

The Non-voting Farmworker: Disenfranchised by Design?

I. INTRODUCTION

In an election to fill the office of county supervisor of Tulare County, California, a migrant worker, George Phoebus, cast his vote for J. W. Thomas, the candidate declared the winner. M. W. Smith, the losing candidate, contested the outcome of the ballot count, asserting that Phoebus failed to qualify as a resident of the third supervisorial district. The election had been so close, that the invalidation of Phoebus' ballot would result in Smith being the winner. When Phoebus testified in the election contest suit, he admitted that he had no ordinary home in the Visalia precinct where he had voted. Rather, there was in the town a rooming house of sorts to which, over the past five years, he had returned on the occasions he was sick or out of work. "I considered it the only home I had," Phoebus testified. The Supreme Court of California declared Phoebus' residency valid for purposes of voter registration. The court said of Phoebus, *Per Curiam*,

He belongs to a class of persons whose place of residence must be deemed to be in the city, town or village where they choose in good faith to establish it. Because the voter has not a home, such as wife and children can give, he should not be deprived of rights of the highest value to the citizen.¹

George Phoebus cast his contested vote in 1896. Although his occupation, itinerant cutter of firewood, is not well represented

¹Smith v. Thomas, 5 Cal. Unrep. 976, 980, 52 P. 1079, 1080 (Sup. Ct. 1898) *aff'd on rehearing* 121 Cal. 533, 54 P. 71 (1898).

among today's farmworkers, his problem does remain. The mistaken assumption of Smith, the losing candidate for supervisor, that a man who has neither a regular dwelling nor place of work is therefore ineligible to vote, regularly reappears in present-day discussions of the political handicaps suffered by farmworkers. Although the migrant is by no means the typical farmworker, migratory workers understandably bear greater electoral handicaps than other segments of the agricultural labor force. Even so, the law does not place migrants outside the electoral process, despite durable generalizations to the contrary. As an example of the widespread but erroneous assumption that voting law excludes migrants, a recent report of a Senate subcommittee dealing with agricultural labor concludes that "migrancy is likely to disenfranchise the farmworker in his home state without conferring the right to vote elsewhere."²

The purpose of this paper is to examine the restrictions placed by election statutes on the exercise of the right to vote, and to measure the effect of each restraint on the growth of a meaningful farmworker electorate. The first section documents the fact that farmworkers, whether migratory or not, are poorly represented at the polls. The second section of the paper contains an analysis of the principal standards of voter eligibility, with emphasis on the laws of California, Florida, and Texas.

II. THE FARMWORKER VOTE

The electoral weakness of farmworkers becomes readily apparent when one takes a look at a typical rural county. One such county is Yolo County, a rich agricultural district in California's Sacramento Valley. There reside in Yolo County about 3,650 adult farmworkers, some employed year-round and some on a seasonal basis.³ These

²S. REP. NO. 1006, 90th Cong., 2d Sess. 62 (1968). See also Schmidhauser, *Residency Requirements for Voting and the Tensions of a Mobile Society*, 61 MICH. L. REV. 823, 837 (1963).

³Peak Yolo County employment of local farmworkers during 1968 was estimated at 4000 by the farm labor officer, State Department of Employment, Woodland, California. This estimate is contained in Cal. Dep't of Employment, *California In-Season Farm Labor Employment Report*, (Form DE 881) (Yolo County, week ending August 31, 1968). Forms DE 881 are filed in the Woodland office of the Cal. Department of Employment. The figure of 3,650 adult farmworkers is obtained by subtracting from 4,000, the percentage of the peak California local farm labor force which is under 21 years of age. See CAL. DEP'T OF EMPLOYMENT, CAL. ANNUAL FARM LABOR REPORT 1967, at 10 (1968).

farmworkers make up 7 percent of Yolo County's 52,000 voting age residents.⁴ When the Registrar of Voters closed his records after the 1968 general election,⁵ 29,331 Yolo County residents were on the rolls as registered electors. However, of the registered voters in Yolo County, only 235 were farmworkers.⁶ Thus an occupation group which comprised seven percent of the adult population cast but 0.8 percent of the vote. Stated differently, 6.9 percent of Yolo County's farmworkers voted in 1968, in contrast to a 59 percent turnout by county residents who were not farmworkers.⁷

The rates of registration and voting by farmworkers in Yolo County do not reflect the numbers of migrant laborers employed on the farms of the county, but who are not local residents. During 1968's busiest agricultural labor period, 2,200 migrants found work on Yolo County farms.⁸ The estimated number of migrants had fallen to 440 when the general election was held on November 5, 1968.⁹ If any of these 440 persons cast a vote that day, it would necessarily have been by absentee ballot and no direct evidence of any such absentee voting is available.¹⁰

⁴The population of Yolo County in 1968 was estimated to be 88,000. Yolo County Chamber of Commerce, Yolo County Facts and Figures, March, 1968. The total of 52,096 Yolo County residents of voting age is obtained by multiplying 88,000 by 59.2 percent, the percentage of the California population which is 21 years of age and older. See U.S. BUREAU OF THE CENSUS, STATISTICAL ABSTRACT OF THE UNITED STATES 12, 369 (90th ed. 1969).

⁵Registrations in effect at year's end are almost exclusively those of persons who voted in the general election. Names of persons who failed to vote in the general election were deleted from the roll in accordance with CAL. ELECTIONS CODE § 386 (West 1961).

⁶For the purposes of this study, the following occupations were classified as farm work: ranch or farm laborer, tractor driver, ranch mechanic, ditch tender, irrigator, sheepshearer, farm helper, poultry man, produce box stacker, and variations of the above.

⁷There are several factors which may exaggerate the low level of farmworker registration shown by the Department of Elections records. These factors are: (1) the complete failure of women to report a farm labor occupation; (2) the disguising of a farm labor occupation by the reporting of a more prestigious job title, such as "truck driver"; and (3) the reporting of a non-agricultural seasonal job by persons performing farm labor in another season of the year, for example, "sugar refinery worker." When interviewed in Woodland, January 25, 1969, Mr. Simon Pena, Mexican American Political Association, estimated that because of the above-listed factors actual registration by farmworkers was three times as great as shown by the occupational statements on the voter registration affidavits.

⁸Cal. Dep't of Employment, *California In-Season Farm Labor Employment Report* (Form DE 881) (Yolo County, week ending August 31, 1968). Forms DE 881 are filed in the Woodland office of the Cal. Department of Employment.

