

Respect

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Voter Suppression Threatens the “Right to Vote” *by Erin Flynn Jay*

Amendments 15, 19, 24 and 26 to the U.S. Constitution all mention the “right to vote.” All four of these amendments outline who cannot be denied **suffrage**; however, there is no mention in the U.S. Constitution and no amendment granting an affirmative and explicit right to vote for every American.

History shows that voter suppression has been part of the American fabric in various forms since the country’s founding and is still widespread in certain parts of the country. For example, Dr. Yohuru Williams, a history professor and director of the Racial Justice Initiative at the University of St. Thomas in Minnesota, notes that denying women the **franchise** until 1920 suppressed women’s voices in government.

“Where we really begin to think about voter suppression in a more modern sense is in the aftermath of Civil War reconstruction, particularly the passage of the 15th amendment to the Constitution, which says the right to vote shall not be abridged or denied based on race, color or

previous condition of servitude,” Dr. Williams explains.

Before the 15th Amendment was passed, Dr. Williams says, “we see efforts undertaken by various states of the former Confederacy to limit or restrict Black voting rights.” He says that while the 15th Amendment was meant to stop these efforts, they persisted.



Defining voter suppression

The American Bar Association defines voter suppression as “an effort to reduce a person or community’s opportunity to vote.” The Encyclopedia Britannica defines it as an election strategy, one whose purpose is to reduce voting or registering to vote by

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Asian Americans Experience Pandemic with a Side of Hate *by Sylvia Mendoza*

When the coronavirus pandemic grew rampant in 2020, it took a toll on more than just health. Another problem surfaced—hate crimes against Asian Americans, who were wrongly being blamed for the COVID-19 outbreak in the United States because the origin of the virus had been connected to Wuhan, China.

The Federal Bureau of Investigation (FBI) defines a hate crime as a “committed criminal offense which is motivated, in whole or in part, by the offender’s bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity.” In its annual hate crimes statistics report, released in September 2021, the FBI reported that more than 10,000 people reported being the victim of a hate crime in the past year. Studies showed that Anti-Asian

hate crimes rose nearly 150 percent, and the FBI report revealed that they were targeted at least 4,500 times in 2020.

More than 65 percent of the reported hate crimes were verbal assaults and harassment. Nearly 13 percent were physical attacks like the 75-year-old Asian man in California who died from injuries sustained from an assault by a man who has a history of targeting older Asian people. Civil rights violations,

like being refused service, accounted for approximately 10 percent of total incidents.

Many people are unwilling to report hate crime incidents because they are complicated and can generate more fear, according to Marita Etcubañez, senior director of strategic initiatives at the nonprofit Asian Americans Advancing Justice (AAJC).

“Victims need to be heard and be helped,”

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Battling Over How to Teach About Racism *by Michael Barbella*

After the murder of George Floyd in May 2020, many corporations and schools instituted diversity and inclusion training to address racial disparities. Today, some states are passing bans on teaching about racism at all.

In the fall of 2020, President Donald Trump issued Executive Order 13950, titled Combating Race and Sex Stereotyping, which banned certain types of diversity and sensitivity training within the federal government, calling the exercises “divisive, anti-American propaganda” that perpetuate racial stereotypes. The order specifically prohibited professional education programs from depicting the U.S. as fundamentally racist or sexist, or people of a certain race as oppressors; it also frowned upon blaming a certain race or gender for past actions committed by other members of the same race/sex.

President Joseph Biden rescinded the executive order on his first day in office; however, many state

legislatures used it as a reason to pass bans on teaching critical race theory in K-12 schools, causing confusion for teachers and parents about what the theory is and what is actually being taught in the classroom.

What is critical race theory?

Developed more than 40 years ago as a legal theory taught to graduate and law school students, critical race theory, or CRT, examines the role of racism in society. One of CRT’s central beliefs is in systemic racism—the idea that racism is inherently embedded in U.S. institutions and structures of government. It examines how racism has been able to endure, going beyond bias on an individual basis to a larger systemic problem.

