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## Vote Aquí Hoy: The 1975 Extension of the Voting Rights Act and the Creation of Language Minorities

**Abstract:** The year 1975 marked a watershed year for Spanish-surnamed people in the United States and their relationship with the federal government. In that year Congress extended the Voting Rights Act to include a “language minority” category, requiring federal election officials to translate election materials under certain conditions. By validating language rights for language minorities, Congress expanded federal voting protections far beyond African Americans. Advocates for Spanish speakers took up the cause before Congress, which created a new federally protected category based on the long history of discrimination in education and society they collected in testimonies. These language protections catered largely to Spanish speakers, though the category also included Alaska Natives, Native Americans, and Asian Americans. The process of gaining a separate language minority status is explored in this article, which explains how Congress chose to create a law that included Spanish speakers by name.

**Keywords:** voting rights, language politics, Spanish, language minorities, civil rights, Congress, Mexican American, Puerto Rican, Spanish speaking, Hispanic

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Congress recognized Spanish speakers as a named category of citizens in a federal law for the first time in 1975 when it expanded the Voting Rights Act of 1965 (VRA). The Voting Rights Act of 1975 (VRA-1975) created a series of regulations for language minorities, which included Spanish-speaking voters.<sup>1</sup> The provisions mandated that items related to voting be offered in identified minority languages for federal elections including bilingual ballots, election instructions, and registration forms. By validating rights for language minorities, Congress expanded federal voting protections far beyond African Americans. Although these language protections catered largely to Spanish speakers, the category also included Alaska Natives, Native Americans, and Asian Americans.<sup>2</sup> These reforms resulted in a federally recognized national multiethnic citizenry that need not fully assimilate to have their votes counted. At the individual level, ending English literacy tests and providing translations extended voting rights to a broader swath of the Spanish-speaking community. As a collective, the implications of this inclusion shifted voting capabilities and offered a federally recognized group identity for Spanish speakers to use while lobbying for inclusion in future federal policies.

The hearings, reports, and lobbying that occurred in the months leading up to the VRA-1975's passage provide a glimpse into the "bureaucratic learning" process of Congress and other agencies as they gathered a "knowledge base" and sought to understand the degree to which Spanish-speaking populations experienced discrimination in a variety of areas of life, including voting.<sup>3</sup> The bureaucratic compiling of information on the diverse community led some congresspersons to consider whether the group would be better served as a racial minority instead of a language one. The choice to categorize Spanish speakers as a language minority was far from predetermined but instead a process that merits close study.

The VRA is an extensive piece of legislation that sought to offer remedies and encourage further discussions of how gerrymandering, reapportionment, at-large elections, economic and physical intimidation including police violence, and registration policies had hindered voting across the United States.<sup>4</sup> The VRA has been described as "one of the most transformational laws ever passed by Congress," and a significant victory of the African American civil rights agenda.<sup>5</sup> The uncertainty of the VRA's extension was a major concern for civil rights activists, as many politicians hoped to dilute the law's efficacy by removing sanctions that targeted the South's discriminatory voting practices.<sup>6</sup> In addition to questions about whether the law would be extended at all, or extended to include language minorities, Republicans and Democrats sparred over the number of years prior to renewal.<sup>7</sup> Focusing on language minorities and the role of Puerto Ricans and Mexican Americans together in the VRA-1975 offers an important look into the process of pan-ethnic identity formation.<sup>8</sup>

Throughout the Congressional debates, language rights remained secondary to the VRA's larger concerns, but lobbyists for the Spanish-speaking community made sure they were never forgotten or omitted. When Father Drinan asked famous civil rights activist John Lewis—then executive director of the Voter Education Project—for his opinion, Lewis did not hesitate to include Spanish-speakers in the larger “need in this country to open up the political process.” He saw no problem with expanding the act, arguing, “I do not hear enough voices urging the strengthening and the real tightening up of this law.”<sup>9</sup> This response directly challenged the views of some Black civil rights leaders, who believed that they only had presidential support to expand the act for ten years and hesitated to include language minorities, fearing that legal challenges would dismantle their hard-earned victories in the South.<sup>10</sup> One reason for the eventual federal support of language minorities was that the majority of arguments made in support of Spanish-language translations did not have to get at the heart of structural racism and how it worked beyond African Americans. Therefore, the extension would not challenge the broader civil rights gains of African Americans, a clearly defined legal racial group in the United States who qualified for protection under the Fifteenth Amendment. Nevertheless, Spanish-speaking communities presented evidence to Congress that pointed to language-based discrimination as well as racial discrimination that paralleled the Black experience.

## EVIDENCE OF RACIAL AND LANGUAGE DISCRIMINATION

To warrant inclusion into the VRA-1975, advocates of Spanish speakers had to convince Congress and Puerto Ricans that Mexican Americans, who had no history of inclusion in the VRA, should be included in the expansion. They certainly had ample evidence of discrimination. States had devised laws and voting provisions that claimed to support efficiency or protection against voting fraud but had suppressed Spanish-speaking voters.<sup>11</sup> For example, Arizona, California, and New York City purged their registration rolls upon failure to vote for two years, a practice that disproportionately affected Mexican American, Native American, and Puerto Rican voters who were less likely to learn of the purge and reregister.<sup>12</sup> Bilingual ballots could only aid registered voters whose polling places were close enough to their homes to allow them to vote. In addition, both Texas and California gerrymandered districts in a way that effectively diluted Mexican American votes.<sup>13</sup> The most egregious inhibitor of Mexican American voters by far was Texas, making it the most obvious candidate for inclusion in Section 5, the “preclearance”

provision. Preclearance required jurisdictions, like counties and states, which were covered by Section 5 to obtain federal approval for all their election laws. It was Section 5 that was most objected to by Southern state officials and the most lauded and protected section by civil rights activists who wanted to ensure no election laws hindered Black voters.<sup>14</sup> To add Texas due to Mexican Americans would be a huge shift in federal policy.

There was evidence of abuse far beyond language rights in Texas. For example, a US Commission on Civil Rights study that focused on Uvalde County, around 80 miles west of San Antonio, “uncovered widespread economic threats” against Mexican Americans who became involved with “insurgent political forces.”<sup>15</sup> A string of electoral victories by the La Raza Unida Party in Crystal City located in Zavala County, had “stiffened the resistance of the Anglo minority elsewhere to assaults on its power.” In La Salle County, just a few hours south of Uvalde, Mexican Americans made up 78 percent of the population. LaSalle resident George Cook told the *Washington Post* that he feared that “what they [Mexican Americans] want is to take over the country.” Yet, court challenges of election results often precluded the few electoral victories of Mexican American officials. As former Frio County judge candidate Arnolando Hernández explained, “We can beat them in votes, but we can’t beat them in court.”<sup>16</sup>

Many of these stories of disenfranchisement and mistreatment came to Congress anecdotally, as few federal measures were in place to study the Spanish-surnamed population more systematically. The federal government only added a census question designed to ascertain the size of the Spanish-speaking population in 1970. The question did not use the later government term “Hispanic,” but asked respondents if they were of “Mexican, Puerto Rican, Cuban, Central or South American, “Other Spanish” descent or “No, none of these.”<sup>17</sup> Aside from the haphazard phrasing of the question, the census form did not include Spanish-language translations, which likely led to undercounting.<sup>18</sup> The poor counting fueled the need for further research by organizations like the Southwest Voter Registration and Education Project, which served this growing population.<sup>19</sup>