⁹*Id.*, (week ending November 9, 1968).

¹⁰Records of the Yolo County Department of Elections show that none of the 1,685 absentee ballots cast by Yolo County residents in the 1968 general election was cast by a voter whose affidavit of registration indicated a farm labor occupation.

As shown by the records of the Yolo County Registrar of Voters, farmworker voting strength is not improving. Of the 6,139 new affidavits of voter registration received during 1968, only 49 were from residents identifying themselves as farm employees. The share of new voters who are farmworkers, 0.8 percent, is thus the same as the proportion of farmworkers among voters previously registered. This fact indicates that election involvement by farm employees in Yolo County is remaining at a low, if not an almost negligible, level.

Although national election figures do not paint as grim a picture of farmworker voting as that found in Yolo County, they nevertheless show that agricultural labor is less likely to vote than any other occupation group. A Bureau of the Census study of the nationwide elections of November, 1966, found that only 32.7 percent of the nation's male farm employees voted. In contrast, farmers and farm managers voted at the rate of 70.1 percent.¹¹ In other words, the nation's approximately 500,000 voting farmworkers are overwhelmed by 1,400,000 farm employer votes. The fact that farmworkers are outvoted by farmers at a rate of nearly three to one takes on added significance because the votes of both these groups are, by and large, cast in the same political districts. Unlike their urban counterparts, who are clustered in working class precincts apart from their employers, farmworkers find themselves a voting minority in their own communities. Scattered among rural constituencies, voting farmworkers are unable to concentrate the ballots needed to place spokesmen in state legislatures, county boards, or other elective bodies.¹²

III. VOTER QUALIFICATIONS

A. State Authority over Elections

The power to determine the qualifications of voters is delegated to the states by the United States Constitution.¹³ State authority in

¹¹U.S. BUREAU OF CENSUS, CURRENT POPULATION REPORTS, *Voting and Registration in the Election of November, 1966*, Series P-20, No. 174, at 23 (1968).

¹²See R. DIXON, DEMOCRATIC REPRESENTATION, 22 REAPPORTIONMENT IN LAW AND POLITICS (1968).

¹³U.S. CONST. art. I, § 2 (electors of Congressmen to have same qualifications as electors of state legislators); art. II, § 1 (presidential electors to be appointed as directed by state legislatures); amend. XVII, § 1 (electors of senators to have same qualifications as electors of state legislators).

this regard extends to federal, as well as state and local elections.¹⁴ The Constitution expressly prohibits the states from denying a citizen the right to vote on the grounds of race,¹⁵ sex,¹⁶ and, for elections of federal officers, failure to pay a poll tax.¹⁷ With the exception of the three tests ruled out by the Fifteenth, Nineteenth, and Twenty-fourth Amendments, the jurisdiction of the states in setting voter qualifications was long considered to be virtually unlimited.¹⁸ In recent decisions of the United States Supreme Court, however, the right of citizens to equal protection of the laws under the Fourteenth Amendment has been invoked to fundamentally restrict the power of the states to control access to the ballot box.¹⁹ Under these decisions, the Constitution has been interpreted to allow the states to impose qualifications on voters only when justified by a "compelling state interest."²⁰ Only those voting restrictions are permitted which are "germane to one's ability to participate intelligently in the electoral process."²¹ Furthermore, a burden placed by a state on the exercise of the franchise must be the least restrictive of available methods by which the state's purpose can be satisfied.²² Although state laws establishing voter qualifications were, for the most part, written at a time when the Equal Protection Clause was not stringently applied for the protection of the citizen's right to vote, the major restrictions on the franchise appear able to withstand challenge under the present-day constitutional test.

¹⁴Gray v. Sanders, 372 U.S. 368, 379 (1963).

¹⁵U.S. CONST. amend. XV, § 1.

¹⁶U.S. CONST. amend. XIX, § 1.

¹⁷U.S. CONST. amend. XXIV, § 1.

¹⁸See, e.g., *Drueding v. Devlin*, 380 U.S. 125 (1965), *aff'g mem.* 234 F. Supp. 721 (D. Md. 1964); *Breedlove v. Suttles*, 302 U.S. 277, 283 (1937) (state may condition suffrage as it deems appropriate); *Pope v. Williams*, 193 U.S. 621, 632 (1904) (privilege to vote is to be exercised in such manner and upon such terms as state may direct).

¹⁹See *Kramer v. Union Free School Dist.*, 395 U.S. 621 (1969) (voting in school district election may not be restricted to parents and owners and lessees of property); *Williams v. Rhodes*, 393 U.S. 23 (1968) (limitation of political parties on presidential ballot unconstitutional); *Harper v. Virginia State Bd. of Elections*, 383 U.S. 663 (1966) (poll tax unconstitutional); *Carrington v. Rash*, 380 U.S. 89 (1965) (bona fide residents may not be disqualified as voters because they are in military service).

²⁰*Kramer v. Union Free School District*, *supra* note 19, at 627. *Cf.* *NAACP v. Button*, 371 U.S. 415, 428-29, 438 (political expression may be limited only if state shows a compelling interest); *Bates v. Little Rock*, 361 U.S. 516, 524 (1960).

²¹*Harper v. Virginia State Bd. of Elections*, *supra* note 19, at 668.

²²See *Kramer v. Union Free School Dist.*, *supra* note 19, at 633 (limitation on the franchise must be "sufficiently tailored" to the state interest involved); *Hall v. Beals*, 396 U.S. _____, _____, 90 S. Ct. 200, 203-04 (1969) (Marshall, J., dissenting from dismissal, as moot, of a challenge to a state residency requirement). *Cf.* *Wesberry v. Sanders*, 376 U.S. 1, 17-18 (1963) (right to vote may not be abridged unnecessarily).

B. Voting Restrictions in Operation

The voter qualifications established by the states form a consistent pattern. All states require voters to be United States citizens of a certain minimum age, usually 21 years and require a voter to have established his legal residence within the state and county or precinct for specified periods of time.²³ All states but one require some form of registration of voters.²⁴ The statutes of 21 states establish a literacy or educational qualification for voters.²⁵ While it is not properly characterized as a test of voter eligibility, some provision for voting by absentee ballot is required if those away from their home districts are to have an opportunity to join in the voting. All states have such an absentee voter system.²⁶

²³COUNCIL OF STATE GOV'TS, THE BOOK OF THE STATES 1968-1969, at 30 (1968). All but four states limit the franchise to persons who have reached 21 years of age. In Georgia and Kentucky the voting age is 18 years; in Alaska, 19; and in Hawaii, 20.

