See a Social Security Number? Say Something!
Report Privacy Problems to https://public.resource.org/privacy
Or call the IRS Identity Theft Hotline at 1-800-908-4490
### Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements.

#### A For the 2003 calendar year, or tax year beginning MAY 1, 2003, and ending APRIL 30, 2004

<table>
<thead>
<tr>
<th><strong>C</strong> Name of organization</th>
<th>MALDEF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number and street (or P.O. box if mail is not delivered to street address)</td>
<td>634 S. SPRING STREET, 11TH FLOOR</td>
</tr>
<tr>
<td>City or town, state or country, and ZIP + 4</td>
<td>LOS ANGELES, CA 90014-3921</td>
</tr>
</tbody>
</table>

- **H and I are not applicable to section 527 organizations.**
- **J Website:** www.maldef.org

#### L Gross receipts Add lines 6b, 8b, 9b, and 10b to line 12 ➤ 4,753,442

#### Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances

<table>
<thead>
<tr>
<th><strong>1</strong> Contributions, gifts, grants, and similar amounts received.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct public support ➤ 1a 3,047,618</td>
</tr>
<tr>
<td>Indirect public support ➤ 1b</td>
</tr>
<tr>
<td>Government contributions (grants) ➤ 1c</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>2</strong> Program service revenue including government fees and contracts (from Part VII, line 93)</th>
</tr>
</thead>
<tbody>
<tr>
<td>➤ 2 361,555</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>3</strong> Membership dues and assessments</th>
</tr>
</thead>
<tbody>
<tr>
<td>➤ 3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>4</strong> Interest on savings and temporary cash investments</th>
</tr>
</thead>
<tbody>
<tr>
<td>➤ 4 104,663</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>5</strong> Dividends and interest from securities</th>
</tr>
</thead>
<tbody>
<tr>
<td>➤ 5 82,158</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>6</strong> Gross rents ➤ 6a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less rental expenses ➤ 6b</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>7</strong> Other investment income (describe ➤ )</th>
</tr>
</thead>
<tbody>
<tr>
<td>➤ 7</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>8</strong> Gross amount from sales of assets other than inventory, [REALIZED GAIN]</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Securities ➤ 8a 67,278</td>
</tr>
<tr>
<td>(B) Other ➤ 8b</td>
</tr>
</tbody>
</table>

| **9** Net gain or (loss) (combine line 8c, columns (A) and (B)) ➤ 8d | 67,278 |

<table>
<thead>
<tr>
<th><strong>10</strong> Special events and activities (attach schedule). If any amount is from gaming, check here ➤</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross revenue (not including $ 0 of contributions reported on line 1a) ➤ 9a</td>
</tr>
<tr>
<td>Less direct expenses other than fundraising expenses ➤ 9b</td>
</tr>
<tr>
<td>Net income or (loss) from special events (subtract line 9b from line 9a) ➤ 9c</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>11</strong> Gross sales of inventory, less returns and allowances ➤ 10a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less. cost of goods sold ➤ 10b</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>12</strong> Other revenue (from Part VII, line 103) ➤ 11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other revenue (from Part VII, line 103) ➤ 11</td>
</tr>
</tbody>
</table>

| **13** Total revenue (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11) ➤ 12 | 4,538,268 |

| **14** Program services (from line 44, column (B)) ➤ 13 | 5,896,383 |

| **15** Management and general (from line 44, column (C)) ➤ 14 | 259,652 |

| **16** Fundraising (from line 44, column (D)) ➤ 15 | 244,174 |

| **17** Payments to affiliates (attach schedule) ➤ 16 |

| **18** Total expenses (add lines 16 and 44, column (A)) ➤ 17 | 6,400,209 |

| **19** Excess or (deficit) for the year (subtract line 17 from line 12) ➤ 18 | (1,861,941) |

| **20** Net assets or fund balances at beginning of year (from line 75, column (A)) ➤ 19 | 10,259,012 |

| **21** Other changes in net assets or fund balances (attach explanation) ➤ 20 | 963,871 |

| **22** Net assets or fund balances at end of year (combine lines 18, 19, and 20) ➤ 21 | 9,360,942 |

For Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2003)
## Part II  Statement of Functional Expenses

All organizations must complete column (A). Columns (B), (C), and (D) are required for section 501(c)(3) and (4) organizations and section 4947(a)(1) nonexempt charitable trusts but optional for others (See page 22 of the instructions.)

<table>
<thead>
<tr>
<th>Item</th>
<th>(A) Total</th>
<th>(B) Program services</th>
<th>(C) Management and general</th>
<th>(D) Fundraising</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 Grants and allocations (attach schedule)</td>
<td>166,500</td>
<td>166,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(case $ 166,500, noncash $</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 Specific assistance to individuals (attach schedule)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 Benefits paid to or for members (attach schedule)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25 Compensation of officers, directors, etc.</td>
<td>601,450</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26 Other salaries and wages</td>
<td>2,650,415</td>
<td>2,448,421</td>
<td>201,994</td>
<td></td>
</tr>
<tr>
<td>27 Pension plan contributions</td>
<td>58,746</td>
<td>39,712</td>
<td>19,034</td>
<td></td>
</tr>
<tr>
<td>28 Other employee benefits</td>
<td>503,477</td>
<td>416,319</td>
<td>87,158</td>
<td></td>
</tr>
<tr>
<td>29 Payroll taxes</td>
<td>270,109</td>
<td>203,392</td>
<td>66,717</td>
<td></td>
</tr>
<tr>
<td>30 Professional fundraising fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31 Accounting fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32 Legal fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 Supplies</td>
<td>52,159</td>
<td>44,524</td>
<td>7,635</td>
<td></td>
</tr>
<tr>
<td>34 Telephone</td>
<td>69,871</td>
<td>57,551</td>
<td>12,320</td>
<td></td>
</tr>
<tr>
<td>35 Postage and shipping</td>
<td>37,690</td>
<td>19,023</td>
<td>18,667</td>
<td></td>
</tr>
<tr>
<td>36 Occupancy</td>
<td>476,581</td>
<td>416,649</td>
<td>57,932</td>
<td></td>
</tr>
<tr>
<td>37 Equipment rental and maintenance</td>
<td>195,831</td>
<td>132,418</td>
<td>63,413</td>
<td></td>
</tr>
<tr>
<td>38 Printing and publications</td>
<td>57,596</td>
<td>53,071</td>
<td>4,525</td>
<td></td>
</tr>
<tr>
<td>39 Travel</td>
<td>108,210</td>
<td>72,029</td>
<td>36,181</td>
<td></td>
</tr>
<tr>
<td>40 Conferences, conventions, and meetings</td>
<td>7,437</td>
<td>4,577</td>
<td>2,860</td>
<td></td>
</tr>
<tr>
<td>41 Interest</td>
<td>26,557</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42 Depreciation, depletion, etc. (attach schedule)</td>
<td>124,824</td>
<td>96,783</td>
<td>28,041</td>
<td></td>
</tr>
<tr>
<td>43 Other expenses not covered above (name one) MISC</td>
<td>28,802</td>
<td>3,971</td>
<td>24,831</td>
<td></td>
</tr>
<tr>
<td>b DIRECT LITIGATION COSTS</td>
<td>341,794</td>
<td>338,794</td>
<td>3,000</td>
<td></td>
</tr>
<tr>
<td>c DUES &amp; SUBSCRIPTIONS</td>
<td>134,397</td>
<td>111,229</td>
<td>23,168</td>
<td></td>
</tr>
<tr>
<td>d (SEE SCHEDULE 6)</td>
<td>487,763</td>
<td>84,484</td>
<td>293,637</td>
<td>109,642</td>
</tr>
<tr>
<td>e ALLOCATION: COL C INDIRECT</td>
<td>1,184,936</td>
<td>(1,319,468)</td>
<td>134,532</td>
<td></td>
</tr>
<tr>
<td>44 Total functional expenses (add lines 22 through 43)</td>
<td>6,400,209</td>
<td>5,896,383</td>
<td>259,652</td>
<td>244,174</td>
</tr>
</tbody>
</table>

Joint Costs. Check □ Yes □ No if you are following SOP 98-2. Are any joint costs from a combined educational campaign and fundraising solicitation reported in (B) Program services? □ Yes □ No

If Yes, enter (i) the aggregate amount of these joint costs $ ; (ii) the amount allocated to Program services $ ; (iii) the amount allocated to Management and general $ ; and (iv) the amount allocated to Fundraising $ .

## Part III  Statement of Program Service Accomplishments

(Required for 501(c)(3) and (4) orgs., and 4947(a)(1) trusts, but optional for others)

What is the organization's primary exempt purpose? □ LATINO CIVIL RIGHTS

All organizations must describe their exempt purpose achievements in a clear and concise manner. State the number of clients served, publications issued, etc. Discuss achievements that are not measurable (Section 501(c)(3) and (4) organizations and 4947(a)(1) nonexempt charitable trusts must also enter the amount of grants and allocations to others.)

### a LITIGATION: MALDEF PROTECTS THE CIVIL RIGHTS OF LATINOS NATIONWIDE BY UNDERTAKING CLASS ACTION LITIGATION IN THE AREAS OF EMPLOYMENT, EDUCATION, IMMIGRATION, POLITICAL ACCESS, AND PUBLIC RESOURCE EQUITY.

(Grants and allocations $ ) 3,120,563

### b PUBLIC POLICY AND RESEARCH: MALDEF ALSO SEeks TO PROTECT THE CIVIL RIGHTS OF LATINOS NATIONWIDE THROUGH PUBLIC POLICY ADVOCACY AND RESEARCH IN THOSE SAME AREAS OF EDUCATION, IMMIGRATION, POLITICAL ACCESS, AND PUBLIC RESOURCE EQUITY.

(Grants and allocations $ ) 1,701,099

### c COMMUNITY EDUCATION AND SERVICES: COMMUNITY EDUCATION PROGRAMS INCLUDE LEADERSHIP TRAINING AND DEVELOPMENT, PARENT EDUCATION, AND OUTREACH PROJECTS, AS WELL AS A LAW SCHOOL SCHOLARSHIP PROGRAM FOR QUALIFIED STUDENTS.

(Grants and allocations $ ) 1,074,721

### d [PLEASE SEE SCHEDULE 10 FOR HIGHLIGHTS OF OUR PROGRAM EFFORTS AND ACCOMPLISHMENTS OVER THIS LAST FISCAL YEAR.]

(Grants and allocations $ )

### e Other program services (attach schedule)

(Grants and allocations $ )

### f Total of Program Service Expenses (should equal line 44, column (B), Program services)

(Grants and allocations $ ) 5,896,383
### Balance Sheets

**Part IV**

**Note:** Where required, attached schedules and amounts within the description column should be for end-of-year amounts only.

<table>
<thead>
<tr>
<th></th>
<th>(A) Beginning of year</th>
<th>(B) End of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>Cash - non-interest-bearing</td>
<td>3,672</td>
</tr>
<tr>
<td>46</td>
<td>Savings and temporary cash investments</td>
<td>983,063</td>
</tr>
<tr>
<td>47a</td>
<td>Accounts receivable</td>
<td>47a</td>
</tr>
<tr>
<td>b</td>
<td>Less: allowance for doubtful accounts</td>
<td>47b</td>
</tr>
<tr>
<td>48a</td>
<td>Pledges receivable</td>
<td>48a</td>
</tr>
<tr>
<td>b</td>
<td>Less: allowance for doubtful accounts</td>
<td>48b</td>
</tr>
<tr>
<td>49</td>
<td>Grants receivable</td>
<td>1,602,250</td>
</tr>
<tr>
<td>50</td>
<td>Receivables from officers, directors, trustees, and key employees</td>
<td>(attach schedule)</td>
</tr>
<tr>
<td>51a</td>
<td>Other notes and loans receivable (attach schedule)</td>
<td>51a</td>
</tr>
<tr>
<td>b</td>
<td>Less: allowance for doubtful accounts</td>
<td>51b</td>
</tr>
<tr>
<td>52</td>
<td>Inventories for sale or use</td>
<td>52</td>
</tr>
<tr>
<td>53</td>
<td>Prepaid expenses and deferred charges</td>
<td>117,759</td>
</tr>
<tr>
<td>54</td>
<td>Investments - securities (attach schedule)</td>
<td>7,322,018</td>
</tr>
<tr>
<td>55a</td>
<td>Investments - land, buildings, and equipment basis [UNIMPROVED LAND]</td>
<td>55a</td>
</tr>
<tr>
<td>b</td>
<td>Less: accumulated depreciation (attach schedule)</td>
<td>55b</td>
</tr>
<tr>
<td>56</td>
<td>Investments - other (attach schedule)</td>
<td>56</td>
</tr>
<tr>
<td>57a</td>
<td>Land, buildings, and equipment basis</td>
<td>57a</td>
</tr>
<tr>
<td>b</td>
<td>Less: accumulated depreciation (attach schedule)</td>
<td>57b</td>
</tr>
<tr>
<td>58</td>
<td>Other assets (describe DUE FROM AFFILIATE)</td>
<td>249,310</td>
</tr>
<tr>
<td>59</td>
<td>Total assets (add lines 45 through 58) (must equal line 74)</td>
<td>11,052,625</td>
</tr>
<tr>
<td>60</td>
<td>Accounts payable and accrued expenses</td>
<td>288,032</td>
</tr>
<tr>
<td>61</td>
<td>Grants payable</td>
<td>61</td>
</tr>
<tr>
<td>62</td>
<td>Deferred revenue</td>
<td>62</td>
</tr>
<tr>
<td>63</td>
<td>Loans from officers, directors, trustees, and key employees (attach schedule)</td>
<td>63</td>
</tr>
<tr>
<td>64a</td>
<td>Tax-exempt bond liabilities (attach schedule)</td>
<td>64a</td>
</tr>
<tr>
<td>b</td>
<td>Mortgages and other notes payable (attach schedule)</td>
<td>505,581</td>
</tr>
<tr>
<td>65</td>
<td>Other liabilities (describe FIDUCIARY/CUSTODIAL ACCOUNTS)</td>
<td>0</td>
</tr>
<tr>
<td>66</td>
<td>Total liabilities (add lines 60 through 65)</td>
<td>793,613</td>
</tr>
</tbody>
</table>

---

**Organizations that follow SFAS 117, check here X and complete lines 67 through 69 and lines 73 and 74**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>67</td>
<td>Unrestricted</td>
<td>3,610,371</td>
<td>67</td>
</tr>
<tr>
<td>68</td>
<td>Temporarily restricted</td>
<td>4,763,330</td>
<td>68</td>
</tr>
<tr>
<td>69</td>
<td>Permanently restricted</td>
<td>1,885,311</td>
<td>69</td>
</tr>
</tbody>
</table>

**Organizations that do not follow SFAS 117, check here □ and complete lines 70 through 74**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>70</td>
<td>Capital stock, trust principal, or current funds</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Paid-in or capital surplus, or land, building, and equipment fund</td>
<td>71</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Retained earnings, endowment, accumulated income, or other funds</td>
<td>72</td>
<td></td>
</tr>
</tbody>
</table>

**Net Assets or Fund Balances (add lines 67 through 69 or lines 70 through 72)**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>73</td>
<td>Total net assets or fund balances</td>
<td>10,259,012</td>
<td>73</td>
</tr>
</tbody>
</table>

**Total liabilities and net assets / fund balances (add lines 66 and 73)**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>74</td>
<td>Total liabilities and net assets / fund balances</td>
<td>11,052,625</td>
<td>74</td>
</tr>
</tbody>
</table>

---

Form 990 is available for public inspection and, for some people, serves as the primary or sole source of information about a particular organization. How the public perceives an organization in such cases may be determined by the information presented on its return. Therefore, please make sure the return is complete and accurate and fully describes, in Part III, the organization's programs and accomplishments.
### Part IV-A: Reconciliation of Revenue per Audited Financial Statements with Revenue per Return

<table>
<thead>
<tr>
<th></th>
<th>Amounts included on line a but not on line 12, Form 990:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Total revenue, gains, and other support per audited financial statements ▶</td>
</tr>
<tr>
<td>b</td>
<td>Net unrealized gains on investments $963,871</td>
</tr>
<tr>
<td></td>
<td>(2) Net unrealized gains on investments $\mathbf{963,871}$</td>
</tr>
<tr>
<td></td>
<td>(1) Net unrealized gains on investments $\mathbf{963,871}$</td>
</tr>
<tr>
<td></td>
<td>(2) Donated services and use of facilities $\mathbf{580,180}$</td>
</tr>
<tr>
<td></td>
<td>(3) Recoveries of prior year grants $\mathbf{4,753,442}$</td>
</tr>
<tr>
<td></td>
<td>(4) Other (specify): $\mathbf{4,753,442}$</td>
</tr>
<tr>
<td>NOTE (A)</td>
<td>$\mathbf{(383,691)}$</td>
</tr>
<tr>
<td>Add amounts on lines (1) through (4) ▶</td>
<td>$\mathbf{580,180}$</td>
</tr>
</tbody>
</table>

### Part IV-B: Reconciliation of Expenses per Audited Financial Statements with Expenses per Return

<table>
<thead>
<tr>
<th></th>
<th>Amounts included on line a but not on line 17, Form 990:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Total expenses and losses per audited financial statements ▶</td>
</tr>
<tr>
<td>b</td>
<td>Donated services and use of facilities $\mathbf{215,174}$</td>
</tr>
<tr>
<td></td>
<td>(1) Donated services and use of facilities $\mathbf{215,174}$</td>
</tr>
<tr>
<td></td>
<td>(2) Prior year adjustments reported on line 20, Form 990 $\mathbf{6,252,105}$</td>
</tr>
<tr>
<td></td>
<td>(3) Losses reported on line 20, Form 990 $\mathbf{6,252,105}$</td>
</tr>
<tr>
<td></td>
<td>(4) Other (specify):</td>
</tr>
<tr>
<td>NOTE (B)</td>
<td>$\mathbf{215,174}$</td>
</tr>
<tr>
<td>Add amounts on lines (1) through (4) ▶</td>
<td>$\mathbf{215,174}$</td>
</tr>
</tbody>
</table>

### Part V: List of Officers, Directors, Trustees, and Key Employees

### (A) Name and address

- **ANTONIA HERNANDEZ**
  - Title: President
  - Hours per week: 40+ HRS.
  - Compensation: 160,000
  - Other: 5,258
  - (D) Contributions to employee benefit plans & deferred compensation: 0

- **VIBIANA M. ANDRADE**
  - Title: Vice President
  - Hours per week: 40+ HRS.
  - Compensation: 125,000
  - Other: 4,333
  - (D) Contributions to employee benefit plans & deferred compensation: 0

- **THOMAS A. SAENZ**
  - Title: Vice President
  - Hours per week: 40+ HRS.
  - Compensation: 125,000
  - Other: 3,950
  - (D) Contributions to employee benefit plans & deferred compensation: 0

- **ROBERT HETTINGER**
  - Title: Vice President
  - Hours per week: 40+ HRS.
  - Compensation: 92,000
  - Other: 2,217
  - (D) Contributions to employee benefit plans & deferred compensation: 0

- **RAFAEL RAMIREZ**
  - Title: Vice President
  - Hours per week: 40+ HRS.
  - Compensation: 99,450
  - Other: 3,276
  - (D) Contributions to employee benefit plans & deferred compensation: 0

**NONCOMPENSATED BOARD OF DIRECTORS:**
- **JOSEPH A. STERN, CHAIR**
- **HERLINDA GARCIA, 1ST VICE CHAIR**
- **CARLOS MONToya, 2ND VICE CHAIR**
- **BARBARA ALDAVE, 3RD VICE CHAIR**
- **DON PIERCE, SECY/TEAS, COMMITTEE CHAIR**
- **THOMAS B. RESTON, COMMITTEE CHAIR**
- **GILBERTO CARDENAS, COMMITTEE CHAIR**

**FULL BOARD: SEE SCHEDULE 7**

### 75 Did any officer, director, trustee, or key employee receive aggregate compensation of more than $100,000 from your organization and all related organizations, of which more than $10,000 was provided by the related organizations? ▶ Yes ☑ No

### FOOTNOTES:

- **(A) COMBINED NET LOSS OF AFFILIATE**
- **(B) DIRECT COSTS OF SPECIAL EVENTS**
- **(C) RENT PAID TO AFFILIATE**
Form 990 (2003)

Part VI Other Information (See page 28 of the instructions.)

