

Latinos In Long Island Win Major Settlement in Federal Voting Rights Case



Suffolk County, Long Island — Long Island Latino plaintiffs have reached a significant settlement in a federal voting rights case, *Flores v. The Town of Islip*, in which they demanded equal representation in Islip. The settlement will end the system of at-large representation that has deprived Latinos of representation within the Town in violation of Section 2 of the Voting Rights Act. Under the consent decree entered into by the Town of Islip, the Town stipulates that “implementation of the at-large system for Islip Town Council elections violates Section 2 of the Voting Rights Act.” Additionally, Judge Gary R. Brown found that “implementation of the at-large system for Islip Town Council elections violates Section 2 of the V because, under that system, members of the Hispanic or Latino minority group in Islip have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.”

As a result of the consent decree, the at-large voting structure will now be replaced with four councilmanic districts (with each Town Board member representing a specific district within the Town), one of which will be centered in Brentwood and which will be majority-Latino. As a result of this case, one of the largest Latino communities on Long Island has vindicated their rights and the rights of generations to come by ensuring that Latinos in Islip will be heard.

In June 2018, four individual Latino residents of Islip, along with Make the Road New York and New York Communities for Change, sued the Town of Islip and the Islip Town Board, alleging that Islip’s at-large voting structure for Town Board denies Latinos representation in violation of Section 2 of the Voting Rights Act of 1965. Plaintiffs sought to replace Islip’s at-large voting system with single member districts, which must include at least one majority-Latino district, and have now prevailed. The plaintiffs were represented by a legal team that includes Frederick K. Brewington, Randolph McLaughlin and lawyers from the firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Under the current at-large system, Islip's sizable Latino population has been unable to elect their preferred candidates to the Town Board because they have been consistently outvoted by the white majority. Moreover, no candidate of Latino race/ethnicity has ever been elected to Islip Town government. During the pendency of the case, the November 2019 election for Town

Board was held under the at-large system and, as has become routine in Islip, the preferred candidates of Latino voters, as well as the one Latino candidate on the ballot that year, were decisively defeated by white incumbents.

"I am more than proud of my community for fighting to make this happen," said Ana Flores, individual plaintiff and member of New York Communities for Change. "Our community will finally have representation in our town; someone who looks like us and knows what it is like to be a Latino in Islip. I feel that my community and I will at long last have a voice in this Town. For too long we have been made to feel invisible by the Town and our fight has put an end to that."

Maria Magdalena Hernandez, individual plaintiff and member of Make the Road New York, expressed that for far too long they had no representation.

"I am so excited that we will now finally have representation for our Brentwood community," Hernandez said. "For decades, we have not had someone in the Town Board fighting for our rights and needs—we were treated as second-class citizens, as we saw most clearly when toxic waste was dumped in our park. Now, we will be able to elect a candidate of our choice looking out for our community."

Magali Roman, individual plaintiff, said, this is the progress they have been waiting for.

"The resolution of this case in favor of districts in Islip means that the progress we have patiently waited for is finally here and will be felt for years to come," Roman shares. "Everyone in our diverse community can now feel confident that, as a result of this change in government, their concerns will be met by a more representative government. This is progress and we are ready for it."



Frederick Brewington is the lead counsel for Plaintiffs. He is admitted to the Bars of the states of New York and New Jersey, as well as the United States Supreme Court, United States First and Second Circuit Courts of Appeal, United States District Courts of New Jersey, Eastern, Southern and Northern Districts of New York. He shares that voting rights in the Latino community in the Town of Islip will no longer be denied.

“This was a case that cried out for justice. Now justice is being served, and the cry to all of Islip is that change for the better has come, and the voting rights of the Latino community in Islip will no longer continue to be denied,” Mr. Brewington shares with Black Westchester. “Business as usual in the government of the Town of Islip now takes on a new meaning. It now includes the voices and the votes of those who have been, for too long, shut out! This is a monumental change.”