Many states have recently established special residence periods to permit newcomers to vote for President and Vice-president. These "New Resident" voting laws, e.g. CAL. ELECTION CODE §§ 750-65 (West 1961), *as amended* (West Supp. 1970), do not affect voting for congressional, state, or local offices. See Note, 77 HARV. L. REV. 574 (1964).

²⁴North Dakota is the only state which does not require registration for general elections. COUNCIL OF STATE GOV'TS, *supra* note 23, at 31.

In addition to the general requirements for voter eligibility, the great majority of states disqualify persons who have been convicted of certain felonies and those who are mentally ill or incompetent. The constitutional and statutory provisions of the 42 states suspending the right to vote of felons are set forth in *Green v. Bd. of Elections*, 380 F.2d 445, 450, n. 4-6 (1967). The limitations placed by 43 states on voting rights of the mentally impaired are listed in R. ALLEN, E. FERSTER, & H. WEIHOFFEN, MENTAL IMPAIRMENT AND LEGAL INCOMPETENCY 364-67 (1968); R. FARMER, THE RIGHTS OF THE MENTALLY ILL 84-87 (1967).

²⁵Election laws of the following states establish an education or literacy requirement: Alabama, Alaska, Arizona, California, Connecticut, Delaware, Georgia, Hawaii, Idaho, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New York, North Carolina, Oregon, South Carolina, Virginia, Washington, and Wyoming. 30 Fed. Reg. 9897 (1965). Literacy tests have been suspended in a number of states under the terms of the Voting Rights Act of 1965, 42 U.S.C. § 1973b (Supp. IV, 1965-68). These states are Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia, together with some 38 counties in North Carolina. 30 Fed. Reg. 9897, 14505 (1965); 31 Fed. Reg. 19, 3317, 5080-81 (1966). See *Allen v. State Bd. of Elections*, 393 U.S. 544 (1969); *South Carolina v. Katzenbach*, 383 U.S. 301 (1966). In addition, Alaska, four counties in Arizona, one in Hawaii, and one in Idaho were covered, but suspensions of the literacy tests in those jurisdictions have been withdrawn with government consent under 42 U.S.C. 1973b(a).

²⁶Until amended in 1967, absentee voting was forbidden by N.M. CONST. art. VII., § 1. See *State ex rel. West v. Thomas* 62 N.M. 103, 305 P.2d 376 (1956).

A recent United States Supreme Court decision held that a state is not constitutionally required to make the absentee ballot available to all classes of persons not physically able to vote in person. However, an absentee ballot procedure may not discriminate on the basis of wealth or race. *McDonald v. Chicago Board of Election Comm'rs*, 394 U.S. 802, 89 S. Ct. 1404 (1969).

Although hired farm workers reside in each of the 50 states, California, Florida, and Texas are of particular importance because they are the place of residence of a large number of farmworkers.²⁷ The election statutes of these states therefore merit examination in detail, since an analysis of their voting requirements, illustrates the difficulties facing the farmworker who desires to join in the electoral process.

California, Florida, and Texas, each require voters to be United States citizens, 21 years of age, and residents of the state for a period of one year.²⁸ California further requires residency in the county for 90 days and in the precinct for 54 days,²⁹ while Florida and Texas require a six-month county residency.³⁰ In none of the three states is residency for voting purposes lost by temporary absence.³¹ All three states require voter registration.³² In Florida, registration may be accomplished only by personal appearance.³³ California and Texas provide for registration by mail by qualified persons who are absent from the county of residence.³⁴ Texas additionally facilitates registration by permitting proxy registration by a voter's spouse, parent, or adult child.³⁵ Neither Florida nor Texas imposes a literacy or educational requirement. On the other hand, California has required a voter to be able to read the Constitution in English and write his name.³⁶

All three states provide for absentee voting,³⁷ but there is great variation in the amount of "red tape" involved. The procedure is relatively easy in California, where the documents may be submitted without notarization or other formalities.³⁸ Texas requires the identity affidavit on the ballot envelope, but not the absentee ballot application, to be notarized.³⁹ The Florida formalities are the most demand-

²⁷See U.S. DEPT OF LABOR, FARM LABOR DEVELOPMENTS, May, 1969, at 47, 49 (Bureau of Employment Security Pub.). The three states employing the greatest number of farm workers at the time when the November, 1968, election was held were Texas (90,015), California (88,120), and Florida (45,343).

²⁸CAL. CONST. art. II, § 1; FLA. STAT. ANN. § 97.041 (Supp. 1969); TEX. ELECTION CODE ANN. art. 5.02 (Supp. 1969).

²⁹CAL. CONST. art II, § 1.

³⁰FLA. STAT. ANN. § 97.041 (Supp. 1969); TEX. ELECTION CODE ANN. art. 5.02 (Supp. 1969).

³¹CAL. ELECTIONS CODE § 14284 (West 1961); OP. FLA. ATT'Y GEN. 412 (1939); TEX. ELECTION CODE ANN. art. 5.08(c) (Supp. 1969).

³²CAL. ELECTIONS CODE § 200 (West 1961); FLA. STAT. ANN. § 97.041 (Supp. 1969); TEX. ELECTION CODE ANN. art. 5.11a (1967).

³³State *ex rel* Gandy v. Page, 125 Fla. 348, 169 So. 854 (1936).

³⁴CAL. ELECTIONS CODE § 213 (West 1961); TEX. ELECTION CODE ANN. art. 5.13a(1) (Supp. 1969).

³⁵TEX. ELECTION CODE ANN. art. 5.13a(2) (Supp. 1969).

³⁶CAL. CONST. art II, § 1.

³⁷CAL. ELECTIONS CODE §§ 14620-21 (West 1961); FLA. STAT. ANN. § 101.62 (Supp. 1969); TEX. ELECTION CODE ANN. art. 5.05(1)(ii) (Supp. 1969).

³⁸CAL. ELECTIONS CODE §§ 14621-22 (West 1961).

