

1 JANET RENO  
 Attorney General  
 2 BILL LANN LEE  
 Acting Assistant Attorney  
 3 General for Civil Rights  
 JOSEPH D. RICH  
 4 ROBERT A. KENGLE  
 JON M. GREENBAUM (SBN #166733)  
 5 DAVID J. BECKER (SBN #174429)  
 Attorneys, Voting Section  
 6 Civil Rights Division  
 U.S. Department of Justice  
 7 P.O. Box 66128  
 Washington, D.C. 20035-6128  
 8 Telephone: (202) 307-3113  
 Facsimile: (202) 307-3961  
 9 ALEJANDRO N. MAYORKAS (SBN #122447)  
 United States Attorney  
 10 MICHELE C. MARCHAND (SBN #93390)  
 Assistant United States Attorney  
 11 312 North Spring Street  
 Los Angeles, California 90012  
 12 Telephone: (213) 894-2727  
 Facsimile: (213) 894-7819  
 13 Attorneys for Plaintiff

FILED  
 2000 APR -6 AM 11:37  
 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES

14  
 15 IN THE UNITED STATES DISTRICT COURT FOR THE  
 16 CENTRAL DISTRICT OF CALIFORNIA  
 17 WESTERN DIVISION

18 THE UNITED STATES OF AMERICA, )  
 19 Plaintiff, )  
 20 v. )  
 21 CITY OF SANTA PAULA, CALIFORNIA; )  
 22 SANTA PAULA CITY COUNCIL; )  
 23 RICHARD COOK, LAURA FLORES )  
 24 ESPINOSA, JAMES GARFIELD, DONALD )  
 25 JOHNSON, ROBIN SULLIVAN, members )  
 of the Santa Paula City Council; )  
 26 RICHARD DEAN, Ventura County )  
 27 Clerk-Recorder, )  
 28 Defendants. )

00-03691GHK

CIVIL ACTION NO. (SHx)

COMPLAINT

COMPLAINT

1

2 The United States of America, plaintiff herein, alleges:

3 1. The Attorney General files this action pursuant to  
4 Sections 2 and 12(d) of the Voting Rights Act of 1965, as  
5 amended, 42 U.S.C. 1973, and 42 U.S.C. 1973j(d). The Court has  
6 jurisdiction of this action pursuant to 28 U.S.C. 1345 and 42  
7 U.S.C. 1973j(f).

8 2. Defendant City of Santa Paula is a political and  
9 geographical subdivision of the State of California.

10 3. Defendant Santa Paula City Council is the body  
11 established under the laws of the State of California that is  
12 responsible for governing Santa Paula.

13 4. The Santa Paula City Council consists of five members.  
14 Defendants Richard Cook, Laura Flores Espinosa, James Garfield,  
15 Donald Johnson, and Robin Sullivan are the current members of the  
16 city council and Mr. Cook is the current mayor. All five  
17 councilmembers are residents of Santa Paula and each  
18 councilmember is sued in his or her official capacity.

19 5. Defendant Richard Dean serves as the Clerk-Recorder for  
20 Ventura County. As Clerk-Recorder, Mr. Dean is responsible for  
21 exercising certain powers and duties associated with the conduct  
22 of primary and general elections in Santa Paula, including  
23 elections for the Santa Paula City Council. Mr. Dean is a  
24 resident of Ventura County and is sued in his official capacity.

25 6. According to the 1990 Census, Santa Paula has a total  
26 population of 25,062, 14,753 (58.9%) of which is Hispanic, and a  
27 voting age population of 17,558, 9,421 (53.7%) of which is  
28 Hispanic. Based on 1990 Census data, Santa Paula has a citizen

1 voting age population of approximately 13,000, of which  
2 approximately 40% is Hispanic. As of November 1998, the most  
3 recent city council election, approximately 45% of the registered  
4 voters and 41% of the voters casting ballots had Spanish  
5 surnames.

6 7. The Santa Paula City Council is composed of five  
7 members elected at large to four-year, staggered terms.

8 8. The Hispanic population of Santa Paula is sufficiently  
9 numerous and geographically compact that a properly apportioned  
10 single-member district plan for electing the defendant City  
11 Council can be drawn in which Hispanic citizens would constitute  
12 a majority of the citizen voting age population in two districts.

