

# Equal Opportunity to Vote

The Voting Rights Act of 1965 was signed into law on August 6, by President Lyndon Johnson. It outlawed the discriminatory voting practices adopted in many states, including literacy tests, as a prerequisite to voting. Primarily thought of as part of the Civil Rights Movement fighting for the rights of African Americans, the act enforced the 15th Amendment to the Constitution, helping to secure the vote for others who were also disenfranchised. The following case challenged the constitutionality of part of that law.

## Katzenbach v. Morgan (1966)

A 1921 amendment to the New York State Constitution determined that all new voters should be able to read and write English. The legislature gave the Board of Regents the sole power to determine literacy for voting.

Specifically addressing literacy tests, Section 4(e) of the Voting Rights Act of 1965 “provides that no person who has completed the sixth grade in a public school, or an accredited private school, in Puerto Rico in which the language of instruction was other than English shall be disfranchised for inability to read or write English.” This provision was in direct conflict with New York’s existing law.

Two registered voters, John and Christine Morgan challenged this section of the Voting Rights Act. They sued U.S. Attorney General Nicholas Katzenbach and the New York City Board of Elections alleging Section 4(e) infringed on the rights reserved to the states by the 10th Amendment. A three-judge district court ruled in favor of the Morgans by declaring Section 4(e) of the Voting Rights Act unconstitutional.

Attorney General Katzenbach appealed the district court’s decision to the U.S. Supreme Court. On June 13, 1966, Justice William J. Brennan in delivering the 7-2 majority opinion held, “Section 4(e) is a proper exercise of the powers under Section 5 of the Fourteenth Amendment, and, by virtue of the Supremacy Clause, New York’s English literacy requirement cannot be enforced.”

The Voting Rights Act of 1975 recognized barriers to voting due to language still existed. The amended VRA required states and local governments to provide translated voting documents where a single-language minority group made up more than 5% of the voting-age population based on U.S. Census figures. In the 2006 reauthorization of the VRA signed by President George W. Bush, those language provisions were extended through 2032 and the Census Bureau was instructed to use the American Community Survey and assess determinations every five years rather than every ten years as done in the past.

**Newspaper Activity:** Look through the news, in print or online, for examples of current voting rights issues. Select one and prepare a summary of the who, what, where, when and why to share with your class.

Next installment: **Toward a More Perfect Union**

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