³⁹TEX. ELECTION CODE ANN. art. 5.05(4) (1967).

ing of the three, requiring the application form to be both witnessed and notarized, and the identity statement on the ballot envelope to be executed before either a notary or a post office supervisor.⁴⁰

C. The Impact on Farmworkers

The general restrictions on the exercise of the right to vote — citizenship, age, residency, and registration — apply to persons of every occupation group. They combine to have an especially heavy impact on farmworkers, however, because the agricultural labor force includes many aliens, minors, transients, and those for whom the voter registration process looms as a difficult or unpleasant contact with the authorities. In states such as California, the literacy test raises still another obstacle to farmworker participation. In this section, an estimate is made of the effect of each type of voter qualification in limiting the farmworker electorate.

1. United States Citizenship

Since the earliest days of American agriculture, when indentured Europeans and enslaved Africans labored for colonial planters, American farmers have looked beyond the nation's borders for part of the needed supply of field workers. During the period following World War II, Public Law 78, the "Bracero" program, was the principal method by which the foreign labor supply was tapped.⁴¹ In the peak year of 1956, almost 460,000 persons, primarily Mexicans, crossed the border under Public Law 78 to work on American farms.⁴² Since the termination of the Bracero program in 1964, it has become increasingly difficult to accurately estimate the number of alien farmworkers. Recent estimates of the proportion of Mexican nationals working in California range from 25 to 40 percent of the state's agricultural labor force.⁴³ The percentage of non-citizens in the

⁴⁰FLA. STAT. ANN. §§ 101.62, 101.65 (Supp. 1969).

⁴¹U.S. DEPT OF LABOR, FARM LABOR DEVELOPMENTS, March, 1969, at 11 (Bureau of Employment Security Pub.).

⁴²*Id.*

⁴³See CAL. OFFICE OF ECONOMIC OPPORTUNITY, SECOND ANNUAL PROGRESS REPORT, CAL. MIGRANT MASTER PLAN 7 (1967). A birthplace outside the United States is reported by 31 percent of the farmworkers who use Migrant Centers operated by the California O.E.O.

When interviewed in Woodland, California, on January 29, 1969, the farm labor officer, State Dep't of Employment, Woodland, estimated that 25 to 35 percent of the farmworkers in Yolo County are Mexican citizens.

In hearings before a congressional subcommittee, a study by Richard A. Fineberg was introduced in which is reported an estimate by growers that as much as 40

national farm labor force is probably somewhat lower, 20 to 25 percent.⁴⁴ On the other hand, in certain agricultural districts such as Imperial County, California, and the Lower Rio Grande Valley of Texas, Mexican citizens may make up one-third or more of the local farm labor force because of the opportunity of commuting across the international boundary.⁴⁵

Because they lack United States citizenship, a large group of farmworkers is thus excluded altogether from the American electoral process. Although the United States Constitution has not been held to compel the exclusion of non-citizens from the polls,⁴⁶ the power of the states to require citizenship is unquestioned.

2. Age

The limitation of the right to vote to those who have reached a minimum age, generally 21 years, has a heavy impact on the voting strength of farmworkers because youth is a basic characteristic of the farm labor population. According to national figures, 32 percent, nearly one-third of America's non-casual farmworkers are under 21.⁴⁷ Although young people performing farm work during their schools' summer vacation probably ought not to be classified as farmworkers by occupation, they nevertheless comprise an important part of the seasonal totals. Schools in rural areas continue to adjust their fall opening dates to make local youth available for harvest work.⁴⁸ Even

percent of the Delano, California, grape harvest force are Mexican nationals. *Hearings on H.R. 12667 Before the Special Subcomm. on Labor of the House Comm. on Education and Labor*, 91st Cong., 1st Sess., at 11 (Hearings held in Wash., D.C., July 16, 17; August 7, and 8, 1969).

In recent testimony before a Senate subcommittee, James D. Lorenz, Cal. Rural Legal Assistance, estimated that 40 percent of the California farm labor force are not U.S. citizens. *Hearings on Farmworkers' Legal Problems Before the Subcomm. on Migratory Labor of the Sen. Comm. on Labor and Public Welfare*, 91st Cong., 1st Sess., stenographic transcript at 126 (Hearings held in Wash. D.C., August 8, 1969).

⁴⁴*Hearings on H.R. 12667, supra* note 43, at 69. James L. Hennessy, U.S. Immigration and Naturalization Service, stated that there are 701,979 Mexican Nationals residing in the United States. At page 167 of the *Hearings*, a study by the Immigration and Naturalization Service indicates that approximately 40 percent of the Mexican nationals entering this country do so for the purpose of performing agricultural labor. Forty percent of 700,000 is 280,000. That number of Mexican nationals is approximately 23 percent of the nation's average farm labor force of 1,200,000. Farmworkers in the U.S. illegally ("Wetbacks") would further increase the non-citizen percentage.

⁴⁵*See Hearings on H.R. 12667, supra* note 43, at 155-80.

⁴⁶*See* *Minor v. Happersett*, 88 U.S. 162, 177 (1874).

⁴⁷*See* U.S. DEPT OF AGRICULTURE, *THE HIRED FARM WORKING FORCE OF 1967*, at 11 (Agricultural Economic Rept. No. 148, 1968). Non-casual farmworkers are those who are employed 25 days or more annually.

⁴⁸U.S. DEP'T OF LABOR, *supra* note 41, at 7.

though there is widespread public interest in a lowering of the voting age, the proposals have not yet been directed to the fact that the present age requirement severely limits farmworker voting.

Like the requirement of citizenship, the power of the states to restrict the vote on account of age has been immune to constitutional challenge.⁴⁹ Thus, the barrier of citizenship combined with age restrictions, prevent between 40 and 50 percent of the nation's farmworkers from voting.⁵⁰ No suggestion has been found that the voter qualifications of citizenship and minimum age were established for any purpose related to excluding a particular economic or occupational group from the electorate. Nonetheless, their effect is to place a great political handicap on farm labor.

3. Residence

The requirement that voters maintain their residence in the state for a specified period, commonly a full year, is often assumed to be the principal barrier to voting by farmworkers.⁵¹ However, closer examination shows that there are two reasons why the requirement of residency is of comparatively minor significance. First, relatively few farmworkers are migrants, and second, migrancy need not disenfranchise a worker otherwise qualified to vote.

