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“‘We Can’t Be Ignored Anymore’: A History of the
Latinx Voting Rights Movement, 1960-1975”

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Abstract

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This dissertation explores how Puerto Ricans and later Chicanxs mobilized through distinct organizational and political tactics to claim citizenship rights, specifically by invoking race strategically to reshape race and politics in the U.S. Focusing on decades of the 1960s and 1970s when Black people pressed for voting rights legislation and built political influence in the electoral system, my study traces the efforts of the two Latinx communities to expand the voting rights debate and to challenge prevailing notions of race. Although Chicanxs and Puerto Ricans wrestled with different statuses under U.S. law, neither was officially recognized as a “race” eligible to claim the race-based constitutional protections of the 14th amendment, the foundation for the 1965 Voting Rights Act. In response, they built their own political leverage to enter the voting rights debate and organized against English literacy tests even after literacy tests had supposedly been outlawed. The Latinx movements for voting, I argue ultimately, contested and facilitated the emerging colorblind hegemony of U.S. racial politics.

Table of Contents

Acknowledgments.....	v
INTRODUCTION.....	1
CHAPTER ONE: The Building of Puerto Rican Political Leverage in New York: Mobilizing for Voting Rights as Spanish-Speaking Colonial Citizens.....	23
CHAPTER TWO: Language Discrimination A More Vicious Form of Racism: The 1962 Anti-Literacy Test Debate, Spanish-Language Rights, and Racial Liberalism.....	78
CHAPTER THREE: The Limits of the Voting Rights Act of 1965: The Puerto Rico Provision and Mexican American Voter Suppression.....	121
CHAPTER FOUR: “We Need a Chicano Voting Rights Act”: Mexican Americans Mobilize to Democratize the American West.....	150
CHAPTER FIVE: “We Can’t be Ignored Anymore”: The Latinx Campaign to Broaden the Voting Rights Act in 1975.....	179
EPILOGUE: The Unfilled Goals of the Voting Rights Act of 1975.....	218
Bibliography.....	234

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Dedication

To all the dedicated Latinx voting rights activists.

INTRODUCTION

In early 1968, Sam Martinez met with Yakima County Auditor, Eugene Naff, and demanded he appoint Spanish-speaking registrars to help Mexican Americans register to vote. As president of the Mexican American Federation, a recently formed local organization, Martinez and its members believed Mexican Americans in Washington state had to exert political pressure on local governments to improve their livelihood using the ballot. Standing in their way, however, was the state's language exam that required prospective voters to read and speak English. Martinez informed Naff that the Voting Rights Act of 1965 had suspended literacy tests and shielded Spanish speakers from English literacy prerequisites. Therefore, the recruitment of multilingual registrars was necessary.

The Yakima County Auditor explained that he was aware of the voting rights law. "I still don't see, however, how anyone who can't read English can figure out how to vote on a ballot in which the names are rotated," stated Naff. He added that by helping Mexican American voters they would be receiving "special provisions." "Personally," Naff argued, "I believe it is a privilege to register to vote." The auditor later learned that the Voting Rights Act had not outlawed Washington's literacy exam, and exclusively exempted Puerto Ricans from the English language test. The "Puerto Rico provision" was intended to prohibit the State of New York from disenfranchising Puerto Ricans, who completed a sixth-grade education where English was not the primary language of instruction. Armed with this information, Naff felt no obligation to heed Martinez's plea.¹

¹ "Mexican-Americans Seek Spanish-speaking Registrars," *Yakima Herald-Republic*, Yakima, Washington, March 8, 1968.

Naff's refusal to enlist registrars fluent in Spanish led the Mexican American Federation to file a class action lawsuit against Yakima County in 1968. The political organization argued that Washington's English literacy exam disenfranchised Mexican American voters in violation of the Voting Rights Act. A three-judge panel ruled that the legislation's coverage excluded Washington state, and had no literacy test but merely a *requirement* to read and speak English. The so-called crowning achievement of the civil rights movement that dramatically increased African American voter registration rates in the South, offered no protection to Mexican Americans against English language exams in Washington state and also Arizona, California, and Oregon.

The Voting Rights Act of 1965 was a significant civil rights law. The legislation temporarily suspended literacy tests, prohibited the enforcement of new voting rules without preclearance from the federal government, and allowed for the appointment of examiners to ensure that persons could register and vote without issue. For Mexican American voters in the American West, however, it was powerless to protect them. The safeguards of the Voting Rights Act were largely limited to the six Deep South states and focused on African Americans who were subject to Jim Crow segregation and discriminatory voting restrictions, including literacy tests. And although the legislation challenged literacy exams, English knowledge was still understood as essential for United States (U.S.) citizens to exercise the vote. While some Puerto Ricans, especially in New York, were exempt from the language requirement under the voting rights law, it failed to provide them with the right to vote in Spanish.

In 1970, the Voting Rights Act was renewed for an additional 5 years and banned English literacy tests throughout the country and removed a barrier for Latinx voters, but its other

mighty provisions remained inaccessible to them. Latinxs continued to be blocked from the ballot by English-only elections and other tactics. Recognizing that the Voting Rights Act was not written to fully protect Mexican Americans or stateside Puerto Ricans, both groups formed dynamic movements to broaden the legislation to address their unique obstacles.

This project is about how Latinx people mobilized against voter suppression in the post-World War II era.² I trace how mainland Puerto Ricans and later Mexican Americans organized at local levels to fight for voting rights, and gradually built political leverage and developed a strategy to demand voting protections. To further democratize the franchise, Puerto Ricans and Mexican Americans employed distinct organizational and political tactics, exposed the limitations of the 1965 act, and eventually came together to create a political campaign to broaden the Voting Rights Act in 1975. I argue that Mexican Americans and Puerto Ricans learned to invoke the ongoing U.S. history of colonialism, language discrimination, and race strategically to claim citizenship rights that contested and facilitated the emerging colorblind hegemony of U.S. racial politics. Ten years after the landmark voting rights bill passed, Latinx voting rights activists outlawed English-only elections, won Spanish-language assistance, and were able to take advantage of the legislation's powerful provisions to maximize their voting strength.

² A note on terminology and translations. I use the terms "Latinx" and "Chicanx" as a gender neutral and nonbinary options, and specifically, "Latinx," as an umbrella term for all individuals from Spanish-speaking nations from Latin America and the Caribbean. I understand that "Latinx" can erase the particular histories of Latin American and Caribbean groups in the United States, and so apply the national-origin terms whenever possible. For the people of Mexican-descent, I use the "Mexican American," "Mexican-origin," "Mexican-descent," and, when politically appropriate, "Chicanx." When referring to Puerto Ricans, they will appear as "Puerto Ricans" or "Puertorriqueños," regardless of their place of birth or residence. The terms "Spanish-American," "Spanish-origin," "Spanish-speaking," "Spanish-surnamed," "Hispanic," "Hispano," and "Latino" are used when the historical actors identified themselves and their community in this way, or referred to the community using these terms. For names and phrases in Spanish, I use diacritical markings such as accent marks, as applied or preferred by historical actors. Unless stated, all translations are my own.

Why were Latinx people not included in the Voting Rights Act of 1965? And why did it take them a decade to secure protections under the voting rights law? Like Black people, Latinxs were blocked from the ballot across the country but their problems were overshadowed by the African American suffrage movement. Since the dawn of the twentieth century, Black activists such as W.E.B. Du Bois, White liberals, and organizations such as National Advancement for the Association of Colored People (NAACP) founded in 1910, demanded voting rights for the community to gain political emancipation. In spite of litigation and countless voter registration drives, by the 1950s, the percentage of Black registered voters remained low and White southerners' opposition to their enfranchisement intensified. Yet, the NAACP, Southern Christian Leadership Conference, and Student Nonviolent Coordinating Committee persisted to press for voting rights legislation. African Americans and their White allies spent decades protesting, lobbying, and working directly with the executive branch and policy makers to protect Black voters. When the 1965 law passed, it was unsurprisingly written to address the voting irregularities suffered by African Americans. Latinx voter suppression was pushed to the periphery as it was not considered a national priority or necessary for racial equality. Activists fighting for Latinx voting rights had to develop a strategy to break into a civil rights agenda that was understood as an African American issue. Breaking through took years and incorporation of the Latinx people into the Voting Rights Act was complicated and never guaranteed.

This study examines not only the process by which Latinxs won voting rights with Puerto Ricans and Mexican Americans leading the way, but also how bureaucrats, legal and political institutions, and civil rights activists responded to their movement. The mobilization by Latinx

people pitted policy makers against each other, forced governments to more broadly interpret the Fourteenth and Fifteenth Amendments, and moved African American leaders to question the inclusion of Latinxs into the voting rights law, believing it might undercut the entire bill. Moreover, the U.S. Commission on Civil Rights, an influential agency that helped to frame civil rights legislation including the Voting Rights Act with its fact-finding reports and investigations, offered little support to the Puerto Rican and Mexican American community, forcing them to organize independently to win voting rights. Latinx people, however, were less organized than African American civil rights leaders, had few direct ties to influential legislators and the executive branch, and their causes received less media attention. The Latinx community was also by no means homogenous. It was mainly composed of Mexican Americans, Puerto Ricans, and Cubans, who had distinct political priorities and lived in different parts of the country. And before the 1970s, there was no term or panethnic identity they agreed upon that united the groups.

Despite the numerous challenges, Latinx activists and their allies found a way to enter the voting rights debate and created a historic political shift, convincing policy makers to remedy Latinx voter suppression. The 1975 VRA incorporated Latinx voters under a new legal category of “language minority.” This was a crucial step that connected language discrimination with race, and it defined what communities merited protection. As a result, Asian Americans and Native Americans were also designated as protected groups who faced a long history of voter discrimination and educational disparities. Although the legislation removed the blatant forms of voter discrimination, it simultaneously portended a political discourse of color blindness that dismissed and ignored the ongoing significance of race in U.S. politics.

The movement to contest the idea that voter suppression was exclusively an African American problem began with the migration of Puerto Ricans to New York in the 1940s and 1950s. They used their status as Spanish-speaking colonial U.S. citizens to resist the state's English literacy test and enter the voting rights debate. Stateside Puerto Ricans made a case that they were racially discriminated against and deprived of the right to vote. Puerto Rican activists from New York gained the support of the Spanish-language press, elected Puerto Rican officials, and community organizations, who in turn put pressure on their local and state governments to eliminate the state's English literacy exam. They also secured the backing of New York's powerful and large congressional delegation and the U.S. Attorney General, Robert Kennedy, who advocated for Puerto Rican voting rights in Congress as early as 1962. Due to their early activism, the Voting Rights Act of 1965 included a Puerto Rico provision that exempted members of the community who were educated in Puerto Rico from language exams, but it did not guarantee them the right to vote in Spanish.

Chicanx people were entirely left out of the Voting Rights Act. As the bill was debated in Congress, western senators testified that people of Mexican-descent were bilingual, faced no restrictions to the ballot, and exercised the franchise often at a higher rate than Whites. The community knew differently. After the 1965 law passed, Mexican American activists watched African Americans take advantage of the legislation and began calling for a Chicano Voting Rights Act to gain protections and increase their political strength. They used the legal system to challenge literacy tests in the American West, demand for Spanish-language assistance, and contest at-large election systems. Unlike Puerto Ricans who were labeled by the federal government as "special citizens" and merited a degree of protection under the 1965 law,

Mexican Americans followed the African American example and used race and equal rights rhetoric to gain protections.

The renewal of the Voting Rights Act in 1975 provided Mexican Americans with the opportunity to insert themselves into the law. By this time, Mexican Americans and Puerto Ricans had elected their own to Congress who supported voting rights for Latinxs. Edward Roybal of California and Herman Badillo of New York led an intense political campaign to modify the coverage of the Voting Rights Act. African American civil rights leaders wanted a simple renewal of the law without any modifications. Lawmakers were also skeptical about the constitutionality of protecting Latinx voters as non-English speakers, non-White persons. To complicate matters, Southern Democrats and Republicans could come together in Congress to defeat any bill that attempted to expand the coverage of the legislation. Yet Latinx people found allies in Congress who used their policy making skills to expand the coverage of the law in 1975.

This study deepens our understanding of the voting rights movement. Many histories about voting rights have overlooked the activism by Latinxs, producing accounts that do not reflect the multifaceted and complex realities of the movement. To an important degree, the mobilization by Puerto Ricans and Mexican Americans was a continued critique of U.S. liberalism. Although they were promised equal citizenship including voting privileges both were denied rights as a result of colonialism and racism that underpinned American politics.

Scholars have investigated how the right to vote was debated, restricted, and extended, a process that has uncovered the challenges to democratize the ballot in the U.S. Much has

been written about how African Americans mobilized to win franchise rights.³ There is also a rich history of the women's suffrage movement.⁴ Scholars have recently begun to broaden the historiography by exploring the voting histories of Native Americans, Asian Americans, and Latinxs.⁵ This dissertation contributes to that project.

The most comprehensive history of the right to vote to date is Alexander Keyssar's, *The Right to Vote: The Contested History of Democracy in the United States*.⁶ Keyssar provides a wide-ranging history from the nation's founding up to 2009, showing how the right to vote was regulated using numerous devices including residency and property requirements, literacy tests, gender, and race. He also summarizes the histories of women, African American, and

³ On African American voting rights see William Gillette, *The Right to Vote: Politics and the Passage of the Fifteenth Amendment* (Baltimore: John Hopkins University Press, 1965); J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restrictions and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974); Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969* (New York: Columbia University Press, 1976); Thomas Holt, *Black over White: Negro Political Leadership in South Carolina during Reconstruction* (Urbana: University of Illinois Press, 1977); Paul Finkelman, ed., *African Americans and the Right to Vote* (New York: Garland, 1992); Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Knopf, 1993); Ronald W. Walters, *Freedom Is Not Enough: Black Voters, Black Candidates, and American Presidential Politics* (Lanham: Rowan & Littlefield Publishers: 2005); Gordon A. Martin, *Count Them One by One: Black Mississippians Fighting for the Right to Vote* (Jackson: University Press of Mississippi, 2010); Darryl Pinckney, *Blackballed: The Black Vote and US Democracy* (New York: New York Review Books, 2014); and Evan Faulkenbury, *Poll Power: The Voter Education Project and the Movement for the Ballot in the American South* (Chapel Hill: University of North Carolina Press, 2019).

⁴ On women's voting rights see Ellen Carol DuBois, *Feminism and Suffrage: The Emergence of an Independent Women's Movement in America, 1848-1869* (Ithaca: Cornell University Press, 1978); Sara Hunter Graham, *Woman Suffrage and the New Democracy* (New Haven: Yale University Press, 1996); Christine A. Lunardini, *Women's Rights* (Phoenix: Oryx Press, 1996); Ellen Carol DuBois, *Woman Suffrage and Women's Rights* (New York: New York University Press, 1998); Katherine H. Adams and Michael L. Keene, *Alice Paul and the American Suffrage Campaign* (Urbana: University of Illinois Press, 2008); Allison L. Sneider, *Suffragists in an Imperial Age: U.S. Expansion and the Woman Question, 1870-1929* (New York: Oxford University Press, 2008); and Susan Goodier and Karen Pastorello, *Women Will Vote: Winning Suffrage in New York State* (Ithaca: Cornell University Press, 2017).

⁵ On Native American voting rights see: Daniel McCool, Susan M. Olson, and Jennifer L Robinson, *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote* (Cambridge: Cambridge University Press, 2007); and Laughlin McDonald, *American Indians and the Fight for Equal Voting Rights* (Norman: University of Oklahoma Press, 2010). For Asian American voting see: Pei-te Lien, *The Making of Asian America through Political Participation* (Philadelphia: Temple University Press, 2001); and Don T. Nakanishi and James S. Lai, *Asian American Politics: Law, Participation, and Policy* (Lanham: Rowman & Littlefield, 2003).

⁶ Alexander Keyssar provides a comprehensive history of the right to vote. See Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books Press, 2009).

immigrant struggles to win the right to vote. Yet, with regards to the Latinx voting rights movement or the amended Voting Rights Act in 1975, Keyssar's analysis is more descriptive than critical. And in general, the history of suffrage overlooks the unique barriers Latinx people faced and does not adequately analyze how Latinxs won the vote.

There is a large secondary literature on the Voting Rights Act itself, which has two main veins. Most of the scholarship on the legislation has analyzed its impact in relation to African American communities. The work of historian Steven F. Lawson is representative of this perspective. In books such as *Black Ballots: Voting Rights in the South, 1944-1969*, *In Pursuit of Power: Southern Blacks and Electoral Politics, 1965-1982*, and *Running for Freedom: Civil Rights and Black Politics in America since 1941*, Lawson effectively demonstrates the transformative impact the Voting Rights Act had on Black political participation and representation.⁷

A second trend of the scholarship is to focus on the merits of the Voting Rights Act itself. On the one hand, scholars such as Gary May in *Bending Toward Justice: The Voting Rights Act and the Transformation of America* and Ari Berman in *Give Us the Ballots: The Modern Struggle for Voting Rights in America* argue that the law is one of the greatest triumphs of social justice and equality but its achievements are in jeopardy.⁸ On the other end of the spectrum, Abigail Thernstrom has been much more critical of the Voting Rights Act's accomplishments. In *"Whose Votes Count?: Affirmative Action and Minority Voting Rights and Voting Rights and Wrongs: The*

⁷ Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969* (New York: Columbia University Press, 1976); Steven F. Lawson, *In Pursuit of Power: Southern Blacks and Electoral Politics, 1965-1982* (New York: Columbia University Press, 1985); and Steven F. Lawson, *Running for Freedom: Civil Rights and Black Politics in America since 1941* (Philadelphia: Temple University Press, 1991).

⁸ Gary May, *Bending Towards Justice: The Voting Rights Act and the Transformation of American Democracy* (New York: Basic Books, 2013); and Ari Berman, *Gives Us the Ballot: The Modern Struggle for Voting Rights in America* (New York: Farrar, Straus, and Giroux, 2015).

Elusive Quest for Racially Fair Elections, she argues the act has deviated from its initial aim to supposedly create universal suffrage but established elections that are race based.⁹ In effect, Thernstrom contends, the Voting Rights Act has created racially isolated African American legislators clustered together and on the margins of American politics. While collectively these works have generated much debate about the legislation, they focus almost exclusively on the 1965 law, saying little about the 1975 extension and the fight for Latinx voting rights.

The literature related specifically to the Voting Rights Act of 1975 is quite limited. Legal scholars have written about the legislation in academic law review journals. Their articles focus on the constitutionality, effectiveness, and legislative history of the act and the groups affected, but less on the movement and historical contingencies that led Congress to amend and pass the Voting Rights Act in 1975.¹⁰ And other scholars have documented how Supreme Court rulings led to the passage of the amended law.¹¹ Providing another viewpoint, some have argued that Puerto Rican and Mexican American voting rights activists were instrumental in broadening the legislation.¹²

⁹ Abigail M. Thernstrom, *Whose Votes Count?: Affirmative Action and Minority Voting Rights* (Cambridge: Harvard Press, 1987); and Abigail M. Thernstrom, *Voting Rights and Wrongs: The Elusive Quest for Racially Fair Elections* (Washington D.C.: The AEI Press, 2009).

¹⁰ Sandra Guerra, "Voting Rights and the Constitution: The Disenfranchisement of Non-English Speaking Citizens," *Yale Law Journal* 97 (1988): 1419-1827; Glenn D. Magpantay, "Asian American Access to the Vote: The Language Assistance Provisions (Section 203) of the Voting Rights Act and Beyond," *Asian Law Journal* 11 (2004): 31-56; Terry M. Ao, "When the Voting Rights Act Became Un-American: The Misguided Vilification of Section 203," *Alabama Law Review* 58, no. 2 (2006): 377-97; Jocelyn Benson Friedrichs, "Su Voto Es Su Voz! Incorporating Voters of Limited English Proficiency into American Democracy," *Boston College Law Review* 48, no. 2 (2007): 251-329; and Brian J. Sutherland, "The Patchwork Of State And Federal Language Assistance For Minority Voters And A Proposal For Model State Legislation," *New York University Annual Survey of American Law* 65 (2009): 323-839.

¹¹ See Carlos Soltero, *Latinos and American Law Court Cases* (Austin: University of Texas Press, 2006); James Thomas Tucker, *The Battle Over Bilingual Ballots Language Minorities and Political Access under the Voting Rights Act* (Vermont: Ashgate Publishing, 2009); and Henry Flores, *Latinos and the Voting Rights Act: The Search for Racial Purpose* (Lanham: Lexington Books, 2015).

¹² Juan Cartagena, "Latinos and Section 5 of the Voting Rights Act: Beyond Black and White," *National Black Law Journal* 18, no. 2 (2004): 201-23; and Juan Cartagena, "Puerto Ricans and the 50th Anniversary of the Voting Rights Act of 1965," *National Institute for Latino Policy*. July 28, 2015; Maggie Rivas-Rodriguez, *Texas Mexican-Americans*

Recently a small number of legal scholars and historians have looked at the implications of the 1975 law for Latinx voting. These include a book length study of the revised legislation by James Thomas Tucker, a lawyer and voting rights activist. In *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act*, Tucker provides an in-depth legislative history of the Voting Rights Act's Section 203 that mandated bilingual elections temporarily in designated areas and its evolution from 1975 to 2006.¹³ Tucker examines the special protections and specific language assistance provided to voters beginning in 1975, demonstrates how the coverage formula for bilingual elections was extended to additional states under the reauthorization in 2002, and concludes by examining the 2006 debates regarding the Voting Rights Act's reauthorization.¹⁴ While Tucker provides a comprehensive history of the legislation, his narrative focuses on bilingual ballots and overlooks the activism by Latinx people, in its many forms, to expand the law.

This project builds upon and expands the scholarship on voting rights history, in general, and the Latinx movements in particular. My dissertation uncovers how literacy tests were used and deployed to disenfranchise Puerto Ricans and Mexican Americans. They were not simply a convenient weapon that was repurposed to block Latinxs from the ballot. For example, Puerto Rico's Migration Division believed that English literacy tests could be used to prove that Puerto

and the Postwar Civil Rights (Austin: University of Texas, 2015); Luis Ricardo Fraga, "The Origins of the 1975 Expansion of the Voting Rights Act: Linking Language, Race, and Political Influence," in *US Latina & Latino Oral History Journal* 1, (2017); Ariel Arnau, "Suing for Spanish: Puerto Ricans, Bilingual Voting, and Legal Activism in the 1970s" (PhD diss., The City University of New York, 2018); and Benjamin Francis-Fallon, *The Rise of the Latino Vote: A History* (Cambridge: Harvard University Press, 2019)

¹³ James Thomas Tucker, *The Battle Over Bilingual Ballots Language Minorities and Political Access under the Voting Rights Act* (Vermont: Ashgate Publishing, 2009).

¹⁴ A covered jurisdiction by Section 203 is where more than 5 percent of the population is limited-English proficient and are members of a single language minority.

Ricans were willing to assimilate and valued American citizenship. Rather than challenge the English literacy law, the colonial government agency worked to encourage Puerto Ricans to acquiesce to the language exam.

Moreover, by shifting the attention to how literacy tests operated to exclude Latinx voters in the North and the American West, regions that were supposedly more equitable and less racist than the Deep South, it sheds light on the distinct voting challenges they faced. In the South, African Americans were subject to overt forms of racism and Jim Crow laws, but in other regions these forms of discrimination were banned. The administration of literacy tests in the South was also understood as a racist strategy to exclude Black voters. Yet, in the North and the American West, the enforcement of the language prerequisite was believed to be fair, non-discriminatory, and race-neutral unlike the Deep South. Stateside Puerto Ricans and Mexican Americans opposed this belief. They insisted the language requirement was not fair or colorblind but a racist instrument. In doing so, Latinx people argued that English literacy tests were not a regional but a national issue; and that beyond outlawing the device, Latinxs also needed voter protections provided by the voting rights bill including Spanish-language rights.

This study provides a detailed account of the Latinx political campaign to extend the coverage of the Voting Rights Act that scholars have taken as a given. Generally, scholars have focused on the outcome of the legislation rather than investigate the movement by mainland Puerto Ricans and Mexican Americans to modify the act. I carefully document the complex legislative history and events that contributed to the passing of the bill. The efforts to expand the coverage of the Voting Rights Act exposed serious frictions between African American civil rights leaders intent on simply renewing the 1965 law, and Latinx activists and allies who were

determined to broaden its protections. The constitutionality of amending the law was also unclear since there was no consensus as to whether Latinx people were a “race or color.” There was also the threat that Southern Democrats and Republicans might unite to defeat a modified bill. For these reasons, Latinx people’s efforts of amending the original voting rights law seemed doomed to fail. Yet, I demonstrate for the first time, how a remarkable team of congressional allies, including Congresswoman Barbara Jordan (D-TX), Senator John Tunney (D-CA) and Senator Birch Bayh (D-IN) rescued the proposal and hammered out a bit of legal wizardry to overcome a key constitutional problem.

In exploring this critical act of lawmaking in 1975 as well as the two decades of activism, lawsuits, and political dealing that preceded it, this study sheds new light on several issues of great concern to the fields of race studies, Latinx history, and American political history. Race making or racial construction is a vital area of inquiry for Latinx scholars who trace a history of uneven racialization. American legal institutions since the Treaty of Guadalupe Hidalgo mostly mark Latinx people as an ethnic group instead of a race group while in every other sense Latinx are racialized as a non-White population. This complicated status underlines every aspect of the Latinx voting rights struggle we examine. African Americans and their civil rights allies based legal remedies on the Fourteenth and Fifteenth Amendments which offer protections on the basis of race or color. If Latinx people were not a race, they could not claim the same constitutional rights. Indeed, U.S. courts tended to see Latinx people as just another immigrant group, no different than German or Polish Americans. Puerto Rican and Mexican American activists were determined to assert something different. Puerto Ricans told lawmakers that they were not newcomers but Spanish-speaking people who were colonized and granted

American citizenship without an English-language requirement. Puertorriqueños articulated that the language they spoke racialized them as non-White, attempting to position themselves as a discriminated racial group. People of Mexican descent inspired by the Chicano Movement also embraced their racial status as non-White peoples to win voting rights. By the 1960s, members of the community had started to call themselves Chicanos and rejected Whiteness and English-only practices. Chicanxs embraced a Brown racial identity and supported bilingual education as a means to cement their identity. Although Puerto Ricans and Chicanxs claimed a non-White identity, the legal system continued to operate on a Black-White binary, which required them to construct a new racial and legal category—language minority. Latinx people and their allies’ use of language minority transcended the Black-White view of the Fourteenth and Fifteenth Amendments as it connected language discrimination to racism and voter suppression.

This study also adds to the understandings of the complexities and contradictions of racial liberalism as a framework of thought in the Civil Rights era. The civil rights acts passed in the 1960s were the ultimate achievement of the broad coalition of liberals who came to political power in the Kennedy and Johnson years. Daniel Martinez HoSang in *Racial Propositions* writes that these political leaders embraced racial liberalism, and “generally shared the belief that racism and racial subjugation were fundamentally incompatible with the emancipatory tenets of the American Creed...”.¹⁵ It was necessary to reject race-based discrimination and exclusion by using the federal government so that non-Whites received

¹⁵ Daniel Martinez HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010), 14.

equal treatment under the law. Remarkably, while the supporters of Latinx voting rights including Spanish-language provisions used racial liberalism's political vocabulary (i.e. rights, equality, opportunity, and freedom) to argue for language rights, the proponents used identical words to challenge the movement. Southern senators asserted that protection for Latinx voters only violated the rights and discriminated against other non-English literate citizens including Jews, Poles, and Chinese along with Indigenous peoples. The language of racialized liberalism was used to advance different political agendas.

This dissertation pushes the historiography of Ethnic Studies, and in particular Chicanx and Puerto Rican studies, in new directions. Historians who identify as Chicanx or Puerto Rican have framed their people's histories from "the bottom up," using culture, ethnicity, and race to narrate their experience in the U.S. This approach has produced a rich history on the Chicanx and Puerto Rican Movements that created a transformative shift in the way these groups perceived themselves, resisted marginalization, and established a sense of belonging in American society.¹⁶ As it pertains to political change through electoral politics, Ethnic Studies experts have not fully examined how colonialism informed Latinxs political mobilization and

¹⁶ On the Chicano Movement see, Rodolfo Acuña, *Occupied America: The Chicano's Struggle toward Liberation* (San Francisco: Canfield Press, 1972); Mario Barrera, *Beyond Aztlan: Ethnic Autonomy in Comparative Perspective* (New York: Praeger, 1988); Carlos Muñoz, *Youth, Identity, Power: The Chicano Movement* (New York: Verso, 1989); Ignacio García, *Chicanismo: The Forging of a Militant Ethos among Mexican Americans* (Tucson: University of Arizona Press, 1997); Mario T. García, *The Chicano Movement: Perspectives from the Twenty-first Century* (New York: Routledge, 2014); Juan Gómez-Quíñones and Irene Vásquez, *Making Áztlán: Ideology and Culture of the Chicana and Chicano Movement, 1966-1977* (Albuquerque: University of New Mexico Press, 2014); and Marc S. Rodriguez, *Rethinking the Chicano Movement* (New York: Routledge, Taylor and Francis Group, 2015). On the Puerto Rican Movement, see, Andrés Torres and José Torres, *The Puerto Rican Movement: Voices from the Diaspora* (Temple University Press, 1998); Lorrin Thomas, *Puerto Rican Citizen: History and Political Identity in the Twentieth-Century New York City* (Chicago: University of Chicago Press, 2010); Darrel Wanzer-Serrano, *The New York Young Lords and the Struggle for Liberation* (Philadelphia: Temple University Press, 2015); and Lorrin R. Thomas and Aldo A. Lauria Santiago, *Rethinking the Struggle for Puerto Rican Rights* (New York: Routledge, Taylor and Francis Group, 2018).

participation.¹⁷ A close reading of the anti-literacy test deliberation in Congress during 1962, for example, reveals that Puerto Rico's colonial status and rejection of English-only policies shaped the political debate. Legislators had to reckon with the fact that Puerto Ricans possessed citizenship yet were monolingual Spanish-speakers. Since they were not an immigrant group, the expectation for them to learn English to vote was problematic because it violated their supposed equal rights to the franchise. The imperial state was required to make legal contortions to either exclude or incorporate stateside Puerto Rican voters, which exposed the quasi-colonial and quasi-independent political status of the island. To maintain the political ambiguity of the island, the state had to reconstitute itself through the voting process by granting mainland Puerto Ricans voting rights through "immigration" while continuing to block Puerto Ricans living on the island from representative government in Congress.

The field of Ethnic Studies has been hesitant to seriously engage with political history due to the lack of agency given to ethnic groups and their movements within American politics.

¹⁷ I want to note that political scientists have paid greater attention to the involvement of Chicanxs, Puerto Ricans, and in general, Latinx, in American politics. See F. Chris Garcia, ed., *La Causa Política: A Chicano Politics Reader* (Notre Dame: University of Notre Dame Press, 1974); F. Chris Garcia, *The Chicano Political Experience: Three Perspectives* (Massachusetts: Duxbury Press, 1977); F. Chris Garcia, *Latinos and the Political System* (Notre Dame: University of Notre Dame Press, 1988); Rodolfo O. De La Garza, *Latino Voices: Mexican, Puerto Rican and Cuban Perspectives on American Politics* (Boulder: Westview Press, 1992); Rodney E. Hero, *Latinos and the U.S. Political System: Two-tiered Pluralism* (Philadelphia: Temple University Press, 1992); Louis DeSipio, *Counting on the Latino Vote: Latinos as a New Electorate. Race and Ethnicity in Urban Politics* (Charlottesville: University Press of Virginia, 1996); F. Chris Garcia, *Pursuing Power: Latinos and the Political System* (Notre Dame: University of Notre Dame Press, 1997); Armando Navarro, *Mexicano Political Experience in Occupied Aztlan: Struggles and Change* (Walnut Creek, CA: Altamira Press, 2005); Rodolfo Espino, et. al, *Latino Politics: Identity, Mobilization, and Representation* (Charlottesville: University of Virginia Press, 2007); Luis Ricardo Fraga, *Latinos in the New Millennium: An Almanac of Opinion, Behavior, and Policy Preferences* (New York: Cambridge University Press, 2012); John A. García, *Latino Politics in America: Community, Culture, and Interests* (Lanham: Rowman & Littlefield Publisher, 2012); Matt A. Barreto and Gary M. Segura, *Latino America: How America's Most Dynamic Population Is Poised to Transform the Politics of the Nation* (New York: Public Affairs, 2014); F. Chris Garcia and Gabriel Sanchez, *Hispanics and the US Political System: Moving into the Mainstream* (Taylor and Francis, 2015); Armando Navarro, *Mexicano and Latino Politics and the Quest for Self-determination: What Needs to Be Done* (Lanham: Lexington Books, 2015); and Lisa Garcia Bedolla, *Latino Politics* (Malden: Polity Press, 2015).

My study uses political history's approaches and frameworks and portrays Latinx people as pivotal historical actors in the political struggle for voting rights. Rather than simply reacting to politicians who objected to extend voting rights to Latinx people, I show how they navigated American political institutions such as Congress to more holistically explore Latinx politics. Political historians such as Ira Katznelson and Julian Zelizer have suggested that studying the role of Congress is critical to understanding the American state, political parties, and voting rights legislation.¹⁸ Moreover, this approach allows us to better understand why Latinx people have yet to achieve the same political influence as African Americans. While Black civil rights activities gained the support from influential lawmakers and the president, Latinxs lacked this organizational capacity and it limited their ability to break into the voting rights agenda. Moreover, Latinxs had to challenge English-only elections and fight for Spanish-language ballots something, that Black people did not have to do. While Latinx activists successfully broadened the Voting Rights Act to solve their unique obstacles, they were seen as an attack on the English language and generated a backlash by supporters of the English-only movement starting in the 1970s. Latinx leaders spent more energy protecting their gains and enforcing the act rather than registering voters.

In the twenty-first century, academic scholars have started to explore the civil rights movement in greater detail by examining Black-Brown interactions. Scholars such as Lauren Araiza, Neil Foley, Mark Brilliant, Brian D. Behnken, Laura Pulido, and Max Krochmal have studied Latinx and Black relations, revealing important multiracial dynamics of the civil rights

¹⁸ Ira Katznelson, "Analytical Political History," in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, et. al. (Princeton: Princeton University Press, 2003); and Julian E. Zelizer, *On Capitol Hill: The Struggle to Reform Congress and Its Consequences, 1948-2000* (New York: Cambridge University Press, 2004).

struggle.¹⁹ Ruth Reitan in *The Rise and Decline of an Alliance* and Frank A. Guridy's *Forging Diaspora* are significant works examining Afro-Cuban and African American connections.²⁰ And studying Puerto Rican and Black connections, Sonia Song-Ha Lee's *Building a Latino Civil Rights Movement* portrays the uneasy coalition between the two racial groups in New York City.²¹

These comparative works have at times tended to emphasize that Black and Latinx interactions were either prone to conflict, or natural allies; and also to underscore that Brown people shared a common collective and political consciousness.²² The latter has occurred despite the acknowledgment that Latinx's experience in the U.S. is shaped by conquest, immigration, race, color, gender, sexuality, language, and class. Cristina Beltran argues that the conflating of Brown persons is a result of the "homogenizing tendencies of Latinidad [that] obscure the serious and significant differences within these populations...".²³ By studying the

¹⁹ Laura Pulido, *Black, Brown, Yellow, and Left Radical Activism in Los Angeles* (Berkeley: University of California Press, 2006); Neil Foley, *Quest for Equality: The Failed Promise of Black-Brown Solidarity* (Cambridge: Harvard Press, 2010); Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941-1978* (New York: Oxford University Press, 2010); Brian D. Behnken, *Fighting Their Own Battles: Mexican Americans, African Americans, and the Struggle for Civil Rights in Texas* (Chapel Hill: University of North Carolina Press, 2011); Lilia Fernandez, *Brown in a Windy City: Mexicans and Puerto Ricans in Postwar Chicago* (Chicago: University of Chicago Press, 2012); Lauren Araiza, *To March for Others: The Black Freedom Struggle and the United Farm Workers* (Philadelphia: University of Pennsylvania Press, 2014); and Max Krochmal, *Blue Texas: The Making of a Multiracial Democratic Coalition in the Civil Rights Era* (Durham: University of North Carolina Press, 2016).

²⁰ Ruth Reitan, *The Rise and Decline of an Alliance: Cuban and African American Leaders in the 1960s* (East Lansing: Michigan State University Press, 1999); and Frank Andre Guridy, *Forging Diaspora: Afro-Cubans and African Americans in a World of Empire and Jim Crow* (Chapel Hill: University of North Carolina Press, 2010).

²¹ Sonia Song-Ha Lee, *Building a Latino Civil Rights Movement: Puerto Ricans, African Americans, and the Pursuit of Racial Justice in New York City* (Chapel Hill: University of North Carolina Press, 2014).

²² Responding to the literature on cooperation and conflict, scholars writing about Black and Brown interactions to go beyond the dyad. See Brian D. Behnken, *The Struggle in Black and Brown: African American and Mexican Relations During the Civil Rights Era* (Lincoln: University of Nebraska Press, 2011); Rodney Hero and Robert Preuhs, eds., *Black-Latino Relations in U.S. National Politics: Beyond Conflict or Cooperation* (Cambridge: Cambridge University Press, 2013); and Josh Kun and Laura Pulido, eds., *Black and Brown in Los Angeles: Beyond Conflict and Coalition* (Berkeley: University of California Press, 2014).

²³ Cristina Beltran, *The Trouble with Unity: Latino Politics and the Creation of Identity* (New York: Oxford University Press, 2010), 6.

fight for voting rights in *Brown and Black*, I document the unique trajectories both pursued and also the distinct paths Puerto Ricans and Mexican Americans charted.

Black voting right activists received the support of the Commission on Civil Rights and the agency painstakingly investigated voter suppression in the South, which put pressure on the executive branch and Congress to take action. Alternatively, Puerto Rican and Mexican Americans' voting irregularities were largely minimized by the commission, forcing these groups to mobilize independently. Puerto Ricans and Mexicans organized to further democratize the franchise by attacking English literacy tests and demanding Spanish language voting rights, but they employed different organizational political tactics and had only partially aligned interests.

Additionally, this project shows that the debate in Congress to extend the Voting Rights Act in 1975 was a critical moment of cooperation between Puerto Rican and Mexican American political leaders. I provide a thoroughly detailed study of how both groups learned to operate in Congress and illustrate the intricate negotiations they led to broaden the voting rights law. Ten years after the Voting Rights Act passed, in 1975, Puerto Ricans, Mexican American, and other "language minorities" were protected as a group and able to take advantage of the special provisions under the legislation. By studying the fight for voting rights in *Brown and Black*, I provide a deeper understanding of how Latinx people shaped electoral politics in the U.S.

Chapter Summaries

Chapter One explains how stateside Puerto Ricans in New York City started a movement to challenge the state's English literacy test and the subsequent building of political power, which was a pivotal step to secure protection under the Voting Rights Act of 1965. It shows how

Puerto Ricans rejected the colonial government's desire for the community to vote in English. They insisted on the right to vote in their native tongue, as Spanish-speaking colonial U.S. citizens, which revealed their unequal status within the country. Puertorriqueños used the court system and the media to bring attention to their struggle, and they managed to break into the voting rights debate that had focused exclusively on Black voter suppression. As they fought to secure protections under the Fourteenth and Fifteenth Amendments, Puerto Ricans started to redefine the court's definition of race by arguing that the language they spoke scripted them as non-White.

Chapter Two explains how Puerto Ricans managed against great odds to include the Puerto Rico provision, an amendment that exempted Puerto Ricans from New York's English literacy exam, as part of President John F. Kennedy's 1962 voting rights bill. The political leverage they built enabled them to secure the backing from New York officials, the state's powerful congressional delegation, and the U.S. Attorney General, Robert Kennedy, who were key to the inclusion of the provision. While the amendment in 1962 did not become law, it laid the foundation for its success in 1965. Additionally, this chapter includes a significant but not well-known analysis of how racial liberalism was used to both support and oppose the Puerto Rico provision.

Chapter Three analyzes the limits of the Voting Rights Act of 1965 to fully protect Latinx voters. Although Puerto Ricans were included under the 1965 law, they had difficulties enforcing the provision and it offered no bilingual assistance. Mexican Americans, on the other hand, were entirely excluded even though they faced serious barriers to registration and voting. Interestingly, the few Mexican American members of Congress did not argue to be included in

either the 1962 or 1965 voting rights debate. Their silence was not a reflection that Mexican Americans faced no obstacles to the ballot. In fact, leaders such as Edward Roybal argued Mexican Americans were being denied the vote, but the community was not ready to join the Spanish-language voting rights debate. Only after the Voting Rights Act passed, did Mexican American fully realize the power of the legislation and their inability to access it, which triggered new forces to push for voting rights.

Chapter Four traces how the Mexican American voting rights movement steadily grew in the American West. The community encountered serious obstacles that prevented them from registering and voting due to English-only elections, literacy tests, poll taxes, and violence. Mexican American leaders before the 1965 law argued that their community was being disenfranchised, but they were largely ignored by the Commission on Civil Rights, studying voter suppression across the country, and policymakers in Congress. Chicanxs had no option but to fight for voting rights on their own. Mexican Americans in California, Texas, and Washington state began to insist that they also needed the protections afforded by the Voting Rights Act. These early battles helped build a movement that would lead to victory in 1975 when Congress revised the Voting Rights Act to include guarantees for Mexican American and other language minorities.

Chapter Five focuses on the political campaign to amend the coverage of the Voting Rights Act in 1975 to include Mexican Americans, and how it unfolded in a dramatic fashion. Mexican American voting rights activists had to handle the opposition by the Commission on Civil Rights and by African American civil rights stalwarts who wanted a simple renewal. It was also unclear to lawmakers if Latinx people were a “race or color” and eligible for coverage

under the Fifteenth Amendment. And others worried that by grounding the protection of Spanish speakers under the Fourteenth Amendment, the Justice Department would be obligated to also protect the voting rights of French, German, and Lithuanian speaking Americans. Additionally, members of Congress worried that by including Latinxs it might generate congressional opposition and undercut the entire Voting Rights Act. Any amendment to expand the cover of the Voting Rights Act appeared to be dead on arrival. Still, the Latinx political campaign was successful as a result of unexpected allies, congressional reform, and political scandals, which helped them overcome these barriers. Ten years after the initial Voting Rights Act passed, in 1975, Latinxs received Spanish language assistance and were able to take advantage of the law's powerful special provisions.

CHAPTER ONE
The Building of Puerto Rican Political Leverage in New York:
Mobilizing for Voting Rights as Spanish-Speaking Colonial Citizens

“I have no quarrel with Spanish. I think it is a beautiful language,” stated Senator Samuel Ervin (D-NC) before Congress in 1962.²⁴ Despite his admiration for Spanish, the North Carolina senator believed that only English literate people were worthy to exercise the franchise. And so, he intensely opposed a provision to allow stateside Puerto Rican citizens whose primary language was Spanish to register to vote. Considering the United States (U.S.) had a multilingual past but had never protected the voting rights of non-English speakers under federal law, the debate was unprecedented. If Senate Bill 2750 passed, it would challenge arbitrary English literacy tests and Puerto Rican people who completed a sixth-grade education in Spanish would be exempted from the language prerequisite to vote. The voting rights bill threatened the enforcement of the English literacy exams, which more than anything, deeply troubled Senator Ervin, an unapologetic defender of racial segregation and Jim Crow laws. The English literacy exam had after Reconstruction been administered to maintain a political structure that restricted the voting rights of African Americans. To protect their racial and political order, southern congressional leaders emphasized that English knowledge and American citizenship had always been coupled to the voting process. And to ensure that the bond was not severed, southern leaders scripted Spanish as a foreign language that was incompatible with America’s values and institutions. In doing so Senator Ervin and his fellow

²⁴ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections: Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary*, 87th Cong., 2nd Sess., March 27, 28; April 5, 6, 10, 11, and 12, 1962, 31.

southerners failed to acknowledge that Spanish-speaking Puerto Ricans, much like Mexican Americans in Southwest, were not foreigners but citizens by conquest.

Raising the issue of colonization well before the 1962 debate were Puerto Ricans in New York, who insisted that although they lacked English skills; they were not newcomers but Spanish-speaking people who were granted American citizenship without an English language requirement. They highlighted that Spanish, despite efforts by the American state to impose English on the island, remained the primary language of communication, educational instruction, and governance. For Puerto Ricans migrating to the mainland, Spanish was not an alien tongue but the primary language of a people who supposedly possessed all the benefits of American citizenship. These were some of the reasons that animated a Puerto Rican movement to reject New York's English literacy test, and that later would be retooled by leaders in Congress to try and eliminate the language exam through legislation. Considering that this was a local movement and led by a demographic population that was substantially smaller than Mexican Americans, who were the largest Latinx community; it was nonetheless significant because the Puerto Rican struggle shaped the political battle in Congress to eliminate English literacy tests. And by being part of the voting rights debate, Puerto Ricans started the process to reconfigure electoral policies affecting monolingual Spanish speakers and other non-English speaking Americans.

This chapter details the foundational steps mainland Puerto Ricans in New York City took to eliminate the state's language test, and then the building of political leverage, a key step toward the political influence that would eventually exempt Puerto Ricans from the English language prerequisite under the 1965 voting rights law. Puertorriqueños argued that they were

Spanish-speaking colonial U.S. citizens, which exposed their unequal status and provided them with a language to resist the English literacy exam. They would use the judicial system and the media to increase the visibility of their struggle and of voter suppression in the North. Puerto Rican voting rights activists also started to broaden the definition of race by explaining that the language they spoke racialized them as non-White. In order for them to secure protections under the Fourteenth and Fifteenth Amendments, they had to contest the court's definition of race that was confined to a Black-White racial binary. Most important, Puerto Ricans broke into the voting right debate that had focused on African American disenfranchisement in the Deep South, and secured the support of political leaders in New York City, the state's powerful congressional delegation, and the U.S. Attorney General, Robert F. Kennedy, to start to address their voting troubles.

Puerto Rican Migration, Settlement, and Community Formation in New York City

The migration of Puerto Ricans to the U.S. began when the island was still under Spanish colonial rule and those who arrived on the mainland in the nineteenth century, set into motion migration patterns and destinations that are a reflection of the present-day communities. In the early 1800s, Puerto Rican merchants traveled to northeastern cities such as Boston, Hartford, and New York. To facilitate trade, merchants relocated to port cities such as José de Rivera and his family who established residency in Bridgeport, Connecticut in the mid-1850s. In the last part of the century, migration to the U.S. increased as leaders of the island's independence movement were forced to flee, left to escape authoritarian rule, join the stateside anti-slavery movement, and others in search of economic security. There were also students who entered

the mainland to study at colleges and universities. Those banished for political reasons had no choice but to remain in the U.S., while others opted to return to the island or travel between the two places.²⁵

Puerto Rican exiles saw New York City as an attractive destination since it had become a community for Caribbean and Latin American expatriates, and they helped to create the foundation for Puertorriqueños who arrived in twentieth century. Here, expatriates continued to organize and recruit recent arrivals, among them were women, laborers, and professionals, to liberate the island from colonial rule. Puerto Rican exiles formed small vibrant colonias in New York City where Spanish, traditional customs, and other cultural forms carried on. The colonias were built on the hope and aspiration that their homeland would one day be independent. However, the end of the Spanish-American War in 1898, resulted in the U.S. formally acquiring Puerto Rico. The new political order would further propel migration to the north and facilitate the expansion of Puerto Rican communities on the mainland at the turn of the century.²⁶

Around the mid-1890s, Puerto Rican cigar makers began arriving in New York City, enriching the contemporary community and becoming influential political figures. Cigar makers, or tabaqueros, labored in the city's 3,000 cigar factories and took an early interest in electoral politics. In 1893, tabaqueros Antonio Molina and Pachin Marin created the Populist Committee. It was one of the first organizations that attempted to mobilize the growing Spanish-speaking

²⁵ Virginia Korrol Sánchez, "History of Puerto Ricans in the US—Part One," Centro for Puerto Rican Studies, Hunter College, The City University of New York, New York. Accessed February 19, 2021. https://centropr.hunter.cuny.edu/education/story-us-puerto-ricans-part-one#_ftn7.