For example, in the 1930’s the government engaged in what was known as “redlining,” denying services to residents based on the racial composition of certain communities. The most well known form of redlining consisted of the Federal Housing Administration refusing to insure mortgages in neighborhoods where Black people lived, making it difficult or impossible for Black families to buy homes and build wealth. Today, discrimination is not as overt, but so-called race-blind policies can still adversely affect communities of color.

Keffrelyn D. Brown, Ph.D., a professor of cultural studies in education at the University of Texas-Austin, explains that critical race theory is an analytical tool that she uses to teach her graduate students how race and racism have operated in our society and institutions.

“Critical race theory in my mind is one tool that helps excavate and understand a process and a phenomenon. It’s simply a tool, it’s not a history, it’s not a body of content knowledge. It’s just a framework,” Dr. Brown says. “It’s like lenses you

put on to see and hone in more clearly on whatever it is you’re looking at, and in this case, it’s racism.”

Since CRT is an advanced concept, experts, like Dr. Brown, agree that it is unlikely it is actually being taught to K-12 students. What is being taught in K-12 schools are concepts of racial equity, diversity and inclusion. According to the New Jersey School Boards Association, “The term ‘critical race theory’ is being inaccurately used by some to encompass a wide range of distinctly different topics, including educational equity, social-emotional learning (SEL), cultural awareness and restorative practices. It is also being used to describe the discussion of racism in classroom instruction.”

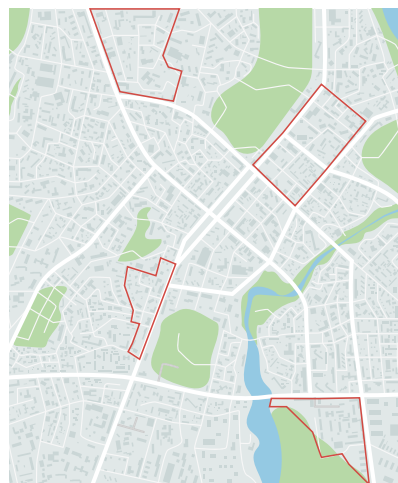
In the Garden State

According to the New Jersey Office of Diversity and Inclusion, of New Jersey’s nine million residents, 45 percent are people of color. In March 2021, New Jersey became the eighth state to require all public schools in the state to teach diversity, inclusion and equality courses for grades K-12, which will deal with unconscious bias and economic inequalities.

New Jersey’s law, which took effect with the 2021-2022 school year, requires schools to promote “economic diversity, equity, inclusion, tolerance and belonging in connection with gender and sexual orientation, race and ethnicity, disabilities and religious tolerance.”

In a fact sheet that it put out on CRT, the New Jersey School Boards Association points out that the

theory is not included in New Jersey Student Learning Standards. The fact sheet also states: “It is important to remember that teaching social studies and history will at times require discussion about historic instances of racism. Students should understand the historically accurate past of our nation



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and that includes some difficult history around racial issues.”

Not everyone was on board for New Jersey’s new law. In Wayne, parents have voiced their displeasure with the new requirements. One parent, who is the mother of middle and high school students, spoke to *The Record* on the condition of anonymity.

“Terms like white supremacy and systemic racism are being taught as fact in school. A lot of parents take issue with that,” the parent, who also teaches in a different school district, told *The Record*. “The way they’re being taught, there’s no room for dissension.”

Zellie Imani Thomas, who runs Black Lives Matter camps for middle school students in Paterson, told *The Record* that the backlash was coming from a small segment of people who “don’t want to accept that racism is not just made up of actions, but that it has existed in the very fabric of our society, and that all of us, white or non-white, internalize these views.”

Thomas, who is also an elementary school math teacher, acknowledged a fear among white parents that their kids could feel “lesser than” when learning America’s true history.

“For those parents that’s horrible,” he told *The Record*. “But for years or decades, it was okay for our kids to feel ‘lesser than’ by learning a watered-down history.”