76 Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity.  

77 Were any changes made in the organizing or governing documents but not reported to the IRS?  

If "Yes," attach a conforming copy of the changes.

78a Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return?  

78b If "Yes," has it filed a tax return on Form 990-T for this year?  

79 Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," attach a statement.

80a Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization?  

80b If "Yes," enter the name of the organization:  

HERRERA, JR., CHAIR  

MALDEF PROPERTY MANAGEMENT CORP. (MPMC) [FRANK]

81a Enter direct and indirect political expenditures. See line 81 instructions.  

81b Did the organization file Form 1120-POL for this year?  

82a Did the organization receive donated services or the use of materials, equipment, or facilities at no charge or at substantially less than fair rental value?  

82b If "Yes," you may indicate the value of these items here. Do not include this amount as revenue in Part I or as an expense in Part II. See instructions in Part III.

83a Did the organization comply with the public inspection requirements for returns and exemption applications?  

83b Did the organization comply with the disclosure requirements relating to quid pro quo contributions?  

84a Did the organization solicit any contributions or gifts that were not tax deductible?  

84b If "Yes," did the organization include with every solicitation an express statement that such contributions or gifts were not tax deductible?  

85 501(c)(4), (5), or (6) organizations  

85a Were substantially all dues nondeductible by members?  

85b Did the organization make only in-house lobbying expenditures of $2,000 or less?  

If "Yes" was answered to either 85a or 85b, do not complete 85c through 85h below unless the organization received a waiver for proxy tax owed for the prior year.

c Dues, assessments, and similar amounts from members  

d Section 162(e) lobbying and political expenditures  

e Aggregate nondeductible amount of section 6033(e)(1)(A) dues notices  

85f Taxable amount of lobbying and political expenditures (line 85d less 85e)

g Does the organization elect to pay the section 6033(e) tax on the amount on line 85f?  

h If section 6033(e)(1)(A) dues notices were sent, does the organization agree to add the amount on line 85f to its reasonable estimate of dues allocable to nondeductible lobbying and political expenditures for the following tax year?  

86 501(c)(7) orgs Enter: a Initiation fees and capital contributions included on line 12  

86a N/A

b Gross receipts, included on line 12, for public use of club facilities  

86b

87 501(c)(12) orgs Enter: a Gross income from members or shareholders  

87a N/A

c Gross income from other sources (Do not net amounts due or paid to other sources against amounts due or received from them)  

87b

88 At any time during the year, did the organization own a 50% or greater interest in a taxable corporation or partnership, or an entity disregarded as separate from the organization under Regulations sections 301 7701-2 and 301 7701-3? If "Yes," complete Part IX.  

89a 501(c)(3) organizations Enter: Amount of tax imposed on the organization during the year under section 4911 [ ] 0, section 4912 [ ] 0; section 4955 [ ] 0  

89b Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," attach a statement explaining each transaction.

89c Amount of tax imposed on the organization managers or disqualified persons under the year under sections 4912, 4955, and 4958

89d Enter: Amount of tax on line 89c, above, reimbursed by the organization

90a List the states with which a copy of this return is filed  

90b 82

91 The books are in care of:  

LEITICIA URQUIZI, ACCOUNTING MANAGER  

Telephone no: (213) 629-2512

Located at: 634 S. SPRING ST., 11TH FLOOR, LOS ANGELES, CA 90014-3921

92 Section 4947(a)(1) nonexempt charitable trusts filing Form 990 in lieu of Form 1041 - Check here

and enter the amount of tax-exempt interest received or accrued during the tax year

93

Form 990 (2003)
<table>
<thead>
<tr>
<th>Note: Enter gross amounts unless otherwise indicated</th>
<th>Unrelated business income</th>
<th>Excluded by section 512, 513, or 514</th>
<th>(E) Related or exempt function income</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(A) Business code (B) Amount</td>
<td>(C) Exclusion code (D) Amount</td>
<td></td>
</tr>
<tr>
<td>93 Program service revenue:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a COURT AWARDED FEES &amp; COSTS</td>
<td></td>
<td></td>
<td>361,555</td>
</tr>
<tr>
<td>b</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f Medicare/Medicaid payments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g Fees and contracts from government agencies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>94 Membership dues and assessments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>95 Interest on savings and temporary cash investments</td>
<td>14</td>
<td>104,663</td>
<td></td>
</tr>
<tr>
<td>96 Dividends and interest from securities</td>
<td>14</td>
<td>82,158</td>
<td></td>
</tr>
<tr>
<td>97 Net rental income or (loss) from real estate:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a debt-financed property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b not debt-financed property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>98 Net rental income or (loss) from personal property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>99 Other investment income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100 Gain or (loss) from sales of assets other than inventory</td>
<td>18</td>
<td>67,278</td>
<td></td>
</tr>
<tr>
<td>101 Net income or (loss) from special events</td>
<td>01</td>
<td>855,770</td>
<td></td>
</tr>
<tr>
<td>102 Gross profit or (loss) from sales of inventory</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>103 Other revenue:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a PROGRAM FEES &amp; MISC.</td>
<td></td>
<td></td>
<td>19,226</td>
</tr>
<tr>
<td>b</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>104 Subtotal (add columns (B), (D), and (E))</td>
<td></td>
<td></td>
<td>1,109,869</td>
</tr>
<tr>
<td>105 Total (add line 104, columns (B), (D), and (E))</td>
<td></td>
<td></td>
<td>380,781</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part VIII Relationship of Activities to the Accomplishment of Exempt Purposes (See page 34 of the instructions.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Line No.</td>
</tr>
<tr>
<td>93 COURT-AWARDED FEES AND COSTS OF PUBLIC-INTEREST LAW FIRM.</td>
</tr>
<tr>
<td>103 MISCELLANEOUS PROGRAM REVENUE, FIDUCIARY FEES, AND REIMBURSEMENTS.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part IX Information Regarding Taxable Subsidiaries and Disregarded Entities (See page 34 of the instructions.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Name, address, and EIN of corporation, partnership, or disregarded entity (B) Percentage of ownership interest (C) Nature of activities (D) Total income (E) End-of-year assets</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part X Information Regarding Transfers Associated with Personal Benefit Contracts (See page 34 of the instructions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? Yes X No</td>
</tr>
<tr>
<td>(b) Did the organization, during the year, pay premiums, directly or indirectly, on a personal benefit contract? Yes X No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Please Sign Here</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature of officer Ann Marie Wheelock, President</td>
</tr>
<tr>
<td>Date 12/10/04</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Paid Preparer's Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparer's signature Michael W. Duran</td>
</tr>
<tr>
<td>Date 12/10/04</td>
</tr>
<tr>
<td>Check if self-employed X</td>
</tr>
<tr>
<td>Preparer's SSN or PTIN (See Gov. Inst. W) 545-86-4872</td>
</tr>
<tr>
<td>Firm's name (or yours if self-employed), address, and ZIP + 4 MICHAEL W. DURAN, CPA, APC 1440 N. HARBOR BLVD., SUITE 800 FULLERTON, CA 92835-4121</td>
</tr>
<tr>
<td>Phone (714) 441-2500</td>
</tr>
</tbody>
</table>

JSA 3E1050 1000 Form 990 (2003)
### Part I: Compensation of the Five Highest Paid Employees Other Than Officers, Directors, and Trustees

<table>
<thead>
<tr>
<th>Name and address of each employee paid more than $50,000</th>
<th>Title and average hours per week devoted to position</th>
<th>Compensation</th>
<th>Contributions to employee benefit plans &amp; deferred compensation</th>
<th>Expense account and other allowances</th>
</tr>
</thead>
<tbody>
<tr>
<td>MARIA BLANCO</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>104,000</td>
<td>1,880</td>
<td>0</td>
</tr>
<tr>
<td>MARIA VALDEZ</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>92,400</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NINA PERALES</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>82,500</td>
<td>3,044</td>
<td>0</td>
</tr>
<tr>
<td>HECTOR VILLAGRA</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>80,000</td>
<td>2,217</td>
<td>0</td>
</tr>
<tr>
<td>MARIA DEMEO</td>
<td>REGIONAL COUNSEL 40+ HRS.</td>
<td>80,000</td>
<td>1,067</td>
<td>0</td>
</tr>
</tbody>
</table>

Total number of other employees paid over $50,000: **16**

### Part II: Compensation of the Five Highest Paid Independent Contractors for Professional Services

(a) Name and address of each independent contractor paid more than $50,000

(b) Type of service

(c) Compensation

**NONE**

Total number of others receiving over $50,000 for professional services: **0**
### Part III  Statements About Activities (See page 2 of the instructions.)

<table>
<thead>
<tr>
<th>Statement</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 During the year, has the organization attempted to influence national, state, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum? If &quot;Yes,&quot; enter the total expenses paid or incurred in connection with the lobbying activities.</td>
<td>$269,005</td>
<td></td>
</tr>
<tr>
<td>Organizations that made an election under section 501(h) by filing Form 5768 must complete Part VI-A. Other organizations checking &quot;Yes,&quot; must complete Part VI-B AND attach a statement giving a detailed description of the lobbying activities.</td>
<td>1</td>
<td>X</td>
</tr>
<tr>
<td>2 During the year, has the organization, either directly or indirectly, engaged in any of the following acts with any substantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any taxable organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal beneficiary? (If the answer to any question is &quot;Yes,&quot; attach a detailed statement explaining the transactions.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Sale, exchange, or leasing of property?</td>
<td>2a</td>
<td>X</td>
</tr>
<tr>
<td>b Lending of money or other extension of credit?</td>
<td>2b</td>
<td>X</td>
</tr>
<tr>
<td>c Furnishing of goods, services, or facilities?</td>
<td>2c</td>
<td>X</td>
</tr>
<tr>
<td>(See Part V, Form 990)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d Payment of compensation (or payment or reimbursement of expenses if more than $1,000)?</td>
<td>2d</td>
<td>X</td>
</tr>
<tr>
<td>e Transfer of any part of its income or assets?</td>
<td>2e</td>
<td>X</td>
</tr>
<tr>
<td>3a Do you make grants for scholarships, fellowships, student loans, etc? (If &quot;Yes,&quot; attach an explanation of how you determine that recipients qualify to receive payments)</td>
<td>3a</td>
<td>X</td>
</tr>
<tr>
<td>b Do you have a section 403(b) annuity plan for your employees?</td>
<td>3b</td>
<td></td>
</tr>
<tr>
<td>4 Did you maintain any separate account for participating donors where donors have the right to provide advice on the use or distribution of funds?</td>
<td>4</td>
<td>X</td>
</tr>
</tbody>
</table>

### Part IV  Reason for Non-Private Foundation Status (See pages 3 through 6 of the instructions.)

The organization is not a private foundation because it is. (Please check only ONE applicable box.)

<table>
<thead>
<tr>
<th>Option</th>
<th>Check Box</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 A church, convention of churches, or association of churches Section 170(b)(1)(A)(i)</td>
<td></td>
</tr>
<tr>
<td>6 A school. Section 170(b)(1)(A)(ii) (Also complete Part V.)</td>
<td></td>
</tr>
<tr>
<td>7 A hospital or a cooperative hospital service organization Section 170(b)(1)(A)(iii)</td>
<td></td>
</tr>
<tr>
<td>8 A Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).</td>
<td></td>
</tr>
<tr>
<td>9 A medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state.</td>
<td></td>
</tr>
<tr>
<td>10 An organization operated for the benefit of a college or university owned or operated by a governmental unit Section 170(b)(1)(A)(iv) (Also complete the Support Schedule in Part IV-A.)</td>
<td></td>
</tr>
<tr>
<td>11a X An organization that normally receives a substantial part of its support from a governmental unit or from the general public. Section 170(b)(1)(A)(v). (Also complete the Support Schedule in Part IV-A.)</td>
<td></td>
</tr>
<tr>
<td>11b A community trust. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.)</td>
<td></td>
</tr>
<tr>
<td>12 An organization that normally receives (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its charitable, etc., functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2) (Also complete the Support Schedule in Part IV-A.)</td>
<td></td>
</tr>
<tr>
<td>13 An organization that is not controlled by any disqualified persons (other than foundation managers) and supports organizations described in: (1) lines 5 through 12 above, or (2) section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). (See section 509(a)(3))</td>
<td></td>
</tr>
</tbody>
</table>

Provide the following information about the supported organizations (See page 5 of the instructions.)

<table>
<thead>
<tr>
<th>(a) Name(s) of supported organization(s)</th>
<th>(b) Line number from above</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

14 X An organization organized and operated to test for public safety Section 509(a)(4). (See page 6 of the instructions.)
### Part IV-A Support Schedule

(Complete only if you checked a box on line 10, 11, or 12.) Use cash method of accounting.

**Note:** You may use the worksheet in the instructions for converting from the accrual to the cash method of accounting.

<table>
<thead>
<tr>
<th>Calendar year (or fiscal year beginning in)</th>
<th>(a) 2002</th>
<th>(b) 2001</th>
<th>(c) 2000</th>
<th>(d) 1999</th>
<th>(e) Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 Gifts, grants, and contributions received (Do not include unusual grants. See line 28).</td>
<td>3,068,389</td>
<td>2,725,318</td>
<td>2,269,224</td>
<td>2,997,006</td>
<td>11,059,937</td>
</tr>
<tr>
<td>16 Membership fees received . . . . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>17 Gross receipts from admissions, merchandise sold or services performed, or furnishing of facilities in any activity that is related to the organization's charitable, etc., purpose</td>
<td>1,041,549</td>
<td>890,625</td>
<td>1,203,079</td>
<td>1,170,970</td>
<td>4,306,223</td>
</tr>
<tr>
<td>18 Gross income from interest, dividends, amounts received from payments on securities loans (section 512(a)(5)), rents, royalties, and unrelated business taxable income (less section 511 taxes) from businesses acquired by the organization after June 30, 1975</td>
<td>198,943</td>
<td>269,244</td>
<td>343,285</td>
<td>195,190</td>
<td>1,006,662</td>
</tr>
<tr>
<td>19 Net income from unrelated business activities not included in line 18</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>20 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>21 The value of services or facilities furnished to the organization by a governmental unit without charge. Do not include the value of services or facilities generally furnished to the public without charge</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>22 Other income. Attach a schedule Do not include gain or (loss) from sale of capital assets</td>
<td>90,451</td>
<td>97,187</td>
<td>21,230</td>
<td>50,800</td>
<td>259,668</td>
</tr>
<tr>
<td>23 Total of lines 15 through 22</td>
<td>4,399,332</td>
<td>3,982,374</td>
<td>3,836,818</td>
<td>4,413,966</td>
<td>16,632,490</td>
</tr>
<tr>
<td>24 Line 23 minus line 17</td>
<td>3,357,783</td>
<td>3,091,749</td>
<td>2,633,739</td>
<td>3,242,996</td>
<td>12,326,267</td>
</tr>
<tr>
<td>25 Enter 1% of line 23</td>
<td>43,993</td>
<td>39,824</td>
<td>38,368</td>
<td>44,140</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>26 Organizations described on lines 10 or 11:</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>(a) Enter 2% of amount in column (e), line 24</td>
<td>246,525</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>(b) Prepare a list for your records to show the name of and amount contributed by each person (other than a governmental unit or publicly supported organization) whose total gifts for 1999 through 2002 exceeded the amount shown in line 26a Do not file this list with your return. Enter the total of all these excess amounts</td>
<td>2,677,650</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>(c) Total support for section 509(a)(1) test: Enter line 24, column (e)</td>
<td>12,326,267</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>(d) Add: Amounts from column (e) for lines 18</td>
<td>1,006,662</td>
<td>19</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>22</td>
<td>259,668</td>
<td>26b</td>
<td>2,677,650</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>(e) Public support (line 26c minus line 26d total)</td>
<td>3,943,980</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
<tr>
<td>(f) Public support percentage (line 26e (numerator) divided by line 26f (denominator))</td>
<td>68.0035%</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
<td>. . . . . .</td>
</tr>
</tbody>
</table>

**27 Organizations described on line 12:**

(a) For amounts included in lines 15, 16, and 17 that were received from a "disqualified person," prepare a list for your records to show the name of, and total amounts received in each year from, each "disqualified person" Do not file this list with your return. Enter the sum of such amounts for each year.

(b) For any amount included in line 17 that was received from each person (other than "disqualified persons"), prepare a list for your records to show the name of, and amount received for each year, that was more than the larger of (1) the amount on line 25 for the year or (2) $5,000. (Include in the list organizations described in lines 5 through 11, as well as individuals.) Do not file this list with your return. After computing the difference between the amount received and the larger amount described in (1) or (2), enter the sum of these differences (the excess amounts) for each year.

| Add: Amounts from column (e) for lines 15 | 16 | 20 | 21 | . . . . . . | 27c |
| Line 27a total . . . . . . . . . . . . . . . . . . and line 27b total | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | 27d |
| Public support (line 27c total minus line 27d total) | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | 27e |
| Total support for section 509(a)(2) test Enter amount from line 23, column (e) | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | 27f |
| Public support percentage (line 27e (numerator) divided by line 27f (denominator)) | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | 27g % |
| Investment income percentage (line 18, column (e) (numerator) divided by line 27f (denominator)) | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | . . . . . . | 27h % |

**28 Unusual Grants:** For an organization described in line 10, 11, or 12 that received any unusual grants during 1999 through 2002, prepare a list for your records to show, for each year, the name of the contributor, the date and amount of the grant, and a brief description of the nature of the grant Do not file this list with your return. Do not include these grants in line 15.
### Private School Questionnaire

(To be completed ONLY by schools that checked the box on line 6 in Part IV)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>29 Does the organization have a racially nondiscriminatory policy toward students by statement in its charter, bylaws, other governing instrument, or in a resolution of its governing body?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30 Does the organization include a statement of its racially nondiscriminatory policy toward students in all its brochures, catalogues, and other written communications with the public dealing with student admissions, programs, and scholarships?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31 Has the organization publicized its racially nondiscriminatory policy through newspaper or broadcast media during the period of solicitation for students, or during the registration period if it has no solicitation program, in a way that makes the policy known to all parts of the general community it serves? If &quot;Yes,&quot; please describe, if &quot;No,&quot; please explain (If you need more space, attach a separate statement.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32 Does the organization maintain the following</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Records indicating the racial composition of the student body, faculty, and administrative staff?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b Records documenting that scholarships and other financial assistance are awarded on a racially nondiscriminatory basis?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c Copies of all catalogues, brochures, announcements, and other written communications to the public dealing with student admissions, programs, and scholarships?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d Copies of all material used by the organization or on its behalf to solicit contributions?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33 Does the organization discriminate by race in any way with respect to.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a Students' rights or privileges?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b Admissions policies?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c Employment of faculty or administrative staff?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d Scholarships or other financial assistance?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e Educational policies?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f Use of facilities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g Athletic programs?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h Other extracurricular activities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34a Does the organization receive any financial aid or assistance from a governmental agency?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34b Has the organization's right to such aid ever been revoked or suspended?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>35 Does the organization certify that it has complied with the applicable requirements of sections 4.01 through 4.05 of Rev. Proc. 75-50, 1975-2 C.B. 587, covering racial nondiscrimination? If &quot;No,&quot; attach an explanation</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Part VI-A  Lobbying Expenditures by Electing Public Charities

(To be completed ONLY by an eligible organization that filed Form 5768)

<table>
<thead>
<tr>
<th>Limits on Lobbying Expenditures</th>
<th>(a) Affiliated group totals</th>
<th>(b) To be completed for ALL electing organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>36 Total lobbying expenditures to influence public opinion (grassroots lobbying)</td>
<td>36</td>
<td>44,647</td>
</tr>
<tr>
<td>37 Total lobbying expenditures to influence a legislative body (direct lobbying)</td>
<td>37</td>
<td>224,358</td>
</tr>
<tr>
<td>38 Total lobbying expenditures (add lines 36 and 37)</td>
<td>38</td>
<td>269,005</td>
</tr>
<tr>
<td>39 Other exempt purpose expenditures</td>
<td>39</td>
<td>5,627,378</td>
</tr>
<tr>
<td>40 Total exempt purpose expenditures (add lines 38 and 39)</td>
<td>40</td>
<td>5,896,383</td>
</tr>
<tr>
<td>41 Lobbying nontaxable amount. Enter the amount from the following table - If the amount on line 40 is -</td>
<td>(The lobbying nontaxable amount is -)</td>
<td></td>
</tr>
<tr>
<td>Not over $500,000</td>
<td>20% of the amount on line 40</td>
<td>41</td>
</tr>
<tr>
<td>Over $500,000 but not over $1,000,000</td>
<td>$100,000 plus 15% of the excess over $500,000</td>
<td>41</td>
</tr>
<tr>
<td>Over $1,000,000 but not over $1,500,000</td>
<td>$175,000 plus 10% of the excess over $1,000,000</td>
<td>41</td>
</tr>
<tr>
<td>Over $1,500,000 but not over $17,000,000</td>
<td>$225,000 plus 5% of the excess over $1,500,000</td>
<td>41</td>
</tr>
<tr>
<td>Over $17,000,000</td>
<td>$1,000,000</td>
<td>41</td>
</tr>
<tr>
<td>42 Grassroots nontaxable amount (enter 25% of line 41)</td>
<td>42</td>
<td>111,205</td>
</tr>
<tr>
<td>43 Subtract line 42 from line 36. Enter -0- if line 42 is more than line 36</td>
<td>43</td>
<td>0</td>
</tr>
<tr>
<td>44 Subtract line 41 from line 38. Enter -0- if line 41 is more than line 38</td>
<td>44</td>
<td>0</td>
</tr>
</tbody>
</table>

**Caution:** If there is an amount on either line 43 or line 44, you must file Form 4720.

### 4-Year Averaging Period Under Section 501(h)

(Some organizations that made a section 501(h) election do not have to complete all of the five columns below. See the instructions for lines 45 through 50 on page 11 of the instructions.)

