The Importance and Necessity of Political Integration

Joaquin G. Avila†

Voting Rights – a kaleidoscopic phrase subject to different interpretations and often eliciting heated debate. For some, when the kaleidoscope is twisted to the left, the phrase represents the right to cast one’s vote on an equal basis as others, the elimination of barriers hindering racial and ethnic minority voters from effective participation in the political process, and the political integration of groups of people who are not part of the body politic. For others, when the kaleidoscope is twisted to the right, the phrase represents a racial political apartheid resulting in the creation of minority electoral districts guaranteed to elect minority candidates, the continuation toward a path of racial quotas and preferences ultimately destroying the political fabric of our society, and the reaffirmation that minorities are not self sufficient and need a handout to advance in our society, thereby fostering a culture of dependence.

However, when the kaleidoscope is flipped over, one sees that these different views all have their origin from the same building blocks. When our societal kaleidoscope is flipped over and dissected, voting rights emerge as an important building block – a building block which serves as a foundation for the preservation of our society. Thus, when viewed from a societal perspective, the phrase acquires a special significance.¹

A basic goal of any society is self-preservation. Ultimately preserving our society falls squarely on the shoulders of individuals who have a vested interest in maintaining, as well as improving, our society. Instilling such an interest in individuals is a major challenge confronting any society. An important component of instilling this vested interest in societal preservation is developing a sense of ownership in the well-being of our society. This ownership interest can be viewed or defined from a variety of perspectives. Yet however one views it, the dominant feature of this interest is that an individual realizes that ultimately his or her well being is inextricably linked to the well-being of his or her society. Such a link

† Nationally recognized voting rights expert, a John D. and Catherine R. MacArthur Foundation Fellow, a recipient of the California State Bar's Loren Miller Legal Services Award, former lecturer at the University of Texas Law School and the University of California Law School at Boalt Hall, a recipient of the Hispanic National Bar Association's Benito Juarez and Abraham Lincoln Award for outstanding achievements, and former President and General Counsel for the Mexican American Legal Defense and Educational Fund.

This article, though it has been adjusted for journal publication, was originally published as a reflection piece on voting rights in the Los Angeles Daily Journal. Joaquin G. Avila, Forum, Political Integration, Voting Rights Serve as a Foundation for the Preservation of Society, L.A. DAILY J., Jan. 16, 2002, at 6. The data arises primarily out of Mr. Avila's personal experience and expertise as a voting rights attorney. Mr. Avila retained all rights to its content and has given permission for republication to the Berkeley La Raza Law Journal.

¹ For an extensive law review article addressing voting discrimination, see Armand Derfner, Racial Discrimination and the Right to Vote, 26 VAND. L. REV. 523 (1973).
provides the necessary foundation to preserve our society. Without such a link, the pressures serving to fragment our society increase. Without such a link, an increasing number of individuals become more alienated and less protective of their society. Without such a link, society moves towards its own eventual demise.

Moreover, the present unity experienced in our country as a result of an attack on our shores cannot serve as a substitute for establishing this link between an individual's self-interest and the preservation of our society. History has demonstrated that external threats, both actual and contrived, have resulted in a temporary unity of political purpose in overcoming an immediate danger and protecting the borders of a state from continued harm. However, once the external threat is removed, the existing pressures causing the fissures in our society resurface.

As a building block, voting rights serve as an important mechanism for establishing the link between an individual's self-interest and societal preservation. A key element in preserving a society is the existence of governments which are responsive to the needs of their citizens. Assuring such governmental responsiveness is often accomplished by implementing a mechanism permitting a meaningful accountability of official actions. Voting has traditionally been viewed as the mechanism providing the means for this accountability.

However, voting is also ideally suited for fostering a sense of ownership among those individuals who are affected by the actions of governments. Governmental entities affect every aspect of our lives. Governments issue rules which govern our behavior and provide for our general security; governments implement policies which affect the economic development of their communities; governments distribute resources; and governments, with their attendant court systems, serve as guardians of our rights enumerated in both our federal and state constitutions. Individuals armed with the knowledge of the important role of government in determining their well-being will have a vested interest in voting and assuring that governmental policies continue to be responsive. But for the mechanism of voting to serve both to ensure accountability and to promote a sense of ownership, voting must in fact and in perception be deemed to be equally accessible to all individuals.