Texas also offered the strongest case for language minority inclusion in the VRA because of the realities faced by many of its Spanish-speaking citizens. Dominga Sausedo, for example, had lived her whole life in the Rio Grande Valley in the southern part of Texas, where her community spoke solely Spanish. Even though she was in her 40s in the 1970s, she had never voted in an election. In 1981, the director of Texas Rural Legal Aid estimated that upward of 45 percent of the region’s adult population never had the opportunity to learn English.<sup>20</sup>

The Northeast and Southwest United States had millions of potential Spanish-surnamed voters, mainly of Mexican and Puerto Rican ancestry, many of whom found voting in English a challenge. The vast majority of these men and women were birthright citizens, though they included naturalized citizens, too. The English-language literacy requirement for naturalization did not expect a high enough level of proficiency to ensure an informed vote in English. Voting materials were often confusing or difficult to understand, even to English speakers.<sup>21</sup>

The case for allowing monolingual Spanish speakers to vote was easiest to make for Puerto Ricans. The island was a US territory, and everyone born there secured US citizenship under the 1917 Jones Act. But Puerto Ricans who migrated to the mainland did so from a US territory that conducted its daily affairs, including education, almost exclusively in Spanish.<sup>22</sup> Between 1950 and 1970, the number of individuals of Puerto Rican birth or parentage on the mainland increased from just over 225,000 to just under 1.4 million.<sup>23</sup> Over 80 percent of them lived in the Northeast. Those who came from the island had a tradition of voter participation, with voting averages upward of 80 percent.<sup>24</sup> It was easy to see language as a major obstacle for these citizens.

In the Southwest, the vast majority of Mexican Americans were citizens by birthright. Yet, no states required bilingual elections.<sup>25</sup> Spanish-speaking voters grew up in states where politics operated overwhelmingly in English. The size of this potential pool of voters dwarfed that of the Northeast. In 1975, Mexican Americans were estimated to make up 18.8 percent of the population of California (3.8 million people), 18 percent of Texas (2.3 million people), and 18.8 percent of Arizona (306,609).<sup>26</sup>

Although the topic barely came up in the Congressional debate over the extension of the VRA, the nation was experiencing the early stages of a demographic revolution. During the five decades following the landmark passage of the 1965 Immigration and Nationality Act, 58.5 million immigrants entered the United States, with 51 percent (or 29.75 million) originating from Latin America. Another 25 percent (14.7 million) came from Asia and South Asia.<sup>27</sup> But that was in the future. In 1975, discussions about extending the protections of the VRA to language minorities focused on natural-born citizens like Saucedo.

The strategy used to garner support for Spanish speakers in VRA-1975 built largely on the successes in language rights due to the work of the Puerto Rican Legal Defense and Education Fund (PRLDEF). Inspired by the National Association for the Advancement of Colored People Legal Defense and Education Fund, much like the Mexican American Legal Defense and

Education Fund (MALDEF) before it, the organization turned to legal cases as the major strategy to obtain civil rights victories. Soon after its creation in July 1972, PRLDEF began filing civil rights cases involving police brutality, fair housing and employment, bilingual schooling, and voting rights.<sup>28</sup> Many of their cases sought to standardize bilingual services for Puerto Ricans who had moved to the mainland, including access to Social Security checks, voting, and bilingual English/Spanish-language schooling. The organization operated with very few resources. Unlike more powerful labor lobbyists, PRLDEF relied on small donations from foundations and individuals.<sup>29</sup> Fewer than 100 Puerto Rican lawyers had been admitted to the bar at the time of the group's founding, which led PRLDEF to create internship programs to teach prospective and current law students about social justice and civil rights law and procedure.<sup>30</sup> In the Northeast, its lawyers became the legal arm of a vast Puerto Rican community organizing scene.<sup>31</sup> Despite these humble beginnings, PRLDEF experienced significant legal successes.

In 1973, *Torres v. Sachs* (New York City), *Arroyo v. Tucker* (Philadelphia), and *Marquez v. Falcey* (New Jersey) ushered in “the most completely bilingual election ... the northeast had ever known,” at least for Spanish speakers.<sup>32</sup> As an example, *Marquez v. Falcey* required Spanish-language translations of sample ballots, a bilingual Spanish-English Board of Election member from each party, Spanish-language signs at polling places, and Spanish-language machine-ballot voting instructions in 75 districts in New Jersey's Essex, Hudson, and Passaic counties.<sup>33</sup> The inability to understand the ballot vote was not a trivial issue for these voters. As Emma Rodriguez, a US citizen who had “always” voted in Puerto Rico before finding herself unable to vote with New Jersey's English-language ballots explained, “The problem is that if I didn't vote, then here I was nobody.”<sup>34</sup>

Federal judges in the early 1970s had repeatedly ruled in favor of Spanish-speaking voters, determining that English-only elections excluded citizens who had insufficient English-language knowledge. The slew of judicial victories spanned from New Jersey to New York and Pennsylvania and coincided with victories in California, Texas, and Illinois.<sup>35</sup> Judges in these cases stated their arguments strongly. For example, in 1973, Rosa Torres brought forward a complaint against the New York Board of Elections, citing violations of her voting rights. In his ruling in *Torres v. Sachs*, Judge Charles E. Stewart wrote, “In order that the phrase ‘the right to vote’ be more than an empty platitude, a voter must be able effectively to register his or her political choice,” which necessitated that “any other material which forms part of the official communication to registered voters prior to an election, must be in Spanish as well as

English, if the vote of Spanish-speaking citizens is not to be seriously impaired.”<sup>36</sup>

Social justice lawyers remained optimistic that the courts offered the best method for enforcing civil rights victories. PRLDEF lawyer Kenneth Kimerling wrote to state and county elected legal counsel to ensure the implementation of bilingual elections. He also reached out to smaller community organizations to monitor the election process.<sup>37</sup> Therefore, by the time that Congress took up the issue of language-based voting rights for a federal law, Mexican Americans and Puerto Ricans had already won some victories in local, state, and federal courts, supported by MALDEF and PRLDEF. Despite PRLDEF’s significant court victories, MALDEF took the leading role in the fight to include Spanish speakers in VRA-1975.