<table>
<thead>
<tr>
<th>Calendar year (or fiscal year beginning in)</th>
<th>(a) 2003</th>
<th>(b) 2002</th>
<th>(c) 2001</th>
<th>(d) 2000</th>
<th>(e) Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lobbying nontaxable amount</td>
<td>444,819</td>
<td>435,214</td>
<td>415,819</td>
<td>415,562</td>
<td>1,711,414</td>
</tr>
<tr>
<td>Lobbying ceiling amount</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,567,121</td>
</tr>
<tr>
<td>(150% of line 45(e))</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lobbying expenditures</td>
<td>269,005</td>
<td>209,847</td>
<td>145,700</td>
<td>156,334</td>
<td>780,886</td>
</tr>
<tr>
<td>Grassroots nontaxable amount</td>
<td>111,205</td>
<td>108,804</td>
<td>103,955</td>
<td>103,891</td>
<td>427,855</td>
</tr>
<tr>
<td>Grassroots ceiling amount</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>641,783</td>
</tr>
<tr>
<td>(150% of line 48(e))</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grassroots lobbying expenditures</td>
<td>44,647</td>
<td>39,205</td>
<td>26,500</td>
<td>33,200</td>
<td>143,552</td>
</tr>
</tbody>
</table>

### Part VI-B  Lobbying Activity by Nonelecting Public Charities

(For reporting only by organizations that did not complete Part VI-A) (See page 12 of the instructions.)

During the year, did the organization attempt to influence national, state or local legislation, including any attempt to influence public opinion on a legislative matter or referendum, through the use of:

<table>
<thead>
<tr>
<th>a. Volunteers</th>
<th>Yes</th>
<th>No</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Paid staff or management (Include compensation in expenses reported on lines c through h)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Media advertisements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Mailings to members, legislators, or the public</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Publications, or published or broadcast statements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f. Grants to other organizations for lobbying purposes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Direct contact with legislators, their staffs, government officials, or a legislative body</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Rallies, demonstrations, seminars, conventions, speeches, lectures, or any other means</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Total lobbying expenditures (Add lines c through h)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If "Yes" to any of the above, also attach a statement giving a detailed description of the lobbying activities.
Part VII  Information Regarding Transfers To and Transactions and Relationships With Noncharitable Exempt Organizations (See page 12 of the instructions.)

51 Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>a</td>
<td>Transfers from the reporting organization to a noncharitable exempt organization of.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>b</td>
<td>Other transactions.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>c</td>
<td>Sharing of facilities, equipment, mailing lists, other assets, or paid employees.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>d</td>
<td>If the answer to any of the above is &quot;Yes,&quot; complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or shared arrangement, show in column (d) the value of the goods, other assets, or services received.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Line no</th>
<th>Amount involved</th>
<th>Name of noncharitable exempt organization</th>
<th>Description of transfers, transactions, and shared arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

52a Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527? 

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>b</td>
<td>If &quot;Yes,&quot; complete the following schedule</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of organization</th>
<th>Type of organization</th>
<th>Description of relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

N/A
PART I, LINE 9: SPECIAL EVENTS

<table>
<thead>
<tr>
<th>EVENT</th>
<th>GROSS REVENUE</th>
<th>DIRECT COSTS</th>
<th>NET INCOME</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAN ANTONIO DINNER</td>
<td>$135,120</td>
<td>$17,187</td>
<td>$117,933</td>
</tr>
<tr>
<td>ANNUAL GOLF TOURNAMENT</td>
<td>$34,126</td>
<td>$12,849</td>
<td>$21,277</td>
</tr>
<tr>
<td>LOS ANGELES DINNER</td>
<td>$536,161</td>
<td>$94,376</td>
<td>$441,785</td>
</tr>
<tr>
<td>CHICAGO DINNER</td>
<td>$189,202</td>
<td>$57,927</td>
<td>$131,275</td>
</tr>
<tr>
<td>WASHINGTON D.C. DINNER</td>
<td>$119,625</td>
<td>$15,510</td>
<td>$104,115</td>
</tr>
<tr>
<td>OTHER EVENTS</td>
<td>$56,710</td>
<td>$17,325</td>
<td>$39,385</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,070,944</strong></td>
<td><strong>$215,174</strong></td>
<td><strong>$855,770</strong></td>
</tr>
</tbody>
</table>
### DEPRECIATION

<table>
<thead>
<tr>
<th>ASSET</th>
<th>COST OR BASIS</th>
<th>METHOD &amp; LIFE</th>
<th>PRIOR</th>
<th>CURRENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FURNITURE &amp; EQUIPMENT</td>
<td>$1,303,902</td>
<td>SL 5YRS</td>
<td>$987,839</td>
<td>$124,824</td>
</tr>
<tr>
<td>LAW LIBRARY</td>
<td>217,499</td>
<td>SL 10YRS</td>
<td>217,499</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,521,401</strong></td>
<td></td>
<td><strong>$1,205,338</strong></td>
<td><strong>$124,824</strong></td>
</tr>
</tbody>
</table>
PART IV, LINE 64b: MORTGAGES & NOTES PAYABLE

<table>
<thead>
<tr>
<th>LENDER</th>
<th>ORIGINAL BALANCE</th>
<th>CURRENT BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BANK OF AMERICA, LINE OF CREDIT ($1,000,000 LIMIT)</td>
<td>$ 1,000,000</td>
<td>$ 651,789</td>
</tr>
<tr>
<td>LEGALLEASE.COM, CAPITAL LEASE OF COMPUTER HARDWARE</td>
<td>185,912</td>
<td>3,777</td>
</tr>
<tr>
<td>LEGALLEASE.COM, CAPITAL LEASE OF COMPUTER SOFTWARE</td>
<td>166,141</td>
<td>23,268</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 678,834</td>
</tr>
</tbody>
</table>

LINE OF CREDIT

The Organization has an unsecured $1,000,000 revolving line of credit, of which $348,211 was unused at April 30, 2004. Bank advances on the credit line are payable on demand and carry an interest rate of 4.0% (Bank's prime rate).

CAPITAL LEASE OBLIGATIONS

MALDEF leases a substantial amount of its computer systems under two capital leases. The economic substance of these leases is that MALDEF is financing the acquisition of the systems through them, and accordingly, the computer systems are recorded as assets and the lease obligations as liabilities.

As of April 30, 2004, the cost basis and accumulated depreciation for these computer systems were $352,052 and $316,845, respectively, and are included in the amounts for MALDEF's property and equipment.

As of April 30, 2004, the future minimum rentals due under these capital leases over the next five fiscal years are as follows:

| April 30, 2005 | $ 27,045 |

SCHEDULE 4
PART IV, LINE 54: INVESTMENTS - SECURITIES (ALL PUBLICLY TRADED & HELD THROUGH BROKERS)

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>COST</th>
<th>MARKET VALUE</th>
<th>UNREALIZED GAIN (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. TREASURY BONDS &amp; NOTES</td>
<td>$942,204</td>
<td>$950,053</td>
<td>$7,849</td>
</tr>
<tr>
<td>CORPORATE BONDS &amp; FIXED INCOME FUNDS</td>
<td>882,694</td>
<td>901,340</td>
<td>18,646</td>
</tr>
<tr>
<td>COMMON STOCKS &amp; EQUITY FUNDS</td>
<td>4,524,572</td>
<td>6,252,713</td>
<td>1,728,141</td>
</tr>
<tr>
<td></td>
<td>$6,349,470</td>
<td>$8,104,106</td>
<td>$1,754,636</td>
</tr>
</tbody>
</table>
MEXICAN AMERICAN LEGAL DEFENSE & EDUCATIONAL FUND

2003 FORM 990

PART II, LINE 43d: OTHER EXPENSES

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>TOTAL</th>
<th>PROGRAM SERVICES</th>
<th>MANAGEMENT &amp; GENERAL</th>
<th>FUND-RAISING</th>
</tr>
</thead>
<tbody>
<tr>
<td>INDIRECT SPECIAL EVENTS COSTS</td>
<td>$101,430</td>
<td>$</td>
<td>$</td>
<td>$101,430</td>
</tr>
<tr>
<td>PURCHASED SERVICES</td>
<td>236,196</td>
<td>21,764</td>
<td>214,432</td>
<td></td>
</tr>
<tr>
<td>INSURANCE</td>
<td>65,510</td>
<td>50,911</td>
<td>14,599</td>
<td></td>
</tr>
<tr>
<td>DIRECT MAIL</td>
<td>8,212</td>
<td></td>
<td></td>
<td>8,212</td>
</tr>
<tr>
<td>BOARD OF DIRECTORS</td>
<td>64,606</td>
<td></td>
<td></td>
<td>64,606</td>
</tr>
<tr>
<td>GRADUATIONS</td>
<td>5,978</td>
<td>5,978</td>
<td></td>
<td></td>
</tr>
<tr>
<td>INTERNS</td>
<td>5,831</td>
<td>5,831</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$487,763</strong></td>
<td><strong>$84,484</strong></td>
<td><strong>$293,637</strong></td>
<td><strong>$109,642</strong></td>
</tr>
</tbody>
</table>
PART V: NONCOMPENSATED OFFICERS & DIRECTORS

2003-2004 OFFICERS

Chair
Joseph Stern

1st Vice Chair
Herlinda Garcia

2nd Vice Chair
Carlos Montoya

3rd Vice Chair
Barbara Aldave

Secretary/Treasurer & Fiscal & Fundraising Committee Chair
Don Pierce

Program & Planning Committee Chair
Thomas B. Reston

Community Education & Leadership Development Committee Chair
Gilberto Cardenas

Personnel & Nominations Committee Chair
Ann Marie Wheelock

President & General Counsel
Antonia Hernández

Chair, MALDEF Property Management Corp.
Frank Herrera, Jr.

BOARDS MEMBERS

Barbara Aldave
Stewart Professor of Law
University of Oregon
Eugene OR

Edward J. Avila
President
Project Restore
Los Angeles, CA

Mike Baller
Partner
Goldstein, Demchak, Baller, Borgen & Darder
Oakland, CA

Norma Cantu
Professor
UT Austin School of Law
San Antonio, TX

Anna C. Carbonell
Vice-President, Station Relations WNBC & WNEW, Telemundo East Coast
New York, NY

Gilberto Cardenas
Assistant Provost and Director
Institute for Latino Studies
University of Notre Dame
Notre Dame, IN

Cecilia Chavez-Protas
President
Competitive Edge Consulting Inc.
Mesa, AZ

Roberto Cruz
Corporate Affairs Director
AT&T Public Relations
Bedminster, NJ

Liz Figueroa
State Senator
California State Senate
Sacramento, CA

Herlinda Garcia
Principal, J.P. Henderson School and Houston Community College System
Houston, TX

Frank Herrera, Jr.
President
The Law Offices of Frank Herrera
San Antonio, TX

Robert M. Hertzberg
Partner, Mayor, Brown, Rowe, & Maw
Los Angeles, CA

Federico Jimenez
Owner
FEDERICO
Venice, CA

Leslie M. Kantor
Vice President of Education & Training
Planned Parenthood of NY City

Arnold J. Kleiner
President and General Manager
KABC Television
Glendale, CA

Manuel Martinez
Partner
Holme Roberts & Owen, LLP
Denver, CO

Carlos X. Montoya
President and CEO
Aztec America
Chicago, IL

Michael A. Olivas
Associate Dean
University of Houston Law Center
Houston, TX

Norma Orci
Co-Founder, Co-Chair, Chief Creative Officer
La Agencia de Orci & Ass.
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Henderson, NV

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Vice President
Southern California Edison
Rosemead, CA

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Shareholder-Attorney
Naranco Law Firm, P.A.
Albuquerque, NM

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Corpus Christi, TX

Jesus Rangel
Vice President & Director of the Americas
Anheuser-Busch International, Inc.

Thomas B. Reston
Attorney at Law
Washington, D.C.

Matt Rezvani
Director of Local Government Affairs
BP Corporation
La Palma, CA

José R. Rodríguez
County Attorney, El Paso County
El Paso, TX

Maria Saldana
Senior Vice President
Ramirez & Co., Inc.
Chicago, IL

Andrew Segovia
Associate General Counsel, Latin America
General Motors Legal Staff
Detroit, MI

Maritza Soto Koen
Loganville, GA
1st Term Expires: April 2004

Luis Steltzner
Partner
Sheehan, Sheehan, & Steltzner, P.A.
Albuquerque, NM

Joseph Stern
Partner
Fried, Frank, Harris, Shriver & Jacobson
New York, NY

Peter Villegas
First Vice President, Regional Manager
Washington Mutual
Los Angeles, CA

Ann Marie Wheelock
Senior Vice President
Fannie Mae Western Region
Pasadena, CA

Sam Zamarripa
Georgia State House of Representatives
Atlanta, Georgia
Law School Scholarships Overview

MALDEF's scholarship program to support law students who demonstrate a strong commitment to serving the Latino community continues to be an important part of our mission. For Fiscal Year 2004, we were pleased to award $75,000 in scholarships to 17 outstanding students. Seven of those scholarships came through the Hernandez Stern Scholarship program, a program for UCLA law students funded by Antonia Hernandez and Michael Stern.

This year, we continued to rely on the Scholarship Committee to assist in making selections of scholarship recipients by rating finalists selected by MALDEF staff. For MALDEF, the Committee represents a mechanism to provide Latino attorneys an opportunity for sustained involvement with MALDEF, and for us to maintain contact with up-and-coming Latino leaders of the legal community. Irma Rodriguez Moiza, a former MALDEF staff attorney who is now a partner at a Los Angeles law firm, continues to serve as chair. The Committee members are:

Sean A. Andrade, Esq. Baker & Hostetler
Elizabeth A. Camacho, Esq. Irei & Manella
Donovan J. Cocos, Esq. Greines Martin
Daniel Garcia, Esq. Richards, Watson & Gershon
Prof. Laura Gomez UCLA Law School
Glenda Martinez, Esq. Unvision Television Group
Carlos Matos, Esq. Dewey Ballantine LLP
Edith Ramirez, Esq. Quinn Emanuel Urquhart Oliver
Irma Rodriguez Moiza, Esq. Liebert Cassidy Whitmore
Rey Rodriguez, Esq. Buena Vista Int'l, Inc.
Bernardo Silva, Esq. Paramount Pictures
Hon. Michael Stern Superior Court of California
Diana Torres, Esq. O'Melveny & Myers, LLP
Rodrigo Vazquez, Esq. Latham & Watkins
Benjamin A. Vega, Esq. Ascent Media Group

MALDEF staff and the Scholarship Committee reviewed a total of 75 completed applications, representing 40 universities. Scholarships were awarded based on three primary factors:
1. Demonstrated involvement with and commitment to serve the Latino community;
2. Academic achievement indicating the potential for successful completion of law school; and
3. Financial need.

Applying these criteria, we were proud to award the following scholarships:

2003 Maldef Law School Scholarship Recipients

Valerie Kantor Memorial Scholarship Recipient Outstanding Overall Applicant
$7,000.00
Isael Hermosillo, Syracuse University Law School 1st Year

Vilma Martinez / Helena Rubenstein Scholarship Outstanding Female Applicant
$6,000.00
Catherine Meza, Boalt Law School 2nd Year

William Randolph Hearst Endowment Scholarship Best Essay
$6,000.00
Jennifer Molina, University of Minnesota School of Law 1st Year

MALDEF Law School Scholarship
$3,000.00
Claudia Medina, Boalt Law School 1st Year
Nora Preciado, Boalt Law School 2nd Year

Myrna Serrano, University of North Carolina School of Law 2nd Year
Fernando Chavez, St. Mary's University Law School 1st Year
Elizabeth Perez, UC Hastings College of Law 1st Year
Angelica Chazarro, Columbia Law School 1st Year
Lisa Guerra, Vermont Law School 2nd Year

UCLA Hernandez Stern Law School Scholarship
$5,000.00
Yvonne Ballesteros, UCLA 1st Year
Maria Cesanto, UCLA 2nd Year
Michael Marsh, UCLA 3rd Year
Cynthia Rangel-Mendoza, UCLA 1st Year
Gladis Molina, UCLA 1st Year
Erika Sandoval, UCLA 3rd Year
Gladdys Uribe, UCLA 1st Year
Ellen and Federico Jimenez Scholarship

In the past 10 years, the cost of attending a 2-year or 4-year institution of higher learning has risen dramatically. An unfortunate side effect of the rise in tuition in many of our nation's colleges and universities is that a growing number of undocumented Latino students do not have the economic resources to pay the rapidly increasing costs of their education. The recent passage of AB 540 in California and House Bill 1403 in Texas has lessened the cost for undocumented students who were forced to pay out-of-state tuition, even though they had successfully graduated from a state high school. Nevertheless, the continually rising costs of in-state tuition continues to hamper the aspiration of many qualified Latino students, in particular, qualified undocumented students' dreams of attending the college of their choice.

The Ellen and Federico Jimenez Scholarship Program assists deserving undocumented college students with their financial needs. In collaboration with MALDEF, the Ellen and Federico Jimenez Scholarship Program will award 25 accomplished students with a $2,000 scholarship to further their educational goals.

To be eligible for the Ellen and Federico Jimenez Scholarship, applicants must meet the following criteria:

(1) Must be a high school senior or college student enrolled on a full-time basis.

(2) Must have a demonstrated commitment to serving the Latino community in the United States.

(3) If a high school senior, must provide proof of acceptance to a Community College or State University in California or Texas.

(4) Must be ineligible to receive federal and/or state financial aid.