²⁶ Virginia Korrol Sánchez, *From Colonia to Community: The History of Puerto Ricans in New York City, 1917-1948* (Westport: Green Press, 1983).

people to fight for and defend workers' rights. According to Bernardo Vega, he observed that when arrived in the city in 1916, tabaqueros were an estimated 60 percent of the Puerto Rican population. And by 1918, over 4,000 workers were in cigar maker unions. As union workers, tabaqueros labored alongside Puerto Rican, Cuban, and Spanish revolutionary exiles who debated socialism and anarchism. These ideologies provided them with a language to resist the oppression of working class people in New York City and Puerto Rico. Cigar workers were the leaders and protectors of their community at a time when the city's political parties ignored them.²⁷

In 1917, Puerto Rican migration to U.S. spiked as a result of the labor vacuum created by World War I (WWI) and in the same year, the passage of Jones Act conferred citizenship to the islanders making their movement to the mainland easier. From 1909 to 1916, about 7,384 Puerto Ricans emigrated from Puerto Rico to the U.S. but in 1917 alone that figure was 10,812. War-related industries in New York employed thousands of Puerto Ricans, and after the war they found employment in factories, manufacturing, and service sector industries. According to one estimate, in 1918, the Puerto Rican population in New York City was 35,000.²⁸

After WWI Puerto Rican neighborhoods flourished and they developed their own businesses, media, and organizations to claim space within the city. In East Harlem, a Spanish-speaking barrio formed where Puerto-Rican owned grocery stores, or bodegas, sold goods and

²⁷²⁷ Angelo Falcon, "A History of Puerto Rican Politics in New York City: 1860s to 1945," in *Puerto Rican Politics in Urban America*, eds. James Jennings and Monte Rivera (Westport: Greenwood Press, 1984); Bernardo Vega, *Memoirs of Bernardo Vega: A Contribution to the history of The Puerto Rican Community in New York* (New York City: Monthly Review Press, 1984).

²⁸ Virginia Korrol Sánchez, "History of Puerto Ricans in the US—Part Two," Centro for Puerto Rican Studies, Hunter College, The City University of New York, New York. Accessed February 19, 2021. <https://centropr.hunter.cuny.edu/education/story-us-puerto-ricans-part-two>; and Angelo Falcon, "A History of Puerto Rican Politics in New York City: 1860s to 1945," 21.

ingredients familiar to their clientele. Puertorriqueños also opened other businesses such as restaurants, drugstores, barbershops, and boardinghouses. This part of the city came to be known as Spanish Harlem. Vibrant communities also formed in Brooklyn and Chelsea. Puerto Ricans and other Spanish speakers read newspapers such as *La Prensa* that was founded by a Puerto Rican in 1913. They listened to radio and watched films and theatrical performances in Spanish. Puerto Rican people worshiped together at Catholic or Pentecostal churches in the barrios. Some were active members of the Socialist Party and Communist Party branches in the city. Puerto Ricans also created civic, cultural, and political organizations such as the Puerto Rican Brotherhood of America and the Liga Puertorriqueña e Hispana that were founded in the mid-1920s, which strived to meet the community's social, cultural, economic, and political needs. Following the Harlem riots that targeted Puerto Rican bodegas, in 1926, they formed defense organizations such as the Puerto Rican and Hispanic League and the Hispanic Chamber of Commerce. While the barrios did not protect them from racial violence, they provided Puertorriqueños with a space of their own.²⁹

The depression of the 1930s devastated the Puerto Rican community in New York City, but it paved the way for greater participation in electoral politics. The number of new arrivals from Puerto Rico sharply dropped and some were forced to return to the island. The population who remained spread to other parts of the city like the Bronx, Long Island, and Washington Heights, and many had no choice but seek relief from welfare programs. The community would turn to local organizations for social and economic assistance, amplifying their significance in the community. No less important, local political leaders started to take an interest in the needs

²⁹ Angelo Falcon, "A History of Puerto Rican Politics in New York City: 1860s to 1945," 24-29.

of the Puerto Rican people. When anti-Puerto Rican sentiments grew calling for Puerto Ricans on relief to be deported, Congressman Vito Marcantonio (R-NY) of Harlem came to their defense. The Spanish speaking Italian American lawyer and member of the American Labor Party protested the idea of deporting Puerto Rican people. By challenging this proposition along with other discriminatory laws and unfair employment practices affecting Puerto Ricans, Marcantonio won the respect and vote of his Puerto Rican constituents. According to Bernardo Vega, there were approximately 30,000 Puerto Rican registered voters in 1940, and Marcantonio along with his Spanish speaking workers surely enlisted many of these voters. In interviews with long-time Puerto Rican residents, they shared stories “of how the great ‘Marc’ saved him from a landlord, or personally came to his apartment to turn on the steam, or examined a damaged stair and demanded its repair.”³⁰ With the support of Puerto Rican voters, the Harlem leader was elected to Congress seven terms from 1931 to 1951. Additionally, in the late 1930s, Marcantonio traveled to the island to defend Puerto Rico Nationalist Party members and proclaimed he would introduce legislation in Congress to make Puerto Rico an independent nation. As the island’s situation worsened for working class people and a politically conservative fraction arose, the Nationalist Party’s pro-independence stance resonated with stateside Puerto Rican people especially those who belonged to Socialist, Communists, and labor organizations. Moreover, in 1937, Oscar Garcia Rivera, became the first Puerto Rican to be voted into office, serving as East Harlem’s representative in the state assembly. His election proved that the

³⁰ Dan Wakefield, *Island in the City: The World of Spanish Harlem* (New York: Arno Press, 1959), 261.

community could elect one of their own to address the myriad of difficulties that they faced through local government.³¹

Following World War II (WWII), the movement of Puerto Ricans to the mainland rose at an unprecedented rate and New York City had the highest concentration of islanders in the U.S. The Puerto Rican diaspora was due to a multitude of factors including the failure of economic development policies on the island, the demand for cheap labor in U.S.' industries and farms, inexpensive air transportation, and the colonial government's policy of sponsoring out-migration. In the 1940s, 151,000 left Puerto Rico; and in the 1950s, the number swelled to 470,000. Of those who arrived during the two decades, 85 percent settled in New York City with Manhattan being the primary destination followed by the Bronx and Brooklyn. The city's total Puerto Rican population was over 600,000 by the end of the 1950s. They would also settle in Chicago, Illinois; Philadelphia, Pennsylvania; Gary, Indiana; and other cities throughout the country.³²

The post-WWII migration to New York City led to greater involvement of Puerto Rico's colonial government in the lives of migrants arriving in the city, and it quickly became an influential intermediary for Puerto Ricans. To help women and men adjust to life on the mainland in 1948, Puerto Rican officials opened the Migration Division of the Department of

³¹ See Carmen Whalen and Victor Vasquez, *The Puerto Rican Diaspora: Historical Perspectives* (Philadelphia: Temple University Press, 2009), 77; Virginia Korrol Sánchez, *From Colonia to Community: The History of Puerto Ricans in New York City, 1917-1948*, 184; Angelo Falcon, "A History of Puerto Rican Politics in New York City: 1860s to 1945," 152; and Bernardo Vega, *Memoirs of Bernardo Vega: A Contribution to the history of The Puerto Rican Community in New York*, 183-180, 205.

³² J. Hernández-Alvarez, "The Movement and Settlement of Puerto Rican Migrants within the United States, 1950-1960," *The International Migration Review* 2, no. 2, (Spring, 1968), 40-52; Virginia Korrol Sánchez, "History of Puerto Ricans in the US—Part Four," Centro for Puerto Rican Studies, Hunter College, The City University of New York, New York. Accessed February 19, 2021. <https://centropr.hunter.cuny.edu/education/story-us-puerto-ricans-part-four>; and Angelo Falcon, "A History of Puerto Rican Politics in New York City: 1860s to 1945," 35-38.

Labor of Puerto Rico in New York City. Previously, the mainland communities and organizations offered guidance to recent migrants on where to find housing, employment, and social services, but the Migration Division was now compelled to take on this role. The rapid influx of Puerto Ricans to the city overwhelmed the community's organizational structures. And urban renewal after WWII also displaced thousands of Puerto Ricans from their barrios and into unfamiliar areas where they experienced isolation and discrimination. Puerto Rican people were scattered throughout the city and could no longer fully support new migrants so many welcomed the assistance of the Migration Division.

The Migration Division was able to establish itself as a prominent intermediary between the Puerto Rican people and the local city government. Shortly after it was formed, the agency joined the Committee on Puerto Rican Affairs in New York City and formalized its relationship with public officials. The Migration Division's unprecedented access to the city's political leaders including the Mayor's Office won the backing of New York Puerto Rican leaders and organizations. Historian Virginia K. Sanchez writes that the Migration Division "both inhibited and displaced grass-roots leadership emanating from the urban barrios," and contributed to "the virtual exclusion of Puerto Ricans from New York City politics during the 50s..."³³ Oddly enough the agency wanted to develop community leaders, but it turned to the colonial government rather than Puerto Ricans in New York on issues affecting the stateside community.

³³ Virginia Korrol Sánchez, "History of Puerto Ricans in the US—Part Five," Centro for Puerto Rican Studies, Hunter College, The City University of New York, New York. Accessed February 19, 2021. <https://centropr.hunter.cuny.edu/education/story-us-puerto-ricans-part-five>.

The Migration Division was also interested in having those entering the U.S. to see themselves as U.S. citizens rather than mere workers. To reach this goal, agency initiated English-learning and voter registration campaigns. New York's English literacy test would become an obstacle to register Puerto Rican voters. However, the Migration Division believed that the English requirement to vote was reasonable and encouraged migrants to take the test. By completing the exam, the agency believed Puerto Rican people could demonstrate their willingness to assimilate and learn English as well as embrace their rights as citizens. In time, Puerto Rican people would begin to oppose the Migration Division's accommodationist stance on the language exam.

The Migration Division: Regulating Migration and Americanizing Migrants

The great migration to New York City triggered an anti-Puerto Rican campaign sensationalized by the city's media who identified the situation as the "Puerto Rican problem" in 1947. The *New York Times*, for example, published no articles about Puerto Ricans on the mainland in 1946, but the next year published nearly thirty describing them as a peril to the city.³⁴ The campaign aimed to curb Puerto Rican migration focused on issues related to housing, crime, education, unemployment, disease, and especially, the groups' inability to assimilate. Newspapers and magazines generated a panic that the city's social services were being overwhelmed since allegedly on arrival Puerto Ricans were seeking assistance.³⁵ The negative coverage eventually made national headlines in *Newsweek* and *Life* magazines with far reaching

³⁴ Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California, 2002) 167.

³⁵ Edgardo Melendez, *Sponsored Migration* (Ohio State University Press, 2018), 56-58.

circulation, joining the critical calls from the city for the Puerto Rican colonial government to ameliorate the situation.³⁶

In response to the damaging publicity, the colonial government in 1947, instructed Fernando Sierra Berdecía, Commissioner of Labor, to investigate and he concluded that Puerto Ricans in New York City and other areas of settlement faced “adjustment problems.” Berdecía remarked that the greatest adjustment issue was caused by Puerto Ricans lack of English-language knowledge, which he claimed “makes it impossible for them to get quickly in contact with the city agencies, private or public, that exist to solve the social problems” in cities.³⁷ Berdecía summarized in his report called “The Migration of Puerto Ricans in the United States,” that the transition crisis was grounded in education, welfare, and employment. To help migrants adapt to their new environment and curtail the growing hostility, the colonial government created the Bureau of Employment and Migration on December 5, 1947. And in the following year headquarters opened in New York City, New York and San Juan, Puerto Rico. In 1951, the agency was renamed to the Migration Division of the Department of Labor of Puerto Rico and local offices were also created in New York City and Chicago.

On the mainland, the Migration Division was instructed to assist Puerto Rican people secure work and connect them with social services to resolve issues related to housing, education, health, and welfare. The agency was also charged with encouraging local, state, and federal government agencies to establish policies and practices to serve the needs of Spanish-speaking people. In other words, the New York City local office was directed to be the go-

³⁶ “Puerto Rico Migrants,” *Newsweek*, March 24, 1947; and “Puerto Rican Migrants Jam New York,” *Life*, August 25, 1947, 25-29.

³⁷ Quoted in *Sponsored Migration*, 67-68.

between migrants and American institutions to access social services. The main office was also responsible for developing a program to successfully integrate Puerto Rican migrants into American culture and society, hastening their incorporation into the city. In addition, it led a program called the Puerto Rican Farm Labor Program that brought agricultural workers from the island to farms on the mainland.

In San Juan, Puerto Rico, the colonial government's Department of Labor created a similar bureaucratic agency to regulate out-migration to the mainland.³⁸ Here, the Migration Division setup offices that were responsible for the recruitment, screening, and selection of migrants. Political scientist Edgardo Melendez in *Sponsored Migration: The State and Puerto Rican Postwar Migration to the United States*, examines how the island's migration policy coordinated by agency shaped the colonial government's policy decisions in relation to education, air transportation, and farm labor placement program. For example, while the Migration Division essentially selected migrants, it was the Department of Education that counseled and provided orientation services about employment and housing to migrants.³⁹ The Department of Education implemented a policy to teach English to prospective migrants that then became part of its regular English program. Puerto Rico's migration policy also moved its political leaders to push for safer air transportation and improved working conditions, especially in agricultural labor. Lastly, the San Juan office steered migrants away from New York and towards other sections of the county to reduce the number of arrivals. Ultimately, the

³⁸ Michael Lapp, "The Migration Division of Puerto Rico and Puerto Ricans in New York City, 1948-1969," in *Immigration to New York*, eds. William Pencak, Selma Berrol, and Randall Mills (London and Toronto: Associated University Presses, 1991), 202. See also Michael Lapp, "Managing Migration: The Migration Division of Puerto Rico and Puerto Ricans in New York City, 1948-1968" (PhD diss., John Hopkins University, 1991).

³⁹ Melendez, *Sponsored Migration*, 32.

Migration Division served to promote rather than restrict Puerto Rican migration to the mainland.

Although the colonial government formed a bureaucratic network to select and educate migrants, its leaders did not lose sight of their aim to manage the rapid influx of migrants to the mainland. Evading a subsequent anti-Puerto Rican campaign was paramount to Puerto Rico's first elected governor, Luis Muñoz Marín, the fiery populist who sought to modernize Puerto Rico and engineered the island's Commonwealth status in 1951—designed to avoid statehood or independence. Born in 1898, the same year as the Spanish-American War, Muñoz Marín grew up in an affluent family. He would come to the U.S. to study law at Georgetown University in Washington D.C. and lived for a short time in New York's Greenwich Village. During this period, he joined the Socialist Party and championed the pro-independence movement. When he entered Puerto Rican politics in the late 1920s, Muñoz Marín believed that independence was not a viable option particularly for the poor. However, in 1938, he founded his own political party, the Partido Popular Democratico (PPD), which would address the concerns of the jibaros, or the countryside people, putting him in direct conflict with large plantation owners. He campaigned throughout the island using the slogan "Bread, Land, and Liberty," and promised to regulate the sugar industry, set a minimum wage, bring electricity to rural areas, and bring new businesses to the island. Once he was elected to Puerto Rico's Senate, he launched "Operation Bootstrap" an economic development strategy to shift to an export-based economy. His plan relied on giving U.S. and other corporations tax exemptions. While the policy stimulated industrial and economic growth, agricultural workers especially in the sugar industry were displaced by machines leading to high unemployment rates. To handle the surplus of labor on

the island, Muñoz Marín, the Partido Popular Democratico (PPD), and U.S. social scientists, all saw migration as necessary to reduce unemployment in Puerto Rico as well as a solution to the colony's supposed dilemma of overpopulation. By the time he was elected as Puerto Rico's governor in 1948, Muñoz Marín understood that out-migration was necessary to his economic plan.⁴⁰

Eileen Findlay in *We Are Left Without a Father Here*, explains how the PPD and Muñoz Marín also understood migration as pivotal to creating modern patriarchal homes and families.⁴¹ For working-class men, relocating to the mainland to earn wages became necessary to uphold their paternal duties to their families and government. Restricting the movement of Puerto Ricans to New York and other parts of mainland threatened the colonial government's industrialization goals and modernization strategy that relied on migration as a policy.

The architects of the Migration Division believed that the troubles created by migration could be resolved technically and with careful management, resulting in greater cooperation between distinct ethnic and social groups. They believed that social science could facilitate the assimilation process resulting in Puerto Ricans successful incorporation. The agency's first appointed director was Manuel Cabranes, a social worker who lived in New York, but he appeared almost unwilling to execute the Migration Division's goals. He would tell the Spanish language press that he regretted that the island's resources were being diverted to help

⁴⁰ Arturo Morales Carrión, ed., *Puerto Rico: A Political and Cultural History* (New York: American Association for State and Local History, 1983), 221-304; Joanne Omang, "Luis Munoz Marin, 4-Term Governor of Puerto Rico Dies," *The Washington Post*, May 1, 1980.

⁴¹ Eileen Findlay, *We Are Left Without a Father Here: Masculinity, Domesticity, and Migration in Postwar Puerto Rico* (Durham: Duke University Press, 2014).

stateside people. His successor was more enthusiastic to do the work of the Migration Division and had a close working relationship with PPD leaders.⁴²

In 1951, the PPD selected Clarence Senior, a non-Puerto Rican nor a member of the PPD, to be the National Director of the Migration Division because of his commitment to the PPD's vision. Senior was born in Missouri in 1903 and raised by a conservative, working class family. While attending the University of Texas, he became involved with the Socialist Party and with the support of Norman Thomas, a two-time Socialist Party presidential candidate, was eventually appointed as Party national secretary. In the late 1930s, his Socialist ties would take him to Mexico where he observed and studied ejidos, or communal agricultural land use, which would inform his work in government affairs. After receiving his master's degree in political science in 1941, Senior was hired as a consultant on Latin American issues in Washington. Then, towards the end of 1944, he was recruited by the chancellor of the University of Puerto Rico to be the first Director of the Social Science Research Center. Here, Senior conducted research on Puerto Rican migration and published a report called "The Puerto Ricans of New York City" in 1948. Additionally, he partnered with C. Wright Mills, assistant professor at Columbia University, to conduct an empirical research project about Puerto Rican migrant life. Their findings were published in a book called *The Puerto Rican Journey*. These works depicted migrants as struggling to adjust to their new environment and argued that they needed an organization to assist them in their transition. As the leader of the Migration Division, Senior

⁴² Lapp, *Managing Migration*, 106-107.

would be in a position to implement the programs and services required for Puerto Ricans to properly adjust and be accepted by New Yorkers.⁴³

After his appointment, Senior assembled a staff composed of Puerto Ricans who were brought from the island, a small number of non-Puerto Ricans, and Puerto Ricans living in New York City such as José Monserrat. Born in Bayamón, Puerto Rico, Monserrat came to New York when he was around three and lived in a foster home. After some time, Monserrat was reunited with his father in East Harlem. During WWII, he served in the Army Air Force and then attended the New School for Social Research and Columbia University. Although he did not graduate, Monserrat developed a passion for social work and became a community organizer in settlement homes, helping recent arrivals. Monserrat's familiarity with the city and experience working in the community contributed to Senior appointing him as the assistant director and also to lead the New York City unit. He quickly integrated himself in the work and gained a modicum of public status in the city's Spanish-language media and politics.⁴⁴

The charismatic and well-spoken Monserrat would be charged with implementing the Migration Division's intense education campaigns that promoted learning English and encouraged Puerto Ricans to register to vote in New York City. By acquiring English skills, the agency believed that Puerto Ricans would become familiar with and adopt American middle-class values and exercise their right to vote; they would supposedly become recognized, respectable citizens. With regards to the franchise, the Migration Division also urged new

⁴³ Clarence Senior, *"The Puerto Ricans of New York City"* (New York: New York Office, Employment and Migration Bureau, Puerto Rico Department of Labor, 1948); C. Wright Mills, Clarence Senior, and Rose Kohn Goldsen, *The Puerto Rican Journey: New York's Newest Migrants* (New York: Harper and Bros, 1950).

⁴⁴ Lapp, *Managing Migration*, 106-108; 334-335.

migrants, both women and men, to join unions since they encouraged their members to participate in electoral politics.⁴⁵

Beginning in the early 1950s, the Migration Division's English-learning and voting campaigns became yearly events in the city. The annual *Aprenda Inglés* (Learn English) campaigns prodded adults to enroll in English classes and children to master the language. Making the agency's message clear, their pamphlets distributed from 1953 to 1954 proclaimed that English was *La Llave del Exito* (The Key to Success).⁴⁶ And in this same period, the Migration Division organized the *Inscribase y Vote* (Register and Vote) campaigns that became biannual events to promote voter registration and voting. It also distributed *Use Su Derecho a Votar* (Exercise Your Right to Vote) pamphlets, making explicit that as citizens they possessed voting rights that should not be neglected.⁴⁷

Although the campaigns appeared as ostensibly benevolent, the Learn English and Register and Vote projects were devised to erode the perception by New Yorkers that Puerto Ricans were foreigners. While Puerto Rican newcomers were U.S. citizens under the Jones Act of 1917, the Migration Division gathered that Puerto Rican's monolingual Spanish-speaking character combined with their cultural differences hindered them from being accepted as authentic citizens. And so, by promoting English-language skills, the agency imagined that migrants would interact and work alongside non-Spanish-speaking Americans and learn their cultural norms. To advance Puerto Rican assimilation and integration, the Migration Division

⁴⁵ Michael Lapp, "The Migration Division of Puerto Rico and Puerto Ricans in New York City, 1948-1969," in *Immigration to New York City*, 205, 255-259.

⁴⁶ Melendez, *Sponsored Migration*, 209.

⁴⁷ Melendez, *Sponsored Migration*, 209; Lapp, *Managing Migration*, 311-312.

used citizenship as a tool and in particular the right to the franchise, to validate to New Yorkers that Puerto Ricans were entitled to vote and thus were unlike other migrant non-citizens.

Exercising the vote was not enough in itself, the Migration Division also wanted to mobilize this electorate and transform Puerto Ricans into a powerful voting bloc. As an agency representing the government of Puerto Rico, it could encourage and assist Puerto Ricans to vote but it had no authority to regulate their voting habits in New York City. Moreover, the Migration Division had no organized constituency that could lobby for policies and laws beneficial to Puerto Ricans such as the National Association for the Advancement of Colored People (NAACP) or the American Jewish Congress, which had influential voting blocs. To address their constraints, the agency created its own organization called El Concilio de Organizaciones Hispano-Americanas (the Council of Spanish-American Organizations) and took leadership positions within it.⁴⁸

The Council of Spanish-American Organizations Mobilizes Puerto Rican Voters

In 1952, the Migration Division in New York City helped to establish the Council of Spanish-American Organizations, and one of its primary goals was to promote participation in electoral politics.⁴⁹ Monserrat would serve as its president for two terms. At its inception, the Council counted on 13 affiliated entities but by 1954, it had grown to 38 with an estimated

⁴⁸ Michael Lapp writes that in 1959, the Council of Spanish-American Organization changed to El Concilio de Organizaciones Puertorriqueñas e Hispano-Americanas. See *Managing Migration*, footnote 115.

⁴⁹ During the 1950s, the Council of Spanish-American Organizations was instrumental in establishing housing clinics for Puerto Ricans. See Jose Sanchez, *"Housing Puerto Ricans in New York City, 1945 to 1984: A Study in Class Powerlessness,"* (PhD diss, New York University, 1990).

10,000 members from different social, political, cultural, religious, and fraternal organizations.⁵⁰

The Council interviewed political candidates running for local and state offices and presented itself as a nonpartisan organization. It lobbied for political leaders to appoint Puerto Rican people to government positions and to pass legislation against discrimination in housing. The Council also filed complaints against the police for the maltreatment of New York Puerto Ricans and for segregating students in schools. However, according to Lapp, the Council “tended to be cautious in pursuing controversial issues.”⁵¹

It is important to note that the Migration Division was selective in who could become a member of the Council. The agency made sure that “no overtly political associations” or left-wing organizations that supported the independence of Puerto Rico could join the Council.⁵² Whether they realized it or not, those who were allowed to be members were soon advancing an agenda that was not their own. Beneath the goal of getting Puerto Rican people to register and vote, the Council was a vehicle for the Migration Division to push for migrants to adopt U.S. values while maintaining a liminal Puerto Rican identity. In other words, they were being asked to distance themselves from the island’s culture yet remain connected to the homeland.

The New York state elections of 1954 was the Council and its members first major attempt to rally the Puerto Rican electorate, but it was not a collaborative effort. Ahead of the November elections, the Council planned to distribute 150,000 pamphlets with election coverage in Spanish and setup offices for people to receive voter registration information.

⁵⁰ Vote Data in Spanish: Nonpartisan Group Here Will Encourage Registration,” *New York Times*, September 26, 1954.

⁵¹ Lapp, *Migration Division*, 282.

⁵² Lapp, *Migration Division*, 277.

Montserrat told the *New York Times* the Council was a “nonpartisan group” and it was organizing the voter registration drive “with aid from the New York Office of the Puerto Rican Labor Department.”⁵³ However, according to monthly reports from the Migration Divisions, it was largely planned and executed by its staff. Community organizer Ralph Rosas who was hired by the Migration Division stated that “the huge Registration and Voting Campaign of the Council of Spanish-American Organizations, for which, of necessity, we had to assume main responsibility, has thrown us somewhat out of balance.”⁵⁴ Rather than delegating duties to other members of the Council, there was an intentional effort by the Migration Division to manage all aspects of the campaign overwhelming its staff. The agency served as the Council’s public relations spokesperson, created its promotional materials, and its offices functioned as its meeting headquarters.⁵⁵ It also carried out surveys on behalf of the Council to gauge people’s interest in voting.

The “huge” voter registration drive of 1954 appears to not have yielded the results the Migration Division hoped for and it investigated the matter. The agency conducted a study about why Puerto Rican people had not registered and voted. They identified New York state’s English literacy exam to register to vote, discrimination against Puerto Ricans, and a lack of interest from political groups, as factors that discouraged them from participating in the electoral process.⁵⁶ The obstacles identified by the community would be addressed by the

⁵³ “Vote Data in Spanish: Nonpartisan Group Here Will Encourage Registration,” *New York Times*, September 26, 1954.

⁵⁴ Quoted from Lapp, *Migration Division*, 278.

⁵⁵ Lapp, *Migration Division*, 277-278.

⁵⁶ From Torregrosa’s memo written in 1974, it is unclear if the Migration Division executed the investigation before or after the 1954 registration and voting campaign. It’s more than likely it happened after the elections since in the following year, there was a plan to address this particular problem. Memo from Rafael Torregrosa to Ralph S. Rosas, July 29, 1974, Migration Division Commonwealth of Puerto Rico, Migration Division Papers, Reel 278, Center

Migration Division but in their own way. For instance, rather than demanding the state to remove the language requirement, it organized English classes to help Puerto Rican people pass the exam. English literacy tests were adopted under the assumption that it would encourage immigrants to learn English and be knowledgeable voters, but it was more effective to exclude them from the democratic process.

Alexander Keyssar in *The Right to Vote: The Contested History of Democracy in the United States*, writes that “Perhaps the most popular method of restricting the electorate was the literacy or education test.”⁵⁷ In New York state nativists made repeated efforts in the nineteenth century to impose literacy tests that would have disenfranchised non-English-speaking populations. However, Democrats with the support of large immigrant populations resisted it until World War I. By 1921, the political climate shifted giving Republicans command over New York’s legislature. They introduced a state constitutional amendment to require English-language knowledge to register to vote. The proposed change had the likelihood of disenfranchising an estimated 100,000 Yiddish-speaking Jews among others, and it was widely supported by New Yorkers with a 3 to 2 margin.⁵⁸ The law mandated new voters to pass a rigorous English-language reading and writing exam conducted by the state. Or, prospective voters could present evidence demonstrating completion of an eight-grade education where

for Puerto Rican Studies Library and Archives, Hunter College, City University of New York, New York City, New York.

⁵⁷ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books Press, 2009), 114.

⁵⁸ James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Vermont: Ashgate Publishing Company, 2009), 30.

English was the language of instruction.⁵⁹ While the English literacy test was initially deployed to exclude Southern and Eastern Europeans, it was repurposed to target Puerto Rican migrants.

Why did the Migration Division not take a position against the English literacy requirement to vote? The agency was dedicated to the assimilation and integration of Puerto Rican people into U.S. society and challenging the state law was not an option. Asking for any special exemption for Puerto Ricans was also out of the question. Instead, the Migration Division saw the exam as an opportunity for stateside Puerto Rican people to prove that they were eager to adopt English and vote. However, an assumption was made by the Migration Division that the language requirement was colorblind and fair. Racism against Puerto Rican people that prevented them from voting seemed almost irrelevant to the agency. By teaching and educating Puerto Rican people, the Migration Division believed that New York Puerto Ricans would be given unfettered access to the political process. Therefore, the Migration Division would advance this message through the Council.

In 1955, the Council created El Comité de Inscripción y Votación (the Registration and Voting Committee) to provide the community with classes to assist them to complete la prueba del alfabetismo (the literacy test).⁶⁰ Puerto Rican people were given step-by-step instructions in Spanish on how to sign up to vote. A sample registration card may have been used to familiarize them with the form. English classes prepared the prospective voters to pass the English literacy test. Puerto Rican people more than likely were asked to take the state's English literacy test to assess their language skills. Then, they were coached on how to read and answer

⁵⁹ For comprehensive article on the New York English literacy test see, F.C. Crawford, "New York Literacy Test," *The American Political Science Review* 19, No. 4 (November 1925), 788-790.

⁶⁰ "Intensifican Campaña Inscripción de Hispanos," *El Diario de Nueva York*, September 7, 1955.

the questions on the exam. The Registration and Voting Committee also arranged gatherings with Puerto Ricans to discuss their growing political strength and recruited coordinators in Manhattan, Bronx, and Brooklyn, to organize public meetings to inform voters of the candidates running for office and what they offered to Puerto Rican people. Through these efforts, the Council was hopeful that it could garner 100,000 Puerto Rican and “Hispano” votes.⁶¹ By the end of 1955, their target was not achieved and the Registration and Voting Committee believed its numbers were affected by Puerto Rican’s fear of the English language requirement.

The Council would start a media campaign in *La Prensa* and *El Diario de Nueva York* to attempt to change the negative perception of the English literacy test. These newspapers were circulated widely and targeted New York City’s Puerto Rican community. *La Prensa* was founded in 1913 as a weekly publication and three years later became a daily, and initially served mostly Cuban and Spanish immigrants in Manhattan. As more Puerto Rican migrants arrived after WWII, *La Prensa* reported on Puerto Rican issues and featured a daily column called, “Informaciones de Puerto Rico.” In time, the paper’s Puerto Rican staff and reporters grew in number. In 1958, Francisco Cardona was named the editor of *La Prensa* and became the first Puerto Rican to hold the position. Cardona was well-versed in Puerto Rican affairs having worked as press secretary for Governor Luis Muñoz Marín. During the 1950s, *La Prensa* had a popular journalist, Luisa Quintero. Quintero conducted investigations and took on issues important to the city’s Puerto Rican people including the English requirement to vote. Her reporting united the Puerto Rican community and put pressure on local and state governments

⁶¹ “Esperan reducido número de votantes en las elecciones del próximo martes,” *La Prensa*, November 4, 1955.

to address their concerns. *La Prensa*'s direct competitor was *El Diario de Nueva York*. In 1948, *El Diario de Nueva York* was founded with the slogan of "Champion of the Puerto Ricans." Like the *La Prensa*, it had a recognized journalist, José Lumén Román, who lead investigative campaigns and programs on behalf of the Puerto Rican people. Román and other reporters from *El Diario de Nueva York* uncovered discriminatory tactics used by the city to deny Puerto Rican's the ballot, labor racketeering schemes that took advantage of poor workers, and horrid living conditions of migrant laborers. The paper opened a center to collect and follow-up on complaints, and often published them in the newspaper. Nicolás Kanellos writes that both newspapers "favored Governor Luis Muñoz Marin and the commonwealth status of the island," but they were business enterprises whose readers were the Puerto Rican people of the city.⁶²

The Council in 1956 used the two Spanish-language newspapers to declare that the English literacy exam to register and vote was easy and simple. In *El Diario de Nueva York* and *La Prensa* newspapers, article headlines read "No hay temor por la prueba" ("Do not fear the test"), "Es sumamente sencillo y fácil el examen de inglés que se ofrece" ("The given exam is incredibly simple and easy"), and images were circulated of Puerto Ricans preparing for the language test subtitled "No tema a la prueba de inglés" ("Do not fear the English test").⁶³ Max Gonzalez, the president of the Registration and Voting Committee, stated in *La Prensa* that the English-language assessment was "very easy and no matter how many times you fail, you can

⁶² Nicolás Kanellos and Helvetia Martell, eds, *Hispanic Periodicals in the United States, Origins to 1960: A Brief History and Comprehensive Bibliography* (Houston: Arte Público Press, 1999) 58-60.

⁶³ "Campaña Educativa: 'No hay temor por la prueba': Gonzalez," *La Prensa*, September 25, 1956; "Inscribase y Vote: Es sumamente sencillo y fácil el examen de inglés que se ofrece," *La Prensa*, October 10, 1956; "No tema a la prueba de Ingles," *La Prensa*, October 13, 1956; and "No tema a la prueba de ingles," *El Diario de Nueva York*, October 14, 1956.

retake” the test.⁶⁴ He also explained that it was not a measure of intelligence but only an evaluation of a person’s English abilities. To further nudge Puerto Ricans to try the exam, Monserrat added, “we have evidence of many persons who believed they were incapable of passing the test and passed it.”⁶⁵ Gonzalez urged Puerto Rican people to learn English as it was essential for them exercise their right to vote and integrate faster into the community. Gonzalez’s statement got to the core of why the Migration Division wanted to mobilize the Puerto Rican electorate.

By focusing on the supposed simplicity of the English literacy exam, the Migration Division used the Spanish-language press to raise awareness about the state law without criticizing the test itself. Any opposition to the language requirement to vote could revive media coverage describing Puerto Rican people as both a foreign problem and unwilling to assimilate. Yet by not challenging the English prerequisite to vote, the Migration Division and the Council would be on the wrong side of a growing civil rights movement to abolish literacy tests.

Inspired by Black civil rights activists New York Puerto Ricans would start to contest the language requirement to vote and also the authority of the Migration Division. Black suffragists had started to put tremendous pressure on Washington to protect their right to vote, eliminating devices such as the literacy test were crucial to this effort. Through this debate, Puerto Ricans saw the exam through a different lens than that of the Migration Division; instead of colorblind and fair, it could be used to exclude voters such as themselves. Puerto Rican people would first start to oppose the state’s English language exam and later demand

⁶⁴ “Campaña Educativa: ‘No hay temor por la prueba’: Gonzalez,” *La Prensa*, September 25, 1956.

⁶⁵ “Campaña Educativa: ‘No hay temor por la prueba’: Gonzalez.”

for the right to vote in Spanish, arguing that they wanted to be respected as Spanish-speaking citizens from Puerto Rico. Rather than downplaying their Puerto Rican identity like the Migration Division preferred, they emphasized their differences including their colonial status. By seeking citizenship rights but on their own terms, New York Puerto Ricans would start to uncover the unequal status of Puerto Ricans and immensely complicated ideas of who could and could not exercise the franchise.

New York Puerto Ricans Resist the English Literacy Test to Vote

The Migration Division in New York had ambitious goals that it wanted to achieve through the Council, but they depended on the support of the city's Puerto Rican people. The Council was to be an NAACP-like organization that would encourage democratic participation and lobby for policies and laws beneficial to its constituents. However, the Migration Division's conflicting interests to both develop local leaders and possess influence over mainland migrants were evident in the Council. The agency wanted "both to liberate and to control" writes Lapp.⁶⁶ For example, the Migration Division held key roles within the Council believing it first needed to train and mentor leaders before allowing them to independently run the organization. At the same time, the Migration Division used the Council to sway migrants to submit to the English literacy test. The Council largely undermined the leadership potential of established residents and ignored those who disagreed with the language requirement to vote. Even if it wanted to bring them in, the Council was powerless to create its own strategy to do so. These actions prevented the organization from gaining the full endorsement of the community. Those who

⁶⁶ Lapp, *Migration Division*, 287.

were left out or became dissatisfied with the Council would turn to sympathetic local leaders and later new groups, which offered them an alternative vision of what it meant to participate in electoral politics. Additionally, Puerto Rican journalists' investigations and reporting on allegations of Puerto Rican voter suppression would rally the community as well as start to put pressure on the city to eliminate the English literacy test. As more New York Puerto Ricans gravitated towards different voices in the city, the Migration Division had competition.

Early on, East Harlem's district leader Antonio Méndez sided and backed the Puerto Rican people who disagreed with the state's English prerequisite to participate in elections. Méndez was born in Puerto Rico and moved to the U.S. in 1927. In East Harlem, he owned and operated a jewelry store and was known by his neighbors as "Tony."⁶⁷ In 1954, Carmine G. DeSapio, leader of the Tammy Hall political machine, appointed Méndez to lead the 14th District. In the same year, political juggernaut Marcantonio passed away who had defended the community for decades. Méndez appeared to be ready to take on the role. For DeSapio's Democratic machine, his appointment was a strategic move to maintain its political power in a district with a growing Puerto Rican population.⁶⁸ Méndez became the city's first Puerto Rican district leader. Once in office, he began to get East Harlem's Puerto Rican residents added to the voter rolls and realized that the state's required English literacy test disqualified many. Moreover, Méndez observed the inconsistency of its administration.

In October 1956, Méndez was arrested for protesting a Puerto Rican woman's rejection to register to vote, on account of the English literacy requirement, which showed his

⁶⁷ "Antonio Mendez Dead at 80; East Harlem Political Leader," *The New York Times*, January 10, 1982.

⁶⁸ José Ramón Sánchez, "Puerto Ricans and the Door of Participation in U.S. Politics," in Félix Padilla, ed, *Handbook of Hispanic Cultures in the United States: Sociology* (Houston: Arte Público Press, 1994), 126.

commitment to oppose the city's enforcement of the exam. According to *El Diario de Nueva York*, Maria Velez, 65, had voted on five other occasions without issue yet was rejected from registering to vote in the November elections of 1956, prompting Méndez to come to her defense. The newspaper reported that as Velez was waiting to sign up to vote an inspector noticed that she spoke only Spanish.⁶⁹ The inspector perhaps instructed Velez to show a certificate that she had completed the English literacy exam. At this point, Velez explained that she had been permitted to register without issue in the past. Unable to show proof to have completed the English literacy test, Velez was rejected from registering to vote. As she protested, Méndez arrived and insisted that his constituent be registered immediately. A fiery exchange of words erupted between him and an inspector who was unwilling to yield to Méndez's request. At this point a police officer intervened and arrested the district leader for disorderly conduct.

El Diario de Nueva York reported that the Velez incident was not an isolated event and other discriminatory tactics were being used against prospective Puerto Rican voters. The newspaper informed its readers that another East Harlem Puerto Rican woman a day earlier had been prohibited from registering for speaking Spanish. According to journalist José Lumén Román, some inspectors made it a policy to prohibit "Hispanos from speaking Spanish at the Colegios [de Inscripción] (registration centers)."⁷⁰ He added that the procedure to register Puerto Rican people was taking up to 15 minutes, a process that normally took 3 minutes. *El*

⁶⁹ "Arrestan Tony Ménde por Defender Derehco a Inscripción de Anciana," *El Diario de Nueva York*, October 11, 1956.

⁷⁰ José Lumén Román, "Aplican Tácticas Dilatorias en Contra Los Hispanos en Colegios Electorales de N. York," *El Diario de Nueva York*, October 11, 1956.

Diario de Nueva York also publicized that the Republican Party was using outdated voter registration lists to try to intimidate Puerto Rican people from exercising their right to vote.⁷¹

Following his confrontation with police and additional news of voter suppression surfaced, and Méndez charged the city's Board of Elections with discriminating against Puerto Rican people. In *El Diario de Nueva York*, he publicly criticized the office for prohibiting Puerto Rican people from speaking Spanish at the registration locations. "This is not only illegal but discriminatory," stated Méndez.⁷² The district leader's accusation was serious. The Board of Elections might justify turning away persons who were unable to show their certificate of English literacy, but banning people from dialoguing in Spanish seemed indefensible and suspicious. Puerto Rican people observed that those who spoke Spanish were targeted by inspectors to prove they were allowed to register. They pointed to a pattern of discrimination and it forced the city's Board of Elections to respond to the allegation.

The Board of Elections Commissioner, Dennis J. Mahon, went on record to explain that the registration discrepancies suffered by Puerto Ricans were unintentional. He told *El Diario de Nueva York's* Lúmen Román that the lack of veteran inspectors resulted in the city working with persons registering voters for the first time. "Many of the replacements are housewives who have never done this type of work," explained Mahon.⁷³ Rather than speak to resolving the difficulties raised by Méndez and Puerto Ricans blocked from registering to vote, Mahon blamed inexperienced housewives. Unsatisfied with Mahon's answer, Lúmen Román and other

⁷¹ Angel Rigau, "Las Elecciones en la Ciudad de Nueva York: Descubren ciertas deficiencias en algunas máquinas de votar en Harlem," *La Prensa*, November 7, 1956.

⁷² "Arrestan Tony Méndez por Defender Derehco a Inscripción de Anciana."

⁷³ José Lumén Román, "Hispanos No Se Inscriben Por Inexperiencia Funcionarios en Colegios Electorales en N.Y., *El Diario de Nueva York*, October 12, 1956.

reporters continued to investigate incidents of Puerto Rican voter suppression, bringing greater attention to the problem.

On October 14, 1956, the last day that voters could register in New York City, *El Diario de Nueva York*'s front-page headline read "Colegios Electorales Discriminan Contra Hispanos" ("Board of Elections Discriminates Against Hispanics").⁷⁴ The newspaper argued that the state's English literacy test was being deployed by the Board of Elections to exclude educated and patriotic citizens of Puerto Rican descent. It described the humiliation experienced by Ana and Pedro Ramos, a teacher and veteran, who the election office rejected from signing up to vote. Ana Ramos, the article described, was as a former school teacher in Puerto Rico and her husband, Pedro Ramos, was described as a WWII military veteran and ex-police officer on the island; yet, despite these credentials they were not allowed to register. Days earlier on October 8, the *El Diario de Nueva York* published an article titled "Estos son Requisitos Para que Pueda Votar" ("Requirements Needed to Vote"), stating that prospective voters needed to pass a "simple" English exam or "present a certificate of an eighth grade...[education] from a school in the United States, or present military discharge papers."⁷⁵ The Ramos couple figured they satisfied the requisites to vote. Ana most probably believed that her teaching license was enough proof to exceed the stated qualification. And although her teaching credential was from Puerto Rico, she could argue that the island was technically part of the U.S. As for her husband, his discharge papers would exempt him from the language exam. In the end, Ana and Pedro

⁷⁴ "Colegios Electorales Discriminan Contra Hispanos," *El Diario de Nueva York*, October 14, 1956.

⁷⁵ "Estos Son Requisitos Para que Pueda Votar," *El Diario de Nueva York*, October 8, 1956.

Ramos were informed that they could not register to vote until they completed the English literacy exam.

After the 1956 indictments levied against the Board of Elections and its administration of the English prerequisite to vote, long-time and new Puerto Rican residents of New York City had a reason to believe that the electoral process was rigged to exclude a sizeable percentage of their population. Although the voter registration and education campaigns helped, it was going to be insufficient to elect their own candidates. For example, in 1957, when Puerto Rican reporter Lúmen Román ran for a city council seat to represent East Harlem, the Liberal Party candidate vowed to protect Boricuas from discrimination and abuses.⁷⁶ While he received thousands of votes and represented a significant challenge to the Democratic party machine, Lúmen Román lost to incumbent John Merli by nearly 27,000 votes.⁷⁷ If Puerto Rican people were ever going to elect candidates like Lúmen Román who were not affiliated with a political machine, it was becoming clearer that New York Puerto Ricans needed to either eliminate the English literacy test or advocate for Spanish voting rights.

Beginning in 1958, Puertorriqueños would use the court system to oppose the state's English language prerequisite. They articulated a powerful argument to challenge literacy tests, and it provided them with new language to fight for voting rights. While in the past, lawmakers insisted that foreign immigrants needed to become naturalized citizens and learn English to vote, Puerto Ricans argued that they were not immigrants but U.S. citizens from a Spanish-speaking colony within the country. They wanted to be respected as equal citizens whether

⁷⁶ Manuel Mariotta, "Lumen Roman Dice: Hay Que Eligir Un Boricua Para El Concejo A Fin Que Se Les Proteja Contra Abusos," *El Diario de Nueva York*, November 5, 1957.

⁷⁷ José Ramón Sánchez, "Puerto Ricans and the Door of Participation in U.S. Politics," 126.

they spoke English or not. And by emphasizing their colonial status, they wanted to get recognition of how their unequal status had emerged.

Additionally, New York Puerto Ricans would seek protection as a discriminated racial group under the Civil Rights Act of 1957 and file complaints with the newly created U.S. Commission on Civil Rights. The 1957 act was the first civil rights legislation since Reconstruction. It established the Civil Rights Division within the Justice Department intended to protect persons' right to vote and created a six-member Commission on Civil Rights charged with investigating allegations of voter suppression based on race. The Commission was a bipartisan agency that had no power to enforce laws, but its fact-finding reports gave legitimacy to the concerns of voting rights activists. Their investigations pushed the Justice Department to protect primary disfranchised African American voters. The voting problems of other racialized groups were not initially on the Commission's agenda. New York Puerto Ricans believed this needed to change and asked the agency to investigate their denials to the ballot.

As a result of fighting the state law in the courts, Puerto Rican voting rights activists generated national headlines and it contributed to the leveraging of political power in New York. Before this, the national media and lawmakers had focused exclusively on African American disenfranchisement in the South, but now congressional leaders from New York and beyond started to become aware of the voting problems other communities faced. Puerto Ricans were forcing their way into the discussion of voting rights and making their struggles known, which were both similar and different than African Americans. In particular, the lawsuits initiated by Puerto Rican grocer, Jose Camacho, captured both the overlapping struggles and distinct barriers the community faced.

The Camacho Lawsuits

Jose Camacho was born only six short years after the Spanish-American War of 1898 in Puerto Rico. And in the year of his birth, 1904, a series of Supreme Court decisions concluded that the island was “foreign in a domestic sense.” The highest court granted the U.S. approval to possess the territory and its people without their consent. Puerto Ricans became colonial subjects who the empire determined were unfit for American citizenship. On his thirteenth birthday in 1917, however, Camacho and other Puerto Rican’s political status changed as the Jones Act conferred citizenship upon on the island’s inhabitants. And in the coming years, the American empire embarked on a mission to Americanize and create “tropical Yankees” out of children such as Camacho.

Solsiree del Moral in *Negotiating Empire: The Cultural Politics of School in Puerto Rico, 1898-1952*, describes how public-school teachers were given the responsibility to realize the empire’s objectives of converting colonial subjects into proper second-class citizens.⁷⁸ The Americanization project spearheaded by teachers “included emphasizing English-language instruction, celebrating American patriots through school plays and public parades, replacing locally produced textbooks with approved versions, organizing the school system according to American models, and replacing local teachers with American instructors.”⁷⁹ Although Puerto Rican educators were at the center of the plan, del Moral, argues they “negotiated school practices with their own agenda and ambitions,” to pursue an “alternative citizen-building

⁷⁸ Solsiree del Moral, *Negotiating Empire: The Cultural Politics of Schools in Puerto Rico, 1898-1952* (Madison: University of Wisconsin Press, 2013).

⁷⁹ Solsiree del Moral, “Negotiating Colonialism: ‘Race,’ Class, and Education in Early-Twentieth-Century Puerto Rico,” in *Colonial Crucible: Empire in the Making of the Modern American State*, ed. Francisco Scarano (Wisconsin: University of Wisconsin Press, 2009), 138.

project” intended to racially regenerate Puerto Rican children especially those from rural, working-class backgrounds into modern citizens of Puerto Rico.⁸⁰ Moreover, some of these teachers also fervently resisted English-only language instruction and continued to use Spanish to instruct students. Therefore, Camacho and his contemporaries who attended Puerto Rico’s schools were made aware of their connection to the U.S. but were taught in Spanish and to see themselves as citizens of the island.

Arriving on the mainland in the 1940s, Camacho settled in New York City and operated a bodega in the Bronx.⁸¹ Historian Carlos Sanabria explains that bodegas were “a cornerstone of Puerto Rican barrios,” where friends and neighborhoods came together to purchase goods from their hometowns and a space to socialize.⁸² Bodega owners in New York City were highly organized through the Puerto Rican Merchants’ Association (also referred to as the Spanish Grocer’s Association), which sought to unite business owners and help them address the problems they encountered as well as improve their customers’ livelihoods.⁸³ Whether as a member or non-member of the Spanish Grocer’s Association, Camacho’s bodega was associated with the organization. During the mid-1950s, the association believed grocers had a duty to participate in electoral politics. And the president of the Spanish Grocer’s Association, Eladio Quiles, supported the registration and voting campaigns by the Council of Spanish-American Organizations. Quiles participated in public forums alongside the city’s Puerto Rican

⁸⁰ Solsiree del Moral, “Negotiating Colonialism,” 135-136.