Sahar Aziz, a Rutgers Law School professor currently teaching at Boston University, who also teaches critical race theory to her students, says that parents who are relying on the talking points of those critical of the controversial theory “are more susceptible to confusing it with diversity, equity and inclusion.” Professor Aziz points out these concepts have been taught in schools for decades but are now being “reframed as a form of anti-white racism.”

“The false logic is that any discussion of past or present disparities in wealth, income, safety, health or power between racial groups is a racist attack on white people,” Professor Aziz says. “When in fact, such discussions are efforts to understand why not everyone in America experiences equal opportunities for a prosperous and healthy life.”

New Jersey State Assemblyman Brian Bergen

has introduced a bill that would limit the new law’s requirements to grades 9-12.

“There’s a certain level of naiveté our children enjoy, and we should really protect that. If we as parents want to explain different identities or sexual preferences, then that’s our prerogative and our choice,” Assemblyman Bergen told CNN. “This is not a decision for school systems, and this is not a decision for legislatures.”

At press time, there had been no movement on the bill.

**Banning more than CRT**

While New Jersey is trying to address issues of diversity and inclusion, the legislative assault on CRT, which has become shorthand for teaching anti-racism, in other states has picked up steam. As of September 2021, 27 states have introduced bills to restrict how teachers are allowed to discuss racism and sexism in school. Only three of those bills mention CRT specifically. Laws have been passed in 12 of those states. Many of these laws share the same language. For instance, several laws state that teachers can’t instruct students that “an individual, by virtue of the individual’s race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously.” In addition, some of these laws contain language prohibiting making a student feel “discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex.”

“It’s a very complicated and tricky situation,” Dr. Brown says of the legislative efforts to ban CRT. “It depends on how these initiatives are being laid out. If

the idea is that you can’t teach critical race theory, then [the legislation] would have no teeth at all. CRT is a theory, and we don’t generally teach theories in K-12 schools.”

Dr. Brown points out the difficulty of teaching about slavery, Jim Crow and the civil rights movement without talking about racism.

“The first question students ask is ‘why did this happen?’” she says. “In order to talk about racism, you have to talk about the fact that there were some people who were empowered and some who were not. It will fall on schools and districts to really push back to find out what these bills being passed really mean.”

What students have to say

Proponents of teaching anti-racism believe that by shining a light on systemic racism it can be eliminated or at least diminished. Opponents of CRT, who lump the controversial theory with teaching anti-racism, feel that these teachings unfairly place the blame for inequality on all white people. But what do students have to say?

NBC News interviewed several high school students on the CRT controversy. One freshman, only identified as Felicity from Loudoun County, Virginia, agreed with the opponents and said she thinks that CRT goes against “everything our country should stand for” and is making “greater divisions between the races.” Other students pointed out that CRT is mistakenly being conflated with inclusivity efforts.

In Louisiana, a bill was being considered that would prevent teachers from teaching “certain concepts related to race.” Asked how he felt about that, Re’Kal Hooker, a 17-year-old student at a Louisiana charter school, told NBC News, “We are still discriminated against and I feel like young kids will think it’s just something that happens, like it’s natural, or something they can’t get away from.” At press time, the Louisiana bill had stalled.

Raymond Adderly, a senior at Fort Lauderdale High School, told NBC that the bans on CRT are just a ban on “teaching truth in history.” Adderly went on to say, “Not teaching students the history of America, the true history—it comes at a great robbery and great

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explains Etcubañez. “Hate crimes are tricky because there has to be an underlying criminal offense like assault.”

Racial slurs shouted during an assault can be proof of a hate crime but in some physical attacks, no words are exchanged, she says.

Anti-Asian hate—a brief history

The latest uptick in hate crimes is not an isolated occurrence for Asian Americans. Seen as a racial threat to white America, immigrants from Asian countries have been victims of discrimination, racism and violent acts since the mid-1800s when they fled their home countries for a better life in America. Chinese immigrants came through San Francisco to seek work with the railroads, agriculture, the garment industry and to

take advantage of the California Gold Rush. They were met with strong resistance, first on a state level in California and then on a federal level.

