.9
- St. Mary’s (Southern) 19,403 8,709 44.9
- Worcester (Eastern Shore) 14,598 6,686 45.8

**Mississippi**

Selected Counties:
- Harrison (Biloxi, Gulfport) 64,764 21,624 33.5
- Hinds (Jackson) 103,974 41,890 40.3
- Neshoba (Philadelphia) 11,708 5,724 48.9
- Lauderdale (Meridian) 39,730 14,874 37.4
- Tunica (N.W. corner) 7,833 1,044 13.3
- Tishomingo (N.E. corner) 8,427 2,911 34.5
- Wilkinson (S.W. corner) 6,460 1,576 24.4

**Missouri**

County with less than 50 percent:
- Pulaski (Fort Leonard Wood) 25,454 5,239 20.6

**New York**

Selected County:
- New York (Manhattan) 1,257,867 645,557 51.3

**North Carolina**

Selected Counties:
- Forsyth (Winston-Salem) 112,171 61,891 55.2
- Guilford (Greensboro-Highpoint) 144,040 75,604 52.5
- Mecklenburg (Charlotte) 157,937 96,171 60.9
- Wake (Raleigh) 99,655 54,195 54.4

Counties with less than 50 percent:
- Anson 13,065 5,865 44.9
- Beaufort 19,933 9,885 48.6
- Bertie 12,417 4,823 38.3
- Bladen 14,320 6,685 46.7
- Camden 3,042 1,904 63.1
- Caswell 10,155 4,306 42.4
- Chowan 6,332 2,483 39.2
- Craven 31,236 12,113 38.8
- Cumberland 77,068 22,957 29.8
- Edgecombe 27,845 11,766 42.2
- Franklin 15,396 6,651 43.2
- Gates 5,038 2,258 44.6
- Granville 18,580 7,220 38.8
- Greene 8,061 3,613 44.8
- Halifax 38,262 13,709 45.3
- Hertford 11,708 4,947 42.2
- Hoke 7,745 3,033 39.2

*State with literacy test. If there was less than a 50 percent turnout in the 1964 Presidential election, either statewide or in a subdivision, federal voting examiners could be appointed under the proposed 1965 voting rights act.

**State has no literacy test. So it would not be covered by the 50 percent feature of the proposed 1965 voting rights act. Listed here for purposes of comparison.
<table>
<thead>
<tr>
<th>Counties with less than 50 percent:</th>
<th>Population</th>
<th>Voted in 1964 for President</th>
<th>Percent Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comanche (Fort Sill)</td>
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<td>Jackson (Altus Air Force Base)</td>
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<td>8,260</td>
<td>48.1</td>
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**South Carolina**

Selected Counties:

- Charleston (Charleston) 113,408 47,073 41.5
- Lexington (Columbia) 33,556 16,848 50.2
- Richland (Columbia) 111,720 45,245 40.5
- Aiken (Suburbs of Augusta, Ga.) 43,686 25,089 57.4
- Greenville 120,970 64,665 38.5
- York (Rock Hill) 41,995 15,638 37.2
- Jasper (Fairforest South) 6,022 2,595 43.1
- Horry (Atlantic Coast-North Carolina border) 34,947 13,737 39.3

**Tennessee**

Selected Counties:

- Davidson (Nashville) 242,933 124,722 51.3
- Hamilton (Chattanooga) 42,979 78,746 55.1
- Knox (Knoxville) 151,999 85,260 56.1
- Shelby (Memphis) 359,832 212,023 59.0

Counties with less than 50 Percent:

- Clay 4,102 1,818 44.3
- Crockett 8,519 3,690 43.3
- Fayette 11,652 5,558 47.7
- Gibson 27,791 12,733 45.8
- Giles 13,762 6,318 45.9
- Hardeman 12,725 5,125 40.3
- Haywood 11,792 4,697 39.8
- Lauderdale 12,286 5,727 46.6
- Lincoln 14,294 6,589 46.1

### 1965 Voting Rights Crisis - 1966

<table>
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<th>Counties with less than 50 percent:</th>
<th>Population</th>
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<th>Percent Voting</th>
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| Macon 7,527 3,292 43.7
- Maury 28,013 12,321 44.2
- Montgomery 30,419 12,992 42.7
- Morgan 7,921 3,799 48.0