⁸¹ Wayne Phillips, “Puerto Rican Fights State Literacy Law,” *New York Times*, August 7, 1960.

⁸² Carlos Sanabria, *The Bodega: A Cornerstone of Puerto Rican Barrios* (New York City: El Centro Press, 2016).

⁸³ Korrol, *From Colonia to Community*, 159-160; Thomas, *Puerto Rican Citizen*, 36.

political leaders, urging grocers such as Camacho to advance the registration and voting campaigns.⁸⁴

Either under the encouragement of the Spanish Grocer's Association or on his own volition, Camacho decided that he wanted to vote in the 1958 elections. By this time, Camacho was likely aware that monolingual Spanish-speaking Puerto Ricans were being refused the franchise. Nonetheless, he continued to hear political candidates campaign in Spanish and see their advertisements in the Spanish-language press. For Camacho, it appeared hypocritical for candidates to outreach to the Spanish community, then not allow them to cast a vote. Moreover, he began to wonder why, if literacy was required to vote, it had to be only in English. After all, Camacho figured that he was literate in Spanish and therefore he possessed the right as a citizen to take the exam in this language. His demand to take the test in Spanish was denied and he was instructed that he had to take the literacy test in English. After being rejected, Camacho sought out an attorney.

Gene Crescenzi heard about Camacho's situation through his involvement with the Council and the Spanish Catholic Action Movement, an effort by the church to engage with the Puerto Rican people and to develop leaders.⁸⁵ The *New York Times* described Crescenzi as a young Italian American lawyer who fluently spoke English, Spanish, Italian, Portuguese, French, and German. Crescenzi told the paper that after he started to work with Camacho and fight the

⁸⁴ "Campaña Pro Akers: COH gestiona que cien mil Hispanos voten en las próximas elecciones," *La Prensa*, September 27, 1956.

⁸⁵ On the Spanish Catholic Action Movement see J.P. Dolan and Jaime R Vidal, *Puerto Rican and Cuban Catholics in the U.S., 1900-1965*, (Notre Dame: University of Notre Dame Press, 1994), 109-111; and J.P. Dolan and Allan Figueroa Deck, *Hispanic Catholic Culture in the U.S.: Issues and Concerns* (Notre Dame: University of Notre Dame Press, 1994), 286.

state's literacy test he was dubbed "a crackpot." "And others just thought I was going to stir up too much trouble," remarked Crescenzi. Undeterred, Crescenzi litigated on behalf of Camacho from 1958 to 1961, filing three lawsuits with each advancing a different strategy to separate English literacy from the franchise. He also submitted multiple complaints with the recently created Commission on Civil Rights, investigating claims of voting rights violation based on race, arguing that the New York's English requirement to vote disenfranchised Puerto Rican people. Although the court cases and grievances submitted to the federal agency failed to end the language requirement, they generated national headlines that called attention to Puerto Rican voter suppression.⁸⁶

During the first court case in October of 1958 (*Camacho v. Doe, 1958*), Crescenzi argued that Camacho be allowed to take the literacy test in Spanish. The strategy was not to eliminate the test but allow citizens such as Camacho to complete the exam in Spanish, which was his primary language. Crescenzi asked Judge Edgar J. Nathan Jr. to consider that Puerto Rico became part of the U.S. after the war with Spain and the subsequent 1898 Treaty of Paris granted the island residents the right to supposedly choose English or Spanish as their official language. According to Crescenzi, Puerto Ricans selected Spanish which was a civil right that needed to be protected. Additionally, he claimed that New Mexico had a significant number of Spanish-speaking citizens who were allowed to vote without a language exam. And finally, Crescenzi contended that Camacho and over "100,000 other Puerto Ricans in New York [were]

⁸⁶ Wayne Phillips, "Puerto Rican Fights State Literacy Law."

being denied the right to vote in violation of the equal protection clause of the Fourteenth Amendment and because of [their] race in violation of the Fifteenth Amendment.”⁸⁷

The state court found Crescenzi’s argument unconvincing. Judge Nathan ruled that New York’s statutes on voter registration were allowable within the U.S. Constitution and that the treaty did not “afford him any rights not enjoyed by other citizens.”⁸⁸ In other words, Puerto Ricans did not merit preferential treatment and should not be considered special citizens deserving of Spanish-language rights. The court determined that granting Puerto Ricans language rights would apparently discriminate against other non-English speakers. It also ruled that language rights were not protected under the Fourteenth Amendment and that Puerto Ricans suffered no racial discrimination. Judge Nathan concluded that Camacho “must first learn to read and write English” to vote, which he disputed “cannot be deemed an unreasonable requirement.”⁸⁹ Camacho’s limited ability to understand English, not race, barred him from the franchise. The court declared that that New York’s literacy requirement to cast a ballot was colorblind and fair.

Camacho v. Doe brought attention to the local movement against the test that then became linked to a larger conversation about voting rights, widening the exposure of the case.⁹⁰ The media’s coverage of the Camacho case was the start of something important. News about Puerto Rican voter suppression was being heard not only in New York but by national media outlets and federal agencies that would soon be setting agendas for civil rights

⁸⁷ *Jose Camacho v. John Doe et al.*, Constituting the Board of Inspectors of Election, 31 Misc.2d 692, 221 N.Y.S.2d 262 (1958).

⁸⁸ *Jose Camacho v. John Doe*, 221 N.Y.S.2d 262.

⁸⁹ *Jose Camacho v. John Doe*, 221 N.Y.S.2d 262.

⁹⁰ “Spanish Ruled Out for Literacy Tests,” *New York Times*, October 11, 1958.

legislation. Starting in October of 1958, newspapers such as the *New York Times*, *Washington Post*, and *Wall Street Journal* were no longer exclusively writing about the voter suppression suffered by African Americans in the South, but were also discussing the disenfranchisement of Puerto Ricans in New York.⁹¹

After the ruling, Crescenzi filed a complaint on behalf of Camacho with the Commission on Civil Rights arguing that hundreds of thousands of Puerto Ricans in New York were being denied the right to vote. He claimed that “language is as much an attribute of race as is color and that Spanish-speaking citizens denied the right to vote for such reason are entitled to relief under the Civil Rights Act” of 1957.⁹² Moreover, Crescenzi explained that Puerto Ricans became citizens by an act of Congress that did not require them to be English-knowledgeable. Shortly thereafter the Commission publicly confirmed that a “northern state voting complaint” was received and being investigated.⁹³

The Puerto Rican peoples’ grievances submitted to the Commission were significant for several reasons. First, it was a pivotal step to enter the voting rights debate at a federal level. Like in the South, the Commission’s staff would descend on New York City to conduct interviews and gather evidence, giving the Puerto Rican situation a new degree of publicity. Should the Commission agree that Camacho and his fellow citizens were being blocked from the ballot, its findings would be presented to the President and Congress. Second, the

⁹¹ “U.S. to Subpoena Alabama’s Rolls: Rights Unit Sets Showdown—Voting Requirements for New York Studied,” *New York Times*, November 13, 1958; “School Desegregation Parley Set,” *Washington Post*, November 13, 1958; “Federal Men Find It Slow Going as They Guard Negroes’ Vote: They Receive Few Complaints, Blame Apathy and Negroes’ Concentration on Schools,” *Wall Street Journal*, November 28, 1958.

⁹² “Jose Camacho v. John Doe et al., Constituting the Board of Inspectors of Election,” *Race Relations Law Report* 5, no. 3 (1960), 776.

⁹³ “School Desegregation Parley Set,” *Washington Post*, November 13, 1958.

accusations of Puerto Rican voter suppression put the state and city leaders on notice. If necessary, federal officials could step in and prosecute those denying Puerto Rican people the right to vote. Therefore, the state's lawmakers had to either prove their English literacy prerequisite was administered appropriately or eliminate the exam to avoid federal intervention. And third, by asking the Commission to investigate, Puerto Ricans were asking the federal agency to rethink the existing definition of race. They argued that language was not innocuous but linked to race in order to acquire protections under the Fourteenth and Fifteenth Amendments. Puerto Rican people did not fit neatly into the white/black dichotomy, so they contended that language although not a physical marker was nonetheless an attribute, which made them targets of racial discrimination.

In early 1959, *The Nation* magazine's front-page headline read, "200,000 New Yorkers Can't Vote," spotlighting Camacho's case and drawing comparisons to southwestern states with a large Spanish-speaking population that had either no language exams or bilingual provisions. Journalist Dan Wakefield stated that the case "raised a whole array of questions—legal, political, and social...far beyond the New York political scene." "There are more than 600,000 Puerto Ricans in New York City, but there are also approximately 200,000 scattered throughout the rest of the country," wrote Wakefield. In certain states in the Southwest, Crescenzi told Wakefield, Spanish-speaking Mexican Americans were able to vote because "parts of the United States which were acquired by war or purchase, and where Spanish was the principal language when the treaties were signed that made them a part of the United States..." and guaranteed them language voting rights. In unearthing America's legacy of colonialism, Crescenzi reminded readers that Puerto Ricans were unlike European migrants but comparable

to Mexicans who became citizens by conquest. As formerly Spanish-speaking colonized subjects who later became American citizens, he claimed Puerto Ricans should have the same Spanish-language voting rights as Mexicans in the Southwest were afforded.⁹⁴

As Crescenzi filed an appeal and waited on the New York Court of Appeals (*Camacho v. Doe*, 1959), the Commission concluded its investigation on voter suppression a month before the court date. The report estimated that about 59 percent of Puerto Ricans in New York were “able to read and write in only Spanish” and had access to “three Spanish-language newspapers with a combined circulation of 82,000,” but were unable to pass the state’s English literacy test.⁹⁵ The agency affirmed that Camacho and other “Puerto Rican American citizens are being denied the right to vote, and that these denials exist in substantial numbers in the State of New York.”⁹⁶ And while the Commission believed the language exam violated Camacho’s equal rights covered by the Fourteenth Amendment, it held that his case primarily rested on the courts and their interpretation of the Treaty of Paris. The treaty declared that the civil rights of the island’s residents were to be fixed by Congress. The Commission, however, remained silent on whether Puerto Rican people were a race and merited protection under the Fifteenth Amendment. It was up to the courts to determine whether Congress by granting citizenship to Puerto Ricans in 1917, was obliged to protect their Spanish-language rights. Ultimately, the Commission concluded that Camacho’s claims were “legal rather than factual issues” that needed to be solved by the courts.⁹⁷

⁹⁴ Dan Wakefield, “200,000 New Yorkers Can’t Vote,” *The Nation*, February 28, 1959, 183.

⁹⁵ U.S. Commission on Civil Rights, *Report of the United States Commission on Civil Rights* (Washington, D.C.: Government Printing Office, 1959), 67.

⁹⁶ U.S. Commission on Civil Rights, *Report of the United States Commission on Civil Rights*, 68.

⁹⁷ The report referenced *Meyer v. State of Nebraska* and *Farrington v. T. Tokushige* where the Supreme Court affirmed that the “protection of the Constitution extends to all, to those who speak other languages as well as

When Camacho's case was heard before the Court of Appeals, Crescenzi argued that New York's English prerequisite to vote was unconstitutional since it violated Camacho's rights under both the Fourteenth and Fifteenth Amendments.⁹⁸ He reminded the court that the nation colonized Puerto Rico, allowed the territory to continue to use Spanish, and then granted the island's Spanish-speaking residents citizenship. Crescenzi insisted that in spite of colonization Spanish became the "official language of the territory" and that English never became a prerequisite for Puerto Ricans to gain citizenship.⁹⁹ With respect to the latter point, the American Jewish Congress filed an amicus curia stating that before 1950 English was not "an absolute requirement for naturalization," which allowed those "of the Jewish faith who are completely literate in the Yiddish language" to become citizens.¹⁰⁰ As non-English knowledgeable American citizens, the language exam was an infringement on both group's equal rights protections. Additionally, Crescenzi insisted that language and race were not distinct categories but relational. He claimed that language was a characteristic of race and therefore, those who spoke Spanish such as Camacho faced racial discrimination and merited protection under the Civil Rights Act of 1957. Although he did not explain that Camacho's use of Spanish racially scripted him as foreigner, non-citizen, and illiterate, Crescenzi asserted that he was treated as a non-White person. He broadened the definition of race at a time when the

those born with English on the tongue." See U.S. Commission on Civil Rights, *Report of the United States Commission on Civil Rights*, 68.

⁹⁸ Jose Camacho v. John Doe, et al., Constituting the Board of Inspectors of Election, 7 N.Y.2d 762, 194 N.Y.S.2d 33, 163 N.E.2d 140 (1959).

⁹⁹ "Asks Court to Void N.Y. Statue: Fights Law Requiring Voters to Read and Write in English," *The Kingston Daily Freeman*, Kingston, New York, October 8, 1959.

¹⁰⁰ Jose Camacho v. John Doe, 163 N.E.2d 140.

legal system understood race as only skin deep rather than as a category whose meanings and practices were constantly evolving.

Despite Crescenzi's new strategy, the Court of Appeals in November of 1959 upheld the decision of the lower court. The court agreed with the Board of Elections "that the distinction between literacy in English and literacy in another language was reasonable and did not violate the Fourteenth Amendment, and the requirement of literacy in English did not violate the Fifteenth Amendment because it made no distinction based on race or color."¹⁰¹ The verdict upheld the supremacy of English knowledge and defined Spanish as a foreign language incompatible with the nation's ideals of citizenship and democracy. The Court of Appeals also set a precedent that race and language were not interrelated but distinct categories, making Camacho's appeal for racial discrimination invalid under the Fifteenth Amendment. Moreover, the ruling empowered inspectors to continue to racially discriminate against Spanish-speaking Puerto Rican voters without any legal consequences.

By 1960, Camacho's court cases against the state's English literacy exam had become part of the national debate about voter suppression, yet Crescenzi had been unable to convince the courts of its unconstitutionality. He was also facing retaliation and opposition for the work he was leading. Crescenzi told journalist Wayne Phillips that "he was discharged from his post as a Democratic election district captain" for litigating Camacho's cases. In addition, Phillips stated that "Some leaders of the Puerto Rican community in New York are also opposed because they believe Puerto Ricans should learn English and integrate themselves into political life." This had always been the position of the Migration Division. Monserrat still leading the

¹⁰¹ *Jose Camacho v. John Doe*, 163 N.E.2d 140.

agency told Phillips that any action to remove the literacy exam “would only result in arousing greater hostility against Puerto Ricans and greater misunderstanding.” For Monserrat, avoiding a “Puerto Rican problem” continued to inform his position concerning the language test. And even the New York Civil Liberties Union declined to support Crescenzi as they believed Camacho’s lawsuit had “very little chance of success.” Notwithstanding the reprisals and challenges, Crescenzi continued to submit voting complaints from Camacho along with six other Puerto Ricans to the U.S. Attorney General’s Office, collected affidavits from Puerto Ricans who were not literate in English yet passed the exam to prove its inconsistent administration, and eventually filed another lawsuit in the federal district court in New York.¹⁰²

In this third case (*Camacho v. Rogers*) beginning in mid-1961, the New York Civil Liberties Union reversed its earlier position and agreed to support Camacho, resulting in a litigation strategy that was far more intricate than the previous two.¹⁰³ In addition, attorney Paul O’Dwyer joined Crescenzi who the *New York Times* described as “one of New York’s leading defenders of the underclass.”¹⁰⁴ The Irish American lawyer had taken on powerful insurance companies that opened the way for Blacks to live in desegregated neighborhoods and declared “a radical for angrily challenging Red-baiting assaults on civil liberties by politicians who were intent on searching for Communist[s]” in New York City. O’Dwyer was an experienced lawyer and unafraid to defend the rights of marginalized peoples. While Crescenzi and O’Dwyer claimed that language and the English test were used to deny Puerto Ricans the

¹⁰² Wayne Phillips, “Puerto Rican Fights State Literacy Law.”

¹⁰³ “Liberties Union Reverses Stand and Fights State Literacy Test,” *New York Times*, July 2, 1961.

¹⁰⁴ Francis X. Cline, “Paul O’Dwyer, New York’s Liberal Battler For Underdogs and Outsiders, Dies at 90,” *New York Times*, June 25, 1988.

franchise, they focused on how New York's literacy exam was inherently racist and unconstitutional, breached the Civil Rights Act of 1960, and not in accordance with the United Nations Charter and the Declaration of Human Rights.¹⁰⁵

Crescenzi and O'Dwyer argued that New York's English literacy test passed in 1921 was not colorblind. They argued that the exam was made law during a time of hyper-nationalism. States outside the South adopted language requirements believing they were necessary to reduce the "ignorant foreign vote" and prevent the "host of immigrants pouring in from foreign countries" from diluting the purity of the nation's electoral system.¹⁰⁶ Camacho's counsel insisted that the tests had been retooled to intentionally block non-English-speaking Puerto Ricans who were not immigrants but citizens from the ballot. It was the language that they spoke and not their immigration status that made them targets of racial discrimination. For these reasons, Camacho warranted relief under the Fourteenth and Fifteenth Amendments. The district court, however, dismissed their arguments since the state court had already decided on these constitutional issues, holding that the test was "equally and fairly applied" and that Camacho was denied the franchise based on his inability to speak English not race.¹⁰⁷

Camacho's counsel tried to make a case that his rights as a citizen were obstructed under the Civil Rights Act of 1960. Crescenzi and O'Dwyer claimed that the language exam in certain parts of the city was stringently enforced but barely enforced in other districts to the point that some Puerto Ricans passed the exam without being able to read and write in English,

¹⁰⁵ Jose Camacho v. William T. Rogers, et al., S.D.N.Y. 199 F. Supp. 155 (1961); and "Liberties Union Reverses Stand and Fights State Literacy Test," *New York Times*, July 2, 1961.

¹⁰⁶ Keyssar, *The Right to Vote*, 117.

¹⁰⁷ *Jose Camacho v. Rogers, et al.*, S.D.N.Y. 199 F. Supp. 155.

while others were barred. Crescenzi said that inconsistent enforcement violated Camacho and other Puerto Rican's civil rights. The court rejected the arguments because their grievances under the Civil Rights Acts needed to be "asserted in the proper judicial district court, which is the District Court of Columbia."¹⁰⁸

And finally, Camacho's counsel claimed that the literacy test violated international treaties. Under Articles 55 and 56 of the United Nations Charter, member countries agreed to respect human rights and freedoms irrespective of language. By using this international treaty, Crescenzi and O'Dwyer believed they could protect Spanish-speakers since the nation was discriminating against this group on the basis of language. Article 55 stated that the United Nations "shall promote...universal respect, and observance of, human rights and fundamental freedoms for all without distinctions as to race, sex, language, or religion." And Article 56 made it clear that all members of the United Nations pledged to be "in cooperation with the Organization for the achievement of the purpose set forth in Article 55." The Federal District Court rejected this approach, insisting the United Nations Charter was not "part of the supreme law of the land, because it [was] not a self-executing treaty." In other words, the court contended that legislation by Congress was needed to execute the treaty and that this legislative body had previously dealt with the issue of requiring citizens to read and write.¹⁰⁹

In *Camacho v. Rogers*, the federal court cited *Lassiter v. Northampton, North Carolina County Board of Elections*, which ruled that a state's requirement to read and write in English was an appropriate standard and constitutionally lawful. "The ability to read and write likewise

¹⁰⁸ *Jose Camacho v. Rogers, et al.*, S.D.N.Y. 199 F. Supp. 155.

¹⁰⁹ *Jose Camacho v. Rogers, et al.*, S.D.N.Y. 199 F. Supp. 155.

has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Yet in our society where newspapers, periodicals, books, and other matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.” Moreover, the defense insisted the Camacho was “in no different position than children born in the United States and taken from the country at an early age who return after reaching their majority and are ‘literate’ only in a tongue other than English.” The court negated the fact that Camacho was born and raised in a Spanish-speaking colony under U.S. control of the U.S. English literacy, the court maintained, was a practical expectation for all voters since candidates debated using the langue, ballots and voting machine instructions were printed in English, and it was used to “conduct the business of government in his state.” *Camacho v. Rogers* implied that Spanish-speaking Puerto Ricans were citizens with foreign tongues and lacked the intellectual ability to exercise the vote. Additionally, their supposed foreign tongues became an excuse as to why Puerto Ricans should not be “entitled” with special language provisions to participate in America’s democratic political system.¹¹⁰

The Camacho cases uncovered that Puerto Ricans and other Latinxs did not fit neatly into the legal systems’ Black/White racial binary. Camacho’s attorney argued that Puerto Ricans faced racial discrimination like African Americans and merited protections under the Civil Rights Act, which was a way to prove that the community was treated as a racialized group. But more importantly, the cases argued racial discrimination and language discrimination were not separate. Language was a racial marker. Regardless of Puerto Ricans’ physical appearance, by

¹¹⁰ *Jose Camacho v. Rogers, et al.*, S.D.N.Y. 199 F. Supp. 155.

speaking Spanish, they were racialized as non-White and foreign and it restricted their access to the vote.

The unfavorable verdict of *Camacho v. Rogers* in October of 1961 was yet another legal disappointment, but the case continued to generate publicity and contributed to the political momentum in the 1960s that would yield results in New York and in federal policy. Pushing ahead activists in New York City started to put greater pressure on the city's leaders to solve the voting barriers and irregularities Puerto Rican voters faced. Eventually, they would also convince congressional figures from New York and the U.S. Attorney General to support their cause, and it turned out to be critical since the President and Congress would soon start to put forth a voting rights bill.

Operación Voto y *Batallion del Voto* /Operation Vote and the Voting Battalions

The 1960 presidential race was an epic contest between U.S. Senator John F. Kennedy (D-MA) and Vice President Richard Nixon that turned out to be one of the closest elections in American history. To gain a competitive edge, Kennedy's campaign turned to Latinx voters who had previously been overlooked by presidential candidates. On October 12, 1960, the energetic young senator from Massachusetts traveled to East (Spanish) Harlem, the heart of the Puerto Rican barrio, and delivered remarks identifying himself with the New York Puerto Rican community. According to *El Diario de Nueva York*, Kennedy told the audience, "Puerto Ricans are as American as myself, and I pledge to resolve all the problems of boricuas in this country when I am elected to the White House."¹¹¹ To celebrate Kennedy's visit, Puerto Rican leaders of

¹¹¹ Jose J. Torres Cintron, "Diez Mil Boricuas Escuhan a Kennedy y Lodge en Pleno Corazón de Barrio Hispano," *El Diario de Nueva York*, October 13, 1960.

the city's Viva Kennedy Club helped organize large marches and rallies. The clubs were part of a national effort to register and get Mexican Americans and Puerto Ricans to vote for the Democratic ticket.¹¹² At these events, people held posters of Kennedy and some wore sombreros pava, traditional Puerto Rican hats worn by workers, reading "Viva Kennedy." With only a month before voting, Kennedy's campaign needed New York's Puerto Rican people to him to defeat Nixon.

The presidential candidate's visit to Harlem got Puerto Rican people excited about voting, and it again exposed the barriers preventing many from exercising the right to vote. Yet, new organizations and leaders such as Luisa A. Quintero, journalist for *La Prensa*, and Herman Badillo, president of El Comité Pro Kennedy (Committee for Kennedy) of East Harlem would continue to argue that Puerto Ricans were unjustly and systematically deprived of voting rights by the Board of Elections. For them, the English literacy test was one of a multitude of factors that denied Spanish-speakers the ballot. These leaders would use a variety of tactics to leverage political power in New York City.

Ahead of Kennedy's visit to Harlem, local groups with the support of the Spanish-language media started to mobilize the community to prepare for the 1960 presidential election. In mid-August of 1960, *La Prensa*, Spanish radio station La WHOM, and El Comité de Acción Política Puertorriqueño (Committee for Puerto Rican Political Action), a group whose purpose was to defend the political interests of the community that the city's political parties ignored, created Operation Vote "to register Hispanos—largely Puerto Ricans..." independent of

¹¹² On the Viva Kennedy Clubs see Ignacio M. García, *Viva Kennedy: Mexican Americans in Search of Camelot* (College Station: Texas A&M University, 2000).

political machines.¹¹³ To achieve this goal, Operation Vote organized volunteer groups to knock on doors informing people of registration deadlines and arranged a bus and carpool program to take prospective voters to classes where they could prepare to take the language exam and later to registration locations. Operation vote enlisted Puerto Rican celebrities to promote voter enrollment and utilized the “unida movil de WHOM” (mobile WHOM unit) equipped with loudspeakers to drive daily through streets in Manhattan, Bronx, and Brooklyn encouraging people to vote in the upcoming presidential race.¹¹⁴ To ensure that these new electors voted on Election Day, *La Prensa*, La WHOM, and the Committee for Puerto Rican Political Action formed El Batallion del Voto (the Voting Battalion) which used tactics similar to Operation Vote to get people to the polls.¹¹⁵ The campaign played a crucial role in registering 160,000 new Puerto Ricans voters, which shattered the previous record of 65,000 in 1957, bringing the total number of Puerto Rican and “Hispano” voters to 250,000.¹¹⁶ The final figure however fails to capture the intense fight that transpired with the city’s Board of Elections to register voters.

Shortly after Operation Vote began, Luisa A. Quintero, reported in *La Presena* that the Board of Elections was working to disenfranchise “Puertorriqueños and other Hispanos in the City of New York” including herself. Quintero reported that in Manhattan a Puerto Rican Korean War veteran and Maria Elena Argüello de Cardona, wife of *La Prensa*’s director and graduate from the University Puerto Rico, were not permitted to register to vote on account of the

¹¹³ “CAPP y La Prensa Inician ‘Operación Voto’,” *La Prensa*, August 17, 1960.

¹¹⁴ “Calurosa Acogida a ‘Operación Voto’,” *La Prensa*, August 18, 1960; “Autobuses de Operación Voto Recogieran Mañana,” *La Prensa*, August 19, 1960; “Así es la Operación Voto,” *La Prensa*, August 28, 1960; “Caravana de Autos Se Unirá a Operación Voto,” *La Prensa*, August 31, 1960; “Ofrecen Gran Apoyo a la Operación Voto,” *La Prensa*, September 1, 1960.

¹¹⁵ “Crean Batallion del Voto,” *La Prensa*, October 2, 1960.

¹¹⁶ “Líderes Boricuas Pedirán Corte Extensión Período Inscripción,” *El Diario de Nueva York*, October 17, 1960.

literacy test, much as Velez and the Ramos couple had been rejected in the 1956 election. She also emphasized that in Brooklyn, José Antonio Miranda, yet another US military veteran, was rejected due to his inability to speak English. Then she informed her readers that in the Bronx, Quintero herself was physically assaulted and arrested for her involvement in protesting the denial of three other veterans. Quintero noted how a furious Arthur Ochs, administrative assistant of the Board of Elections, “forced the group out of the hall without listening” to their appeals and called the police. “Police officer P. Farrell...[proceeded] without no respect or consideration, grabbed us violently by our arms and pushed us out of the place,” stated Quintero. And despite presenting her journalist credentials, Quintero was placed in the back of a police car, denied her phone call, and detained for three hours. Quintero responded that she was treated “as a criminal” by the Board of Elections. She wondered how the agency dealt with folks, who unlike herself spoke no English and had no platform to raise awareness of the injustices they faced. “As a journalist I was treated violently, what do you think they do to the unfortunate ones who do not know the language?” The purveyor of violence was the Board of Elections’ staff who administered the literacy test to suppress the vote of non-English speakers, even veterans, who Quintero believed were unjustly being deprived of voting rights.¹¹⁷

Quintero also criticized the Board of Elections for not being prepared to effectively register Puerto Rican people, creating conditions that discouraged her community from signing up to vote. She explained that the agency failed to hire sufficient teachers to administer the language exam, creating long lines; provided misleading information about the schools administering the exam, generating confusion; disregarded the advice from Puerto Rican

¹¹⁷ “Obstaculizan Inscripción de Electores Boricuas,” *La Prensa*, August 29, 1960.

leaders to hire bilingual speakers to facilitate enrollment generating a chaotic registration process; and neglected to properly equip registration centers to the point that some sites had no forms, ink, or desks for voters to complete the test resulting in people being unable to register. For Quintero, the schemes by the Board of Elections were not happenstance but calculated. She went on to encourage Puerto Ricans to stand in opposition to the agency as the community's actions were "protestas justificadas" ("justified protests").¹¹⁸

Herman Badillo was one of the new leaders who responded to Quintero's charge to protect the Spanish-speaking citizens. Badillo was born in Caguas, Puerto Rico in 1929. When he was five, a tuberculosis epidemic swept through the island and claimed the lives of his parents. He would grow up under the care of his grandfather and aunt. His aunt moved to New York City in 1941 and Badillo accompanied her. He was a stellar student and received an award to attend City College of New York. Badillo went on to attend Brooklyn Law School and was admitted to the New York Bar in 1955. In 1958, he started his political career by taking a position in the Caribe Democratic Club of East Harlem, headed by Antonio Méndez; and a couple years later, he was chairing Kennedy's campaign in the same district. Then, in 1962, Mayor Wagner appointed Badillo to head the Department of Housing and Relocation, making him the highest-ranked Puerto Rican administrator in the city. This was one of his many achievements in politics. Badillo would become the first Puerto Rican-born person to be a voting member of Congress and later play a critical role to restructure American voting law.

¹¹⁸ Luisa A. Quintero, "Batallon del Voto," *La Prensa*, October 16, 1960.

The presidential campaign of 1960 was a watershed moment for Puerto Rican political participation and Badillo was at the forefront.¹¹⁹ Badillo commented that his involvement in Kennedy's bid for president was his "first real political effort" and it propelled him into New York City's politics.¹²⁰ As president of the Committee for Kennedy in East Harlem, Badillo played an indispensable role in registering Puerto Rican voters in this part of the city. And beyond assisting his fellow neighbors to add their names to the voting rolls, he came to be known as an individual who was willing to challenge New York's Democratic Party, Board of Elections, and Mayor Robert Wagner.

In October of 1960, the Spanish-language press started to frequently report on Badillo's activities in the city, portraying him as a relentless leader of the Puerto Rican people. *El Diario de Nueva York* explained how Badillo had asked the Board of Elections to hire "Hispanos" but it had neglected to do so, resulting in the agency obstructing the registration process for Spanish-speakers.¹²¹ Badillo was also quoted rebuking the Democratic Party and Mayor Wagner as both argued that they wanted more Puerto Ricans to register and vote, but disregarded the need to seek out Spanish-speakers to assist the population. "First-time [Spanish-speaking] voters will be without help and orphans...[and] this is scandalous and another reason why boricuas do not register to vote," declared Badillo.¹²² Besides from describing the voter registration process as "scandalous," the paper showed that Badillo was willing to provide for the community in ways

¹¹⁹ José E. Cruz, "Puerto Rican Politics in New York City during the 1960s: Structural Ideation, Contingency, and Power," in *Politics of Inclusion and Exclusion: Identity Politics in Twenty First Century America*, ed. David F. Ericson (New York and London: Routledge Press, 2011), 69.

¹²⁰ Herman Badillo, *One Nation, One Standard: An Ex-Liberal on How Hispanics Can Succeed Just Like Other Immigrants Groups* (London: Sentinel Press, 2006), 22.

¹²¹ "Sostiene No Quiern Emplear Hispanos en Centros Inscricion," *El Diario de Nueva York*, October 10, 1960.

¹²² "Sostiene No Quieren Emplear Hispanos en Centros Inscricion."

the Board of Elections and Mayor Wagner failed to do. For example, when a registration center ran out of pens, *El Diario de Nueva York* documented how Badillo purchased pens out of his own pocket.¹²³ By the end of the registration period, the newspaper estimated that thousands of Puerto Ricans were unable to register due to the barriers created by the Board of Elections. Badillo responded by declaring that Mayor Wagner failed on his commitment to protect the Puerto Rican voting community and believed it was an injustice.¹²⁴ The Spanish-language press came to depict Badillo as a concerned, dedicated, and strong representative voice for Puerto Ricans.

Badillo's unapologetic support for the community was underscored when he threatened to file suit against the city's Board of Elections for turning away Puerto Ricans. The incident arose after *El Diario de Nueva York* apparently received "dozens of phone calls...denouncing the deployment of dilatory tactics and other barriers to prevent registration in certain zones of the city."¹²⁵ A number of New York Puerto Ricans stated that they arrived 10 to 15 minutes before the registration centers closed but were refused entry by police officers. Their tardiness was caused by having to wait several hours to complete the English literacy exam because the Board of Elections' administration of the test. Blanca Iris Sliverstriz, for example, relayed to *La Prensa* that her registration process took 4 hours.¹²⁶ Hearing of these grievances Badillo and attorney, Mark Lane, announced that they were contacting the city's Committee on Civil Rights to investigate the matter, and preparing a legal case to demand the Board of Elections to extend

¹²³ Jose J. Torres Cintron, "Boricuas Acuden en Masa a Inscribirse." *El Diario de Nueva York*, October 13, 1960.

¹²⁴ "Lideres Boricuas Pediran Corte Extension Periodo Inscripcion." *El Diario de Nueva York*, October 17, 1960.

¹²⁵ Jose J. Torres Cintron, "Al Tribunal Supremo y Al Comité de Derechos Irregularidades en la Inscripción de Boricuas," *El Diario de Nueva York*, October 18, 1960.

¹²⁶ "Pediran Que den a Boricuas Nuevo Plaza Para Inscribirse," *La Prensa*, October 19, 1960.

the registration period. Badillo gathered those affected at his headquarters in East Harlem, and led the group to the Board of Elections' office in lower Manhattan.¹²⁷ With Badillo's support, thirteen Puerto Ricans won an extension and were allowed to register to vote.¹²⁸

Badillo's willingness to take on the city's Board of Elections and force them to extend the registration period was a significant victory for the community. The successful petition confirmed that the Board of Elections could be defeated and that its tactics were no longer going to be tolerated by the community. Antonio "Tony" Mendéz, who since 1956 had opposed the discrimination of Puerto Rican voters, stated, "this victory was a demonstration that they cannot close the door on the Boricuas."¹²⁹ The incident also placed pressure on Mayor Wagner and his administration to do more to resolve Puerto Rican people's voting irregularities.

By November of 1960, Mayor Wagner agreed to meet with Puerto Rican leaders, and it turned out to be a major political turning point. Since his election in November of 1953, Mayor Wagner had tried to establish a better relationship with the Puerto Rican community, and he did so by working closely with the Migration Division. In fact, Mayor Wagner was one of the agency's greatest allies and selected its local leader, Monserrat, to be a member of his advisory council.¹³⁰ Mayor Wagner also created the Commission on Intergroup Relationship that replaced the Mayor's Committee on Puerto Rican Affairs to handle both Puerto Rican and Black issues. In spite of these gestures, by 1960, New York Puerto Ricans wanted the mayor to see them as a real and independent political constituency. They demanded that Mayor Wagner to

¹²⁷ "Luchan Por Inscribir a Los Boricuas," *El Diario de Nueva York*, October 21, 1960.

¹²⁸ "Rompiendo Un Precedente Trece Boricuas Logran Ser Inscritos, Vencida La Fecha," *El Diario de Nueva York*, October 30, 1960; "Se Anotan Triunfo Ante La Junta de Elecciones," *El Diario de Nueva York*, October 30, 1960; "Ahora Votaran 13 Boricuas Que Fueron Discriminados," *La Prensa*, October 30, 1960.

¹²⁹ "Ahora Votaran 13 Boricuas Que Fueron Discriminado," *La Prensa*, October 30, 1960.

¹³⁰ Lapp, *Migration Division*, 136.

take their concerns seriously and eliminate the voting obstacles their community experienced, especially those attributable to the language exam. Mayor Wagner promised to create more centers to prepare new voters, hire additional teachers to administer the literacy tests, and expedite the registration process.¹³¹ They also gained his support to back a state constitutional amendment to eliminate the English requirement. This was a huge political victory. The movement was now beginning to reap political dividends and it would soon be able to get its new political allies to wade into congressional politics ultimately securing the Puerto Rico provision of the 1965 law.

With respect to the state's English requirement to vote, Mayor Wagner understood that an amendment to the state constitution was required to remove the state law and luckily for him, Robert F. Kennedy, as the U.S. Attorney General, was willing to support this cause. And by the time Attorney General Kennedy stepped into the position in 1961, the Justice Department and the Commission had been investigating voter suppression for nearly five years. And while these agencies were aware of the complaints and lawsuits opposing New York's English literacy test their focus had been on the voter suppression in the South.

During the 1962 Congressional debates to eliminate arbitrary English literacy tests, Kennedy would advocate for Puerto Rican voting rights. He emphasized that Puerto Ricans were uniquely situated Americans, or as he called them "a special class of citizens" who were educated under the American flag but in Spanish. The argument was nuanced but could it be enough to convince Congress that Puerto Rican merited Spanish language rights?

¹³¹ "Lideres Boricuas Plantean a Wagner Tacticas Dilatorias En Inscripciones," *El Diario de Nueva York*, November 3, 1960; "Wagner Promote Hispanos Votaran con Toda Facilidad," *La Prensa*, November 3, 1960.

CHAPTER TWO

Language Discrimination A More Vicious Form of Racism: The 1962 Anti-Literacy Test Debate, Spanish-Language Rights, and Racial Liberalism

During the 1960 presidential race, John F. Kennedy's campaign went to great lengths to court African American, Mexican American, and Puerto Rican voters. Once in the White House, however, Kennedy placed a low priority on civil rights reform even though he vowed to protect citizens' rights and end discriminatory practices. Mass civil rights demonstrations continued and were met with brutal resistance by state authorities in the South, the Ku Klux Klan, and Whites hellbent on maintaining the status quo. In February 1960, the college student sit-ins to desegregate lunch counters in Greensboro, North Carolina sparked similar protests across southern states that continued into 1961, and led to the arrest of more than three thousand people.¹³² At lunch counters non-violent demonstrators were spat on, kicked, insulted, and beaten. The sit-ins drew national attention to the treatment of Blacks in Dixie and ignited a student-led civil rights movement. The Freedom Ride of May 1961 to challenge southern states' unlawful enforcement of segregation on interstate busses and terminals, by an interracial group attempting to travel from Washington D.C. to New Orleans, encountered violent resistance.¹³³ For example, in Alabama, one bus was attacked by angry White people who smashed windows and tossed a firebomb into the bus, and riders were violently beaten by Ku Klux Klan-led mobs

¹³² On the Greensboro sit-ins, see Miles Wolff, *Lunch at the Five and Ten, The Greensboro Sit-Ins: A Contemporary History* (New York: Stein and Day, 1970); Iwan W. Morgan and Philip Davies, *From Sit-ins to SNCC: The Student Civil Rights Movement in the 1960s* (Gainesville: University Press of Florida, 2012); and Christopher W. Schmidt, *The Sit-ins: Protest and Legal Change in the Civil Rights Era* (Chicago: University of Chicago Press, 2018).

¹³³ On the 1961 Freedom Ride, see Derek Catsam, *Freedom's Main Line: The Journey of Reconciliation and the Freedom Rides* (Lexington: University Press of Kentucky, 2009); and Raymond Arsenault, *Freedom Riders 1961 and the Struggle for Racial Justice* (New York: Oxford University Press, 2011).

in Birmingham and Anniston. At home and abroad, these civil rights incidents threatened Kennedy's image as the leader of the U.S. where supposedly democracy and freedom reigned. As Cold War tensions grew, Kennedy felt a great responsibility to protect the nation's prestige before the world. While Kennedy and his administration tried to minimize mob violence and bad headlines, African American civil rights leaders and liberal Democrats in his own party, especially those up for re-election in 1962, were becoming less patient and demanding that he more aggressively move on a civil rights bill.

Recognizing that his silence on civil rights legislation was no longer going to be tolerated, Kennedy in his 1962 State of the Union Address for the first time publicly expressed that he was prepared to introduce bills to support the civil rights cause. He stated that his administration would work to enforce laws to protect the constitutional rights of all citizens including their rights to vote, travel freely throughout the country, and a free public education. As a commitment to this work, Kennedy explained that he had issued a far-reaching order to ensure that all Federal agencies and contractors offered equal employment opportunities. He added that literacy tests and poll taxes that were arbitrarily administered should no longer deny citizens access to the vote. Kennedy declared that he would support legislation to strengthen voting rights.¹³⁴

Kennedy's open support for civil rights was mostly due to the pressure from African American civil rights activists and their supporters, but in spite of his reluctance to fully back the civil rights cause, his administration along with Congress began to work on an ambitious civil

¹³⁴ President John F. Kennedy, State of the Union Address, January 11, 1962, The Miller Center, University of Virginia, Charlottesville, Virginia. Accessed December 12, 2020. <https://millercenter.org/the-presidency/presidential-speeches/january-11-1962-state-union-address>

rights agenda in 1962. During this year, a constitutional amendment passed that banned poll taxes and a voting rights bill came close to passage. Overall, it was a critical year for the development of civil rights laws, but they primarily tackled the discrimination issues facing the African American community. The concerns of Latinx people were merely a side note in the civil rights plan but remarkably, Puerto Rican people managed to come out of nowhere to enter the voting rights debate. For Puertorriqueños, 1962 was also a significant year.

This chapter traces the political fight during the 1962 anti-literacy test hearings by Puerto Rican allies in Congress to include an amendment to exempt Puerto Ricans from New York's English literacy test in the voting rights bill. The Puerto Rico Provision turned the legislation away from its previously exclusive focus on African American rights in the South. Puerto Rican people had for years been pushing to be acknowledged and against long odds succeeded in adding the issue of their right to register to vote in Spanish to the legislative agenda. The alliances Puerto Rican activists had built with New York's civil rights advocates, the state's powerful delegation, and Attorney General Robert Kennedy were critical to the inclusion of the Puerto Rico amendment. The provision did not become law. However, it set the stage for its success in 1965.

Chapter Two also provides a detailed examination of the anti-literacy test debate, showing how racial liberalism was used to both support and oppose the Puerto Rico provision. As racial liberals argued that the nation needed to reject race-based discrimination and segregation, and used the language of liberalism (i.e., "equality," "opportunity," and "freedom") to back the Puerto Rican cause; at the same time, US Senators from the South, such as Senator Samuel Ervin (D-NC), deployed a similar rhetoric to insist that the provision violated

the country's commitment to equal rights. Rather than rejecting racial liberalism, Ervin used its themes to create a predicament that would exclude and include Puerto Rican voters. Ervin and the opposition introduced several arguments to limit their right to the vote, but also defined the terms that would grant them access to the vote. They portrayed stateside Puerto Ricans as either worthy or unworthy citizens, and their rhetoric redirected the focus away from how language discrimination, colonialism, and English-only elections disenfranchised Puerto Rican people. During the voting rights debates in 1965 and 1975, similar claims would resurface to try to block Puerto Ricans and Mexican Americans from receiving voting protections under the Fourteenth and Fifteenth Amendments.

Although Congress did not agree to pass a voting rights bill that included the Puerto Rico provision in 1962, the congressional hearings were a pivotal first step for Spanish-speaking Puerto Ricans to secure voting rights. The debate revealed how the Puerto Rican voting rights movement was beginning to make an impact. The deliberation also brought to light the legal difficulties to fight for language rights that required a drastically different interpretation of constitutional law. Yet, it started to initiate the process to reconfigure the voting rights policies toward all non-English speakers, particularly Latinxs.

1957 Civil Rights Bill and United States Commission on Civil Rights

In September of 1957, President Dwight Eisenhower signed into law a Civil Rights Act authorizing the temporary creation of the U.S. Commission on Civil Rights. The act also empowered the U.S. Attorney General to file lawsuits on behalf of Black people who were denied the franchise. The federal commission was touted as an independent, bipartisan agency

that was exclusively a fact-finding entity with six commissioners—three from the North and three from the South. The first appointments to the Commission did not include a Latinx, and they started their investigation on voter suppression in the South. There were five White commissioners and one Black commissioner. Ernest Wilkins, a lawyer and Eisenhower’s Assistant Secretary of Labor and the sole African American, joined John A Hannah, Chairman, President of Michigan State University; Robert G. Storey, Vice Chairman, head of Southwestern Legal Center and former dean of Southern Methodist University Law School; John S. Battle, former governor of Virginia; Doyle E. Carlton, former Governor of Florida; Rev. Theodore M. Hesburgh, C.S.C, President of the University of Notre Dame.

The purpose the Commission was threefold:

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of the right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based; (2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and (3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.¹³⁵

The Commission would offer recommendations to the President and Congress but had no authority to impose laws or correct civil rights violations with legal action. Moreover, the Commission’s goals said nothing about addressing language discrimination, which Puerto Rican voting rights activists would argue was key to their disenfranchisement. From the onset, it was

¹³⁵ Civil Rights Act of 1957. Public Law 85—315, 85th Congress, H.R. 6172, September 9, 1957.

clear that the agency did not set out to address the voting irregularities that non-English speaking voters faced.

The Civil Rights Act of 1957 also established the U.S. Department of Justice Civil Rights Division within the Attorney General's office. The division was responsible for enforcing all federal statutes related to civil rights, investigating voting and housing complaints, and offering legislative and policy recommendations. Although the Civil Rights Division and the Commission were created by the same act, they were separate units that did not always agree about how to solve civil rights problems. The Commission would be more aggressive in challenging the President and Congress to pass civil rights legislation.

According to Mary Frances Berry, the founding of the Commission was for President Eisenhower a "safety valve to relieve the discontent and make it possible for him to avoid tough decisions about racial issues."¹³⁶ Despite this cynical background, Berry argues that the Commission proved to be very important in helping "to frame the nation's great civil rights laws...[and] also instrumental in monitoring government agencies to ensure enforcement of these laws once they passed."¹³⁷ The agency's investigations and reports greatly informed the policy and language of the Civil Rights Acts of 1964 and Voting Rights Act of 1965, and other important civil rights legislation in the coming decades.

In late 1958, the commissioners traveled to Alabama and in the following year, they conducted a hearing in Louisiana. The location of the two hearings were not happenstance. African American civil rights leaders such as Clarence Mitchell, chief lobbyist for the National

¹³⁶ Mary Frances Berry, *And Justice for All: The United States Commission on Civil Rights and the Continuing Struggle for Freedom in America* (New York: Knopf Press, 2009), 3.

¹³⁷ Berry, *And Justice for All*, 4.

Association for the Advancement of Colored People (NAACP), along with A. Philip Randolph (Leadership Conference on Civil Rights), Roy Wilkins (NAACP), and Arnold Aronson (National Jewish Community Relations Advisory Council) lobbied relentlessly for President Eisenhower and Congress to investigate Black issues in the South.¹³⁸ African American civil rights organizations and their allies saw the agency as a vehicle to pass another civil rights bill that included stronger voting protections.

Once John F. Kennedy became president, the Commission pressured him to support its policy recommendations, but he was not particularly interested in civil rights. While he disagreed with the agency's proposals and privately ridiculed it, he signed a 2-year extension of the Commission as part of the Civil Rights Act of 1960.¹³⁹ Moreover, in 1961, the President would appoint Robert F. Kennedy to serve as the U.S. Attorney General and have oversight of the Civil Rights Division. Attorney General Kennedy would have control over the lawsuits the division pursued. Despite the lack of support from President Kennedy, the agency continued to collect evidence on disenfranchisement, police violence, and discrimination in housing, employment, and education, focusing on Black people living in southern states especially in remote areas.

The Commission gathered evidence to argue that African Americans such as in rural Louisiana faced "serious and sometimes insurmountable obstacles" to the ballot and would recommend that the 1957 Civil Rights Act needed to be strengthened to better protect African

¹³⁸ Berry, *And Justice for All*, 18.

¹³⁹ Berry, *And Justice for All*, 52.

