

The Effect of the Voting Rights Act on Enfranchisement: Evidence from North Carolina

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Abstract

Section 5 of the 1965 Voting Rights Act (VRA) required *covered* jurisdictions — those deemed perniciously politically discriminatory to minorities — to pre-clear changes to their voting practices with the Department of Justice. By exploiting the use of a federally imposed threshold for how Section 5 coverage was applied in North Carolina, this paper estimates the effect of coverage using a difference-in-differences design. This paper finds that Section 5 coverage increased black voter registration by 14-19 percentage points, white registration by 10-13 percentage points, and overall voter turnout by 10-19 percentage points. Additional results for Democratic vote share suggest that some of this overall increase in turnout may have come from reactionary whites. This paper finds that Section 5 coverage had a statistically and substantively meaningful effect on enfranchisement; though an effect consistent with the more modest of extant estimates in the literature.

Keywords: voter registration, voter turnout, race and politics, causal inference

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The 1965 Voting Rights Act (VRA) is one of the most significant pieces of civil rights legislation in American history and the last great enfranchisement act in America’s long march towards full democracy. Section 5 of the VRA in particular, which required *covered* jurisdictions — those deemed perniciously discriminatory against minorities — to pre-clear changes to their voting-practices, is considered the revolutionary enforcement mechanism of the act.

The effectiveness of the act is often extolled by citing the significant increases in black voter registration rates in the years after 1965. In Mississippi, for example, black voter registration increased more than *eight hundred percent*, from approximately 7% of the black voting age population in 1965 to 62% just seven years later (USCCR, 1975). The existing literature has generally estimated an historical counterfactual to make these claims about the VRA’s effectiveness — comparing pre-VRA political outcomes to post-VRA outcomes *within* covered jurisdictions (Lawson, 1976; Handler, 1979; Davidson and Grofman, 1994; Grofman, Handley and Niemi, 1994; Epstein et al., 2006; Rosenberg, 2008; Bullock and Gaddie, 2009) — under the argument that pre-1965 trends in black political participation would have continued absent the VRA.¹ But such an argument struggles to account for the effect of Federal examiners used to monitor voting in particular counties in the South, the efforts of community organizations such as the Voter Education Project to register blacks, existing civil rights legislation, and cultural, social and political trends rooted prior to the VRA, trends which the literature has argued were important in the years before the VRA (Rodgers and Bullock, 1972; Black and Black, 1989; Timpone, 1995).

To better control for potential confounders to the effect of Section 5, this paper re-evaluates the effect of the VRA by exploiting both geographic and temporal variation in political outcomes between jurisdictions covered by Section 5 and similar jurisdictions that were left uncovered within North Carolina. North Carolina is the only state among those originally covered that was partially subject to Section 5 — 40 of its 100 counties were subjected to the pre-clearance provision of the VRA. Counties were selected for coverage based on their 1964 voter turnout rates. Those with turnout below 50% were covered by Section 5, while those with turnout above were not.² That coverage was applied to those 40 counties by this retroactively chosen political participation threshold, a focal point unlikely to have been chosen with the coverage of any particular county

¹The historical counterfactual in North Carolina indicates a 143 percent increase in black voter registration and a 81 percent reduction in the black white registration gap (author’s calculations for covered counties, Δ 1958-1993).

²Online Appendix B provides more details about the application of Section 5 coverage in North Carolina.

in mind, provides the methodological motivation for identifying the causal effect of coverage independent of confounding factors that a simple pre-post analysis might miss. Even if Section 5 of the VRA had an effect on political participation in the South, the question remains as to the true size and political significance of that effect independent of other possible causes, a question that must be answered using an alternate characterization of the counterfactual.

