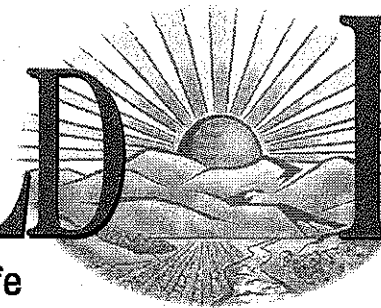


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## Research sparks federal scrutiny of elections

### Justice Dept. follows up on student's report on Hispanic representation in Sunnyside

By PAT MUIR  
YAKIMA HERALD-REPUBLIC

SUNNYSIDE — The U.S. Justice Department is looking into the way this city elects its leaders after a recent Whitman College report said the city's system violates the Voting Rights Act and keeps Hispanics from being elected.

Four people — including a former city councilwoman and a community activist — say they've been in contact with a Washington D.C. attorney from the department's civil rights division about the study.

In December, Whitman College released a report by Ian Warner, an undergraduate, showing that Sunnyside's at-large council elections create barriers to more equitable representation, a violation of the federal Voting Rights Act. Under the 1964

Act, a violation can be proven if there is a discrepancy in representation and there is racially polarized voting — if people of one race vote predominantly for candidates of the same race.

Warner says he proved this by comparing thousands of voting records against a Hispanic surname list that showed Hispanic candidates got more votes in precincts with high Hispanic populations.

Warner and the professor who oversaw the research both say the Justice Department attorney, Sean O'Donnell, contacted them after an article about the study was published in the Yakima Herald-Republic.

"He's obviously taking it seriously and thinks there are some legal implications," said Paul Apostolidis, chairman of Whitman's politics department and



Apostolidis



Warner

the professor for whom Warner wrote the report.

Former Sunnyside Councilwoman Bengie Aguilar and local Hispanic activist Hector Franco say they too have talked about Warner's study with O'Donnell. The attorney was in Yakima County last month to talk with them about bilingual voting materials when the article was published. O'Donnell took an interest in the story, Aguilar and Franco said.

O'Donnell declined to comment for this story. A spokeswoman for the Justice Department

said it's the agency's policy not to comment on such matters.

Like several Yakima County cities, Sunnyside has a much higher percentage of Hispanics in the general population than it does on the City Council.

According to 2000 Census data, 73.1 percent of Sunnyside is Hispanic, compared with one of seven City Council members, or 14.3 percent.

Cities such as Watsonville and Salinas in California have revised their elections from at-large to district voting because of legal challenges under the Voting Rights Act based on similar circumstances.

Joaquin Avila, former president and general counsel of the Mexican American Legal Defense and Educational Fund (MALDEF) and the attorney who filed the lawsuit against the city of Watsonville, served as a mentor for Warner in his Sunnyside research.

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Aguilar and Franco said O'Donnell told them he would need help getting statistics furthering research in the Whitman College report. According to O'Donnell, they said, the Justice Department will provide support in a legal effort to change Sunnyside's election system, but only if the local community does the initial legwork. For one thing, the Justice Department would need information about how the city could geographically define voting districts that would be primarily Hispanic.

The Chicano-Latino Coalition, an informal group of leaders from Yakima Valley groups, plans to start that effort by the end of January, Franco said. He sought to publicize the study's findings to the Spanish-speaking community by bringing Warner onto his show as a guest on Radio KDNA earlier this month.

The coalition plans to circulate petitions urging cities in which Hispanics are underrepresented to voluntarily change to district voting. It also plans to extend Warner's research by identifying areas from which largely Hispanic districts might be drawn in cities.

"It really rests on us to provide the research and the statistics they (the Justice Department) need. ... Why Ian's work is so important is it brought up the discussion," Franco said.

The city of Sunnyside made Warner's report available to council members at the request of Paul Garcia, the only Hispanic on the City Council.

Sunnyside City Manager Bob Stockwell, who has criticized Warner's methodology as "flawed" and

has not heard from the Justice Department.

"The only discussions we've had (on the study) is the result of reporters calling and asking us questions," he said.

While he does not agree with Warner that a change in voting systems is needed, Garcia said he believes the issue of Hispanic underrepresentation needs to be discussed.

"The issue is certainly a true one, the question of why don't we have more Hispanic representation on councils ... But to draw the conclusion it's just because of the way we're structuring our voting, I just can't come to that same conclusion," Garcia said.

Stockwell echoed that sentiment: "The issue of whether or not Hispanics are participating in the local election process has nothing to do with whether they are in a district or whether the council is elected at large."

He says many residents are struggling economically and are not yet involved in local government, but he expects Hispanic voter participation to improve when their children reach voting age.

Warner, who is planning to write his senior thesis about elections in Yakima County, believes it's up to government to ensure there are no barriers to participation. And he sees the interest from the Justice Department as validation.

"That's exactly what I was looking for," he said. "When you start writing something like that, you hope it somehow has an impact."