Congressional lobbying was a new direction of activism for MALDEF, founded in 1968, but in the eight months leading up to the VRA’s extension, the organization dived in headfirst.<sup>38</sup> By late January 1975, MALDEF had filed a 24-page memorandum with the Department of Justice arguing for the US Attorney General to expand the definition of “test or device” to include English-only elections.<sup>39</sup> Tests and devices had been outlawed in the 1970 extension of the VRA, so including an English-only requirement as a test would be a significant victory for language rights.<sup>40</sup> Quoting the original congressional reasoning for the VRA’s passage, MALDEF urged officials to see the Southwest as having the “same situation with regard to registration and voter turnout as between whites and blacks in the Deep South of 1965.”<sup>41</sup> This argument was overstated, but the voting gap between Mexican American and Anglo voters was real. In the 1972 election, only 46 percent of eligible Mexican Americans were registered to vote and only 37.5 percent went to the polls, compared with 73.4 percent registration among whites with 64.5 percent voting.<sup>42</sup>

MALDEF credited its Voting Rights Task Force, based in Washington, DC, with calculating the registration and voting statistics for California, Colorado, and Texas.<sup>43</sup> Al Pérez created the task force when MALDEF hired him to lead its small two-person DC office. Pérez was born and raised in Texas and saw firsthand how English-language ballots and election materials hindered Spanish-speaking voters. Pérez’s parents and grandparents were born in the United States, but like many other tejanos, they lacked the language skills to be informed voters in English-only elections.<sup>44</sup> In 1975, the only state-sponsored translation offered in Texas was driver’s license tests, and that had only begun during the previous legislature.<sup>45</sup>

Pérez and Thomas Reston, a pro bono lawyer from the law firm Hogan & Hartson, sought a legal strategy to gain Congress’s attention and elicit

bipartisan and Black civil rights support.<sup>46</sup> In late January, the US Commission on Civil Rights came out in support of a VRA extension that included Spanish speakers, a position that put the Commission “at odds with the President” and the largely African American Leadership Conference on Civil Rights.<sup>47</sup> The commission’s support boosted the resolve of Pérez and MALDEF however. Still, there was no consensus about what the extension would look like among early Mexican American and Puerto Rican supporters. MALDEF, in particular, remained committed to a multipronged attack that centered the discrimination and intimidation Mexican American voters faced in the Southwest.<sup>48</sup>

The move to add Spanish speakers to the VRA began with the community and their allies, but the national legal approach marked a departure from long-held strategies for grassroots, community-based organizing in Mexican American and Puerto Rican communities. From the 1940s through the 1960s, the Community Service Organization, LULAC, and the American GI Forum sponsored local voter registration drives.<sup>49</sup> It is indicative of these groups’ distance from federal policy making that none of them participated in the 1965 or 1970 VRA hearings.

Having successfully challenged some state election procedures in federal court, MALDEF and PRLDEF took on a different strategy when they advocated for inclusion into federal law. Their legal efforts on both the East and West Coasts helped build the foundation for the federal government to acknowledge the rights of a group of citizens outside the Black–white racial binary. Spanish-surnamed congresspersons also aided this visibility by introducing bills in support of Spanish speakers, as they were elected in larger numbers in the early 1970s. Even as the bills failed to pass, their repeated introduction established Spanish-speaking voters in the minds of US congresspersons not just as immigrants but as long-standing citizens. This focus on citizens contrasted greatly with the regular reporting of apprehended undocumented crossers along the US–Mexico border, of which there was an average of 2,500 a day in the mid-1970s.<sup>50</sup> These regular portrayals projected an image of Spanish speakers as undocumented and encouraged Congress to focus on further border patrol funding rather than on the civil rights of Spanish-speaking citizens. The members of the Congressional Hispanic Caucus, formed in 1976 due to the increased number of Spanish-surnamed congresspersons, helped to dispel this singular image of Spanish speakers and worked to address issues related to both undocumented Spanish speakers and citizens.<sup>51</sup> Legal and political victories therefore contributed to Congress’ necessary bureaucratic learning of seeing Spanish speakers as important



constituents worthy of attention. For the VRA-1975 hearings, Congress learned more when it heard from a significant number of Spanish-surnamed supporters.<sup>52</sup>

## FORMAL CONGRESSIONAL RECOGNITION

The VRA was an auspicious place for Spanish speakers to first be recognized and named in federal legislation. As Don Edwards (D-CA) wrote in the 1975 report recommending its extension, the VRA was “hailed by many to be the most effective civil rights legislation ever passed.”<sup>53</sup> It was a critical law to extend. The report supporting VRA-1975 suggested the revised bill had three purposes: to obtain a ten-year extension, enact a permanent ban on “literacy tests and other devices,” and permit bilingual elections for language minorities in certain jurisdictions.<sup>54</sup> By extending the VRA to recognize Spanish-speaking voters, the US Congress for the first time recognized select “language minorities,” including Spanish speakers, Asian Americans, “American Indians,” and Alaska Natives, each deemed to have encountered discrimination in the United States.<sup>55</sup>

Before the extension bill, “language minorities” was an uncommon term.<sup>56</sup> It was through the congressional hearings related to VRA-1975 that this designation was accepted by Congress as a protected category. Arthur S. Flemming, who chaired the US Commission on Civil Rights, was the first to use “language minorities” on the opening day of the hearings. Without defining the term, he acknowledged that it included “those of Spanish-speaking background.”<sup>57</sup> The final term encompassed more voters. For some members of Congress, the term’s rapid adoption was unacceptable, particularly for its inclusion of American Indians and Alaska Natives. A supplemental view submitted by seven Republican congresspersons maintained, “at no time during the hearings was the term ‘language minority’ ever discussed.” Although they made no opposition to Spanish speakers’ inclusion, they opposed the inclusion of other groups without further investigation or testimony.<sup>58</sup> Despite their protests, the VRA-1975 ultimately extended beyond Spanish-speaking voters.

Proponents of language minority citizens found a sympathetic ear in the newly seated 94th Congress, in which Democrats gained 49 seats in the House (total 291) and four seats in the Senate (total 60) in the aftermath of Richard Nixon’s resignation from the US presidency.<sup>59</sup> This Congress has been described by one historian as “strongly liberal, young, well-educated, and pro-civil rights.”<sup>60</sup> The 94th Congress recognized the

burgeoning Spanish-surnamed population as comprising both citizens and immigrants. They not only listened to the plight of Spanish-speaking citizens but also validated their voting rights when they learned of the discrimination, especially due to the educational deficiencies, they had faced. Yet, the same Congress also considered S.B. 3074 for passage, which among other provisions, strengthened sanctions against the employers of undocumented immigrants, most from Latin America.<sup>61</sup>

Members of Congress listened with interest to the capitol city's growing ranks of Spanish-speaking lobbyists and activists. The most prominent group, the League of United Latin American Citizens (LULAC), worked mostly with presidential administrations rather than Congress, starting with John F. Kennedy's early attention to the growing ranks of Spanish-speaking voters.<sup>62</sup> However, LULAC would play a minor role in the push for an expanded VRA; the organization faced major financial difficulties and declining membership throughout the 1970s.<sup>63</sup> Instead, the newer, legally oriented organizations, MALDEF and PRLDEF, took up the cause for voting rights.<sup>64</sup> Both organizations were joined by leaders of major Mexican American organizations who lent their support and offered their testimony before Congress.<sup>65</sup> As representatives from MALDEF and PRLDEF explained to members of Congress, the original VRA did nothing to aid Mexican Americans and little to support Puerto Rican voters, who often faced language-related discrimination. The single exception consisted of a small provision in Section 4(e) that prohibited New York from stopping Spanish-speaking voters who had attended US schools in Puerto Rico from voting. *Katzenbach v. Morgan* (1966) confirmed Congress' right to halt English-language requirements and established that the federal government could extend language-based voting protections, a crucial ruling toward extending language translations.<sup>66</sup>