This paper uses a difference-in-differences design to estimate the effect of Section 5 on (1) black voter registration, (2) white voter registration, (3) overall voter turnout, and (4) Democratic two-party vote share. The paper finds that Section 5 led to a 14-19 percentage point increase in black voter registration, a 10-13 percentage point increase in white registration, and a 10-12 percentage point increase in overall voter turnout in the decades after the VRA. Fixed effects, time varying controls, and analysis of pre-treatment trends bolster a causal interpretation of the results. However, there is some evidence that whites may have changed their political behavior in reaction to the VRA and black enfranchisement, as Democratic vote share *declined* differentially in counties covered by Section 5. Furthermore, restricting the sample of counties to those just above and below the 50% threshold for coverage estimates a smaller effect size that cannot be statistically distinguished from zero, suggesting heterogeneity in political response by initial levels of discrimination. Together these results suggest that the societal gains from the VRA, at least in North Carolina and in localities with more limited discrimination, were modest.³

This paper build on Timpone (1995)'s analysis of the VRA's effect, and Thompson (1986)'s use of the differential application of Section 5 coverage in North Carolina.⁴ Timpone employs state-level time-series analysis within covered states, finding that *pre*-VRA registration efforts, those spearheaded by organizations like the Voter Education Project, account for most of the substantial change in black registration trends at the time of the VRA.⁵ This paper improves upon this approach by also exploiting geographic variation in the application of coverage, which can control for additional confounds beyond the registration efforts of community organizations. Thompson (1986) uses a matching procedure and the differential application of coverage within North Carolina to assess the effect of coverage on black enfranchisement. By expanding the

³Online Appendix G discusses the generalizability of these North Carolina results.

⁴Other research has taken advantage of the discontinuity in how other aspects of how the VRA has been applied — specifically in protecting language minorities — to improve causal inference (Fraga, 2010; Hopkins, 2011).

⁵In addition to Timpone, other research has also been more cautious about the attribution of all post-VRA improvements in the black franchise to the VRA alone. See, for example, Arrington and Mead (1992), USCCR (1965, 1975, 1985), and Black and Black (1989).

set of political outcomes studied, the use of time-varying covariates and fixed effects, and the assessment of pre-VRA trends, this paper is able to offer more robust *causal* evidence that supports Thompson’s general findings. The results of this paper suggest that the effect of Section 5 coverage conforms closely to the modest effect found by Timpone and Thompson as opposed to the larger effect found by the extant literature that relies on an historical counterfactual alone.

Estimating the Effect of Section 5 Coverage

The following section estimates the effect of Section 5 coverage on the following outcomes: black and white voter registration rates, voter turnout in congressional and presidential elections, and Democratic two-party vote share in presidential and gubernatorial elections.

Black voter registration is the most obvious first-order outcome to examine — the VRA was expressly designed to facilitate black voter registration. By examining white voter registration, this paper can examine effects of the VRA that may have influenced the general costs of registration, as well as unobserved (including reactionary) attitudes towards political participation that might specifically affect whites. Results for white voter registration rates should not be considered a placebo test. While the primary concern of the VRA was minority disenfranchisement, the literature notes that poor whites also faced disenfranchisement as a result of Jim Crow laws (USCCR, 1963; Lewinson, 1932).⁶ Voter registration efforts, the removal of literacy tests and other voter suppression laws, and the salience of political activity may have induced whites to register to vote as well as blacks. In addition, general equilibrium effects — primarily racial threat — may also have induced whites to register post-VRA (Key Jr, 1950).

Voter turnout, though not differentiated by race, offers evidence on one method of direct political participation. Democratic vote share offers insights into how changes in first order outcomes affected *who* was elected to office, and whether there is evidence of changing political behavior of (potentially) reactionary whites. Since 1960, black voters have overwhelmingly supported the Democratic party. Thus, after 1965, the expectation is that covered counties, where blacks were relieved of restrictions on their franchise, would increase their support of Democratic

⁶Kousser (1974) writes specifically about white disenfranchisement in North Carolina — according to one newspaper, “the struggle for suffrage restriction was an effort to rid [North Carolina] of ‘the danger of the rule of Negroes and the lower classes of whites’” (my emphasis added) (70).

candidates relative to uncovered counties. This hypothesis is complicated, however, by the party re-alignment that occurred at the time (partly as a consequence of President Johnson’s support for civil rights). After Reconstruction, the Democratic party had been home to conservative white Southerners who had often championed racially discriminatory policies. But the collapse of the New Deal Coalition and President Nixon’s Southern Strategy drove such whites towards the Republican party. Absent the VRA (i.e. in uncovered counties), the post-VRA expectation is a sharp decline in Democratic vote share. In covered counties, however, we should expect a *less* severe decline in Democratic vote share if the participation of newly enfranchised black Democrats made up some of that difference. Alternatively, greater relative decline in Democratic vote share might indicate reactionary white flight amongst moderate would-be Democrats to the Republic party.

