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Mexican-Americans and the Right to Vote: A Century of Struggle

The right to vote and to participate in the political process is the cornerstone of American democracy. The history of the United States is largely a history of expanding the right to vote to all people, regardless of race, color, sex, religion, national origin and disability. At the time of the ratification of the United States Constitution in 1787, there was no constitutional guarantee of the right to vote and only white, male property owners were enfranchised in the majority of states in the Union. Women, African-Americans, Native Americans, and other racial and ethnic minorities were not recognized as “citizens” and guaranteed the full rights of citizenship, including the right to vote. It was not until 1860 that the Fifteenth Amendment extended the franchise to newly emancipated slaves and not until 1920 that the Nineteenth Amendment that it was extended to women. While a lot has been written on how African-Americans and women won the right to vote, there has been little focus on Hispanic and Latino communities. This paper thus endeavors to explore how Mexican-Americans fought to gain access to the ballot and in doing so pushed the country more toward the full realization of equality.

Mexican-Americans in the United States

Spanish-speaking people have lived in North America since Spain colonized Mexico in the sixteenth century. Mexicans first arrived in what is now known as New Mexico and established the city of Santa Fe in 1610. But in 1846, war broke out between the United States and Mexico over the annexation of Texas. The U.S. defeated Mexico and the Treaty of Guadalupe Hidalgo granted 55 percent of Mexican territory to the United States, including what would later become California, Texas, Colorado, Arizona, New Mexico, Utah, and Nevada. In turn, the treaty stipulated that the Mexicans living in the newly acquired U.S. territories would be granted U.S. citizenship.¹

The turn of the twentieth century saw a major influx of Mexican immigration. In 1910, the Mexican Revolution led war refugees and political exiles to flee from violence in their home countries and seek safety in the United States. The number of Mexican migrants grew from around 20,000 migrants per year during the 1910s to about 50,000–100,000 migrants per year during the 1920s.² Between 1910 and 1930, the number of Mexican migrants residing in the United States tripled from 200,000 to 600,000.³

Yet, like all immigrants, Mexican-Americans became the target of discrimination and nativist mob violence. Anti-Mexican sentiment was pervasive in U.S. society based on the prevailing cultural myth that Mexicans were crossing the border and stealing jobs from native-born white Americans. Reports estimate that at least 597 Mexican-Americans were lynched between 1848 and 1928.⁴ Mexican-Americans were lynched at a rate of 27.4 per

¹ Tutorow, Norman E. 1981. *The Mexican-American War: an annotated bibliography*. Westport, Conn: Greenwood Press.

² Guerin-Gonzales, Camille. 1994. *Mexican workers and American dreams: Immigration, repatriation, and California farm labor, 1900-1939*. New Brunswick, N.J: Rutgers University Press.

³ Ibid.

⁴ Carrigan, William D., and Clive Webb. 2013. *Forgotten dead: mob violence against Mexicans in the United States, 1848-1928*.

100,000 of population between 1880 and 1930, second only to African-Americans who were lynched at a rate of 37.1 per 100,000 population.⁵

***Hernandez v. Texas* and the Mexican-American Civil Rights Movement**

Like the National Association for the Advancement of Colored People (NAACP) before them, Mexican-American civil rights leaders organized to build a civil rights movement of their own. They organized for integration in public schools, fair wages and labor protections, voting rights, and access to justice. One of the earliest and most groundbreaking civil rights cases involving Mexican-Americans was a challenge to the exclusion of Mexican-Americans on juries in Texas.

In 1954, Texas defense attorneys appealed the conviction of Pedro Hernandez, a Mexican-American agricultural worker in Edna, Texas, who was convicted of murder by an all-white jury. Hernandez's defense attorneys, led by Gustavo C. García, argued that Mexican-Americans in Texas were systemically excluded from jury duties in at least seventy counties in Texas. The case, *Hernandez v. Texas*, made it up all the way to the U.S. Supreme Court. Chief Justice Earl Warren delivered the majority opinion for the Court that Mexican-Americans were entitled to equal protection under the Fourteenth Amendment of the Constitution and excluding Mexican-Americans from juries on the basis of race, ethnic background or national origin was unconstitutional.⁶

More than ten years after the *Hernandez* victory, the Mexican American Legal Defense and Educational Fund (MALDEF) was founded in 1968 to protect the civil rights of

⁵ Ibid.

⁶ *Hernandez v. Texas*, 347 U.S 475 (1954)

Mexican-Americans across the country. MALDEF went on to become one of the leading advocates for voting rights for Mexican-Americans.