Growing federal interest in civil rights beyond the Black-white divide, combined with intense lobbying by MALDEF, PRLDEF, and others, encouraged congressional committees to support extending voting protections to non-English speakers. The version of the VRA-1975 introduced to the floor of the 94th Congress encompassed numerous provisions that aided Spanish-speaking voters. The law offered two ways of qualifying for bilingual elections through changes to Section 4 that offered different levels of protection. The most stringent, included a change to Section 4(a), the trigger for Section 5, which required jurisdictions to obtain preclearance from federal officials before making any "qualification ... prerequisite ... standard, practice, or procedure" in relation to voting.<sup>67</sup> The changes extended Section 5 to any

jurisdiction with at least 5 percent of its population belonging to a specific language protected under the definition of “language minorities,” of whom fewer than 50 percent were registered to vote and less than 50 percent voted in the 1972 election. This change led 273 counties, including the entire state of Texas, to fall under the new provision.<sup>68</sup>

The inclusion of language minorities in Section 5 was the most hotly contested and important extension, as its inclusion would ensure federal oversight of state and local election practices. The VRA-1975 additionally established a second path, beyond preclearance, ensuring language minorities’ access to the ballot. Section 203 prohibited English-only elections in precincts where 5 percent or more of the community consisted of members of select language minority communities.<sup>69</sup> This new provision initially included 191 counties.

With these two changes, the VRA-1975 would require “parts of more than half of the states” to offer bilingual materials for non-English-speaking voters.<sup>70</sup> Each of these language discrimination provisions required its own set of evidence to convince Congress and civil rights organizations that violations against language minority voters warranted amending the original and highly successful VRA. Proponents moreover had to make their case in a way that did not threaten the bill’s passage, as a rejection of the VRA’s extension would have been devastating to Black voters in the South. A third challenge involved recasting the constitutional logic of the VRA to provide federal voting protections without mentioning race, as the original VRA was based almost entirely on the Fifteenth rather than the Fourteenth Amendment.<sup>71</sup> Given the uncertainty of obtaining protection as a racial group, translation of election materials became a safer first step for congresspersons who sought to draw federal support to Spanish-speaking communities.<sup>72</sup> Mexican Americans also faced uneven and less overt voting rights violations across the Southwest.

Representatives from Southwestern states first raised the possibility of adding language translation rights to the VRA in February 1975 just before the first set of House hearings concerning the VRA took place in the Subcommittee on Civil and Constitutional Rights, a subgroup of the Committee on the Judiciary, from February 25 to March 25, 1975.<sup>73</sup> Over thirteen days, representatives heard from 48 witnesses, of whom a quarter spoke extensively about Spanish-surnamed voters. Some of the more prominent witnesses included Vilma S. Martínez and Al Pérez of MALDEF, Jack John Olivero of PRLDEF, California congressman Edward Roybal, and Texas congresswoman Barbara Jordan, along with local Texas officials, a Mexican American voter, and

national civil rights representatives.<sup>74</sup> Some of these witnesses also appeared at the second set of hearings conducted in the Senate. The Senate Subcommittee on Constitutional Rights, led by John V. Tunney (D-CA), met between April 8 and May 1, 1975.<sup>75</sup> Both sets of hearings established the possibility of adding language minorities to the VRA by gathering evidence to prove intentional discrimination against non-English speakers.

Puerto Ricans had a strong advocate in Herman Badillo (D-NY), the only Puerto Rican with a vote in Congress, who sat on the subcommittee of the judiciary. From Caguas, Puerto Rico, Badillo came to the mainland at age eleven in 1941 and had a rags-to-political-power success story.<sup>76</sup> He played a major role in arguing for New York City to receive the only language provision a decade before in the original Voting Rights Act of 1965, section 4(e).<sup>77</sup> Subsequent court cases upheld Congress' right to include language requirements in the VRA, an important point of justification for legislating translations nationally.<sup>78</sup> He pointedly expressed to the committee chair, Peter Rodino (D-NJ), that "Spanish people" be included in the extension and "receive equal benefits." Rodino believed the proposition was "worthy of consideration" and that their omission from the VRA did "give rise to the possibility of discrimination."<sup>79</sup> Badillo's query and Rodino's admission helped begin the committee's conversation about Spanish-language rights.

Modesto Rodriguez, a man from Pearsall, Texas, a small town southwest of San Antonio, made a particularly impassioned plea for the Chicano voters who made up three-quarters of the town's population. His testimony was specifically in support of the Roybal-Badillo bill (H.R. 3501) that would add Texas to Section 5 of the VRA. Rodriguez explained, "for Chicanos it was made easier to pull the trigger than to pull the lever." After all, "if you could not understand the draft forms" due to illiteracy or lack of English-language skills, "immediate assistance was provided."<sup>80</sup> He went on to describe the voter suppression tactics, including economic and police intimidation, lack of secret ballots, and the possibility of violence.<sup>81</sup> His testimony had little to say about translation problems, but he offered compelling arguments for including Texas in the preclearance provision.

Those seeking to expand Spanish-language translations beyond Texas focused more on how they served as both practical and symbolic means of communication. Herman Sillas, chairman of the California Advisory Committee to the US Commission on Civil Rights, explained that the translations provided "a clear indication that [the] Government does care about people even though their culture and their language might be difficult." As Don Edwards (D-CA) explained, the evidence Sillas offered was "difficult to

translate into legislation.” In contrast to testimony from Texas, Mexican Americans in California offered the House Committee little evidence of overt displays of “misconduct, brutality, murder,” or other intimidation tactics.<sup>82</sup>

Edward Roybal’s response during the Senate hearings just a month later offered stronger evidence of the intentional discrimination Spanish speakers faced in California, especially in rural areas. He described the situation in the town of Heber, in the Imperial Valley, whose Spanish-speaking population made up 80 percent of the community. A bilingual staff member of the California Rural Legal Assistance (CRLA) had been instructed by an election official that it was against the law for her to speak in Spanish. In nearby Niland, an election official believed, “Spanish people who do not speak English should not have a right to vote at an election,” and further added “they should be kicked back into Mexico.” The CRLA reports spoke of Spanish speakers bringing friends to the polls to avoid embarrassment and harassment.<sup>83</sup> These anecdotes, along with other explicit statements that excluded Spanish speakers from registering and voting, offered evidence of far more than just symbolic effects that would be achieved by extending the VRA.