**Obion**

- Robertson 16,404 7,581 46.2
- Rutherford 30,347 13,068 43.0
- Tipton 14,912 6,894 46.2
- Trousdale 3,027 1,475 48.7
- Warren 18,481 7,651 41.6
- Weakley 15,710 7,845 49.9
- White 9,308 4,866 45.0

**Texas**

5,922,000 2,626,811 44.4

Selected Counties:

- Bexar (San Antonio) 377,990 162,520 43.0
- Dallas (Dallas) 570,267 304,158 53.3
- Harris (Houston) 722,957 382,965 53.0
- Tarrant (Fort Worth) 320,355 154,188 48.1

Other Counties with less than 50 Percent:

- Anderson 17,544 8,181 46.6
- Atascosa 9,968 4,516 45.3
- Austin 9,016 3,915 43.4
- Bastrop 10,429 5,049 48.4
- Baylor 3,824 1,794 46.9
- Bee 12,264 4,832 39.4
- Bell 55,160 17,512 31.7
- Bosque 7,509 3,099 41.5
- Bowie 36,260 17,410 48.0
- Brazos 24,944 12,019 48.2
- Brown 16,380 7,293 44.5
- Burleson 6,797 3,147 46.3
- Caldwell 10,235 4,629 45.2
- Cameron 74,389 25,659 34.5
- Cass 14,020 6,292 44.9
- Cherokee 21,319 8,573 40.0
- Coleman 8,347 4,105 49.2
- Collin 25,723 11,935 46.5
- Collingsworth 1,818 3,819 45.8
- Comanche 3,839 3,819 45.8
- Coryell 13,909 4,864 35.2
- Dallam 3,862 1,759 45.5
- Dawson 10,331 4,864 46.2
- Denton 27,605 13,494 48.9
- DeWitt 12,712 5,573 43.8
- Dimmit 4,856 1,688 34.8
- Ector 49,494 22,386 45.2
- Ellis 26,183 10,062 38.4
- El Paso 166,101 55,927 33.7
- Falls 13,096 5,151 39.3
- Fannin 16,277 7,200 44.2
- Fayette 13,614 6,877 44.0
- Foard 1,999 980 49.0
- Fort Bend 22,252 9,699 43.6
- Freestone 7,805 3,892 49.9
- Frio 5,984 2,117 35.4
- Gaines 6,226 3,201 48.3
- Garza 3,703 1,827 49.3

91
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<td><strong>Virginia</strong></td>
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<td>Selected Counties:</td>
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<td>2,541,000</td>
<td>1,042,267</td>
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<tr>
<td>( suburbs of Washington, D.C.)</td>
<td>107,578</td>
<td>54,363</td>
<td>50.5</td>
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</tr>
<tr>
<td>Fairfax</td>
<td>( suburb of Washington, D.C.)</td>
<td>149,715</td>
<td>79,517</td>
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<tr>
<td>Norfolk</td>
<td>( Independent city )</td>
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<td>51,546</td>
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<tr>
<td>Richmond</td>
<td>( Independent city )</td>
<td>144,227</td>
<td>62,890</td>
<td>43.6</td>
<td></td>
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</tr>
<tr>
<td>Bath</td>
<td>( Mountain area )</td>
<td>3,316</td>
<td>1,286</td>
<td>38.8</td>
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</tr>
<tr>
<td>Accomack</td>
<td>( Eastern shore of the Chesapeake Bay )</td>
<td>19,290</td>
<td>6,683</td>
<td>34.6</td>
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</tr>
<tr>
<td>Lee</td>
<td>( Furthest West of Virginia counties )</td>
<td>14,172</td>
<td>8,626</td>
<td>60.9</td>
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</tr>
<tr>
<td>Greensville</td>
<td>( One of southern-most counties )</td>
<td>8,384</td>
<td>4,519</td>
<td>53.9</td>
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</tr>
</tbody>
</table>

*State with literacy test. If there was less than a 50 percent turnout in the 1964 Presidential election, either statewide or in a subdivision, federal voting examiners could be appointed under the proposed 1965 voting rights act.

*State has no literacy test, so it would not be covered by the 50 percent feature of the proposed 1965 voting rights act. Listed here for purposes of comparison.