In 1852, California imposed a Foreign Miners Tax of \$3 a month only on Chinese workers. By 1870, \$5 million had been paid to the state. Racially charged

violence between white and Chinese miners escalated. In 1854, George Hall was convicted of the murder of a Chinese miner. In an appeal of his conviction, the California

Supreme Court ruled that the Chinese, like African Americans and Native Americans, were not allowed to testify in court, especially against white citizens, deeming them “...a race of people whom nature marked as inferior...” As a result of this decision, the testimony of the three Chinese witnesses to the murder was deemed inadmissible. Hall’s conviction and death sentence was **overturned**.

As tensions grew in California, in 1871 in Los Angeles’ Chinatown, two residents were fighting when a white police officer intervened and was killed. A mob of more than 500 stormed Chinatown and captured, tortured, and murdered 20 Chinese men in what is thought of as one of the worst mass lynchings in American history. Eight white men were convicted of manslaughter; however, the convictions were overturned on a technicality.

On the federal level, the U.S. government forbid Asian women from entering the country with the 1875

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Two Landmark Decisions

Although Chinese Americans have endured extreme discrimination for more than a century, there have been two notable U.S. Supreme Court decisions that were decided in their favor.

Yick Wo v. Hopkins

In 1880, San Francisco passed a law requiring permits for laundries housed in wooden buildings, claiming the buildings were more vulnerable to fires. Of the 320 laundries in San Francisco at the time, 310 were housed in wooden buildings, and most (240) had Chinese owners. Only one Chinese laundry was issued a permit. Yick Wo, a laundry owned by Lee Yick for 22 years was denied a permit.

When Sheriff Peter Hopkins tried to arrest Yick for not having a permit, he refused to pay the \$10 fine (approximately \$268 today) and was jailed. Yick sued, arguing that the fine and discriminatory enforcement of the ordinance violated his rights under the equal protection clause of the Fourteenth Amendment. *Yick Wo v. Hopkins* was argued before the U.S. Supreme Court in 1886.

In a unanimous decision, the Court concluded that, despite the impartial wording of the law, its biased enforcement violated the equal protection clause. The Court said, even if a law is impartial on its face, “if it is applied and administered by public authority with an evil eye and an unequal hand” then it is unconstitutional. The Court concluded that the biased enforcement experienced by Yick amounted to “a practical denial by the state of that equal protection of the law” and therefore violated the Fourteenth Amendment.

Yick Wo set a **precedent** and has been cited in more than 150 U.S. Supreme Court cases. That precedent was used during the civil rights movement to strike down laws limiting the rights of African Americans.

United States v. Wong Kim Ark

On March 28, 1898, the U.S. Supreme Court issued another landmark decision in *United States v. Wong Kim Ark*, holding that children born in the United States, even to parents not eligible to become citizens, were nonetheless citizens themselves under the Fourteenth Amendment’s citizenship clause. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the **jurisdiction** thereof, are citizens of the United States and of the State wherein they reside.”

The case involved Wong Kim Ark, who was born in San Francisco to Chinese immigrants who were barred from ever becoming U.S. citizens due to the Chinese Exclusion Act of 1882. Wong took a trip to China and was denied re-entry to the United States on the grounds that the son of a Chinese national could never be a U.S. citizen. Wong sued the federal government, resulting in the landmark decision. The Court’s **majority opinion** stated: “the American citizenship which Wong Kim Ark acquired by birth within the United States has not been lost or taken away by anything happening since his birth.” •

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Page Act. This controlled the growth of Asian American families, as Asians were not allowed to intermarry. It also started discriminatory immigration policies against other ethnic groups. The sentiment that Chinese workers were taking jobs and affecting white “racial purity” prompted the passage of the Chinese Exclusion Act in 1882. Signed into law by President Chester A. Arthur, it suspended Chinese immigration for 10 years, and made immigrants ineligible for naturalized citizenship. This was the first time in U.S. history that a federal law put restrictions on entering the country because of someone’s race.