Americans' rights.¹⁴⁰ In their 1961 report on voting, the agency explained that “voter qualification laws” including literacy tests were administered with a broad range of discretion.¹⁴¹

There is no uniformity in Louisiana registration procedure—each registrar who testified described his own system for administering the same laws. Some registrars have built a fortress against Negro registration with such procedural impediments as interpretation of the Constitution, identification, calculation of age, and filing in the application blanks.¹⁴²

The Commission reported that electoral systems such as in Louisiana, under existing laws, could be sued but it was a slow, expensive, and time-consuming process. The commissioners recommended that President Kennedy and Congress to enact a simple bill, allowing all citizens access to the franchise with the only exceptions being a person's inability to meet an age minimum and a residency requirement, inability to satisfy legal confinement rules, or being convicted of a felony.¹⁴³ Although Commissioners Robert Storey and Robert Rankin, both from the South, strongly disagreed with the proposal. Storey protested that the “security and purity of the ballot can be destroyed by permitting illiterates to vote.”¹⁴⁴ And possibly fearing that this recommendation may allow non-English speakers to vote, he added, “And as the English language is still the official language of the United States, there is good justification for States

¹⁴⁰ U.S. Commission on Civil Rights, *Voting: 1961 United States Commission on Civil Rights Report* (Washington, D.C.: Government Printing Office, 1961), 71.

¹⁴¹ U.S. Commission on Civil Rights, *Voting*, 71.

¹⁴² U.S. Commission on Civil Rights, *Voting*, 71.

¹⁴³ In January of 1959, Commissioner Wilkins passed away. Wilkins was replaced by George M. Johnson, professor of law and former dean of Howard University School of Law. In 1959, John S. Battle resigned, and Eisenhower replaced him with Robert S. Rankin, political scientist from Duke University. On March 1961, Doyle Carlton and George M. Johnson resigned from the Commission. Then, in 1961, President John F. Kennedy appointed Erwin Griswold, Harvard Law School Dean, and Spottswood Robinson, Howard University Law School Dean, to replace Carlton and Johnson. See Berry, *And Justice for All*, 25, 41; and U.S. Commission on Civil Rights, *Voting*, XVII.

¹⁴⁴ U.S. Commission on Civil Rights, *Voting*, 140.

requiring that voters have at least a rudimentary knowledge of this language.”¹⁴⁵ Although the country had no federally sanctioned language, Storey stated that barring non-English speakers was necessary to preserve the integrity of the franchise, which supposedly had “nothing to do with race, religion, or national origin.”¹⁴⁶ As a compromise to the dissenting opinions from Storey and Rankin, the Commission offered another recommendation for President Kennedy and Congress to consider, requiring state registrars to accept completion of at least six grades of formal schooling as proof of literacy.

The Commission’s 1961 report on voting, the on-going student sit-ins and civil rights marches, the freedom rides, and Black leaders such as Martin Luther King Jr. demanding Kennedy to speak to the arrests, beatings, and bombings in the South, frustrated and irritated Kennedy enough that he could no longer remain silent on civil rights. On January 11th, 1962, Kennedy delivered a message to the 87th Congress announcing he was ready to support new civil rights legislation. He indicated that there were forthcoming bills that had the unwavering backing of his administration to strengthen the nation’s basic rights. The civil rights plan that Kennedy was proposing was comprehensive as it dealt with voting, racial segregation in public transportation and schools, and employment discrimination. On the franchise, Kennedy stated, “the right to vote, for example, should no longer be arbitrarily denied through such iniquitous local level devices as literacy tests and poll taxes.”¹⁴⁷ Later in 1964, the Civil Rights Act would pass and it tackled the specific civil rights issues he raised, banning discrimination in housing

¹⁴⁵ U.S. Commission on Civil Rights, *Voting*, 140.

¹⁴⁶ U.S. Commission on Civil Rights, *Voting*, 140.

¹⁴⁷ President John F. Kennedy, State of the Union Address, January 11, 1962.

and public spaces based on race, color, religion, and sex as well as racial segregation and workplace prejudice.¹⁴⁸

Kennedy's request to move ahead on civil rights legislation caught most lawmakers by surprise. According to the Associated Press, Senate Democratic Majority Leader Michael (Mike) Mansfield (D-MT), days before the President's speech, stated that "As far as I can see there is no civil rights legislation on the horizon this year."¹⁴⁹ North Carolina's Senator Samuel Ervin also expressed that he had "no idea of initiating any hearings on the various [civil rights] bills pending before his subcommittee."¹⁵⁰ In addition, Kennedy's speech left no question that he sought to contest poll taxes and literacy tests. This was a risky move. Kennedy could lose the support of southern Democrats for legislation he believed was much more significant to his administration.

By the end of January 1962, Kennedy's administration moved ahead on its commitment to back a constitutional amendment to outlaw the poll tax and champion a voting rights bill introduced by Senators Mansfield of Montana and Everett McKinley Dirksen (R-IL) of Illinois. Interestingly, the anti-poll tax constitutional amendment garnered unexpected support in Congress while the supposedly less problematic literacy bill struggled to gain substantial backing. The success of the poll tax amendment was surprising since civil rights advocates had little faith in the amendment and Dixie southerners fiercely protested it; nonetheless, Congress managed to clear the proposal. In August 1962, the House passed the Twenty-Fourth

¹⁴⁸ President John F. Kennedy, State of the Union Address, January 11, 1962.

¹⁴⁹ "Sen. Mansfield Doubly Surprised As JFK Asked Civil Rights Laws," *Asheville Citizen-Times*, Asheville, North Carolina, January 15, 1962.

¹⁵⁰ "Sen. Mansfield Doubly Surprised As JFK Asked Civil Rights Laws."

Amendment to outlaw the poll tax as a voting prerequisite in federal elections, and it was ratified by the states in January 1964. Yet, the Kennedy-backed voting rights bill to prohibit the arbitrary use of English literacy tests was defeated by two filibusters led by southern Democrats. The proposed legislation did not actually prohibit the use of English literacy tests but would prohibit those who completed a sixth-grade education from being disqualified to vote. Some Black civil rights leaders believed it was a “half-hearted step” to solve African American voter suppression because it failed to eliminate the exam.¹⁵¹ However, the 1962 voting rights bill allowed lawmakers to test arguments and build a political strategy that would win out in 1965. New York’s congressional delegation also began to rehearse their approach to advocate for Spanish language rights and to address counterclaims raised by the opposition. Southern Democrats, for example, celebrated the inclusion and assimilation of Puerto Rican citizens but portrayed those unwilling to learn English as hostile to the nation.

The Case for Puerto Rican and Spanish Language Voting Rights

While the 1962 voting rights bill was principally intended to address the barriers facing Black voters, a deeper look into the congressional debate shows that Puerto Rican people were beginning to broaden the scope of the voting rights agenda. As part of the final legislative proposal, an amendment was included to exempt Puerto Rican people from New York’s English language exam to register to vote. It was referred to as the Puerto Rico provision. The legislative proposal remained focused on solving African American voter suppression and so Puerto Ricans and their allies in Congress had to push to be acknowledged.

¹⁵¹ Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969* (New York: Columbia University Press, 1976), 291.

Efforts to fight to defend the voting rights of Puerto Rican people were made more difficult without the backing of the Commission. After four years of data collection, the Commission's 1961 report on voting had gathered and reviewed 382 formal voter complaints. The federal agency's research uncovered "that discriminatory denials of the right to vote are a limited phenomenon, confined principally to rural areas in the South."¹⁵² Though the vast majority of the complaints were filed by African Americans, the agency commented that there were three exceptions of voter suppression in the North. "The complaints from New York involve Puerto Ricans American citizens who, although literate in Spanish, could not satisfy the English literacy test of that State," explained the Commission.¹⁵³ Although the Commission previously affirmed, in 1959, that Puerto Ricans were being stripped of their voting privileges, it was more politically invested in addressing African American voter suppression.¹⁵⁴ In the 1961 report, the agency stated that the Puerto Rican issue "raised a complex and difficult legal problem, but one not strictly within the scope of the Commission's authority."¹⁵⁵ They offered no policy recommendation regarding Spanish-language rights.

The Commission's report focused on the voting irregularities facing the African American community, but the White House backed the Puerto Rico provision to protect their privileges as Spanish-speaking U.S. citizens. Kennedy's administration was receptive to Puerto Rican voting rights and specifically, Attorney General Robert Kennedy took great interest in finding a remedy to the problems facing the community. Political scientist Juan Cartagena

¹⁵² U.S. Commission on Civil Rights, *Voting*, 18.

¹⁵³ U.S. Commission on Civil Rights, *Voting*, 21.

¹⁵⁴ The agency two years earlier, in 1959, conveyed to the President and Congress that "Puerto Rican-American citizens are being denied the right to vote, and that these denials exist in substantial numbers in the State of New York." See U.S. Commission on Civil Rights, *Report of the United States Commission on Civil Rights* (Washington, D.C.: Government Printing Office, 1959), 68.

¹⁵⁵ U.S. Commission on Civil Rights, *Voting*, 18.

explains that Robert Kennedy became familiar with Spanish speakers' civil rights issues when he headed John F. Kennedy's presidential campaign in 1960. Cartagena writes that "the Kennedys' interest in Latino issues was a clear consequence of the need to motivate voter registration and turnout in a tight race against Richard Nixon."¹⁵⁶ To mobilize the Latinx electorate, the Kennedy campaign established Viva Kennedy Clubs across the country including in New York, resulting in tremendous voter turnout from Mexican Americans and Puerto Ricans.¹⁵⁷

Equally if not more significant, Puerto Rican people had the support of New York's congressional delegation that was uniquely powerful in Congress. This was not a coincidence but a direct byproduct of the political leverage that the Puerto Rican community had developed. At the time, New York was the largest state and had the greatest number of congressional representatives with forty-three. California and Pennsylvania followed with thirty delegates each. The mostly Democratic state delegation would strategically distribute its members throughout committees to maximize its political influence. And the state had three senior representatives who chaired committees including: Adam Clayton Powell Jr. (D-NY; Education and Labor), Emanuel Celler (D-NY; Judiciary), and Charles A. Buckley (D-NY; Public Works). As committee chairs, they had tremendous authority to expedite legislation they preferred and delay or even block those they disliked. Celler, in particular, handled civil rights legislation and was a remarkable writer of legislation. He authored the Civil Rights Act of 1957 and 1960. Additionally, Celler sponsored and guided to passage the Immigration Act of 1965

¹⁵⁶ Juan Cartagena, "Puerto Ricans and the 50th Anniversary of the Voting Rights Act," Center for Puerto Ricans Studies, Hunter College. Accessed February 1, 2019. <https://centropr.hunter.cuny.edu/centrovoices/current-affairs/puerto-ricans-and-50th-anniversary-voting-rights-act>.

¹⁵⁷ Ignacio M. García, *Viva Kennedy: Mexican Americans in Search of Camelot* (College Station: Texas A&M University, 2000), 92.

(Hart-Celler Act) that repealed the national origins quota system and changed the demographic profile of immigrants enter the country. New York's forty-three members and its committee chairs could determine the fate of bills in the House, which made them powerbrokers within Congress. Additionally, the delegation had doubly strong ties to President Kennedy's administration and Robert F. Kennedy who would later be a Senator from New York.

In the Senate, the Puerto Rican cause would be advanced by Kenneth Keating (R-NY) and Jacob Javits (R-NY) who were committed to civil rights reform. On account of their advocacy for civil rights as well as their refusal to endorse conservative Republican Barry Goldwater for president in 1964, the senators were considered liberal Republicans. Before serving in the Senate, Keating was a congressional representative (1947-1959) and sponsored a civil rights bill during Truman's administration.¹⁵⁸ Keating would become a ranking member of the House's Judiciary Committee, chaired by fellow New Yorker Emanuel Celler, and he actively worked to pass the Civil Rights Act of 1957. Then, as a Senator of New York (1959-1965), Keating continued to endorse legislation to protect the civil and voting rights of citizens.¹⁵⁹ He was also part of a small group of liberal Republicans that did everything they could to enact the contentious Civil Rights Act of 1964.¹⁶⁰ Javits also had a track record of supporting anti-discriminatory legislation while a member of both the House (1947-1954) and Senate (1957-1981) as well as the New York State Attorney General (1955-1957). During his tenure as congressman, Javits would endorse legislation to bar the poll tax and tried to pass, albeit

¹⁵⁸ Alden Whitman, "Keating Dies at 74; Envoy, Ex-Senator," *New York Times*, May 6, 1975.

¹⁵⁹ On the specific bills Keating introduced see Carl C. Jr. Moore, "A Survey of Kenneth B. Keating's Legislative Image Relative to the Domestic Issues During the Years 1947-1958" (Masters Theses, University of Richmond, 1967).

¹⁶⁰ On liberal Republican's support of the Civil Rights Act of 1964 see Robert D. Loevy, *To End All Segregation: The Politics of the Passage of the Civil Rights Act of 1964* (Lanham: University Press of America, 1990).

unsuccessfully, a bill to end segregation in federal housing projects. As attorney general, Javits supported a healthcare program for state workers and equal employment legislation. In 1956, he ran for a U.S. Senate seat against Democratic challenger Robert F. Wagner, who was Mayor of New York City and incredibly popular. Javits would defeat Wagner by 458,000 votes.¹⁶¹ He went on to vote for the 1957, 1960, 1964, and 1968 Civil Rights laws and Voting Rights Act of 1965.

Following President Kennedy's announcement in 1962 declaring his support for a voting rights bill, New York's representatives introduced six legislative bills to prohibit the use of English literacy tests and to protect the voting rights of Spanish-speaking Puerto Rican citizens living in the U.S. In total, nearly two dozen proposals were submitted including the bills from the New York delegation that were identical but introduced on different dates in the House.¹⁶² The first one, House Resolution 10034, was introduced by Emanuel Celler on February 1, 1962. In relation to Puerto Rican people, the measure argued that a substantial number of Puerto Rican American citizens were being deprived of the right to vote. The proposal claimed that they were excluded from the franchise "by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used."¹⁶³ Puerto Ricans, the legislation further elaborated, had access to information through "Spanish-language news

¹⁶¹ James F. Clarity, "Jacob Javits Dies in Florida at 81: 4-Term Senator from New York," *New York Times*, March 8, 1986.

¹⁶² H.R. 10034 introduced by Emanuel Celler (D-NY) on February 1, 1962; H.R. 10141 introduced by Abraham J. Multer (D-NY) on February 7, 1962; H.R. 10516 introduced by Leonard Farbstein on March 1, 1962 (D-NY); H.R. 10616 introduced by Seymour Halpern (R-NY) on March 8, 1962; H.R. 11161 introduced by Benjamin Stanley Rosenthal (D-NY) on April 9, 1962; and H.R. 11465 introduced by Robert R. Barry (R-NY) on April 19, 1962.

¹⁶³ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 8.

sources...necessary for the intelligent exercise of the franchise.”¹⁶⁴ The bill argued that English literacy tests were therefore an unreasonable and inappropriate prerequisite barring Spanish speakers of Puerto Rican descent from the nation’s democratic system. To allow Puerto Ricans unobstructed access to the ballot, it added that persons who completed six years of education in the Commonwealth of Puerto Rico were considered literate, and eligible to vote in federal elections. This law was not written to protect all Spanish speakers throughout the country but only Puerto Rican people. Moreover, it was limited to individuals who were educated on the island of Puerto Rico and had relocated to New York.

In the Senate, an identical bill to the one proposed by New York’s congressmen was introduced by Mansfield—the Democratic majority leader. On January 25, 1962, the Brooklyn-born lawmaker on the Senate floor claimed that Senate Bill 2750 would outlaw the discriminatory use of literacy tests and also “prevent the denial of the right to vote to Spanish-speaking citizens who may be literate, well-educated and informed, but who are not permitted in some areas to participate in the democratic process of the country because they were born and educated in a part of the United States and its related territories where Spanish is the historic and chosen language of the people.”¹⁶⁵ In addition, Mansfield managed to get the support of Senator Everett Dirksen, who was the Republican minority leader. The bipartisan proposal would be referred to as the Mansfield-Dirksen bill.

¹⁶⁴ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 8.

¹⁶⁵ See Civil Rights, Senator Mansfield, speaking on S. 2750, on January 25, 1962, 87th Cong., 2nd sess., *Congressional Record* 108, pt. 1:941.

As the Mansfield-Dirksen bill had the backing of the White House, it was dubbed the administration bill and garnered lots of media attention in New York due to its potential impact on the state and its sizeable Puerto Rican population. A day after the measure was introduced the *New York Times* published an article on the bill and stated that it was intended to curb “literacy tests that keep Negroes from voting in the South and Puerto Ricans in the North.”¹⁶⁶ The newspaper underscored that approximately 200,000 Puerto Ricans in the U.S. were being stripped of their franchise rights, and it was in New York City where the “biggest impact of the Spanish-language aspect of the bill would” be.¹⁶⁷ Under the administration bill, Puerto Ricans who completed six years of education and met the state’s other requirements to vote would be exempted from the language test. In other words, the paper declared, the English literacy test was going to “be wiped out.”¹⁶⁸

Senators Javits and Keating also introduced bills of their own. Javits submitted Senate Bill 480 that argued for a sixth-grade education standard as evidence for literacy to vote in any local, state, and federal election.¹⁶⁹ And Keating’s Senate Bill 2979 proposed that no citizen should be blocked from the ballot except for their “inability to meet reasonable age requirements, inability to meet reasonable requirements as to length of residence with the State and its political subdivision; legal confinement at the time of election or registration; and conviction of a felony.”¹⁷⁰ Ironically, Keating’s bill stated nothing about abolishing the literacy

¹⁶⁶ Anthony Lewis, “President Backs Voting Right Bill: Literacy Test Curb Would Aid Puerto Ricans Here and Negroes in South, *New York Times*, January 26, 1962.

¹⁶⁷ Lewis, “President Backs Voting Rights Bill.”

¹⁶⁸ Lewis, “President Backs Voting Rights Bill.”

¹⁶⁹ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 7.

¹⁷⁰ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 9.

test, but defined completion of six or more grades as satisfying any literacy requirement.

Although Javits and Keating's legislative measures made no reference to the Spanish-language rights, their support for a voting rights bill was clearly evident.

In the Senate, Javits and Keating attempted to send the Mansfield-Dirksen bill to the Committee on Rules and Administration, chaired by Mansfield. This was an attempt to avoid the Judiciary Committee, the so-called graveyard of civil rights legislation, chaired by Senator James O. Eastland (D-MS) who would go to any lengths to resist racial integration and civil rights proposals. Javits pleaded with Vice President Lyndon B. Johnson that the Rules and Administration Committee had oversight of bills related to federal elections, and that the bill should not be debated in the Eastland's Judiciary Committee, where it would receive "no action" and be "pigeonholed".¹⁷¹ Keating added that as a member of the Committee on the Judiciary and its Subcommittee on Constitutions Rights "we have given civil rights legislation no attention or priority."¹⁷² And like Javits, he pleaded for the bill to be sent to the Rules and Administration Committee where it would be given sincere attention.¹⁷³ But citing "law and precedent," Vice President Johnson referred the administration bill to the Judiciary Committee, a decision that was upheld by a 61-25 roll call vote.¹⁷⁴ For southerners, Vice President Johnson's decision was a small victory.

¹⁷¹ See Right to Vote in Federal Elections—Jurisdiction of Committee, S. 2750, on January 30, 1962, 87th Cong., 2nd sess., *Congressional Record* 108, pt. 1:1213.

¹⁷² See Right to Vote in Federal Elections—Jurisdiction of Committee, S. 2750, on January 30, 1962, 87th Cong., 2nd sess., *Congressional Record* 108, pt. 1:1213.

¹⁷³ See Right to Vote in Federal Elections—Jurisdiction of Committee, S. 2750, on January 30, 1962, 87th Cong., 2nd sess., *Congressional Record* 108, pt. 1:1216.

¹⁷⁴ Robert C. Albright, "Literacy Bill Sparks Early Senate Battle on Civil Rights Issue," *The Washington Post*, January 31, 1962.

The Southern Strategy: Preserving English for the Sake of the Nation's Unity from Foreign Language Speakers vs. Puerto Rican American Citizenship Exceptionalism

The primary focus of the Dixie contingency in the 1962 legislation battles involved attempts to protect segregation and limit African American voting rights in the South, but one southern segregationist lawmaker, Senator Samuel Ervin of North Carolina, Chairman of Constitutional Rights Subcommittee, took an interest in the language provision. The Harvard Law School graduate who described himself as “a country lawyer” was a legal defender of racial segregation.¹⁷⁵ He gained a reputation as an expert on and staunch protector of the Constitution, who thoroughly enjoyed debating its technicalities. Ervin would vigorously oppose the Mansfield-Dirksen voting rights bill including the legislation's Spanish-language rights amendment. He believed it challenged the supremacy of English knowledge, which was supposedly a foundational pillar of the nation, critical to assimilation and unity, and an integral component of American citizenship.

Ervin developed several arguments to prohibit Latinx people from accessing Spanish-language voting rights under the Constitution, which would later be re-introduced in the voting rights hearing in 1965 and 1975. Ervin warned that the Spanish language provision for Puerto Ricans would threaten to linguistically divide the country, discourage this group and others from gaining English knowledge, prevent them from gaining acceptance as true Americans, and violate the equal rights protections of other non-English speaking groups. The language he used did not mention race, yet it was a dog whistle to mobilize Whites in Congress. Ervin made an

¹⁷⁵ Paul R. Clancy, *Just a Country Lawyer: A Biography of Senator Sam Ervin* (Bloomington: Indiana University Press, 1974).

appeal that it was essential for them to protect “our language,” “our nation,” and “our democratic elections” from “foreign-language citizens.” By allowing, as Ervin and other southerners emphasized, “foreign language-ethnic groups,” “people of foreign extraction,” “persons of foreign birth,” individuals with “foreign tongues,” and “foreign-language citizens” to vote, it would violate the purity of elections and disrupt the homogeneity of the nation.¹⁷⁶ To defend the nation’s ideals of citizenship and democracy, Ervin told the members of Congress that they had the responsibility to exclude those citizens who failed to learn English from participating in the voting process, and only include those who completed the colorblind English literacy test.

Ervin’s logic against Spanish-language voting rights shifted attention away from the congressional findings bringing to light the voting irregularities suffered by Puerto Rican citizens. Instead of responding to the complaints being raised, Ervin forced the proponents of the Spanish-language amendment to the voting rights bill to explain why these citizens deserved preferential treatment. In the Senate hearings, when the administration bill’s Spanish provision was brought up for discussion, southern senators and some outside the South followed Ervin’s strategy to attack or undermine the Spanish provision. The debate became less about the role Congress should take to address language discrimination and racism that Puerto Rican people had to confront, and more about justifying the stipulation to exempt only Spanish speakers from the English language exam, which would supposedly be unfair, unreasonable, and unconstitutional.

¹⁷⁶ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 32, 321, 330, 500, 635.

Having to defend against Ervin's arguments, the proponents for the Spanish-language amendment in the voting rights bill would argue that stateside Puerto Rican people were "special citizens." New York's congressional delegation led by Attorney General Robert Kennedy claimed that Puerto Ricans were citizens by an act of Congress, but who happened to be born and educated in a part of the U.S. where Spanish was the common language.¹⁷⁷ They emphasized that Puerto Ricans were authentic American citizens and needed to be recognized as such, regardless of the language they spoke. The proponents claimed that literacy either in Spanish or English was the same. They also insisted that the proposal was an attempt to reconcile with the fact that American citizenship was a colonial imposition and failed to protect the rights of Spanish speakers. Therefore, the English literacy test to vote was unreasonable and the nation had a "special responsibility" to eliminate the exam or exempt those who had completed six years of school in the Commonwealth of Puerto Rico.¹⁷⁸ Ultimately, they proposed that Puerto Ricans were not foreigners but exceptional Americans who deserved their rights as citizens to be recognized.

In addition, the proponents for Puerto Rican voting rights downplayed the racism and language discrimination experienced by Puerto Rican voters, and instead emphasized that they were worthy voters. They would assert that islanders were literate in Spanish, well-informed, and eager to participate in the voting process. And more than anything, Puerto Rican people

¹⁷⁷ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 264.

¹⁷⁸ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 301.

were just like other citizens other than they were born on the island of Puerto Rico, under the American flag, where Spanish not English was the official language of instruction.

Debating Spanish-Language Voting Rights

On the first day of the House hearings, March 14, 1962, Representative Emanuel Celler of New York said that the Commission and the Justice Department had gathered a tremendous amount of evidence indicating that the language exam was arbitrarily administered to exclude voters. “Here, let me emphasize that this denial is not limited to any particular section of the country or racial group,” Celler clarified.¹⁷⁹ He explained that his own state had a statute requiring voters to be literate in English. “Although many American citizens from the Commonwealth of Puerto Rico reside in the State of New York and are literate in the Spanish language,” Celler testified, “they are unable to vote.”¹⁸⁰ His bill, H.R. 10034, would ban the administration of arbitrary literacy tests in federal elections and included an amendment to exempt Puerto Ricans from the exam.¹⁸¹ Celler’s voting rights bill was significant in that it articulated that voter suppression was not solely a southern phenomenon. He argued that Spanish speakers were literate voters (albeit not in English) and informed voters who could exercise the franchise wisely, much like English speakers, trying to create equivalency in literacy between the two language groups.

¹⁷⁹ U.S. Congress, House of Representatives, Subcommittee No. 5 of the Committee of the Judiciary, *Abolition of Literacy Tests in Federal Elections*, 87th Cong., 2nd Session, March 14, 1962, 3.

¹⁸⁰ U.S. Congress, House of Representatives, Subcommittee, March 14, 1962, 4.

¹⁸¹ Representative Celler also introduced House Joint Resolution 403, a proposal to eliminate literacy tests in federal elections through a constitutional amendment.

On the second day, March 15, Attorney General Robert Kennedy testified in support of H.R. 10034 and spoke about its potential impact on Puerto Rican people. With respect to the latter, he explained that it was a “special aspect of the Administration proposal.”¹⁸² In addition to protecting African Americans, Kennedy indicated that the proposal would help “citizens of Puerto Rican origin who possess the required educational background.”¹⁸³ He reasoned that Puerto Ricans were formally educated in Spanish but under the U.S. flag. “To penalize them by excluding their educational achievement,” Kennedy emphasized, “would be outright discrimination.”¹⁸⁴ He also added that Puerto Ricans in New York, had access to Spanish-language newspapers, radio stations with Spanish programming, and Spanish television channels, seeking to prove that they were literate and intelligent voters.

Moreover, Kennedy testified that Puerto Ricans were uniquely situated in New York State. Although the state mandated that voters be literate in English and that current naturalization laws required English proficiency, Puerto Ricans, he raised, “were granted full American Citizenship in 1917, and left by Congress to choose English or retain Spanish as their official language. The Islanders chose Spanish.”¹⁸⁵ The U.S. Attorney General spoke about colonialism as if it was not imposed upon the island, and that the residents possessed full authority to choose their preferred language. Kennedy, in many ways, erased the violence of colonization and the extreme lengths the empire went to erase Spanish.

¹⁸² U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 63.

¹⁸³ U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 63.

¹⁸⁴ U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 63.

¹⁸⁵ U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 64.

Kennedy added that New York was working to revise its state constitution to allow Spanish speakers to vote but it would be a long process. The revision of the state's voting law was largely due to Puerto Rican activists who had been putting pressure on the state legislature to remove the English literacy test using a state constitutional amendment. For example, ahead of the 1961 mayoral elections, Gilberto Gerena Valentín organized a meeting with Mayor Robert Wagner and Louis Lefkowitz, his opponent, to gauge their position on the English language requirement to vote. Gerena Valentín was a long-time New York City resident and leader of El Congreso del Pueblo, a coalition of hometown clubs that was primarily a social and cultural organization and instrumental to the founding of the Puerto Rican Day Parade. El Congreso would also become a critical vehicle to gain civil rights. At this meeting, Gerena Valentín managed to get a verbal commitment from Mayor Wagner and the city's legal division to write a state constitutional amendment to strike out the exam and lobby state lawmakers to endorse the proposal.¹⁸⁶ Kennedy seemed to be aware of this development yet understood that the issue could be resolved more expediently through H.R. 10034. He therefore stated that it would be "extremely worthwhile" to guarantee that Puerto Ricans were no longer "in a position of second-class voters and not being able to vote unless they know English."¹⁸⁷ Kennedy argued for Puerto Ricans to be recognized as authentic American citizens.

When Representative Celler raised the issue that H.R. 10034 would potentially create a multilingual electoral process, Attorney General Kennedy avoided the topic and reemphasized that Puerto Ricans were special citizens. He made clear that "the states may not in general

¹⁸⁶ José E. Cruz, *Puerto Rican Identity, Political Development, and Democracy in New York, 1960-1990* (New York: Lexington Book, 2017), 59.

¹⁸⁷ U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 65.

constitutionally require knowledge of English language as a qualification for voting.”¹⁸⁸ “But, as applied to this special class of citizens,” Kennedy voiced, “I am convinced, for the reason I have already stated, that Congress properly may find that state action denying the franchise to literate persons of Puerto Rican origin is not reasonable.”¹⁸⁹ Kennedy continued to assert that non-English speaking Puerto Ricans were unique American citizens and deserved equal rights under the Fourteenth Amendment. Still, he never addressed or advocated that multilingual ballots were needed to create equality. Kennedy needed to take this position because the voting rights bill was strictly about making New York Puerto Ricans exempt from the language exam rather than instituting multilingual ballots.

In addition to advocating for Puerto Ricans to be recognized as “special citizens,” Kennedy testified that it was the obligation of the nation to extend to them voting rights. He said that “By virtue of the Treaty of Paris, the United States assumed a special obligation to citizens of Puerto Rico.”¹⁹⁰ Given the duty to fulfill the country’s responsibility, H.R. 10034, he alleged, would be a “step to protect the inhabitants of Puerto Rico and to foster their development by removing a discrimination based solely upon the language in which they have been educated in schools for which we have a heavy responsibility.”¹⁹¹ For the Attorney General, the colonization project was not complete since the American empire had not extended all the rights of citizenship to the island residents. Still, while Puerto Ricans claimed that American citizenship had failed to protect their voting rights, they were not looking to be

¹⁸⁸ U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 71.

¹⁸⁹ U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 71.

¹⁹⁰ U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 71.

¹⁹¹ U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 71.

recognized as citizens. Instead, they wanted to retain their status as Spanish-speaking Puerto Ricans who possessed citizenship status.

New York's congressional representatives and the American Federal of Labor-Congress of Industrial Organizations (AFL-CIO) also advocated for Puerto Rican voting rights. New York Representatives Seymour Halper (R-NY), Jacob H. Gilbert (D-NY), and William Fitts Ryan (D-NY) testified that Puerto Ricans were being deprived of their voting rights even though they were literate in Spanish. Andrew J. Beimiller from the AFL-CIO, a union that had endorsed Kennedy's candidacy and was a political force in New York City, also championed the Puerto Rican cause. However, Congressman Gilbert was singular in his defense of the Puerto Rican electorate. He added that Puerto Ricans, much like African Americans, were being excluded from the vote because of their race. "There is overwhelming evidence to show that many thousands of qualified Americans are denied the right to vote," Gilbert explained, "solely because they are Puerto Ricans or members of the Negro race."¹⁹² Rather than trying to establish parity between English and Spanish literacy, Gilbert pointed out that racism contributed to their exclusion.

After two days of discussion in the subcommittee, Representative Celler and its members ended the hearings and southern representatives did not even bother to testify. They may have assumed that H.R. 10034, the voting rights bill the Kennedy administration backed, and other proposals faced a certain death in the Senate. According to the *Congressional Quarterly Almanac*, the subcommittee "took no further action in view of the Senate impasse" on the anti-literacy test legislation.¹⁹³ Before the proposals reached the Senate, the southerners

¹⁹² U.S. Congress, House of Representatives, Subcommittee, March 15, 1962, 90.

¹⁹³ "Filibuster Kills Bill on Literacy Tests," *Congressional Quarterly Almanac* 1962.

were already arguing that the bills were an unconstitutional overreach of the federal government's power, which violated a state's prerogative to determine its voting standards.¹⁹⁴

The hearings in the Senate started on March 27, 1962, after they were delayed by senators who refused to allow simultaneous committee hearings on literacy tests and poll taxes. Leading the Dixie contingency was Senator Ervin. He delivered a 45-minute opening statement lambasting the bills while restating the usual southern arguments to counter them. Ervin claimed that the Constitution gave states the right to establish voter prerequisites, the federalist papers specified that Congress could regulate the "manner" of the holding elections but not the qualifications of voters, the Supreme Court and lower courts declared English literacy tests constitutional, and that there now existed adequate laws to protect voters including African Americans under the Civil Rights Act of 1957 and 1960.

On various occasions senators supporting the Mansfield-Dirksen measure (Senate Bill 2750), a voting rights bill identical to Celler's H.R. 10034, were challenged to specifically defend the Spanish language provision. Senator Ervin's Chief Counsel and Staff Director for the Subcommittee on Constitutional Rights, William A. Creech, took issue with the Commission's position that the introduced legislative proposal and the amendment to protect Puerto Rican voters was lawful. Erwin N. Griswold, Dean of the Harvard Law School and member of the Commission, testified before Congress of the agency's discoveries and recommendations, and concluded that the Mansfield-Dirksen bill in his opinion was constitutional. In his rebuttal to Griswold, Creech stated that the Mansfield-Dirksen bill "denies to citizens of the United States

¹⁹⁴ "Anti-Literacy Test Hearing Are Finally Opened by Senators," *The Delta Democratic-Times*, Greenville, Mississippi, March 28, 1962.

who speak other foreign languages and who do not speak English the same right to vote that the bill grants to citizens who speak Spanish.” “If the bill grants the favor to one foreign language group to the exclusion of others...,” Creech claimed, “it would clearly be a violation of the equal protections of the laws implicit in the fifth amendment.” Under this Fifth Amendment, equality was assured with respect to due process to guarantee that legal proceedings were fair and reasonable. Creech strategically used an amendment that was unrelated to voting but supported his position that equal protection implied that laws needed to be fair and appropriate. And rather than responding that other foreign language speakers had not submitted formal complaints with the Commission, or had filed lawsuits against states to eradicate the literacy exam in the same manner as Puerto Ricans; Griswold replied, “I find the provision with respect to Spanish language much more difficult than others.”¹⁹⁵

Griswold’s remark was an indication that he along with the Commission were not completely committed to language rights, or to addressing the racism facing the Puerto Rican electorate. Moreover, it was also a sign that the Commission had not developed a strong strategy to advocate for language rights. Nevertheless, Griswold tried to argue that Puerto Rico’s Spanish-speaking people were bound to the nation and their language should be recognized as an American one. Therefore, it seemed reasonable to permit multiple language groups to access the franchise as this policy existed in Canada.

Now, you refer to other languages, but for the moment I know of no place in the United States where French or German or Chinese is the official language. If this were Canada, I would suppose it would be taken as a matter of course that a person in any part of Canada

¹⁹⁵ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 128.

who was literate in either English or French could not be discriminated against as to vote. Now, here, Puerto Rico is offshore and small. But nevertheless, it is part of the United States and Spanish is its official language and it would seem to me that if Congress in its wisdom, in the exercise of its power to regulate Federal elections, chose to say that a person who is literate in Spanish language could not be denied the right to vote, that that would be a valid legislative enactment....¹⁹⁶

While Puerto Rico's status as Griswold implied was "difficult" since it was "a free and associated commonwealth," he insisted that the island and its language were connected to the mainland.¹⁹⁷ Based on this logic, he contended that English and Spanish should both be considered official languages in the U.S. If Spanish was acknowledged in this legitimate capacity, it justified their sole exemption from literacy tests. His explanation, however, gave credence to the false idea that English was the nation's official language. Further weakening his argument, Griswold concluded that the agency itself did not recommend the Spanish provision. "The Commission did not recommend against it, either, but it is not one of the Commission's recommendations," Griswold stated, "and I recognize that this is a harder request than the sixth grade one which is the backbone of the Commission's recommendations."¹⁹⁸ In other words, Spanish language rights were not an urgent matter for the agency. In addition, it was evident that they did not want to challenge the supremacy of English-only elections.

Rather than argue that Spanish speakers faced systemic voter discrimination and racism, Griswold defended the Mansfield-Dirksen measure as reasonable and fair. In doing so, he made the Spanish provision susceptible to attacks that undercut the agency's formal complaints of

¹⁹⁶ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 129.

¹⁹⁷ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 128.

¹⁹⁸ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 129.

voter suppression received by Puerto Ricans, and Camacho's lawsuits that defied New York's literacy test because it disenfranchised Spanish-speakers. Ervin and his chief counsel William Creech found a productive line of attack by asserting that the nation had "other official languages" that might be excluded. The Navajo, he declared, participated in elections and "are good citizens of the United States and have a large reservation the size of West Virginia, where the official language is Navajo, and all their assemblies are conducted in Navajo." Creech scripted the Navajo people as worthy citizens who would be victims of discrimination. Yet again, this group had not submitted official grievances with the Commission, or sued to eliminate the language exam. Regardless of these facts, Griswold was forced to respond that he would not object to including Navajos to a bill "at least when within their area, who were literate in the Navajo language, could vote." Creech proceeded to ask Griswold if he believed that only Spanish speakers "within their area" should be covered by the Spanish provision. This was likely an attempt to restrict the voting rights bill to Puerto Rican American citizens who resided in New York. The commissioner stated that he would not limit the bill. Creech also probed Griswold to see if ballots needed to be printed in Spanish across the county, to which he replied to the negative. Griswold added that states helped blind persons to vote and therefore, "it would not be too difficult for a State to provide that one of the election officials could translate for a person who was literate in Spanish, but not literate in English..." and therefore be able to vote. Translators, the commissioner believed, were an appropriate service to provide

to Spanish speakers, but he clarified that it would be more difficult to provide this type of support to Navajo people.¹⁹⁹

On the fourth day of the Senate hearings, chief counsel and staff director Creech clashed with Andrew J. Beimiller, Director of Legislation for the AFL-CIO, and Thomas Harris, Associate General Counsel, who supported the abolition of English language exams, asking them to validate the protection of only Spanish speakers. He queried Beimiller and Harris that if “a State might legislate...with regard to voter qualifications and allow a person to meet the literacy requirement who has knowledge of one language other than English...since Spanish is specified, let us say Spanish, and not deprive those who speak languages other than English or Spanish of the equal protection of the law?”²⁰⁰ Creech’s inquiry was again phrased to underscore the supposed unfairness of the Spanish provision, and to address if it was appropriate to solely protect Spanish speakers. Harris answered that there were an adequate number of Spanish newspapers covering political issues, to warrant their exception unlike the Portuguese, which he expressed had no print media. Creech then explained that New York had Italian, Yiddish, and Polish speakers and in different parts of the country citizens spoke other languages. They groups might be innocent victims of Spanish-language voting rights. “Now, would it be reasonable to select Spanish alone as the additional language to English?,” inquired Creech.²⁰¹ Harris tried to side-step the question by asserting that the constitution’s equal protection clause was unclear, but he believed that a state “could pick out a major foreign

¹⁹⁹ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 129.

²⁰⁰ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 224-225.

²⁰¹ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 225.

language, and wouldn't have to list everyone in order to avoid violating the equal protection."²⁰² Beimiller added that New Mexico's legislature was written in Spanish and English, and allowed its Spanish speaking population to participate in government. In this state, Beimiller stated "the prevalence of the Spanish tongue" was deemed reasonable to extended language privileges to a single group.

As Beimiller explained that states such as New Mexico protected the language rights of Spanish speakers, staff attorney Creech doubled-down on the point that privileging one group violated equal protection and due process laws. He steered the debate away from discussing the evidence of Puerto Rican voter suppression and towards having the AFL-CIO representatives justifying that the language provision was fair and reasonable. He asked the union's general counsel to consider the Supreme Court's decisions that dealt with the equal protection clause and "would it be appropriate for Congress to enact such legislation, or could it enact such legislation, without violating the fifth amendment, in view of the fact that throughout this country there are large segments of the population that do not speak English or Spanish." As Creech had done days earlier, he used the Fifth Amendment to argue that equal protection laws needed to be objective and equal even though the amendment applied to due process not voting. And yet again, he maintained that Native people would be discriminated against. "For instance, there are large Indian populations in this country," Creech declared, "who do not speak either language sufficiently well to be called literate in either." Non-English literate

²⁰² U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 225.

Indigenous people were again scripted as innocent victims, and whose voting and language rights would be violated.²⁰³

The AFL-CIO's attorney, Thomas Harris, answered that the Fourteenth Amendment's equal protection clause could be used by Congress to enact the Spanish provision and the Fifteenth Amendment to ban literacy tests, triggering a lengthy exchange with Senator Ervin that fixated on the interpretation of these amendments. Harris commented that the Fifth and Fourteenth Amendments were related, and Congress had to rule "whether acceptance of Spanish as a permissible language would deny equal protection, and hence due process to people who were literate in other languages." Congressional leaders needed to determine if it was proper to exclusively safeguard the voting rights of Spanish speakers. He proceeded to expound that to accept the Spanish provision Congress also had to "conclude that this sort of law is necessary to implement due process and equal protection clauses—that is, that it is necessary to protect voting rights under the equal protection and due process clauses, and to prevent discriminatory denials of the right to vote in violation of those clauses." Not only did Congress have to agree that Spanish was a special language, it had to justify that protecting Spanish speakers was required to uphold equal protection laws and to avoid the unjust disenfranchisement of this electorate. Under this logic, there were two tests that the Spanish provision had to pass before Congress could determine that the legislation was unbiased and suitable. Harris also stated that Congress under the Fifteenth Amendment may conclude that literacy tests were deployed to deny the right to vote on account of race. The attorney,

²⁰³ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 225-226.

however, made no mention that Puerto Ricans were being deprived of their franchise rights due to racism. Instead, Harris spoke in general terms that the language exam could be used to deny citizen's voting rights and therefore the legislation would be reasonable and appropriate.²⁰⁴

Senator Ervin countered by arguing that the Fourteenth and Fifteenth Amendments were inadequate to legislate the Spanish provision or anti-literacy test bill. Ervin stated that the language exam was administered to "all persons of all races in like circumstances"; and therefore, they did not violate the Fifth Amendment's due process law or the Fourteenth Amendment's equal protection clause.²⁰⁵ He also claimed that pending legislation was questioning if the latter amendment actually protected the right to vote.²⁰⁶ As for the Fifteenth Amendment, the senator claimed that it did not guarantee voting privileges to a person but merely disallowed the denial or abridgement of a citizen's right to cast a ballot on account of race, color, or previous condition of servitude.²⁰⁷ And he remarked that the legislation referenced race but the core of the administration bill did not "say a mumbling word about racial matters" but targeted literacy tests.²⁰⁸ Ervin declared the amendments to be baseless to enact Senate Bill 2750 since Congress had no authority to regulate the qualifications of voters. The legislation, he insisted, was an assault on southern states with literacy exams since nobody

²⁰⁴ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 226.

²⁰⁵ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 228.

²⁰⁶ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 236.

²⁰⁷ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 230.

²⁰⁸ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 227.

was “insinuating that there are any inequities in this field except in the South, which has been the whipping boy for 100 years.”²⁰⁹ Harris reminded Ervin that the Puerto Rico provision was not aimed at the South.

During Attorney General Robert Kennedy’s testimony on April 10, Ervin and his counsel, Creech, wasted no time in countering Kennedy’s argument that Puerto Ricans were an exceptional class of citizens, who Congress had the exceptional responsibility to protect. They asked Kennedy to defend the fairness and appropriateness of the legislation. Kennedy reiterated that Senate Bill 2750 had “a special aspect” that may “benefit citizens of Puerto Rican origin who possess the required educational background.”²¹⁰ He again testified that these citizens received a Spanish education under the American flag, were a literate and intelligent electorate, and had access to Spanish-language press informing them of political issues. “We have a national obligation,” Kennedy argued, “to take steps to eliminate the cause of their disenfranchisement.”²¹¹ Kennedy also proclaimed that in a Cold War context to “thwart thousands of our fellow Americans from participating fully in the process of Government is to weaken that vigor and dilute that faith.”²¹² To guarantee that the “spirit of our democracy and the letter of our Constitution and laws” be fulfilled, Attorney General Kennedy stressed that Puerto Ricans needed to be accepted as authentic citizens and allowed to vote.²¹³

²⁰⁹ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 227.

²¹⁰ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 264.

²¹¹ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 264.

²¹² U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 265.

²¹³ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 265.

Beside commenting extensively that Congress had no power to legislate under the stated amendments or establish voter prerequisites, Ervin and Creech asserted that the Spanish provision unjustly discriminated against states with literacy tests. Ervin claimed the bill would prohibit states from administering an English literacy test to “a man from Puerto Rico who had a sixth grade education in Spanish....”²¹⁴ In effect, the legislation might nullify these state’s right to determine “his ability to read and write the English language,” Ervin explained.²¹⁵ The senators language demonstrated his gendered bias about who was a Puerto Rican voter. Kennedy countered by stating that thirteen attorney generals whose states had literacy tests did not believe that the Mansfield-Dirksen voting rights bill would allow illiterates to vote. Creech asked, “Well, now, do you think, sir, if a State were to enact such as law as S. 2750, that it would be denying to its other citizens, who speak foreign languages other than Spanish, equal protection under the laws of the 14th Amendment?”²¹⁶ Instead of debating the equal protection clause, Kennedy restated that the nation had a special obligation to ensure that Puerto Ricans had franchise rights. Kennedy reemphasized that the island was part of the country, and its people were granted citizenship by treaty, “making them citizens, giving them the right to vote in elections in any State of the Union, Spanish being the language of Puerto Rico.”²¹⁷ Attorney General Kennedy’s response continued to emphasize that Puerto Ricans were not foreigners, but exceptional American citizens who deserved their voting rights to be recognized.

²¹⁴ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 274.

²¹⁵ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 274.

²¹⁶ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 301.

²¹⁷ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 301.

By mid-April the literacy test hearings ended in the Senate with no action taken on the Mansfield-Dirksen voting rights bill, so Senator Mansfield opted to bring it to the Senate floor and made his intention clear on April 24.²¹⁸ He was trying to bypass the Senate's committee procedures. Foreseeing a filibuster to oppose the measure, Mansfield declared that when "all the wisdom of which the Senate is reasonably capable has been exhausted with respect to the merits of this issue," the leadership would submit a petition for cloture.²¹⁹ Should the vote for cloture fail by a significant margin, the proponents of the bill agreed to admit defeat. However, if "the vote on the cloture is close to the required two-thirds, the leadership will judge that it was in error in assuming that argumentation had been exhausted on the issue," Mansfield said.²²⁰ Afterwards, a second cloture vote was made and if defeated again, he explained the Mansfield-Dirksen bill would be set aside.

With Senator Mansfield revealing his strategy, it was early indication that the proponents of the proposal might struggle to secure a two-thirds supermajority to end a filibuster. Immediately, the opposition initiated and mobilized eighteen southerners to carry on the filibuster, which asphyxiated any life the bill had. For two weeks, the contingency from the South claimed that the proposed amendment was unconstitutional and targeted the Spanish provision as unfair, unreasonable, and an attack on "our English language." They argued that the Fourteenth and Fifteenth Amendments could not be used to void a state law that asked

²¹⁸ See Senator Mansfield, speaking on HR 1361, on April 24, 1962, 87th Cong., 2nd sess., *Congressional Record* 108, pt. 6:7167. HR 1361 was a minor bill passed in the House to relieve Texas farmer, James M. Norman, from refunding surplus federal crop insurance.

²¹⁹ Senator Mansfield, speaking on HR 1361, on April 25, 1962, 87th Cong., 2nd sess., *Congressional Record* 108, pt. 6:7168.

²²⁰ Senator Mansfield, speaking on HR 1361, on April 25, 1962, 87th Cong., 2nd sess., *Congressional Record* 108, pt. 6:7168.

prospective voters to read and write in the English language; voters needed to be literate in the nation's primary language of government business; literacy tests did not violate equal protection laws; ignorance of English would handicap voters; and the Spanish provision discriminated against other non-English speakers. Southerners such as Senator Strom Thurmond (D-SC) even claimed that by privileging "one foreign language to the exclusion of all others" it might tarnish the nation's global reputation.²²¹ "I imagine the White House will probably receive a visit from the Japanese Ambassador, who will ask why Japanese was not given some consideration in this proposal," Thurmond declared. Besides the Japanese, he commented that "Africa and its new nations" may also find the Spanish provision unfair since their "many dialects" could not be used to prove they were literate.²²²

On May 9, the cloture vote failed to meet the required two-thirds supermajority to end the filibuster (43-53). However, after the cloture was unsuccessful, the Senate voted to reject a motion to table the Mansfield-Dirksen bill (33-64), preventing the outright killing of the measure that was already fatally wounded. Voting in favor of cloture were 30 Democrats and 13 Republicans, while 23 Republicans, 23 southern Democrats, and 7 northern Democrats voted against it. Interestingly, 14 Republican and 8 Democrat senators casted a vote to extend the filibuster and then one that appeared to be a pro-civil rights vote by electing to not table the bill.²²³ After four days, these "have it both ways" senators rejoined the majority to defeat a

²²¹ Senator Thurmond, speaking on HR 1361, on April 25, 1962, 87th Cong., 2nd sess., *Congressional Record* 108, pt. 6:7802-7803.

