

“Big Systemic Racism”: Latino Voters’ Lawsuit Against Long Island Town Heads To Court

Six years ago, Magali Roman noticed something unusual at Roberto Clemente Park in Brentwood: construction debris accumulating on the grassy fields, right where people were using the park.

“Kids play soccer here,” Roman said, pointing to green sections that faded to brown in 2014. A playground sits in between.

Maria Magdalena Hernandez, 56, also remembered seeing the debris during her regular walks in the park. She said it must have been dumped at night. “We wouldn’t know what was going on because the park has security,” she said in Spanish, explaining why people assumed at first that everything was on the up-and-up.

It turned out almost 40 thousand tons of debris were illegally dumped in the park, materials containing asbestos, pesticides and other hazardous chemicals. [Five people were convicted](#) of illegal dumping, including two former parks department employees.

But Magdalena Hernandez claimed it took months for elected officials to even notice the problem.

“They did not give it attention,” she said, recalling community meetings at the time. “They didn’t listen.” She said there weren’t even adequate translation services for Spanish speakers like herself.

The town eventually closed the park and [the cleanup took three years](#). Brentwood is predominantly Latino. It’s part of the Town of Islip, a group of villages and hamlets in Long Island’s Suffolk County. With more than 300,000 people, Islip is the third largest town in New York State.

The Latino population of Suffolk has been growing steadily for years. But even though they make up [a third of the population in the Town of Islip](#), there has never been a Latino elected to the town board.

The Claim of a Voting Rights Act Violation

Hernandez and Roman are now among four plaintiffs from Brentwood who, together with Make the Road New York and New York Communities for Change, claim [Islip’s voting system leaves them disenfranchised](#). The trial in federal court, in New York’s Eastern District, starts September 30th.

The plaintiffs, all U.S. citizens, blame the town's at-large election process. The town's supervisor, clerk, receiver of taxes, and four board members are elected by everyone from Bayshore to Bayport. Frederick Brewington, the lead attorney on the case, explained that, when the votes of predominantly Latino areas like Brentwood and Central Islip are counted, that's like adding a spoonful of coffee to a cup of cream.

"The coffee would lose its identity, it would lose its strength, it would lose its savor," he said. "And as a result of that, it's diluted. Well, that's what was happening to the votes. So no matter how much the Latino community would vote together to try and elect someone, their ability to do so was diluted in the larger white population vote."

Brewington said this violates [Section 2 of the Federal Voting Rights Act of 1965](#). Because Latinos form a majority in one geographic area. They also vote in a way that's politically cohesive. But their preferred candidates are always defeated by Islip's white majority. As a result, he said it's not surprising that the dumping occurred. Or that Brentwood residents claim police ignored their concerns about crime long before MS 13 gang killings made national news. "So the reality of the failure to have anybody elected from that community," he said, "has been a total lack of responsiveness."

Roman, 63, who works at the Economic Opportunity Council of Suffolk, said she moved to Brentwood more than 30 years ago from Queens when her children were young. Despite her dedication to the hamlet, she said she and other Latinos feel like second class citizens.

"Without a representative sitting on the town board there's no way for them to understand what we're feeling, what we're thinking and how we're working together for the different issues coming up in our community," she said.

Brewington won [a similar groundbreaking lawsuit more than 20 years ago](#) involving Black voters in nearby Hempstead. A federal court required the town to form geographic districts for its council members instead of having everyone vote for the same candidates. The plaintiff, [Dorothy Goosby](#), was elected in 1999. Later, the U.S. Supreme Court declined to review an appeal by Hempstead, [letting the decision stand](#). Brewington is now seeking a similar result in Islip, so that districts would be created for each of the four board members.

The Town of Islip denied the allegations in the lawsuit and declined to comment. It [spent millions fighting the case](#) since 2018.



Islip Town Hall BETH FERTIG / WNYC

Discrimination or Politics?

To win a voting rights case there has to be proof of discrimination. Steve Flotteron, a Republican county legislator who sat on the town board for more than a decade, until 2017, insists that didn't happen in this case. He claims investments were made to playgrounds and roads in Latino communities, pointing to public-private partnerships cited [on his website](#).

He also argues Latinos aren't getting elected because they vote overwhelmingly for Democrats, and Islip is mostly Republican.

"Who is the one steering a lot of the arguments? It's basically from a political party trying to change boundary lines because they cannot win," he explained. "It's not because it's Latino or anything else...They're using the race card to try to share the area."

Furthermore, he noted, Latinos from the area have been elected to the state and county legislature.

Flotteron's argument was supported, in part, by federal judge Arthur D. Spatt, who [declined to issue a preliminary injunction](#) shortly before the 2019 election for town board. He found the plaintiffs hadn't shown they were "substantially likely" to succeed in their case. He called the dumping in the park an "unfortunate occurrence," but found no official discrimination in that case or other "run-of-the-mill local government gripes."

But Brewington said the standard for an injunction to stop last year's election was higher than it would be for a trial. He also shot down the argument that Latinos candidates haven't won because they ran as Democrats, "the Republican Party has not put up a Latino person to run." And even it did, Brewington said data show a Latino Republican would still lose because of racial bloc voting, adding, "race is the predominant factor."

Some Islip voters see nothing wrong with their election system. Near the Town Hall on Main Street, one woman—who didn't want her name published because of the sensitive nature of the question—said that if Latino candidates aren't winning, maybe it's because their voters aren't coming out or because their message is too narrow.

"If their candidate actually can appeal to non-minorities and show that he's not just about one race over another, there should not be a problem," she said, adding, "I wouldn't have a problem voting for somebody."

Upscale shops and restaurants serving sushi, burritos, and homemade ice cream line Main Street in the hamlet of Islip. There aren't any neighborhoods like that in the mostly Latino areas of [Brentwood](#) and Central Islip, which aren't as wealthy as the [hamlet of Islip](#) and the [Town of Islip overall](#), and are dotted with fast-food restaurants.

As she left a small shopping center in Central Islip, Denise Grey, who's Black, said she thinks the town's voting system needs to change because, in her opinion, it favors white residents.

"You go to certain areas and the parks are nice, the streets are clean and the housing looks a little bit better," she said.

Some might argue areas with more money always attract nicer shops and housing, regardless of race. But those behind the lawsuit say they're fighting

for basic services. The suit cites lower high school graduation rates and worse health outcomes for Latinos, and the failure to pick up trash as often in Brentwood as in more affluent, whiter neighborhoods.

[Ana Flores](#) and her fellow plaintiff Magdelana Hernandez took me on a tour of brownfields bordering homes. They also pointed to a playground and basketball court with only one light. The two women work for the immigrant advocacy group Make the Road New York.

Flores is 23 and her father is also a plaintiff. The family came to the U.S. from El Salvador when she was nine. She grew up near Roberto Clemente Park, where the dumping occurred, and her school was overcrowded.

“I think it’s a matter of just a big systemic racism that’s in place,” she said.

The town board doesn’t have as much control over schools as parks and sanitation. But Flores said this lawsuit is about ensuring that board members include Latinos in all their conversations. Because right now, she says they don’t need Latinos to get elected.

“Why cater to a community who you can do without?” she asked, rhetorically.

“They’re catering to their constituents, and their constituents that support them are people outside of this community.”

The federal trial before U.S. District Judge Gary Brown in the Eastern District is expected to last several weeks. The next election for town board is in November of 2021.