In 1892, the Geary Act extended the Chinese Exclusion Act for another 10 years. Chinese immigrants living in the United States had to carry “certificates of residence” or else be sentenced to hard labor or deportation. After World War I, the United States shut down almost all immigration from Asia and restricted other “undesirable” groups such as Middle Easterners, Hindu and East Indians, Mexicans, and the Japanese. In 1943, the Magnuson Act repealed the Chinese Exclusion Acts, allowing Chinese immigrants and their American-born families to become citizens.

During World War II, fear of **espionage** and threatened national security flooded the country after Pearl Harbor in Hawaii was bombed by the Japanese. In what has been called a dark stain on U.S. history, President Franklin D. Roosevelt signed an executive order forcing more than 120,000 Japanese Americans to be relocated to internment camps for the duration of the war. This mass incarceration incited anti-Japanese sentiment even after the war ended. In addition to their liberty, those incarcerated in these camps lost their homes, businesses and savings.

Protecting Asian Americans today

According to 2020 census data, there are more than 22 million people of Asian descent living in the U.S. today, making up nearly six percent of the population. Those 22 million people represent more than 50 different ethnicities within the Asian community, with the five largest being Chinese, Japanese, Korean, Indian and Filipino. By 2055, Asians are projected to be the largest immigrant group in the United States, according to a research study conducted by the Pew Research Center.

Forty-six states, including New Jersey, have state laws regarding hate crimes, which can lead to inconsistent policies and protections. The increase in hate crimes and racist language and violence against Asian American and Pacific Islander (AAPI) communities across the country during the pandemic prompted an effort to get a federal law passed.

Senator Mazie Hirono of Hawaii and Representative Grace Meng of New York introduced the COVID-19 Anti-Hate Crimes Act to strengthen federal efforts in handling all hate crimes. The Act was passed by the U.S. Senate in April 2021 by a vote of 94-1. The House of Representatives passed it in May 2021 by a vote of 364 to 62. President Joseph R. Biden signed the legislation into law in June 2021.

The Act holds law enforcement accountable in how to track and report hate crimes. For example, the Department of Justice must designate a point person to advance the review of coronavirus-related hate crimes and provide guidance to alleviate the use of racially inflammatory language to

describe the pandemic. It also expands efforts to make reporting hate crimes at the state and local level easier, including providing an online option, as well as resources in multiple languages. The thought is that by improving law enforcement methods more victims might be encouraged to come forward.

“We [AAJC] were always saying how law enforcement is inadequate in taking reports on hate crimes,” Etcubañez says. In addition, Etcubañez mentions the restorative justice solutions outside of law enforcement and the criminal justice system that are included in the legislation as a plus.

“There are provisions that allow defendants to go through education programs and community service,” she says.

Although hate crimes and discrimination against Asian Americans have been part of U.S. history, Etcubañez says the COVID-19 Anti-Hate Crimes Act is a call to action, providing safety nets to allow communities to thrive.

“We recognize the law won’t fix a problem this complex, but it’s a start,” Etcubañez says. “It’s important that people are aware and educated and become part of the answer.”

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members of a targeted racial group, political party or religious community.

Early examples of voter suppression, Dr. Williams says, included the requirement that African American former slaves be able to pass a literacy test before they could vote. In addition, the grandfather clause stipulated that if your grandfather had not voted in the state prior to January 1866, then you couldn't vote. He says these requirements were "clearly an attempt to circumvent the 15th amendment." Another example of voter suppression was the establishment of **poll taxes**.

"A poll tax was a law requiring that a Black person, who is deemed eligible to vote, pay their property taxes up to that point," Dr. Williams explained. "So, if you didn't own property or you couldn't pay those taxes, then you could be disqualified from voting."

The Voting Rights Act of 1965 was meant to remedy the suppression of Black voting in the South in the aftermath of the Civil Rights movement. "It established this idea of **preclearance**, which said that in those states where you had significant efforts to suppress the African American vote, you would have oversight by the government. In order for them [states] to make any changes to their election laws, they had to get preclearance from the federal government," explains Dr. Williams.