During August, 1968, the year's peak month for agricultural employment, there were in the United States 1,620,000 hired farmworkers.⁵² Approximately 235,000 of these, not quite 15 percent, were migrants, and only 170,000 migrated outside their home states.⁵³ During the month of November, when general elections were held, employment of interstate migrant farmworkers fell to a national total of 23,000.⁵⁴ The drop in the employment of migratory farm labor indicates that the great majority of migrants are able to return to their homes in time to cast their ballots. In other words, as little as two percent of the average hired farm labor force, 23,000 out of 1,200,000 appear to be compelled by their occupation to be absent from their home states at the time of general elections. There are, of course,

⁴⁹*Cf.* U.S. CONST., amend. XIV, § 2, which protects the right to vote only of citizens who have reached 21 years of age.

⁵⁰*See* notes 44 and 47, *supra*. This total is based on estimates that 32 percent of farmworkers are minors, and 20 percent are non-citizens. In order to correct for overlapping characteristics, 20 percent of the minors are excluded, resulting in a combined total of 46.4 percent.

⁵¹*See e.g.*, S. REP. NO. 1006, *supra* note 2.

⁵²U.S. DEP'T OF LABOR, *supra* note 41, at 36.

⁵³*Id.*

⁵⁴*Id.*

elections at times of the year other than the month of November. Primary contests,⁵⁵ as well as elections of local officials, are commonly scheduled for the late spring, when seasonal migrants will already have taken up their annual journey. To cast a vote in such elections, the migrant voter would have to use an absentee ballot.

Although his travels would greatly inconvenience a migrant farmworker who sought to participate actively in the political affairs of his home state, they would not serve to prevent him from qualifying as a voter. As exemplified by the law of California, Florida, and Texas, the home states of most interstate migrants, election law preserves resident status despite a person's absence from the state for occupational purposes.⁵⁶

There remains a small number of farmworkers, itinerate laborers with no home base, who are truly disenfranchised by their migrancy. No national statistics indicating the number of these totally nomadic individuals have been found. California figures, however, reveal approximately 4 percent of the farmworkers using the state's Migrant Centers claim to have no home base.⁵⁷ If this percentage remains valid for the entire country, there are some 10,000 out of the nation's 235,000 migrants⁵⁸ for whom the residency requirement is an insurmountable barrier to voting.

Recent Supreme Court decisions make it plain that states may constitutionally restrict the right to vote to their "bone fide residents."⁵⁹ The requirement, on the other hand, that voters be not only bona fide residents, but residents for a period such as one year, must be measured against the "compelling state interest" test of the Equal Protection Clause. *Hall v. Beals*,⁶⁰ a case raising this precise question, recently reached the United States Supreme Court but was ordered dismissed by a majority which applied strict rules of mootness.⁶¹ Two

⁵⁵The importance of a citizen's right to vote in a primary election was recognized in the "White Primary" cases, *Terry v. Adams*, 345 U.S. 461 (1953); *Smith v. Allwright*, 321 U.S. 649 (1944).

⁵⁶CAL. ELECTIONS CODE § 14284 (West 1961); OP. FLA. ATT'Y GEN. 412 (1939); TEX. ELECTION CODE ANN. art. 5.08(c) (Supp. 1969); *Guerra v. Pena*, 406 S.W. 2d 769 (Tex. Civ. App. 1966) (migrant farmworkers do not lose voter eligibility by repeated absences from the state).

⁵⁷CAL. OFFICE OF ECONOMIC OPPORTUNITY, *supra* note 43. Of the 9,975 migrant workers served, 399 reported "no home base".

⁵⁸See U.S. DEP'T OF LABOR, *supra* note 41, at 36.

⁵⁹*Kramer v. Union Free School Dist.*, 395 U.S. 621, 625 (1969); *Carrington v. Rash*, 380 U.S. 89, 93-94 (1965). See also *Hall v. Beals*, 396 U.S. _____, _____, 90 S. Ct. 200, 204 (1969) (Marshall, J., dissenting).

⁶⁰396 U.S. _____, 90 S. Ct. 200 (1969).

⁶¹The challenge to the Colorado residency requirement was reviewed in the light of a 1969 election law amendment which reduced the requirement from six months to

Justices dissented, having the opinion that a state may only require that period of residency which is administratively necessary for preparation of voter lists before the election can be held.⁶² The durational residency requirement thus seems vulnerable to constitutional attack, if the obstacle of mootness can be overcome. It is not the period of residency, however, but the requirement of bona fide residency, per se, that denies the vote to the transient farmworker who has no home base. *Smith v. Thomas*,⁶³ the California case with which this article was introduced, illustrates the minimal demands made by the law upon one seeking to establish residence for voting purposes. The law does not compel a man to choose any particular locality as his home.⁶⁴ But, once a man has made such a choice in good faith, he is considered a resident of that place and, if otherwise qualified, may cast his vote there. As long as he leaves his place of residence with the intent of returning when his work is done, he does not cease to be a resident of the locality of his choosing even though he is often absent, or maintains there no dwelling.⁶⁵

4. Voter Registration

The requirement that one must formally register as a voter before he may cast a ballot raises a barrier of inconvenience, rather than one of disqualification. In contrast with the requirements of citizenship, age, and residence, the formalities of voter registration do not have an impact which can be measured against farm labor statistics. Like the citizen of any other occupational group who can qualify to vote, and who makes up his mind well enough in advance of the next election that he wishes to vote, the farmworker should find registration a troublesome, but not insurmountable obstacle.

However, as was demonstrated by election law abuses practiced in the South which led to the enactment of the Voting Rights Act of 1965,⁶⁶ the requirement of voter registration may be deliberately corrupted and thereby operate to prevent voting by a group out of favor

two months. The majority found that under the statute as currently written, the petitioners could have voted in the 1968 presidential election. 396 U.S. at _____, 90 S. Ct. at 201.

⁶²396 U.S. at _____, 90 S. Ct. at 205.

⁶³5 Cal. Unrep. 976, 52 P. 1079 (Sup. Ct. 1898) *aff'd on rehearing* 121 Cal. 533, 54 P. 71 (1898).

⁶⁴*See Pannill v. Roanoke Times Co.*, 252 F. 910 (D.C.W.D. Va., 1918) (Homeless wanderer is not a citizen of any state).

⁶⁵*Smith v. Thomas*, 121 Cal. 533, 536, 54 P. 71, 72 (1898).