The scholarship is then awarded to students based upon three factors:

(1) Demonstrated involvement in and commitment to serve the Latino community;

(2) Academic achievement; and

(3) Financial need.
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### Security Type

#### MEXICAN AMERICAN LEGAL DEFENSE & EDUCATIONAL FUND

**EIN 74-1563270**

**2003 FORM 990**

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**PART II, LINE 22: GRANTS & ALLOCATIONS**

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**TOTAL GRANTS & ALLOCATIONS**

$ 166,500

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*SCHEDULE 8 (Page 5 of 5)*
PART VII, LINE 93: PROGRAM SERVICE REVENUE

(PLEASE SEE LITIGATION DOCKET ATTACHED)

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**TOTAL RECEIVED** $744,055

**ACCRUED FEES RECEIVABLE, BEGINNING OF YEAR** $400,000

**ACCRUED FEES RECEIVABLE, END OF YEAR** $17,500

**REVENUE REPORTED, PART VII, LINE 93a** $361,555
PART III: STATEMENT OF PROGRAM SERVICE ACCOMPLISHMENTS

Education

Working to ensure a quality education so that all Latino children can live up to their true potential.

Virginia Attorney General Dashes the Hopes and Dreams of College-Bound Youth

Bessy Guevara is “the type of young person any university could be proud to place on one of their brochures,” wrote her high school counselor. Senior class president and homecoming queen, Bessy excelled in advanced courses while being selected to represent her school at leadership conferences and volunteering as a peer mediator and safety instructor.

However, when she applied to George Mason University in Virginia in December 2002, “the admissions office sent me an e-mail asking me for a student visa,” said Bessy. “I replied that I had permission to live in the U.S. while in the final stages of being granted my permanent residency status. I never heard back from them.”

Bessy is among hundreds of immigrant students who were denied admission to Virginia public universities following a cruel-hearted memo issued by State Attorney General Jerry Kilgore. In an opinion out of line with most of the nation’s leaders, Kilgore stated that undocumented children should not be accepted into the state’s institutions of higher learning, and he even suggested they be reported to immigration authorities. As a result, some students had their admission offers rescinded, dashing their hopes and dreams of attending college. Like most of the students, Bessy was a young child when she was brought by her parents to the United States – attending American schools since kindergarten.

MALDEF’s Atlanta office, with pro bono help from the law firm of Arnold & Porter, represented Bessy and several students in a lawsuit filed against Kilgore and seven Virginia colleges and universities. As a result, two of the institutions (George Mason and Virginia Tech) dropped their policies of denying admission to immigrant students. In July 2004, a majority of the Virginia state legislature stated that the students should be allowed to attend college. Since the incident, Bessy was admitted to Johns Hopkins University, where she is a pre-med student majoring in neuroscience. Last year, she and her family were also granted permanent resident status following a four-year wait.

DREAM Act
MALDEF’s Washington, D.C. office also continues to work with U.S. Senator Orrin Hatch and Representative Chris Cannon (both R-Utah) to pass the Development, Relief and Education of Alien Minors (DREAM) Act and the Student Adjustment Act – bipartisan companion bills in the Senate and House that would create a path to citizenship and college financial aid for promising undocumented high school graduates.

Other Cases
Unfair admissions: The Litigation Project for Higher Education Access (LPHEA) filed suit against California State Polytechnic University at San Luis Obispo, the Cal State system’s most selective school, for giving too much weight to standardized test scores and geographical preferences that unfairly disadvantage students of color.

Education Policy
Our Washington, D.C. office worked to ensure that migratory and Limited English Proficient (LEP) children are not dropped from the federal school lunch program and they are more properly identified and served with special education services through the Individuals with Disabilities Education Act (IDEA).
Employment

Addressing issues of fair and safe working conditions and eliminating discriminatory barriers to employment

Discrimination by Major Clothing Chain

When Stanford student Eduardo Gonzalez applied for part-time work at an Abercrombie & Fitch retail clothing store in Santa Clara, California, he sensed something was amiss.

"I noticed that all of the sales staff were white," said Eduardo. "The manager suggested that I work in the stock room or on the late night crew in a non-sales position... but I went across the mall and was hired as a sales associate at a Banana Republic store. I've been working successfully in sales there for almost a year."

UCLA student Juan Carlos Gomez-Montejano, after several months of dedicated service, also knew there was something terribly wrong when he was terminated from the Abercrombie store in Santa Monica. That's when he decided to bring the company's discriminatory employment practices to the attention of MALDEF, which filed a class action lawsuit along with the Asian American Pacific Legal Center, the NAACP Legal Defense and Educational Fund and the law firm of Lieff, Cabraser, Heimann & Bernstein.

...the "A&F Look" is designed to exclude employees of color and that Abercrombie has consistently reinforced to its store managers that they must recruit and maintain an overwhelmingly white workforce.

The lawsuit (Gonzalez v. A&F) charges, among other things, that the "A&F Look" is designed to exclude employees of color and that Abercrombie has consistently reinforced to its store managers that they must recruit and maintain an overwhelmingly white workforce. The case, still pending, received widespread media attention, including features on "60 Minutes" and "Good Morning America."

'English Only' Cases

MALDEF was victorious in two "English-only" cases. In Colorado, low-wage Latino housekeepers who were told they could only speak English on the job - even during work breaks - and who were subjected to retaliation and a hostile work environment were vindicated in a $1.5 million settlement reached by MALDEF's San Antonio office and the U.S. Equal Employment Opportunity Commission (EEOC).... In Georgia, the Atlanta office filed an EEOC charge against Oglethorpe University on behalf of three housekeeping workers who were told they had to learn English within 60 days or be fired. The EEOC found they were being discriminated against based on their national origin.

Eduardo Gonzalez (right) and fellow plaintiff Johan Montoya speak to reporters at a press conference announcing a discrimination lawsuit against clothing giant Abercrombie & Fitch.
Immigrants Rights

Establishing the right of all immigrants to fair and equal treatment under the law

MALDEF settles police abuse case in Rogers, Arkansas

It's a warm, quiet Saturday afternoon in a residential neighborhood of Rogers, Arkansas. A family and friends are gathered to prepare for a young girl's 15th birthday celebration. Does a local police officer cruising the area have the right to detain Latinos and question their immigration status?

No, said a federal judge, who approved a settlement agreement negotiated by MALDEF and the City of Rogers, Arkansas. The Rogers Police Department's lack of guidelines for officer conduct had paved the way for police abuse and racial profiling of Latino residents, who were improperly stopped and investigated based on their ethnicity and perceived immigration status (Lopez v. the City of Rogers, filed in March 2001).

Under the settlement, the city agreed to publish a general order regarding "prohibition and prevention of racial/bias profiling" in its police department's policy and procedures manual. Except to determine whether a person matches a specific description of a particular suspect, it prohibits officers from engaging in profiling of persons based on their race, national origin, citizenship, religion, ethnicity, age, gender or physical or mental disability for the purpose of initiating law enforcement action. It also establishes a means of tracking racial profiling and to review the city's progress toward ending it, and it calls for the city to establish standards of courteous police officer behavior – including annual training on cultural diversity sensitivity – and a better complaint process for citizens to report any mistreatment. Finally, local police enforcement of federal civil immigration laws is now strictly prohibited in Rogers.

MALDEF's settlement created a win-win situation for the community, city and police, and a model for other police departments that builds better ties with the community and makes sense from a policing perspective.

National public policy...
In a related effort, MALDEF's Washington, D.C. office worked against the proposed CLEAR Act, which seeks to turn local law enforcement officials into federal immigration authorities, thus opening the door to similar abuse and chilling relations with local police and immigrant communities.

Illegal paramilitary group assaults migrants
On a March night in Jim Hogg County in South Texas, two migrants were traveling on foot through a large ranch near the border. That's when they were violently assaulted, falsely imprisoned and threatened with death by an illegal paramilitary group calling itself "Ranch Rescue." The opportunistic group, whose members included a convicted felon, chased the migrants, surrounded them and pointed weapons at them. The ranch owner later threatened to kill them. They were forced at gunpoint to walk out into the highway.

MALDEF, along with cooperating counsel from the Southern Poverty Law Center, filed suit against the group, its national spokesman and the ranch owner (Leiva v. Ranch Rescue). Ranch Rescue's actions have been denounced by local residents, law enforcement and the Border Patrol, and two of the defendants were arrested and face serious criminal charges.

It was 5 a.m. when an entire family was rudely awakened to unexplained pounding on their door and men announcing themselves as "police." María Rodríguez jumped from her bed, wrapped a towel around herself, cracked open the door to see who it was, and asked the men to wait. That's when four armed men forced their way into her home.

Believing the intruders were home-invasion robbers or worse, the Rodríguez family experienced a sense of terror and helplessness that continues to haunt them to this day.
Wrongful I.N.S. Entry Case

It was 5 a.m. when an entire family was rudely awakened to unexplained pounding on their door and men announcing themselves as “police.” María Rodríguez jumped from her bed, wrapped a towel around herself, cracked open the door to see who it was, and asked the men to wait. That’s when four armed men forced their way into her home.

Believing the intruders were home-invasion robbers or worse, the Rodríguez family experienced a sense of terror and helplessness that continues to haunt them to this day.

“We were very, very grateful to have our day in court. What the INS did was wrong, and we want to make sure that this never happens to another family.”

—María Rodríguez

Four years later, the case of Rodríguez v. United States went to trial. The family was victimized as part of an INS “bag and baggage” operation to serve a deportation warrant. But the INS officers aggressively invaded the wrong home, rousted the family from their beds, and held them in the living room for 30 harrowing minutes. The men were searching for Marisela Rodríguez-Wence, but it was actually the home of María and Roberto Rodríguez, whose adult daughter, Marisela Rodríguez Valencia, no longer lived there. None of the men showed any identification, produced a warrant, or even explained that they were from the INS. Despite having easily accessible information available that would have confirmed that the Rodríguez family was not the proper “target” of the operation, the INS has maintained that it engaged in no wrongdoing. At trial, the two lead INS officers in the case gave conflicting testimony, and the lead officer changed his story four times under sworn testimony.

“We were very, very grateful to have our day in court,” said María Rodríguez. “What the INS did was wrong, and we want to make sure that this never happens to another family.”

Immigration policy reform

This year, the tone of the national debate finally began to turn around, as both major political parties announced their support for sound immigration policy — albeit accompanied by a frustrating lack of concrete action. This is due in part to the efforts of MALDEF and other groups have been educating the public and Congress and in-depth negotiations with the federal administration. We helped defeat numerous anti-immigrant measures, and we helped draft and introduce two bills to protect civil rights and civil liberties within the Department of Homeland Security, and the SOLVE Act, the most comprehensive immigration policy reform bill to date. We remain committed to real reform and are optimistic it will occur during the next several years.
Political Access

*Enhancing Latino influence in the political process by ensuring meaningful participation*

**MALDEF Helps Latino Americans to Vote**

On May 4, 2004, despite having voted in the same precinct for the past three decades, Patricia Aldaba was turned away from the polls on election day, along with her three sons and daughter-in-law. A poll worker in East Chicago, Indiana had wrongly misinterpreted a provision of the new Help America Vote Act (HAVA) to mean that they had to provide identification.

"I felt like, 'Wow! I've been here 30 years, and I still have to have an I.D.?'" said Patricia.

That incident and others were officially documented by federal inspectors, thanks to action by MALDEF's Chicago office. The office had investigated stories that emerged of the county failing to help voters not proficient in English - citizens who are protected under the Voting Rights Act. In October of 2003, we secured a federal court order ordering the county to comply with the Act, and we convinced the U.S. Department of Justice to send voting rights attorneys to the polls.

Among their other findings: Election workers were often untrained; bilingual translators were not fluent in Spanish and a mandated Spanish language translator could not speak Spanish. The county later was admonished by the DOJ's Chief of Voting Rights Joseph D. Rich, who wrote: "In general, we identified significant misunderstanding among poll officials about many of these legal requirements."

The Lake County Election Board attorneys admitted that poll workers were poorly trained. MALDEF also alleges that some of the problems may have been due to mischief-making by the mayor of East Chicago, who engaged in a predatory pattern of inducing Latinos to engage in absentee balloting, some through monetary payment, and unlawfully assisting voters in completing their ballots. MALDEF continues with its federal complaint against the county.

**Other Cases**

MALDEF helped protect Arizona's two Latino majority congressional districts by representing intervening voters in a challenge to the districts, and the judge upheld the present map... In South Texas, we twice successfully challenged the proposed closing and relocation of polling places in Latino sections of San Antonio during the elections of September 2003 (constitutional amendment) and March 2004 (primary election).
Public Resource Equity

Ensuring the Latino community a fair share and equal access to public services

California initiative would have reduced government accountability

This year, MALDEF banded together with all the premier civil rights organizations to fight a California initiative, Proposition 54, which claimed that by preventing the government from collecting data on race, ethnicity, color or national origin, we could thus begin to create a “color-blind” society.

The initiative was spearheaded by Ward Connerly, a driving force behind Prop. 209, which banned use of race or ethnicity as a favorable consideration in the state, including for university admissions. Prop. 54 would have made it more difficult for the government to be held accountable to the Latino and other communities: Schools would not as easily be held accountable for educational disparities involving poor school facilities, Latino drop-out rates and lower college enrollment; police for racial profiling; and medical agencies for tracking health issues and serving minority communities.

Prop. 54 was potentially dangerous due to Connerly’s ability to fundraise: Had it been successful, he might have taken it to other states.

We partnered in forming the “Coalition for an Informed California,” a campaign which engaged in major public outreach efforts and media relations, and we also litigated against the timing of the measure.

Prop. 54 was potentially dangerous due to Connerly’s ability to fundraise: Had it been successful, he might have taken it to other states. When he first introduced the initiative, a majority favored its basic idea, according to polls.

Thanks to all our efforts, California voters decisively defeated Prop. 54.

National health care

The Washington, D.C. supported a bill addressing racial and ethnic disparities in health care, the Healthcare Equality and Accountability Act, introduced in both houses in October. It would expand health care coverage for immigrants and low-income people, improve language access, promote health care workforce diversity, and provide funding for combating diseases the disproportionately affect minorities.
Access to Justice

Working to ensure that Latinos receive fair treatment in the judicial system

Close-minded ideologues should not be judges

Charles Pickering, Sr. is not the type of individual whose beliefs reflect those of mainstream America. As a law student, he wrote an article in support of a state law against interracial marriage, and he was later involved with a group that opposed public school integration efforts. As a Mississippi state senator, he repeatedly voted against measures that would expand electoral opportunities for African Americans, and in 1993, he published an opinion portraying the “one-person, one-vote” doctrine as “obtrusive.” [WHERE TO PUT CROSS-BURNING INCIDENT chronologically?] In a cross-burning case, he breached judicial ethics when he suggested that prosecutors reduce the charges because the incident was merely a “prank.”

Pickering is hardly the type of person any fair American would want to sit on the bench — particularly not on the Fifth Circuit Court of Appeals, a very powerful federal court with one of the highest minority populations (43%) in the nation. Hundreds of organizations, including MALDEF and the NAACP, as well as individuals and elected officials oppose Pickering. Since 2001 [?], the U.S. Senate Judiciary Committee had steadfastly refused to move his nomination forward.

Hundreds of organizations, including MALDEF and the NAACP, as well as individuals and elected officials oppose Pickering. Since 2001 [?], the U.S. Senate Judiciary Committee had steadfastly refused to move his nomination forward.

This year, keeping an eye on judicial nominees became a top priority for MALDEF, following the announcement of numerous federal nominees whose zeal for their own personal ideology far outweighs their ability to be fair on the bench. The trend of naming ideologues as judicial candidates has become of such concern that [this year?] we helped form the Coalition for a Fair Judiciary, comprised of [how many, brief descrip, etc.]

MALDEF will continue to monitor nominees for their ability to be fair and protect civil rights.

Other activities
In South Texas, MALDEF opposed a redistricting plan that would like cut in half the number of elected Latino justices, and [RESULTS in FISCAL 2003-04?]... Our Washington, D.C. saw the introduction of the End Racial Profiling Act, which we helped craft and which included good language to protect against racial profiling of Latinos, including immigrants, in the post-9/11 context... Our Atlanta office successfully [?] urged the District Attorney in Canton, Georgia to pursue a brutal beating of Latino day laborers as a hate crime.
Parent School Partnership (PSP) Program

*Training parents, school personnel and community based organizations to lead in the educational attainment of children*

Parent fights against school overcrowding

Each morning in the Sosa household, the school day began at 5 a.m.

"I would get both of my elementary school age daughters ready, as well as my two babies," said Sylvia Sosa. "We had to walk 10 blocks, where I would wait for the school bus with all of my children. By 7:15, the bus would leave to get to Encino Elementary [23 miles away from their urban Los Angeles home] around 8:30 a.m."

For the Sosa daughters, attending grade school was nearly an 11 hour-a-day experience, including sometimes upward of three hours on a bus. They frequently came home complaining of stomachaches or headaches for having missed breakfast, and living so far from the campus, it was difficult for Sylvia to become engaged with the school. For instance, when a teacher once hit her six-year-old, "I found that the easiest way to get to the principal was to send a letter to him in my daughter's backpack," she said.

Sylvia is a graduate of MALDEF's Parent School Partnership (PSP) program, which offers parents a course on how to become involved in their children's education. MALDEF staff directly instructs the course through its Atlanta, Houston and Los Angeles offices. We also offer "training of trainers" sessions nationwide to allow community leaders to teach the curriculum under MALDEF supervision, extending our geographical reach to places like Idaho, Nebraska and Wisconsin. (The website is at www.maldef.org/psp.)

At present, the Sosa children are no longer being bused, and Sylvia is determined they will never again have to face a long ride to school. She is part of a task force to build new campuses in urban Los Angeles, where no new high school has been built nearly 30 years – in part due to unfair funding mechanisms that favored suburban locations and that encouraged bad year-round school calendars. In addition to legal measures, MALDEF continues to take a leadership role with community groups to end the low achievement suffered from schoolchildren in unacceptable conditions – included overcrowding that leads to long bus commutes. In Los Angeles, MALDEF's participation in those efforts has begun to yield results.

"I don’t want other kids to go through the problems my family went through. If they construct more schools – like they are finally doing now in my community – it may still not be enough, but it will at least help so that kids are not bused or not bused as far."

The goal of universal pre-school

MALDEF believes that all young children should have the opportunity for early learning enrichment that will greatly enhance their chances of academic achievement later in their school careers; we are committed to the goal of universal pre-school. Unfortunately, Latino children ages 0-5 are enrolled in pre-schools at a much lower rate than their white counterparts. In California, collaborating with non-profit children's organizations, we conducted outreach and advocated at county and state levels to open new preschools. We were very pleased when Los Angeles County agreed to launch a universal pre-school fund, committing $100 million a year for the next five years, with the goal of achieving higher parity for those neighborhoods in need. We will continue our campaign until all of our nation's Latino children have access to pre-school.
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

LITIGATION DOCKET

May 2003 - April 2004
MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

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# TABLE OF CONTENTS

Preface........................................................................................................................................ ii

Explanation of Docket Control Numbers ............................................................................. ii

Index to Regional Office Dockets......................................................................................... iii

Title I: Employment .............................................................................................................. 1

Title II: Education ................................................................................................................. 12

Title III: Political Access ....................................................................................................... 26

Title IV: Immigrants' Rights .................................................................................................. 39

Title V: Public Resource Equity ........................................................................................... 50
PREFACE TO LITIGATION DOCKET

This litigation docket covers only litigation matters in which MALDEF attorneys represent parties in court or in formal administrative proceedings, or where MALDEF has authored and filed an amicus brief. Matters under investigation, in informal proceedings, involving public policy advocacy or in which MALDEF joined an amicus brief drafted by someone else, are not included. Entries in bold are the activities which occurred during the current fiscal year.

EXPLANATION OF DOCKET CONTROL NUMBERS

The symbols preceding each case listed and summarized in this litigation docket are part of MALDEF's docket control system.

Four digit numbers have been assigned to each of MALDEF's six litigation and advocacy programs and to all of MALDEF's active cases. Each litigation and advocacy program has been assigned a series of 1000 numbers as set forth below:

1000 - 1999  Employment
2000 - 2999  Education
3000 - 3999  Political Access
4000 - 4999  Immigrants' Rights
5000 - 5999  Public Resource Equity
6000 - 6999  Access to Justice

The letters preceding the case number indicate the MALDEF office in which the case originated or the lead office currently handling the case. The codes are:

AT = Atlanta  LA = Los Angeles
CH = Chicago  SA = San Antonio
NT = National

In some cases, staff from more than one office may be working on a case. In these instances, the case may be listed in the index under more than one office. However, the office code remains the same because it continues to denote which is the lead office handling the case.
INDEX TO OFFICE DOCKETS

This index lists the cases on the legal dockets of MALDEF's with litigation staff. The Washington D.C. office has no listing of cases as this office focuses exclusively on public policy advocacy. Cases are listed by subject matter according to their docket control numbers. Page number references for each case show where the case is described.