In 2013, the U.S. Supreme Court heard the case of *Shelby County v. Holder*, which dealt with the Voting Rights Act's preclearance provision.

"In the case of *Shelby County*, the U.S. Supreme Court took a look at the Voting Rights Act of 1965 and said this preclearance has gone on too long," explains Dr. Williams. "They removed preclearance and said it was unconstitutional."

With preclearance gone, the way was cleared for states to re-enact, without federal oversight, a host of efforts aimed at the suppression of Black voters. Dr. Williams says in the aftermath of the *Shelby* decision many states changed polling places at the last minute or closed the polls in certain areas in an effort to prevent specific segments of people from being able to vote. In addition, Dr. Williams points to the requirement of voter ID in some states, which is another form of voter suppression. Approximately 21 million American citizens lack a government-issued ID, according to the American Civil Liberties Union. Of those lacking the necessary ID to vote, approximately 25 percent are Black voters.

Imposing voting restrictions state-by-state

According to the Brennan Center for Justice at New York University, a **nonpartisan** law and public policy institute, 18 states have enacted 30 laws between January 2021 and July 2021 that restrict voter access. In addition, the Brennan Center says that more than 400 bills restricting voter access have been introduced nationwide in the 2021 legislative session.

In September 2021, Texas Governor Greg Abbott signed into law what critics have called a massive voter suppression bill. Among other things, the law gives poll watchers more authority, including closing polling stations and observing all election

activities and also makes it a criminal offense if an election official "knowingly prevents a watcher from observing an activity." A poll watcher is someone appointed by a political party to observe the election process, including at polling places or as mail-in ballots are counted. An election official can be a state's Secretary of State, who maintains official election results, or a poll worker, who volunteers to work at a polling place signing in voters on Election Day.

The new Texas law also makes it a state **felony** for election officials to proactively mail ballots to voters if not specifically requested. It also prohibits drive-through and 24-hour voting locations, something that was utilized heavily by voters in the most diverse and populated county in Texas.

Governor Abbott said during a signing ceremony that the law is intended to combat voter fraud and restore voter confidence in state elections. Critics have said it will make it harder for Black and Hispanic voters to cast ballots, citing the lack of early voting and the potential for voter intimidation by poll watchers.

The Brennan Center, along with the Mexican American Legal Defense and Educational Fund, as well as two law firms, are suing the state of Texas in federal district court claiming the Texas law violates the First, Fourteenth and Fifteenth Amendments to the U.S. Constitution, as well as Section 2 of the Voting Rights Act and the Americans with Disabilities Act.

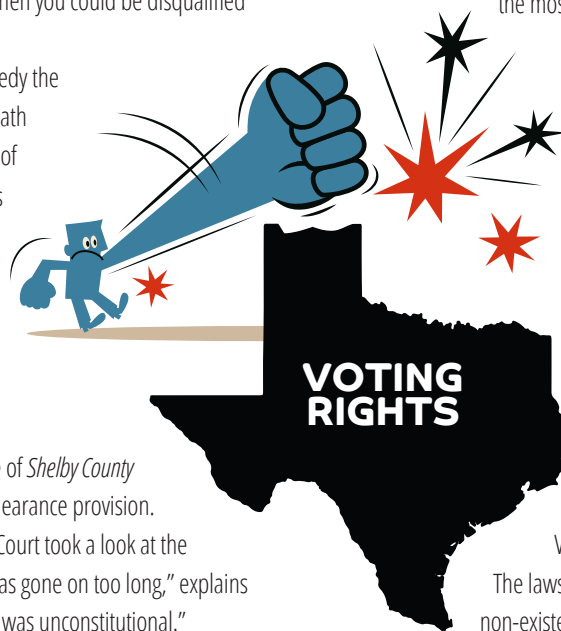
The lawsuit contends that cases of voter fraud are essentially non-existent. In searching for fraud, the Texas Attorney General found 16 cases of false addresses among 17 million voters, according to the lawsuit. The complaint was filed in September 2021 and at press time it is still pending.

