

# Watsonville city election suit in the hands of judge

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Watsonville's Hispanic community has done all it possibly can to elect its own representative to the City Council, to no avail, attorney Joaquin Avila argued in federal court Monday morning.

At the same time, the city's attorney, Vincent Fontana, argued the at-large election system is actually in the best interests of the city's Hispanics.

Avila and Fontana delivered their closing arguments in U.S. District Court in San Jose before Judge William Ingram, who will now review the case. He said he expects to deliver his decision by the end of the week.

About 30 people, mostly from Watsonville, came to hear the closing arguments yesterday.

Avila, attorney for the Mexican American Legal Defense and Education Fund, said there is no way a Hispanic can be elected to the council under the current at-large election system. MALDEF sued the city in an attempt to divide the city into districts for City Council elections. Under MALDEF's proposed plan, two districts would each be about 80 percent Hispanic.

Avila said MALDEF has proven the three factors required to show a violation of Section 2 of the Voting Rights Act of 1965 — the existence of a geographically compact minority community, the political cohesiveness of the minority community, and racially polarized voting.

Regarding geographical compactness, Avila said MALDEF's plan shows enough Hispanics are living close to each other to form two districts. Fontana countered that 53 percent of the city's Hispanics are outside those two districts.

On political cohesiveness, Avila said MALDEF's expert witness, Bernard Grofman, a political science professor who has studied voting patterns, showed that Hispanics overwhelmingly support Hispanic candidates. Fontana, however, questioned Grofman's method of analyzing votes cast by Hispanics.

Fontana also pointed out that the "non-expert" witnesses for

both sides — Cruz Gomez and Ernesto Lopez for MALDEF and Socorro Paz and Chicco Castro for the city — gave very different views on whether Hispanics share the same interests.

Lopez and Gomez said the Hispanic community is particularly concerned about employment, housing and education issues. Lopez, an officer of the League of United Latin American Citizens, said his group represented a cross section of the Hispanic community and supported this lawsuit.

Castro, owner of a Watsonville hair salon, testified this morning that he did not believe the last two Hispanics to run for City Council, Gomez and Maria Bautista, were qualified. His testimony was similar to that given by Paz last week. Both said they are Hispanics who had not supported all Hispanic candidates in the past.

"The differences are so stark so as not to require any further comment by counsel," Fontana said.

Fontana also pointed to the testimony of the city's expert witness, Peter Morrison, a professional demographer. Morrison analyzed census data and determined that there is great diversity among Watsonville's Hispanics with regard to education, employment and economic status, he said. Morrison said there was no basis for political cohesiveness because of that diversity, Fontana argued.

On the third factor, racially polarized voting, Avila again pointed to Grofman's testimony. Grofman showed that the candidate preferred by the Hispanic community got very little support from the Anglo community, Avila said. He said the city presented no evidence to rebut Grofman's conclusions.

The city was scheduled to call an expert witness today for the sole purpose of disproving Grofman's conclusions, Fontana said. But Fontana said he decided not to because he thought he had already proven his case.

Fontana again questioned whether Grofman's conclusions were valid, disputing Grofman's methods. When the figures didn't come out right, Fontana said, Grofman tried to explain around them.

"Grofman said, 'I want it to mean what I want it to mean,'

regardless of what it means," Fontana said.

Avila asked the judge to rule in favor of MALDEF because the at-large election system "has served to dilute the voting strength of Hispanics."

"We contend that began in 1971 and continues to this day," he said. "There is simply no other thing the Hispanic community could have done. They have posted candidates. They have run very active campaigns and active registration drives."

And still, Avila said, nine Hispanic candidates have failed to win election to the council.

REFERENCE