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Testimony In Support of NYC City Council Resolution 405
For the Establishment of the Smithsonian American Latino Museum in
Washington, DC and its Location Destination in the Arts & Industries
Building
To the NYC City Council, Cultural Affairs Committee
By
Juan Cartagena, President & General Counsel
LatinoJustice PRLDEF. 14 October 2014

Chair Van Bramer and members of the Cultural Affairs Committee thank you for the opportunity to comment in support of New York City Council Resolution 405. My name is Juan Cartagena and I serve as President & General Counsel to LatinoJustice PRLDEF a 42 year old institution in New York that uses litigation and advocacy to protect the rights of Latinos in the United States and works to increase their entry into the legal profession.

LatinoJustice PRLDEF supports the efforts to establish a Smithsonian American Latino Museum in Washington, DC and its location destination in the Arts & Industries Building on the National Mall. We join the call being spearheaded today by both Cid Wilson and Estuardo Rodriguez who have been directly involved in this effort in Washington and commend the New York City Council for considering this resolution.

I support the work to create this museum because I am deeply aware of the role the Latino community has played in the historical development of the expansion of civil and constitutional rights that has benefitted all Americans. And in that history – which will find a place within the Museum of the American Latino – New York City plays a special role.

In general the establishment of civil rights and human rights norms in the country reflects the growing influence and importance of the country's Latino population. The federal courts have played an important role in this regard both before and after the enactment of the Civil Rights Act – with its prohibition on “national origin” discrimination – 50 years ago. In the late 1940s the case of *Mendez v. Westminster School District of Orange County*, that successfully challenged the *de jure* segregation of white students from Mexican students in California, first tested the theories that segregation by itself can create the psychological harms that emanate from feelings of inferiority within the minority group. Those arguments were honed



here in New York City in the writings of Thurgood Marshall and Robert Carter who filed an *amicus curiae* brief in the California case. Subsequently, in *Hernandez v. Texas* the Supreme Court in 1954 held that the Equal Protection Clause goes beyond a two-class theory of black and white and protects against government discrimination of Mexican American and Latino residents as well. In the 1980s in *Plyler v. Doe* it was undocumented Mexican and Latino school children that successfully barred the State of Texas from denying them the free public education that it readily offered to citizens and lawful permanent residents of the United States.

But New York City has also has a special role in the development of Latino civil rights. It was the unique Puerto Rican experience of voting in New York City that gave rise first to a special ameliorative provision of the Voting Rights Act 1965 and then to a series of court decisions – championed by the Puerto Rican Legal Defense Fund – that guaranteed full electoral participation by Spanish-dominant Puerto Ricans. In 1965 with support of Senators Robert Kennedy and Jacob Javits, and the testimony of Irma Vidal Santaella, Herman Badillo and Gilberto Gerena-Valentin, Congress passed Section 4(e) of the Voting Rights Act which barred the denial of voter registration opportunities for failure to pass an English-only literacy requirement to any Puerto Rican who achieved a sixth-grade education in Puerto Rico. That provision and the subsequent case law paved the way for bilingual ballots and bilingual voter assistance on Election Day in New York City. Years later when Congress was considering expanding bilingual assistance in voting to other Spanish-speaking citizens, like Mexican-Americans, and to Native Americans and Asian Americans, the New York City experience was cited in favor. Specifically, in 1970 when Puerto Ricans in the City numbered over 812,000, the House Committee on the Judiciary noted the provision of bilingual materials was certainly not a “radical step” inasmuch as it was part of the electoral landscape in New York City.

Thus, New York City played a pivotal role in the expansion of voting rights to all language minority citizens of the country precisely because of the Puerto Rican / Latino voter experience. This chapter in American history will certainly find a place in the Museum of the American Latino.

Finally, I support Resolution 405 for an additional reason. I am both humbled and proud to lead the 42 year old institution originally called the Puerto Rican Legal Defense and Education Fund, now LatinoJustice PRLDEF, that was formed by three visionary New Yorkers, Jorge Batista, a lawyer who still practices primarily in the Bronx; Victor Marrero, now a U.S. federal district court judge in the Southern District of New York; and Cesar Perales, the current Secretary of State of New York. Thousands of current lawyers have walked through our doors for assistance on the path to law schools and many of them are leading distinguished careers as judges, union leaders, elected officials, deputy mayors and community leaders. Hundreds of prominent New Yorkers have guided our work through their service on our Board of Directors including Sonia Sotomayor, Robert Morgenthau, Jose Cabranes, John Carro, Robert Abrams, Herman Badillo, William vanden Heuvel, Jacob Javits, Gabriel Guerra Mondragon, Mari Carmen Aponte, and many, many others.

Hundreds of thousands of Latino residents have benefitted from the ground-breaking litigation that the office was able to launch that opened up the uniformed services, housing, educational opportunities, and multiple employment opportunities.

The story of Latino-led institutions like ours and so many others in New York City, will also be a story to be told in the Museum of the American Latino. It is the stability of these Latino institutions that have fortified the contributions of the Latino community to the rich tapestry that is America. And in that story New York City features prominently.

I urge you to support and pass Resolution 405.