The Empirical Approach

This paper employs a difference-in-differences design that assesses pre-to-post 1965 changes in political outcomes between counties covered and un-covered by Section 5 of the VRA within North Carolina. Un-covered counties represent the counterfactual of how covered counties *would have* performed in the absence of Section 5 coverage. For county c in year t , I use OLS to estimate

$$y_{ct} = \alpha_c + \lambda_t + \beta(\text{post-1965}_t \cdot \text{covered}_c) + \boldsymbol{\delta} \mathbf{X}_{ct} + \epsilon_{ct} \quad (1)$$

where y_{ct} is one of the political outcomes of interest, county fixed effects are captured by α_c , λ_t are year fixed effects, post-1965_t is an indicator for years after 1965, covered_c is equal to one for counties covered by Section 5, \mathbf{X}_{ct} is a vector of time-varying controls, and ϵ_{ct} is the idiosyncratic error term.⁷ Standard errors are clustered on the county to account for serial correlation by unit.

The parameter β can be interpreted as the causal effect of coverage under the assumptions that, first, there are no time-varying differences between covered and un-covered counties that affected both coverage status and post-VRA political outcomes; and, second, that there are no geographic spillovers between counties (SUTVA). Mobile voters are the most likely SUTVA violation. If black voters chose to move to counties covered by the VRA, or whites chose to move out of covered counties to avoid the threat of a newly enfranchised minority, this might bias (over-estimate) the effect of coverage. I (partially) account for the first assumption by including

⁷Note that intent-to-treat — 1965 voter turnout — is captured in the county fixed effects (α_c).

Table 1: Difference-in-Differences Results for Voter Registration

	Black Voter Registration			White Voter Registration		
	(1)	(2)	(3)	(4)	(5)	(6)
Post-1965 · covered ($\hat{\beta}$)	0.19*** (0.056)	0.15*** (0.057)	0.14** (0.054)	0.10** (0.040)	0.12*** (0.039)	0.13*** (0.039)
Observations	1695	1695	1195	1694	1694	1194
Controls1		✓	✓		✓	✓
Controls2			✓			✓

Standard errors robust to clustering at the county level presented in parentheses.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Notes: The table presents the estimates of β from equation 1. The dependent variable in specifications 1-3 is black voter registration; in specifications 4-6 it is white voter registration. Outcomes are measured as a percent of the relevant voting age population. An observation is a county-year pair. All specifications include county and year fixed effects. Controls1 includes: $\ln(\text{population})$, % population black, and median household income. Controls2 also includes median years of schooling. Three counties lack black registration data for 1966 and are excluded from the analysis (see Online Appendix A). An additional county lacks white registration data. Estimates of control variable parameters are presented in Online Appendix E.

time-varying controls (described below) that might affect political outcomes. I also partially test this assumption through both an econometric and graphical analysis of pre-VRA trends presented in Online Appendices C and F, respectively. To address concerns about spillovers, I conduct a simulation of the potential bias introduced by migration in Online Appendix I.

The Data

Pre-VRA registration data is available for 1958 and 1960 from USCCR (1961).⁸ Post-VRA registration data is from ICPSR (1991), Brock (1972), USCCR (1968), VEP (1966, 1968) and NCSBE (1993) and is available 1966-1968 and biannually 1970-1988 as well as 1971 and 1993.⁹ Presidential voter turnout data and Democratic two-party vote share data are from Leip (2012) for 1948 to 1992. Congressional turnout data is collected from ICPSR (1995) for 1952-1972. Democratic gubernatorial two-party vote share is from NCSBE (1972) and State of North Carolina (1986) for 1952-1984. Data for covariates (and voting age population denominators for registration and turnout percentages) are from the US Census (MPC, 2011). The first set of controls (controls1) are available 1950-90: log total population, percentage of the population black, and median household

⁸Pre-VRA registration data by race at the local level is challenging to acquire. Thus, the ability of this paper to assess pre-VRA county-level *trends* in voter registration by race is an important contribution of this paper.

