

JIM CROW HAUNTS N.Y. BLACKS

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Most people do not realize that Jim Crow laws once existed in the North, perhaps most notably in New York. A law enacted nearly 140 years ago -- intended to disenfranchise African-Americans -- is still in effect here today.

New York's election laws disenfranchise people who are in prison or on parole. More than 108,000 New Yorkers are disenfranchised under those laws; 80 percent of those who have lost the right to vote are people of color.

Here is the history.

Starting with the first state constitution in 1777, New York lawmakers found various ways to keep African-Americans from voting. First, there was slavery. After emancipation, two laws continued to be especially effective. One required blacks -- and only blacks -- to own a certain amount of real property in order to vote. The other allowed counties to disenfranchise those convicted of "infamous crimes."

African-American suffrage was the subject of much debate at the 1821 and 1846 state constitutional conventions, and the transcripts contain some astounding racist rhetoric. A recurring theme was an alleged criminal propensity among African-Americans as a reason to restrict the black vote. Delegate Samuel Young implored in 1821: "Look to your jails and penitentiaries. By whom are they filled? By the very race whom is now proposed to cloth with the power of deciding upon your political rights."

By 1872, New York was the only state to make property ownership a voting requirement exclusively for African-Americans. But the 15th Amendment to the Constitution forced New York to revisit its constitution.

Gov. John Hoffman convened a few dozen "eminent citizens" to figure out what to do. Hoffman's commission eliminated a few sections and added some words here and there. The result was a Jim Crow "bait and switch" that remains the law today.

In 1874, the state Legislature had no choice but to accept the commission's recommendation and eliminate the property requirement from the constitution. However, the commission also recommended a barely noticed change to the criminal disenfranchisement provision that had an enormous -- and lasting -- adverse impact on African-American suffrage.

During slavery and the period when property requirements were imposed on African Americans, the state constitution let counties decide whether to disenfranchise those with criminal convictions. When the property requirements were eliminated in 1874, the constitution was amended to require disenfranchisement of anyone convicted of an "infamous crime."

Between 1865 and 1900, 19 other states passed similar laws. By 1900, 38 states had some type of criminal voting restriction. This national movement, together with New York's notorious history of deliberate efforts to disenfranchise African-Americans, the enduring and widespread belief among policy makers that blacks were more likely to commit crimes, and the timing corresponding with the elimination of the black property requirements, all lead to the same conclusion: The amendment was intended to suppress the African-American vote in New York.

The same law is on the books today, and its intended effects continue.

There is a broadening consensus across the country that restoring the right to vote to people living in the community is not just important for our democracy, but that giving people a voice in the community makes them stakeholders and less likely to commit future crimes.

We cannot erase this history, but we must learn from it and work to correct centuries of discrimination and disenfranchisement.

The Legislature should pass bills pending before it that would restore the right to vote to people who are out of prison living in the community. If the Legislature does not act, Gov. David Paterson should issue an executive order to do just that. This relic of Jim Crow cannot continue to live in the laws of New York.

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