²²² Senator Thurmond, speaking on HR 1361, on April 25, 1962, 87th Cong., 2nd sess., *Congressional Record* 108, pt. 6:7803.

²²³ Republican and Democrats voting for cloture and against tabling the bill were: Aiken (R-Virginia), Bennett (R-Utah), Bible (D-Nevada), Byrd (D-West Virginia), Cannon (D-Nevada), Capehart (R-Indiana), Carlson (R-Kansas), Case (R-South Dakota), Curtis (R-Nebraska), Gore (D-Tennessee), Hickey (D-Wyoming), Hruska (R-Nebraska),

second cloture vote by 43 to 52.²²⁴ Then, on May 15, the Senate voted 49-34 to no longer consider the legislative proposal.

Using Racialized Liberalism to Support and Oppose English Literacy Tests

The rhetoric in Congress used to discuss the Spanish provision to protect the voting rights of Puerto Rican people demonstrates a dimension of the struggle and a complication of racial liberalism that needs to be understood. In the aftermath of World War II, Daniel Martinez HoSang writes that political leaders who embraced racial liberalism “generally shared the belief that racism and racial subjugation were fundamentally incompatible with the emancipatory tenets of the American Creed, and they supported various types of government intervention to ensure that ‘private’ prejudices did not encumber the public good.”²²⁵ To realize the American Creed wherein the nation was united by a civic culture regardless of race, religion, ethnicity, or national origin, politicians believed that it was necessary to guarantee that non-whites received equal treatment under the law. By rejecting race-based discrimination and exclusion, the country would become more tolerant and inclusive of all Americans. Remarkably, while the supporters of the Spanish provision used racial liberalism’s political vocabulary (i.e. “rights,” “equality,” “opportunity,” and “freedom”) to argue for language rights, the proponents used identical words to contest the amendment to the Mansfield-Dirksen bill.

Kefauver (D-Tennessee), McGee (D-Wyoming), Miller (R-Iowa), Monroney (D-Oklahoma), Morton (R-Kentucky), Mundt (R-South Dakota), Pearson (R-Kansas), Prouty (R-Virginia), Wiley (R-Wisconsin), and Williams (R-Delaware).

²²⁴ “Filibuster Kills Bill on Literacy Tests,” in *CQ Almanac 1962*, 18th ed., 07-371-07-377 (Washington, DC: Congressional Quarterly, 1963). Accessed March 17, 2018.

<http://library.cqpress.com.offcampus.lib.washington.edu/cqalmanac/cqal62-1326514>.

²²⁵ Daniel Martinez HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010), 14.

Time and again, southern senators contended that the Spanish provision privileged one “foreign language” group while discriminating against other non-English speakers, in violation of the country’s commitment to equal rights. Ervin, for example, proclaimed that the language provision would favor Spanish speakers only and unjustly excluded non-English literate American citizens including Jews, Poles, and Chinese. In addition to these groups, Indigenous people like the Navajos who lacked English skills would be discriminated against. Senator Thurmond added that foreign diplomats from Japan and Africa might also take issue with the Spanish provision since their languages would be omitted. These senators from Dixie warned that should language rights be afforded to Puerto Ricans, it had the potential to violate the nation’s vow of political inclusion, privilege certain groups based on the language they spoke, and tarnish America’s global image. It was then critical to vote down the Spanish provision to protect the rights of foreign speaking American citizens. By rejecting the Mansfield-Dirksen bill and its language stipulation, southerners proclaimed that Congress could guarantee that all citizens were equal under the law. Moreover, English literacy tests were supposedly administered to everyone regardless of race and therefore were a reasonable prerequisite to vote. By using a common language, the electoral process would be supposedly unbiased, accessible, and inclusive.

It was *racialized* liberalism that also enabled the “have it both ways” senators to utilize the language of liberalism to advance their different agendas to support and oppose literacy tests. Politicians from the American West and North could portray themselves to be more receptive to civil rights measures, and frown at the South’s unbridled use of racism to disenfranchise African Americans. However, they could also make a case for English exams

without making explicit reference to race or equal rights. For instance, Caspar W. Weinberger, chairman of the California Republican Party, in 1962 contended, “No one with any conscience could favor the absurd lengths to which Southern states have gone in administering literacy tests to deny Negroes the right to vote.”²²⁶ “But no one should question the desirability of a simple requirement that all Americans black, white, yellow, and brown,” Weinberger added, “must be able to read English before they can vote.”²²⁷ This statement was a reflection that racial liberals such as in California had no problem denouncing the flagrant racism used to exclude voters; still, these same individuals who professed equal rights and tolerance, maintained that English knowledge was integral to cast a ballot. In other words, racial liberals in the American West and North, similar to southerners, agreed with using the language exam to prohibit non-English speakers from accessing the ballot. However, they did so by arguing that it was needed to preserve the nation’s unity, an expectation of citizens to understand English, and most important, a colorblind requirement.

Using rather than rejecting the rhetoric of racial liberalism, the opposition to the Mansfield-Dirksen proposal, spearheaded by Senator Ervin of North Carolina, built a strong defense for literacy tests and against Spanish language rights. He warned that by protecting Spanish speakers it would unfairly exclude other non-English speakers, thus violating the Fourteenth Amendment’s equal protection clause, and strongarm the country to forsake its English-only legacy, becoming a divided multilingual nation. He also argued that the Fifteenth Amendment pertained to race, creed, and color but not language, and denounced the findings

²²⁶ Casper W. Weinberger, “Demos Rapped Bid to End Vote Literacy Tests,” *The Times*, San Mateo, California, April 5, 1962.

²²⁷ Casper W. Weinberger, “Demos Rapped Bid to End Vote Literacy Tests.”

of racial discrimination as unfounded since it was Puerto Ricans' lack of English capabilities not their race that restricted them from the ballot. Ervin insisted that non-English proficient citizens needed to assimilate and acquire English skills. By learning the language, these individuals demonstrated that they desired to be recognized as Americans meriting the right to vote. Those who continued to speak a so-called foreign language such as Spanish were willingly rejecting to be a member of the nation and separating themselves from English speaking Americans; and therefore, they deserved to be excluded from the franchise.

Ervin forced the proponents of Spanish language rights for Puerto Ricans to challenge his points rather than advancing their own strategy, which centered on the notion that Puerto Ricans were not foreigners but a special class of American citizens. While this argument proved that American citizenship had failed to protect the rights of Spanish speakers and so the Spanish language provision tried to reconcile this matter, the opposition did not allow for this critique of citizenship to become a factor. Moreover, the New York congressional delegation and Attorney General Kennedy were unable to fully link the disenfranchisement of the Puerto Rican electorate, particularly in New York, to racism and language discrimination. By doing so, they might have built a stronger case to support the Puerto Rican cause under the Fourteenth and Fifteenth Amendments.

Laying the Foundation for Latinx Voting Rights

In 1962, the Mansfield-Dirksen voting rights bill failed to pass, but it was quite remarkable that Puerto Ricans with the support from New York's congressional delegation and Robert Kennedy managed to win recognition for a special provision that had in the past focused

on Black rights in the South. The Spanish language amendment raised thorny issues about colonialism, equal rights, race, and language discrimination that lawmakers needed to sort through. While Puerto Rican people were unlike immigrants since they possessed citizenship, they were treated as foreigners due to their linguistic and cultural differences. Congress needed to broaden the meaning of citizenship and through the debate it started to do so. However, this required lawmakers to agree that citizenship was grounded on Whiteness rather than ideals of inclusivity. Instead, those who advocated for Spanish rights argued that Puerto Rican people were “special citizens,” which triggered southerners to argue that such a classification would privilege these citizens over others. What was needed was a direct argument that English literacy tests were inequitable devices that racially discriminated against Puerto Rican people, in the South and beyond, excluding them from the political process regardless of their geographic setting. Then again, this would require that all congressional leaders whose states had an English language prerequisite to vote, admit that their voting processes were inequitable. Preferring to not be identified with southerners, these lawmakers argued that their administration of English literacy tests was colorblind. This logic downplayed the significance of racism and language discrimination and compromised efforts for Puerto Rican people to win voting rights under the Fourteenth and Fifteenth Amendments.

Overall, the strategy to advocate for Spanish language rights sputtered but it was the start of something important. The Spanish language provision in the 1962 voting rights bill laid a foundation for its passage in the Voting Rights Act of 1965, and its extension in 1975 that would eventually include Latinx people. In the next debate, Puerto Rican people and their allies in Congress were better prepared and had developed a stronger political strategy.

CHAPTER THREE
The Limits of the Voting Rights Act of 1965:
The Puerto Rico Provision and Mexican American Voter Suppression

On March 15, 1965, President Lyndon Baines Johnson addressed a televised joint session of Congress and said, in a somber voice, “I speak tonight for the dignity of man and the destiny of democracy.” He told Congress that every citizen deserved the right to vote, yet there was substantial evidence that African Americans were unable to exercise this fundamental right. The President announced that in the days to come the White House would send a bill to Congress to eradicate illegal voting practices. President Johnson urged Congress not to delay and approve this much needed law. “But a century has passed, more than a hundred years, since the Negro was freed. And he is not fully free tonight,” stated the President. The voting rights law he purposed was necessary to achieve unity and peace in the wake of the recent confrontation in Selma, Alabama. Dr. Martin Luther King Jr.’s Freedom March from Selma to Montgomery, on March 7, 1965, was met with vicious violence from state troopers and local police who used tear gas to break up the march and attacked over 500 peaceful demonstrators. Likely remembering the gory confrontation, President Johnson appeared determined to pass a voting rights bill. He said that this legislation was for “all people of all races,” President Johnson claimed, “because all Americans just must have the right to vote.”²²⁸

Johnson included a personal story in his speech, noting that the legislation would help and protect the children of the Mexican American students he taught in Cotulla, Texas, in the late 1920s.

²²⁸ “Message to Congress: Johnson Asks Congressional Protection For ‘The Most Basic Right’—The Right to Vote,” *CQ Almanac 1965*, 21th Edition, 1365-67 (Washington, D.C.: Congressional Quarterly, 1966). Assessed February 15, 2019. <http://library.cqpress.com/cqalmanac/cqal65-875-26756-1260597>.

Few of them could speak English and I couldn't speak much Spanish. My students were poor and they often came to class without breakfast, hungry, and they knew even in their youth that pain of prejudice. They never seemed to know why people disliked them. But they knew it was so. Because I saw it in their eyes. I often walked home late in the afternoon after the classes were finished, wishing there was more that I could do. I never thought then in 1928 that I would be standing here in 1965. It never occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country. But now I do have the chance and I will let you in on a secret, I mean to use it.²²⁹

President Johnson's Cotulla story testified to the injustices he witnessed in South Texas and demonstrated his supposed personal commitment to the voting rights issue. Ironically, however, the voting rights proposal afforded no voting securities to the "sons and daughters" of his former students, or Mexican Americans in the American West.

On August 6, 1965, President Johnson signed into law the Voting Rights Act of 1965. The act became one of the most significant pieces of civil rights legislation with far-reaching power that transformed the nation's political system. The law suspended literacy tests in primarily six southern states, authorized the appointment of federal voting examiners to replace noncompliant registrars, deployed federal observers to monitor all elections, allowed the U.S. Attorney General to file suit against states that administered the poll tax, and required covered areas to submit electoral changes to the federal government to determine that they would not have a discriminatory effect.²³⁰

²²⁹ "Message to Congress: Johnson Asks Congressional Protection For 'The Most Basic Right' —The Right to Vote."

²³⁰ Voting Rights Act, Public Law 89-110, 89th Congress, S. 1564, August 6, 1965.

The Voting Rights Act's potent provisions were specifically designed to address the concerns of Black voters and the law's results were extraordinary.²³¹ Only a few decades after the act, the percentage of Black people registered to vote in the South rose from 31 to 73 percent; the number of Black people elected to office throughout the country increased from less than 500 to 10,500; and the total number of Black congressional leaders grew from 5 to 44.²³² In Dixie, some candidates received the honor of being the "first" Black person since Reconstruction to hold office. Black voters across the South had a greater ability to select candidates whom they felt best represented their interests.

The 1965 Voting Rights Act was a remarkable law but President Johnson's former Mexican American students, especially those who lacked English skills, continued to experience "the pain of prejudice" at the ballot box. There were several reasons why Mexican Americans were ineligible to access the act's powerful provisions. People of Mexican descent had a complicated status in U.S. law and society that placed them somewhere in between Whites and Blacks. Their ambiguous racial identity created confusion and it manifested in their exclusion from the Voting Rights Act.²³³ The legislation's geographic scope was also limited to six southern states yet most of the Mexican American population resided in the southwest. Moreover, by the time the Voting Rights Act was being considered, Mexican Americans did not have civil rights organizations to

²³¹ On the transformative power of the Voting Right Act of 1965 in relation to Black voters, see Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969* (New York: Columbia University Press, 1976); Steven F. Lawson, *In Pursuit of Power: Southern Blacks and Electoral Politics, 1965-1982* (New York: Columbia University Press, 1985); and Steven F. Lawson, *Running for Freedom: Civil Rights and Black Politics in America since 1941* (Philadelphia: Temple University Press, 1991).

²³² Ari Berman, *Gives Us the Ballot: The Modern Struggle for Voting Rights in America* (New York: Farrar, Straus, and Giroux, 2015), 6.

²³³ Historian Neil Foley examines Mexican Americans' racial middle ground between whites and blacks, which he argues centered on changing notions of whiteness. Neil Foley, *The White Scourge: Mexicans, Poor Whites, and Blacks in Texas Cotton Culture* (Berkeley: University of California Press, 1997).

lobby for them in Washington D.C. or a prominent civil rights figure to sensitize political leaders and the nation about the community's needs. While Cesar Chavez and the United Farm Workers Union were gaining greater public recognition, Chavez was not well connected to lawmakers such as Martin Luther King Jr. Cristina Mora writes that "Chavez did not have many direct ties to powerful policy makers and did not receive direct phone calls from the president about congressional legislation."²³⁴ It would take ten more years for Mexican Americans' voting troubles to be addressed with the extension of the Voting Rights Act in 1975.

Although the 1965 act did not include Mexican Americans, it had one amendment that was quite exceptional—the Puerto Rico Provision. It protected non-English speaking individuals who were educated under the American flag in Puerto Rico from English-literacy tests. To be clear, the focus of the law was intended to tackle Black disenfranchisement and congressional debate tells of this struggle. However, Puerto Rican people managed to fight their way into the bill and received some protection.

Chapter Three investigates the limits of the Voting Rights Act of 1965 to protect Latinx voters. While Puerto Ricans used the political leverage they built in New York to advocate for protections under the 1965 law, the Puerto Rico provision was narrow and made no reference to bilingual assistance. The provision declared that exclusively Puerto Rican people educated in the island's schools were exempted from English literacy tests. Moreover, there were also obstacles to enforce the provision. Yet, New York Puerto Ricans and those living outside the state fought to enforce the law and also demanded bilingual voting information, assistance, and

²³⁴ G. Cristina Mora, *Making Hispanics: How Activists, Bureaucrats, and the Media Constructed a New American* (Chicago: The University of Chicago Press, 2014), 21.

ballots. As for Mexican Americans, the largest Latinx group, they were unable to take advantage of the voting rights law even though they were disenfranchised as a result of English literacy tests and other voter suppression tactics. Before 1965, Mexican American leaders such as Edward Roybal had demanded voting rights, but only after the Voting Rights Act passed did their leaders start to see it as an important agenda.

The Voting Rights Act of 1965 and the Puerto Rico Provision

The 1965 act primarily addressed the voting problems facing the African American community in the Deep South, so it was remarkable that the Puerto Rico provision was added to the bill. The Puerto Rico provision, also referred to as the American flag amendment, was similar to what had been proposed in 1962. The provision under Section 4(e) of the Voting Rights Act stated:

(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of

Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.²³⁵

The language of Section 4(e) was almost identical to the provision introduced by Attorney General Robert F. Kennedy during the 1962 anti-literacy test hearings. In 1965, however, Kennedy was no longer the Attorney General but a Democratic Senator from New York; and he again supported and sponsored the provision to remedy the disenfranchisement of Puerto Ricans. Congressional delegates from New York, including Senator Jacob Javits (R-NY) and Congressmen Jacob Gilbert (D-NY) and William Fitts Ryan (D-NY), joined Kennedy to sponsor the Puerto Rico provision and Representative John Lindsay (R-NY) also endorsed it.

The New York congressional delegation's involvement was critical to the passage of Section 4(e). Their commitment reflected the work that activists had been working towards in the city and state during the previous years. Puerto Rican leaders in New York protested the disenfranchisement of their community members, filed lawsuits to challenge the state's English literacy tests, submitted complaints to the U.S. Commission on Civil Rights, used the media to call attention to their voting troubles, and pressured the Mayor of New York City to protect the voting rights of Puerto Ricans. The political leverage the activists gained in the state resonated strongly in Congress. This was because the New York delegation was enormously powerful since it had the largest number of congressional representatives with forty-three. The votes they could garner to support a bill made them crucial power brokers in Congress.

With New York's members of Congress on board, the Puerto Rico provision received a tremendous boost and it also helped that Puerto Rican leaders lobbied for the bill. Spearheading

²³⁵ Voting Rights Act. Public Law 89-110, 89th Congress, S. 1564, August 6, 1965.

the effort to bring attention to the Puerto Rican citizens' struggles was the Legion of Voters. This was an umbrella-type of civic organization in New York City, and its leaders were Irma Vidal Santaella and Herman Badillo. The Legion of Voters had the support of the city's largest Spanish newspaper—*El Diario-La Prensa*—that was also committed to the elimination of the state's literacy test as a requirement to vote. And in early January of 1965, the organization and its constituents wrote to President Johnson informing him they supported his voting rights agenda. The Legion of Voters also requested a meeting with President Johnson. "We would be deeply honored to present...our legal research on the subject of voting rights and unreasonable restrictions upon hundreds of thousands of Puerto Rican naturalized citizens and native born English speaking [sic] who become school dropouts prior to completion of elementary eight grade." The telegraph was an example that Puerto Rican activists were not going to rely on New York's congressional delegation to advocate on their behalf, but wanted to directly communicate with the White House to advance their agenda. Lee C. White, Associate Special Counsel to the President, responded to the group that President Johnson was unable to meet with the organization but recommended that they send "whatever information and data you presently have, and I can assure you that it will be given full and fair consideration." The Legion of Voters reached out again to the President to ensure that their grievances were not ignored in the civil right legislation the President promised.²³⁶

On March 9, 1965, weeks before the voting rights bill was to be debated in the House, Irma Vidal Santaella, Chairwoman for the Legion of Voters, sent a letter to the White House

²³⁶ Letter, Lee C. White to Irma Vidal Santaella, January 12, 1965, Box 41, Human Rights, Gen HU 2/ST 32-ST 50, Papers of Lyndon Baines Johnson, The Lyndon Baines Johnson Library, University of Texas, Austin, Texas.

reminding Lee C. White of the voting irregularities Puerto Ricans faced in New York. “To this day, the plight of the Puerto Rican community has been completely ignored by the State and Federal legislative bodies,” Santaella wrote. She added:

The inherent trouble is not the abolition of literacy, or literacy tests in Spanish, but the just recognition of Puerto Ricans, that they are American citizens by birth, raised and educated in one section of our nation, in a bicultural democratic society with a federally subsidized bilingual education system, where English is the predominant language of instruction and Spanish is the functional language.

Sanatella’s strategy shirked the issue of race and its connection to Puerto Rican voter suppression. Instead, she relied on the “politics of recognition” to advocate voting rights. She included proposals of how the Civil Rights Act of 1964 could be amended to protect Puerto Ricans. And she concluded by stating that the White House should not ignore or exclude the electorate from the pending legislation during the 1965 congressional session.²³⁷

President Johnson’s Special Counsel, Lee C. White, was advised to disregard Santaella’s letter. Clifford L. Alexander, Jr., Deputy Special Counsel to the White House and later Chairman of the Equal Employment Opportunity Commission (1967-1969), was of the opinion that the Puerto Rican issue might “only serve to muddy the waters and help those who opposed the voter legislation.”²³⁸ Since the Puerto Rico provision had been previously attacked by Senator Samuel Ervin (D-NC) for its supposed unconstitutionality and others such as Senator Everett M. Dirksen (R-IL) feared that the amendment might jeopardize the entire legislation.²³⁹

²³⁷ Letter, Irma Vidal Santaella to Lee C. White, March 9, 1965.

²³⁸ Memorandum, Clifford L. Alexander, Jr. to Lee C. White, March 23, 1965, Box 72, President, 1963-1996, Legislation, Gen LE/HU 2-7, Papers of Lyndon Baines Johnson, The Lyndon Baines Johnson Library, Austin, Texas.

²³⁹ “Provisions of Voting Rights Act of 1965 (PL 89-110),” *CQ Almanac 1965*, 21th Edition, 534-66 (Washington, D.C.: Congressional Quarterly, 1966). Accessed on February 15, 2019. <http://library.cqpress.com/cqalmanac/cqal65-1259651>.

Although the White House did not meet with the Legion of Voters, President Johnson's Attorney General Nicholas Katzenbach went on record before the House's Committee on the Judiciary to back the Puerto Rican cause. "I think that the use of the English language test in New York with respect to Puerto Ricans serves to disenfranchise a great number of intelligent and able people," stated Katzenbach.²⁴⁰ He further explained that Congress had the power to eliminate the language exam under the Fourteenth Amendment. However, Katzenbach remarked that he preferred for the state to eliminate the literacy test. Fortunately, the Legion of Voters was invited to testify before Congress, allowing its leaders to state why the voting bill needed to protect their franchise rights.

During the fifth day of the voting rights debate, March 25, 1965, the Legion of Voters represented by Irma Vidal Santaella and Herman Badillo and joined by Gerena Valentin, President of the National Association of Puerto Rican Civil Rights, declared that they spoke for over 750,000 Puerto Ricans who were being stripped of the right to vote in New York. Badillo stated, "We have come to the Congress of the United States to urge that the Voting Rights Act of 1965 be extended to guarantee Puerto Ricans and other citizens of the State of New York the right to vote by eliminating what we consider a grossly unjust and undemocratic barrier to the right to vote—the literacy test."²⁴¹ He insisted that Puerto Ricans were politically active, responsible citizens, military veterans, and intelligent, well-informed persons because of New York's sizeable Spanish-language press. Therefore, their ability to not speak English was merely an unfair tactic to exclude

²⁴⁰ U.S. Congress, House, Committee on the Judiciary, *H.R. 6400 and Other Proposals to the Enforce the 15th Amendment to the Constitution of the United States*, 89th Cong., 1st Sess., March 18, 19, 23, 24, 25, 29, 30, 21; and April 1, 1965 (Washington, D.C.: Government Printing Office, 1965), 100.

²⁴¹ U.S. Congress, House, Committee on the Judiciary, *H.R. 6400 and Other Proposals to the Enforce the 15th Amendment to the Constitution of the United States*, 509.

them from the franchise. In addition, Puerto Ricans much like African Americans in the South confronted other impediments and obstacles to register and vote. Badillo explained that New York Puerto Ricans faced unexpected shortage of literacy test certificates that took hours to be delivered to registration locations, no pencils and supplies to complete the language exam, registration and polling places that closed earlier than announced, and long lines that exceeded five hours to register. Badillo testified that Congress needed to include the Puerto Rico provision because “it is unlikely that the Puerto Rican community in New York can expect any relief from legislation in New York State since the abolition would require an [state] amendment to the constitution of New York State where Puerto Ricans would not have a voice in voting.”²⁴² For Badillo and the Legion of Voters, they insisted that only Congress had the power to protect the voting rights of Puerto Ricans.

The testimony and presence of those representing the Puerto Rican people in Congress proved important. While the Commission on Civil Rights was unwilling to recommend the Puerto Rico provision, Puerto Rican leaders did so on their own. And they recognized that it was crucial for lawmakers to hear their grievances since the Voting Rights Act primarily focused on African Americans. It had taken many years of organizing at the local level and multiple lawsuits to reach this moment.

Enforcing the Puerto Rico Provision

Section 4(e) of the Voting Rights Act enfranchised a segment of New York’s Puerto Rican population, and it was immediately challenged. While the provision’s association with New York

²⁴² U.S. Congress, House, Committee on the Judiciary, *H.R. 6400 and Other Proposals to the Enforce the 15th Amendment to the Constitution of the United States*, 515.

City was evident and helped to elevate its significance at the federal level, there was considerably more suspicion and hostility toward Puerto Rican voting in New York state. Puerto Ricans outside of New York City witnessed great opposition to Section 4(e). On the day the law was signed, two White residents from New York filed a federal lawsuit to block the provision.²⁴³ On August 6, 1965, John P. and Christine Morgan, who claimed they represented a group of Brooklyn citizens, disputed that the Puerto Rico provision undermined the state's law that required voters to read and write in English. The Morgans' case claimed that Puerto Ricans were incapable of understanding "most the information about political issues in New York City."²⁴⁴ While *Morgan v. Katzenbach* debated whether Section 4(e) had the ability to prohibit the State of New York from imposing its English requirement to vote, enforcing the provision was also a problem.

In New York's Monroe County, Maria Lopez was denied the right to register to because she was not literate in English even though the Puerto Provision stipulated that she was exempt from the language exam. Lopez was educated in Puerto Rico and had completed nine years of schooling, which granted her protection under Section 4(e). In September 1965, Lopez sued Monroe County to enforce the provision and a federal court ruled that the county needed to suspend their administration of English literacy tests.²⁴⁵ James T. Tucker writes that the Lopez case was significant because it "was the first decision to specifically uphold the constitutionality of Section 4(e)."²⁴⁶ Moreover, later on, *U.S. v. Monroe* established that the language of the provision could be applied to any citizen educated on the island. Therefore, the provision was

²⁴³ *Morgan v. Katzenbach*, 247 F. Supp. 196 D.D.C (1966).

²⁴⁴ "Puerto Rican Vote Section is Challenged," *Daily News*, New York, August 7, 1965.

²⁴⁵ *United States v. County Bd. of Elections of Monroe Co., NY*, 248 F. Supp. 316 W.D.N.Y. (1965).

²⁴⁶ James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Vermont: Ashgate Publishing Company, 2009), 39.

not limited to the City of New York and could be enforced regardless of the size of the Puerto Rican population. This was imperative for Lopez's case because Section 4(e) was grounded on the disenfranchisement of Puerto Ricans in New York City, and Monroe County was located in the western part of the state and had small Puerto Rican population. The Puerto Rico provision was becoming a powerful tool to fight against the disenfranchisement of Puertorriqueños. However, Section 4(e) continued to be attacked in the courts.

While a court ordered that Lopez to be registered to vote in Monroe County before the October deadline, the District Court for the District of Columbia ruled in *Morgan v. Katzenbach* that the Puerto Rico provision violated the state's right to impose a literacy test. In November 1965, the lawsuit by John P. and Christine Morgan declared Section 4(e) of the Voting Rights Act unconstitutional. Only one of the three judges dissented and stated that "Congress was specifically given the right to pass laws affecting territories such as Puerto Rico and among the rights long ago given [to] Puerto Ricans were the privilege to vote there and to migrate to the mainland as full citizens."²⁴⁷ It made no sense that Congress had the legislative authority to confer citizenship status to Puerto Ricans, but had no power to protect their rights. The Supreme Court took issue with this and ruled that the Puerto Rico provision was protected under the Fourteenth Amendment's equal protection clause.

The Supreme Court in *Katzenbach v. Morgan* overruled the lower court's decision and upheld the constitutionality of Section 4(e). The Court explained that the Fourteenth Amendment gave Congress the discretion to intervene and nullify a state's literacy tests if it was applied to Puerto Ricans who had completed six years of education on the island. The Supreme Court

²⁴⁷ "Affects Puerto Ricans: Court Rules Out N.Y. Vote Law," *Tampa Times*, Tampa, Florida, November 15, 1965.

maintained that the Puerto Rico provision was legislatively lawful because of “a unique historic relationship between the Congress and the Commonwealth of Puerto Rico, an awareness of the Federal Government’s acceptances of the desirability of the use of Spanish as the language of instruction in Commonwealth schools, and the fact that Congress has fostered policies encouraging migration from the Commonwealth to the States.”²⁴⁸ Congress was now interpreting the Fourteenth Amendment more broadly and using it to protect Spanish-language voting rights.²⁴⁹

Although Section 4(e) was a step in the right direction to protect monolingual Spanish speaking citizens, the provision did not prevent states from using the English literacy exams to block Latinx people, in general, from registering to vote. It is important to clarify that the 1965 Voting Rights Act had no power to suspend New York’s English prerequisite but merely permitted some Puerto Rican people to be exempted from the exam. Puerto Rican migrants who had not completed a sixth-grade education on the island were still mandated to complete the state’s test to vote. In fact, no state outside of the six southern states identified (Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia) in the act were compelled to stop enforcing their language exams. Sixteen states in the U.S. had some sort of literacy requirement: Alaska (speak and read English), Arizona (read U.S. Constitution and write name), California (read U.S. Constitution and write name), Connecticut (read U.S. Constitution), Delaware (read U.S. Constitution and write name), Georgia (read state or U.S. Constitution and write name), Hawaii (required literacy in English or Hawaiian), Maine (read U.S. Constitution and write name),

²⁴⁸ *Katzenbach v. Morgan*, 384 U.S. 641 (1965), 654.

²⁴⁹ *Katzenbach v. Morgan*, 654.

Massachusetts (read state constitution and write name), New Hampshire (read U.S. Constitution and write), New York (read and write English), North Carolina (read U.S. Constitution and write in English), Oregon (read U.S. Constitution and write name), Washington (read and speak English), and Wyoming (read state constitution). For Mexican Americans, the largest Latinx group, and other citizens with limited English skills living in the states listed above, the English language requirement continued to be enforced without federal oversight.

Section 4(e) was no remedy for Latinx voter suppression but its addition to the Voting Rights Act paved the way for the abolition of English-only elections, and laid the foundation to protect “language minorities” across the country. Using the Puerto Rico provision, Puerto Ricans demanded bilingual voting information, assistance, and ballots to effectively cast a ballot. The electoral reforms that it generated were unprecedented since these types of supports were not articulated in the law. And the enforcement of Section 4(e), as Juan Cartagena argues, benefitted and “reached all language minority voters throughout the country as it demonstrated the viability of creating comprehensive multilingual alternatives to English-only election systems, and on a large-scale.”²⁵⁰ The broadening of the Voting Rights Act in 1975 to cover “language minorities” was possible because of the efforts by Puerto Rican voting rights movement, and the electoral protections they won with Section 4(e).

²⁵⁰ Juan Cartagena, “Puerto Ricans and the 50th Anniversary of the Voting Rights Act,” Center for Puerto Ricans Studies, Hunter College. Accessed February 1, 2019. <https://centropr.hunter.cuny.edu/centrovoices/current-affairs/puerto-ricans-and-50th-anniversary-voting-rights-act>.

Mexican American Voters “More diligent in their voting than are we Anglos”

With the focus on Black voter suppression evident in the 1965 act’s geographic coverage, Mexican American voting troubles were omitted and this had been the case since the 1962 voting rights debate. During these hearings, the debate minimized the voting obstructions facing Mexican Americans in the American West. Senator Barry Goldwater (R-AZ), for example, argued that people of Mexican descent were permitted to register and vote without issue. Before Congress, Mexican Americans were characterized as residing in supposedly more democratic states than the South. They were also described as fully enfranchised, bilingual, and super citizens voting at a rate higher than Whites.²⁵¹

Interestingly, the few Mexican Americans in Congress did not testify either for or against the voting rights bill in 1962, and it showed that the Mexican American community was not ready to join the fight for Spanish-language voting rights. At the time, Senator Dennis Chávez (D-NM) and Representatives Joseph Montoya (D-NM) and Henry B. González (D-TX) remained silent on the issue and the leading political figure for Mexican American voting rights, Edward Roybal (D-CA), had not been elected to Congress (1963-1993). Still, the Mexican American leaders in Congress certainly had strong opinions regarding language. While they were proud of their Spanish-speaking skills, they believed that English knowledge was essential to be a first-class citizen. Still, these leaders may not have fully agreed with Goldwater’s statements about Mexican Americans in the West.

²⁵¹ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections: Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary*, 87th Cong., 2nd Sess., March 27, 28; April 5, 6, 10, 11, and 12, 1962 (Washington, D.C.: Government Printing Office, 1962), 364-365.

During the 1962 congressional hearings on voting rights, Senator John A. Carroll (D-CO) and member of the Committee on the Judiciary, informed the Senate that his state had no literacy test and allowed its “Spanish American” population unobstructed access to the ballot. He scoffed at the southern senators who supported the continuation of English language exams to suppress the African American vote. Carroll argued that if the Commission’s finding were true and the device was used “to keep hundreds or thousands of Americans from voting because of race or color, then corrective action...” was necessary. The senator clarified that in certain western states there had been cases of discrimination toward Spanish speakers but not in his state. Carroll remarked that in Colorado there was “over 100,000 Spanish American people and they [were] permitted to go in and vote just as anyone.” Should they be blocked from the ballot he declared that it could lead to a political upheaval.

The people would not stand for it and the newspapers would take it up. To be specific, we have Spanish-American people there, and if these Spanish-Americans, even though they are the minority, if they would be denied that right, why our people would rise up in arms against any such effort to keep them from voting.

According to Carroll, his fellow Spanish-speaking citizens lived a colorblind and fully democratic state. And if they were even threatened with being disenfranchised, the state’s influential Spanish-language press would mobilize this small but powerful “minority” from having its voting rights violated.²⁵²

Senator Goldwater of Arizona also explained that his state’s Spanish-speaking population had no trouble accessing the ballot. Goldwater argued that those challenging

²⁵² U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 175-177.

arbitrary literacy tests should keep their focus on the South, since they were unfamiliar with the voter experience of Mexican Americans in the American West. Goldwater said that literacy tests were regrettably abused. “But I do not see why we should change 44 State constitutions and State laws because six are violating the so-called constitutional rights to vote,” declared Goldwater. He stressed that Arizona’s language exam was extremely simple requiring individuals to read the U.S. Constitution in English and write their name. The Arizona senator explained that states outside of Dixie enforced the education test appropriately and allegedly “never had trouble with it.” Moreover, he told Congress that Mexican Americans were extraordinary citizens. “I would daresay that in most sections of the Southwest where we have people of Mexican ancestry,” Goldwater claimed, “that they are more diligent in their voting than are we Anglos.” He added that Mexican American voters were “better organized, better registered” than other voters. And according to Goldwater, most of Mexican American people Arizona were bilingual and only in a few areas was Spanish solely spoken. The senator admitted that he campaigned in Spanish but did so “because the old people like to hear my mistakes.” Still, the young Mexican American people spoke primarily English and some, Goldwater claimed, did not even “understand of a word of Spanish.” The language was apparently slowly fading away and soon Mexican Americans were going to be monolingual English speakers.²⁵³

The misrepresentation of the Mexican American electorate muted claims that the community faced racism and language discrimination. Still, the totality of evidence gathered by the Commission on Civil Rights confirmed that subtle and not-so-subtle tactics were being

²⁵³ U.S. Congress, Senate, Committee on the Judiciary, *Literacy Tests and Voter Requirements in Federal and States Elections*, 364-365.

deployed to minimize and racially discriminate against people of Mexican descent from registering and voting. Western senators, however, created a false image of Mexican American voters. They used anecdotal information to argue that the West was more democratic than the South, where they administered English literacy tests properly and without racial bias.

Edward Roybal and Mexican American Voter Suppression in California

Beginning in 1958 and up to 1961, the U.S. Commission on Civil Rights conducted hearings in Alabama, Louisiana, California, and Michigan, to study and collect information of voter discrimination and assess the potential violations of equal protection laws. The first hearings were held in Alabama (1958) and Louisiana (1959), and this was a reflection of the importance the agency placed on the South. Slowly, the Commission started to pay attention to the injustices happening in the North and West affecting not only Americans but also Mexican Americans, Puerto Ricans, Native Americans, and Asian Americans. While the agency attempted to give the impression that it was investigating voter discrimination outside of Dixie, African Americans in the South remained its top priority. “But Negroes are our largest minority group, and their rights are denied more often in more respects and in more places than are those of any group,” read the Commission’s 1961 report.²⁵⁴ Still, the 1960 hearing in California, the only one held in the American West, revealed that Mexican Americans’ encountered similar voting barriers to African Americans and some that were unique to the population.

²⁵⁴ U.S. Commission on Civil Rights, *Voting: 1961 Commission on Civil Rights Report* (Washington, D.C.: Government Printing Office, 1961), 21.

The Commission's visit to the Golden State provided evidence that Mexican Americans encountered difficulties in exercising the right to vote. Remarkably, the agency received from California the fourth largest total number of voting complaints.²⁵⁵ Only Alabama, Louisiana, and Mississippi, had more grievances. However, as many of the complaints were unsworn, they could not be processed by the Commission. The agency could investigate only sworn complaints.²⁵⁶ The unverified ones from California were considered unreliable for a serious investigation. The evidence from the hearings and the unsworn grievances were excluded from the agency's 1961 report on voting, which was delivered to the President and Congress ahead of the literacy debate.

In January of 1960, the Commission held meetings in Los Angeles and San Francisco, where politicians, city employees, professors, business leaders, community activists, and civil rights advocates testified about the injustices facing people of color in both cities.²⁵⁷ The agency focused on African American issues including voting rights as it worked to determine the geography of voter suppression, which ultimately showed up in the 1965 voting rights bill. And for the most part, the Commission heard testimony that California was free of voting troubles. African American George A. Beavers's, Chairman of the Housing Authority in Los Angeles, testified that racial segregation was a problem but that "There is no discrimination here in

²⁵⁵ Total voting complaints for select states received by the Commission on Civil Rights from 1957 to 1959: Alabama (140), California (47), Florida (15), Louisiana (105), Mississippi (66), New York (4), North Carolina (20), South Carolina (3), Tennessee (11), Texas (1), Virginia (20, and West Virginia (1). See Representative Preston, speaking on Civil Rights, on March 14, 1962, 86th Cong., 2nd sess., *Congressional Record* 106, pt. 5:5459.

²⁵⁶ "To get the authentic facts about the allegations that Negroes are being denied the right to vote, Congress wanted the Commission to conduct first-hand investigations and hearings based on sworn complaints." See U.S. Commission on Civil Rights, *Report of the United States Commission on Civil Rights* (Washington, D.C.: Government Printing Office, 1959), 54.

²⁵⁷ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Hearings Held in Los Angeles, California, January 25-25, 1960; and San Francisco, California, January 27-28, 1960 (Washington, D.C.: Government Printing Office, 1960).

voting.”²⁵⁸ Supporting Beavers’ testimony was Augustus F. Hawkins, California State Assemblyman for Los Angeles’ 62nd District. He claimed that there existed no voting irregularities in the state.²⁵⁹ In addition, Betty Elliot Davis, Assistant Secretary of the Los Angeles Realty Board, explained that “Citizens of the United States who live in Los Angeles are free to register to vote without any question whatsoever as to race, color, creed, or national origin.”²⁶⁰ She added, “There was a time when the Asiatic Exclusion was in effect in California, but the discriminatory law has long since been repealed.”²⁶¹ The statement by Davis was an attempt to argue that California might have been racist in the past, but it was now a better place. California, according to these persons, was a progressive state where everyone possessed franchise rights.

Edward Roybal, a Los Angeles City Council Member, disputed the claims that California was immune to racial discrimination in voting. He was the only person who sounded the alarm that Mexican Americans living in the state faced racial barriers in the electoral process. Roybal was not one who could hold his tongue on matters dealing with injustice. He was born on February 10, 1916, in Albuquerque, New Mexico. In 1922, Roybal’s family moved to East Los Angeles due to a growing anti-Mexican immigrant sentiment in New Mexico. His family would settle in Boyle Heights and build their own home in 1930. During the Great Depression, Roybal

²⁵⁸ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California (Washington, D.C.: Government Printing Office, 1960), 28.

²⁵⁹ However, Hawkins stated that in the San Joaquin Valley there was “a tendency to discourage” migrants from settling and voting in the area, and “there may be certainly a great amount of racial discrimination involved in it.” See U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California, 119.

²⁶⁰ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California, 274.

²⁶¹ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California, 274.

worked for the Civilian Conservation Corps, one of many New Deal programs, which allowed him to financially support his family. Through this experience, he learned that government could help everyday people in hard times. After graduating high school in 1934, Roybal studied at University of California, Los Angeles and Southwestern University. He was drafted into the army and assigned to office duties during World War II. Once the war ended, Roybal worked for the Los Angeles County Tuberculosis and Heath Association that allowed him to travel throughout the state where he saw the inequalities in healthcare, education, and housing that affected his community. This got him interested in local politics and so he ran for the Los Angeles City Council to represent the ninth council district that included Boyle Heights. With little name recognition nor any significant accomplishments, the young candidate lost his first race in 1947. Roybal understood that he needed greater support from Mexican Americans as well as from Blacks and Whites in the district. He had attended Saul Alinsky's community organizing seminars in Chicago and was familiar with his strategies to mobilize underserved communities. In 1947, Roybal helped to start the Community Service Organization (CSO) and it received invaluable support from Alinsky's Industrial Areas Foundation (IAF), a national organizing network dedicated to training local leaders on the art of community organizing. Under the leadership of Roybal and with the assistance of IAF, especially of the talented organizer Fred Ross (who later worked to build the United Farm Workers Union), the CSO got more Mexican Americans to register to vote and created a multiracial constituency that would propel Roybal to city hall.²⁶²

²⁶² For a full biography on Roybal, see Frank Javier Garcia Berumen, *Edward R. Roybal: The Mexican American Struggle for Political Empowerment* (Los Angeles: Bilingual Education Services, Inc., 2015).

In 1949, Roybal became the first Mexican American elected to the Los Angeles City Council since 1881, a victory that was the direct consequence of the CSO. Before the CSO was formed, the organization estimated that roughly 10 percent of Mexican Americans in the city were registered to vote due to racial, language, and economic barriers that stymied the electorate.²⁶³ Without political representation, the CSO believed that people of Mexican descent would continue to be ignored by elected public officials and be without political leverage to defeat unfair employment practices, substandard housing, segregation, and police brutality.²⁶⁴ The CSO then conducted an unprecedented campaign to register voters. According to Los Angeles' *Daily News*, they "sent our flying squadrons of Spanish-speaking deputy registrars and got thousands of residents of Boyle Heights, Lincoln Heights, and Belvedere areas, where Mexican Americans [were] mostly thickly settled, to sign up."²⁶⁵ The mass mobilization of voters was a winning strategy and contributed to Roybal's victory along with his subsequent re-elections to the city council. By 1959, the CSO reported that it had registered over 217,000 Mexican American voters, contributed to the election or appointment of over 100 Spanish-speakers to public office, helped to improve the infrastructure of barrios, eliminated segregation in public pools and schools, and reduced job, housing, and police discrimination.²⁶⁶

At the age of forty-six, Roybal decided to run in 1962 for the newly created Thirtieth Congressional District and won the seat. In Congress, Roybal (D-CA) worked closely with Henry B. Gonzalez and Joseph Montoya, who moved from the House to the Senate in 1964, and

²⁶³ "Our Votes Have Won the Victories," Circa 1959-1961, Collection 847, Box 8, Edward Ross Roybal Papers, UCLA Library Special Collections, Youngs Research Library, Los Angeles, California.

²⁶⁴ "Our Votes Have Won the Victories," Circa 1959-1961.

²⁶⁵ "CSO bridges gap for minority group," *Daily News*, Los Angeles, January 6, 1951.

²⁶⁶ "Our Votes Have Won the Victories," Circa 1959-1961.

together they founded what became known as the Congressional Hispanic Caucus. The caucus was a first step to develop a national political agenda that would benefit Latinx people, and it was formally instituted in 1976. Roybal would be one of the most vocal critiques of the national Democratic Party and sitting presidents, condemning their lack of sensitivity on and awareness of Latinx issues. Moreover, during the 1975 debate to extend the Voting Rights Act, Roybal was a leading figure to ensure that Mexican American people were added to the legislation. His leadership in the House was described as “quite and efficient.”²⁶⁷

Roybal testified before the Commission that Mexican Americans’ right to vote in his district was being denied in Los Angeles and other cities with large numbers of Spanish speakers.²⁶⁸ He submitted to the commissioners eleven affidavits to document these injustices. The city leader described how registered Mexican American voters with broken English during the last three elections were challenged by observers to recite the preamble of California’s Constitution at the polls. Whites, however, were not asked to do the same, he said. Facing aggression and intimidation, a number of them left without casting their ballots. The councilman explained that as word spread that people of Mexican descent were supposedly not allowed to vote some did not even bother to vote on Election Day. “A good many of them have already been here 5 years and they are eligible for citizenship and are eligible to vote,” stated Roybal.²⁶⁹ During the 1950s, federal law required persons to be literate in English to become

²⁶⁷ “Edward R. Roybal,” History, Art & Archives, U.S. House of Representatives. Accessed on April 1, 2021. [https://history.house.gov/People/Listing/R/ROYBAL,-Edward-R--\(R000485\)/](https://history.house.gov/People/Listing/R/ROYBAL,-Edward-R--(R000485)/).

²⁶⁸ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California, 305-321.

²⁶⁹ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California, 309.

naturalized citizens, and so Roybal responded that they had met this requirement and possessed English knowledge.

There was nothing in California law requiring would be voters to recite the preamble to the Constitution. The law specified that citizens should be able to read the Constitution in English. Racist poll watchers or registrars insisting on either test were clearly trying to obstruct people of Mexican descent from voting by trying to prove that they lacked English skills. When asked by the commissioners if Mexican American citizens were denied the ballot due to their limited English abilities, Roybal answered that persons who had trouble reading a difficult portion of the constitution were not allowed to register. “These people became nervous and so forth, were unable to do it to the satisfaction of the individual, and they were challenged on that basis.”²⁷⁰

Roybal also testified that Mexican Americans had to deal with registrars who were rude and impatient toward them and encountered “other irregularities” that discouraged them from voting. He informed the commissioners that some of the affidavits submitted to their agency described “that voters were rushed at the polls; that they were not given sufficient time; and, then again, reports that whenever someone made an error they were not given another ballot, and it is my understanding that one can ask for another ballot should he make an error, but in each one of these instances another ballot was not given [to] them.”²⁷¹ Roybal tried to emphasize the unequal treatment Mexican Americans experienced at the polls. In addition to

²⁷⁰ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California, 318.

²⁷¹ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California, 310.

flagging systematic discrimination by registrars, he explained the difficulties caused by changing polling times and locations. “In my district three polling places were moved the week prior to election times and they received just 1 or 2 days’ notices saying that the election poll had been changed,” he stated, “and in both instances, or the three instances, they were changed to such a great distance that [Mexican Americans] were unable to walk that far to a polling place.”²⁷² By bringing attention to the treatment of Mexican American people by registrars, the short notice of polls’ time changes, and the long distance to polling places, Roybal was exposing the subtle tactics used to minimize and discourage the Mexican American community from registering and voting. These maneuvers, although not perceived as racist, were effective at diluting their electoral power, and which made these tactics more difficult to contest and easier to dismiss.

The complaints raised by Roybal, however, were understood by the commissioners as not egregious violations of voting rights or equal protection laws. After all, the Commission was well-aware that in the South, African Americans faced intimidation, violence, and had even been killed for trying to register. Mexican Americans, they argued, were allowed to sign up to vote. While some people might have been able to register, Roybal made clear that racial discrimination still prevented the citizens from voting on Election Day.

Additionally, the commissioners believed that the problems Roybal described were isolated incidents and easily remedied by local election laws. Roybal, however, explained that Mexican American voters across the state were increasingly seeing more obstacles to participation in the electoral politics. In California, “There are approximately 1,200,000

²⁷² U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California, 309.

[Mexican Americans], and the Mexican American community as I have referred to it is a sleeping giant, has been sleeping for generations,” Roybal declared, “but as of late, in the last 10 years or so, this sleeping giant has now started to awaken, and I believe it is now—its influence is being felt politically throughout the State of California.”²⁷³ According to Roybal, the recent mobilization of the Mexican American voters had triggered actions to keep them from participating in elections. The commissioners were not persuaded. After all, others testifying before the Commission maintained that California, in general, had no voting problems. In the end, the voting irregularities of Mexican Americans were not considered a priority by the Commission, and their problems were never reported to the President or Congress. This was reflected in the 1965 act that included no protections for Mexican Americans and was geographically confined to the Deep South.