⁹See Online Appendix A for details on the construction of the registration variables. Because of “deadwood” — the failure of counties to purge voter rolls of deceased or migrated individuals — registration is often inflated to more than 100% of the voting-age population. Unless purges are systematically related to coverage, such random measurement error in the dependent variable biases against finding a statistically significant effect.

Table 2: Difference-in-Differences Results for Voter Turnout

	Presidential Elections			Congressional Elections		
	(1)	(2)	(3)	(4)	(5)	(6)
Post-1965 · covered ($\hat{\beta}$)	0.12*** (0.018)	0.11*** (0.018)	0.10*** (0.016)	0.10*** (0.017)	0.089*** (0.016)	0.088*** (0.016)
Observations	1200	1100	800	1100	1100	1100
Controls1		✓	✓		✓	✓
Controls2			✓			✓

Standard errors robust to clustering at the county level presented in parentheses.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Notes: The table presents the estimates of β from equation 1. The dependent variable in specifications 1-3 is voter turnout in presidential elections; in specifications 4-6 it is voter turnout in congressional elections. Outcomes are measured as a percent of the relevant voting age population. Voter turnout is not available broken out by race. An observation is a county-year pair. All specifications include county and year fixed effects. Controls1 includes: $\ln(\text{population})$, % population black, and median household income. Controls2 also includes median years of schooling. Estimates of control variable parameters are presented in Online Appendix E.

income. Controls2 adds median years of schooling (age 25+), and is available 1950-80.¹⁰

The Results

Tables 1-3 present the results from estimating equation 1. Specifications 1-3 in Table 1 demonstrate that black voter registration rates increased (statistically significantly) in response to Section 5 coverage. The results indicate that Section 5 coverage caused a 14 percentage point increase in black voter registration rates with the inclusion of the full set of time-varying controls. These effect sizes constitute a 55-75% of a (within-county) standard deviation increase in voter registration; a substantively meaningful effect. Specifications 4-6 in Table 1 indicate that coverage *also* induced higher rates of white voter registration (a 10 percentage point increase).¹¹ The estimates in specifications 3 and 6 are not statistically different from one another (Online Appendix E), indicating that the VRA raised registration by roughly the same magnitude regardless of race.

Table 2 presents results for voter turnout in each presidential (specifications 1-3) and congressional (specifications 4-6) elections. The estimated effect of Section 5 coverage is positive, large and statistically significant. Turnout in presidential elections increased by 10-12 percentage points in covered versus un-covered counties after the VRA, while turnout in congressional elections increased by 10 percentage points. These results correspond to about a one standard deviation

¹⁰All non-decennial census year measures used in the analysis are calculated using linear interpolation.

¹¹Changes in the *gap* between white and black registration rates are not statistically different from zero (Online Appendix E). See Online Appendix J for estimates decomposed into short, medium and longer-run effects.

(within-county) increase in turnout. Thus, not only did the franchise increase as a result of Section 5, but more voters turned out than otherwise would have in the absence of coverage.

