

Voting Rights Revisited

by Doug Israel

Friday, April 21, 2006 12:00 AM

When earlier this month thousands of immigrants and their supporters rallied throughout the streets of lower Manhattan, many were carrying signs that said "Today We March, Tomorrow We Vote."

For those old enough to remember, or attentive enough to history, the sentiment expressed in those signs recalled events decades old, largely in the rural South, that led up to the passage of the [Voting Rights Act of 1965](#).

But the Voting Rights Act has more connection to the recent marchers than just sentiment. Some provisions in it continue to affect parts of New York City directly. And, set to expire in 2007, they are being debated by some of the same people who are arguing over immigration.

The Voting Rights of 1965

On March 7, 1965 state troopers attacked and beat marchers in Selma, Alabama, en route to the state capitol in Montgomery. The marchers were demanding a repeal of poll taxes, literacy tests and grandfather clauses — all forces that effectively denied them their [right to vote](#) under the fifteenth amendment — when they were met by law enforcement officers also intent on denying them their constitutional right to peaceful protest protected by the [first amendment](#).

The attention this received and the persistence of the movement for voting rights, convinced President Lyndon B. Johnson and the U.S. Congress to pass the Voting Rights Act of 1965. At the time of passage President Johnson proclaimed: "Every American citizen must have an equal right to vote. Yet the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes."

While initially intended to address discriminatory voting practices that targeted African American voters, the scope and impact of the legislation has been much wider. The Voting Rights Act of 1965, and subsequent amendments, have been instrumental in blocking discriminatory practices of elections administrators and ensuring greater participation and representation for language and racial minority voters.

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Sounding the death knell for literacy tests and grandfather clauses the act applied a nationwide prohibition against the denial or abridgment of the right to vote on the basis of race, color, or membership in specified language minority groups ([Section 2](#)).

From its inception, the act also prevented specified jurisdictions from making changes to their election systems without receiving “pre-clearance” from the federal government. This section, commonly referred to as [Section 5](#) is distinct in that it is geographically specific, containing special enforcement provisions targeted at those areas of the country where Congress believed the potential for discrimination to be the greatest.

While all of Alabama, Georgia and several other states are covered, so is much of New York City, specifically the Bronx, Brooklyn and Manhattan.

One other major element of the Voting Rights Act was added in 1975 after the case had been made that voting discrimination had been suffered by Hispanic, Asian and Native American citizens even after passage of the Act 10 years earlier. [Section 203](#) added protections from voting discrimination for language minority citizens by requiring political jurisdictions with populations of minority language voters that reached a certain size of the electorate to provide bilingual written materials and other assistance.

The Voting Rights Act in New York City

In New York City, the primary elections of 1981 were abruptly halted two days before Election Day as the courts found that the city not only failed to get pre-clearance of their newly drawn city council lines, but that the lines were drawn in a manner that would have diluted the Latino/Latina voting bloc. State Senator Carl Andrews, a former council member and original plaintiff in the lawsuit, believes it was a watershed moment in New York City’s election history: “The front page of the New York Times read ‘Election Cancelled.’ People took notice—and we did away with the old system.” As a direct consequence the city’s Board of Estimate was dissolved and the city was compelled to expand from 35 to 51 members of the City Council and a redrawing of district lines to increase minority representation on the council. This ushered in greater numbers of African American and Latino council members and the city’s first ever Asian Pacific American legislator, John Liu, in 2001.

Under the Voting Rights Act, the Bronx, Manhattan and Brooklyn have been required to provide all registration and voting material in Spanish as well as English since 1975. Coverage of Chinese was applied for the first time in all three boroughs in 1992 at the same time that

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coverage for Spanish was extended to Queens. After the 2000 census it is now required that elections materials be available in Korean in Queens.

In [testimony to Congress](#) , Margaret Fung of the [Asian American Legal Defense Fund](#) (AALDEF) , a civil rights organization based in New York City that for 31 years has promoted and protected the rights of Asian Americans, proclaimed the voting rights act (specifically Section 203) a success story. "Section 203 has removed barriers to voting and opened up the political process to thousands of Asian Americans, many of them first-time voters and new citizens," Fung said. "It has also aided grass-roots efforts to increase voter registration among Asian Americans." However, according to voting rights groups the Voting Rights Act has not always lived up to its potential. AALDEF is quick to point out that language materials in Spanish, Chinese and Korean, while required at certain polling sites, are often not available on Election Day. The group also argues that with so many immigrant groups and different languages spoken in New York City, many people are not protected by the Voting Rights Act and thus ballot materials are not provided in their language.

The Future of the Act

Last year marked the 40th anniversary of the Voting Rights Act and the beginning of debate over the reauthorization of the temporary provisions that expire in 2007. While groups like AALDEF, the League of Women Voters and the ACLU have joined together in a campaign effort to ["Renew the VRA"](#) there is vocal opposition to its reauthorization, or at least to parts of it.

Representative Peter King from Long Island, sponsor of the controversial immigrant criminalization bill HR 4437, has led an effort in Congress to block renewal of the language assistance provisions of the Voting Rights Act. Fifty-six members of the U.S. House recently signed a letter circulated by King of New York and Steve King of Iowa urging House Judiciary Committee Chairman James Sensenbrenner of Wisconsin (the other lead sponsor of HR 4437), to fight against the renewal of Section 203. The [letter argues](#) (in pdf format) that multilingual ballots "divide our country, increase the risk of voter error and fraud, and burden local taxpayers." The letter cites a November 2005 Los Angeles Times article that reported Los Angeles County had spent more than \$2.1 million to provide interpreters and multi-language ballots for the 2004 election and it states that in 1996, one county in California had to spend \$30,000 on Spanish ballots when only one resident requested Spanish materials.

The representatives also wrote that "federal law protects the right of all citizens to bring an interpreter into the voting booth with them if they have difficulty understanding a ballot written in English." According to King and others, that practice is "the right approach." Glenn Magpantay, staff attorney with AALDEF believes the financial argument against the multilingual provisions of

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the voting rights act is just a smokescreen. "It's basically just a misguided nativist argument," states Magpantay. "This provision allows more Americans to vote." AALDEF is actually advocating for various measures to make it even easier to get language assistance at the polls.

We may see a debate in the coming months over Section 5 pre-clearance as well. While the pre-clearance has helped protect the rights of those in the specified jurisdictions, some argue it has outlived its usefulness, and should be allowed to expire. Others argue it should be expanded to a national level.

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