The hearings also presented the challenge of including languages other than English in federal voting protections and tying language discrimination to race. Internal reports by the Commission on Civil Rights analyzed court cases to find rulings that recognized Mexican Americans as a protected minority group. They quoted *Jose Cisneros v. Corpus Christi Independent School District* (1970), where the judge concluded, “We can notice and identify their physical characteristics, their language, their predominant religion, their distinct culture, and, of course, their Spanish surnames.”<sup>84</sup> The case was the first time a judge in Texas ruled that Mexican Americans were a separate “identifiable ethnic minority” and permitted their inclusion in *Brown v. Board of Education*.<sup>85</sup> The inclusion built upon the legal activism of Mexican American organizations such as LULAC and the American GI Forum, which had filed school desegregation cases across Texas and other parts of the Southwest.<sup>86</sup>

The hearings offered arguments for why a “language minority” designation was acceptable and desirable—namely, that it would only include minority groups who had historically been excluded from federal voting protections, suggesting the tight line they were making between language and race. Rep. Jordan, a Black woman from Houston, believed there was “a substantial basis for regarding them as groups distinguished by race or color.”<sup>87</sup> This opinion had not been supported by the courts yet, and Kenneth Klee, an associate council for the subcommittee, explained that although it was clear that Black

people counted as a race, it was “less clear” whether “whites or Caucasians do, and particularly that the Spanish-speaking people do.”<sup>88</sup>

With so many different legal possibilities for the racial designations of Spanish-surnamed voters, Mexican American and Puerto Rican leaders bristled at the possibility of leaving their status up to the interpretation of the courts.<sup>89</sup> Badillo advocated for using the Fourteenth Amendment to protect voting rights for all mother tongues. He believed that a racial designation for Puerto Ricans or Mexican Americans would prove exclusionary for a significant number of Spanish speakers.<sup>90</sup> Badillo had historical legal precedent on his side: Mexican Americans had regularly been categorized as legally white in the United States since the Treaty of Guadalupe Hidalgo in 1848, despite the everyday realities of discrimination and segregation throughout the Southwest and the recent *Cisneros v. Corpus Christi* ruling.<sup>91</sup> Badillo wanted to be certain that a Puerto Rican or Mexican American who was deemed white in court would not undo all of the language protections for Spanish-speaking language minorities. He explained how, in Puerto Rico, federal officials did not use race as a categorization on the census or in government programs. Unlike federal officials, who used the “one drop” racial premise, Badillo spoke about how very few Puerto Ricans were unambiguously Black or white. They were more likely to be mixed, and yet “we do not have a mixed category recognized by the census.”<sup>92</sup> Both Mexican Americans and Puerto Ricans challenged the established federal understandings of race.

Because race could not be used as the main reason to include Spanish speakers in the VRA, educational opportunity and attainment proved to be the most convincing argument Congress heard for extending voting rights to language minorities. Rep. Edwards reviewed government-sponsored studies and court cases and quoted the Commission on Civil Rights who concluded that the education available for Mexican American students “reflect(ed) a systematic failure of the educational process” that “ignored” their cultural and educational needs and ultimately excluded Chicano students. Edwards concluded that high illiteracy rates for language-minority citizens overall were not by “choice or mere happenstance. They [we]re the product of the failure of state and local officials to afford equal educational opportunities to members of language minority groups.”<sup>93</sup>

The Southwest had a long history of segregating language-minority students.<sup>94</sup> Although Edwards concluded that “persons of Spanish heritage [were] the group most severely affected by discriminatory practices,” he acknowledged that there was “substantial” evidence that others should be included.<sup>95</sup> In 1974, in *Lau v. Nichols*, the Supreme Court had ruled in favor of

Chinese-speaking students who lacked bilingual educational settings in San Francisco public schools. The case received the support of MALDEF through an amicus curiae brief and was seen as a great victory for English-language learners.<sup>96</sup> Edwards quoted from *Lau* in the VRA report, stating, “We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful,” without some form of bilingual education. To tie the case to the current discussion at hand, he suggested that replacing “classroom” for “voting” summed up the situation of language-minority voters as well.<sup>97</sup>

Ultimately, Congress categorized language minorities as including Spanish speakers, Asian Americans (specifically Chinese Americans in San Francisco), American Indians, and Alaska Natives.<sup>98</sup> Although the final bill offered protections to all these groups, no Asian Americans or Native speakers were brought before Congress. Because of this oversight, the final debate over the bill included numerous amendments proposed by congresspersons who better understood the language situation, especially of Native Americans.<sup>99</sup>

The strength of the burgeoning voice of Spanish speakers is perhaps best captured by what was *not* encountered in debates on the Senate or House floor. Although there was opposition to Alaska Natives and Native Americans whom Senators argued knew English well enough to vote, the only real push back to Spanish speakers receiving translations was New Mexico senator Pete Dominici who believed that the large number of *nuevomexicanos* elected to state office suggested that the state did not have a discrimination problem.<sup>100</sup> He opposed counting English-speaking New Mexicans of Spanish-speaking descent; he spoke less of Indigenous residents.<sup>101</sup> There was never a wholesale rejection of offering translations to Spanish speakers. Despite some disagreement over creating the category of language minorities, VRA-1975 overwhelmingly passed both houses of Congress, House (341-70) and Senate (77-12), and was signed into law by President Gerald Ford on August 6.

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On August 27, 1975, the US Department of Justice took on the substantial task of “notifying 464 counties in 27 states” that they would be responsible for offering voting information and ballots in languages other than English in the upcoming November election.<sup>102</sup> The victory was in great part owing to Mexican American and Puerto Rican lobbyists, who were learning how politics in DC worked and who chose a policy strategy they could win.

With the help of pro bono lawyers like those from Hogan & Hartson, Vilma Martínez and Al Pérez of MALDEF, and Jack John Olivero of PRLDEF

navigated the political and legal bureaucracy required to make Spanish-speaking citizens visible to Congress. Their success was enshrined in the expansion of the VRA. The promise of federally protected ballots and election materials in Spanish helped to convince voters that they belonged at the polls, but it could not undo decades of voter suppression through tactics like intimidation and gerrymandering.

The promise of Spanish-language material at elections did not always result in full compliance from election officials. In 1976, MALDEF sued eight California counties and the Secretary of State for being “woefully ignorant of the requirements of the act and the spirit in which it was enacted.” It was one of several complaints filed. These and other incidents highlighted the need to create a federal infrastructure to provide services for the growing Spanish-surnamed population. The Federal Election Commission compiled a three-volume report to aid in administering more accurate bilingual elections, which included a list of over 1,200 Spanish-language election terms. Its authors encouraged officials to focus on more than just ballots.<sup>103</sup> MALDEF and PRLDEF, among other organizations, were in place to make sure these changes happened.

The language provisions in VRA-1975 ultimately served as a congressional acknowledgment of a large voting population that had previously been ignored. The year 1975 proved to be a turning point for the federal government’s attempts to recognize and address the specific needs of this population. Grace Flores-Hughes, who worked for the Department of Health, Education, and Welfare, takes pride in having helped to choose the controversial “Hispanic” as the preferred category that same year at a committee meeting associated with the Federal Interagency on Education. Recognizing five separate categories, including American Indian or Alaskan Native, Asian or Pacific Islander, Black/Negro, Caucasian/White, and Hispanic, these federal categories would help structure the US Census and the problem of undercounting marginalized communities.<sup>104</sup> Within two years, many government agencies adopted “Hispanic” as a separate ethnic category.<sup>105</sup> Congress ultimately included provisions to improve estimates of the Spanish-speaking population in future reports when H.J. Res. 92 passed later in 1975, which would require various federal departments to “regularly publish and maintain data on persons of Spanish heritage and to specify the national origin in certain cases.”<sup>106</sup> Federally sponsored studies of Spanish-speaking voters and legal efforts to help the community achieve federal recognition were intended to support Spanish-surnamed voters more systematically.<sup>107</sup>



Ignoring Spanish-surnamed citizens was no longer an option for Congress after 1975, a turning point in federal policy that permeated society more broadly. By December, *The Christian Science Monitor* boldly wrote that “Spanish-speaking Americans are well on the road to replacing blacks as the nation’s No. 1 minority.”<sup>108</sup> The two designations acknowledged through successful bureaucratic learning with the help of organizations like MALDEF and PRLDEF in 1975—language minority and Hispanic—represented a victory in federal reform that tipped the scales for the future and established Spanish speakers as a political force in the nation’s capital.

