

# MALDEF files another brief in election case

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A brief was filed by the Mexican American Legal Defense and Education Fund this week in response to the judge's ruling in the Watsonville election lawsuit.

The brief addresses Federal District Judge William Ingram's comments about the geographical compactness of the city's Hispanic population — one of the three important factors MALDEF needed to prove to win its case. Ingram ruled against MALDEF, which contended the city's at-large election system is discriminatory, on the issues of geographical compactness and political cohesiveness of the Watsonville Hispanic community. The judge agreed with MALDEF on the third factor, that voting in Watsonville is polarized along racial lines.

The criteria for proving a violation of Section 2 of the Voting Rights Act of 1965 was outlined by the U.S. Supreme Court last year in a precedent-setting case from North Carolina called *Thornburg v. Gingles*.

In his 22-page decision, Ingram said he was concerned that 63.6 percent of the city's Hispanics who can vote — citizens who are at least 18 years old — would live outside the two Hispanic districts under a districting plan proposed by MALDEF. He said he had no authority — a law or court ruling — on which he could accept 36.4 percent of the minority living in close proximity as proof that the minority group is "geographically compact."

The city, defending itself against the lawsuit, had argued that it was unfair to the city's Hispanics to put a majority of those Hispanics who can vote into districts in which their votes would be diluted by the Anglo majority.

The judge indicated in his ruling that he would accept a post-judgment motion if MALDEF could cite a law or

court ruling that would answer his concern.

MALDEF attorney Joaquin Avila said yesterday he filed a brief with the court this week, saying, in essence, that the judge's concern about the 63.6 percent lying outside the two Hispanic districts "is not an appropriate concern under the Thornburg criteria."

"Thornburg focuses on the ability to create minority districts," Avila said, "not on whether the majority of the minority is in those districts."

During the five-day trial last month in U.S. District Court in San Jose, MALDEF's expert witness agreed with Avila. UC-Irvine political science professor Bernard Grofman said the entire Hispanic community can be presumed to benefit if two Hispanic districts are formed, and those two districts chose their own representatives to the City Council.

The brief filed by Avila this week would not change the outcome of Ingram's ruling, because the judge had also ruled against MALDEF on the issue of political cohesiveness. Ingram said that so few Hispanics voted in recent city elections, he didn't have a good enough sampling to know if the Hispanic community is in fact cohesive and votes for the same candidates.

MALDEF is also considering filing an appeal of Ingram's ruling, and Avila said he expected a decision soon from MALDEF officials in Texas on whether they will pursue the case. Avila said he thinks an appeal will be filed.

Because the appellate process can take a long time, it looks like the May city election will proceed as usual, under the at-large election system. The City Clerk's office will begin handing out nomination papers to potential council candidates next Thursday.

The terms of Mayor Ann Soldo and council members Betty Murphy, Vido Deretich and Roy Ingersoll all expire this year.