A Rude Awakening to Political Power

During the 1960 National Democratic Convention, Roybal persuaded Kennedy’s campaign to support a nationwide effort to register Mexican American voters that turned out to be crucial in a close election with Nixon. The Viva Kennedy campaign organizers would tap into already established Mexican American organizations to maximize its reach. In California, for example, the Viva Kennedy Clubs became the responsibility of the CSO and Mexican American Political Association (MAPA). The latter group was formed in 1957 and its primary goal was to register Mexicano voters and independently elect Mexicanos to public offices.

²⁷³ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Los Angeles, California, 315.

MAPA's chair was Roybal who used his organizational skills to create chapters throughout California. And in Texas, the American G.I. Forum's numerous chapters and its members played an instrumental role in forming Viva Kennedy Clubs. The Spanish-language press also promoted the clubs. By Election Day, clubs were formed throughout the country and promoted Kennedy as a fellow Catholic who represented one of their own. This strategy worked to bring mainly Mexican Americans and Puerto Ricans into a single voting bloc. After edging out Nixon, Kennedy acknowledged that Mexican Americans and Puerto Ricans were decisive to his victory. Kennedy's statement confirmed the idea that Latinx people were becoming a constituency that could no longer be ignored.²⁷⁴

Once in the White House, Kennedy failed to give high level appointments to Mexican Americans in his administration and it was a great blow to the community. It was a bitter reminder that they could not trust the national Democratic Party. In fact, this was one of the reasons MAPA was organized—the party was reluctant to take them seriously. Bert Corona, a co-founder of MAPA and labor rights leader, explained that MAPA was created as a result of “the unwillingness of the Democratic Party to support in any real sense the needs and interests of Mexicans and other Spanish-speaking people in California and the Southwest.”²⁷⁵ Yet, what became evident after the Kennedy campaign was that Mexican American and Puerto Rican voters, although from distinct ethnic backgrounds, could be organized to pursue one political agenda.

²⁷⁴ Ignacio M. García, *Viva Kennedy: Mexicans Americans in Search of Camelot* (College Station: Texas A&M Press, 2000) 90-94.

²⁷⁵ Quoted in Berumen, *Edward R. Roybal: The Mexican American Struggle for Political Empowerment*, 161.

Another great disappointment was that after Kennedy, the Lyndon B. Johnson administration continued to overlook Mexican Americans' legitimacy in U.S. politics. Beginning in the early 1960s, Mexican American civil rights organizations including the League of United Latin American Citizens (LULAC), the American G.I. Forum, MAPA, and elected leaders in Congress such as Edward Roybal, Henry B. Gonzalez, and Joseph Montoya started to advocate for federal policies related to bilingual education, fair housing, and equal employment opportunities at a state and federal level. Yet, Johnson did almost nothing to address their concerns. And once again, a Democratic president failed to appoint Mexican Americans to top level positions in his administration. To make matters worse, Mexican American youth were being killed at a disproportionate rate in Vietnam. These matters infuriated Roybal and he would strongly criticize the Johnson administration, stating in October 1965:

The Mexican American community wholeheartedly supports and applauds the progress made by the Negro, for we know only too well the legitimacy of his campaign to overcome generations of subordination. However, we are forced to risk criticism of our words because the pressure in the Mexican American community is mounting as our needs are becoming desperate. Our targets should be the Johnson administration, which we support, but which does not seem to support us.²⁷⁶

To appease the Mexican American people, in June 1967, Johnson created the Inter-Agency Committee on Mexican-American Affairs whose purpose was to conduct a comprehensive review of the troubles facing the community. However, the agency had no real power. It merely encouraged federal agencies to be more inclusive of Mexican American people. With the 1968 presidential election on the horizon, the creation of the agency was an effort by Johnson's administration to avoid losing Mexican American support.

²⁷⁶ Berumen, *Edward R. Roybal: The Mexican American Struggle for Political Empowerment*, 230.

And finally, as Mexican American leaders desired to mobilize the electorate as Mexicanos to emphasize their ethnic identity and elect their own people to gain political power; it started becoming increasingly clear that they could use the Voting Rights Act to further their cause. However, once Mexican Americans figured out that the 1965 law offered them no protections, it triggered new movements and new forces to push for voting rights that were different from African Americans and Puerto Ricans.

CHAPTER FOUR
“We Need a Chicano Voting Rights Act”:
Mexican Americans Mobilize to Democratize the American West

Five years after Congress passed the Voting Rights Act of 1965, Ruben Salazar, journalist for the *Los Angeles Times*, described the sentiment that was building for a Chicano Voting Rights Act. Salazar reported that a growing number of moderate Chicanxs were “losing faith with the white liberal establishment,” particularly on a local level, saying it could no longer “be trusted to look out for the needs of the Chicano.” If Chicanx people wanted their concerns and problems to be solved, they had to elect their own to political office. To do so, activist Roberto Aragon stated there needed to be a dramatic increase in the number of registered voters. Therefore, greater access for Chicanxs with limited English skills to access the ballot box was necessary. Additionally, to drive up registration rates, a potential solution would be to allow Mexican permanent residents to take the naturalization citizenship test in Spanish. He estimated that in California there were nearly 250,000 permanent residents but many were monolingual Spanish-speakers. Aragon argued that this change was necessary because Spanish was “as much as a part of the Southwest as cactus,” and he rejected the belief that English was the country’s national language. “The Chicano Voting Rights Act...would do for the Mexican American community throughout the Southwest what the Voting Rights Act did for the black community in the South,” stated Aragon.²⁷⁷

As the foremost journalist covering the Chicano civil rights movement, Salazar captured a range of issues affecting the community and ones that were different from those of stateside

²⁷⁷ Ruben Salazar, “Sentiment of Minority Building for Chicano Voting Rights Act,” *Los Angeles Times*, Los Angeles, California, August 7, 1970

Puerto Ricans. While both groups demanded Spanish-language rights and wanted to elect their own to public office, among the Mexican people was a sizeable non-citizen population whose status barred them from the ballot. Moreover, the naturalization process prevented Mexican permanent residents with limited English skills from becoming citizens. The pathway for non-citizen Mexicans to gain the franchise was unlike Puerto Ricans who were granted American citizenship once they arrived on the mainland. Chicanxs were articulating that they needed a tailored voting rights bill to fully address their needs including those of non-citizens. The newspaper article acknowledged the power of the Voting Rights Act and at the same time, it argued that the legislation had not helped the Mexican Americans including those who were permanent residents.

This chapter traces how the Mexican American voting rights movement steadily grew in the American West. They faced obstacles that prevented them from registering and voting, such as English-only elections, literacy tests, poll taxes, and violence. In addition, non-citizens and Mexican permanent residents encountered more barriers than those who possessed citizenship. Mexican American political leaders such as Edward Roybal called attention to their struggles before the Voting Rights Act passed in 1965. Meanwhile, the most important mobilization was underway in communities across the American West, where explosive social movements, commonly grouped together under the label “The Chicano Movement” were transforming social identities, political practice, and the reputation of Mexican Americans. The Chicano Movement starting in the 1960s would arouse legal activists and political leaders to demand voting rights. Chicanx people in some cases with the help of farm workers unions and

progressive legal organizations started to use the courts to oppose English literacy tests, demand Spanish-language election assistance, and mobilize to eliminate at-large elections.

Although the Chicano Movement inspired some activists to press for voting rights, many organizations that formed part of the movement focused their energies away from electoral politics; and instead, demanded community control than elections. Therefore, political leaders and lawyers seeking voter protections organized without a unified community behind them. The internal political divisions among Chicanx people made organizing for voting rights more difficult but by the early 1970s, the community started to see the potential of voting and winning political offices.

The Chicano Movement

The Chicano movement that took shape in 1960s transformed the identity, the politics, and the community dynamics for people of Mexican descent. The movement was multidimensional and the numerous organizations that formed part of the struggle developed different agendas, objectives, tactics, approaches, and ideologies that informed actions.²⁷⁸ The use of the term “Chicano” rather than Mexican American was intentional. Chicano signaled a rejection of a Mexican American identity that accepted assimilation and shunned their cultural roots. Identifying as Chicano people reflected their commitment to a new political consciousness, self-respect, and pride in their cultural background.

²⁷⁸ Juan Gómez-Quiñones and Irene Vásquez, *Making Aztlán: Ideology and Culture of the Chicana and Chicano Movement, 1966-1977* (University of New Mexico Press, 2014), xxv.

Unlike older civil rights organizations such as the League of United Latin American Citizens (LULAC) and the American G.I. Forum that advocated for integration and tried to convince institutions to protect them, Chicano organizations used militant and uncompromising strategies to demand immediate reform.²⁷⁹ Through these organizations, Cristina Mora writes, they “tackled not only traditional issues like bilingual education and poverty but also ones that were seemingly more radical.”²⁸⁰ For example, La Alianza Federal de Pueblos Libres (Federal Alliance of Land Grants) founded by Reies Tijerina Lopez in New Mexico (1963), wanted through legislation to reclaim the land and water rights lost to New Mexican Hispanos but guaranteed by the Treaty of Guadalupe Hidalgo of 1848.²⁸¹

The most prominent organizations included the United Farm Workers Union, the Crusade for Justice, the Raza Unida Party, and El Movimiento Estudiantil Chicano/a de Aztlan (MEChA). In 1965, the birth of the United Farm Workers Union (UFW) in California was a critical spark and integral part of the Chicano Movement.²⁸² In 1962, the Agricultural Workers Organizing Committee (AWOC) made up of mostly Filipinos, and the National Farm Workers

²⁷⁹ On LULAC, see Benjamin Marquez, *LULAC: The Evolution of a Mexican American Political Organization* (Austin: University of Texas Press, 1993); Craig Allan Kaplowitz, *LULAC, Mexican Americans, and National Policy* (College Station: Texas A&M University Press, 2005); and Cynthia Orozco, *No Mexicans, Women, or Dogs Allowed: The Rise of the Mexican American Civil Rights Movement* (Austin: University of Texas Press, 2009). On the American G.I. Forum, see Carl V. Allsup, *The American G.I. Forum: A History of a Mexican American Organization* (Austin: University of Texas at Austin, 1976); Ignacio M. García, *Hector P. García in Relentless Pursuit of Justice* (Houston: Arte Público Press, 2002).

²⁸⁰ G. Cristina Mora, *Making Hispanics: How Activists, Bureaucrats, and Media Constructed a New American* (Chicago: The University of Chicago Press, 2014), 21.

²⁸¹ On Reies Tijerina and La Alianza, see Lorena Oropesa, *The King of Adobe* (Chapel Hill: University of North Carolina Press, 2019); and José Angel Gutiérrez, *Tracking King Tiger: Reies Lopez Tijerina and the FBI* (East Lansing: Michigan State University Press, 2019).

²⁸² On the United Farm Workers Unions, Miriam Pawel, *The Union of Their Dreams: Power, Hope, and Struggle in Cesar Chavez's Farm Worker Movement* (New York: Bloomsbury Press, 2009); Matthew Garcia, *From the Jaws of Victory* (Berkeley: University of California Press, 2012); and José Angel Gutiérrez, *The Eagle Has Eyes: The FBI Surveillance of César Estrada Chávez of the United Farm Workers Union of America, 1965-1975* (East Lansing: Michigan State University Press, 2019).

Association (NFWA) made up of mainly Mexicanos, were started in rural California. Under the leadership of Cesar Chavez, the AWOC and NFWA came together to strike against grape growers in Delano, California. The unions eventually merged to become the UFW. The UFW appealed to Chicanx youth because of its strong ethnic and racial association as highlighted in Chavez's *Plan de Delano* that spoke of the sacrifices the "Mexican race" had made to seek bread and justice.²⁸³ The UFW's grape boycott would receive national support from religious groups, universities, and political figures such as Senator Robert Kennedy (D-NY). The UFW energized Chicanx leaders such as Rodolfo "Corky" Gonzalez to pursue social, economic, and racial justice for the betterment of his community. In 1966, he founded The Crusade for Justice, in Denver, Colorado, to showcase the virtues of the Mexican American community through theater productions, dances, and fiestas to create unity and generate a political dialogue of how Chicanxs could solve their own problems. Like the Crusade for Justice, the Mexican American Youth Organization (MAYO) was nationalist and militant but focused on education and political empowerment. In the political arena, MAYO organized what became known as the "Chicano takeover" of Crystal City's school board and city council in 1963.²⁸⁴ This historic event established the Raza Unida Party (RUP) in Texas.²⁸⁵ RUP was an independent political party that was an alternative to mainstream political systems. And also central to the Chicano Movement were student and youth organizations such as the Brown Berets and the United Mexican American Students, the Mexican American Student Confederation, and the Mexican American

²⁸³ Richard J. Jensen and John C. Hammerback, eds., *The Words of Cesar Chavez* (College Station: Texas A&M Press, 2002) 16-18.

²⁸⁴ On MAYO, see Armando Navarro, *Mexican American Youth Organization* (Austin: University of Texas, 1995).

²⁸⁵ On the RUP, see Ignacio M. Garc  a, *United We Win: The Rise and Fall of La Raza Unida Party* (Tucson: University of Arizona, 1989); Armando Navarro, *La Raza Unida Party: A Chicano Challenge to the U.S. Two-party Dictatorship* (Philadelphia: Temple University Press, 2000).

Student Association. A number of these organizations eventually merged to form MEChA. The student movement organization was founded in Santa Barbara, California in 1969. From 1969 to 1971, MEChA grew rapidly in California, Washington, Oregon, Arizona, Colorado, and Indiana. Most of the chapters during this period were on university and college campuses.

It is important to emphasize that Puerto Rican youth also formed active civil rights groups. In 1961, Antonia Pantoja, an educator and activist, launched *Aspira* that encouraged Puerto Rican youth to take pride in their identity, pursue their academic goals, and serve their community.²⁸⁶ *Aspira* clubs were first established in New York City and later they were organized in New Jersey, Pennsylvania, Chicago, and San Juan, Puerto Rico. Alternatively, the Puerto Rican Young Lords embraced revolutionary politics in the late 1960s. Johanna Fernández writes that the Young Lords called “for Puerto Rican independence, an end to hunger and want, and a socialist society that embodied the politics of the era’s revolutions for independence from European colonial rule that swept through Africa, Asia, and Latin American after World War II.”²⁸⁷ The Young Lords were molded after the Black Panther Party and formed chapters through New York City’s neighborhoods. These Puerto Rican organizations, much like Chicano groups, used different political tactics to fight for greater equity.

²⁸⁶ Antonia Pantoja, *Memoir of a Visionary: Antonio Pantoja* (Houston: Arte Público Press, 2002). Also see Sonia Song-Ha Lee, *Building a Latino Civil Rights Movement* (Chapel Hill: University of North Carolina Press, 2014), 114-128.

²⁸⁷ Johanna Fernández, *The Young Lords: A Radical History* (Chapel Hill: The University of North Carolina Press, 2020), 5.

La Raza Fights For Voting Rights

The liberation movements of the 1960s and 1970s including the Chicano movement fundamentally changed the nation's understanding of rights and status of communities of color. The U.S. Commission on Civil Rights struggled to stay relevant in the new context. In 1968, the Commission published a report called "Political Participation: A Study of the Participation by Negroes in the Electoral and Political Processes in 10 Southern States since Passage of the Voting Rights Act of 1965," arguing that African Americans were registering and voting at a higher rate but many new barriers to full and equal political participation have arisen...".²⁸⁸ The study stated that "Mexican Americans, Puerto Ricans, and Indians" also faced barriers that limited their ability to fully participate in the political system.²⁸⁹ "There is a need for basic information on these problems, but the Federal Government, political parties, and local communities should take steps now to consider the relevance of the matters discussed in this report to communities throughout the Nation and to take affirmative remedial steps where appropriate."²⁹⁰ This was a tepid recommendation given the context of the times as cities burned and campuses rose in rebellion.

The Commission's slow pace to create change and its inability to realize that the Black civil rights struggle had inspired Chicanxs, Boricuas, Asian Americans, and Native Americans to stand up for their rights frustrated Domingo "Nick" Reyes. In 1969, Reyes worked for the Commission's Mexican Division. It was created to demonstrate that the agency was

²⁸⁸ U.S. Commission on Civil Rights, *Political Participation: A Study of the Participation by Negroes in the Electoral and Political Processes in 10 Southern States since Passage of the Voting Rights Act of 1965* (Washington, D.C.: Government Printing Office, 1968), iii.

²⁸⁹ U.S. Commission on Civil Rights, *Political Participation*, 179.

²⁹⁰ U.S. Commission on Civil Rights, *Political Participation*, 179.

investigating allegations of discrimination against other marginalized groups. The unit came under scrutiny when Reyes held a press conference accusing the Commission of trying to fire him for engaging non-partisan political activities. On September 12, 1968, Reyes told reporters that he was being forced to resign because he had accepted a short-term paid radio station job and was a spokesperson for the National Mexican Anti-Defamation Commission. Reyes explained that Howard A. Glickstein, Staff Director of the Commission, had berated him and went far as to waive the commission's regulations about engaging in paid activities and shouted, "Can't you read English."²⁹¹

Reyes would use the press conference as an opportunity to argue that the agency had failed to keep up with the times and not fully invested in examining Chicana issues. "The Commission," Reyes claimed, "had failed to keep pace with the activist trend in civil rights movements," continuing to operate in "the same legalistic manner which in the 1950's produced desegregation at such all [sic] deliberate speed as to ensure continued racism for the current decade."²⁹² Most damning were his statements about the alleged low importance the Commission gave to Chicana people.

Chicanos are so low on the priorities of the Commission for funding and work that the Commission has failed to publish the transcript of the San Antonio hearings which were held more than 10 months ago in December, 1968. And the Mexican American education study is stuck in the quagmire of bureaucratic indifference.

Although the Commission is the leader in the attitude that the government should handle only one racial brush fire at a time, the government attitude of ignoring the Chicano is not peculiar to the Commission, but pervades the entire federal government.²⁹³

²⁹¹ Letter, Domingo Nick Reyes to Mr. Howard A. Glickstein, September 11, 1969, Box 2004-127/394, Henry B. Gonzalez Papers, 1946-2015, Dolph Briscoe Center for American History, University of Texas, Austin, Texas.

²⁹² Letter, Domingo Nick Reyes to Mr. Howard A. Glickstein, September 11, 1969.

²⁹³ Letter, Domingo Nick Reyes to Mr. Howard A. Glickstein, September 11, 1969.

Reyes added that his departure would leave only two Chicanos employed full-time by the Commission in its Washington, D.C. office.

With the Voting Rights Act about to expire in 1970, the Commission started to attempt to take in account Chicanx people. In May 1969, Staff Director Howard Glickstein testified that a national ban on literacy tests would certainly benefit African Americans in the North along with Mexican Americans in the West. He commented that the commission's hearing in San Antonio exposed that Mexican Americans, similar to Blacks, were receiving an education that was inferior to White students', contributing to low academic achievement and literacy rates. Despite his testimony, Glickstein argued that the Commission was still "considering whether it would be appropriate or wise at this time to seek enactment of such a broader legislation."²⁹⁴ Then, in February 1970, as support grew in Congress to eliminate literacy tests across the country, Glickstein claimed that the Commission had "recently conducted some research on the effects of the use of literacy tests in the North and West" and found that the device negatively affected "persons of Spanish surname."²⁹⁵ "Mexican Americans in California, Wyoming, and Washington," he stated, "tend to view literacy tests as directed at them, and feel intimidated by them."²⁹⁶ The disenfranchisement of Mexican Americans by way of literacy tests was finally acknowledged as pervasive.

²⁹⁴ U.S. Congress, House, Committee on the Judiciary, *Voting Rights Act Extension: Hearings Before the Subcommittee on Constitutional Rights of the Committee on the Judiciary*, 91st Cong., 1st Sess., May 14, 15 and June 19, 26; and July 1 (Washington, D.C.: Government Printing Office, 1969), 17.

²⁹⁵ U.S. Congress, Senate, Committee on the Judiciary, *Amendments to the Voting Rights Act of 1965: Hearings before the Subcommittee on Constitutional Rights of the Committee of the Judiciary*, 91st Cong., 1st and 2nd Sess., July 9, 10, 11, and 30; and February 18, 19, 24, and 26, 1970 (Washington, D.C.: Government Printing Office, 1970), 429.

²⁹⁶ U.S. Congress, Senate, Committee on the Judiciary, *Amendments to the Voting Rights Act of 1965*, 430.

In June 1970, President Nixon signed the extension of voting rights legislation for an additional five years with several amendments. The revised law banned literacy tests throughout the country, lowered the voting age to eighteen, and abolished long-term residency requirements to vote in federal elections. The modified act guaranteed that Mexican American voters would no longer be rejected due to English literacy tests and it benefited migrant farm workers who traveled to different states.

Although the ban on literacy tests was nationwide, the vast majority of Mexican Americans were still unable to access the VRA's powerful provisions including the requirement for states to clear any changes in voting laws or procedures with federal authorities (Section 5) was restricted to select jurisdictions. The "special provisions" were enforced in places that fell under a coverage formula. If a state or county enforced any test or device and less than 50 percent of eligible citizens (including Black, Native American, and Spanish surname) registered or voted during the 1964 presidential election, it was subject to Section 5. The formula used in the original 1965 law covered the following states and counties: Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, 39 counties in North Carolina, 1 county in Arizona, and 1 county in Hawaii. With the extension, states and counties under the 1965 law continued to be covered and another coverage formula was added. And after 1970, additional jurisdictions were covered if they had on November 1, 1968, a test or device as prerequisite to register or vote and less than 50 percent of people eligible to vote in the 1968 presidential election. The new formula broadened the coverage area and added the following states and counties: Alaska, 8 additional counties in Arizona, 2 counties in California, 1 county in Idaho, 3 counties in New York, and 1 county in Wyoming.

The Voting Rights Act's special provisions after 1970 could now be enforced in new geographies that helped some Mexican Americans, but majority of population was left without protection. For example, select counties of Arizona and California were included where Native Americans and Mexican Americans would be the primary benefactors. For people of Mexican descent, the federal law started to work for them in a few areas. Continuing to face numerous obstacles to registering and voting, Mexican Americans in the American West began to oppose English literacy tests, demand Spanish-language election assistance, mobilize to eliminate at-large elections using the courts, and highlight the inability of permanent residents to take the naturalization citizenship test in Spanish.

The Chicano Movement would inspire new organizations and political leaders to challenge voter suppression in local and state governments, but those that formed part of the movement made it challenging for voting rights activists to advance a unified agenda. For example, in 1971, Senator Joseph Montoya (D-NM) and Congressmen Edward Roybal (D-CA) and Herman Badillo (D-NY) arranged a conference to bring the Spanish-speaking community together. The Unidos Conference's purpose was to show that Spanish-speakers were a unified political constituency and a potential swing vote in U.S. elections. The event was held in Washington, D.C. and attended by almost a thousand people from all over the country. The *New York Times* reported that "The participants included member of Congress, state and local officials of Spanish origin, officers of a hundred Mexican and Puerto Rican organizations, a handful of observers from Cuban groups in Florida, and a number of ordinary citizens, ranging from a middle-aged Puerto Rican woman, in a fur hat, from New York City to a young Chicano,

in flowered shirt and bell-bottoms, from Tres Piedras, N.M.”²⁹⁷ At the gathering, José Angel Gutiérrez who founded both the Mexican American Youth Organization and the Raza Unida Party, a Chicano political party, Reies López Tijerina who led New Mexico’s land grant movement, and the Young Lords were also present. The aforementioned were considered leftists and radicals who were critical of gringo power, moderates (i.e., Tio Taco “Uncle Tom” politicians), saw direct action as necessary for political change, and in the case of the Young Lords, demanded the independence of Puerto Rico that was a contentious subject within the community. During the two-day meeting, Chicano and Puerto Rican leftists and radicals used the conference to advance their own political agenda, which forced Montoya, Roybal, and Badillo to tread carefully and try to find common ground to achieve unity. At one point, conference attendees rejected a proposal to invite more Cuban Americans to join them since some stated, “They don’t share our problems.”²⁹⁸ According to a newspaper report, Roybal and Badillo “left the conference discouraged, and even angry.”²⁹⁹

Despite the Chicano Movement’s diverse political groups, it fueled legal activists to win comparable rights for Latinx voters. Individuals, especially lawyers, who worked for the Mexican American Legal Defense and Education Fund (MALDEF) along with the allies from the California Rural Legal Assistance (CRLA) and the American Civil Liberties Union (ACLU) were determined to broaden the Voting Rights Act. They looked for ways to get the courts to rule

²⁹⁷ Jack Rosenthal, “Unity Urged for All Spanish Origin, Hispanic Meeting Asks Unity Drive,” *New York Times*, October 24, 1971.

²⁹⁸ Thomas Foley, “Latin Conference Votes to Set Up Political Power Base in Capital,” *Los Angeles Times*, October 25, 1971.

²⁹⁹ Jack Rosenthal, “Minorities: The Goal Among the Spanish-Speaking ‘Unidos,’” *New York Times*, October 31, 1971.

that the law applied beyond African Americans and outside the South. In California, Texas, and Washington State, lawyer-activists used clever legal strategies that led to important victories.

Chicanxs in California Mobilize for Voting Rights

Activists and attorneys in California took inspiration from African American gains under the 1965 law and pressed for redress from explicit and implicit barriers to voting in the state including English literacy tests. California was an earlier adopter of the exam and in 1894, the state's voters approved a constitutional amendment to require English literacy to register to vote. The amendment read that "no person who shall not be able to read the Constitution in the English language. . . shall ever exercise the privileges of an elector in this State."³⁰⁰

Historians Roger Daniels and Eric F. Peterson contend that while the provision was promoted as a way to reform electoral politics, "it was motivated chiefly by unfounded fears about alien threats—including the threat of Chinese suffrage."³⁰¹ A "grandfather clause" was included to exempt those who had already been registered to vote.

Beginning in 1967, California residents who were literate in Spanish but not in English sued the state to oppose its English literacy test. Genoveva Castro and Jesus E. Parra, with the help of the California Rural Legal Assistance (CRLA), filed a lawsuit in the Los Angeles' Superior Court claiming that the state's literacy test denied them the right to vote in violation of the

³⁰⁰ *The Journal of Senate of the State of California, 1893*, Article II: Right of Suffrage/Section No. 1, 214 (Sacramento, California: State Office, A.J. Johnston, Supt. State Printing: 1893).

³⁰¹ Roger Daniels and Eric F. Petersen, "California's Grandfather Clause: The 'literacy in English' Amendment of 1894," *Southern California Quarterly* 50, No. 1 (March 1968): 51-58, 52.

Voting Rights Act and the Fourteen and Fifteenth Amendments.³⁰² The *Los Angeles Times* described Castro, 38, as a “mother of six” and identified Parra, 45, as “a plastic company worker,” who were U.S. citizens and literate in Spanish.³⁰³ They sought a ruling that would allow them to register and vote, and require the state to print election materials including ballots in Spanish.

In December of 1967, Superior Judge Ralph H. Nutter ruled against Castro and Parra. Judge Nutter stated that the Voting Rights Act of 1965 permitted Puerto Ricans literate in Spanish to register and vote since their education was not in English.³⁰⁴ Their attorneys continued to litigate for nearly three more years. Castro and Parra’s case was ultimately decided in the California Supreme Court where Judge Nutter’s verdict was overturned.

In 1970, *Castro v. State* ruled that English literacy tests violated the Fourteenth Amendment, and would be crucial to expanding the coverage of the Voting Rights Act.³⁰⁵ The ruling held that people of Mexican descent’s citizenship rights were protected regardless of their language. During the 1975 debate, *Castro v. State* would be cited to provide language assistance to Latinxs under the Voting Rights Act. The Supreme Court of California argued that it was an injustice for Mexican Americans with limited English skills “who are heirs of a great and gracious culture, identified with the birth of California...[to] be disenfranchised in their ancestral land.”³⁰⁶ In some ways, the ruling recognized that Spanish was the language of Californios but

³⁰² According to the *Los Angeles Times*, an earlier lawsuit was filed against the exam in the Kern County Superior Court by Mexican Americans and a Puerto Rican. See Carl Greenberg, “Latins Move to Void English Test in Voting,” *Los Angeles Times*, May 23, 1967.

³⁰³ “2 Demand Ballots in Spanish: Latin Americans Sue to Vote,” *Los Angeles Times*, September 14, 1967.

³⁰⁴ “Voting Ban Upheld on Persons Unable to Read English,” *Los Angeles Times*, December 15, 1967.

³⁰⁵ *Castro v. State of California*, 466 P.2d 244 (Cal. 1970).

³⁰⁶ *Castro v. State of California*, 258-259.

avoided underscoring how colonization had dispossessed them of their lands and stripped them of their political power through English literacy exams.

Castro v. State, however, did not require the state to provide election materials and assistance in Spanish. In response to *Castro v. State*, the California State legislature passed ordinances to assist Spanish and other non-English speakers. In counties with a 3 percent or higher non-English-speaking voting age population, officials had to recruit bilingual registrars, appoint bilingual poll workers, publicize precincts offering bilingual services, and translate election materials including ballots and instructions into Spanish by approved translators or interpreters.³⁰⁷

Toward the end of 1970, the *Los Angeles Times* reported that Lydia Luna Martinez, a resident of Los Angeles, had filed a lawsuit in California's Superior Court and another in the U.S. District Court, claiming that non-U.S. citizens should be allowed to vote. It was a case that highlighted the unique hurdles non-citizens faced within the community. Martinez alleged that California's citizenship requirement to vote violated the Fourteenth Amendment since she was not able take the naturalization test in Spanish. The newspaper wrote that Martinez was a "housewife" who was born in Coahuila, Mexico, in 1942, and moved to the city at 7 years of age.³⁰⁸ The article explained that there were approximately 277,000 Spanish-speaking permanent residents in California, with many of them living in the County of Los Angeles. The

³⁰⁷ Cal. Election § Code 201 (West. Supp. 1974) (codified as amended at Cal. Election Code § 2103(c)-(d)); Cal. Election § Code 1611 (West. Supp. 1974) (codified as amended at Cal. Election Code § 12303); Cal. Election § Code 10012.5 (West. Supp. 1974) (later renumbered as Cal. Election Code § 10012 and repealed by Stats. 1994, C. 920 (S.B. 1547), § 1); and Cal. Election § Code 14201.5 (West. Supp. 1974) (later repealed by Stats. 1994, C. 920 (S.B. 1547), § 1). Also see James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Vermont: Ashgate Publishing Company, 2009), 47-48.

³⁰⁸ Jack Jones, "Suit Seeks Citizenship, Vote for Resident Aliens," *Los Angeles Times*, December 11, 1970.

Martinez case likely never reached the courtroom, but it was another example where Mexican Americans were willing to use the legal system to further democratize the franchise.

MALDEF Enters the Voting Rights Debate

Similar to Mexican Americans in the Golden State, those in Texas also used the courts to demand assistance at the polls and the eradication of at-large elections that diluted their voting strength. The fight for voting rights in Texas was aided by the Mexican American Legal Defense and Education Fund (MALDEF) that proved to be an instrumental ally and resource in the movement. In 1967, MALDEF was incorporated and modeled after the National Association for the Advancement of Colored People (NAACP) Legal Defense and Education Fund. Texas-born attorney Pete Tijerina worked closely with Jack Greenberg, Director-Counsel of the NAACP Legal Defense and Education Fund, to form the Mexican American civil rights organization.

As a lawyer, Tijerina provided crucial counsel to political leaders in Congress to guarantee that Mexican Americans were included in the Voting Rights Act in 1975, since he understood that they had been ignored far too long. In 1968, the Commission held a hearing in San Antonio, Texas, and only its second in the American West. Tijerina testified to condemn the Commission and the federal government for overlooking Mexican Americans' problems. He said that "not once, not once, has the Attorney General intervened in any Mexican American case."³⁰⁹

³⁰⁹ U.S. Commission on Civil Rights, *Hearings before the United States Commission on Civil Rights*, Hearing held in San Antonio, Texas, December 9-14, 1968 (Washington, D.C.: Government Printing Office, 1969), 654.

In 1977, after securing a \$2.2 million award from the Ford Foundation, MALDEF opened an office in San Antonio with Tijerina as the executive director and four staff attorneys. Maggie Rivas-Rodriguez writes that the fledgling organization was quickly overwhelmed with cases and complaints throughout the Southwest and “a major limitation was that only a few [attorneys] were licensed in the state as well as the federal courts...”³¹⁰ As a result of MALDEF’s small staff it had to be selective in the cases it took on and pursued in class action suits. One such case involved three Mexican American voters in Texas who claimed that they were denied voting assistance while blind persons received help, thus a violation of the Fourteenth Amendment.

In 1970, MALDEF filed suit in a U.S. District Court in Texas, claiming that the state’s election code prohibiting illiterate voters from receiving assistance was unconstitutional.³¹¹ In a petition to the court, plaintiffs stated that “they were unable to read or write in English or Spanish, and asked that someone be present with them in the polling booth to aid them in voting for candidates of their own choice.”³¹² During arguments before the three-judge panel, Tijerina explained that voting help offered only to blind individuals impinged on the U.S. Constitution’s equal protection clause. He added that the law to forbid assistance to illiterates discriminated against Mexican Americans and African Americans who had limited English literacy skills. To defend the state’s position to offer aid strictly to the blind and argue that the code was not drawn along racial lines, Texas Assistant Attorney General Pat Bailey claimed that the blind would be unable to vote without assistance, but “this is not a certainty in an illiterate

³¹⁰ Maggie Rivas-Rodriguez, *Texas Mexican Americans and Post Civil Rights* (Austin: University of Texas, Press 2015), 97.

³¹¹ *Garza v. Smith*, 320 F. Supp. 131 W.D. Texas (1970).

³¹² “Judges Delay Voting Ruling,” *San Antonio Express*, San Antonio, Texas, September 23, 1970.

voter.”³¹³ In other words, voter assistance was grounded in the premise to serve someone who is not able to see the markings on a ballot due to an immutable ailment and not race. As it pertained to literacy, the state argued that it was a condition that could be altered through an education.

Garza v. Smith ruled that it was lawful for Mexican Americans to have someone assist and verbally translate materials from English to Spanish at the polls. “If the ‘right to vote’ consists only of the right to enter the voting booth without hindrance or discrimination, perform the physical act of voting, and have the vote so recorded [and] counted in the total of like votes cast, we cannot say that the challenged provisions have an impact on the illiterate voter's ability to exercise the right,” stated the court.³¹⁴ It noted that neither the Voting Rights Act of 1965 nor the 1970 modifications supported their verdict but insisted on “the right to be informed as to which mark on the ballot, or lever on the voting machine, will effectuate the voter’s political choice.”³¹⁵ For Mexican Americans in Texas, the victory was a step toward securing voting rights under federal law.

Beginning in 1971, MALDEF partnered with African American activists to oppose a voter suppression tactic that diluted their vote in large White-majority electoral districts, shutting both groups out of the Texas House of Representatives.³¹⁶ According to MALDEF, “Between 1880 and 1970, one Mexican American was elected in 1890 and four others were elected

³¹³ “Judges Delay Voting Ruling,” San Antonio Express, San Antonio, Texas, September 23, 1970.

³¹⁴ *Garza v. Smith*.

³¹⁵ *Garza v. Smith*.

³¹⁶ *White v. Regester*, 412 U.S. 755 (1973).

between 1961 and 1970.”³¹⁷ MALDEF challenged the drawing of Bexar County’s voting district that included San Antonio, and African American activists disputed the Dallas County district. The U.S. Census of 1970 recorded a growth in Bexar County’s Mexican American population, which should have led to a Mexican American-majority district. This, however, did not happen. MALDEF’s attorneys argued that the “large district in Bexar County violated the ‘one man, one vote’ rule and violated Mexican American voters’ Fourteenth Amendment right to equal protection because Texas created other smaller districts with only one representative.”³¹⁸ The Bexar County case was decided in the Supreme Court.

After almost a two-year court battle, in 1973, Texas’s at-large election system was declared unconstitutional. MALDEF’s case, *White v. Regester*, underscored that the state’s redistricting process suppressed the vote of Mexican Americans and deviated from the ruling in *Mahan v. Howell* that established a 10 percent population variation in the creation of multi-member districts. The Supreme Court also considered the state’s long history of racism and disenfranchisement along with discrimination in housing, education, and employment, which resulted in the political exclusion of Mexican Americans. *White v. Regester* paved the way for voting rights activists in other states to oppose at-large election systems, leading to the formation of smaller voting districts. It was a significant win for MALDEF, but it continued to fight against oversized voting districts in Texas, doing so on their own as the Voting Right Act excluded the state from coverage.

³¹⁷ “*White v. Regester*: MALDEF Case Helped Kill Off Mega-Voting Districts that Suppressed the Mexican American Vote,” MALDEF in History, MALDEF Website. Accessed July 1, 2019. <https://www.maldef.org/2018/12/white-v-regester-maldef-case-helped-kill-off-mega-voter-districts-that-suppressed-the-mexican-american-vote/>.

³¹⁸ “*White v. Regester*: MALDEF Case Helped Kill Off Mega-Voting Districts that Suppressed the Mexican American Vote.”

Mexican Americans in Washington State Fight to Enforce the Voting Rights Act

It was not just in the Southwest that Mexican Americans were frustrated by the exclusion of the 1965 law. In Washington State, Chicane activists hoped that the new law would end the discriminatory practice of English literacy tests. There, and in California and Oregon, the device was adopted to disenfranchise non-English-speaking European immigrants, the children of Chinese immigrants, and Indigenous peoples. And later, the device would be utilized to disenfranchise Mexican Americans, especially as their population grew.

In Washington, the English literacy requirement was first introduced in the House of Representatives in January of 1895 and required voters to read and speak the English language. The *Seattle Post-Intelligencer* assured its readers that House Bill 57 would not impact “the right to the franchise of any person who is now a qualified elector of this state.”³¹⁹ In other words, a grandfather clause was included in the bill that permitted people who had voted before would be exempt from the new rule. The House approved the bill and on February 19, it was sent to Senate. Interestingly, on this same day, Senator John G. Campbell introduced Senate Bill Number 247 “having for its object the fining of all Chinamen wearing a queue a sum from \$100 to \$500 or imprisonment ranging from ninety days to six months.”³²⁰ Campbell bluntly stated that the purpose of his bill was “to drive the Chinese out of Washington.”³²¹ Senator Campbell’s

³¹⁹ See *House Journal of the State of Washington* (Olympia, Washington: Published by Authority, 1895), 297, and Chapter XXXVII [House Bill No. 57], Amendment to the Constitution, Qualification of Voters, *Session Laws of the State of Washington*, (Olympia, Washington: Published by Authority, 1890), 60.

³²⁰ *Seattle Post-Intelligencer*, Seattle, Washington, February 19, 1895.

³²¹ Additionally, Campbell was reported to be dealer of species and resided “under the shadow of Mount Rainer, where Celestials are unpopular as prohibition laws in Kentucky.” *Seattle Post-Intelligencer*, Seattle, Washington, February 19, 1895.

bill was a reflection of the strong anti-Chinese sentiment that existed in the state. While the anti-Chinese law was rejected, the Senate approved the literacy test to be added to the November ballot. The literacy test was described as necessary to establish an educated electorate and reform electoral politics. The *Aberdeen Herald* reported, the bill was “good for the state” and necessary to avoid political “rottenness.”³²² In 1896, the English literacy test was overwhelming supported by White men in the state legislature.

Literacy tests along the Pacific Coast, when placed within a national discourse, were not exceptional or pioneering, they were merely modeled after other states such as California. Yet, their administration in states such as Washington appears to have been inconsistent and sporadic.³²³ It was not until the late 1960s, with the political mobilization of Mexican Americans, that literacy tests came to be aggressively enforced. And yet, the 1965 law would not protect voters of Mexican descent.

After the Voting Rights Act passed, the State Board Against Discrimination asked Washington’s Attorney General John J. O’Connell to give an opinion on whether the state’s literacy test was in violation of the 1965 act. On June 15, 1967, O’Connell responded, “Except for persons who come within Puerto Rico provision, the Washington State literacy requirement remains in effect. However, the manner of testing for literacy is now controlled by federal law, as will be hereinafter.”³²⁴ O’Connell wrote that literacy tests in the State of Washington had not “been prohibited outright by federal legislation” and made a case that if the state had a test it

³²² *Aberdeen Herald*, Aberdeen, Washington, August 13, 1895.

³²³ This also appears to be in the case in California. See Roger Daniels and Eric F. Petersen, “California’s Grandfather Clause: The ‘Literacy in English’ Amendment of 1894,” *Southern California Quarterly* 50, no. 1 (March 1968): 51-58.

³²⁴ Washington Attorney General’s Office, John. J. O’Connell, *Opinions* (1957-1968), No. 21 (June 15, 1967).

was appropriate. English literacy exams, O'Connell insisted, had been suspended in states where fewer than 50 percent of the voting age residents were registered which did not include Washington State. Therefore, he argued that the test could still be used. And federal standards required that everyone be given a test in writing. In Washington, O'Connell stated that not all persons were tested but only in cases where "the registration officer 'is not satisfied' with the applicant's sworn statement" and the person's ability to read and speak English.³²⁵

Washington's Attorney General also cited *Louisiana v. United States* in his effort to defend the state's language requirement. While the State of Louisiana had adopted a literacy test to "purposely disenfranchise Negroes, it being understood that the registration officers would use their discretion for that purpose," O'Connell declared that Washington had no "tradition of discrimination against minorities in voting" and would prohibit literacy tests in accordance with the new Federal law.³²⁶ But in a deft move, he maintained that Washington did not have a literacy test. Rather it had a literacy "requirement."

By emphasizing that literacy was a requirement versus a test, claiming that Washington's test was non-discriminatory, and proclaiming that Washington was unlike the South, O'Connell's advisory opinion undermined the Voting Rights Act in Washington State. It cleared the way for local officials and county registrars to continue to suppress the Mexican American vote. Yet, there would be opposition to the English literacy test by Chicanxs.

In the late 1960s, a number of factors aligned that moved Mexican Americans to demand the enforcement of the Voting Rights Act. During this period, Chicanxs in Washington,

³²⁵ Washington Attorney General's Office, John. J. O'Connell, *Opinions* (1957-1968), No. 21 (June 15, 1967).

³²⁶ Washington Attorney General's Office, John. J. O'Connell, *Opinions* (1957-1968), No. 21 (June 15, 1967).

inspired by Cesar Chavez and the United Farm Workers Union, started to work with farm workers to demand better wages. In 1967, farm labor activists Lupe Gamboa and Tomas Villanueva worked to start the United Farm Workers Cooperative (UFW Co-op) in Toppenish, Washington, “to defend laborers when growers did not pay their wages, when they were injured, or when they needed food stamps,” writes Oscar Rosales.³²⁷ The UFW Co-op also paved the way for the creation of a farm workers clinic in Yakima County.

In Yakima County, by the 1960s, there was a critical mass of Mexican American people who had settled in the area. Mexicans represented roughly 5.5 percent to 8.2 percent of the county’s population.³²⁸ Additionally, a significant number of migrant agricultural workers continued to arrive and settle in the state. In 1966, Washington ranked fifth in the employment of migrant laborers, with Yakima County hiring the largest number, of whom 41 percent were Mexican American.³²⁹ This labor flow enabled area growers to expand their farmlands with migrant and seasonal farm workers, who continued to be economically exploited and politically marginalized.³³⁰

³²⁷ Oscar Rosales Castañeda, “The Fusion of El Movimiento and Farm Worker Organizing in the 1960s,” *Seattle Civil Rights & Labor History Project*. Accessed March 30, 2021. https://depts.washington.edu/civilr/farmwk_ch6.htm.

³²⁸ According to the Yakima Valley Council for Community Action (part of the War on Poverty, Office of Economic Opportunity) and the MAF, these organizations estimated that the Mexican American population ranged from 8,000 to 12,000. See Tom Chambers, “A Second Look at Literacy Tests,” American Civil Liberties Union of Washington, 1942-1996, Accession No. 1177-005, Special Collections, University of Washington Libraries, Seattle, Washington; and United States Census, Washington State Characteristics of Population, 1960.

³²⁹ Tom J. Chambers, “The Excepted People: The Migrant Workers in Washington State” (Seattle: Washington State Council of Churches, 1969), American Civil Liberties Union of Washington, 1942-1996, Accession No. 1177-005, Special Collections, University of Washington Libraries, Seattle, Washington.

³³⁰ For example, total farm acreage increased from 1,884,694 in 1959 to 2,099,942 in 1964. See Charles E. Ehlert, “Report of the Yakima Valley Project” (Seattle: American Civil Liberties Union, 1969), 7, American Civil Liberties Union of Washington, 1942-1996, Accession No. 1177-005, Special Collections, University of Washington Libraries, Seattle, Washington.

In the same year the UFW Co-op was formed, the Mexican American Federation (MAF) was founded by forty Mexican Americans from Washington State, and it would take the lead to eliminate the state's literacy test by using the Voting Rights Act. The MAF was a state-wide organization with a presence in Yakima County, Puget Sound, Moses Lake, Tri-Cities, and Bellingham-Lynden.³³¹ The MAF encouraged Mexican Americans to vote, run for elected office, and take positions on political issues to influence local and state governments. Furthermore, a paramount goal of the organization was to "dispel forever the apathy of the Mexican-American voters of Washington and of the nation."³³² While focused on registering voters, in 1968, the MAF also organized and financed the political campaign of Ernie Aguilar. Although unsuccessful, Aguilar's run for a seat in the Yakima County Commissioner's Office received an estimated 12,000 votes. More importantly, it represented a glimpse of the MAF's organizing potential.³³³ Supporting candidates was important for the political organization, but a top priority was the "registration of all Mexican American people eligible to vote in the state of Washington."³³⁴ The epicenter for the voter registration drives was Yakima County, where the MAF estimated that nearly 4,000 Mexican Americans could be registered.³³⁵ Yet, Yakima County was the site of most resistance to Mexican Americans' electoral activism.

In March of 1968, the UFW Co-op "requested the assistance from the American Civil Liberties Union (ACLU) of Washington in organizing a legal assistance program for farm workers

³³¹ Mexican-American Federation Puget Sound Newsletter, 1968-1970, Box 7, Folder 11, Tomás Ybarra-Frausto Papers, Accession No. 4339-001, University of Washington Libraries, Seattle, Washington.

³³² Mexican-American Federation Puget Sound Newsletter, 1968-1970.

³³³ Ehlert, "Report of the Yakima Valley Project," 73.

³³⁴ Mexican-American Federation v. Eugene Naff, 229 F. Supp. 587 E.D. Wash. (1969)

³³⁵ Don Hannula and Ray Ruppert, "The Agri-Revolution: Just One Mexican-American Holds Office," *Seattle Times*, Seattle, Washington, July 22, 1968.

in the Yakima Valley.”³³⁶ The ACLU’s Yakima Valley project aided an estimated 100 farmworkers, mostly with issues related to automobiles.³³⁷ In addition, the project initiated a number of lawsuits including *Mexican American Federation v. Naff*, which pushed for the enforcement of the VRA to end literacy tests. The ACLU-supported case immediately propelled the nascent MAF and its stalwarts into the spotlight.

At the same time, MAF leaders Sam Martinez and Ricardo Garcia began their efforts to mobilize the Mexican American electorate and met with Yakima County Auditor Eugene Naff, who was shocked by their request to appoint Spanish-speaking registrars.³³⁸ Naff responded to Martinez and Garcia stating that it seemed ridiculous to appoint “Mexican registrars...if this was the case we probably should have Negro, Indian, Filipino, and Japanese registrars if we were to go by ethnic group.”³³⁹ In addition, Naff acknowledged that he was aware of the Voting Rights Act but stated, “I still don’t see, however, how anyone who can’t read English can figure out how to vote on a ballot...I believe it is a privilege to register to vote.”³⁴⁰ Despite the remarks by Naff, Martinez and Garcia demanded a firm answer but no agreement was reached.

On March 15, a second meeting was arranged and the *Yakima Herald Republic* described it as a standoff where “recriminations and sparks crackled.”³⁴¹ The Mexican American Federation leaders continued to insist that Mexican American registrars were necessary and

³³⁶ Ehlert, “Report of the Yakima Valley Project,” 73.

³³⁷ Ehlert, “Report of the Yakima Valley Project,” 73.

³³⁸ “Mexican-Americans Seek Spanish Speaking Registrars,” *Yakima Herald Republic*, March 8, 1968, 8. Sam Martinez was instrumental in the founding of the MAF and in the *Mexican American Federation v. Naff* case. See Mary Hersey, “Mexican American Federation: Its Goals, Structure, Leader,” *Our Times: A Catholic News Report for Central Washington* 10 (1968): 1-3.