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## NOTES

1. Congressional documents used “Latino” and “Hispanic” sparingly. I use “Spanish-speaking community” and “Spanish-surnamed population” here to emphasize that few people had current-day pan-ethnic identifiers in mind.

2. The VRA report defined these recognized “language minorities” according to the Census Bureau. Asian Americans were persons of Chinese, Japanese, Filipino, or Korean ancestry. “American Indians” were those who reported this as their race or gave the name of an Indigenous nation. The category of “Spanish speakers” was tied to language, not race. In 42 states and Washington, DC, that category was “persons of Spanish language.” It was “persons of Spanish surname” or language in five Southwest states and “persons of Puerto Rican birth or parentage” in New Jersey, New York, and Pennsylvania. Pub. L. 94–73, 89 Stat. 402 (August 6, 1975); Committee on the Judiciary, *Voting Rights Act Extension*, H. Rep. No. 94–196, at 16 (May 8, 1975). (Hereafter cited as *VRA Extension-H.Rept.*).

3. Presidential recognition of the Spanish-speaking community emerged in the Johnson era and persisted into the Nixon and Ford presidencies. G. Cristina Mora, *Making Hispanics: How Activists, Bureaucrats & Media Constructed a New American* (Chicago: University of Chicago Press, 2014), 17–49. For the various agencies and branches of the federal government, see Benjamin Francis-Fallon, *The Rise of the Latino Vote: A History* (Cambridge, MA: Harvard University Press, 2019); for more on bureaucratic learning and knowledge base, see Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, NJ: Princeton University Press, 2009), 23; Michael J. Lacey and Mary O. Furner, ed., *The State and Social Investigation in Britain and the United States* (Cambridge: Cambridge University Press, 1993), 3–7, 419–425.

4. Ari Berman, *Give Us the Ballot: The Modern Struggle for Voting Rights* (New York: Farrar, Straus, and Giroux, 2015).

5. Berman, *Give Us the Ballot*, 6. On the VRA’s importance for African Americans, see Chandler Davidson and Bernard Grofman, ed., *Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965–1990* (Princeton, NJ: Princeton University Press, 1994); Gary May, *Bending toward Justice: The Voting Rights Act and the Transformation of American Democracy* (New York: Basic Books, 2013); Charles S. Bullock III and

Ronald K. Gaddie, *The Triumph of Voting Rights in the South* (Norman: University of Oklahoma Press, 2009).

6. 94 Cong. Rec. S24221–29, S24699–24733, S24766–71 (daily ed. July 23–24, 1975).

7. 94 Cong. Rec. S24242–46 (daily ed. July 23, 1975).

8. For other takes on this topic, see Francis-Fallon, *Rise of the Latino Vote*, 292–309; Luis Ricardo Fraga, “The Origins of the 1975 Expansion of the Voting Rights Act: Linking Language, Race, and Political Influence,” *US Latino & Latina Oral History Journal* 1 (2017): 8. Juan Cartagena, “Latinos and Section 5 of the Voting Rights Act: Beyond Black and White,” *National Black Law Journal* 18, no. 2 (2004–2005): 202–15.

9. *Extension of the Voting Rights Act: Hearings before the Subcommittee on Civil and Constitutional Rights*, 94 Cong., Sess. 1, 133, 136 (1975). (Hereafter cited as *Extension of the VRA-HoR*.)

10. Fraga, “Origins of the 1975 Expansion,” 19–20.

11. The best legal overview is James Thomas Tucker, *The Battle over Bilingual Ballots: Language Minorities and Political Access under the Voting Rights Act* (New York: Routledge, 2009). See also Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, ed., *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote* (New York: Cambridge University Press, 2007).

12. *Extension of the VRA-HoR*, 8.

13. For more discriminatory practices and findings, Tom Reston et al. to J. Stanley Pottinger, January 22, 1975, folder 2, box 125, 6–7, Mexican American Legal Defense and Education Fund Papers, M673, Stanford University Library, Stanford, California (Hereafter cited as MALDEF Papers); Memorandum by Ben T. Reyes to Senator John Tunney, April 24, 1975, folder 10, box 242, MALDEF Papers.

14. J. Morgan Kousser, “The Strange, Ironic Career of Section 5 of the Voting Rights Act, 1965–2007,” *Texas Law Review* 86, no.4 (March 2008): 676–81.

15. Tom Reston et al. to Stanley Pottinger, January 22, 1975, 7.

16. Tom Curtis, “Mexican-Americans Charge Subtle Voting Discrimination,” *Washington Post*, March 20, 1975, A4.

17. The 1930 census had used “Mexican” as a category previously. D’Vera Cohn, “Census History: Counting Hispanics,” Pew Research Center, March 3, 1910, <https://www.pewresearch.org/social-trends/2010/03/03/census-history-counting-hispanics-2/>.

18. MALDEF, “MALDEF and the 1980 Census,” press release, April 1, 1980, folder 6, box 99, MALDEF Papers.

19. Juan A. Sepúlveda, *The Life and Times of Willie Velásquez: Su Voto es Su Voz* (Houston, TX: Arte Público Press, 2003), 138–40.

20. John M. Crewdson, “Hispanic Voters in US Register Gains as Debate Swirls about the Rights Act,” *New York Times*, May 22, 1981, A15.

21. Shauna Reilly, *Language Assistance under the Voting Rights Act: Are Voters Lost in Translation?* (Lanham, MD: Lexington Books, 2015), 47–67.

22. The use of Spanish in Puerto Rico’s public schools became policy in 1949.

23. Kelvin A. Santiago-Valles and Gladys M. Jiménez-Muñoz, “Social Polarization and Colonized Labor: Puerto Ricans in the United States, 1945–2000,” in *The Columbia History of Latinos in the United States since 1960*, ed. David G. Gutiérrez (New York: Columbia University Press, 2006), 89, 95.

24. Raúl Cámara-Fuentes, *The Phenomenon of Puerto Rican Voting* (Gainesville: University of Florida Press, 2004), 7–11.

25. In 1969, New Mexico opted to discontinue an extension that required bilingual publication of all election information, citizens then had to petition to obtain their state constitutional rights. 94 Cong. Rec. 246941 (July 24, 1975); N.M. Const., art. VII, §3.

26. There are discrepancies in these estimates. MALDEF's numbers are used, as that is what Congress was working with in 1975. Memorandum by MALDEF to J. Stanley Pottinger, January 22, 1975, folder 2, box 125, 4–5, MALDEF Papers; Campbell Gibson and Kay Jung, Population Division, "Historical Census Statistics on Population Totals By Race" (Washington, DC: US Census Bureau, Working Paper No. 56, 2002), 45.

27. Immigration from Mexico accounted for 28 percent of the total. Pew Research Center, "Modern Immigration Wave Brings 59 Million to US," September 28, 2015.