All attorney staff members assigned to the Litigation Department during fiscal year 2003-2004 are listed under their offices.

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Shaheena Ahmad Simons, MALDEF/Fried Frank Fellow
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Title I: Employment

<table>
<thead>
<tr>
<th>Docket</th>
<th>Case Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>NT/1020</td>
<td>Brionez v. United States Dep't of Agriculture</td>
<td>1</td>
</tr>
<tr>
<td>SA/1073</td>
<td>Colindres v. Quietflex Mfg. Co.</td>
<td>7</td>
</tr>
<tr>
<td>SA/1084</td>
<td>Aleman v. Quietflex Mfg. Co.</td>
<td>7</td>
</tr>
<tr>
<td>NT/1085</td>
<td>Gonzalez v. Abercrombie &amp; Fitch Co.</td>
<td>8</td>
</tr>
</tbody>
</table>

\(^1\) Resigned effective February 15, 2004.

\(^2\) Resigned effective October 31, 2003.

\(^3\) Transferred to National Office effective December 2, 2003.
### Title II: Education

<table>
<thead>
<tr>
<th>Code</th>
<th>Case Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>CH/2043</td>
<td>Gratz v. Bollinger</td>
<td>13</td>
</tr>
<tr>
<td>LA/2061</td>
<td>Godinez v. Davis</td>
<td>16</td>
</tr>
<tr>
<td>NT/2074</td>
<td>National Center for Fair &amp; Open Testing v. Florida Bright Futures Scholarship Program</td>
<td>21</td>
</tr>
<tr>
<td>NT/2078</td>
<td>Garcia v. Board of Trustees of the California State University System</td>
<td>23</td>
</tr>
<tr>
<td>NT/2081</td>
<td>Grutter v. Bollinger</td>
<td>23</td>
</tr>
</tbody>
</table>

### Title III: Political Access

<table>
<thead>
<tr>
<th>Code</th>
<th>Case Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SA/3080</td>
<td>Arvizu v. Arizona Indep. Redistricting Comm’n</td>
<td>30</td>
</tr>
<tr>
<td>LA/3090</td>
<td>Padilla v. Lever</td>
<td>32</td>
</tr>
<tr>
<td>LA/3095</td>
<td>Salazar v. Monterey County</td>
<td>32</td>
</tr>
<tr>
<td>LA/3096</td>
<td>Cruz Takash v. Shelley</td>
<td>33</td>
</tr>
<tr>
<td>LA/3097</td>
<td>Eisenberg v. Shelley</td>
<td>34</td>
</tr>
<tr>
<td>LA/3098</td>
<td>Hernandez v. Merced County</td>
<td>34</td>
</tr>
<tr>
<td>LA/3101</td>
<td>Garcia v. Shelley</td>
<td>35</td>
</tr>
<tr>
<td>LA/3103</td>
<td>Southwest Voter Registration Education Project v. Shelley</td>
<td>36</td>
</tr>
<tr>
<td>SA/3104</td>
<td>Session v. Perry</td>
<td>36</td>
</tr>
</tbody>
</table>

### Title IV: Immigrants' Rights

<table>
<thead>
<tr>
<th>Code</th>
<th>Case Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA/4044</td>
<td>Rodriguez v. United States</td>
<td>39</td>
</tr>
<tr>
<td>NT/4061</td>
<td>Society of Saint Vincent de Paul of Santa Clara County v. City of Los Altos</td>
<td>40</td>
</tr>
<tr>
<td>NT/4070</td>
<td>Comite de Jornaleros de Rancho Cucamonga y Upland v. City of Rancho Cucamonga</td>
<td>44</td>
</tr>
<tr>
<td>NT/4074</td>
<td>La Raza Centro Legal v. City and County of San Francisco</td>
<td>45</td>
</tr>
<tr>
<td>NT/4077</td>
<td>Jimenez v. Unnamed Agents of the Federal Government</td>
<td>45</td>
</tr>
<tr>
<td>LA/4082</td>
<td>Castañeda v. State of California</td>
<td>48</td>
</tr>
</tbody>
</table>
* * * ATLANTA OFFICE * * *

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Diana Sen Connerty, MALDEF / Fried Frank Fellow
Jose Gonzalez, Staff Attorney

Title I: Employment

SA/1073  Colindres v. Quietflex Mfg. Co. ..............................................7
SA/1084  Aleman v. Quietflex Mfg. Co. ..............................................7
AT/1103  Reyes v. Tandem Health at West Altamonte .........................10
AT/1106  Hernandez v. Oglethorpe University ..................................11

Title II: Education

AT/2079  Equal Access Education v. Merten .....................................25
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**Title II: Education**

<table>
<thead>
<tr>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CH/2022</td>
<td>Noyola v. Chicago Sch. Reform Bd. Of Trustees</td>
<td>12</td>
</tr>
<tr>
<td>CH/2043</td>
<td>Gratz v. Bollinger</td>
<td>13</td>
</tr>
<tr>
<td>CH/2059</td>
<td>White v. Engler</td>
<td>15</td>
</tr>
<tr>
<td>CH/2063</td>
<td>Cortez v. Calumet Park Sch. Dist. #132</td>
<td>18</td>
</tr>
<tr>
<td>CH/2073</td>
<td>Lucero v. Detroit Pub. Schools</td>
<td>20</td>
</tr>
</tbody>
</table>

**Title III: Political Access**

<table>
<thead>
<tr>
<th>CH/3050</th>
<th>King v. Illinois State Bd. of Elections</th>
<th>26</th>
</tr>
</thead>
<tbody>
<tr>
<td>CH/3064</td>
<td>Moreno v. Loren-Maltese</td>
<td>27</td>
</tr>
<tr>
<td>CH/3067</td>
<td>del Valle v. Illinois State Bd. of Elections</td>
<td>28</td>
</tr>
<tr>
<td>CH/3079</td>
<td>Polish American Congress v. City of Chicago</td>
<td>30</td>
</tr>
<tr>
<td>CH/3087</td>
<td>Gonzalez v. City of Aurora</td>
<td>31</td>
</tr>
<tr>
<td>CH/3105</td>
<td>Gonzalez v. East Chicago, Indiana</td>
<td>37</td>
</tr>
</tbody>
</table>

**Title IV: Immigrants' Rights**

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4Promoted to Regional Counsel effective November 1, 2003.

5Resigned effective June 9, 2003.

Title V: Public Resource Equity

CH/5022 Burgos v. McDonald ......................................................... 50
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Maureen Guadalupe Tellez, MALDEF / Fried Frank Fellow

Title I: Employment
LA/1042 Vanegas v. Irving I. Moskowitz Found...........................................3
LA/1054 Ramirez v. Kroonen.................................................................4
LA/1068 Flores v. Albertson’s, Inc.........................................................6

Title II: Education
LA/2061 Godinez v. Davis...............................................................16
LA/2062 Williams v. State of California.............................................17
LA/2082 Pazmiño v. California Bd. of Educ........................................24

Title III: Political Access
SA/3080 Arvizu v. Arizona Indep. Redistricting Comm’n.......................30
LA/3090 Padilla v. Lever........................................................................32
LA/3095 Salazar v. Monterey County.......................................................32
LA/3096 Cruz Takash v. Shelley.............................................................33
LA/3097 Eisenberg v. Shelley.................................................................34
LA/3098 Hernandez v. Merced County...................................................34
LA/3101 Garcia v. Shelley.....................................................................35
LA/3103 Southwest Voter Registration Education Project v. Shelley.......36

\(^7\)Transferred to National Office effective December 1, 2003.

\(^8\)Joined MALDEF effective October 7, 2003.
**Title IV: Immigrants' Rights**

<table>
<thead>
<tr>
<th>Code</th>
<th>Case Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA/4044</td>
<td>Rodriguez v. United States</td>
<td>39</td>
</tr>
<tr>
<td>NT/4061</td>
<td>Society of Saint Vincent de Paul of Santa Clara County v. City of Los Altos</td>
<td>40</td>
</tr>
<tr>
<td>LA/4064</td>
<td>Gebin v. Mineta</td>
<td>41</td>
</tr>
<tr>
<td>LA/4067</td>
<td>Avila v. Department of Motor Vehicles</td>
<td>42</td>
</tr>
<tr>
<td>NT/4070</td>
<td>Comite de Jornaleros de Rancho Cucamonga y Upland v. City of Rancho Cucamonga</td>
<td>44</td>
</tr>
<tr>
<td>LA/4071</td>
<td>In re Corona, Nava, Damian &amp; Huicochea</td>
<td>44</td>
</tr>
<tr>
<td>NT/4077</td>
<td>Jimenez v. Unnamed Agents of the Federal Government</td>
<td>45</td>
</tr>
<tr>
<td>LA/4082</td>
<td>Castañeda v. State of California</td>
<td>48</td>
</tr>
</tbody>
</table>
**SAN ANTONIO OFFICE**

**Lawyers:**
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**Title I: Employment**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SA/1038</td>
<td>Kossman Contracting Co. v. City of Houston</td>
<td>2</td>
</tr>
<tr>
<td>SA/1073</td>
<td>Colindres v. Quietflex Mfg. Co.</td>
<td>7</td>
</tr>
<tr>
<td>SA/1084</td>
<td>Aleman v. Quietflex Mfg. Co.</td>
<td>7</td>
</tr>
<tr>
<td>SA/1076</td>
<td>Ruiz v. Arena Brands</td>
<td>7</td>
</tr>
<tr>
<td>SA/1093</td>
<td>Equal Employment Opportunity Commission v. Anchor Coin</td>
<td>8</td>
</tr>
</tbody>
</table>

---

**Title II: Education**

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SA/2044</td>
<td>United States v. Texas</td>
<td>15</td>
</tr>
<tr>
<td>SA/2068</td>
<td>Hopson v. Dallas Indep. Sch. Dist.</td>
<td>19</td>
</tr>
</tbody>
</table>

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\(^9\) Resigned effective April 15, 2004.  
\(^10\) Joined MALDEF effective December 1, 2003.  
\(^12\) Resigned effective October 10, 2003.
Title III: Political Access

SA/3014 Valero v. City of Kerrville .................................................................26
SA/3069 Balderas v. Texas ........................................................................29
SA/3080 Arvizu v. Arizona Indep. Redistricting Comm’n .....................30
SA/3082 LULAC District 15 v. City of San Antonio .................................31
SA/3100 American GI Forum v. Bexar County ......................................35
SA/3104 Session v. Perry ........................................................................36
SA/3108 Miguel Hernandez Chapter of the GI Forum v. Bexar County .......38

Title IV: Immigrants' Rights

SA/4052 Lopez v. City of Rogers, Arkansas ........................................40
SA/4068 Pozo Rodriguez v. McHugh .........................................................43
SA/4079 Leiva v. Ranch Rescue .................................................................46
SA/4080 Padilla v. Ridge .........................................................................47
TITLE I: EMPLOYMENT

NT/1020  Brionez v. United States Dep’t of Agriculture, No. C 01-3969-CW (U.S. Dist. Ct., N.D. Cal.).

We represent the Hispanic Workers Group of the National Forest Service in a federal class action, charging the agency with discrimination in hiring, promotion, harassment, and retaliation in Region 5 of the Forest Service. We previously negotiated a comprehensive settlement of the administrative complaint, and monitored compliance with that agreement until it expired in May 1995. Individual complaints of discrimination and harassment were investigated by a team established under the agreement, and all but one of those claims were favorably settled.

However, although the overall workforce percentage increased slightly under the settlement agreement, the hiring levels for Hispanics in the Region actually decreased under the agreement. At the same time, Latino employees, particularly those who were active in monitoring the agreement, were harassed. In fact, one of the lead plaintiffs faced retaliatory termination. We reached a settlement with the Region on the employee’s behalf.

Because of the agency’s failure to correct under-representation, we lodged a formal administrative complaint of non-compliance with the settlement agreement. When the Department of Agriculture (USDA) ruled against our complaint, we appealed to the Equal Employment Opportunity Commission (EEOC). The EEOC ruled first in plaintiffs’ favor on appeal, but ultimately reversed itself, finding that the USDA had no obligation to attain the goals of the agreement.

We finally arrived at a settlement with the USDA and the Department of Justice, and in June 2002, we filed the settlement agreement in court and sought class certification. The court certified the class and set a fairness hearing on the settlement. In October 2002, the court approved the class settlement agreement. The settlement agreement requires the Region to take affirmative steps to address persistent Latino under-representation, with the ultimate goal of bringing the Region up to parity with the comparable civilian labor force. The district court judge who approved the settlement will retain jurisdiction over the case for the purpose of enforcing the settlement’s substantive provisions. Over the three-year term of the agreement, the Region is required to engage in targeted outreach and recruitment in the Latino community, to externally advertise positions in selected job categories, and to fund a Monitor who is charged with overseeing implementation of the agreement.

In February 2003, the Region retained Marci Seville, a clinical professor of law at Golden Gate University School of Law, to monitor implementation of the agreement. This step marked the beginning of the three-year term of the agreement. We continue to coordinate with Seville and with members of Hispanic Working Group to ensure that the Region complies with its
obligations under the settlement. This includes an ongoing investigation into how "competitive sourcing" in the Forest Service (the practice of outsourcing jobs to the private sector) may affect implementation of the agreement and its parity goals.

Employment Law Center
Denise M. Hulett
Co-counsel

Shaheena Ahmad Simons
MALDEF National Office

SA/1038 Kossman Contracting Co. v. City of Houston, No. H-96-3100 (U.S. Dist. Ct., S.D. Tex.).

In this federal lawsuit, a white contractor challenges the City of Houston's affirmative action plan for city contracts. The contractor complains that the city's good-faith goals for city contracts and the requirement that prime contractors obtain bids from minority and women business enterprises give minority firms an unfair advantage.

More than sixty percent of Houston residents are minorities, with Latinos the largest group. Prior to 1984, less than one percent of the city's budget for construction, professional services and vendors was paid to minority or women business enterprises (MWBE). In 1985, the city council established policies to increase utilization of local MWBE's in city procurement. The program was subsequently amended in 1995 after a disparity study was conducted. The affirmative action plan is not a set-aside program but contains reasonable good-faith goals that correlate with MWBE availability in the Houston metropolitan area. Since 1985, participation of MWBE's in city contracts have dramatically increased.

On December 4, 1997, MALDEF moved to intervene on behalf of the Mexican American Contractors Association (MACA) and an individual Latino contractor. The court denied our request for intervention but invited MACA to participate as amicus curiae. On February 9, 1998, the court held a status conference and ordered the City of Houston to submit all its evidence of discrimination against minorities and women by March 19, 1998. In response, our clients submitted a brief describing the history of discrimination by the City of Houston against Latinos in contracting, public employment, public education, housing, and public accommodations. On April 3, 1998, the plaintiff filed its motion for summary judgment, arguing that the city's affirmative action plan in city construction contracting was unconstitutional. On May 1, 1998, we filed an amicus brief on behalf of our clients arguing that strict scrutiny did not apply to the city's affirmative action plan because minorities were not given any preferential treatment and that the city's inclusive recruitment efforts were lawful business concerns.

The district court has not ruled on plaintiffs' motion for summary judgment. However, the Fifth Circuit reversed the same district court in a related case, Houston Contractors Association v. Metropolitan Transit Authority of Harris County, No. 97-20619 (5th Cir. 1999). The court there held that the district court had erred in believing plaintiffs’ version of the facts
regarding the intent and effect of the transit authority's affirmative action plan. The Contractors Association case is so similar to this case that we are encouraged that the district court will deny plaintiffs' summary judgment motion in this case.

While plaintiffs' summary judgement motion in this case remains pending, the district court has denied all four of plaintiff's motions for Temporary Restraining Order, the latest on October 18, 2000. On behalf of the Latino community, MALDEF will participate in the trial as amicus curiae. Kossman filed a motion for summary judgment and injunctive relief in May 2002. The court has not yet ruled on the motion. We continue to await the setting of trial.

David Hinojosa
MALDEF San Antonio Office


On March 19, 2002, we filed this federal suit on behalf of plaintiffs who seek to recover wages owed to them and owed to others employed at the Hawaiian Gardens Bingo Club but fraudulently and unlawfully denied. Defendants are the Irving I. Moskowitz Foundation, South Bay Protective Services, and Al Lazar, who jointly operate the Hawaiian Gardens Bingo Club.

Defendants have implemented a scheme to violate state gaming law, and evade paying lawful wages to employees operating its bingo games, by pretending that those employees are mere "volunteers." State gaming law permits only charity-sponsored bingo games, requiring that bingo games be run only by an authorized charity and volunteers from the charity. Open 363 days a year, the Bingo Club runs about a thousand games a week, and reportedly takes in up to $50 million a year. The Foundation ostensibly employs South Bay Protective and Security Services to provide security at the Bingo Club. But South Bay illegally oversees day-to-day operation of the games and supervises the twenty-four so-called "volunteers" who make up the heart of the bingo staff - "breakers" and "runners" who work about 25 hours a week selling bingo cards. The breakers and runners are not volunteers in any true sense of the word; they are not members of the Foundation, nor are they voluntarily donating their time to the Foundation. They are supervised and controlled by defendants, but they receive only tips for their labor.

The complaint alleges violations of state and federal wage laws, essentially for failure to pay the required minimum wage. It also includes claims under the federal RICO (Racketeer-Influenced and Corrupt Organizations) Act, as well as under state unfair business practice, civil rights, and fraud provisions.

On December 17, 2002, the federal district court granted in part and denied in part defendants' motion to dismiss the amended complaint. The court ruled that because state law prohibits paid employees from working at bingo games, it could not grant the plaintiffs any
relief under either state or federal labor law. However, held that the claims alleging unfair competition, RICO violations, fraud, and wrongful discharge remain viable.

On July 7, 2003, the magistrate denied defendants’ request to compel discovery regarding the plaintiffs’ immigration status, but ordered the plaintiffs to disclose their Social Security and driver’s license numbers. We moved to have the district court reconsider the magistrate’s decision. On August 12, 2003, the district court reversed the decision of the magistrate, permitting defendants from gaining access to highly sensitive information about our plaintiffs and their immigration status.

In December 2003, we requested dismissal, without prejudice to our remaining claims being filed in state court, so that we could appeal the court’s decision that the plaintiffs, even if employees under federal law, could not recover any wages. As time moved on, it became clear that the court’s earlier decision had crippled the case, leaving the plaintiffs with limited prospects of relief on any of their claims. The court agreed and dismissed the case on January 12, 2004. We filed our notice of appeal to the Ninth Circuit on February 4.

Belinda Escobosa Helzer
Victor Rodriguez
Maureen Guadalupe Tellez
Hector O. Villagra
MALDEF Los Angeles Office


We filed this action on July 26, 1999 to challenge the refusal of the College of the Desert to promote our client to the position of Custodial Supervisor. Jimmy Ramirez has worked for the college as a custodian since 1979. When the incumbent Supervisor became ill and required much time off, the college gave Ramirez a Custodial Lead position, in which he fulfilled all of the duties of the Custodial Supervisor. Nonetheless, when it came time to hire a new Supervisor, Ramirez’s application was rejected because he lacks a high school diploma. The college refused to permit Ramirez to work toward his G.E.D. while Custodial Supervisor. Even though he was disqualified from receiving the permanent position, the college placed Ramirez on the interviewing committee and asked him to train the individual who was hired.

This suit challenges as discriminatory the college’s actions in not hiring Ramirez. After it was filed, the court urged the parties to consider settlement, and stayed the case to permit talks to go forward. In February 2000, the defendants rejected plaintiff’s settlement proposal and made no counter-offer. Nonetheless, because of the case, the College has already changed its policy, regarding experience or skills as equivalent to high school degree, for all future hires.