Unfortunately, these measures of voter turnout are not differentiated by race and so it is not possible to know whether increased voter turnout resulted primarily from blacks. To shed additional light on the political consequences of the VRA, I examine the effect of Section 5 on Democratic vote share. Prior to the VRA, covered counties supported Democratic candidates at higher rates than un-covered counties. Post-VRA, support for Democratic candidates declined substantially across both types of counties, but by *more* in covered counties. Table 3 shows that coverage is associated with a 9-13 percentage point decline in support for Democratic presidential candidates. This is contrary to the hypothesis that newly enfranchised black voters, turning out in support of Democratic candidates, would differentially increase Democratic vote share in covered counties. One interpretation of these results is that reactionary white voters constituted some important portion of the higher post-VRA turnout. It is also possible that blacks indeed turned out to vote in greater numbers in covered counties after the VRA. But as a direct consequence of the VRA, or through alternative general equilibrium mechanisms, politically moderate whites that would have supported the Democratic party absent the VRA in covered counties, shifted their party voting to Republicans. With the available evidence, it is not possible to assess which of these processes was at work. Also of note, as a consequence of the contemporaneous Southern realignment (which was not a discrete event), there is evidence that trends in Democratic vote share were not parallel prior to 1965 — specifically, Democratic vote share was leveling off in un-covered counties but declining in covered counties. Therefore, un-covered counties may not represent the appropriate counterfactual for covered counties for this outcome.

The graphical analysis (Online Appendix F) and formal econometric test (Online Appendix C) demonstrate that pre-VRA trends in political outcomes are parallel across covered and un-covered counties with the exception of Democratic vote share. This evidence lends support to a causal interpretation of the above results, except in the case of Democratic vote share, where the results should be interpreted as partial correlations.

Finally, I restrict the sample to those counties just above or below the 50% threshold for coverage (beginning at $\pm 10\%$). These counties might better reflect *as-if-random* assignment to coverage and thus better account for time-varying unobservables that could still potentially

Table 3: Difference-in-Differences Results for Democratic Vote Share

	Presidential Vote Share			Gubernatorial Vote Share		
	(1)	(2)	(3)	(4)	(5)	(6)
Post-1965 · covered ($\hat{\beta}$)	-0.13*** (0.018)	-0.11*** (0.017)	-0.11*** (0.018)	-0.097*** (0.014)	-0.095*** (0.014)	-0.090*** (0.014)
Observations	1200	1100	800	800	800	700
Controls1		✓	✓		✓	✓
Controls2			✓			✓

Standard errors robust to clustering at the county level presented in parentheses.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Notes: The table presents the estimates of β from equation 1. The dependent variable in specifications 1-3 is presidential Democratic vote share, and in specifications 4-6 gubernatorial Democratic vote share. An observation is a county-year pair. All specifications include county and year fixed effects. Controls1 includes: $\ln(\text{population})$, % population black, and median household income. Controls2 also includes median years of schooling. Estimates of control variable parameters are presented in Online Appendix E.

confound the estimates from the full sample. The estimates of equation 1 for this subset of counties are smaller in magnitude (by ~ 5 -9 percentage points) and cannot be statistically distinguished from zero (see full results in Online Appendix D). Given the small sample size (50 counties within ± 10), it is not possible to know if the analysis is statistically underpowered or represents a *true* null effect. Nevertheless, these local average results suggest that the effect of the VRA is heterogeneous by initial levels of discrimination; specifically, smaller for less discriminatory localities.

Conclusion

While there has been little debate that the 1965 Voting Rights Act and Section 5, its revolutionary enforcement provision, had an effect on the enfranchisement of minorities in the US South, the true magnitude of that effect has been difficult to properly estimate given the empirical approaches employed in the literature. This paper offers an alternative characterization of the counterfactual of how jurisdictions would have performed in the absence of coverage by using county-level variation in how Section 5 coverage was applied in North Carolina. This paper finds statistically significant evidence that Section 5 coverage resulted in increased black voter registration, white voter registration, and increased overall voter turnout, though it is not possible to say if this turnout came more from blacks than whites. The inclusion of county and year fixed effects, time-varying controls, and tests for parallel pre-treatment trends help to improve the interpretation of these effects as causal. The magnitude of the results comports with other effects documented in the North

Carolina case. However, evidence of a differential decline in Democratic vote share suggests that the VRA may have had led to reactionary political behavior (increased turnout and/or change in party affiliation) by white voters who were also more enfranchised. The results cast some doubt on the societal gains from the VRA in North Carolina as they reflect the legislation's goals, but to fully draw this conclusion requires further research.

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