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Title: Resolution celebrating the fortieth anniversary of the Voting Rights Act and calling on Congress to reauthorize the special provisions of the Voting Rights Act that are due to expire in 2007.

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Res. No. 1029

Resolution celebrating the fortieth anniversary of the Voting Rights Act and calling on Congress to reauthorize the special provisions of the Voting Rights Act that are due to expire in 2007.

By Council Members Perkins, James, Koppell and Reed

Whereas, August 6th marks the fortieth anniversary of the Voting Rights Act, which is considered by many to be the most successful piece of civil rights legislation for directly empowering minorities to vote and run for elected office; and

Whereas, The 15th Amendment to the United States Constitution, which states that the right of United States citizens to vote "shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," was ratified in 1870; and

Whereas, The 15th Amendment also states that Congress "shall have power to enforce this article by appropriate legislation;" and

Whereas, The failure of Congress to actualize and enforce the amendment allowed states and counties

with a history of state-sponsored discrimination and segregation to actively and intentionally disenfranchise African-Americans for nearly one century following the enactment of the 15th Amendment; and

Whereas, Groups such as the Ku Klux Klan used intimidation and violence to prevent African-Americans from exercising their right to vote, which resulted in the former Confederate states being able to maintain white control over state and local legislatures, a practice which was bolstered by the use of racial gerrymandering; and

Whereas, Segregationists also employed other methods such as poll taxes and literacy tests to further suppress the black vote; and

Whereas, By 1910, as a result of these efforts, the former Confederate states could claim that blacks had been all but completely disenfranchised in the South; and

Whereas, The U.S. Department of Justice did attempt to litigate numerous cases involving disenfranchisement, without much success; and

Whereas, Civil rights leaders began to protest and resist state-sponsored segregation and disenfranchisement in earnest during the 1950s and 60s; and

Whereas, These efforts were often met with violence by state and local law enforcement officers; and

Whereas, Violence perpetrated by officers against peaceful demonstrators in Selma, Alabama motivated President Lyndon B. Johnson to push for passage of the Voting Rights Act; and

Whereas, Five months after the attack in Selma, the Voting Rights Act was signed into law, thus finally effectuating the purpose and intent of the 15th Amendment; and

Whereas, The Voting Rights Act had an immediate impact by nullifying many state laws that had been designed to disenfranchise black voters, such as literacy tests; and

Whereas, Three months after the enactment of the Voting Rights Act, nearly 8,000 blacks had registered in Dallas County, Alabama, where months earlier the violence was used against peaceful demonstrators wanting nothing more than to be treated equally; and

Whereas, In Mississippi, black voter registration skyrocketed from 6.7% of the eligible populace prior to the Voting Rights Act to 59.8% within two years of the Voting Rights Act; and

Whereas, In addition to restoring the right to vote for African-Americans and others, the Voting Rights Act has also resulted in a huge increase in the number of black elected officials, from less than 1,500 in 1970 to approximately 9,500 today; and

Whereas, While most aspects of the Voting Rights Act are permanent, several very important sections are time limited and were reauthorized in 1970, 1975 and 1982; and

Whereas, Perhaps the most important of these time-limited provisions requires jurisdictions to obtain pre-clearance from the Department of Justice any time they want to make changes to their voting laws that might in any way affect the rights of minorities to vote; and

Whereas, In 1975 and 1982, when Congress reauthorized these specific sections of the Voting Rights Act, additional amendments were made to protect language-based minorities and lower the burden of proof necessary for plaintiffs to show that a violation of the Voting Rights Act has occurred; and

Whereas, The Voting Rights Act, including these special provisions, remains a vital part of our nation's defense against state-sponsored racial disenfranchisement; and

Whereas, Notwithstanding the improvements that have been made in minority enfranchisement as a result of the Voting Rights Act, there remains much to be done; and

Whereas, In fact, when the U.S. Supreme Court upheld the constitutionality of the Voting Rights Act, in 1966, in the case of *South Carolina v. Katzenbach*, the opinion stated that after "nearly a century of systematic resistance to the Fifteenth Amendment, Congress might do well to shift the advantage of time and inertia from the perpetrators of evil to its victims;" and

Whereas, The fact that the Congress saw fit to enact the Help America Vote Act (HAVA) following the debacle of the Florida presidential election in 2000 demonstrates that the effort to construct a fair, impartial and accurate electoral system remains an ongoing process; and

Whereas, New York State is currently at great risk of non-compliance with HAVA; and

Whereas, The risk of non-compliance exists, notwithstanding the fact that New York City has three boroughs-Brooklyn, Manhattan, and The Bronx-that are currently designated as pre-clearance jurisdictions; and

Whereas, Therefore, it is clear that minorities and other traditionally disenfranchised communities continue to need the oversight and protection provided by the special provisions of the Voting Rights Act; and

Whereas, The need for HAVA and the fact of impending HAVA non-compliance in New York State demonstrate that the work of the Voting Rights Act, including the special provisions is not complete; and

Whereas, The fortieth anniversary of the Voting Rights Act is not only a perfect time to celebrate all of the progress made under the law, but also to call on New York State to come into compliance with HAVA and to mobilize Congress to reauthorize those sections of the Voting Rights Act that are set to expire in 2007; now, therefore, be it

Resolved, That the Council of the City of New York celebrates the fortieth anniversary of the Voting Rights Act and calls on Congress to reauthorize the special provisions of the Voting Rights Act that are due to expire in 2007.

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