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# Watsonville wants more time to appeal election decision

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WATSONVILLE — The city's attorney has asked the federal appellate court for more time to appeal the decision overturning Watsonville's election system.

Vincent Fontana, a New York attorney, said Friday he has filed a request for an additional 14 days beyond the two weeks he was given to request a rehearing in the precedent-setting case.

"Fourteen days is a very short time to give us in this kind of case," Fontana said. He has asked for an Aug. 24 deadline to file a request for a rehearing before the three-judge panel that decided Watsonville's election system discriminates against Hispanics. The request also seeks a hearing before 11 judges of the U.S. Ninth Circuit Court of Appeals.

The Mexican-American Legal Defense and Education Fund sued the city in 1985 on behalf of three Watsonville residents, alleging the at-large election system denies representation to the burgeoning Hispanic population. Although half of the city's residents are Hispanic, up until 1987 none had held elective office.

U.S. District Judge William Ingram ruled for the city in 1987, saying MALDEF failed to prove two of the three points it needed to meet a showing of discrimination.

But the federal Court of Appeals overturned his decision July 27, saying the system violates Section 2 of the federal Voting Rights Act.

"I am optimistic we will be given a chance to reargue our case before the same three judges, or get a new hearing," Fontana said.

"We can offer excellent reasons why we should be allowed to do so. Whether that will result in a change with the Court of Appeals, I couldn't begin to predict," Fontana said.

"If it's denied, we will then file a petition with the

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— Vincent Fontana, attorney representing Watsonville

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U.S. Supreme Court," Fontana said.

Fontana said he hasn't yet heard whether the city will be covered by insurance in any future appeals, but he expects to know the answer next week. Up through the federal appeal, insurance covered the city's expenses.

The federal appellate court ordered the city to pay MALDEF's attorneys' fees.

Meanwhile, MALDEF's attorney, Joaquin Avila, said, "We will be fighting any appeal. I really feel their energy should be directed at solving the problem, not fighting the solution."

Avila feels confident the decision will be upheld on further appeal. MALDEF has successfully brought similar lawsuits throughout the South and Southwest.

"In many parts of the country, MALDEF is a household word," he said.

Avila said he hasn't yet started devising a district plan that would partition the city into seven electoral districts. But others in the local Latino community are reviewing the plan MALDEF proposed two years ago and deciding where they want the court to set the boundaries.

"Our plan was just a proposal," Avila said. "It wasn't a final districting plan."