In February 2001, we moved for partial summary judgment to establish plaintiff’s prima
facie case, including his qualification for the promotion. Defendants filed their own motion for summary judgment. On April 27, 2001, the district court granted defendants’ motion, holding that plaintiff failed to present sufficient evidence from which a jury could reasonably infer that the decision not to promote plaintiff was pretextual. We filed an appeal on May 25, 2001.

On August 15, 2002, the Ninth Circuit reversed the trial court's decision dismissing the case. The Ninth Circuit held that Mr. Ramirez had presented sufficient evidence of intentional discrimination to warrant a trial against the Director of Personnel at the College.

We began court-ordered settlement discussions before the magistrate judge in January 2003. After numerous conferences, we settled the case. The terms of the settlement are confidential, but may be disclosed internally within MALDEF. Under the settlement, Ramirez received $60,000 in pain and suffering. He was promoted to the position of Custodial Lead, a position created through the settlement. In this position, Ramirez's annual salary increases by approximately $12,000 per year and Ramirez will earn $100 less per year than the Custodial Supervisor until he retires. The promotion and pay increase are retroactive to July 1, 2003. When Ramirez retires, his pension will be calculated on the basis of the salary earned during his last year of employment. We dismissed the case on January 28, 2004 after the College complied with the terms of the settlement.

Hector O. Villagra
MALDEF Los Angeles Office

LA/1068 Flores v. Albertson's, Inc., Nos. BC241027 (Los Angeles County Superior Ct.); CV-00-13628 CM (U.S. Dist. Ct., C.D. Cal.).

This action challenges a practice that has become increasingly prevalent: outsourcing work to contractors to avoid responsibility for compliance with wage and hour laws. In the past ten years, supermarkets have increasingly contracted with janitorial service companies. Generally, in this supermarket janitorial contracting industry, janitors are hired, ostensibly as "independent contractors," by people who are themselves "independent contractors." In practice, the janitors clean supermarkets for about eight hours each night, beginning at midnight. As a rule, they work every day, with only one day off every two weeks. It is not uncommon for the janitors to work months without a single day off. They do not receive any premium wages for the tremendous amount of overtime they work. They are paid by cash or personal check, and generally do not receive a statement of their hours or their wages as the law requires. They work with strong cleaning agents, but generally are not supplied with any protective clothing at all. If they are injured on the job, the common practice is simply to replace them, with no provision made for the injured worker. Supermarket personnel supervise the work of the janitors, just as they supervise the work of other employees. The supermarkets are aware of the overtime hours worked by the janitors, and of many of the other wage and working condition violations. The "prime" contractors also demonstrate a high level of supervision and control of janitorial services. Thus, although they attempt to shield themselves by conducting the work through
layers of “independent contractors,” both the supermarkets and the “prime” contractors are “employers” of the janitors, and jointly responsible for wage violations and working conditions.

Along with a number of civil rights and labor lawyers, we filed this class action in state court on November 30, 2000. Defendants immediately removed the case to federal court. The suit alleges a number of wage violations, including the failure to pay overtime wages and the failure to provide workers with itemized wage statements. The class includes affected janitors who work in California for the named defendant supermarkets, Albertson’s, Ralph’s, and Vons/Pavilions; and the industry giant in janitorial contracting services, BOSS/Encompass. The Service Employees International Union (“SEIU”) joined the plaintiff janitor class in the suit, alleging that the defendants engage in unfair business practices. In February 2001, the defendant supermarkets reached a preliminary agreement with the SEIU, agreeing to either hire union contractors or pay union-scale wages to janitors in the future. Although the agreement by the supermarkets holds much hope for the future, the past damages to janitors still require a remedy.

The court certified the class on May 16, 2001. The parties have engaged in extensive discovery, which is still on-going. The court has ordered that all class plaintiffs come forward by March 19, 2004. On January 27, 2004, we launched a massive campaign -- in English and Spanish, in California and Mexico -- in an attempt to reach potential class members. Our partners include the Mexican Government (through the numerous consulate offices in California), the SEIU, the Maintenance Cooperation Trust Fund, and El Consejo de Federaciones. Before the campaign, approximately 200 persons had come forward to participate in the lawsuit and through our outreach efforts, we have contacted and interviewed approximately 500 additional workers. Since the launch of our campaign, we have been inundated with calls on our toll-free number 1-888-LIMPIEZA from all parts of the United States and Mexico.

We also reached tentative settlement agreements, not yet approved by the court, with Ralphs and BOSS. We reached a memorandum of understanding with Ralphs settling all claims for $3,000,000.00. We also reached a settlement agreement with BOSS, which has declared bankruptcy, for $900,000.00. This agreement has yet to be approved by the bankruptcy court. We are also scheduling mediations with both Vons/Safeway and Albertsons, the two remaining defendants in this action. Trial is currently set for June 15, 2004.

Bahan & Herold
Hadsell & Stormer
Krakow & Kaplan
Robert D. Newman
Traber, Voorhees & Olguin
Co-counsel

Steven J. Reyes
Victor Rodriguez
Maureen Guadalupe Tellez
MALDEF Los Angeles Office
On October 12, 2001, MALDEF filed Colindres in federal court in the Western District of Texas. The case has since been transferred to the Southern District of Texas. We represent approximately 80 employees of Quietflex who have been discriminated against in their terms and conditions of employment in violation of Title VII of the Civil Rights Act of 1964. Quietflex is a Houston-based company that manufactures air conditioning ducts. The Latino employees in the facility are segregated from the rest of the employees, work under the most difficult conditions, and have the most limited opportunities for advancement. The company enforces an English language fluency requirement for transfer into more desirable departments for Latinos, but not for other employees. When the Latino employees protested their unequal working conditions, the company fired them. After the company reinstated the workers, it began to retaliate against them. We seek to represent a class of Latino employees who are currently working, or have worked for Quietflex in the past. We also filed a related lawsuit, Aleman, to protect the interests of the 80 individual MALDEF clients, each of whom filed separate charges with the federal Equal Employment Opportunity Commission (EEOC). The EEOC intervened in the case in fall 2002.

We continue to conduct discovery and vigorously defend the depositions of our clients. Since August, 2003, we have appeared before the trial judge on three occasions to defeat motions and requests by the defendants to reveal the immigration status of plaintiffs in the case. MALDEF’s motion for class certification is set for a hearing on June 3, 2004, and we are currently responding to ten motions for summary judgment as to individual clients.

David Hinojosa
Joseph Berra
Nina Perales
MALDEF San Antonio Office

Diana Sen Connerty
MALDEF Atlanta Office

Shaheena Ahmad Simons
MALDEF National Office

On August 24, 2001, MALDEF and co-counsel filed a class-action lawsuit on behalf of approximately 200 employees laid off in violation of the federal WARN Act.
The case challenges a boot manufacturer in El Paso. The manufacturer, which does business as Lucchese Boot Co., laid off approximately one third of its workforce in December 2000 without giving the workers the required 60 days advance notice. The court certified a class.

We settled the case through mediation in February 2003. **The judge approved the settlement and ordered the parties to notify the plaintiffs of their award. We delivered checks to the plaintiff class in July, 2003.**

Leticia Saucedo
MALDEF San Antonio Office


On June 17, 2003, we filed this federal action on behalf of young people of color who were refused sales positions or terminated by the national clothing retailer Abercrombie & Fitch. The lawsuit, a proposed class action, charges the company with violating federal and state anti-discrimination laws by systematically recruiting, hiring, and maintaining an overwhelmingly white sales force.

Abercrombie requires sales associates (called Brand Representatives) in each of its nearly 700 stores to conform to a standard known as the “A & F Look,” which the company describes as “classic” and “all-American,” and which it uses to exclude Latinos, African Americans, and Asian Americans from the sales floor. Store managers carefully screen applicants for conformity with the white “A & F Look,” sometimes discarding applications from candidates of color who do not fit the “Look.” When a store does hire a person of color, it is often for a stock room or overnight position, in which the employee works out of the public view. Abercrombie broadcasts its all-white “Look” and image by using visual media in its retail stores—including wall-sized photographs, an A&F Quarterly magazine, and video images—all featuring, almost without exception, white models.

The company maintains its disproportionately white sales force through recruitment and hiring from carefully selected sources, targeting predominantly white colleges, fraternities, and sororities. Corporate officials enforce compliance with the “A & F Look” through frequent audits of Abercrombie stores, known informally as “blitzes.” Juancarlos Gomez-Montejano, the college student who first brought Abercrombie’s unlawful practices to MALDEF’s attention, was terminated—or “zeroed out”—after one such corporate blitz.

MALDEF filed the lawsuit in federal court in San Francisco together with the NAACP Legal Defense Fund, the Asian Pacific American Legal Center, and Lieff, Cabraser, Heimann and Bernstein, a San Francisco plaintiff-side firm. In November 2003,
several law firms filed a similar class action lawsuit in federal district court in New Jersey, Hawk v. Abercrombie & Fitch Co. Counsel in the Hawk case voluntarily dismissed their suit in December 2003 and then immediately filed a related case in San Francisco. The second case was consolidated with the Gonzalez suit, and we are now jointly prosecuting the litigation on behalf of the putative class.

Our motion for class certification in this case will be heard in July 2004. We are now conducting discovery, including expert discovery, and preparing for mediation sessions that are scheduled to begin in April 2004. The case continues to generate extensive national media interest. A 60 Minutes segment on the case aired in December 2003.

Lieff, Cabraser, Heimann & Bernstein  
NAACP Legal Defense Fund  
Asian Pacific American Legal Center  
Kohn, Swift, & Graf, P.C.  
Miller Faucher & Cafferty  
Sidney L. Gold & Associates, P.C.  
Gottesman & Associates  
Rainbow/PUSH Coalition  
Co-Counsel

Thomas Saenz  
Shaheena Ahmad Simons  
MALDEF National Office

In February, 2003, MALDEF filed an appearance on behalf of 10 former housekeeping employees challenging hostile working conditions and an English-only rule under Title VII of the Civil Rights Act of 1964. The workers now participate in this case as Plaintiff-Intervenors; the case was initially filed by the Equal Employment Opportunity Commission’s Denver District Office in March 2001. The housekeeping employees of Anchor Coin were subjected to an English-only policy at all times despite the fact that the majority of Plaintiff-Intervenors are monolingual Spanish speakers. Employees who complained about the blanket policy and abusive work atmosphere were subjected to retaliation or constructive discharge.

We negotiated a settlement agreement awarding plaintiffs $1.5 million dollars. The judge approved the settlement agreement in July 2003.

Kimberly Ryan  
David Fine  
Co-counsel

Selena N. Solis  
MALDEF San Antonio Office
Reyes v. Tandem Health at West Altamonte, No. 150-2003-02121C (EEOC).

In this case, we represent a monolingual Spanish speaker, who had successfully performed her job as a housekeeper for seven years in a nursing home, in EEOC proceedings in Miami, Florida. Reyes was terminated for violating an English-only policy. We allege that the policy constitutes national origin discrimination. Mediation attempts were unsuccessful. The EEOC investigation is ongoing. Since the charge was filed, the nursing home seems to be conforming its policy to meet current requirements under case law.

Tisha R. Tallman
Diana Sen Connery
MALDEF Atlanta Office


We represent four south Georgia slaughterhouse workers who were injured on the job and then refused workers’ compensation benefits due to their perceived immigration status. We believe that our clients and numerous others are victims of an employer scheme to hire individuals perceived to be undocumented in low-wage, high risk jobs, and then to terminate them when they become injured and eligible for light duty work. After workers become eligible for light duty work, the employer alleges that the worker has fraudulent work authorization documents for the purpose of avoiding workers’ compensation payments. We currently represent our clients before the Georgia Workers’ Compensation Board.

Discovery is ongoing, with pending motions to compel. A request for consolidation of the cases is pending. In addition, we are engaged in further investigation that has revealed other violations that may warrant either removing the matter to federal district court or filing a separate claim in federal district court.

Robert Freyre
Co-counsel

Tisha R. Tallman
Jose Gonzalez
MALDEF Atlanta Office
Hernandez v. Oglethorpe University, No. 110-2004-00041C (EEOC); Lopez v. Oglethorpe University, No. 110-2004-00046 (EEOC); Rodriguez v. Oglethorpe University, No. 110-2004-00045 (EEOC); Hernandez v. Oglethorpe University, No. 110-2004-01955 (EEOC).

On September 23, we filed a charge with the EEOC in Atlanta, Georgia alleging national origin discrimination based on an English-only and English proficiency policy that gave our clients, Latina monolingual housekeepers, only 60 days to become proficient in English. The case was assigned an EEOC investigator. The EEOC completed its first round of investigation. After the charge was filed, our clients continued to be harassed and intimidated. False allegations were made regarding their insubordination, and one of our clients was subsequently fired. We filed a retaliation charge on behalf of the terminated client in February 2004. At our request, the EEOC investigation will continue, and the new retaliation charge will proceed to investigation.

Tisha R. Tallman
Diana Sen Connerty
MALDEF Atlanta Office
TITLE II: EDUCATION


For close to a year, we have been working with co-counsel as amici to influence the court’s decision on whether to do away with the desegregation consent decree imposed on the Chicago Public Schools (CPS) in 1980. The parties, U.S. Department of Justice and CPS, were involved in negotiations and agreed that, despite the changes in demographics since the parties first entered into this decree, it is still not a good time to dismiss this action and dismantle the decree. They then produced a proposal for a modified consent decree that, according to them, reflects the current realities in Chicago schools.

The modified consent decree states with particularity the provisions of the terms of the original consent decree with which CPS has failed to comply. In this modified decree, CPS commits to making a good faith effort to conduct reviews of every area of noncompliance, to produce a report in every one of those areas, and to make those reports public. Finally, the decree provides that after two years, they will move for unitary status and to dismiss this action.

The court ordered the parties to share the proposed modifications with amici so that we could provide our input. In January 2004, amici filed our brief in response to the proposed modified decree. We advised the court that the modified decree falls short of the goals of the original decree and proposed some additions to the decree. We were specifically concerned with the provisions of the decree that dealt with services to limited English proficient students, and proposed that CPS needed to institute a formal complaint process for parents, teachers and others.

Unfortunately, on March 1, 2004, the court approved the parties’ modified consent decree without any substantive changes. It held that the parties were not legally obligated to include more in their modified decree. Further, the court stated it would revisit the viability of this consent decree once again in two years.

Roger Baldwin Foundation ACLU  Alonzo Rivas
Chicago Lawyers Comm. for Civil Rights  MALDEF Chicago Office
Co-counsel

CH/2022 Novola v. Chicago Sch. Reform Bd. of Trustees, No. 97-CH-16221 (Cook County Cir. Ct., Chancery Div.).

In our efforts to enforce the consent decree that we entered into with the Chicago Public Schools (CPS) and the Illinois State Board of Education to settle this case, we are
investigating CPS’s possible breach of the decree. Plaintiffs alleged that CPS failed to
make Illinois funds (Chapter 1 Funds) available to schools with low-income students, and
diverted those funds to cover its own administrative and overhead costs and to provide
basic and regular education programs. The consent decree included provisions that
defined the way in which those funds were to be spent.

Recently, CPS CEO Arne Duncan announced new accountability standards under
which principals of schools on probation must spend discretionary and supplemental funds
on certain programs determined by CPS. We will investigate whether those supplemental
funds include Chapter 1 Funds, which were the subject of this action and the resulting
consent decree. If that is the case, CPS’s new policy is in direct violation of the consent
decree, and we would challenge in court.

Alonzo Rivas
MALDEF Chicago Office

CH/2043  Gratz v. Bollinger, Nos. 97-75231 (U.S. Dist. Ct., E.D. Mich.); 01-
333/1416/1418/1438 (U.S. Ct. App., 6th Cir.); 02-516 (U.S. S. Ct.);

On October 14, 1997, two white Michigan residents who were denied admission to the
University of Michigan filed this lawsuit. The students allege that they were discriminated
against on the basis of their race because they had GPA and SAT scores higher than those of
most minority students who were accepted by the College of Liberal Sciences and Arts.
Specifically, the plaintiffs contend that the University employed race as one of the predominant
factors, rather than as a "plus factor," in determining admission to the College. Plaintiffs also
allege that the University lacked any compelling interest and was not motivated either by an
interest in furthering educational diversity or an interest in remedying the effects of past
discrimination. In the alternative, plaintiffs allege that even if the University had a compelling
interest, the University failed to employ race-neutral alternatives to achieve that interest.
Plaintiffs seek to eliminate the consideration of race in determining admission.

On February 5, 1998, in conjunction with local Detroit counsel and other national civil
rights organizations, we filed intervention papers in defense of the University's admissions
program on behalf of Latino and African American high school students who seek or will seek
admission to the University's College of Liberal Science and Arts and who are likely to be denied
admission if plaintiffs prevail. Plaintiffs opposed our motion to intervene; the University did not.
On July 7, 1998, the district court denied our motion to intervene based on the court’s
conclusion that the proposed intervenors lacked a “significant protectable interest” in the
litigation. Furthermore, the court held that the University would adequately represent the
interests of Latino and African American students by defending its admissions program. In
November 1998, we
appealed to the Sixth Circuit Court of Appeals. On August 10, 1999, the Sixth Circuit issued a ruling reversing the District Court’s decision and allowing us to intervene.

After an initial trial date had to be continued, the District Court heard arguments on several motions for summary judgment in November 2000. During argument, the court stated that it did not see a need for this case to go to trial and indicated that it would resolve this matter via summary judgment. On December 13, 2000, the court issued an opinion that gave plaintiffs and defendants partial victories, but did not address the remedial issues presented by intervenors. In its opinion, the court granted plaintiffs’ motion for summary judgment with respect to the admissions programs in existence from 1995-1998, declaring these admissions programs unconstitutional. However, the court granted defendant’s motion for summary judgment with respect to the admissions programs for 1999 and 2000. The court found that diversity was a compelling interest. The court’s opinion was limited to issues relating to the “diversity” rationale proposed by the defendants. It did not address intervenors’ arguments that a race-conscious admissions program is constitutional under a remedial theory. Subsequently, on February 27, 2001, the court issued an order granting plaintiffs’ motion for summary judgment with respect to intervenors’ claim that the University was justified in using race as a factor in admissions to remedy the present effects of past discrimination. This order came about despite the fact that plaintiffs did not make a motion for summary judgment with respect to intervenors’ claim.

As a result of all of these decisions four appeals were filed. The university appealed that part of the decision that struck down their prior affirmative action program. Plaintiffs appealed the portion of the decision that upheld the current program. Plaintiffs also appealed the court’s decision to grant university officials qualified immunity. Finally, intervenors appealed the denial of their claims. The appeals were fully briefed, and the court heard argument on December 6, 2001. On May 14, 2002, the en banc Sixth Circuit issued a decision in Grutter v. Bollinger (see case 2081 below), a similar challenge to the admissions program at the University of Michigan law school. Even though the court had not yet rendered a decision in this case, the parties sought Supreme Court review at the same time as the Grutter case. The Supreme Court agreed to review Grutter and agreed to review this case as well.

In June 2003, the Supreme Court struck the undergraduate affirmative action program, concluding that the allocation of a set number of points to minority applicants is not sufficiently narrowly-tailored to pass constitutional muster.

ACLU National & Michigan Office
Godfrey Dillard Evans & Luptak, P.L.C.
Citizens for Affirmative Actions' Preservation
NAACP Legal Defense & Educational Fund Victor Viramontes
Sachs, Waldman, O’Hare, Helveston, Bogas & McIntosh, P.C.

Patricia Mendoza
MALDEF Chicago Office
MALDEF National Office
Co-counsel

We represent Latino intervenors in this statewide desegregation case, filed in 1971, in order to ensure that the remedial provisions of the court’s decision are met in school districts with large numbers of Latino students. The District Court’s 1981 remedial order had far-reaching effects on pupil placement and equal educational opportunity, including the implementation of bilingual education. Although a portion of this remedial order was reversed by the Fifth Circuit in June 1982, the District Court’s decision nevertheless led to positive changes not only in the state statutory law, but also with regard to the actual provision of bilingual education.