It was not all bad news at the state level, according to the Brennan Center. At least 25 states enacted 54 laws that contained provisions to expand voting access, including laws that make voter registration easier, restore voting rights to the formerly incarcerated and increase access to early and/or mail-in voting. More than 900 bills in 49 states expanding access to voting were introduced in the 2021 legislative session, according to the Brennan Center.

In New Jersey, Governor Phil Murphy signed into law a measure that expands early, in-person voting. Beginning November 2021, New Jersey voters will be able to vote up to 10 days before Election Day, including on weekends. The new law allows voters to pick a day that works with their schedule.

Brnovich v. DNC

An appeals court in 2020 ruled that two Arizona voting laws instituted to address "election integrity" violated Section 2 of the Voting Rights Act. One law disqualified any ballot cast in the wrong precinct. The other law made it a crime for anyone but a family or household member or caregiver to return another person's



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mail ballot. Essentially, this second law bans community activists from collecting ballots and delivering them to polling places, a practice that critics call “ballot harvesting,” which many tribal nations rely on as it can be a long drive to a polling place.

In its decision, the U.S. Court of Appeals for the Ninth Circuit cited “frequent changes in polling locations; confusing placement of polling locations; and high rates of residential mobility” as overwhelmingly affecting Black, Latino and Native American voters in Arizona. In addition, the court stated, “there is no evidence of any fraud in the long history of third-party ballot collection in Arizona.”

The case, *Brnovich v. DNC*, was **appealed** to the U.S. Supreme Court and in July 2021, the Court **overturned** the Ninth Circuit decision and **upheld** both laws concluding that the burdens they imposed were minor. In the Court’s **majority opinion**, Justice Samuel Alito wrote, “Voting takes time and, for almost everyone, some travel, even if only to a nearby mailbox. Mere inconvenience cannot be enough.”

Justice Elena Kagan issued a **dissenting opinion** where she wrote about the importance of the Voting Rights Act and how the Court’s decision in *Brnovich v. DNC* has damaged it.

“The Voting Rights Act was meant to replace state and local election rules that needlessly make voting harder for members of one race than for others,” Justice Kagan wrote. “The democratic principle it upholds is the right of every American, of every race, to have equal access to the ballot box. The majority today undermines that principle as it refuses to apply the terms of the **statute**. By declaring some racially discriminatory burdens inconsequential, and by refusing to subject asserted state interests to serious means-end scrutiny, the majority enables voting discrimination.”

Federal legislation

There have been several federal bills proposed in Congress to address voter suppression. The For the People Act and the John Lewis Voting Rights Act, named for the civil rights icon who represented Georgia in the House for 34 years, would both provide protections for the right to vote. Both pieces of legislation were passed in the House of Representatives but have stalled in the U.S. Senate.

More recently, in September 2021, the Freedom to Vote Act was proposed in the Senate. The Act is a scaled back version of the For the People Act, which would establish some federally mandated election rules, as well as expand early voting options, voter identification requirements and access to mail-in ballots. In October 2021, a vote to bring the legislation to the Senate floor for debate failed. At press time, there has been no further movement.

While passage of voting rights legislation would be significant, voting rights advocates contend what is needed is a federal constitutional amendment explicitly protecting every citizen’s right to vote. Not having such an amendment leaves many of the laws governing voting up to the states. •



1. How do you feel about the history of voter suppression in this country beginning after the Reconstruction Era?
2. What do you think of preclearance outlined in the Voting Rights Act of 1965? Is it still needed? Why or why not?
3. How do you think making it harder to vote affects democracy in the United States?

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Educating on AAPI

In addition, efforts to include Asian American history in K-12 curriculum and provide culturally sensitive public education campaigns about bias against people of Asian descent can educate individuals and break stereotypes. In July 2021, Illinois became the first state to mandate teaching Asian American history in its public schools. Beginning with the 2022-2023 school year, all Illinois public elementary and high schools will be required to include a unit devoted to AAPI history.