28. See various PRLDEF Annual Reports 1972–1980, folder 1, box 6, Puerto Rican Legal Defense and Education Fund Papers, microfilm edition (Hereafter cited as PRLDEF Papers).

29. See folder 4, box 13, PRLDEF Papers.

30. PRLDEF, "Annual Report 1972–1973," 13; Memorandum by Generalísimo de educación por el verano to Legal Staff, May 14, 1975, folder 1, box 40, PRLDEF Papers.

31. For more on community organizing in New York, see José E. Cruz, *Puerto Rican Identity, Political Development, and Democracy in New York, 1960–1990* (Lanham, MD: Lexington Books, 2017).

32. PRLDEF, "Annual Report 1973–1974," pamphlet, folder 1, box 6, 12–13, PRLDEF Papers.

33. Juanita Marquez et al., Plaintiffs v. Robert Falcey et al., Defendants, Civil No. Order, United States District Court District of New Jersey, November 6, 1973, folder 6, box 242, 1–3, MALDEF Papers.

34. PRLDEF, "Commencing Another Decade of Challenge," folder 2, box 6, 6, PRLDEF Papers.

35. In 1970, *Castro v. State* required bilingual election materials be an option in California. In Texas, *Graves v. Barnes* (1972) and in Illinois, *Puerto Rican Organization for Political Action (PROPA) v. Kuser* (1973) also ruled against English-only elections. Tucker, *The Battle over Bilingual Ballots*, 47; MALDEF to Pottinger, January 22, 1975, folder 125, box 2, 8–9, MALDEF Papers. For more on the cases in Chicago, New York, and Philadelphia, see Ariel Arnau, "Suing for Spanish: Puerto Ricans, Bilingual Voting, and Legal Activism in the 1970s" (PhD diss., The City University of New York, 2018).

36. *Torres v. Sachs*, 381 F.Supp. 309 (S.D. N. Y. 1974), [www.leagle.com/decision/1974690381fsupp3091644.xml](http://www.leagle.com/decision/1974690381fsupp3091644.xml).

37. See PRLDEF Papers, folders 1, 4, box 39.

38. Fraga, "Origins of the 1975 Expansion," 11.

39. Press Release, "Chicanos Petition US Attorney General for Broader Voting Rights Coverage," January 23, 1975, folder 2, box 125, 1, MALDEF Papers.

40. The test provision was strengthened in 1975, too. Pub. L. 89-110, title II, §201, as added Pub. L. 91-285, 84 Stat. 315 (June 22, 1970); Pub. L. 94-73, 89 Stat. 400 (August 6, 1975).

41. MALDEF to Pottinger, January 22, 1975, folder 2, box 125, 3, MALDEF Papers.

42. MALDEF to Pottinger, 3.

43. "Chicanos Petition US Attorney General," January 23, 1975, folder 2, box 25, 3, MALDEF Papers.

44. Fraga, "Origins of the 1975 Expansion," 10.
45. *Extension of the VRA-HoR*, 490; 1973 Tex. Gen. Laws 524.
46. Fraga, "Origins of the 1975 Expansion," 11–12, 19–20.
47. Fraga, 11–12, 19–20; Jeffrey Antevil, "Urge Congress to Extend Vote Rights Act 10 Years," *New York Daily News*, January 24, 1975.
48. They kept pushing for this broader interpretation. *Extension of the Voting Rights Act of 1965: Hearings before the Subcommittee on Constitutional Rights*, 94th Cong. 762–766 (1975). (Hereafter cited as *Extension of the VRA-Senate*).
49. See Stephen J. Pitti, *The Devil in Silicon Valley: Northern California, Race, and Mexican Americans* (Princeton, NJ: Princeton University Press, 2003), 165–72; Raúl Yzaguirre, *The American GI Forum: In Pursuit of the Dream, 1948–1983* (Houston, TX: Arte Público Press, 1998), 45–46; Benjamin Márquez, *Democratizing Texas Politics: Race, Identity, and Mexican American Empowerment, 1945–2002* (Austin: University of Texas Press, 2014), 51–52; Cruz, *Puerto Rican Identity*, 18–19.
50. Adam Goodman, *The Deportation Machine: America's Long History of Expelling Immigrants* (Princeton, NJ: Princeton University Press, 2020), 107–12.
51. U.S. House of Representatives Office of the Historian and Office of the Clerk, *Hispanic Americans in Congress, 1822–2012* (Washington, DC: Government Printing Office, 2013), 357; Francis-Fallon, *Rise of the Latino Vote*, 329–31.
52. Representatives from MALDEF, LULAC, the American GI Forum, the National Congress of Hispanic American Citizens, SER-Jobs for Progress, National Image, and Tejano Political Action Committee all sent representatives in support of the expansion. *Extension of the VRA-Senate*, 756, 802.
53. *VRA Extension-H.Rept.*, 4.
54. *VRA Extension-H.Rept.*, 2.
55. Pub. L. 94–73, 89 Stat. 402 (August 6, 1975); *VRA Extension-H.Rept.*, 16.
56. Although the term language minorities was new to the 1970s, non-English-speaking voters had been popularly categorized as a minority voting bloc since the early twentieth century. Both the Republican and Democratic National Committees strategically courted a minority "foreign-language vote," starting with European immigrants. Jaime Sánchez, Jr., "Becoming Democrats: Identity, Representation, and the Modern Democratic Coalition" (PhD diss., Princeton University, 2022).
57. *Extension of the VRA-HoR*, 45; Edward Roybal (D-CA) had previously used "language minorities" in support of a possible Bilingual Court Act in 1973. *Bilingual Courts Act, Hearings Before the Subcommittee on Improvements in Judicial Machinery*, 93 Cong. 163 (1973).
58. *VRA Extension-H.Rept.*, 93.
59. Benjamin J. Guthrie, *Statistics of the Congressional Election of November 4, 1974* (Washington, DC: Government Printing Office, 1975), 46.
60. Jefferson Cowie, *Stayin' Alive: The 1970s and the Last Days of the Working Class* (New York: The New Press, 2010), 235.
61. Employer sanction bills were highly unpopular among ethnic Mexicans who feared being unfairly categorized as undocumented. Sarah Coleman, *The Walls Within: The Politics of Immigration in Modern America* (Princeton, NJ: Princeton University Press, 2021), 62.

62. The rise of Spanish speakers working with presidential candidates as well as the Democratic National Committee and Republican Party can be found in Sánchez, “Becoming Democrats”; Geraldo Cadava, *The Hispanic Republican: The Shaping of an American Political Identity, from Nixon to Trump* (New York: Ecco, 2020).

63. Craig A. Kaplowitz, *LULAC, Mexican Americans, and National Policy* (College Station: Texas A&M University Press, 2005), 160–69.

64. Discussions spoke of these two groups by name almost exclusively, though many understood that rights would extend to Cuban Americans and those of Central or South American descent. For example, J. Stanley Pottinger to Don Edwards, February 24, 1975, folder 17, box 250, MALDEF Papers, 5.

65. *Extension of the VRA-Senate*, 802–11.

