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Res. No. 359

Resolution honoring the Voting Rights Act of 1965 and calling upon the United States Congress to reauthorize it by enacting the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

By Council Members Gioia, Seabrook, The Speaker (Council Member Quinn) and Council Members Brewer, Comrie, Dickens, Gerson, James, Liu, Mark-Viverito, Palma, Recchia Jr., Sanders Jr., Vann, Weprin, Foster and White, Jr.

Whereas, August 6, 2005 marked the fortieth anniversary of the Voting Rights Act of 1965 (“Voting Rights Act”), which is arguably the most successful piece of civil rights legislation for directly empowering African-Americans and other minority group members to vote and run for elected office; and

Whereas, The 15th Amendment, enacted in 1870, states that “[t]he right of citizens of the United States 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;” and

Whereas, The 15th Amendment also states that “[t]he Congress shall have power to enforce this article

by appropriate legislation,” yet the failure of Congress to enforce the 15th amendment allowed some states and counties with a strong resistance to empowering African-American voters to participate in the electoral process actively disenfranchised African-American voters for nearly one hundred years; and

Whereas, Groups such as the Ku Klux Klan used intimidation and violence to prevent African-Americans from exercising their right to register and to vote, resulting in these citizens not having the political power to which they were entitled; and

Whereas, To further maintain their control, during the 1890s, various state legislatures enacted laws to continue to disenfranchise African-American voters, most notably through the use of poll taxes and literacy tests; and

Whereas, The United States Department of Justice litigated numerous cases involving African-American voter disenfranchisement, but these case-by-case efforts were not adequate to combat disenfranchisement as a whole; and

Whereas, For example, after four years of litigating cases regarding the registration of black voters in Dallas County, Alabama, just prior to enactment of the Voting Rights Act, African-American voter registration increased only from 16 to 383 out of a population of 15,000 eligible voters; and

Whereas, Following the violence perpetrated by state and local law enforcement officers against peaceful civil rights demonstrators in Selma, Alabama, President Lyndon B. Johnson pushed forward the Voting Rights Act, which was enacted five months after the attack in Selma, Alabama, thus finally codifying and effectuating the 15th Amendment, ninety-five (95) years after its ratification; and

Whereas, The Voting Rights Act had an immediate effect in the empowerment of the once disenfranchised populace throughout the country by doing away with many of the disenfranchising state laws such as those requiring literacy tests; and

Whereas, In 1966, the Supreme Court upheld the constitutionality of the Voting Rights Act, stating that “[a]fter enduring 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, Three months after the enactment of the Voting Rights Act of 1965, nearly 8,000 African-Americans had registered in Dallas County, Alabama, where months earlier violence was used against peaceful demonstrators wanting nothing more than to be treated equally; and

Whereas, In Mississippi, African-American voter registration skyrocketed from 6.7% of the eligible populace prior to the enactment of the Voting Rights Act to 59.8% by 1967; and

Whereas, In addition to empowering African-Americans to vote, the Voting Rights Act has resulted in a huge increase of African-Americans elected officials; according to the Joint Center for Political and Economic Studies, less than 1,500 blacks held elective office in 1970 compared to the current estimate of 9,000; and

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

Whereas, The temporary nature of certain provisions of the Voting Rights Act has frequently been cited by the United States Supreme Court as a definitive example of Congressional remedies applied in proper proportion to problems discovered; and

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

Whereas, Considered among the most critical provisions are Section 5, instituting “preclearance” provisions requiring federal approval of voting process modifications in jurisdictions with histories of discriminatory practices - jurisdictions including New York, Bronx, and Kings Counties; Sections 203 and 4(f) (4), requiring more than 450 counties and townships with a significant number of citizens of voting age who speak certain families of languages to provide language assistance at every step of the electoral process; and Sections 6-9, empowering federal election observers and examiners to monitor electoral operations in order to ensure fairness to all parties and a process free from harassment, intimidation, or prejudice; and

Whereas, Nationwide, of 1,116 Section 5 preclearance-required objections to proposed election law changes submitted between 1968 and 2004, more than half occurred after the most recent 1982 Voting Rights Act renewal, a great number of which occurred in southern American states and many of which involved racially gerrymandering redistricting plans; and

Whereas, Federal observers empowered by Voting Rights Act sections 6-9 continue to report coverage of racially charged electoral processes, 250 such federal observer coverages alone occurring in Mississippi out of a total 622 reported since 1982; and

Whereas, Restricted ballot access and minority vote dilution both remain serious obstacles to voting rights even in the twenty-first century, manifesting themselves in such tactics as last-minute location changes of heavily-minority polling places, discouragement of non-English-speaking citizens from voting, implementation of excessively rigorous or confusing registration requirements, racially polarized campaigning, intimidation and violence; and

Whereas, There is no doubt that the Voting Rights Act, by empowering African-Americans and other minority group members to exercise their right to vote, is directly responsible for providing members of those communities the ability to shape the social and economic policies of their locality, state and country through their elected officials; and

Whereas, The Voting Rights Act of 1965 remains a pivotal piece of American legislation, having enfranchised millions of American minority voters and having helped to desegregate legislative bodies at all levels of government, the Act working to maintain ideals of equality, fairness, tolerance, and hope that continue to hang in a tenuous balance; and

Whereas, In this time of celebrating the fortieth anniversary of the enactment of the Voting Rights Act, it is imperative that all the gains made are maintained through the protections already in place, and therefore a perfect opportunity now exists to mobilize and protect those sections of the Voting Rights Act that are set to expire in 2007; and

Whereas, there is pending in Congress the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, HR. 9 and S. 2703, which would extend the Voting Rights Act, certain provisions of which will expire in 2007; now, therefore, be it

Resolved, That the Council of the City of New York honors the Voting Rights Act of 1965 and calls upon the United States Congress to reauthorize it by enacting the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

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