³³⁹ “Mexican-Americans Seek Spanish-Speaking Registrars,” *Yakima Herald Republic*, Yakima, Washington, March 8, 1968, 8.

³⁴⁰ “Mexican-Americans Seek Spanish-Speaking Registrars.”

³⁴¹ “Spanish-Speaking Elections Registrars? No, Says Naff.” *Yakima Herald Republic*, Yakima, Washington, March 16, 1968, 2.

presented names of qualified people for Naff to potentially appoint. Naff said that he was unwilling to appoint Spanish-speaking registrars. His reasoning was that he did not want to discriminate against other groups. Naff then bluntly stated, “Do you think you’ve really got a problem? Do you think anyone is being deprived of the right to vote because he can’t register?”³⁴² In a last attempt to make Naff change his decision, Martinez argued that the voters he was “talking [about were] American citizens...and I am asking that no barriers be placed before these people.”³⁴³ Naff responded that the Mexican American Federation should register Mexican Americans. In the end, Naff commented that for twenty-five years he had been registering voters and “I’ve never had any trouble until you came in and started this.”³⁴⁴ Until the early 1970s, Naff continued to resist the appointment of Spanish-speaking registrars.³⁴⁵

After these meetings, the situation intensified as deputy registrars began to administer literacy tests specifically to Mexican Americans in Yakima County. Furthermore, bilingual interpreters were prohibited from assisting Spanish speaking voters. As a result, on September 11, 1968, four Mexican Americans, the Mexican American Federation, and the United Farm Workers Cooperative, with legal support provided by ACLU, filed a class action lawsuit against the county claiming that Washington’s literacy tests violated the Voting Rights Act of 1965.

The plaintiffs in their deposition statements declared that they were American citizens. For example, Simon Ramos, born in Bay City, Texas and resident of Toppenish, Washington, since 1946 stated, “I am a citizen and I have the right to vote. The first time I try to act like a

³⁴² “Spanish-Speaking Elections Registrars? No, Says Naff.”

³⁴³ “Spanish-Speaking Elections Registrars? No, Says Naff.”

³⁴⁴ “Spanish-Speaking Elections Registrars? No, Says Naff.”

³⁴⁵ In March of 1972, it took a thirty-five-member delegation to force Naff to appoint Spanish-speaking registrars. “Spanish-Voter Signup Set,” *Seattle Times*, Seattle, Washington, March 31, 1972.

citizen, they throw me back. I don't feel too good."³⁴⁶ Expressing a similar feeling was Jennie Marin born in Grand Junction, Colorado, and resident of Toppenish since 1957, who said, "I feel bad about not being able to vote. Not quite a citizen. Maybe even cheated a little. I have a son who served four years in the Navy and I'm proud of him. I feel I have a right to be a full citizen."³⁴⁷

Despite these individuals' protests and the ACLU's argument of targeted racial discrimination against Mexican Americans, on May 2, 1969, a panel of three judges ruled against the plaintiffs and Mexican American Federation. The judges collectively agreed that "A simple inquiry by the registrar of the applicant in this form, 'Can you speak and read English?' is not a test and could not conceivably result in discriminatory practices."³⁴⁸ The verdict was a setback yet the ACLU quickly appealed the decision. However, by mid-1970, Congress had approved legislation to eliminate literacy tests across the county.

The U.S. Attorney General, John Mitchell, requested that Governor Daniel J. Evans rule out literacy tests in Washington State. He viewed voting rights as a national issue and had advocated for the extension of the Voting Rights Act in 1970, which eventually outlawed the exams permanently throughout the nation. The *Seattle Post-Intelligencer* estimated that 8,000 Mexican and Native Americans would be enfranchised.³⁴⁹ In the Yakima area, the ACLU calculated that 1,500 Mexican Americans would be able to register to vote. Additionally,

³⁴⁶ *Mexican-American Federation v. Eugene Naff*.

³⁴⁷ *Mexican-American Federation v. Eugene Naff*.

³⁴⁸ *Mexican-American Federation v. Eugene Naff*.

³⁴⁹ Hilda Bryant, "New Voters May Change Yakima Area," *Seattle Post-Intelligencer*, Seattle, Washington, August 21, 1970; "State to register 'illiterate' votes," *Seattle Times*, Seattle, Washington, August 22, 1970. In the U.S., all literacy tests were barred by *Oregon v. Mitchell* (1970). The case ruled that even if literacy tests were administered in a non-discriminatory manner, Congress had the authority to ban education provisions or "other devices" related to the franchise. See *Oregon v. Mitchell*. Supreme Court of the United States, 400 U.S. 112, 133 (1970).

Washington's Secretary of State encouraged election officials to employ bilingual deputies, but he did not require them to do so.³⁵⁰ The timing was critical because in some cities in Washington state, the Mexican American population by this time was more than 40 percent.

While the MAF and its lawsuit did not end literacy tests in Washington, the organization's activism was crucial to their eventual elimination. It brought attention to the racism and language discrimination that blocked Mexican Americans from the ballot in Washington's Yakima County.

In March of 1970, Charles E. Ehlert, attorney for the ACLU, had successfully petitioned for the Supreme Court to hear the Mexican American Federation case. According to the *Seattle Times*, Ehlert had secured the assistance of two attorneys from the MALDEF.³⁵¹ The case was significant as it put forth a new argument to oppose states with language exams on the grounds that they denied non-English speakers the right to vote. Ehlert told the Associated Press that the class action suit against literacy tests could "affect from 3 million to 4 million people of voting age in 19 states."³⁵² He would argue that Mexican Americans in Yakima County had access to Spanish-language media and many were recruited from the Southwest such as Texas, where "schools have been inferior and segregated for generations," limiting their acquisition of English language skills.³⁵³

Later in 1970, the Voting Rights Act was amended and banned literacy tests throughout the country, the MAF case never reached the Supreme Court. Still, the lawsuit originating in

³⁵⁰ Bryant, "New Voters May Change Yakima Area."

³⁵¹ "Vote-Test Challenge Explained," *Seattle Times*, Seattle, Washington, March 31, 1970.

³⁵² "Mexican-American Will Test Literacy Voting Rule," *The News-Palladium*, Benton Harbor, Michigan, March 31, 1970.

³⁵³ "Mexican-American Will Test Literacy Voting Rule."

Washington's Yakima County and the petition for the High Court to hear the case were examples that Mexican Americans were willing to fight for the right to vote.

The Struggle Continues

The voting rights court cases initiated by Mexican Americans along with the elimination of English literacy test law helped to democratize the franchise, but legal activists and political leaders understood that voter suppression remained a crucial problem. By the 1970s, however, the pursuit of voting rights was starting to get complicated. The many organizations within the Chicano Movement had drastically different political agendas. There were young Chicanx people who gravitated towards MEChA. They saw themselves as colonized people and identified with revolutionaries such as Emilio Zapata and Che Guevara. From some of them, citizenship and political institutions were to be critiqued rather than embraced. There were also those who turned to La Raza Unida Party (RUP). Established in 1970, RUP sought to achieve electoral political power by creating an alternative to the nation's two-party system, which according to Chicanxs had been unresponsive, unrepresentative, and indifferent to the needs of people of Mexican descent. And finally, some Chicanx people remained interested in achieving political change through the law such as the Voting Rights Act. These political activists believed that a Chicano Voting Rights would lead to greater political strength. For those wanting to follow this route, the discussion about the expiration and potential extension of the Voting Rights Act in 1975, was an opportunity to reach this aim.

CHAPTER FIVE
“We Can’t be Ignored Anymore”:
The Latinx Campaign to Broaden the Voting Rights Act in 1975

“We will oppose any kind of movement to re-enact the act as it stands now,” remarked Al Perez of the Mexican-American Legal Defense and Education Fund in late 1974.³⁵⁴ “We will bring things out, no matter what [before Congress]. I just don’t think Mexican-Americans can be ignored anymore,” proclaimed Manuel Fierro representative of the Raza Association of Spanish Surnamed Americans.³⁵⁵ These statements were a direct challenge to the position of certain African American civil rights leaders such as Clarence Mitchell, the chief lobbyist for the National Association for the Advancement of Colored People and member of the Leadership Conference for Civil Rights, who preferred to pursue a simple renewal of the Voting Rights Act set to expire on August 7, 1975. While the legislation barred literacy tests, prohibited the enforcement of new voting rules without preclearance, and allowed federal examiners to serve as poll watchers, Perez and Fierro insisted that that law was not comprehensive. In many jurisdictions across the Southwest and other regions, Chicanx voters were not protected by the Voting Rights Act.

Mitchell acknowledged that Latinxs communities, particularly non-English literate individuals, faced obstacles to exercise the franchise. Yet, he believed that the Voting Rights Act covered some of their issues. As a prominent strategist for civil rights legislation, Mitchell was aware that lawyers had expressed concerns about whether Latinxs could be covered under the act due to constitutional and technical hurdles. It was unclear if Latinxs were a “race or color”

³⁵⁴ Lawrence Meyer, “Shift Debated in Voting Rights Act,” *The Washington Post*, December 26, 1974.

³⁵⁵ Lawrence Meyer, “Shift Debated in Voting Rights Act.”

and eligible for coverage under the Fifteenth Amendment, which the legislation was based on. For Latinxs to be covered, the community had to be racialized as non-White through the legislative process. Additionally, African American voting rights leaders including Mitchell worried their inclusion could jeopardize the Voting Rights Act, generating congressional opposition to undercut the entire law. Perhaps more cautious than decisively opposed to the coverage of other groups, Mitchell commented, “We really need to check very carefully to see what can be done without any changes in the voting rights area.”³⁵⁶ The expansion of the Voting Rights Act to include Latinxs was a more complicated affair than previously described by historians.

The opposition by African American civil rights stalwarts, the potential constitutional and technical challenges, and the possibility of congressional opposition, illustrates that the campaign to broaden the voting rights bill faced a serious uphill battle. Still, leaders such as Al Perez and Manuel Fierro recognized the voting barriers faced by Latinxs could no longer be overlooked. They had witnessed the almost immediate benefits of the original bill. In the South, after literacy tests were suspended and federal examiners helped to enforce the law, about one million new African American voters were soon registered, reaching a high mark of 62 percent by 1967.³⁵⁷ To achieve similar results, Latinx activists understood that the support of African Americans was indispensable. Latinx people had to convince skeptical voting rights activists that their obstacles to voting were similar to the Black community’s. Or, as a Chicana leader

³⁵⁶ Lawrence Meyer, “Shift Debated in Voting Rights Act.”

³⁵⁷ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 212.

explained, “it’s the same thing that the blacks have been facing.”³⁵⁸ The campaign also had to advance legislation that was constitutionally sound and palatable for African Americans leaders, members of Congress, and the Justice Department that enforced the law. Yet, even if Latinxs persuaded African Americans to support their efforts and a legally sound bill was written, enough votes still needed to be corralled in Congress. Otherwise, Southern Democrats and conservative Republicans could come together to kill the revised law.

This chapter traces the complex legislative history and events that contributed to the passing of the bill. I demonstrate that such a serious tension existed between Latinxs and African Americans that an expanded Voting Rights Act seemed unlikely. The constitutionality of broadening the act was also unclear since there was no consensus as to whether Spanish-speaking Americans were a race or color. While Puerto Ricans managed to secure a sliver of protection in the 1965 law that exempt only those educated in Puerto Rico from literacy tests in New York, they were not covered as a racial group but under the Fourteenth Amendment’s equal protection clause. And it was also quite feasible that a conservative in Congress could topple any bill that attempted to expand the coverage of the legislation. Any amendment to broaden the Voting Rights Act in 1975 did not have to be killed but appeared already dead.

The revised Voting Rights Act of 1975 established that English-only elections were discriminatory devices, added protection for “language minorities” defined “as persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage” under the Fourteenth Amendment, temporarily mandated multilingual elections in covered states and political

³⁵⁸ Eileen Ogintz, “Voting Study Upsetting to Mexican-Americans,” *The Anniston Star*, Anniston, Alabama, November 27, 1974.

subdivisions, and required multilingual elections where 5 percent of the state or subdivision's voting age citizens were of a single language minority and the "illiteracy rate of such persons as a group [was] higher than the national illiteracy rate."³⁵⁹ Additionally, the covered states and subdivisions were subject to the special provisions of the Voting Rights Act such as the ability to secure the assistance of Federal observers to oversee elections, and the requirement for the Federal Government to approve new voting laws or procedures.

African American Opposition

In 1975, the United States (U.S.) Commission on Civil Rights published a report called, *The Voting Rights Act: Ten Years After*, highlighting the progress made by the law to increase electoral participation by "minority citizens."³⁶⁰ It stated that substantial gains were achieved but the legislation needed to be extended due to persistent discrimination in voting. The report, however, was published amid great controversy. Staff working for the Commission, primarily Latinxs, protested that the publication excluded evidence that a large number of Chicanxs residing in non-covered areas of the Voting Rights Act were blocked from the ballot.³⁶¹

Starting in the summer of 1974, the Commission had directed its staff to conduct fieldwork documenting voter suppression in states not covered by the Voting Rights Act. If a state had a minority population of more than 20 percent, the agency sent staff members to investigate whether those minorities were deprived of the right to vote. Field visits were made to Texas, New Jersey, New York, Ohio, and Delaware. And it was in Texas where staffers found

³⁵⁹ Voting Rights Act. Public Law 94—73—94th Congress, August 6, 1975.

³⁶⁰ U.S. Commission on Civil Rights, *The Voting Rights Act: Ten Years After* (Washington, D.C.: Government Printing Office, 1975), 8.

³⁶¹ Eileen Ogintz, "Voting Study Upsetting to Mexican-Americans."

that voters faced severe restrictions to the franchise. Here, they explained that Mexican Americans were “threatened at the polls and threatened with the loss of their jobs if they didn’t vote an employer-approved ticket.”³⁶² This information proved that the Voting Rights Act’s coverage needed to be expanded.

In October 1974, staffers caught wind of the news that the final version of the report would not include all the evidence of voter discrimination in non-covered areas such as Texas. They immediately sent a scathing memorandum to John Buggs, Staff Director of the Commission, to protest the proposed publication.³⁶³ It was Buggs who decided to focus on jurisdictions covered by the legislation, which largely highlighted the continuing troubles African American voters faced in the South.³⁶⁴ Buggs stated that “the study was never meant to be nationwide and had been intended only to look at the areas” covered by the act.³⁶⁵ The staffers disagreed. According to them, the Commission’s investigation was intended to evaluate the effectiveness of the Voting Rights Act and to consider the voting troubles of populations across the country.

The protesting staffers claimed that African American civil rights leaders convinced Buggs to limit the scope of the investigation. Members of the Leadership Conference on Civil Rights were identified as advising Buggs to downplay the abuses occurring in other parts of the country. Latinx staffers argued that African American civil rights leaders wanted an extension

³⁶² Eileen Ogintz, “Voting Study Upsetting to Mexican-Americans.”

³⁶³ Eileen Ogintz, “Voting Study Upsetting to Mexican-Americans;” and Lawrence Meyer, “Shift Debated in Voting Rights Act.”

³⁶⁴ The study was grounded on 54 visits to areas covered by the voting rights bill in 10 states including: Alabama, Arizona, California, Georgia, Louisiana, Mississippi, New York, North Carolina, South Carolina, and Virginia. See U.S. Commission on Civil Rights, *The Voting Rights Act: Ten Years After* (Washington, D.C.: Government Printing Office, 1975), v-viii.

³⁶⁵ Eileen Ogintz, “Voting Study Upsetting to Mexican-Americans.”

with no modifications to the existing legislation, ensuring that there would be no congressional opposition to extending the Voting Rights Act.

Buggs went on to confess that he did meet with African American leaders and afterwards decided to modify the final report. Specifically, Clarence Mitchell and other members of the Leadership Conference on Civil Rights were identified as advising Buggs.³⁶⁶ The study was ultimately published with no data on voting discrimination in non-covered areas, which meant that Latinx disenfranchisement in Texas, New Mexico, and Washington would not be presented before Congress.

The omission of evidence was a serious blow to the effort by Latinx voting rights leaders who desired to broaden the voting rights legislation. A staff member who opposed Buggs's decision stated, "We thought the information that had been gathered had been pretty damning. Where we find abuses, it is the responsibility of the commission to deal with those abuses. We are not playing a political game."³⁶⁷ The statement hinted at the rising tension between Latinx voting rights leaders and the Commission's staff director, who sided with African Americans.

The protest against the publication of the study became a calculated indictment of the agency with the intent to initiate a serious conversation between Latinx and African American leaders, to discuss the expansion of the Voting Rights Act. Manuel Fierro, member of the Leadership Conference on Civil Rights and executive director of the Raza Association of Spanish Surnamed Americans, stated, "It is a matter of negotiating on this. I don't expect blacks to

³⁶⁶ Eileen Ogintz, "Voting Study Upsetting to Mexican-Americans."

³⁶⁷ Eileen Ogintz, "Voting Study Upsetting to Mexican-Americans."

understand our problems until we identify them. It's up to us to bring forward these concerns and bring them out. Our problem is with the commission not with the black community."³⁶⁸ The last remark was indicative that Latinx leaders recognized that distancing themselves from African Americans was not an option. Without the support of African Americans, pursuing an expansion of the act was politically impossible. This was still *their* legislation and Latinxs needed the support of African Americans. And so strategically, Latinxs used Buggs and the Commission as a vehicle to challenge African American stalwarts opposed to amending the legislation, without isolating themselves from this community.

Abigail Thernstrom in *Whose Votes Count* describes the disagreement between Latinxs and African Americans as highly combative. She writes that an observer recalled a verbal exchange where Clarence Mitchell pointed his finger at a Mexican American Legal Defense and Education Fund representative and allegedly stated, "you want to take us back to the dark days of 1963, with the lynching's in Mississippi."³⁶⁹ If such a conversation occurred, it revealed Mitchell's fear that violence and "dark days" would return if the Voting Rights Act was not extended. The piercing comment also gives an impression that the inclusion of Latinxs could compromise the entire VRA, which individuals like Mitchell were determined to avoid at all costs.

As the congressional hearings began in February of 1975, great uncertainty remained about amending the act. African Americans leaders seemed united in support of a simple renewal, while Latinx activists appeared determined to expand the legislation by any means. To

³⁶⁸ Eileen Ogintz, "Voting Study Upsetting to Mexican-Americans."

³⁶⁹ Abigail M. Thernstrom, *Whose Votes Count?: Affirmative Action and Minority Voting Rights* (Cambridge, Massachusetts: Harvard University Press, 1987), 50.

quell the concerns of African American civil rights activists, Latinxs needed an ally who could convince African American leaders to support the broadening of the law and just as important, give their cause validity. They found their answer in Barbara Jordan, a fairly new but respected African American representative from Texas.

Mary Beth Rogers in her biography of the congresswoman writes that Jordan (D-TX) “was the first African American *elected* official to become an American hero.”³⁷⁰ She faced tremendous odds in her early career in politics, but become a political “insider” who white politicians respected as a serious lawmaker. Nonetheless, Jordan was admired by a national audience who esteemed the congresswoman as an “outsider.” Her unwavering faith in the U.S. Constitution gave Americans hope that through politics its inalienable principles of freedom could be defended and extended to all. For Jordan, “politics was akin to freedom.”³⁷¹ Those denied the ability to participate in politics were not free, and so she felt compelled to fight for ordinary people to participate in this important arena where society’s issues were resolved. Jordan’s political philosophy was perhaps a reason why she became a champion of the Latinx voting rights campaign.

Jordan knew that the Texas political system made it impossible for African Americans to win elections as long as whites were the majority. Jordan was born in Houston, Texas and raised in an impoverished ghetto but managed to attend Boston University Law School. After graduating in 1959, Jordan returned to a racially segregated Houston and according to journalist William Broyles, “she took part in no sit-ins, marched in no demonstrations, carried

³⁷⁰ Mary Beth Rogers, *Barbara Jordan: American Hero* (New York: Bantam Books, 1998), xi.

³⁷¹ Mary Beth Rogers, *Barbara Jordan*, xi.

no signs.”³⁷² Instead, Jordan joined the NAACP, the least radical civil rights organization at the time. She came to be perceived as “moderate, respectable, and safe.”³⁷³ Despite her “moderate” politics, Jordan ran for a legislative seat in Texas but lost in 1962 and 1964. Her second defeat was especially devastating and confusing. Jordan worked hard to mobilize the African American electorate and managed to receive key endorsements from the largely white Harris County Democrats and Harris County American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); yet, it was not enough to win an election.³⁷⁴ She realized the at-large election system in Harris County was responsible for her defeat, and came to understand that federal intervention was necessary to create a paradigm shift in Texas’ electoral politics.

The Supreme Court in 1964 gave Jordan the break she needed. In *Kilgarlin vs. Martin*, the Court mandated the Texas legislature to eradicate the at-large system and required legislators to transfer six senate seats from rural to urban areas.³⁷⁵ Harris County gained three of the new seats and one of the districts was a precinct where Jordan had won over 50 percent of the vote. In her district, African Americans composed nearly 40 percent of the voting population and the remainder were working-class whites and a small number of Chicana people.³⁷⁶ As a result of redistricting, in 1966, Jordan finally won a seat in the Texas legislature.

Journalist William Broyles called Jordan the “Jackie Robinson of Texas politics,” “a symbolic trailblazer,” and someone who could possibly be the first Black and female

³⁷² William Broyles, “The Making of Barbara Jordan,” *Texas Monthly*, October 1976.

³⁷³ William Broyles, “The Making of Barbara Jordan.”

³⁷⁴ Mary Beth Rogers, *Barbara Jordan*, 96.

³⁷⁵ Mary Beth Rogers, *Barbara Jordan*, 102.

³⁷⁶ Mary Beth Rogers, *Barbara Jordan*, 102-103.

president.³⁷⁷ These descriptions were not embellishments. Jordan was the first person of African American descent to be elected to the state senate in Texas since Reconstruction, and then in 1972, she arrived in Congress to become the first elected African American woman from the South. And by 1975, Jordan “had become the most prominent and powerful black member of Congress,” particularly after she testified to impeach President Richard Nixon.³⁷⁸ Before a national television audience she said, “Today, I am an inquisitor. And hyperbole would not be fictional and would not overstate the solemnness that I feel right now. My faith in the Constitution is whole, it is complete, it is total. And I am not going to sit here and be an idle spectator to the diminution, the subversion, and the destruction of the Constitution.”³⁷⁹ Jordan’s eloquent and fierce remarks catapulted her to national prominence, which she used to gain political partners. Jordan established close ties with Texas conservatives and Southern Democrats, to the extent that she could influence forty to fifty votes on legislation significant to her. “No other black member of Congress had that span of influence, and other than the Speaker or the minority leader, few white members had it either,” wrote biographer Mary Beth Rogers.³⁸⁰ Jordan had certainly come a long way. She faced bitter defeats but never lost confidence in the power of the vote. Still, Jordan recognized that at-large election systems and gerrymandering prevented African Americans and Chicanxs, especially in her native Texas, from having political representation. The renewal of the Voting Rights Act presented Jordan with an opportunity to end electoral schemes that once prohibited her from winning thirteen years

³⁷⁷ William Broyles, “The Making of Barbara Jordan.”

³⁷⁸ Mary Beth Rogers, *Barbara Jordan*, 240.

³⁷⁹ U.S. Congress, House, Committee on the Judiciary, *Debate on Articles of Impeachment*, Barbara Jordan testimony, 93rd Cong. 2nd sess., July 25, 1974 (Washington, D.C.: U.S. Government Printing Office, 1974), 110-113.

³⁸⁰ Mary Beth Rogers, *Barbara Jordan*, 240.

earlier. She did not pussyfoot but was the first to introduce legislation to protect “her people,” recognizing it was the right thing to do. And by stating “her people,” Jordan was referring to a broader category of individuals than many contemporary voting rights activists had. With Jordan’s political power behind this effort, it would make all the difference to expand the legislation.

On February 1975, the congressional debates began to extend the Voting Rights Act, and on the second day of the hearings Jordan’s testimony sparked the flame to broaden the act to include Latinxs. Jordan testified that her political career was not assisted by the Voting Rights Act and declared, “I know firsthand the difficulty minorities have in participating in the political process as equals. The same discriminatory practices which moved the Congress to pass the Voting Rights Act in 1965, and renew it in 1970, are practiced today in Texas.”³⁸¹ Jordan declared that to “provide a remedy for these discriminatory voting practices perpetuated upon blacks and Mexican-Americans I have introduced H.R. [House Resolution] 3247...”³⁸² The resolution “would guarantee to Mexican Americans and blacks residing in these jurisdictions the same special attention to their voting rights afforded to blacks in the South,” Jordan stated.³⁸³ Specifically, Jordan wanted to outlaw at-large elections and gerrymandering tactics under the Voting Rights Act’s preclearance process.

The most innovative component of Jordan’s bill expanded the definition of “test or device,” and became foundational for Latinxs to advance their case. She argued the “printing of

³⁸¹ U.S. Congress, House, Committee on the Judiciary, *Hearing on Extension of the Voting Rights Act*, 94th Cong., 1st sess., February 25, 26, and March 3, 4, 5, 6, 13, 14, 17, 20, 21, 24, and 25, 1976 (Washington, D.C.: Government Printing Office, 1976), Barbara Jordan testimony, 75.

³⁸² U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Barbara Jordan testimony, 76.

³⁸³ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Barbara Jordan testimony, 76.

registration forms and elections materials only in the English language” was akin to a literacy test.³⁸⁴ Therefore, places with no multilingual ballots, a low voter turnout, and a large non-English speaking population could be lawfully covered. Her bill expanded the coverage to Texas, New Mexico, and parts of California where many Chicanx people resided. Of importance, Jordan established a precedent that Spanish-speaking Americans could be protected without dramatically altering the original legislation. Congressmen Edward Roybal (D-CA) and Herman Badillo (D-NY), along with senators supportive of expanding the act, would later introduce their own bills, but Jordan’s new definition of a “test or device” to include English-only elections remained constant.

Jordan’s proposed legislation was initially hailed not as groundbreaking but a threat. She angered her own Texas House and Senate legislators who had vigorously resisted the state’s inclusion under the act. They retaliated by quickly mobilizing and passing their own “bilingual bill” to prevent Texas from being covered by the voting rights bill.³⁸⁵ African American civil rights leaders were also incensed. Leaders such as Clarence Mitchell and Dr. Aaron Henry, president of the Mississippi Leadership Conference on Civil Rights, worried the effort to include Latinxs would compromise the extension of the Voting Rights Act. For instance, on March 20, 1975, Dr. Henry testified, “I would rather keep what we have...I do not want to lose. I do not want to give anybody any excuse to vote against what we have got under the ruse of...trying to extend it. If we have the votes for it, I am completely supportive of that idea. But, I do not want to amend the Act to perfection and then lose the whole thing.”³⁸⁶ Regardless of the opposition,

³⁸⁴ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Barbara Jordan testimony, 81.

³⁸⁵ Mary Beth Rogers, *Barbara Jordan*, 245-246.

³⁸⁶ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Aaron Henry testimony, 675-676.

Jordan remained determined to broaden the act. “We are talking about a very ticklish situation in which some in Texas want to expand the act, and others do not. Suffice to say that the Voting Rights Act is very, very strong medicine for any state or community to accept,” explained Jordan.³⁸⁷ Her opponents could not deny that the law as she expressed, was “very, very strong medicine” and its effect had reshaped the electorate. By 1974, there were nearly 3,000 African American elected officials.³⁸⁸

Jordan’s strong stance to protect the voting rights of Latinxs gave courage to some and prodded others to support the act’s expansion. African American Representative Andrew Young (D-GA) of Georgia was the first to back Jordan. On February 26, 1975, Young declared his support to extend voting rights to Spanish-speaking Americans. “In the quest for the right to vote,” testified Young, “Spanish-speaking citizens have had many experiences which were similar to those of blacks.”³⁸⁹ And Young urged African Americans leaders to fall in line. “Those who have confronted injustices in the South cannot turn their backs on the systematic disenfranchisement of Spanish-speaking people in other parts of the nation.”³⁹⁰ In his pointed declaration, Young pushed for the African American civil rights lobby to stand in solidarity with the movement to broaden the act. And they responded.

In March, Joseph L. Rauh Jr., counsel for the Leadership Conference on Civil Rights, vice-president of Americans for Democratic Action, and a long-time civil rights activist, professed his

³⁸⁷ U.S. Congress, Senate, Committee on the Judiciary, Subcommittee Constitutional Rights, *Hearing on Extension of the Voting Rights Act of 1965*, 94th Cong., 1st sess., April 8, 9, 10, 22, 29, 30, and May 1, 1975 (Washington, D.C.: Government Printing Office, 1976), Barbara Jordan testimony, 237.

³⁸⁸ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Eddie William testimony, 115.

³⁸⁹ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Andrew Young testimony, 64.

³⁹⁰ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Andrew Young testimony, 64.

support and stirred organizations to lobby for the act's expansion.³⁹¹ Rauh stated before Congress, "I would not, myself, consider it a victory for civil rights if some provision is not contained in the extension legislation for protection of the Mexican American Community."³⁹² Almost echoing Rauh, John Lewis, who marched in Selma and led the grassroots efforts to pass the original legislation, explained, "I think it would be a mockery of the whole Voting Rights Act effort during the past 10 years if we leave the Voting Rights Act as it is, and not cover the other minorities in this country."³⁹³

Jordan had achieved what in 1974 seemed impossible. In two months, she had managed to secure the backing of many African American civil rights leaders to broaden the Voting Rights Act.³⁹⁴ She successfully resolved the tension between Latinxs and African Americans, helping to overcome a major obstacle for the campaign to include Latinxs. Without Jordan to secure the support of African American leaders, the campaign to protect Latinx voters had no chance.³⁹⁵ The Voting Rights Act was *their* bill, but Jordan had the vision to see the greater transformative power the act could achieve. Yet, Jordan was unable to resolve the constitutional and technical hurdles of whether Spanish-speaking Americans were a race or color. She believed the Fifteenth Amendment's "protection is not limited to blacks...The status of such groups as Mexican-Americans and Puerto Ricans is less clear, but there is a substantial basis for regarding

³⁹¹ Abigail M. Thernstrom, *Whose Votes Count?*, 50.

³⁹² U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Joseph L. Rauh Jr. testimony, 906.

³⁹³ U.S. Congress, Senate, *Hearing on Extension of the Voting Rights Act of 1965*, John Lewis testimony, 110.

³⁹⁴ See Lawrence Meyer, "Voting Protection Backed for Spanish-Americans," *The Washington Post*, April 9, 1975; and Ernest Holsendolph, "Rights Unit Backs Wider Voting Act: Flemming Testifies on Plea for Extension to Cover Those of Spanish Origin," *New York Times*, April 10, 1975.

³⁹⁵ Ari Berman in *Give Us the Ballot* is correct to describe Jordan as "the face for broadening the VRA," since she used her political power and leverage to advance the legislation. However, Jordan's contribution satisfied only one critical requirement to expand the law. See Ari Berman, *Give Us the Ballot: The Modern Struggle for Voting Rights in America* (New York: Farrar, Straus, and Giroux, 2015), 108.

them as groups distinguished by race or color.”³⁹⁶ During the majority of hearings, Jordan and other lawmakers were unable to definitively prove that Latinxs were a race or color. Herman Badillo was most troubled by this issue. The Puerto Rican-born, New York congressman argued extensively that Spanish-speaking Americans needed to be protected under the Fourteenth Amendment’s equal rights clause.

Moreover, there was also the issue of language. When asked if language was the primary reason for discrimination, Jordan said, “Probably not, but it is characteristic of the myriad of problems Mexican-Americans face. Printing of Spanish registration forms and Spanish ballots will not cure voting discrimination in the Southwest...but I can think of no clearer alternative criterion which is both characteristic of Mexican American voting problems and provides clearer direction to the executive than the employment of an English-only ballot.”³⁹⁷ This raised another issue concerning whether or not a language group could be covered by the Fourteenth Amendment. And just as significant, what language groups should and should not be protected by broadening of the act?

For the Latinx campaign to advance, it needed to overcome the constitutional and technical barriers created by the race question and prove that Spanish-speakers could be a “protected class” under the Voting Rights Act. While the support of African Americans had been achieved, the campaign to expand the act still faced a serious challenge.

³⁹⁶ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Barbara Jordan testimony, 77.

³⁹⁷ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Barbara Jordan testimony, 78.

Constitutional and Technical Hurdles

Mr. Korb: I agree, Congressman Badillo. There is a substantial question among the Mexican American people as to whether or not they want to be considered as a separate race.

Mr. Badillo: As to [whether] they want to be considered, it is a legal question. It is true in some cases it might be considered below that, but the question is a legal one as to whether Spanish [speakers] are a race.

Mr. Korb: I would hope that this committee would bottom whatever it does with respect to the Spanish-speaking on both the 14th and 15th Amendments. Anthropologically I suppose if you consider how much white blood, whatever that means, most Mexican Americans carry, they probably carry less white blood than Indian, and the Indians are thought of as covered in the 15th Amendment.

Mr. Badillo: Supposing he is partly Mexican or Indian or Spanish?

Mr. Korb: It seems to me that this demonstrates how almost ridiculous the thing becomes. It seems to me when the 15th amendment—

Mr. Badillo: It is a legal question. What would you consider someone who was Mexican?

Mr. Korb: Most blacks are probably white also, if we start thinking in terms of anthropology—

Mr. Badillo: I am not interested in the anthropology. I want to be sure if we include people, we don't get an adverse constitutional ruling. This is not a race. If we write up the 15th Amendment, you may get a ruling that there are some Mexicans who are of European ancestry, or some who are mixed. By that category, they would not be all covered. I want to be sure that the provision is developed to include everyone.³⁹⁸

--U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Charles L. Cotrell testimony, 496-497.

Mr. Parker: You used the phraseology "members of a single minority race or color, the native language of which is other than English." I am interested in the language "single minority race or color."

Mr. Pottinger: If the 14th Amendment calls for coverage of such groups, we cannot ignore them with the belief that there is nothing happening to them until complaints arise. We have to review every voting change under Section 5, every annexation whenever there are more than 5 percent French, or German, or Lithuanian, or any minority in the United States, and I am suggesting, posing that if the act were *solely* on the 14th Amendment basis, it may lead our office of necessity to devote a tremendous amount of resources to the clearance laws that do not in any way affect what we feel to be the real problem; namely discrimination against racial and national origin minorities of Spanish-speaking heritage, black heritage, Indian American heritage. And that is our dilemma and this act, to go back to your original question as to why we say minority groups, it is our effort to focus and straddle our attention to what we in this room refer to as minority groups without leading to the conclusion that we rest solely on the 15th Amendment, and thereby raise the possibility of noncoverage of Spanish-speaking, also raising the implication that we are ready to cover every ethnic group in the United States.³⁹⁹

--U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, J. Stanley Pottinger, testimony, 794.

The conversations above are representative of the constitutional and technical hurdles generated by whether Spanish-speakers were a race or color and which language groups should be protected. The campaign to revise the act had to resolve these issues to develop a legally

³⁹⁸U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Charles L. Cotrell testimony, 496-497.

³⁹⁹ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, J. Stanley Pottinger, testimony, 794.

solid bill. In the exchange between George J. Korbel, Assistant Regional Attorney for the Equal Employment Opportunity Commission, and Representative Herman Badillo of New York, Korbel argued that race was irrelevant because it was obvious to him that Chicanxs were a racial group. He explained that blood quantum and anthropology could prove that Chicanxs were not white. From Korbel's perspective, the Fifteenth Amendment on which the Voting Rights Act was grounded protected Spanish-speaking Americans. Badillo, on the other hand, was skeptical that Chicanxs could be protected under the amendment largely because he reckoned they were racially mixed (i.e. Spanish and Indian). In his opinion, the Fifteenth Amendment was established to protect African Americans only and thus constitutionally baseless to cover mestizos. Badillo was also suspicious that legislation exclusively founded on the Fifteenth Amendment may not protect all Latinxs, particularly those of "European ancestry" (i.e. "white" Chicanxs and Puerto Ricans). Still, if the act became based strictly on Fourteenth Amendment's equal rights clause then technical issues arose. For example, the remarks by J. Stanley Pottinger, Assistant Attorney for the Justice Department, demonstrate that under the Fourteenth Amendment the act's protections would extend beyond Spanish-speakers and include French, German, and Lithuanian speaking Americans. The Justice Department would be obligated to expend resources on voting issues that were not the "real problem." The concerns the Justice Department raised were important because it enforced the Voting Rights Act, and if unable to do so, this raised problems.

The issue of racially categorizing Mexican Americans, in particular, and Latinxs generally was not a new source of uncertainty but one debated since the Treaty of Guadalupe Hidalgo in 1848. Through the decades, the federal government at times treated Latinx as White and

sometimes as non-White. The uneven racialization of Latinxs complicated their struggle to win voting rights. Latinxs needed to assert that they were a racial group rather than ethnic immigrant group to gain protections under the Fourteenth and Fifteenth Amendments.

The constitutional and technical issues presented serious challenges to the movement to stretch the voting rights bill. The legislative record reveals that a remedy seemed unlikely before the deadline on August 7, 1975. During the House hearings, for example, two separate bills were introduced but both failed to advance. And by the middle of the third month of the hearings, Representatives Jordan, Badillo, and Edward Roybal of California co-sponsored H.R. 5222 that was promising and based on the Fourteenth and Fifteenth Amendments. However, the bill was unable to identify adequate language to justify protecting only people of Spanish heritage, or to develop an appropriate “trigger” to cover Spanish-speakers exclusively. If the campaign failed to find a remedy, the early efforts by Perez and Fierro along with Jordan’s work to gain African American support would be in vain.

The quandary caused by whether Latinxs, and specifically Chicanxs, were a race or color and the struggle to identify them as a “protected class” required a two-fold solution for the expansion campaign of the Voting Rights Act to progress. First, Latinxs needed to advance legislation that built on rather than altered the original act. In other words, the law had to be based on both the Fourteenth and Fifteenth Amendments but not compromise any of the existing provisions. Congresswoman Barbara Jordan had already proven this was possible. With careful research, she managed to redefine “test or device” to include English-only elections and stretch the coverage beyond the South. Most important, by straddling both amendments, the broadening of the Voting Rights Act could better withstand constitutional scrutiny. And second,

the proposed bill required legally precise language to specify who was to receive protection under the amended legislation. Once the protected class was defined, the coverage formula and specifically the “trigger” of the legislation required that only the targeted group be picked up. A successful formula would not identify French, German, and Lithuanian speakers since they supposedly suffered no disenfranchisement. If these solutions were introduced, the Latinx campaign might stay on track.

In the House hearings from late February to the end of March, two bills were introduced to revise the act and strides were made to base the expansion on the Fourteenth and Fifteenth Amendments. However, the definitions of the protected class generated “trigger” problems. Congresswoman Jordan, on February 19, 1975, introduced the first bill, H.R. 3247, which she said was designed to “include the states like Texas, my home State, with its large Mexican-American population, and see to it that these people are also included in the covered jurisdictions under the Voting Rights Act and its extension.”⁴⁰⁰ H.R. 3247 was then intentionally written to directly address the problems confronted by Chicanxs in parts of the Southwest. To attempt to expand the act, Jordan’s bill redefined English-only elections as a “test or device” that she argued resulted in disenfranchisement. Jordan grounded H.R. 3247 on the Fifteenth Amendment and she had no qualms about it. She introduced into the record a letter from Pottinger who explained, “the [Justice] Department has interpreted the phrase ‘race or color’ as applying to Latinxs. In our opinion, this interpretation is consistent with the terms and spirit of the Act and the Fifteenth Amendment.”⁴⁰¹ In determining this logic, Pottinger included an

⁴⁰⁰ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Barbara Jordan testimony, 78.

⁴⁰¹ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Barbara Jordan testimony, 89.

attachment titled, “The Meaning of ‘Race or Color’ For Purposes of the Fifteenth Amendment and the Voting Rights Act,” where the Justice Department referenced the *Encyclopedia Britannica*, claiming that Chicanxs were mestizos and this racial characteristic classified them as a race.⁴⁰² Additionally, Jordan’s bill was written to protect persons whose mother tongue was other than English.⁴⁰³ Jordan’s legislative aide, Bob Alcock, worked with the U.S. Census Bureau and considered the term “mother tongue” was most appropriate.

H.R. 3247 had established that English-only elections were akin to literacy tests but since the bill was based solely on the Fifteenth Amendment, this was problematic for Badillo. On the first day of the hearings in the House, Badillo expressed his deep concern over basing the protection of Latinxs under the Fifteenth Amendment. He reiterated that there was an issue as to whether Spanish-speaking Americans were a race or color, and declared that no legal ruling existed to answer this question. Badillo claimed the evidence presented by Pottinger, particularly the *Encyclopedia Britannica* claiming that Chicanxs were mestizos and therefore a race, was irrelevant since the encyclopedia was not a court ruling.⁴⁰⁴ Badillo insisted that a legal precedent existed to protect the voting rights of Puerto Ricans premised under the Fourteenth Amendment. He referenced Section 4(e) of the Voting Rights Act that made Puerto Ricans with a sixth grade education, where the dominant language of instruction was not English, exempt from literacy tests.⁴⁰⁵ “And the reason we put that in originally was because we wanted to

⁴⁰² The department also cited *Hernandez v. Texas* that Chicanos were not a group defined as “race or color,” but explained the issue of race “was not crucial to the decision and there is no reason to regard *Hernandez* as the determinative regarding the present question.” See U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, 89.

⁴⁰³ House Resolution 3427, Introduced by Ms. Barbara Jordan, 94th Congress, 1st sess., February 19, 1975.

⁴⁰⁴ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, J. Stanley Pottinger testimony, 789.

⁴⁰⁵ Voting Rights Act of 1965, Section 4 (e), 42 U.S.C. § 1973b(e).

avoid the question of race or color although there are Puerto Ricans who are black and Cubans who are black...[but] we put it under the Fourteenth Amendment basis,” stated Badillo.⁴⁰⁶ Here, he articulated an argument that the Fourteenth Amendment had already been applied as part of the act and failed to generate any problems. In addition, Badillo recognized that by using the Fourteenth Amendment, the question of race could be circumvented. From the viewpoint of Badillo, Jordan’s bill posed a constitutional liability for the expansion law since no definitive court ruling supported the notion that Spanish-speaking Americans were a race or color.

Under H.R. 3247, the “protected class” were persons whose mother tongue was other than English but the “trigger” identified language groups beyond Spanish-speakers. While Jordan stressed her bill was intended to cover Chicanxs in the Southwest, that was not the case. Alcock identified jurisdictions where at least 5 percent of the population spoke a mother tongue and low-voter registration existed. His formula picked up Spanish-speakers in the Southwest but also counties in Ohio, New Hampshire, Pennsylvania, Maine, Massachusetts, and Vermont, with German and French-speaking communities who were not the target population. Members of Congress detected such anomalies highlighted in pink on a map Alcock displayed.⁴⁰⁷ Representative Thomas Kindness of Ohio stated, “I notice Holmes County Ohio is on the map, a lonely little place out in the Midwest, where a part of the population of people, which I believe are described by their grouping as Amish, and they speak German, and they also do not believe, as part of their faith, in participating in Government. I am not quite sure whether this problem can be overcome by the approach you suggest since it is a matter of

⁴⁰⁶ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Arthur S. Flemming testimony, 48.

⁴⁰⁷ Mary Beth Rogers, *Barbara Jordan*, 244.

belief.”⁴⁰⁸ Jordan responded that such communities would not be affected and confessed that finding a “trigger” was a difficult task. Ultimately, H.R. 3247 suffered from technical problems and required more precise language to only cover Spanish-speakers. In an attempt to achieve this outcome, Badillo and Roybal introduced a separate bill.

On February 20, 1975, Badillo and Roybal presented H.R. 3501 based on the Fourteenth and Fifteenth Amendments and drafted to protect people of Spanish origin. Badillo argued this legislation was premised on both amendments since “Our American definitions, unfortunately, tend to put people either into the classification of white or black, and we do not have a mixed category recognized by the census. There are many Puerto Ricans who will say they are mixed, and how do you label such a person?...It is for that reason...we must include both the Fourteenth and the Fifteenth amendments in any expansion language.”⁴⁰⁹ For Badillo, the mestizo racial category remained outside the legal realm and the “American” definition of race and therefore, its voting rights had to be secured by the Fourteenth Amendment’s equal rights protection. Joseph L. Rauh agreed. He stated, “who would be stupid enough to go out with the weakest possible case or with half a case when you can go ahead with a whole case[?]. I just don’t see any problem with...bringing the Fourteenth Amendment into play.”⁴¹⁰ Rauh’s support to advance legislation under the Fourteenth and Fifteenth Amendments was reassuring, but a degree of uncertainty still remained about whether the VRA needed to be entirely modified to account for this change.

⁴⁰⁸ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Barbara Jordan testimony, 86.

⁴⁰⁹ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, J. Stanley Pottinger testimony, 788.

⁴¹⁰ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Joseph L. Rauh testimony, 909, 919.

While the debate to ground the expansion of the VRA in both amendments appeared tenuously resolved, Badillo and Roybal's bill defined the "protected class" as people of Spanish origin but the Justice Department saw this as troublesome. For the department, establishing a "trigger" using national origin under the Fourteenth Amendment meant that "any national origin group, regardless of race or color, would have the same protections of the act."⁴¹¹ In other words, the law had to protect all classes of people. As a result, the Justice Department anticipated that Congress may decide that people of Spanish origin but also of French, German, and Lithuanian backgrounds could be covered and force the department to devote time and effort away from those the law intended to target, namely Latinxs. In a similar fashion to Jordan's bill, Badillo and Roybal's legislation was unable to properly address the technical obstacles raised by the Justice Department.

As the hearings in the House ended on March 25, no legislation had been crafted to successfully modify the act to include Latinxs, and the campaign seemed to be faltering rather than gaining momentum. During the start of the Senate hearings in April, a civil rights ally gave the campaign the break they needed. That person was Senator Birch Bayh (D-IN) of Indiana who according to *The Washington Post* "made a career drafting constitutional amendments."⁴¹² Bayh had authored the Twenty-Fifth Amendment on Presidential and Vice Presidential succession and the Twenty-Sixth Amendment, which dropped the voting age to eighteen. The *Fordham Law Review* dubbed him "a modern father of our constitution."⁴¹³ He was also

⁴¹¹ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, J. Stanley Pottinger testimony, 794.

⁴¹² David S. Broder, "Amending the Constitution," *The Washington Post*, March 2, 1975.

⁴¹³ "A Modern Father of Our Constitution: An Interview with Former Senator Birch Bayh," *Fordham Law Review*, 79, no. 3, 781-821.

committed to social justice issues and helped to draft the Civil Rights Act of 1964 and the Voting Rights Act of 1965. In 1972, Bayh co-authored Title IX, prohibiting the discrimination in services and activities funded with federal dollars, which became a monumental achievement in the women's rights movement.

Bayh was an accomplished legislative writer, and more than other members of Congress understood the complexity of drafting and amending laws. More specifically, he was knowledgeable of how to add provisions using titles. In addition to helping draft the original Voting Rights Act, Bayh was involved in the campaign to extend the act in 1970 that included a provision to lower the voting age. The amendment to modify the age requirement was added as a title (referred to as Title III—Reducing Voting Age to Eighteen in Federal, State, and Local Elections).⁴¹⁴ When the law to grant eighteen-year-old individuals the right to vote was challenged in court, on the federal level the right was upheld but at the state scale it was reversed. The court's ruling, however, did not affect the changes made in Title I to Sections 4 and 5.⁴¹⁵ Titles allowed for amendments to be integrated into the Voting Rights Act, but to an extent they were stand-alone provisions that if declared unconstitutional posed no threat to the overall legislation.

Clarence Mitchell also understood the intricacies of lawmaking as well as the voting rights bill and encouraged Bayh to pursue the strategy of expanding the act to cover Latinxs using a title.⁴¹⁶ Mitchell testified before the Senate and said, "The Justice Department has

⁴¹⁴ The Voting Rights Act Amendments of 1970. Public Law 91-285, 91st Congress, H.R. 4249, June 22, 1970.

⁴¹⁵ U.S. Congress, Senate, *Hearing on Extension of the Voting Rights Act of 1965*, Clarence Mitchell testimony, 51.

⁴¹⁶ U.S. Congress, Senate, *Hearing on Extension of the Voting Rights Act of 1965*, Clarence Mitchell testimony, 46-47.

submitted testimony on the feasibility of including the problems of coverage for person of Spanish and Mexican origin...now denied the right to vote. We hope that suitable language will be worked out. However, it would be best to include whatever is found to be workable under a separate title.”⁴¹⁷ While many African American leaders had demonstrated their support for expanding the Voting Rights Act, Mitchell remained fixated on the notion that a bill which included Spanish-speakers could encounter congressional opposition or be tested by the courts. For Mitchell, adding a separate title made broadening of the legislation more palatable since the amended bill would pose little to no risk to the original act.