Efforts to do the same in the Garden State have ramped up, spearheaded by Make Us Visible NJ, a coalition of students, parents, educators and legislators that advocate for including comprehensive AAPI studies in all K-12 public schools. In May 2021, a bill was introduced in the New Jersey Senate that would do just that. At press time, the bill had been referred to the Senate Education Committee and was still pending.

“Asians were part of the United States even well before many white European immigrants came through Ellis Island,” Sohyun An, a professor at Kennesaw

State University in Georgia, who researches Asian American history, told *Time* magazine. Professor An points out in the *Time* piece that Asians are still thought of as “foreigners,” and that not having AAPI studies is “a missed opportunity in school to teach that Asians are a part of America.” •



1. How do you feel about how Asians have been treated in this country since they began arriving in the mid-1800s?
2. Think of a time when you witnessed the mistreatment of another person or may have been mistreated yourself. How did that make you feel?
3. What impact do you think being excluded from testifying in court because of race has on those particular communities?

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sacrifice to students and their growth.”

Many of the students interviewed for the NBC piece pointed out that they have been exposed to the CRT controversy on social media. Eva Ulreich, another freshman student in Loudoun County, said that she had “learned more about racism and how it affects people in the last two years on social media” than she had in her whole academic career.

Chilling effect

Because the wording of these state laws are so broad, figuring out what can and can’t be taught is confusing many teachers. For example, last year Oklahoma passed a resolution to teach its

schoolchildren about the 100th anniversary of the 1921 Tulsa massacre, one of the worst racial attacks in U.S. history during which a white mob killed hundreds of Black residents, burning homes and businesses to the ground. Oklahoma is one of the 12 states that passed a law limiting the teaching of racism.

“If any child in the classroom at any point feels [discomfort], then the teacher essentially is violating this law,” the superintendent of a predominantly Black school district in Oklahoma told *EdWeek*. “This law essentially is saying that if you don’t feel comfortable with it, you don’t have to talk about it.”

Alice O’Brien, general counsel to the National Education Association, told *EdWeek* that these state laws would be challenged in the courts under the Fourteenth Amendment’s equal protection clause because they are based in racial **animus**.

She also pointed out that the laws could be challenged under the First Amendment, both the teacher’s right to speech and the students’ right to receive information.

“In a country as ethnically and racially diverse as the United States, students must learn to interact with

people with widely different experiences associated with immigrant status, class, race and ethnic heritage,” Professor Aziz contends. “Schools have an obligation to ensure that people with diverse experiences and backgrounds are able to create cohesive communities that can effectively learn and work together.” •



1. Think of a time when you were uncomfortable with something you learned in school. How did you cope with your feelings and was there any benefit to learning it despite your discomfort?
2. The article concludes with the notion that these recently enacted state laws will prevent student’s from talking about racism. What is the importance of discussing racism in school?
3. Explain the different schools of thought about teaching anti-racism outlined in the article. Which school of thought do you believe should be followed in schools and why?



Glossary

animus — strong feeling of dislike or resentment. **appealed** — when a decision from a lower court is reviewed by a higher court. **dissenting opinion** — a statement written by a judge or justice that disagrees with the opinion reached by the majority of his or her colleagues. **espionage** — the practice of spying. **felony** — a serious criminal offense usually punished by imprisonment of more than one year. **jurisdiction** — authority to interpret or apply the law. **majority opinion** — a statement written by a judge or justice that reflects the opinion reached by the majority of their colleagues. **nonpartisan** — not adhering to any established political group or party. **overturned** — in the law, to void a prior legal precedent. **poll tax** — a voting fee, which was used to disenfranchise Black voters. **precedent** — a legal case that will serve as a model for any future case dealing with the same issues. **preclearance** — the process of seeking approval for changes related to voting laws from the U.S. Department of Justice. **statute** — a particular law established by a legislative branch of government. **suffrage/franchise** — the right to vote. **upheld** — supported; kept the same.