Since the beginning of our constitutional government, voting has changed from an exclusive privilege limited to propertied Anglo males to a more inclusive right. Presently, there are few barriers preventing individuals from registering and casting their ballots. Although the process on paper appears to be accessible, in reality there are still obstacles preventing full and effective political participation. One major obstacle relates to the administration of elections. A highly visible example of this maladministration was evident in the 2000 presidential election, when many African Americans were simply denied their right to participate in this important election. Hopefully the experiences with this presidential election will serve as a catalyst to actually implement long overdue reforms in the equal administration of election laws throughout the fifty states. Even if the problems associated with the administration of election laws were solved, there remain other obstacles which in effect serve to disenfranchise racial and ethnic minority communities.
These obstacles relate to election structures which permit electoral outcomes to be determined on the basis of race. Racially polarized voting occurs when the voting preferences of minority communities and Anglo communities differ. In a color-blind society such racial preferences would occur with less frequency. However, in many communities in California and elsewhere, the electoral choices of minority communities are often defeated by Anglo voting blocs. This racially polarized voting is a phenomenon which can be documented by examining election returns. In fact, federal courts in hundreds of cases have concluded that elections are characterized by racially polarized voting.\(^2\)

Racially polarized voting is the by-product of a racially polarized society. The causes of racial polarization in our society are many. Irrespective of the causes, the sad reality is that such voting patterns exist in many communities throughout California. Federal courts and the United States Department of Justice in the enforcement of the Voting Rights Act have found racially polarized voting in communities such as Watsonville, the counties of Monterey, Tulare, Kings, and Los Angeles County. In addition, the magnitude of the problem can be inferred by the significant disparities between the ethnicity and racial identity of elected officials and the racial and ethnic characteristics of the communities these officials represent.

The effects of racially polarized voting are further exacerbated when the election structure facilitates the outcome to be determined on the basis of votes cast due to racial preferences. One such election structure is an at-large election. In an at-large election there are no regional or neighborhood election districts. Without such districts a Latino community, which is a numerical minority in terms of voting strength, will have its preferred candidates defeated when there is racially polarized voting. Another discriminatory election structure is a racially gerrymandered election district, which either over-concentrates or fragments a politically cohesive community.

In California, well over 80% of all local governmental entities, such as city councils, school boards, and special election districts, conduct their elections on an at-large election basis. When one examines the degree of racial and ethnic minority representation on these elected boards, the conclusion is inescapable that there is a problem in the body politic. A society cannot afford to have large constituencies which are not represented in those governmental bodies that play a critical role in an individual's life.

The emphasis on the number of minority elected officials is not to suggest that only minority elected officials can represent minority communities. This reference to the absence of any significant degree of minority electoral success suggests that there is a problem. In an ideal society and body politic, race would not matter, and consequently there would be minority elected officials throughout California. However, when the phenomenon of racially polarized voting is

---

\(^2\) See, e.g., Gomez v. City of Watsonville, 863 F.2d 1407 (9th Cir. 1988), reversing Civ. Act. No. WAI C-85-20319 (N.D. Cal. 1985), cert. denied., 489 U.S. 1080 (1989) (holding that the at-large scheme of mayoral and city council elections in Watsonville impermissibly diluted the voting strength of Hispanics there; also referring to other applicable Supreme Court cases, including Thornburg v. Gingles, 478 U.S. 30 (1986)).
considered, race does matter. In the context of racially polarized voting, the absence of minority elected officials commensurate with the representation of minorities within a given community indicates that the playing field is not level.

Another major obstacle primarily affecting the Latino community is the prerequisite of citizenship as a voting requirement. This, of course, is a controversial topic. However one views this topic, there is a basic axiom in discussing the preservation of our society: the well-being of our society is dependent upon the well-being of its various constituencies. In the Latino community there are significant numbers of individuals who, but for the citizenship requirement, would be eligible to vote in elections. These individuals pay taxes, are employed in a variety of occupations, and play a significant role in the development of a business entrepreneurial sector in many Latino barrios. In former times, the rallying cry of "taxation without representation" formed the basis for our independence and the establishment of our Constitution. In its modern incantation, our society cannot continue to politically exclude individuals who are making such a significant contribution to California's economy.

Given the obstacles outlined above, there is much work to be done in furthering the political integration of minority communities which are politically alienated and excluded from the body politic. Continuing this political exclusion will exact a toll on our society. At the most fundamental level, this exclusion contributes to the instability of our society by preventing the linking of an individual's self interest to the societal preservation interest. Continuation of the status quo is a recipe for social chaos and the disintegration of our most cherished institutions.

The obstacles can be eliminated through legislative and court action resulting in fairly drawn districting plans or the implementation of alternative election systems, such as cumulative voting. However, their elimination will not automatically translate into a vibrant political community. The removal of these obstacles will lead to a greater perception that the mechanism for providing accountability for governmental actions is more accessible. In many communities, such a shift in perception will result in greater electoral participation. Perhaps the greatest benefit to be derived, however, will be the creation of leadership at the local level which is more attuned to the importance of responding to the needs of heretofore politically excluded constituencies.

This new cadre of leadership will have a greater incentive to persuasively articulate the link between an individual's self interest and the well being of his or her community. By formulating this linkage interest in a manner which resonates with the needs of a local community, the actions of these leaders will serve to create a political climate conducive to the promotion of a more cohesive society.

A more cohesive society furthers the preservation of our society. Ultimately as a result of the political integration of minority communities, the view from our societal kaleidoscope will be the same whether you turn it to the left or the right. That would be good – for all of us.