⁶⁶*See H.R. REP. NO. 439*, 89th Cong., 1st Sess. (1965); *S. REP. NO. 162*, 89th Cong., 1st Sess. (1965); *U.S. CODE CONG. & ADMIN. NEWS* 2437-2582 (1965).

with those in political power.⁶⁷ Recognizing the mis-use of the registration process, Congress installed in parts of the South a system of voter registration by federal examiners.⁶⁸ In addition, to reduce the threat of disenfranchisement caused by private coercion of voters, the Civil Rights Act of 1968 imposes criminal penalties on those who intimidate persons who vote or register to vote.⁶⁹

Even where the registration process is free from purposeful abuse, and where the farmworker who enrolls as an elector is not visited with reprisals from hostile interests, the required formalities remain an obstacle to the voting farmworker. The survey of state election laws in the first part of this paper indicates some of the ways in which the requirement of registration serves to restrict voting. In Texas, which has a system of annual re-registration, voters must be enrolled by January 31 in order to vote in elections held during the remainder of the year.⁷⁰ Thus, no matter how much interest may be aroused among farmworkers by a political campaign during the spring or summer, only those who had registered during the previous winter would be able to share in the decision. A similar barrier faces the some 50,000 migrant workers who travel from home bases in Florida.⁷¹ Registration in Florida may be accomplished only by personal appearance before an official in the county of the voter's residence.⁷² No procedure for registration by mail is provided by Florida law. Therefore, even though most Florida-based seasonal migrants would have returned to their homes by November, only those who had registered before embarking on the season's journey would be able to vote. In California, the registration period extends to 54 days before the election.⁷³ Furthermore, the election statute places on county election boards and clerks the duty to take affirmative steps "to promote and encourage voter registrations."⁷⁴ In spite of this mandate, rural districts have been found to be less adequately served

⁶⁷See *South Carolina v. Katzenbach*, 383 U.S. 301 (1966) (upholding constitutionality of the Voting Rights Act of 1965).

⁶⁸42 U.S.C. § 1973e (Supp. IV, 1965-68).

⁶⁹18 U.S.C. § 245(b) (Supp. IV, 1965-68).

⁷⁰Texas' annual registration system is the replacement for a poll tax system, which was eliminated by amendment of the Texas Constitution in 1966. Payment of the poll tax had been declared an unconstitutional prerequisite to voting. *United States v. Texas*, 384 U.S. 155, *aff'g mem.* 252 F. Supp. 234 (W.D. Tex. 1966). The annual period for registering to vote is from October 1 through January 31. TEXAS ELECTION CODE ANN. art. 5.11a (1967).

⁷¹See M. HARRINGTON, *THE OTHER AMERICA* 57-58 (Penguin ed. 1963).

⁷²*State ex rel Gandy v. Page*, 125 Fla. 348, 169 So. 854 (1936).

⁷³CAL. ELECTIONS CODE § 203 (West 1961).

⁷⁴CAL. ELECTIONS CODE § 201 (West Supp. 1970).

by deputy registrars than are populated areas.⁷⁵ Yet, during his busy spring and summer months, when political interest is heightening, a farmworker who is not located near a deputy registrar may lack time or transportation to make a personal appearance before an election official at the county seat.⁷⁶

As shown by the summary of state election laws, California and Texas permit voter registration by mail for qualified persons absent from their counties of residence.⁷⁷ The procedure, virtually the same in both states, is demanding. The registrant must obtain from his home county an official form. He must then execute the form under oath before a notary or other official and return it to his registrar.⁷⁸

The power of the states to require registration as a precondition to the exercise of the right to vote finds ample constitutional support in the obligation of the states to preserve the purity of the ballot box.⁷⁹ Although registration appears thus justified by a "compelling state interest,"⁸⁰ the registration procedure adopted by a state may nevertheless be so complex and inconvenient as to be vulnerable to constitutional challenge. For, as held in *Kramer v. Union Free School District*,⁸¹ the state may impose only that burden on voting which is the least restrictive method adequate to the achievement of the desired purpose.⁸² In view of the fact that California, Florida, and Texas allow absent members and employees of the armed forces, and their spouses, to register to vote under a streamlined system,⁸³ it

⁷⁵Inadequate service of rural districts in Merced County, California, was shown by a study conducted by California Rural Legal Assistance, Madera, California. See Petition of Plaintiff at 3, *Grunloh v. Dulcich*, No. 38534 (Cal., Merced County, Superior Ct. 1968).

⁷⁶According to the C.R.L.A. study in Merced County, 300-400 residents of one city, primarily farmworkers, would have registered but for the necessity of traveling to the county seat. See Memorandum of Plaintiffs at 5 n. 7, *Grunloh v. Dulcich*, No. 38534 (Cal., Merced County, Superior Ct. 1968).

⁷⁷CAL. ELECTIONS CODE § 213 (West 1961); TEX. ELECTION CODE ANN. art. 5.13a(1) (Supp. 1969).

⁷⁸*Id.*

⁷⁹See *United States v. Classic*, 313 U.S. 299, 314-15 (1941) (right to vote includes right to have ballot counted at full value); *United States v. Mosley*, 238 U.S. 383, 386 (1915) (Congress may legislate to protect the right to have one's vote counted).

⁸⁰See *Carrington v. Rash*, 380 U.S. 89, 96 (states may take "reasonable and adequate steps" to ensure that all voters are bona fide residents).

⁸¹395 U.S. 621 (1969).

⁸²See *id.* at 632-633.

⁸³CAL. ELECTIONS CODE §§ 250-254 (West *as amended*, 1961) (West Supp. 1970); FLA. STAT. ANN. § 101.692 (Supp. 1969); TEX. ELECTIONS CODE ANN. art. 5.05, subd. 2a (Supp. 1969).

Generally, states have facilitated voting by members of the armed forces, persons in similar federal service, and their spouses, by making statutory provision for simplified registration and absentee voting in accordance with the Federal Voting Assistance Act, 50 U.S.C. §§ 1451-1476 (Supp. IV, 1965-66).

would seem doubtful that the states could show that registration only by personal appearance, or by complex mail procedure is the constitutionally required "least restrictive method." However, no reported case has been found in which a particular registration formality, apart from discriminatory abuses by registration officials,⁸⁴ has been constitutionally challenged.