Mexican-Americans and Political Participation

Despite making up a substantial population of the country, Mexican-Americans had low voter registration rates and voter turnout and even less political representation. Nationally, only 44 percent of citizens with Spanish surnames were registered in 1972, compared with 68 percent of African-Americans and 73 percent of whites. Only 38 percent Spanish-surnamed citizens voted in the 1972 election, compared with 54 percent of blacks and 65 percent of whites.⁷

These stark disparities were largely the result of lower levels of education and limited English proficiency among Latino communities. According to a 1970 report by the U.S. Commission on Civil Rights, Mexican-Americans had on average about eight years of schooling, four years less than whites, two years less than African-Americans and other nonwhites.⁸ Over one-third of the total Mexican-American population had only 4 years of school or less.⁹

Mexican-Americans were vastly underrepresented in political office in states where they made up a significant portion of the population. In 1975, Vilma S. Martínez, President of the civil rights advocacy organization the Mexican American Legal Defense and Educational Fund (MALDEF) testified before Congress that in Texas, Mexican-Americans comprised 18% of the population, yet only 6.2% of the elected positions were held by Mexican-Americans.¹⁰ In

⁷ Berman, Ari. 2015. *Give us the ballot: The modern struggle for voting rights in America*. First ed. New York: Farrar, Straus and Giroux.

⁸ *The Mexican American; A Paper Prepared for the U.S. Commission on Civil Rights*. U.S. Commission on Civil Rights. Washington, DC. 1968.

⁹ Ibid.

¹⁰ U.S. Congress, House, Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights. *Extension of the Voting Rights Act: Hearings Before the Subcommittee On Civil And Constitutional Rights of the Committee On the Judiciary*, 94th Cong., 1st session., 1975.

California, Mexican-Americans comprised 18.8% of the total population, yet held only 1.98% of the elected positions.¹¹

The 1975 Amendments to the Voting Rights Act

In February 1975, Modesto Rodriguez, a 33-year-old farmer from Pearsall, Texas, traveled 1,650 miles to Washington to testify before Congress in support of amending the Voting Rights Act of 1965 (VRA) to cover Texas and protect Spanish-speaking citizens across the Southwest who had experienced barriers in accessing the ballot in their native language. In response to growing demands from Mexican-American civil rights advocacy organizations like MALDEF and SVREP, Congress had no choice but to respond.

U.S. Representatives Herman Badillo of the Bronx, New York; Ed Roybal of Los Angeles, California; and Barbara Jordan of Houston, Texas, championed legislation to expand the Voting Rights Act to protect Mexican-Americans and language minority communities. Their bill, introduced in 1974, required bilingual election materials to be available in areas where language minorities—defined as “persons of Spanish heritage, American Indians, Asian Americans, and Alaskan natives”—made up more than five percent of the voting-age population.

Jordan, the first African-American woman from the South elected to the House of Representatives and a member of the Congressional Black Caucus, became the national face of expanding the VRA. Jordan drew compelling comparisons between the African-American struggle for the right to vote and the struggle of Mexican-Americans and other language minorities to access the ballot. “Nearly all the forms of discriminatory voting practices suffered

¹¹ Ibid.

by blacks in the South are being suffered by Mexican-Americans in the Southwest,” she forcefully charged.¹²

Congress soon passed the 1975 amendments to the Voting Rights Act of 1965 and declared:

[T]hrough the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

Mexican-American Political Power after 1975

The changes to the Voting Rights Act of 1965 were sweeping. In addition to the original Southern states covered in 1965, the amendments required 513 jurisdictions in 30 states to hold bilingual elections and 276 additional counties to seek federal preclearance for voting changes—all of Texas, along with 14 counties in Arizona; Kings and Merced counties in California; El Paso County, Colorado; Hardee, Hillsborough, and Monroe counties in Florida; and Bronx and Kings counties in New York where Spanish-speaking minorities made up more than 5 percent of the population.

The newly adopted language provisions of the Voting Rights Act dramatically increased the voter registration and turnout rates in Mexican-American communities. According to data

¹² Berman, Ari. 2015. *Give us the ballot: The modern struggle for voting rights in America*. First ed. New York: Farrar, Straus and Giroux.

from the Southwest Voter Education Project (SWVEP), from 1976 to 1980, the number of Hispanics registered to vote in the State of Texas increased by 64% from 488,000 to 798,000.¹³

Most strikingly, the amendments led to the greater political representation of Mexican-Americans in federal, state and local offices. SVREP documented a 29.5% increase in the number of Hispanics elected to office from 1976 to 1979.¹⁴ The number of Mexican-Americans holding county and municipal offices in Texas increased from 353 to 559 in the following decade. Hispanic members of Congress from the Southwest rose from only one in 1975 to nine by 1985.¹⁵

The Legacy of Mexican-Americans Voting Rights

In 1923, in *Meyer v. Nebraska*, the Supreme Court declared that “[t]he protection of the Constitution extends to all, to those who speak other languages as well as those born with English on the tongue.” Since then, the fight for civil rights for Mexican-Americans and other language minority communities has been a continuous battle in everything from bilingual school programs and bilingual ballots. The story of how Mexican-Americans civil rights leaders and activists in Texas, California and across the Southwest fought and won the right to vote in their native language --- Spanish --- is one of the greatest stories in the American struggle to guarantee the right to vote for all.

¹³ U.S. Congress, House, Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights. *Extension of the Voting Rights Act: Hearings Before the Subcommittee On Civil And Constitutional Rights of the Committee On the Judiciary*, 94th Cong., 1st session., 1975.

¹⁴ *Ibid.*

¹⁵ Berman, Ari. 2015. *Give us the ballot: The modern struggle for voting rights in America*. First ed. New York: Farrar, Straus and Giroux.

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