

City loses election suit on appeal

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A federal appeals court today reversed a lower court and found Watsonville's municipal election system discriminatory.

If the decision stands, and the odds are that it will, it would not only change the way elections are held in Watsonville — from at-large to district elections — but would have "an enormous impact" on the state and the entire Southwest, said Jose Merino, an attorney for the Mexican American Legal

Defense and Education Fund, which filed the suit.

The decision was made by a three-judge panel of the 9th U.S. Circuit Court of Appeals in San Francisco, which covers nine Western states. The appeals court declared that Watsonville's citywide at-large voting for mayor and City Council seats works to eliminate Hispanics from the political office and ordered it changed.

The change in the city's election system would mean that districts containing a high concentration of Hispanics could more easily elect Hispanic

candidates to city office, Merino said, adding that he's hoping it will lead to "a real broadening of democracy" throughout the state.

"I see working-class people, I see other groups, finally being able to elect their own people," he said.

"I don't know what the next step is," said Watsonville Mayor Betty Murphy, "but I'm very disappointed in the ruling."

"I don't believe in district elections. We used to have them here, we called it the 'ward' system, and it was voted out by

the people of Watsonville in 1953."

Murphy said she fears the ruling will result in polarization of the community, with those elected serving only those who voted them into office.

"It will be like a board of supervisors," Murphy said. "People will be voted in by neighborhood, and will be beholden to that neighborhood to get re-elected; they won't be concerned with the city at large. And with a city of only 29,000, that isn't the way to go."

"We've tried to get Hispanic people on the City Council; that

is why (previous mayor) Ann Soldo and I have tried to get them appointed to commissions. That is how I got started, with the Planning Commission.

"We've tried to encourage them, but it's not like people are lined up with their tongues out wanting to be on the council. It's a lot of hard work."

The appeals court ruling overturns a decision by U.S. District Judge William Ingram, who upheld the city's at-large election system.

The appeals court ordered the city to develop a plan that complies with the 1982 amend-

ments to the Voting Rights Act and have the changes approved by Judge Ingram.

MALDEF had contended the city's at-large elections are discriminatory, and in effect prevent Hispanics from choosing their own representatives because the city's Anglo residents don't vote for Hispanics. MALDEF had sued the city to change the at-large elections to elections in which one council member would be selected from each of seven districts.

The claim was filed under a

provision of the federal Voting Rights Act of 1965, which requires that the minority and majority populations be given equal chances at electing their chosen representatives.

The appeals court agreed with Hispanic challengers of the Watsonville system, pointing out that voting in Watsonville was racially polarized, with Hispanics voting for Hispanics and whites voting for whites.

Ultimately, Merino said the city would have to appeal to the U.S. Supreme Court "and it's highly unlikely the Supreme Court would listen."

City Attorney Don Haile said he had not yet seen the 23-page decision, so was unable to make extensive comments.

"I guess we're not altogether surprised," he said of the decision, "because this particular three-judge panel is a very liberal segment of the 9th Circuit Court."

The first step to an appeal from the city would be to file a motion for reconsideration with that same panel of judges, Haile said, which would probably be denied.

The next step would be filing a petition for a hearing before the entire Circuit Court, followed by appeal to the U.S. Supreme Court.

Ninety-nine percent of the time, the Supreme Court upholds the appeals court's decision without a hearing, Merino said.

MALDEF supporters had been waiting since January to hear the results of their appeal, Merino said.

"I'm elated," he said of the news. "It's made my day."

REFERENCE

WATSONVILLE
Register-PAJARONIAN
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