5. Literacy and Education

By federal statute, persons who have completed the sixth grade are presumed to possess "sufficient literacy, comprehension, and intelligence to vote in any federal election."⁸⁵ Since an estimated one-half of the nation's adult farm laborers have received less than six years of formal education,⁸⁶ a literacy or educational qualification potentially is an important barrier to farmworker voting. Many farmworkers, of course, do not face a literacy requirement because, with only a few exceptions, the states in which a literacy qualification is in effect are confined to New England and the Pacific Coast.⁸⁷ Among the states where relatively large numbers of farmworkers reside, only Arizona and California impose a literacy requirement, restricting the franchise to those who can read the Constitution in English and write their name.⁸⁸

The power of a state to require its voters to meet a literacy qualification may be short-lived, however. State literacy requirements have been held subject to suspension by federal civil rights legislation.⁸⁹ The Voting Rights Act of 1965 set aside literacy requirements in jurisdictions in the South where election abuses restricted voting by black

⁸⁴*E.g.*, *Velasquez v. New York*, 69 Civ. 4378 (S.D. N.Y., October, 1969), noted in 3 CLEARINGHOUSE REV. 242 (January, 1970). Plaintiffs complain that registration locations in Puerto Rican neighborhoods were inaccessible, inadequately staffed, open less than the required number of hours, and lacking in necessary forms and materials, with the result that registration is more difficult in some parts of New York City than in others. See also *Grunloh v. Dulcich*, No. 38534 (Cal., Merced County, Superior Ct. 1968).

⁸⁵42 U.S.C. 1971(c) (1964).

⁸⁶See U.S. BUREAU OF THE CENSUS, 1960 CENSUS OF THE POPULATION, SUBJECT REPORT: EDUCATIONAL ATTAINMENT, Final Report No. PC(2)-5B, at 156 (1963). Sixty percent of male farmworkers have attained no more than seven years of schooling. Over 35 percent have completed four years or less. A California study of literacy among farmworkers of Mexican descent, however, showed that 60.1 percent were literate in English, with an additional 36.7 percent able to read Spanish, but not English. ADVISORY COMM. ON FARM LABOR RESEARCH, CAL. ASSEMBLY COMM. ON AGRICULTURE, THE CAL. FARM LABOR FORCE: A PROFILE 71 (1969).

⁸⁷See note 25, *supra*.

⁸⁸ARIZ. REV. STAT. ANN. § 16-101 (1956); CAL. CONST. art. II, § 1.

⁸⁹*Katzenbach v. Morgan*, 384 U.S. 641 (1966); *South Carolina v. Katzenbach*, 383 U.S. 301 (1966).

citizens.⁹⁰ The Puerto Rican population of New York is the principal beneficiary of another provision of the same act, under which a sixth grade education in an "American flag school" in which the primary language of instruction was other than English is deemed sufficient to satisfy any state-required showing of literacy.⁹¹ Furthermore, the Nixon Administration has proposed to Congress that federal voting rights legislation be extended to eliminate all remaining literacy requirements.⁹²

Estimates by election officials indicate that very few who present themselves for registration in California are refused on the grounds of failure to meet the literacy qualification.⁹³ While this fact suggests that the literacy requirement is not a major barrier to farmworkers who desire to vote, the existence of the requirement nevertheless serves to discourage political involvement on the part of many especially those who are more familiar with a language other than English.⁹⁴ Like the literacy qualification, the additional requirement, embodied in California statute,⁹⁵ that no language other than English be used in carrying out election proceedings is criticised as making many Spanish-speaking Americans feel like outsiders in their native land.⁹⁶ In contrast to California, New Mexico has demonstrated that a state's substantial Mexican-American population can be accommodated in the electoral process. The New Mexico Constitution guarantees that English literacy shall not be established as a qualification for voting,⁹⁷ and state election law provides for the printing of certain election materials in Spanish, as well as English.⁹⁸ Texas, another

⁹⁰See 42 U.S.C. § 1973b (Supp. IV, 1965-68).

⁹¹42 U.S.C. § 1973b(e) (Supp. IV, 1965-68).

⁹²27 CONGRESSIONAL Q., No. 27, July 4, 1969, at 1185.

⁹³When interviewed on January 8, 1969, it was the consensus of clerks in the Department of Elections of Yolo County, Woodland, California, that one or two applicants per month are refused registration because of lack of English literacy. Mr. Simon Pena, Mexican-American Political Association, Woodland, California, stated when interviewed on January 25, 1969, that during a recent Yolo County political campaign, he learned of two or three persons who were disqualified from registering because of their lack of English literacy. Mr. Jack Dias, former deputy registrar in San Bernardino, California, interviewed in Davis in December, 1968, stated that in 1968, the California literacy requirement had no effect in limiting registrations by Mexican-American residents of San Bernardino.

⁹⁴See generally, Callejo, *The Case for the Spanish Speaking*, 4 TRIAL 52 (No. 6, Oct.-Nov., 1968).

⁹⁵CAL. ELECTIONS CODE § 14217 (West 1961). (Section 14217 was enacted pursuant to former CAL. CONST. art. IV, § 24, which was repealed in 1966. Article IV, § 24 required all executive, legislative, and judicial proceedings to be in English.)

⁹⁶See generally Callejo, *supra* note 94.

⁹⁷N.M. CONST. art VII, § 3.

⁹⁸N.M. STATS. §§ 3-4-43, 3-11-3, 3-16-5 (Supp. 1969). Before the revision of the Election Code in 1969, provision for bilingual election materials was far more comprehensive than at present. See former §§ 3-2-41, 3-3-7, 3-3-12 (1953).

state with a large minority of Mexican descent, has made statutory provision for interpreters at polling places to assist voters who do not speak English.⁹⁹

Over ten years have passed since a challenge to a state literacy requirement on constitutional grounds has reached the United States Supreme Court. In *Lassiter v. Northampton County Board of Elections*, the court unanimously held that "in our society where newspapers, periodicals, books, and other printed matter canvass and debate political issues, a State might conclude that only those who are literate should exercise the franchise."¹⁰⁰ In a 1966 decision in which the "compelling state interest" test of the Equal Protection Clause was applied to a challenged voter qualification,¹⁰¹ the California Supreme Court observed that the literacy requirement met the standard since "... illiterates are deemed unfit to vote because they are lacking in the minimal understanding and judgment necessary to exercise the franchise."¹⁰² Although it has been suggested that where discriminatory state action has deprived a class of citizens of educational opportunity, a state may not constitutionally demand a showing of literacy by voters,¹⁰³ the literacy qualification, in and of itself, appears permissible as "germane to one's ability to participate intelligently in the electoral process."¹⁰⁴

Where voters must be not only literate, but literate in the English language,¹⁰⁵ constitutional questions arise which are different from those involved in a requirement of literacy, per se. A case is currently before the California Supreme Court in which persons literate in Spanish, but not in English, argue that the literacy requirement is unconstitutional as applied to them.¹⁰⁶ Disqualification of a person literate in a language other than English arguably may be viewed as a classification based on ancestry, a ground long regarded as constitutionally suspect.¹⁰⁷ Where, as in much of California and Arizona, Spanish language newspapers, periodicals, and broadcasts disseminate

⁹⁹TEX. ELECTION CODE ANN. art. 8.13a (1967).