66. Sandra del Valle, *Language Rights and the Law in the United States: Finding Our Voices* (Clevedon, UK: Multilingual Matters LTD, 2003), 99. For discussions of Section 4(e) pertaining to Puerto Ricans, see Arnau, “Suing for Spanish,” 24–29, 34–39; Carlos R. Soltero, *Latinos and American Law: Landmark Supreme Court Cases* (Austin: University of Texas Press, 2006), 48–60; Katherine Culliton-González, “Time to Revive Puerto Rican Voting Rights,” *La Raza Law Journal* 19 (2008): 27–69; Cartagena, “Latinos and Section 5,” 202–7.

67. Pub.L. 94–73, §203(4), §204, 89 Stat. 402 (August 6, 1975); Pub. L. 89–110, §5, 79 Stat. 439 (August 6, 1965).

68. John M. Goshko, “US Orders Bilingual Voting Rights,” *Washington Post*, August 28, 1975, 1.

69. Pub. L. 94–73, §203, 89 Stat. 401–402 (August 6, 1975).

70. Goshko, “US Orders Bilingual Voting Rights.”

71. For the politics behind these challenges, Frances-Fallon, *The Rise of the Latino Vote*, 292–309.

72. An interesting exchange between Senator Tunney and Vilma Martínez made this language strategy explicit when he replied to her complaint about an “undue focus on language” that did not address other issues by saying he was “anxious to get a bill through the Senate.” *Extension of the VRA-Senate*, 762.

73. For a detailed analysis of the different bills proposed, see US Commission on Civil Rights, “Staff Memorandum Analysis of H.R. 3247 and H.R. 3501, Bills to Expand the Coverage of The Voting Rights Act of 1965,” folder Correspondence and Memoranda Relating to Voting Rights, March, April 1975, March 12, 1975, box Materials for USCCR Meeting, February 12–13, 1975–“Colorado Prison Study,” September 1974, Record Group 453, Records of the Commission on Civil Rights, National Archives and Records Administration at College Park, Maryland (Hereafter cited as RG 453).

74. *Extension of VRA-HoR*, I–V.

75. Tunney was the only senator in attendance for most of the days that considered Spanish-speaking voters. *Extension of the VRA-Senate*, I–IV.

76. In his later life, Herman Badillo became a conservative who denied the effects of institutional racism on Puerto Ricans. Herman Badillo, *One Nation, One Standard: An Ex-Liberal on How Hispanics Can Succeed Just Like Other Immigrant Groups* (New York: Sentinel Books, 2006), 9.

77. For more on organizations like the Legion of Voters and Irma Vidal Santaella who offered on-the-ground support for including Section 4(e) in the VRA, see Arnau,

“Suing for Spanish,” 25–29; Culliton-González, “Time to Revive Puerto Rican Voting Rights,” 33–34.

78. Culliton-González, “Time to Revive Puerto Rican Voting Rights,” 36–45.

79. *Extension of the VRA-HoR*, 16.

80. *Extension of the VRA-HoR*, 519–20.

81. *Extension of the VRA-HoR*, 520–35; Berman, *Give Us the Ballot*, 105–8.

82. *Extension of the VRA-HoR*, 159.

83. *Extension of the VRA-Senate*, 262.

84. *Cisneros v. Corpus Christi Independent School District*, 324 F. Supp. 599 (S.D. Tex. June 4, 1970).

85. Richard R. Valencia, *Chicano Students and the Courts: The Mexican American Legal Struggle for Educational Equality* (New York: New York University Press, 2008), 60–64; Armando Navarro, *La Raza Unida Party: Chicano Challenge to the US Two-Party Dictatorship* (Philadelphia: Temple University Press, 2000), 22–23, 37.

86. For a chart of these cases, Valencia, *Chicano Students and the Courts*, 8.

87. *Extension of the VRA-HoR*, 77.

88. There was no acknowledgment in congressional documents that Mexicans could also be of African descent. *Extension of the VRA-HoR*, 88.

89. They also hoped to cover a broader swath of language minorities. California, and, more specifically, Los Angeles County, would not be included in Jordan’s proposed bill. This alone would leave out 1.5 million Spanish-surnamed voters. *Extension of the VRA-HoR*, 83–84.

90. *Extension of the VRA-HoR*, 48, 55, 354, 496.

91. *Hernandez v. Texas* (1954), which overruled a conviction for lack of Mexican Americans on the jury, was another example. Ariela J. Gross, *What Blood Won’t Tell: A History of Race on Trial in America* (Cambridge, MA: Harvard University Press, 2008), 253–93.

92. *Extension of the VRA-HoR*, 769–70, 788.

93. Illiteracy rates were as follows: Spanish-surnamed (18.9 percent), Chinese (16.2 percent), Native Americans (15.5 percent), Anglo (4.5 percent). *VRA Extension-H.Rept.*, 20, 30.

94. For this history, see: David G. García, *Strategies of Segregation: Race, Residence, and the Struggle for Educational Equality* (Oakland: University of California Press, 2018); Gilbert Gonzales, *Chicano Education in the Era of Segregation* (Denton: University of North Texas Press, 2013); Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855–1975* (Oakland: University of California Press, 1976); Nancy Beadle *et al.*, “Gateways to the West, Part II: Education and the Making of Race, Place, and Culture in the West,” *History of Education Quarterly* 57, no. 1 (February 2017): 94–126.

95. *VRA Extension-H.Rept.*, 23.

96. Ming Hsu Chen, “Governing by Guidance: Civil Rights Agencies and the Emergence of Language Rights,” *Harvard Civil Rights-Civil Liberties Law Review* 49, no. 2 (2014): 313–20.

97. *VRA Extension-H. Rept.*, 21.

98. *VRA Extension-H. Rept.*, 16.

99. Tucker, *Battle over Bilingual Ballots*, 81–83; 91–93.

100. 94 Cong. Rec. S24207–10, S24246–47 (daily ed. July 23, 1975).
101. 94 Cong. Rec. S24247, S24696–98 (daily ed. July 23–24, 1975).
102. Goshko, “U.S. Orders Bilingual Voting Rights,” August 28, 1975.
103. *Minority Language Provisions of the Voting Rights Act Hearing Before the Subcommittee on Civil and Constitutional Rights*, 96 Cong. 11, 2 (July 30, 1980).
104. Daryl Fears, “The Roots of ‘Hispanic’: 1975 Committee of Bureaucrats Produced Designation,” *Washington Post*, October 15, 2003, A21; Federal Interagency Committee on Education, *Report of the Ad Hoc Committee on Racial and Ethnic Definitions of the Federal Interagency Committee on Education* (Washington, DC: Government Printing Office, 1975), 1–2, 5–6, 8.
105. Francis-Fallon, *Rise of the Latino Vote*, 306–8.
106. H.J. Res. 92 passed in October 1975 and became law in 1976. Pub. L. 94–311, 90 Stat. 688; William A. Blakey to Commissioners, August 27, 1975, folder Correspondence, Reports, Memorandum August 1975, box 12, 5, RG 453.
107. Congress members spoke of the problems due to the lack of statistical evidence repeatedly. For example, 94 Cong. Rec. S24774 (daily ed. July 24, 1975).
108. Lucia Mouat, “US Hispanics a growing political power,” *The Christian Science Monitor*, December 16, 1975, 1.