The settlement terms include the following:

A consent decree enjoining use of the at-large system beginning with the regular Town Board elections in 2021, in which Islip stipulates that “implementation of the at-large system for Islip Town Council elections violates Section 2 of the Voting Rights Act.” A finding by the Court that “implementation of the at-large system for Islip Town Council elections violates Section 2 of the Voting Rights Act because, under that system, members of the Hispanic or Latino minority group in Islip have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” In the regular Town Board elections in 2021, candidates for the two seats up for election will be elected from Districts 1 and 2, in which District 1 is the new Brentwood-centered, Latino-majority district.

Prior to the regular Town Board elections in 2023, the Town Board will redraw the four districts so that (A) the difference between the most populous and least populous district is no more than 10 percent of the ideal district size, based on total population under the 2020 Census, and (B) District 1 remains majority Latino in terms of citizen voting-age population. In the regular Town Board elections in 2023, candidates for the two seats up for election will be elected from the remaining two districts, as modified by redistricting based on the 2020 Census. Councilmembers will continue to serve staggered, four-year terms and be elected from the four districts, as modified by redistricting based on the 2020 Census. The Town will pay Plaintiffs \$900,000 in fees, costs, and expenses. Otherwise, each party to bear its own fees, costs, and expenses.

“Long Island has become increasingly more diverse over the last 20 years, but that has not resulted in more political representation for Latino immigrants on LI,” said Lucas Sanchez, Deputy Director, New York Communities for Change. “This victory for the Latino community in the Town of Islip sends a powerful message to those on Long Island that are committed to excluding Long Island’s diverse electorate from having a seat at the table. This settlement is a step forward and now the work of registering, educating and mobilizing new voters to the polls will be a critical next step to make the most out of this victory.”

“This victory is a testament of our community’s power,” said Eliana Fernandez, Lead Organizer at Make the Road New York. “We fiercely fought against a system that deprived Latinos representation in the Town of Islip—and won. For years, Latinos have been kept on the sidelines, without being able to elect a representative who will be responsive to community needs. Today is a historic day for Latino residents of Islip, who will have the fair representation our communities deserve.”

“At long last, democracy in town government is arriving for the citizens of Brentwood,” said Assemblyman Phil Ramos, who represents New York’s Sixth Assembly District, encompassing the hamlets of Brentwood, Central Islip, and North Bay Shore in the Town of Islip. “Our duly elected councilperson will respond to us, and advocate for our working families, small businesses, and young people. Through the powerful work of our community members, the days of saturating our community with power plants, cell phone towers, contaminated parks, and garbage transfer stations will end.”

The parties came to terms on the consent decree after just four and a half days of a virtual trial held before Judge Brown, which was hosted pro bono by Impact Trial Services LLP using Zoom for Government. In these current challenging times, Impact proved that trials have a place in this new virtual world and that justice can and will continue to be served.

SUPPLEMENTARY STATEMENTS OF SUPPORT

“The National Association for the Advancement of Colored People strives to ensure that there is political, educational, and economic equality and criminal and environmental justice for all people

and communities,” Hazel N Dukes, President of NAACP New York State Conference, tells Black Westchester. “To achieve those goals in Islip, there must be representation at all levels of government from the black and brown communities. This settlement is a recognition that we must continue to challenge the status quo on behalf of the Black and Latino communities so we are thrilled with this result.”

Elaine Gross, President of ERASE Racism, said: “It was 95 years between the passage of the 15th amendment to the constitution outlawing discrimination in voting and the 1965 Voting Rights Act stating that voting rights could not be “denied or abridged”. Now in 2020, when there are numerous efforts in many states and at the federal level to roll back the voting rights protections, today we have something to celebrate.

ERASE Racism applauds the legal victory which will strike down the Town of Islip’s at large voting system. This Court Judgment is crucial for Latinx and other voters in the Town of Islip to receive fair representation in town government. At-large voting has until now silenced the voices of nearly 35 percent of Islip’s population, which has been fostered by structural racism that leads to disparities in income, crime, education and health care in these vital communities.”

Islip’s four council members all are white. The only minority elected Islip Town official in recent decades was the late Republican Joan Johnson, a Black woman who served as town clerk from 1991 to 2007.

Expert witnesses called by Brewington testified that Hispanics face political disadvantages in Islip because most of the town’s population is concentrated in predominantly white communities.