¹⁰⁰360 U.S. 45, 52 (1959).

¹⁰¹*Otsuka v. Hite*, 64 Cal. 2d 596, 414 P2d 412, 51 Cal. Rptr. 284 (1966).

¹⁰²*Id.* at 602, 414 P2d at 417, 51 Cal. Rptr. at 289 (dictum).

¹⁰³*See Gaston County v. United States*, 288 F. Supp. 678, 689-90 (1968) *aff'd* 395 U.S. 285, 89 S. Ct. 1720 (1969).

¹⁰⁴*Cf. Harper v. Virginia State Bd. of Elections*, 383 U.S. 663, 668 (1966).

¹⁰⁵*See, e.g., ARIZ. REV. STAT. ANN. § 16-101* (1956); CAL. CONST. art. II, § 1.

¹⁰⁶*See Castro v. State*, 275 A.C.A. 204, 79 Cal. Rptr. 645 (1969) *hearing granted*.

¹⁰⁷*Korematsu v. United States*, 323 U.S. 214, 216 (1944); *Hirabayashi v. United States*, 320 U.S. 81, 100 (1943) (wartime internment of Japanese-Americans). *See also* U.N. CHARTER art. 55, 59 Stat. 1045-46, (1945), in which the United States has bound itself to promote "... universal respect for, and observation of, human rights and fundamental freedoms for all without distinction as to ... language...."

news and discussion of public issues, "one's ability to participate intelligently in the electoral process" need not depend on his knowledge of English.¹⁰⁸

However, there is a large group of farmworkers who would be unaffected by elimination of the literacy requirement. Even in the absence of a literacy requirement for electors, a farmworker's inability to read and write English may indirectly disqualify him from voting because literacy in English is a prerequisite to receiving United States citizenship by naturalization.¹⁰⁹ Many Mexico-born residents of Texas and New Mexico, where Spanish-speaking voters are accommodated by the election system,¹¹⁰ are prevented from obtaining citizenship by their lack of English literacy. Their lack of citizenship, in turn, denies them the vote. No statistical reports have been found which relate illiteracy in English to lack of citizenship among farmworkers. In California and the Southwest, however, a close connection between the two characteristics may safely be assumed.¹¹¹

IV. CONCLUSION

The meager record of voting by farmworkers, as shown by both the local and national figures set forth in the first section of this paper, confirms what has been said by many others, that the nation's farmworkers are by and large without a voice in the American political process.¹¹² If election laws were to blame for the low farmworker vote, it would make sense for measures such as community political organizing, voter registration campaigns, and political education among farmworkers to merely mark time until the legal barriers were lowered. On the other hand, if the fault does not lie with voter qualification statutes, then litigation and legislative efforts centered around

¹⁰⁸*Cf.* Cardona v. Power, 384 U.S. 672, 675-77 (1966) (dissenting opinion of Douglas, J.).

¹⁰⁹8 U.S.C. § 1423 (1964).

¹¹⁰*See* notes 97-99, *supra*.

¹¹¹*See* notes 43 and 86, *supra*. Figures reported in ADVISORY COMM. ON FARM LABOR RESEARCH, *supra* note 86, at 57 and 71, indicate that some 17 percent of the state's farmworkers are literate in Spanish, but no other language. (46 percent of farmworkers earning over \$ 100 in 1965 were Mexican or of Mexican descent, 36.7 percent of whom read only Spanish.) Mexican nationals make up an estimated 25 to 40 percent of the California farm labor force. No figures have been found to counter the inference that a large part of those farmworkers who are not able to read English are also non-citizens.

¹¹²*See* M. HARRINGTON, *supra* note 71, at 59-61.

reform of restraints on the franchise may have the unfortunate side-effect of deterring farmworkers and their allies from taking practicable steps toward building effective political strength.

The analysis of voting requirements shows that two prerequisites, citizenship and age, combine to cut deeply into the number of farmworkers who are able to cast ballots. On the other hand, the requirement of residency is far less likely to disenfranchise the farmworker than is commonly assumed. Because of the small number of jurisdictions having an educational requirement in effect, coupled with the likelihood that a farmworker's illiteracy in English overlays a lack of United States citizenship, the literacy requirement is also revealed to be a relatively minor barrier to farmworker voting.

Of course, a legal obstacle to voting which is merely believed to exist can be just as effective in discouraging political involvement as a restrictive statute which is actually on the books. If the members of the Senate Subcommittee on Migratory Labor¹¹³ assume that a worker whose livelihood compels him to travel from farm to farm is thereby disenfranchised, it would not be surprising that the farmworker would harbor the same belief about his own political predicament.

As a matter of fact, election laws do not exclude even the migrant. Whatever may be the principal reasons that so few farmworkers vote, whether cultural, sociological, or psychological,¹¹⁴ the blame does not lie with statutory voter qualifications. To wait for the law to change, in hopes the result will be "ballots by the bushel," is to waste time.

Douglas R. Cunningham

Postscript: In a unanimous decision filed March 24, 1970, the Supreme Court of California ruled that the denial of the vote to an otherwise qualified person who is literate in Spanish, but not in English, is a violation of the Equal Protection Clause of the Fourteenth Amendment. The decision, *Castro v. State of California*, does not require the state to provide bilingual ballots and other materials, nor does it alter the literacy requirement for voting as applied to persons literate in languages other than English or Spanish.

¹¹³See note 2 *supra*.

¹¹⁴Some attribute low election involvement of farmworkers to the pervading apathy of the very poor, the fatalism of permanent poverty. See M. HARRINGTON, *supra* note 71, at 131. In the case of the Mexican-American, it has been suggested that an abiding deference to authority has been brought forward from the *patron-peon* culture of Mexico and the Spanish Southwest. See *Hearings on the Effect of Federal Programs on Rural America Before the Subcomm. on Rural Development of the House Comm. on Agriculture*, 90th Cong. 1st Sess., series O, at 225-30 (1967).