Bayh responded by incorporating two titles into Senate Bill (S.B.) 1279 with the intention of building on rather than altering the VRA of 1965. While Title I was written to extend the Voting Rights Act for 10 years, Bayh incorporated Titles II and III. He stated the titles were “designed to provide the full protection and resources of the Federal Government to the cause of enfranchising many millions of our citizens who are of Spanish origin.”⁴¹⁸ Under Title II, three key revisions were proposed to mainly affect Section 4, which temporarily suspended tests or devices in covered jurisdictions.⁴¹⁹ First, Section 202 determined that if less than 50 percent of people voted in the presidential election of 1972 and a test or device existed, the Voting Rights Act applied to that area. Second, Section 203 defined the protected class as people of Spanish origin who under the Fourteenth and Fifteenth Amendments had the right to vote regardless of their “inability to read, write, understand, or interpret any matter in the

⁴¹⁷ U.S. Congress, Senate, *Hearing on Extension of the Voting Rights Act of 1965*, Clarence Mitchell testimony, 52.

⁴¹⁸ U.S. Congress, Senate, *Hearing on Extension of the Voting Rights Act of 1965*, Birch Bayh testimony, 4.

⁴¹⁹ Senate Bill 1279, Amendment No. 312, Introduced by Senator Birch Bayh, 94th Congress, 1st Session, April 7, 1975.

English language.”⁴²⁰ Additionally, Section 203, included Jordan’s definition of the term “test or device” to mean English-only elections. And under Title III, Bayh added that a jurisdiction had to provide multilingual ballots and assistance to voters, “if more than 5 per centum of the persons of voting age...are of any single mother tongue other than English...”.⁴²¹ Bayh’s law provided greater detail than previous bills and understood that if Titles II and III were challenged, Title I that proposed to extend the original act for an additional 10 years would not be compromised.

Bayh’s amendments helped to keep the campaign alive, but the bill still required legally precise language to determine *who* was to receive protection, since using “Spanish origin” had already proven to be problematic. Solving this riddle was difficult for two reasons. The adopted language had to apply to Latinxs (i.e. Spanish-speaking Americans) but needed to exclude other non-English speakers such as Germans, French, and Lithuanians. And the language needed to justify the exclusion of these “other” language groups, despite that the legislation was likely to be premised on equal rights per the Fourteenth Amendment.

Senator John Varick Tunney (D-CA) of California ultimately solved the puzzle. Tunney, according to *Time* magazine, was a liberal who attended law school with Senator Edward Kennedy and considered a him close friend.⁴²² In 1970, Tunney was elected to the Senate and five years later he became the Chairman of the Subcommittee on Constitutional Rights working on the expansion of the Voting Rights Act. Tunney’s clever use of the term “language minorities” tremendously helped the campaign to overcome a significant technical hurdle, and

⁴²⁰ Senate Bill 1279, Amendment No. 312, Introduced by Senator Birch Bayh, 94th Congress, 1st Session, April 7, 1975.

⁴²¹ Senate Bill 1279, Amendment No. 312, Introduced by Senator Birch Bayh, 94th Congress, 1st Session, April 7, 1975.

⁴²² “Nation: California’s John Tunney,” *Time Magazine*, November 16, 1970.

one that contributed to the broadening of the legislation. In paying careful attention to the terminology being used by the Commission and evidence presented before Congress, Tunney “discovered” that a solution already existed.

On February 25, 1975, the first day of the House hearings, the Chair of the Commission, Dr. Arthur Flemming, testified in support of extending the act but he initially opposed the expansion of the act. He acknowledged that Latinxs faced challenges but stated, “The Commission will pursue this study in light of its beliefs that the concerns of *language minorities*...should be added as promptly as possible. However, it may not be completed before congressional action...”.⁴²³ The term had been used from the start of the hearings, but no one had used “language minorities” as part of their bills. Tunney was the first to do so.⁴²⁴ And during Flemming’s testimony, he introduced into the record a report published by the Commission on January 1975 called, “The Voting Rights Act: Ten Years Later.” The report’s first recommendation read that “Congress should extend the Voting Rights Act for an additional 10 years” and the nineteenth stated, “Immediate steps should be taken to conduct a study of voting rights jurisdictions that are not covered by the Voting Rights Act.”⁴²⁵ Under recommendation nineteen, buried on page 356, the agency expressed that it “recommended that the Congress ...give serious consideration to including an amendment to the extension of the Voting Rights Act to cover...language minorities as well as other minorities who, according to preliminary information, require protection of this law.”⁴²⁶ Tunney, or one of his aides, must

⁴²³ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Arthur S. Flemming testimony, 45.

⁴²⁴ The term “language minority,” according to Al Perez, was conceptualized by the U.S. Census in 1970. See Luis Ricardo Fraga, “The Origins of the 1975 Expansion of the Voting Rights Act: Linking Language, Race, and Political Influence,” *U.S. Latina and Latino Oral History Journal* 1, no. 1 (2017): 13-14.

⁴²⁵ U.S. Commission on Civil Rights, *The Voting Rights Act: Ten Years After*, 344, 356.

⁴²⁶ U.S. Commission on Civil Rights, *The Voting Rights Act: Ten Years After*, 356.

have read the Commission's report and the senator began using the phrase "language minorities." On April 9, 1975, Tunney asked John Lewis, testifying on behalf of the Voter Education Project, "Do you feel that we can afford to include a provision for Spanish-speaking or other language minorities, perhaps along the lines suggested by Dr. Flemming?"⁴²⁷ Lewis replied in the affirmative. Tunney did not invent the term but merely followed the recommendation of the Commission. Moreover, the phrase was one government agencies and individuals working on voting rights were already familiar with.

Shortly after Tunney used the term in Congress, on April 14, 1975, he introduced an amendment to S.B. 1279, specifically to Title II, replacing "Spanish origin" as the protected class with "language minorities."⁴²⁸ Tunney's amendment defined language minorities as "persons who are American Indian, Asian American, Alaskan Natives, and of Spanish origin. Persons of Spanish origin included persons of Mexican, Puerto Rican, Cuban, Central and South America, and other Spanish origin."⁴²⁹ The explicit definition was critical because the "trigger" was formulated to *only* protect language minorities and thus, the Justice Department could more effectively enforce the law without picking up non-English-speaking ethnic populations that supposedly had no voting problems.

Bayh and Tunney's knowledge and skills in legislative writing served to keep the campaign to expand the VRA from being killed. Bayh's involvement in drafting the original act and experience in adding provisions using titles, helped to ground the VRA in both the

⁴²⁷ U.S. Congress, House, *Hearing on Extension of the Voting Rights Act*, Arthur S. Flemming testimony, 79; and U.S. Congress, Senate, *Hearing on Extension of the Voting Rights Act of 1965*, John Lewis testimony, 110.

⁴²⁸ Senate Bill 1279, Amendment No. 345, Introduced by Senator John Tunney, 94th Congress, 1st Session, April 14, 1975.

⁴²⁹ Senate Bill 1279, Amendment No. 345, Introduced by Senator John Tunney, 94th Congress, 1st Session, April 14, 1975.

Fourteenth and Fifteenth Amendments without compromising any of the existing legislation. And Tunney's shrewd use of "language minorities" gave Bayh's bill the precise language needed to specify who was to receive protection, which also led to the creation of an adequate "trigger." Their contributions were crucial and timely.

Towards the end of April, Jordan, Badillo, and Roybal recognized that Bayh's bill along with Tunney's amendments, especially the use of the term "language minorities" to identify a protected class, were going to be effective to resolve Latinx's registration and voting troubles not addressed by the current act. On April 22, 1975, they introduced H.R. 6219 to the House Committee on the Judiciary which was a slightly modified version of S.B. 1279.

For Jordan, however, putting forth legislation that did not directly mention Spanish-speaking Americans as her bill specified seemed difficult to swallow. "I personally feel that the Spanish-speaking persons ought to be covered, but I want to make sure we are on a sound constitutional footing when we do so; and that the record which we develop in this subcommittee makes it clear to a court that the Congress acted on the grounds of a firm constitutional footing," stated Jordan.⁴³⁰ This was a compromise Jordan needed to accept because as both Bayh and Tunney relayed to Jordan, passing a bill through the House and Senate was going to be a difficult task. Bayh explained that members in the House and Senate had been expressing their concerns to prevent the renewal of the act. And in the Senate, he claimed that individuals were willing to use procedures (i.e., filibusters) to kill the legislation. "And I would say, whether you include Spanish-speaking Americans or not, there are going to be some of our colleagues over here [in the Senate] who are going to take every step they can

⁴³⁰ U.S. Congress, Senate, *Hearing on Extension of the Voting Rights Act of 1965*, Barbara Jordan testimony, 240.

to drag this out as long as they can, to try to defeat this bill in any form...The question is, are we going to bring in enough opposition from those who supported the 1965-1970 Voting Rights Act, which was confined to black citizens, who will stand up and say, 'Wait a minute, now you are going to change the color, so, I am going to oppose it.'⁴³¹ For Bayh and Tunney, having a legally solid bill was important but congressional opposition started to become a more pressing issue, particularly when the "color" had changed—implying that the addition of Latinxs could generate hostility from members of Congress that in the past supported the act.

While the campaign to expand the Voting Rights Act to include Latinxs now categorized as "language minorities" had handled African American's initial resistance with the help of Jordan, and transcended the constitutional and technical hurdles with the assistance of Bayh and Tunney, the legislation still required approval from Congress. To pass H.R. 6219, enough votes needed to be corralled in both the House and Senate, but complicating this effort was the rising tide of conservatism.⁴³² By the mid-1970s, the civil rights movement was fragmented and liberalism was in decline. Perhaps the greatest obstacle for the Latinx campaign to expand the Voting Rights Act remained, which was to withstand the attack by conservative Southern Democrats and Republicans reluctant to extend and amend the law.

⁴³¹ U.S. Congress, Senate, *Hearing on Extension of the Voting Rights Act of 1965*, Barbara Jordan testimony, 241.

⁴³² See Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: Free Press, 2001); Bruce J., Schulman and Julian E. Zelizer, *Rightward Bound: Making America Conservative in the 1970s* (Cambridge, Mass.: Harvard University Press, 2008); and Jefferson Cowie, *Stayin' Alive: The 1970s and the Last Days of the Working Class*, (New York: New Press Turnaround, 2012).

Congressional Opposition

Clarence Mitchell had anticipated a congressional backlash to a voting rights bill that included Latinxs. Therefore, the legislative moves to address the constitutional and technical hurdles of expanding the Voting Rights Act, were developed with the notion that certain members of Congress would exploit any weakness to kill the legislation. The Latinx campaign to broaden the act did not anticipate avoiding congressional opposition but expected it.

The potential coalition between conservative members of Congress from both the Democratic and Republican parties had the potential to derail the Latinx campaign. For instance, Representative Robert McClory (R-IL) argued that expanding the VRA to include Spanish-speakers “goes far beyond what is needed, wanted or desired in our [electoral] system” and could inexcusably depart from the act’s original aim.⁴³³ Others such as Republican Representatives Henry Hyde (R-IL) and M. Caldwell Butler (R-VA) along with Democratic Representative Walter Flowers (D-AL), claimed the Voting Rights Act was an obsolete bill and no longer needed, much less multilingual ballots or assistance.⁴³⁴ In reference to Section 5, Flowers “argued that on federalist grounds he ‘long opposed the act in its [existing] form’ because it was ‘wrong’ to ‘require...only seven states...to do certain things that no other state in the union has to do.’”⁴³⁵ On state’s rights principles, Hyde proposed that Section 5 be applied across the country rather than “targeting” certain states. Representatives Edward Hutchinson (R-MI) and McClory “proposed extending Section 5 for five rather than ten years and rejected Jordan’s

⁴³³ Christina R. Rivers, *The Congressional Black Caucus, Minority Voting Rights, and the U.S. Supreme Court* (Ann Arbor: University of Michigan Press, 2012), 74-75.

⁴³⁴ Christina R. Rivers, *The Congressional Black Caucus, Minority Voting Rights, and the U.S. Supreme Court*, 75.

⁴³⁵ Christina R. Rivers, *The Congressional Black Caucus, Minority Voting Rights, and the U.S. Supreme Court*, 75.

language-based proposals altogether.”⁴³⁶ And Senator James Eastland (D-MI), chairman of the Senate Judiciary Committee, had such animosity toward the act that he expressed, “I am opposed to every word and every line in [it].”⁴³⁷ In the Senate, Eastland went so far as to refuse holding hearings on the legislation.⁴³⁸

Considering the strong sentiment against a bill that protected Spanish-speakers, the possibility that such as legislation could have bipartisan support in Congress seemed unlikely. Yet in the early 1970s, Congress was being transformed by committee reform policies particularly affecting subcommittees, by the Watergate scandal, and by the sex scandal of Congressman Wilbur Mills (D-AR). Due to these timely events, Congress was in a state of flux creating an opportune moment where reform, money, and sex assisted the campaign to amend the act.

During the 1970s, Congress was being transformed by a coalition that promoted congressional reform to create a more effective legislative branch, and one the public would trust. Julian Zelizer in *On Capitol Hill*, argues that “Government reforms were a central part of the 1970s as the federal government moved from the relatively insulated, hierarchical, and stable governing structures that had existed since the Progressive Era into a policy that was uncertain, fragmented, partisan, and highly conflictual.”⁴³⁹ One so-called “insulated” and “hierarchical” government structure reformed in this period was the committee system. Committee chairs were especially powerful and in 1953, George Galloway explained their

⁴³⁶ Christina R. Rivers, *The Congressional Black Caucus, Minority Voting Rights, and the U.S. Supreme Court*, 75.

⁴³⁷ Quoted in Ari Berman, *Give Us the Ballot*, 35.

⁴³⁸ Gary May, *Bending toward Justice: The Voting Rights Act and the Transformation of American Democracy* (Durham: Duke University Press, 2015), 212.

⁴³⁹ Julian E. Zelizer, *On Capitol Hill: The Struggle to Reform Congress and Its Consequences, 1948-2000* (Cambridge; New York: Cambridge University Press, 2004), 1.

influence: “They arrange the agenda of the committees, appoint the subcommittees, and refer bills to them. They decide what pending measures shall be considered and when, call committee meetings, and decide whether or not to hold hearings and when...They are in a position to expedite measures they favor and to retard or pigeon-hole those they dislike.”⁴⁴⁰ Up to the 1960s, committee chairs yielded incredible power and few of them faced any opposition.

Beginning in the late 1960s, members of Congress began to advocate for congressional reform measures. One of the first significant modifications was The Legislative Reorganization Act of 1970. The law initiated the movement to curb the power of committee chairs. The bill “required committees to make public all recorded votes, limited the use of proxy votes, allowed a majority of members to call meetings, and encouraged committees to hold open hearings and meetings.”⁴⁴¹ This law marked the start of nearly ten years of committee reform and through this processes the subcommittees gained more political influence.

To weaken the authority of the committee chairs, the committee reform movement led by Julia Butler Hansen (D-WA) started to shift power to subcommittees. In 1971, the Hansen Committee passed a measure that allowed “subcommittee chairs to select one professional staff member for their respective subcommittees.”⁴⁴² The Hansen Committee also helped to pass the “Subcommittee Bill of Rights” in 1973. The Subcommittee Bill of Rights democratized the committee system wherein the subcommittee afterwards operated autonomously from the committee chairs. The subcommittee chairs also had greater political leverage and many of

⁴⁴⁰ Quoted in Christopher J. Deering and Steven S. Smith, *Committees in Congress*, 3rd ed. (Washington, D.C.: CQ Press, 1997), 32.

⁴⁴¹ Christopher J. Deering, and Steven S. Smith, *Committees in Congress*, 35.

⁴⁴² Christopher J. Deering, and Steven S. Smith, *Committees in Congress*, 35.

them were not conservatives from the South.⁴⁴³ To create more transparency, the subcommittees allowed the media and public to attend the hearings. Then, in 1974, “the House would require committees with more than fifteen members to create at least four subcommittees.”⁴⁴⁴ Prior to this change, chairs limited or prohibited subcommittees to maintain control of their panel.

By 1975, when the 94th Congress congregated, the House Committee on the Judiciary where the Voting Rights Act was to be debated, was chaired by Congressman Peter W. Rodino (D-NJ) and the thirty-three-member committee included Representatives Barbara Jordan and Herman Badillo. The more influential subcommittee was led by Congressman Don Edwards (D-CA) and composed of five Congressmen including Herman Badillo and Robert F. Drinan (D-MA), who actively supported of broadening the voting law. And in the Senate Committee on the Judiciary, the chairman was James O. Eastland of Mississippi, but the subcommittee was led by California Senator John Tunney. Without the new autonomy given to subcommittees, it is highly unlikely that individuals such as Representative Badillo or Senator Tunney could have had the authority to advocate for legislation such as the Voting Rights Act.

In addition to congressional reform, two scandals related to money and sex created serious reverberations impacting Congress in unexpected ways, and contributed to the expansion of the act. The first scandal was Watergate, which shocked the nation and dominated national headlines. In the summer of 1972, five men were arrested and charged for breaking into the Democratic National Committee headquarters at the Watergate Hotel in

⁴⁴³ Julian E. Zelizer, *On Capitol Hill*, 138.

⁴⁴⁴ Julian E. Zelizer, *On Capitol Hill*, 138.

Washington, D.C. Within days of the break-in, *Washington Post* reporters Bob Woodward and Carl Bernstein linked the crime to President Nixon's re-election campaign. As the courts, the press, and Congress investigated further, they followed the money trail and concluded that Nixon's top administrators arranged the break-in. Watergate at its core involved campaign corruption and other abuses such as illicit contributions, angering the public immensely.⁴⁴⁵

The scandal had a direct impact on the election of 1974 and led to the election of the so-called "Watergate Babies," who were elected to restore the faith in American politics. The Watergate Babies continued the attack on the committee chairs. According to Zelizer, "Watergate Babies contributed to the deepening rift, within the Democratic party and the reform coalition, among nonsouthern rural conservative legislators..., [who] were interested in anti-inflation measures, deficit reduction, loophole-closing tax reform, environmental protection, civil liberties, and preventing government corruption."⁴⁴⁶ These elected figures were mavericks who had their own political agendas and contributed to congressional reform.

The Watergate Babies also played a role in broadening the Voting Rights Act because they accelerated the breakdown of party solidity among both Democrats and Republicans. Watergate Babies contributed to disunity among Southern Democrats and Republicans, who could have blocked the expansion of the law. Jerry Jones, Staff Secretary and Deputy Assistant to President Ford, described the 94th Congress composed of Watergate Babies as "an

⁴⁴⁵ Julian E. Zelizer, *On Capitol Hill*, 117-121.

⁴⁴⁶ Julian E. Zelizer, *On Capitol Hill*, 157.

unpredictable, lurching mechanism.”⁴⁴⁷ The campaign to modify the law benefited from this supposed volatile Congress in 1975.

Additionally, the potential coalition between conservative Southern Democrats and Republicans was foiled by the departure of Representative Wilbur Mills, Democrat of Arkansas, who resigned on December 10, 1974. Mills was the chairman of the powerful House Ways and Means Committee that “controlled committee assignments as well as the arguments for changing the legislation process.”⁴⁴⁸ His downfall came as a result of a sensational sex scandal with exotic dancer, Annabel Battistella, also known as “Fannie Fox, the Argentinian Firecracker.”⁴⁴⁹ Early in October, Mills was arrested following a traffic violation along with Battistella. Ten days after the incident, he apologized to his family and constituents. Then, on December 2, Mills appeared publicly intoxicated with Battistella at a Boston strip club. The incident gave the reform-oriented Democratic Caucus an opportunity to strip the Ways and Means “of its committee assignment powers” and increase its committee members from 25 to 37.⁴⁵⁰

The Mills’ affair emboldened the Watergate Babies to directly challenge senior members and urged them “to participate in a selection process,” which contributed to the transformation of Congress.⁴⁵¹ In January 1975, just a month before the hearings began on the Voting Rights Act, “the freshmen grilled the most powerful members of the House” to justify why they should

⁴⁴⁷ Yanek Mieczkowski, *Gerald Ford and the Challenges of the 1970s* (Lexington: University Press of Kentucky, 2005), 63.

⁴⁴⁸ Julian E. Zelizer, *On Capitol Hill*, 164.

⁴⁴⁹ Annabel Battistella and Yvonne Duleavy, *Fanne Fox* (New York: Pinnacle, 1975).

⁴⁵⁰ Julian E. Zelizer, *On Capitol Hill*, 164.

⁴⁵¹ Julian E. Zelizer, *On Capitol Hill*, 167.

be reelected as chairs.⁴⁵² Out of this process, two chairs were unseated and it effectively destroyed the seniority system in the House.⁴⁵³ The hostility toward the senior chairs and the dismantling of the seniority system generated conflict, anger, and drama that made the coming together of Southern Democrats and Republicans much more difficult.

Despite the rhetoric that congressional opposition could thwart the expansion of the Voting Rights Act, the House decisively approved H.R. 6219 by a 341-70 vote on June 3; and in the Senate, on July 24, the bill passed 77 to 12. The state of Congress in 1975 can explain why the legislation received strong bipartisan support rather than being blocked by Southern Democrats and Republicans. Ultimately, the transformation of Congress due to subcommittee reform, the Watergate scandal, and the Wilbur Mills' sex scandal, created a window of opportunity for the broadening of the Voting Rights Act.

Conclusion

The campaign to revise the Voting Rights Act in 1975 to include Latinxs was complicated since there were major obstacles that had to be resolved in order for the legislation to succeed. The movement had to overcome the opposition by several African American civil rights leaders who were concerned that including Latinxs could jeopardize the extension of the act. At the same time, African American allies such as Representative Barbara Jordan became critical to broadening the law and gave much-needed urgency to the voting concerns of Latinxs. Then, to stay on track, the campaign required a two-fold solution to solve the constitutional and technical hurdles generated by the issue of whether Latinxs were a race or color. Senator Bayh

⁴⁵² Julian E. Zelizer, *On Capitol Hill*, 167.

⁴⁵³ Julian E. Zelizer, *On Capitol Hill*, 168-169.

added two titles to the bill and grounded the legislation on both the Fourteenth and Fifteenth Amendments. Then, Senator Tunney inserted the term “language minorities,” which remedied the matter to protect only certain groups. Bayh and Tunney were unexpected allies that kept the campaign moving forward. And lastly, the expansion of the Voting Rights Act depended on the campaign’s ability to overcome congressional opposition. While African American support had been secured and a sophisticated bill was introduced, the legislation ultimately needed the approval of Congress. The amended act fended-off an attack from Southern Democrats and Republicans by benefiting from excellent timing. During the early to mid-1970s, Congress was in a state of flux due to political reforms and scandals that prevented an opposing coalition from forming. This created an opportune moment in Congress that made the expansion of the Voting Rights Act possible. The broadening of the legislation may initially have appeared to be dead on arrival but allies, critical turns, and timing gave life to the bill, and led to its success in 1975.

The Latinx campaign to broaden the Voting Rights Act in 1975 reveals a great deal about coalitional politics, race and language, and Congress, which is too often absent from narratives that take the expansion of the legislation as a given, or focus on the law’s creation of bilingual ballots. By analyzing the early organizing efforts by Latinxs, it becomes evident that they needed to adopt a strategy to prod but not distance themselves from African American leaders. Latinxs had to challenge African American civil rights leaders opposed to their inclusion, but they also had to be ready to collaborate with allies such as Congresswoman Barbara Jordan.

The movement to expand the Voting Rights Act also demonstrates that race and language absolutely mattered in the campaign. Before Congress, Latinxs argued that they also experienced racial discrimination preventing them from exercising their right to vote. Yet, due

to the court's interpretation of race, terminology had to be developed in way that recognized that Latinxs did not fit neatly into the black/white racial categories. Therefore, lawmakers created the term "language minorities" but in the process race was erased as the primary reason of Latinx voter suppression. Ultimately, for Latinxs, their disenfranchisement became interpreted not directly as a result of race but language. This was a key moment when voting rights were transformed from an issue of addressing racial discrimination to a belief in cultural diversity, where all "language minorities" should be included under the law.

And lastly, while congressional opposition to broadening the Voting Rights Act seemed inevitable and a serious obstacle, the voting record tends to minimize this. However, focusing on the transformation of Congress in the 1970s allows for a better understanding of how political reform and scandals affected the legislative decisions that led Congress to pass the Voting Rights Act in 1975.

EPILOGUE

The Unfilled Goals of the Voting Rights Act of 1975

The passage of the 1975 Voting Rights Act to protect language minorities was a historic accomplishment that made the ballot accessible to non-English-speaking voters, but it was no magic bullet. Although the 1975 law sought to make elections more democratic, in the years ahead, Latinx activists would discover that laws are hard to enforce and that there were additional barriers to political empowerment.

On August 6, 1975, President Gerald Ford signed legislation to extend the Voting Rights Act for an additional seven years and expanded its special provisions to ban discrimination against “minority group citizens who are from environments in which the dominant language is other than English.”⁴⁵⁴ In an unprecedented move, Congress declared English-only elections were defined as a device akin to literacy tests used to disenfranchise citizens with limited English skills. After battling for more than decade, Chicanxs and Boricuas had persuaded policymakers to protect the voting rights of their Spanish-speaking communities. The revised law helped to underscore that Latinx people were a distinct population and were becoming a powerful political constituency in national elections.

Under the modified law, non-English-speaking people including Latinxs were identified as a “language minority” along with “American Indians, Asian Americans, [and] Alaskan Natives...,” whose voting rights were entitled to protection in counties with a sizeable number of them. Under Section 4(f)(4), jurisdictions that had English-only elections and “where more than 5 percent of the voting age citizen population is comprised of members of any single

⁴⁵⁴ Voting Rights Act. Public Law 94-73, 94th Congress, August 6, 1975.

language minority group” along with voter registration and turnout under 50 percent, the act required states or political subdivisions to provide registration forms, election ballots, and voter information pamphlets in languages other than English. Three states were covered entirely (Alaska for Alaskan Natives, Arizona and Texas for Spanish-speaking Latinx people) and 24 jurisdictions in eight other states. And under Section 203, a far more reaching provision, in places where 5 percent or greater were of a single language minority and illiteracy rates were higher than the national average, they were mandated to institute multilingual elections. Section 203 covered 30 entire states and 385 political subdivisions. This coverage formula took into account the educational disparities caused by systemic racism and discrimination in schools. The geographic area covered by Section 203 was greater than Section 4(f)(4) but these jurisdictions were not subject to the most potent provision of the Voting Rights Act—Section 5—that prohibited new voting rules without preclearance.⁴⁵⁵

⁴⁵⁵ Voting Rights Act 1975. Public Law 94-73, 94th Congress, August 6, 1975.



Figure 4.2 Jurisdictions designated for Section 203 coverage, by state (1977 Census determinations)

Source: Implementation of the Provisions of the Voting Rights Act Regarding Language Minority Groups: Interpretative Guidelines; Corrections and Amendments, 28 C.F.R. Pt. 55, App., 42 Fed. Reg. 35,970 (July 13, 1977). Figure 4.2 excludes all jurisdictions where coverage was deleted ([Appendix B](#)).

Source: James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Vermont: Ashgate Publishing, 2009).

Latinx political leaders were excited about legislation’s potential to help their communities. Representative Herman Badillo (D-NY) who contributed greatly to the effort to broaden the coverage of the 1975 act expected it be transformative. He stated the new law “will do for Spanish-speaking [people] in this country what the original act did for blacks in the South.”⁴⁵⁶ Badillo added that the federal legislation would now protect his own community from those who might try to keep them from the polls. Badillo’s statement was a reminder of

⁴⁵⁶ “75 voting act aids Hispanics,” *El Paso Herald-Post*, El Paso, Texas, August 29, 1975.

the act's impact on Black voter registration and turnout. In the South and throughout the country, local public offices, state legislatures, and Congress looked very different after 1965. The Voting Rights Act eliminated tests and devices blocking Black citizens from the ballot, and its preclearance provision (Section 5) guaranteed that states would not backslide and introduce new voting laws to discriminate against or dilute the voting strength of people of color.

Puerto Ricans had used the 1965 law with its narrow language protections to win seminal voting rights court cases such as *Puerto Rican Organization for Political Action (PROPA) v. Kusper* (1972), *Lopez v. Dinkins* (1973), *Torres v. Sachs* (1974), and *Arroyo v. Tucker* (1974), but Badillo's hopes for the new legislation were only partly realized.⁴⁵⁷ *PROPA v. Kusper*, a Chicago case, and *Lopez v. Dinkins*, a New York case, affirmed that under Section 4(e) of the Voting Rights Act persons who were not English knowledge were entitled to bilingual assistance including access to Spanish ballots to effectively vote. *Torres* in New York City and *Arroyo* in Philadelphia required these cities to provide ballots in Spanish and hire bilingual election workers to assist prospect voters at registration and polling places where 5 percent or more were of Puerto Rican birth. Still, the legal victories and revised legislation that guaranteed access to bilingual ballots did not translate to more Puerto Rican electoral participation and representation. An investigation on Puerto Rican voter turnout from 1972 to 2000 showed that participation was much higher on the island of Puerto Rico than any state on the mainland.⁴⁵⁸ Badillo's desire to see a dramatic spike in the number of Puerto Rican registered voters and for

⁴⁵⁷ *Puerto Rican Organization for Political Action v. Kusper*, 350 F. Supp. 606 N.D.IL. (1972), *Lopez v. Dinkins*, 73 Civ. 695 S.D.N.Y (1973), *Torres v. Sachs*, 381 F. Supp. 309 S.D.N.Y (1974), and *Arroyo v. Tucker*, 372 F. Supp. 764 E.D. PA. (1974).

⁴⁵⁸ Luis Raul Camara-Fuentes, *The Phenomenon of Puerto Rican Voting* (Gainesville: University of Florida Press, 2004).

the community to elect more of their own to public office, in the same way as Black people, never fully materialized.

Chicanx people in the American West who had in the past been excluded from the Voting Rights Act and ineligible to access its special provisions were eager to use the law. They quickly started to organize to undo the discriminatory voting schemes that for decades diluted their voting strength. The Texas-based Mexican American Legal Defense and Education Fund (MALDEF) used the 1975 law to attack discriminatory voting practices including at-large and multimember election systems. MALDEF and White liberals in Texas had already won Supreme Court decisions that led to the creation of single-member voting districts in places where Mexican Americans were a majority.⁴⁵⁹ Benjamin Márquez writes that the Voting Rights Act “in conjunction with the Supreme Court precedent resulted in a significant expansion of the Mexican American electorate and changes to electoral systems throughout the” State of Texas.⁴⁶⁰

With barriers collapsing for Mexican American voters as a result of the 1975 law, organizations such as the Southwest Voter Registration and Education Project (SVREP) believed the community could now meaningfully participate in electoral politics. The SVREP was founded in San Antonio, Texas by Willie Velásquez and other Mexican American political activists in 1974.⁴⁶¹ Using the motto “Su Voto Es Su Voz” (Your Vote is Your Voice), the SVREP organized large-scale voter registration drives along with door-to-door registration efforts. By the early

⁴⁵⁹ See *Graves v. Barnes*, 405 U.S. 1201 (1972) and *White v. Regester*, 412 U.S. 755 (1973).

⁴⁶⁰ Benjamin Márquez, *Democratizing Texas Politics: Race, Identity, and Mexican American Empowerment, 1945-2002* (Austin: University of Texas Press, 2014), 98.

⁴⁶¹ Juan A. Sepúlveda, Jr., *The Life and Times of Willie Velásquez: Su Voto Su Voz* (Houston: Arte Publico Press, 2003), 309.

1980s, the SVREP was conducting registration campaigns throughout the Southwest and coordinated a Midwest-VREP and Northeast-VREP. The SVREP would also partner with MALDEF to file court cases against gerrymandering practices, which were political schemes that restricted Mexican Americans from gaining political representation.

Mexican American political participation and influence grew in the wake of 1975, but not as dramatically as some had hoped. Political scientist John Garcia charted an uneven growth in the number of Latinx elected officials in five Southwest states from 1973 to 1984.⁴⁶² Garcia documented the number of Latinx officials in city, county, state, and federal positions in Arizona, California, Colorado, New Mexico, and Texas. At a city level, Arizona saw the greatest spike from 55 to 107 (94.5%) followed by Texas from 219 to 401 (83.1%), California from 121 to 168 (38.8%), and New Mexico from 143 to 167 (16.8%). In Colorado, the number of elected officials decreased from 87 to 82. In county elections, California reported a staggering 600 percent increase in the number of elected officials from 9 to 63 succeeded by Arizona (41.7%), Colorado (24%), and Texas (13.4%). New Mexico's percentage was negative as the total changed from 94 to 85. With respect to state elections, Texas had the largest change from 12 to 21 and after that California (from 5 to 7), New Mexico (from 33 to 37), and Arizona (from 11 to 12). In Colorado, the number elected state officials went from 7 to 6. And finally, Latinxs elected to Congress increased only in California (from 1 to 3) and Texas (from 2 to 4). In Arizona and Colorado, there were no Latinx people elected to Congress from 1973 to 1984. For New Mexico, the number remained unchanged at two during the 11-year period. Of the five states, only

⁴⁶² John A. Garcia, "The Voting Rights Act and Hispanic Political Representation in the Southwest," 63. *Publius* 16, no. 4 (Fall 1986): 49-66.

California and Texas listed a positive change at all levels of government. The total number of Latinx elected officials in California went from 136 to 241, and for Texas, it changed from 367 to 578. In the other states, there was evidence that showed modest gains, no change, or fewer

Increases in Numbers of Hispanic Elected Officials in Southwestern States by Office, 1973-1984					Latinx people in
State	Number of Hispanics		Change in number	Percent change	
	1973	1984			
Arizona					
Federal	0	0	0	0.0	
State	11	12	1	9.1	
County	12	17	5	41.7	
City ^a	55	107	52	94.5	
California					
Federal	1	3	2	200.0	
State	5	7	2	40.0	
County	9	63	54	600.0	
City ^a	121	168	47	38.8	
Colorado					
Federal	0	0	0	0.0	
State	7	6	-1	-14.3	
County	25	31	6	24.0	
City ^a	87	82	-5	-5.7	
New Mexico					
Federal	2	2	0	0.0	
State	33	37	4	12.1	
County	94	85	-9	-9.5	
City ^a	143	167	24	16.8	
Texas					
Federal	2	4	2	100.0	
State	12	21	9	75.0	
County	134	152	18	13.4	
City ^a	219	401	182	83.1	

elected office.

Source: John A. Garcia, "The Voting Rights Act and Hispanic Political Representation in the Southwest," 63.

While the 1975 law had eliminated obstacles to participate in elections by legally guaranteeing bilingual elections as well as functioned as tool to challenge unfair elections systems, the sweeping change that Puerto Rican and Mexican American voting rights activists hoped for fell short of their expectations. Part of what attracted Latinx people to advocate for voting rights was the possibility to dramatically drive up registration numbers and turnout rates, but the community was unable to surpass or reach the same levels of Blacks or Whites. Latinx politicians and activists may have believed that the same remedy that helped African American voters would work, but that was not the case. The Latinx community continued to deal with barriers after the law passed that bogged down their ability to vote.

Latinxs, unlike African Americans, advocated for Spanish-language rights and it afforded them access to multilingual ballots, but it quickly became evident that getting local governments to comply was going to be difficult. Instead of Latinx people focusing their time and energy to registering voters, the community had to litigate against governments to provide voting information in Spanish. And even when jurisdictions complied, some asked voters to request non-English voting information ahead of an election or printed the material but then failed to make it into the hands of voters. Many local governments also failed to hire full-time, multilingual registrars or to invest in voter education and registration efforts to assist Latinx voters.

The frustration experienced by Latinx people to enforce the Voting Rights Act to obtain political representation is evident in Washington state and mentioned in Chapter Four. Beginning in 1967, Mexican American people formed a state-wide political organization called

the Mexican American Federation (MAF), which sought to register voters and encourage its community member to run for political office. The MAF believed that electoral politics could be used to influence local and state government to solve their social and economic issues much like their African American contemporaries were doing in the South. The organization focused its energies on registering voters in Washington's Yakima County where the MAF estimated that it could register thousands of Mexican American voters. By the late 1960s, Mexican Americans represented around 5.5 percent to 8.2 percent of the County's population.⁴⁶³ After the MAF started to mobilize, the organization's leader approached the Yakima County Auditor and requested that he hire Spanish-speaking registers to assist voters. They insisted that the Voting Rights Act of 1965 had suspended literacy tests and that Mexican Americans were citizens who had a right to vote.

The petition by the MAF for the Yakima County Auditor to appoint bilingual registers was rejected and it led to class action lawsuit against Yakima Count. After several meetings with the auditor, the MAF noticed that deputy registers throughout the county were administering the state's English literacy test to Mexican Americans exclusively. Furthermore, bilingual interpreters were prohibited from assisting Spanish-speaking persons trying to register to vote. As a result, on September 11, 1968, four Mexican Americans, the Mexican American Federation, and the United Farm Workers Cooperative, with legal support provided by American Civil Liberties Union, filed a court case against the county claiming that Washington's

⁴⁶³ According to the Yakima Valley Council for Community Action (part of the War on Poverty, Office of Economic Opportunity) and the MAF, these organization estimated that the Mexican American population ranged from 8,000 to 12,000. See Tom Chambers, "A Second Look at Literacy Tests," American Civil Liberties Union, 1942-1996, Box 2, Folder M.A.F v. Naff, Accession No. 1177-005, Special Collections, University of Washington Libraries, Seattle, WA, and Mexican-American Federation Puget Sound Newsletter, 1968-1970, Box 7, Folder 11, Tomás Ybarra-Frausto Papers, Accession No. 4339-001, Special Collections, University of Washington Libraries, Seattle, WA.

literacy tests racially discriminated against Mexican American voters in violation of the Voting Rights Act of 1965. The court ruled that Washington state did not have a test but simply a requirement to speak and read English. Moreover, the final verdict determined that the Voting Rights Act could not be enforced in Washington state since its geographic scope was limited to the South.

To complicate matters, in the early 1980s, the English-only movement began to attack multilingual elections. The movement started in California, by a group called U.S. English, and it rapidly caught on in other parts of the country. The English-only movement's primary aim was to make English the official language of the U.S. since its supporters believed English was foundational to national unity. Multilingual elections threatened English and thus legislation was necessary to protect "our language." The English-only movement described people who depended on non-English information as uninformed, incompetent, and unworthy citizens that failed to learn English. Moreover, it began to depict citizens with limited English skills as fraudulent voters. Daniel HoSang Martinez writes that John Taton, the founder of U.S. English, had "clear ties to white supremacists organizations, the English Only project incorporated rather than rejected, key narratives of racial liberalism, celebrating the incorporation, empowerment, and assimilation of some immigrants even as it disavowed others."⁴⁶⁴ The movement's advocates adopted the language of civil rights activists to support their agenda and in the process, HoSang argues, "they rehearsed the language through which far more punitive attacks on immigrant rights would be made in the future."⁴⁶⁵

⁴⁶⁴ Daniel HoSang Martinez, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010), 132.

⁴⁶⁵ Martinez, *Racial Propositions*, 132.

After Washington's English test was banned with the extension of the Voting Rights Act in 1970, Mexican Americans for decades were unable to elect candidates who best represented their interests, leading to lawsuits against the Yakima County and its largest city—the City of Yakima. As the Mexican American population steadily grew, county officials failed to hire bilingual poll worker, produce bilingual voter information, or organize voter education or registration campaigns to outreach to the community. In 2002, the Department of Justice (DOJ) used Census data to determine the county had a sizeable non-English-speaking population that was unable to effectively cast a ballot. The DOJ claimed that the county was in violation of the Voting Rights Act. The DOJ ordered Yakima County to hire bilingual registrars to assist at polling locations and provide voting information in Spanish.⁴⁶⁶ Two years later, in 2004, the DOJ released a report stating the county had made progress but found that “hostility to bilingual election workers and Spanish-speaking voters’ continues to be an issue in Yakima County.”⁴⁶⁷ Following, the DOJ sued the county for violating the Voting Rights Act. However, in its last act of defiance, the Yakima County claimed that it did “not admit to the allegations” but they would comply with the recommendations of the DOJ.⁴⁶⁸

The English-only movement's colorblind rhetoric proved to be a convenient strategy to contest multilingual ballots across the geography covered by the Voting Rights Act including Yakima County. Those opposed to multilingual ballots insisted that they discouraged

⁴⁶⁶ Using the 2000 Census, the Justice Department estimated that over 30,000 or roughly 12.3% people did not speak English well in the county. See Tom Roeder, “Bilingual Election Ballots Mandated -- Demographic changes in Yakima County trigger change under Voting Rights Act,” *Yakima Herald-Republic*, Yakima, Washington, August 3, 2002.

⁴⁶⁷ “County Makes Progress in Helping Spanish-Speaking,” *Seattle Post-Intelligencer*, October 25, 2004.

⁴⁶⁸ *United States of America v. Yakima County, Corky Mattingly, Yakima County Auditor, et. al.* CV-04-3072-LRS. Eastern District of Washington (2004).

immigrants from learning English, burdened taxpayers, and divided the community. Newspaper reporters interviewed White residents in Yakima County who claimed, “They knew when they came across the border the language was English...I don’t believe that’s right. That[’s] not what I fought for during WWII;” and “Let ‘em go the old-fashioned way to become a citizen...Let them study our language and study our constitution and then let them become citizens.”⁴⁶⁹ The resistance and nativism mixed with the language of liberalism (rights, freedom, opportunity) reflected prior attempts both locally and nationally to deny Latinx people the vote.

Yet, even after Yakima County was mandated to provide bilingual ballots, the predominantly Mexican American community and over 40 percent of the population in City of Yakima struggled to elect their own. So, in 2012, they filed a lawsuit to contest city’s at-large election process using the Voting Rights Act. *Montes v. City of Yakima* argued that historical racial discrimination against Mexican Americans in conjunction with the at-large voting system weakened their political involvement and contributed to their lack of representation on the Yakima City Council. The case led to the creation of seven single-member voting districts with two of them with Mexican American majorities. The new election system was the catalyst for a historic election in November of 2015 that resulted in three Latinas being elected to the city council. This was a remarkable feat considering that no person of Latinx descent has ever been elected to this office.

The voting rights victories in Washington state and in other parts of the country might be an end of era since the Supreme Court and lawmakers appear to be no longer interested in

⁴⁶⁹ Tom Roeder, “Bilingual Election Ballots Mandated -- Demographic changes in Yakima County trigger change under Voting Rights Act.” *Yakima Herald-Republic*, August 3, 2002. Also see John Iwasaki, “Bilingual Ballots Draw Protests,” *Seattle Post-Intelligencer*, October 18, 2002.

protecting voting rights. In 2013, the Court's decision in *Shelby County v. Holder* struck down the most powerful provision of the Voting Rights Act that required jurisdictions with a long history of voting discrimination to submit voting changes to the DOJ before they went into effect.⁴⁷⁰ This was a sign that the Supreme Court was no longer going to stand in the way of policymakers who wanted to make it harder to participate in elections. Shortly thereafter, states began to impose voter identification rules that required voters to present a government-issued card to vote. More recently, conservative Republicans fueled by Donald Trump's lies about election fraud introduced bills to make it harder to participate in elections by attacking mail-in and early voting practices. On June 2, 2021, the *Washington Post* reported that nearly four hundred bills were introduced in forty states to restrict the vote, and that fourteen had enacted voter suppression laws.⁴⁷¹

Looking back, it's quite remarkable that both the House and Senate in 1975 voted to amend the Voting Rights Act to give Latinx people greater access to the vote (through bilingual ballots) with support from some members of both the Republican and Democratic parties. Evidently, neither political party felt threatened by the potential expansion of the Latinx electorate. And in the 60s and 70s, Latinx voting rights movement leveraged the bipartisan to further their political agenda to democratize the franchise. I have traced how mainland Puerto Ricans and later Mexican Americans organized at local levels to fight for voting rights, and gradually built political leverage and developed a strategy to demand voting protections. To

⁴⁷⁰ *Shelby County v. Holder*, 570 U.S. 529 (2013).

⁴⁷¹ Elise Viebeck, "Here's where GOP lawmakers have passed new voting restrictions around the country," *Washington Post*, June 2, 2021. Accessed June 22, 2021.
<https://www.washingtonpost.com/politics/2021/06/02/state-voting-restrictions/>.

further democratize the franchise, Puerto Ricans and Mexican Americans employed distinct organizational and political tactics, exposed the limitations of the 1965 act, and eventually came together to create a political campaign to broaden the VRA in 1975.

After the Second World War, Puerto Ricans in New York used their status as Spanish-speaking colonial U.S. citizens to oppose the state's English literacy test. Puerto Rican people gained the support of the Spanish-language press, elected Puerto Rican officials, and community organizations, who forced their local and state governments to remove the literacy test. They also secured the backing of New York's powerful and large congressional delegation and the U.S. Attorney General, Robert Kennedy, who advocated for Puerto Rican voting rights in Congress starting in 1962. As a result of their early activism, the Voting Rights Act of 1965 included a Puerto Rico provision that exempted Puerto Ricans in New York who were educated on the island of Puerto Rico from the language exam.

The 1962 debate on voting rights demonstrated how racial liberalism would be applied to both support and contest Spanish language rights. Liberals in Congress argued that the nation needed to reject race-based discrimination and segregation, and used the language of liberalism (i.e., "equality," "opportunity," and "freedom") to back the Puerto Rican cause; yet simultaneously, conservative Southern Democrats and Republicans deployed a similar rhetoric to insist that the provision violated the country's commitment to equal rights. Those opposed to language rights claimed that this group would supposedly have special privileges while unjustly discriminating against other non-English speakers. They attempted to redirect the focus away from how language discrimination, colonialism, and English-only elections disenfranchised Puerto Rican people. During the voting rights discussions in 1965 and 1975,

similar claims would resurface to try to block Puerto Ricans and Chicanxs from receiving voting protections under the Fourteenth and Fifteenth Amendments.

Although Puerto Ricans in New York had a sliver of protection in the 1965 law, Chicanx people were completely left out, but they learned to strategically use race and equal rights language to advocate for rights. Unlike Puerto Ricans who the federal government labeled as “special citizens,” people of Mexican descents inspired by the Chicano Movement embraced their racial status as non-White peoples. While there were many organizations that formed part of the Chicano Movement, they did not place great emphasis on electoral politics. Instead, the movement sought to empower their community through self-determination and cultural reclamation. The Chicano Movement, however, inspired political leaders and lawyers to advocate for a Chicano Voting Rights Act that would solve their own unique obstacles to vote. By claiming a non-White identity, Chicanx people would move the courts to construct a new racial and legal category—language minority. The term identified them as a racial group rather than ethnic immigrant group and granted them protections under the Fourteenth and Fifteenth Amendments.

My project has explored not only how Puerto Ricans and Mexican Americans won voting rights but also how lawmakers, legal and political institutions, and civil rights leaders reacted to their mobilization. I demonstrate how the Latinx political campaign to extend the coverage of the Voting Rights Act was not guaranteed. The campaign exposed the hesitation by Black civil rights leader to modify the act mainly due to the court’s ambiguity about Latinx racial classification. Yet, Congresswoman Barbara Jordan (D-TX) was able to convince other Black leaders to support a boarder bill and Senator John Tunney (D-CA) along with Senator Birch Bayh

(D-IN) used their legislative writing skills to solve key constitutional issues. Lastly, the transformation of Congress in the 1970s, created a window of opportunity for the broadening of the Voting Rights Act.

I have argued that Latinx people learned to fight for Spanish voting rights as colonized peoples, used language discrimination to expose their unequal citizenship status, and broadened the court's definition of race to claim citizenship rights that contested and facilitated the emerging colorblind hegemony of U.S. racial politics. The 1975 VRA incorporated Latinx voters under a new legal category of "language minority." This was a crucial step that connected language discrimination with race, and it defined what communities merited protection. As a result, Asian Americans and Native Americans were also designated as protected groups who faced a long history of voter discrimination and educational disparities. Yet, in securing language rights including multilingual ballots, racism was deemphasized and most importantly, the seeds were sown to attack Latinxs not as a race but a linguistic group. In the 1980s, the English-only movement would use language instead of race to push for the exclusion of Latinxs from the political process, specifically by attacking multilingual elections, and continue to suppress the Latinx vote.

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