On March 4, 2004, MALDEF attended a scheduling conference regarding an enforcement motion filed by Hearne ISD in August 2003. In its motion, Hearne ISD alleges that nearby Mumford ISD has engaged in practices to steal away Anglo students from Hearne, creating a racial imbalance. As a result, Hearne ISD has gone from over 50 percent Anglo to under 30 percent in the past several years. At the scheduling conference, the court expressed concern at the extent of busing of students from Hearne to Mumford. A hearing on Hearne ISD’s claims against Mumford and the Texas Education Agency has been set for the end of the year. At this time, we are monitoring the situation to ensure that the original Order is not attacked by any party.

Multicultural Education, Training and Advocacy, Inc. (META)  
David Hinojosa  
MALDEF San Antonio Office

White v. Engler, No. 00-72882 (U.S. Dist. Ct., E.D. Mich.).

On June 27, 2000, we filed this lawsuit seeking to enjoin the State of Michigan from continuing to use the Michigan Educational Assessment Program (MEAP) High School Test as the sole academic criterion for awarding Michigan Merit Award Scholarships. The Michigan Merit Award Scholarship Program, created by the Legislature in 1999 with funds from the state’s share of the multi-state tobacco settlement, awards scholarships to graduating seniors on the basis of scores on the MEAP test. However, the test has never been validated as a means of assessing individual student achievement. The lawsuit charges that the present method of selecting recipients for these scholarships discriminates against high school students on the basis of race, ethnicity, and educational disadvantage. The defendants filed a motion to dismiss the lawsuit as well as a brief in opposition to our motion for a preliminary injunction.

On June 19, 2001, before the court issued any decision on the pending motions, we amended our complaint in light of the United States Supreme Court’s decision in Alexander v. Sandoval, 532 U.S. 275 (2000), which held that private individuals did not have a right to sue under Title VI regulations prohibiting disparate impact. In dissent, however, Justice Stevens noted that a lawsuit alleging disparate impact in violation of Title VI regulations could still be filed by a private person under 42 U.S.C. §1983. In our amended complaint, we did just that by
restating our Title VI disparate impact claim as a violation of 42 U.S.C. §1983. Defendants renewed their motion to dismiss, and, on November 19, 2001, the district court denied defendants’ motion.

Having completed our discovery up to that point, we began preparations for a trial, while at the same time pursuing a settlement. We were involved in talks with the staff of Michigan’s newly elected governor, who had publicly expressed her desire to reform the scholarship program to bring more equity. Unfortunately, no settlement agreement was reached.

The trial was postponed from mid March to July 21, 2003, due to unexpected circumstances. As the July date came near, Plaintiffs then decided to ask the Court to reschedule the trial once more to October 20, 2003 to wait and see what the Michigan Legislature would do with the configuration of the Merit Award Scholarship Program, which is a central issue in this case. That petition was granted.

Eventually, plaintiffs decided to postpone the trial and review our claims in light of the Sixth Circuit's acknowledgment of the holding in Gonzaga Univ. v. Doe, 536 U.S. 273 (2002) that nothing short of a right "unambiguously conferred" by Congress will support a cause of action brought under section 1983. With that in mind, we decided to dismiss our disparate impact claim, which we had brought under section 1983, and focus on our intentional discrimination claims. To that effect, we petitioned, and the Court granted, leave to conduct additional discovery in connection with those claims.

Pitt, Dowty, McGehee & Mirer
ACLU Michigan
Trial Lawyers for Public Justice
NAACP, MI State Conference
Co-counsel

Alonzo Rivas
MALDEF Chicago Office

LA/2061  Godinez v. Davis, Nos. BC227352 (Los Angeles County Superior Ct.); B161508 (Cal. Ct. App., 2d Dist.).

We filed this action on March 29, 2000, challenging the state of California’s allocation of new school construction funds under Proposition 1A, a state bond enacted by voters in November 1998. The legislation that accompanied the bond measure when it was passed provides a need-based priority system to identify the districts experiencing the most severe overcrowding. Our plaintiffs reside in the Los Angeles Unified School District, where the need for new schools is the greatest. Overcrowding has forced over 45 percent of the District’s students onto educationally inferior multi-track, year-round schedules and has required the daily busing of over 15,000 students because their neighborhood schools have no space for them. The District is eligible for a significant share of Proposition 1A’s new school construction funds, and under the bond legislation’s need-based priority system, LAUSD’s needs would have a high priority.
However, the state refused to distribute funds based on the need-based priority system set forth in the statute. It replaced the statutory priority system with a “first-come, first-served” system that prejudices students in overcrowded school districts in heavily congested urban areas like LAUSD. LAUSD has 12 percent of the schoolchildren in the state and 33 percent of all students in schools on educationally inferior multi-track, year-round schedules. Yet, under the system defendants were operating, LAUSD stood to receive less than 1 percent of the new school construction money the bond provides.

We challenged the state’s distribution of funds on constitutional grounds as violating the state obligation to provide fundamentally equivalent education across the state, and on statutory grounds as violating the needs-driven legislation implementing the bond. In August 2000, after several hearings on our motion for a preliminary injunction, the court ordered the state to revise its system for distributing funds, finding that the state was under a statutory obligation to distribute funds on a needs basis, and not simply on a first-come, first-served system.

We then entered negotiations with the state and agreed on a settlement. Under the settlement, the state has implemented a program under which, after deducting $450 million for a final allotment, seven equal allotments of funds shall be made on a quarterly basis through the second quarter of 2002. All apportionments, including the reserved $450 million, will be made on a priority point basis. As a result of the settlement, LAUSD received about $600 million in much-needed new school construction funds.

The trial court awarded plaintiffs’ counsel attorney fees, but the state appealed the award. The appeal was stayed for a time to allow the parties to reach an out-of-court settlement, but no agreement was ever reached. The appeal was to be argued in late 2003, but it has now been stayed pending resolution of Graham v. DaimlerChrysler Corp., a case before the California Supreme Court that will address the availability of fees where plaintiffs are the catalyst for changes made by the defendant.

English, Munger & Rice
Gretchen Nelson
Asian Pacific American Legal Center
Co-counsel

Hector O. Villagra
MALDEF Los Angeles Office

Thomas A. Saenz
MALDEF National Office

LA/2062 Williams v. State of California, No. 312236 (San Francisco County Superior Ct.).

This action challenges substandard learning conditions in schools throughout the state that are overwhelmingly populated by low-income and minority schoolchildren. The suit raises state constitutional and statutory claims, as well as a federal claim under Title VI, and seeks to ensure that all schools meet basic minimal educational standards. The suit contends that state officials have failed to develop or implement appropriate procedures to identify and correct the substandard conditions at schools. Although the
suit challenges a variety of deprivations of equal educational opportunities, including the unequal distribution of textbooks and trained teachers, we represent only the subclass of students who attend schools that have resorted to multi-track calendars or busing to address severe overcrowding. Multi-tracking results in students receiving far fewer days of school, and busing costs students hours a day and impedes parental participation.

The state filed a demurrer, which the court denied. The state then filed a cross-complaint against each of the school districts with schools attended by named plaintiffs, contending that the districts and not the state bear responsibility for the poor conditions. In October 2002, plaintiffs filed 16 reports by various experts in the field addressing the conditions raised in the complaint and their detrimental impact on the quality of education. These reports are publicly available at http://www.decentschools.org/whatsnew.php. The reports addressing MALDEF's issues are those of Drs. Oakes and Mitchell: Multi-Track, Year-Round Calendar (Concept 6) and Busing to Address Overcrowding and Segregation in California's K-12 Public Schools: Biases in Implementation, Assignment, and Achievement with the Multi-Track Year-Round Calendar, respectively. The state designated its own experts, including Charles Ballinger, a purported expert on the Concept 6 calendar. Our experts prepared rebuttal reports, based on the reports submitted by the state's experts and the testimony those experts gave in deposition.

In July and August 2003, we moved for summary judgment regarding the state's liability over certain unconstitutional conditions, including the state's use of the Concept 6 calendar. However, since the election in November, we have been involved in settlement negotiations with the Schwarzenegger administration. The case has been stayed to make room for negotiations, and the motions have not been decided.

ACLU Foundation of Southern California
ACLU Foundation of Northern California
Public Advocates
Center for Law in the Public Interest
Lawyers' Committee for Civil Rights
Morrison & Foerster
Co-counsel

Hector O. Villagra
MALDEF Los Angeles Office

CH/2063 Cortez v. Calumet Park Sch. Dist. #132, No. 1:01-CV-8201 (US Dist. Ct., N.D. Ill.).

We filed this case against both Calumet Public School District #132 and the Illinois State Board of Education. The complaint alleges failure to address the educational needs of the increasing limited English proficient (LEP) student population. Specifically, we allege that the
District has failed properly to evaluate LEP students, maintained inadequate bilingual programs, exited children early from the bilingual programs that do exist, failed to inform and involve parents through communication in Spanish, and failed to train and certify bilingual teachers.

The State Board filed a motion to dismiss; which the court denied in August of 2002. As a result, the State Board expressed a desire to settle. We submitted a proposal setting out the terms under which we would be willing to settle our case against the State Board. Unfortunately, after months of reviewing our proposal, they officially rejected it in January 2004, and stated that the state would file a motion for summary judgment after the close of discovery.

On January 31, 2004, we shared our expert’s report reviewing Calumet Public School District #132’s current Transitional Bilingual Program with all Defendants. The issuance of this report prompted the District defendants to expedite our settlement discussions. We finalized and shared our settlement proposal with the District defendants in March 2004.

Alonzo Rivas
MALDEF Chicago Office

SA/2068   Hopson v. Dallas Indep. Sch. Dist., No. 01-2750-G (Dallas County Dist. Ct.).

In this second 2001 challenge to the equitable “recapture” and “weighted students” parts of the Texas school finance system, taxpayers in several property-wealthy Texas school districts filed this state court action against other wealthy districts that have historically opposed the present system and have filed litigation against it. This lawsuit can be accurately described as a sweetheart lawsuit. On behalf of seven low-wealth districts, we intervened to defend the tax cap, recapture, and weighted student parts of the Texas school finance system that we helped to create during the Edgewood litigation in 1984-1995. The original plaintiff taxpayers did not sue the state as a party and did not bring their suit in the Travis County court that has had jurisdiction of the school finance case since 1984. The Dallas ISD brought in the state as a party and joined with the state and other low-wealth districts to move to dismiss the case or to transfer it to the Travis County court. A hearing was held in June 2002 and the trial court issued an order transferring venue to Travis County. Plaintiffs appealed to the court of appeals in Dallas. The court reviewed the case and affirmed the trial court’s order. We are awaiting a discovery plan for the case from the trial court in Travis county.

Plaintiffs moved to consolidate their case in Travis County with West Orange-Cove C.I.S.D. v. Nelson (see Case 2076, below). All parties in the West Orange-Cove litigation, including the Edgewood Intervenors whom we represent, are opposed to the motion to consolidate. A hearing on the motion is scheduled for March 23, 2004.

David Hinojosa
Joseph Berra  
MALDEF San Antonio Office


On July 26, 2001, along with the National Lawyer’s Guild Sugar Law Center, we filed a complaint and a motion for a preliminary injunction against the Detroit Public Schools, seeking to prevent the opening of a new school, built on a former industrial site, in a predominantly Latino neighborhood until such time as adequate site remediation has been completed. School was scheduled to open on August 25, 2001, but the opening was postponed until September 4, 2001 in order to allow the court time to rule on the motion. On August 30, 2001, the Court denied the motion for preliminary injunction but implemented several safeguards which have been or will soon be put into place.

The court has been very active in encouraging both sides to settle. The Detroit Public Schools ("DPS") announced several months ago that, because of concerns with the safety of the new site, they would be willing to perform additional, ongoing testing for toxins in and around the school.

DPS selected an independent environmental consultant to analyze the history of the building and to make recommendations. To date, several settlement conferences have been held, but little progress has been made. Defendants recently filed a motion to dismiss the complaint arguing that we cannot allege a violation of Title VI regulations under 42 U.S.C. § 1983. We anticipate defeating this motion because another court has already addressed this issue. We filed our response on March 22, 2002. After the filing of the motion to dismiss, we filed a motion seeking clarification of the court’s August 30, 2001 order.

The court denied the motion to dismiss. We are currently considering our settlement options.

Sugar Law Center  Ruperto Alba  
Co-counsel  MALDEF Chicago Office
In August 2002, on behalf of a coalition of complainants, we filed an administrative complaint with the Office for Civil Rights of the United States Department of Education, charging that Florida’s “achievement based” scholarship program, the Bright Futures Scholarship Program, discriminates against Latino and African American students. We challenged two of Florida’s scholarships, one a full scholarship and one a 75-percent scholarship. In 2001, for the Academic Scholars Award, Florida’s full scholarship, whites were ten times more likely to receive an award than African Americans and two and a half times more likely than Latinos. In the same year, for the Merit Scholars Award, Florida’s partial scholarship, whites were more than three times more likely to receive a scholarship than African Americans and one and a half times more likely than Latinos.

These illegal disparities result because Florida uses SAT I and ACT minimum test scores as a scholarship criterion. These rigid minimum scores create a discriminatory effect on qualified Latino and African American high school students, resulting in a low number of Latino and African American students receiving these valuable scholarships. In addition to their discriminatory effect, the SAT I and ACT are designed to be college admissions tools; they are not a measure of high school students’ academic achievement. Therefore, Florida’s Bright Futures Scholarship Program, which relies on the tests’ ability to assess high school academic achievement, is inevitably flawed. The end result of Florida’s discriminatory practices is that Latino and African American students are denied necessary funding to attend Florida’s colleges and universities.

On January 15, 2003, the Office for Civil Rights commenced its investigation after taking a lengthy period -- and consulting headquarters in Washington, D.C. -- to consider whether it had jurisdiction over the Florida Bright Futures complaint letter. In 2003, the Office for Civil Rights formally met with the State of Florida and requested documents to begin to prosecute the claim. The Office for Civil Rights is currently reviewing those materials and continues its investigation.

Victor Viramontes
Thomas A. Saenz
MALDEF National Office

In this continuation of the Edgewood cases, MALDEF represents seven low-wealth districts as intervenors in a challenge by wealthy districts to the $1.50 tax cap in the Texas school
finance system. The case is, in effect, a challenge to the entire Texas school finance system, including MALDEF’s hard-fought remedy of equalization of school funding across school districts in the state. On July 25, 2001, the court dismissed the case, holding that the case was not ripe and that the wealthy districts had not pled essential facts to make their claim. The wealthy district plaintiffs immediately appealed to the Texas Court of Appeals, and, after thorough briefing, the appeals court heard oral argument in December 2001. On April 11, 2002, the appellate court affirmed the trial court’s dismissal. The wealthy districts appealed the case to the Texas Supreme Court, which granted the petition for review in February 2003.

In May 2003, the Texas Supreme Court rejected our motions to dismiss the case and ruled that the wealthy school districts could go forward on plaintiffs’ theory that funding at the $1.50 tax cap is inadequate to meet either the standards imposed by the state and federal governments, or to meet the state constitutional standard of providing for a “general diffusion of knowledge.” We continued to add school districts to our growing list of clients and, in January 2004, filed a motion to dismiss the plaintiffs’s legal attack on equitable funding.

In February 2004, we filed an amended answer with cross-claims against the state, thereby staking out our position in the lawsuit as both defendant-intervenors and cross-claimants. We will be defending the equalization provisions of the current school finance system from any attempt to dismantle them in this lawsuit, and arguing for greater equity and adequacy in the system from the perspective of the low-wealth, predominantly Latino districts we represent.

The court set a trial date of July 26, 2004, putting the case on a fast track with short deadlines for marshaling experts and evidence. In March, we designated our experts in the case and representative school districts to be used in presenting the case. Rebuttal experts will be designated in April.

Joseph Berra
David Hinojosa
Nina Perales
MALDEF San Antonio Office

Hector O. Villagra
MALDEF Los Angeles Office

Thomas A. Saenz
MALDEF National Office
On January 7, 2003, on behalf of the three Latino honors students and the League of United Latin American Citizens, we filed suit in San Luis Obispo Superior Court against the Board of Trustees of the California State University System and officers of the California Polytechnic State University, San Luis Obispo ("Cal Poly SLO"). We charge that Cal Poly SLO's admissions process discriminates against Latino, African American, and Asian American students in violation of a state law prohibiting criteria with unjustified discriminatory effects. Our suit challenges two illegal and misguided components of Cal Poly SLO's Admission system: misuse of SAT and ACT scores and a discriminatory geographic preference.

Cal Poly SLO utilizes a rigid, mathematical formula to select its admitted students. Depending on a student's intended major, Cal Poly SLO derives between one-quarter and more than one-third of an applicant's point total from the SAT or ACT score. However, the SAT and ACT have consistently shown a racially discriminatory bias as Latinos receive lower scores than whites. In addition, this test score reflects performance at a single morning session rather than measuring achievement throughout high school. Given its many limitations, the validity of the SAT in predicting college success is dubious at best. As a result, over-reliance on this test score is both discriminatory and educationally unsound. Cal Poly SLO's geographic preference is illegal for the same reasons. Cal Poly SLO gives bonus points to students living within an area encircling the school. This policy favors an area with a heavier white population than the state as a whole and a smaller proportion of Latinos, African Americans, and Asian Americans. These two factors work together to discriminate against Latinos. Consequently, Cal Poly SLO's unfair policies result in an illegally discriminatory process that denies Latinos and other qualified minorities an opportunity to enroll in this prestigious, state-supported public university.

Victor Viramontes
Thomas A. Saenz
MALDEF National Office

This case involves a white student's challenge to the University of Michigan Law School's race-conscious admissions process. The Sixth Circuit Court of Appeals, sitting en banc, upheld the law school's affirmative action program. The United States Supreme Court granted certiorari in this case and the parallel challenge to the University of Michigan's college admissions affirmative action program, Gratz v. Bollinger (see case 2043 above). The two cases mark the Supreme Court's first consideration of affirmative action in university admissions since Regents of the University of California v. Bakke in 1978.
We drafted and filed an amicus curiae brief in this case on behalf of 29 Latino organizations, including MALDEF, LULAC, NALEO, NCLR, and PRLDEF. The brief argues that Latinos have long been viewed and treated as a separate racial group by United States society, that Latinos long have been subjected to discrimination on the basis of this difference, and that this experience makes consideration of applicants’ Latino identity appropriate either in order to secure diversity in the student body or to redress past and continuing discrimination in society and in the law school admissions process. We coordinated the drafting of this brief with another amicus brief, filed on behalf of the same Latino organizations (with the exception of MALDEF, which cannot be an amicus because we represented intervenors) in the *Gratz* case.

**In June 2003, the Supreme Court upheld the Michigan Law School Affirmative action policy, concluding that the program serves a compelling government interest in student diversity and is flexible enough to satisfy the narrow tailoring requirement.**

Puerto Rican Legal Defense and Education Fund Co-counsel

Thomas A. Saenz Victor Viramontes

MALDEF National Office

LA/2082 *Pazmiño v. California Bd. of Educ.*, No. CPF 03-502554 (San Francisco County Superior Ct.).

On March 6, 2003, we, as part of a coalition of advocates for limited-English-proficient students, filed a challenge to state regulatory requirements that rendered Proposition 227 waiver classrooms ineligible for participation in Reading First, a program created by the No Child Left Behind Act that provides funding to promote literacy in grades K-3. The action challenges the state Board of Education's failure to follow the prescribed procedure for promulgating regulations.

That same day, the court ordered the state to file an opposition by March 19, and denied the request for a temporary restraining order on the grounds that no funds are to be distributed until April 9 at the earliest. The court held a hearing on March 26, 2003 to decide whether it should order the state to revise the eligibility requirements. On March 27, the court granted a preliminary injunction and peremptory writ barring the state from continuing to disqualify waiver classrooms.

