



LAWYERS' COMMITTEE FOR  
**CIVIL RIGHTS**  
OF THE SAN FRANCISCO BAY AREA

### **Advocating for Fair and Just Representation**

For more than 40 years now, the Lawyers' Committee for Civil Rights has joined forces with *pro bono* partners to ensure that disadvantaged communities can use the power of the law to combat injustice in the areas of race, poverty and immigration. Among other things, we ensure that victims of racial discrimination, human trafficking and other abuses find relief through the courts. We advocate for equal education for all students, and policy changes that better the lives of individuals in underserved communities.

President Kennedy urged the establishment of the Lawyers' Committee specifically to provide voting rights representation to African Americans in the south. Now, through our voting rights work, we give Latinos and other minority populations an opportunity to have their voices heard in the political process. A recent article by the *Associated Press* presents an unfair and one-sided view of the voting rights work being carried out in California by the Lawyers' Committee.

First, the article mischaracterizes the issue of attorneys' fees. Virtually every civil rights statute allows a prevailing party to recover its costs of bringing a claim to enforce civil rights laws. Such attorney fee provisions ensure that the high cost of pursuing remedies through the courts does not discourage people whose civil rights are being violated from coming forward. If the courts decide that the claim is baseless, not only do the attorneys not get anything, they may also have to pay fees incurred by the other side. When attorneys' fees are awarded to the organization, it is because a Court has found that the claims were strong and the work merited the fees awarded.

The article also states that there were no complaints of voter discrimination in communities where cases went forward until lawyers stepped in – that's plainly wrong. The reporter clearly never spoke to the plaintiffs in those cases – individuals who can attest to the decades of discrimination faced by Latino and other minority voters.

People like Richard Leon of Hanford. At the time of our lawsuit, despite Latinos comprising almost 40 percent of the population, no Latino had been elected to the school board for 20 years. Mr. Leon decided that he had had enough and that he would challenge the discriminatory ways in which elections had been run in Hanford. In the first election held under the new district system, a Latina was elected.

People like Jesse Lopez of Madera. Despite making up 44 percent of the eligible voting pool in Madera, Latinos have been elected to the school board only twice in the past 25 years. Mr. Lopez decided to bring suit, and a Madera County judge agreed with him that the case against the school district was so strong that Madera needed to stop its November 2008 election immediately.

Also missing is the voice of Enrique Sanchez of Modesto. At the time we filed suit, Latinos comprised slightly more than 25 percent of Modesto's population. Yet, only one Latino had been elected to the City Council in nearly 100 years.

Our clients don't need lawyers to tell them that their votes are being diluted by racially polarized voting; every day, they deal with the consequences of living in communities where an at-large election system renders them voiceless. That's why Robert Rubin, who heads up our voting rights efforts, received a voting rights award from the NAACP in Modesto. That's also why the state legislature passed the California Voting Rights Act, ensuring that a remedy is available when the electoral choices of the minority are being blocked by the majority.

Litigation is the last resort available to our clients. Ideally, local governments would be complying with this law without waiting to be threatened with a lawsuit. Unfortunately, that was not the case in Madera, where we repeatedly informed officials that they needed to comply with the state law. Only after they chose not to act did we request judicial intervention, and ultimately a judge felt it necessary to intervene to stop an illegal election from going forward.

Instead, the article gives voice primarily to the defendants in these cases, the very officials and bureaucracies that are being asked to correct these wrongs and change this unfair system. This imbalance in reporting is a disservice not just to readers, but also to the communities being impacted.

All communities are entitled to equal, fair and just representation. The Lawyers' Committee will continue to partner with communities throughout California to make sure that those rights become reality.

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