13 9. Hispanic voters in Santa Paula are politically cohesive.  
14 Racially polarized voting patterns prevail in elections for the  
15 Santa Paula City Council. White bloc voting usually results in  
16 the defeat of Hispanic voters' candidates of choice. In each  
17 election since 1990 for the Santa Paula City Council, Hispanic  
18 and non-Hispanic voters consistently have preferred different  
19 candidates and the candidates preferred by white voters usually  
20 have defeated Hispanic voters' preferred candidates.

21 10. Ms. Flores Espinosa is the only Hispanic member of the  
22 Santa Paula City Council, and she is the only member of the Santa  
23 Paula City Council who was a candidate of choice among Hispanic  
24 voters.

25 11. The staggering of terms for Santa Paula City Council  
26 elections reduces the opportunities for Hispanic voters to  
27 overcome the effect of white bloc voting.

28

1           12. Hispanic persons in Santa Paula have suffered from a  
2 history of official discrimination that has affected the ability  
3 of Hispanic persons to participate effectively in the political  
4 process.

5           13. Hispanic persons in Santa Paula bear the effects of  
6 past discrimination in areas such as education, employment, and  
7 housing, as reflected in their depressed socioeconomic status  
8 relative to white Santa Paula residents. These effects of past  
9 discrimination hinder the current ability of Hispanics to  
10 participate effectively in elections in Santa Paula.

11           14. During political campaigns in Santa Paula, there have  
12 been instances of racial appeals.

13           15. The Santa Paula City Council has adopted an annexation  
14 plan that is likely to result in the reduction of the percentage  
15 of Hispanic voting age citizens in the City of Santa Paula.

16           16. Under the totality of the circumstances, the at-large  
17 election system for electing the Santa Paula City Council has the  
18 effect of diluting Hispanic voting strength, resulting in  
19 Hispanic citizens being denied an opportunity equal to that  
20 afforded to other members of the electorate to participate in the  
21 political process and elect representatives of their choice, in  
22 violation of Section 2 of the Voting Rights Act, 42 U.S.C. 1973.

23           17. Unless enjoined by order of this Court, defendants will  
24 continue to conduct elections for the Santa Paula City Council  
25 using the current at-large electoral system, in violation of  
26 Section 2 of the Voting Rights Act, 42 U.S.C. 1973.

27 ///

28 ///

1 WHEREFORE, the United States of America prays that this  
2 Court enter an order:

3 (1) Declaring that the at-large method of electing members  
4 of the Santa Paula City Council violates Section 2 of  
5 the Voting Rights Act;

6 (2) Enjoining the defendants, their agents and successors  
7 in office, and all persons acting in concert with any  
8 of them, from administering, implementing, or  
9 conducting any future elections for the Santa Paula  
10 City Council under the current at-large method of  
11 electing city councilmembers;

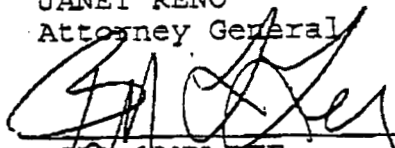
12 (3) Ordering defendants to devise and implement an election  
13 system for the Santa Paula City Council which complies  
14 with Section 2 of the Voting Rights Act, 42 U.S.C.  
15 1973; and

16 (4) Ordering such additional relief as the interests of  
17 justice may require, together with the costs and  
18 disbursements in maintaining this action.

19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

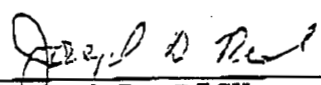
JANET RENO  
Attorney General



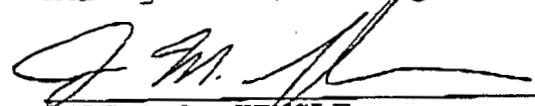
BILL LANN LEE  
Acting Assistant Attorney General  
Civil Rights Division



ALEJANDRO N. MAYORKAS  
United States Attorney  
MICHELE C. MARCHAND  
Assistant United States Attorney



JOSEPH D. RICH  
Acting Chief, Voting Section



ROBERT A. KENGLE  
JON M. GREENBAUM  
DAVID J. BECKER  
Attorneys, Voting Section  
Civil Rights Division  
Department of Justice  
P.O. Box 66128  
Washington, D.C. 20035-6128  
(202) 307-3113