**In response to the lawsuit, the California Legislature enacted AB 1485.** This bill, effective as of January 1, 2004, prohibits the State Board of Education from excluding alternative bilingual classrooms from Reading First and prioritizes approximately $13 million of increased Reading First funds for bilingual classrooms. In January 2004, the parties reached a settlement. California’s State Board of Education has agreed to: fund alternative bilingual programs under Reading First; ensure that an appropriate agency provides technical assistance, translates end-of-year
assessments, and develops materials for professional development regarding the instructional materials used in alternative bilingual classrooms; and appoint an expert on English Learner issues to the body charged with advising the State concerning Reading First implementation.

Multicultural Education, Training and Advocacy, Inc. (META)  
Steven J. Reyes  
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MALDEF Los Angeles Office  
Youth Law Center  
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Co-counsel


In September, 2003, we filed suit against seven Virginia public universities and colleges that deny admission to otherwise qualified students based on their perceived immigration status. We allege that this policy violates the supremacy clause, due process clause, and foreign commerce clause. We initially represented five plaintiffs and an unincorporated association, Equal Access Education (“EAE”). The court denied our motion for our clients to proceed using pseudonym names. As a result, three individual plaintiffs withdrew. The state moved to dismiss. In February 2004, the court filed its decision on the motion, denying defendants’ request to dismiss for lack of standing, and granting in part and denying in part defendant’s substantive challenges to our claims. The court held that the universities do not violate federal supremacy unless plaintiffs can show that they are not using federal standards to make immigration determinations. The court granted defendants’ request to dismiss the due process and foreign commerce clause claims.

Discovery under an expedited order is ongoing. Since the lawsuit was filed, our two individual clients have been accepted at several of the seven defendant universities. Additionally, one of the seven colleges spoke out publicly against Virginia proposed legislation that would have denied admission to undocumented students. Another college has since changed its policy in writing to accept at least some undocumented students.

Arnold & Porter  
Co-counsel  
Tisha R. Tallman  
Jose Gonzalez  
MALDEF Atlanta Office
TITLE III: POLITICAL ACCESS

Valero v. City of Kerrville, No. 96-CA-0413 (U.S. Dist. Ct., W.D. Tex.).

We represent the lead plaintiff in this Voting Rights Act challenge to the at-large, numbered post system used to elect members of the City Council of Kerrville, Texas. Kerrville, which has a combined Latino and African American population of 26 percent, has not elected a minority candidate to the five-member City Council in the past twenty years. In a summary judgment motion, the city argued that any majority-minority district proposed by plaintiffs must contain a majority-minority citizen voting-age population, may not combine Latinos and African Americans, and may not use race as a predominant criteria. In August 1997, MALDEF responded and showed that a majority-minority citizen voting-age population district could be drawn with or without combining Latinos and African Americans. The court denied defendants' motion for summary judgment in December 1997.

The parties continued preparing for trial, and filed their joint stipulation of facts. On December 4, 1998, the district court abated the case until the 2000 Census data is released. On September 2003, the District Court administratively closed the case until the parties are able to analyze Census citizenship data and proceed with the litigation.

Rolando Rios
Co-counsel

Nina Perales
MALDEF San Antonio Office

King v. Illinois State Bd. of Elections, No. 95-C-827 (U.S. Dist. Ct., N.D. Ill.).

In February 1995, an Anglo plaintiff filed suit challenging the constitutionality of the Latino-majority Fourth Congressional District in Illinois. The district was drawn in 1991 as the result of a previous lawsuit that we filed on behalf of Latino voters; a three-judge panel held that the Voting Rights Act required the creation of a Latino-majority district and the maintenance of three African American majority districts. This suit was filed after the U.S. Supreme Court's Shaw v. Reno decision and sought to challenge the Fourth Congressional District as an illegal racial gerrymander.

Shortly after this lawsuit was filed, we intervened on behalf of Latino voters to defend the Fourth Congressional District. African American voters and the U.S. Department of Justice also intervened to defend the challenged plan. However, the African American intervenors took no active role in the litigation because there was no direct challenge to the African American districts.

In December 1995, a trial was held. Following trial, the three-judge panel issued its decision upholding the constitutionality of the Fourth Congressional District. The court held that
the district was an appropriate remedial measure for a proven violation of the Voting Rights Act. The court further found that the district advanced the compelling state interest ofremedying past electoral discrimination against Latinos in the Chicago area and that the shape of the district was necessary to preserve a Latino shared community of interest.

Following this favorable decision, the plaintiff sought an appeal in the U.S. Supreme Court. The plaintiff requested summary reversal of the trial court's decision. In response, we filed a motion to affirm. In December 1996, the Court issued an order vacating and remanding the case for further consideration in light of two intervening Supreme Court decisions, Vera v. Bush and Shaw v. Hunt.

Upon remand to the three-judge court, we asked the court to reinstate its original opinion and to deny plaintiff's request for a new evidentiary hearing. The three-judge court denied plaintiff's request and, on August 1, 1997, issued an opinion once again upholding the constitutionality of the Fourth Congressional District. The plaintiff filed a direct appeal to the Supreme Court. We filed a motion to affirm. On January 26, 1998, the Supreme Court summarily affirmed the favorable decision of the three-judge panel.

We filed a fee petition requesting fees as a prevailing party. Because the State failed to defend the challenged plan, and we were compelled to step in and defend the action, we argue that the principle of quantum meruit and the meaning and intent of the fee-shifting provisions support an award of fees (to be payable by the State) in this case. On March 5, 2002, four years after we filed the initial petition, the district court granted our petition. We filed a supplemental memorandum on the proper amount of our award in November 2002 and another supplemental memorandum in February 2003. On August 26, 2003, the district court issued a final order granting us nearly full fees and costs. The State of Illinois filed a notice of appeal with the Seventh Circuit in September 2003. We are currently in court-mandated settlement discussions with the Circuit settlement attorney.

Miner, Barnhill & Galland
Co-counsel

Maria Valdez
MALDEF Chicago Office

CH/3064 Moreno v. Loren-Maltese, No. 00 C 1516 (U.S. Dist. Ct., N.D. Ill.).

On March 13, 2000, we filed this Voting Rights Act, Equal Protection, and First Amendment challenge to a Town of Cicero ordinance that extends the state law residency requirement for elective office from one year to eighteen months. The U.S. Department of Justice has also filed a lawsuit alleging similar claims. In order for the ordinance to have legal effect, it must be ratified by the voters at the March 21, 2000 election. If the change is given legal effect, it will prevent a Latino from being able to run against the current Town President. Cicero has undergone dramatic demographic changes. The town had a Latino population of 9 percent in 1980, Latinos now comprise 62 percent of the population. The town has a history of
discriminating against Latinos in the area of housing, police abuse, and voting matters. We have alleged intentional discrimination. In addition to filing the complaint, we asked for a Temporary Restraining Order (TRO), seeking to prevent a vote on the referendum.

In 2000, the district court granted the TRO to prevent the Town from ever imposing the residency extension, and we continued to press our case on the First Amendment claims. A number of depositions were taken when our case was joined with a companion case filed by other lawyers on behalf of the plaintiff. Recently, we re-opened settlement negotiations and have agreed to a monetary settlement which includes the payment of fees.

Maria Valdez
MALDEF Chicago Office

CH/3067 del Valle v. Illinois State Bd. of Elections, No. 01 C 0796 (U.S. Dist. Ct., N.D. Ill.).

In this suit filed in February 2001, we challenge the use of the punch card balloting system in Cook County, Illinois. The lawsuit alleges violations under Section 2 of the Voting Rights Act and the Equal Protection Clause. Evidence suggests that the punch card system used in Cook County resulted in a far greater voter error rate than the non-punch card systems used outside of Cook County. In particular, within the City of Chicago, while there was an overall high error rate, the voter error rate was particularly large in the minority areas of the city. This means that Latino and African American voters were not given an equal opportunity to elect candidates of their choice due to the inferior balloting system. Outside of Cook County, other jurisdictions using non-punch card systems, such as optical scan balloting, had a far lower error rate than in Cook County. Multiple lawsuits have been filed on this issue by a variety of racial/ethnic and political interests. The cases were consolidated on February 28, 2001.

Together with co-counsel, we were forced to go to court to seek a Temporary Restraining Order to enforce the bilingual assistance provisions under the Voting Rights Act in Cook County, particularly in the City of Chicago. Because of the new balloting system, voters had to communicate with the election judges to finalize their ballots. If Spanish-speaking voters were not provided verbal assistance, they would not be able to cast an effective ballot. We were able to agree to some stop gap measures with the City of Chicago for the March 19, 2002 primary election, and will continue with our lawsuit to compel full compliance with the Voting Rights Act. Court-mediated settlement discussions were ordered.

After over seventeen Court-mediated settlement discussions we have finalized the settlement documents. On October 8, 2003, we filed settlement agreements, an Amended Complaint and a Motion for Class Certification. The court granted our motion for class certification and set a schedule for notice of the class and opportunity for objection. A fairness hearing took place on December 15, 2003. The court
has approved the settlement. The settlement includes an agreement to change the punch-card balloting system and to provide adequate bilingual assistance in voting throughout Cook County. The settlement requires the defendants to take action within the next two years. In the interim, we will monitor defendants’ progress on meeting all aspects of the settlement agreement.

Miner, Barnhill & Galland               Maria Valdez
Gessler, Hughes, Socol, Piers, Resnick & Dym       MALDEF Chicago Office
ACLU                                      Co-counsel

SA/3069 Balderas v. Texas, Nos. 6:01CV158 (U.S. Dist. Ct., E.D. Tex.), 01-1196 (U.S. S. Ct.); No. 02-40933 (U.S. Ct. App., 5th Cir.).

We filed this federal redistricting case in April 2001 as it became clear that the Texas Legislature would adjourn its 2001 Session without enacting any statewide redistricting plans. After we defeated several motions to dismiss the case in July 2001, Balderas became the lead federal case in post-2000 statewide redistricting, and included parties representing Latinos, African Americans, the State Democratic Party, the State Republican party, political action committees, elected officials, political aspirants, and concerned citizens. In October 2001, the federal panel of judges concluded that Texas was unable to create congressional, State House, and State Senate redistricting plans in time for the 2002 election and moved the case to trial. MALDEF opened the two-week congressional redistricting trial, presenting a proposed remedial plan with two additional Latino-majority congressional districts in the state. Immediately following the congressional trial, the federal judges held a trial on the Senate plan and then held a trial on the House of Representatives plan. After the trials, the federal court created a congressional redistricting plan for the state that contained no additional Latino-majority districts and upheld the Senate redistricting plan that also failed to add any Latino-majority districts. The federal court did find that the Texas House of Representatives redistricting plan discriminated against Latinos and ordered the creation of 35 Latino voting age-majority districts -- the number that we had requested.

In December 2001, we filed an appeal to the United States Supreme Court of the federal court’s orders with respect to the congressional and senate redistricting plans. On June 17, 2002, the U.S. Supreme Court summarily affirmed the case, leaving intact the trial court’s refusal to create any additional Latino-majority congressional or state senate districts in Texas.

With respect to redistricting of the Texas House of Representatives, in which MALDEF successfully fought for 4 additional Latino-majority districts, the trial court concluded that MALDEF was a prevailing party and awarded attorneys fees and costs. The Texas Attorney General appealed the trial court’s decision to award attorneys fees to MALDEF and other successful counsel in the case, and we filed our briefs with the Fifth Circuit Court of Appeals in
December 2002. In April 2003, the State agreed to pay our full attorneys fees request in the House phase of the litigation and dismissed its appeal of the attorneys fees issue.

Nina Perales
MALDEF San Antonio Office

CH/3079  Polish American Congress v. City of Chicago, No. 02 C 1477 (U.S. Dist. Ct. N.D. Ill.).

The Polish American Congress filed this challenge to the 30th aldermanic ward in the City of Chicago on the basis that it unfairly dilutes the Polish American voting strength. The district in dispute is a Latino-majority district. We filed a motion to intervene as defendants to protect the Latino communities of interest. The court denied our motion to intervene without prejudice because the court does not yet know if the City of Chicago will adequately defend our interest. In addition, however, the court asked the parties to serve MALDEF with all pleadings and we have been allowed to participate in depositions. In January 2004 the plaintiffs agreed to dismiss the case if a minor change was made to Ward 30. We agreed to the change and the case was dismissed.

Maria Valdez
MALDEF Chicago Office

SA/3080  Arvizu v. Arizona Indep. Redistricting Comm’n, No. 2002-004882 (Maricopa County Superior Ct.).

We filed a motion to intervene in this congressional redistricting case on behalf of several Latino voters on March 29, 2002. The Arvizu plaintiffs, whom we opposed, sought to reconfigure the two Arizona congressional districts that elect Latino candidates of choice: District 4 (Ed Pastor) and District 7 (Raul Grijalva) in order to create an Anglo majority district in Central Phoenix. We intervened because the plaintiffs’ plans would not have increased Latino electoral opportunity in the state and would have transformed Congressional District 4 from a Latino-majority into a Latino-minority district. We have taken the lead in defending the Latino-majority districts at issue in the litigation.

After the State Defendants removed the case to federal court, the federal court remanded the litigation back to the state court on September 5, 2003. We argued our motion to dismiss the congressional plaintiffs for lack of standing on October 21, 2003, but the judge allowed the congressional plaintiffs to proceed. We presented our case at trial in November and December 2003. We presented evidence and argument in defense of Arizona’s Latino-majority congressional districts and demonstrated that reductions in
their Latino population would render the districts ineffective to elect the Latino candidate of choice. On January 16, 2004, the trial court issued its decision in our favor and rejected the changes sought by the plaintiffs because they would risk violating the federal Voting Rights Act.

Nina Perales
MALDEF San Antonio Office

Thomas A. Saenz
MALDEF National Office

Steven J. Reyes
MALDEF Los Angeles Office

SA/3082 LULAC District 15 v. City of San Antonio, Nos. SA-02-CA-618-FB (U.S. Dist. Ct., W.D. Tex.); 03-50864 (U.S. Ct. App., 5th Cir.).

We represent Latino voters in this Voting Rights Act Section 2 and Section 5 case regarding procedures used by the City of San Antonio to verify signatures on referendum petitions. We joined the case to challenge the City’s use of a computer system that rejected the information provided by many of the Latino registered voters who signed a petition in May 2002. As a result of the City’s flawed process, petition circulators were forced to gather many thousands of additional signatures. Although the City certified the petition that sparked this litigation in July 2002, we remained in the litigation to ensure that the City changes its petition verification practices. We filed dispositive motions in March 2003.

In June 2003, the trial court dismissed our claims as moot. We appealed to the Fifth Circuit Court of Appeals and filed our opening brief on February 18, 2004.

Nina Perales
MALDEF San Antonio Office

CH/3087 Gonzales v. City of Aurora, No. 02 C 8346, (U.S. Dist. Ct. N.D. Ill.).

This case involves a Section 2, Voting Rights Act challenge to the aldermanic plan in Aurora, Illinois, filed in December 2002. We have alleged both an “effects” claim and an intentional discrimination claim. Aurora has the second largest concentration of Latinos in Illinois. The City failed to draw multiple Latino seats despite a significant Latino population and a long history of defeat of Latino candidates. Pre-filing settlement discussions stalled. Defendants filed their answers and discovery commenced.
Some depositions were taken, but defendants filed a motion for a protective order to prevent us from questioning the aldermen on any issue. A hearing on the motion is set for March 15, 2004. The Magistrate Judge previously granted defendants' motion to prevent us from asking the aldermen any questions on their intent or motive in passing the redistricting plan. In the interim, the district court has order a settlement conference to take place on March 15, 2004, before we begin expert witness discovery.

Maria Valdez
MALDEF Chicago Office

On December 12, 2002, we filed a challenge under section 203 of the federal Voting Rights Act against the Orange County Registrar for failing to ensure the circulation of recall petitions in Spanish. The failure to provide Spanish-language petitions has created significant barriers for limited English proficient voters. There were numerous allegations that people were fraudulently induced into signing a petition to recall a member of the Santa Ana Unified School District Board based on misrepresentations of its contents.

We sought a preliminary injunction to enjoin the February 2003 recall election. On January 13, 2003, the court denied our request. We filed an appeal and sought an injunction pending appeal. On January 30, 2003, a Ninth Circuit panel denied our request on a 2-1 vote. We dismissed the appeal when the completion of the recall election rendered our original request for a preliminary injunction moot.

On June 16, 2003, the district court granted the defendants' motion to dismiss the case. We appealed the court's ruling that recall petitions are not required to be translated under the Voting Rights Act, and completed our briefing to the Ninth Circuit on January 26, 2004. No date has yet been scheduled for oral argument.

Joaquin G. Avila
Co-counsel

Steven J. Reyes
MALDEF Los Angeles Office

Thomas A. Saenz
MALDEF National Office

LA/3095 Salazar v. Monterey County, No. C 03-3584-JF (U.S. Dist. Ct., N.D. Cal.).

On July 31, 2003, we filed this action under section 5 of the Voting Rights Act to bar the state from accelerating the election on Proposition 54, a proposal by Ward Connerly to
ban government collection of data on race and ethnicity, from March 2, 2004, when it was originally scheduled, to the gubernatorial recall election of October 7, 2003. We alleged that Monterey County, a covered jurisdiction under section 5, would be making several electoral changes that had not yet been precleared (nor had preclearance even been requested when we filed the suit). Among these changes are changes made by the state, which was also named as a defendant, including reducing a number of elections code timelines that are designed to ensure a minimal level of public awareness of the content and effect of a proposed initiative.

Soon after filing, we sought a temporary restraining order (TRO) to bar the election on Proposition 54 from going forward under the non-precleared procedures. Our case was consolidated with another section 5 action challenging the election on gubernatorial recall. After a hearing on August 15, 2003, the assigned single district judge issued a TRO barring the mailing of overseas ballots, the most imminent step leading to the casting of a vote. After a three-judge district court was convened, there was another hearing, and the TRO was left in place. Over several days, with the state on the cusp of having to postpone the election based on imminent deadlines, the Department of Justice precleared all of the changes on an expedited basis by early September. As a result, the court lifted the TRO, and the election went forward. On November 12, 2003, the court dismissed the action as moot. We sought fees, and later reached a settlement on fees.

Joaquin G. Avila
Co-counsel

Thomas A. Saenz
Victor Viramontes
MALDEF National Office

Steven J. Reyes
Hector O. Villagra
MALDEF Los Angeles Office

LA/3096 Cruz Takash v. Shelley, No. 03CS01147 (Sacramento County Superior Ct.).

On August 5, 2003, we filed a petition for writ of mandate challenging the failure of the California Secretary of State to follow mandatory elections code timelines for the preparation, public review, printing, and mailing of the ballot pamphlet covering voter measures. This failure occurred when the Secretary of State accelerated the election on Proposition 54, a proposal to ban government collection of data on race and ethnicity, from the March 2, 2004 election, as it was originally scheduled, to the gubernatorial recall election of October 7, 2003. We argued that voters would be irreparably harmed if forced to vote in an election that did not afford an adequate and legally-mandated opportunity to review ballot materials related to Proposition 54. We also argued that the accelerated election raised serious potential violations of the federal Voting Rights Act.
On August 19, 2003, the superior court denied the writ. While the court stated that some of our arguments seemed persuasive, the Secretary of State was constitutionally required to accelerate the vote on Proposition 54 to October 7, 2003. We appealed. Unfortunately, both the California Court of Appeal and the California Supreme Court denied our appeals.

Victor Viramontes
Thomas A. Saenz
MALDEF National Office

Steven J. Reyes
Hector O. Villagra
MALDEF Los Angeles Office

LA/3097  Eisenberg v. Shelley, No. S117763 (Cal. Sup. Ct.).

On August 6, 2003, we filed an amicus brief in support of the petitioner in this case after the California Supreme Court requested briefing on his petition for a writ of mandate. The petitioner sought to bar acceleration of the election on Proposition 54, a proposal to ban government collection of data on race and ethnicity, from March 2004 to October 7, 2003. The petitioner argued that propositions can not be presented at recall elections. Our amicus brief focused on the violation of state elections code timelines for public participation and on the potential violations of the federal Voting Rights Act. The California Supreme Court denied the writ.

Steven J. Reyes
Hector O. Villagra
MALDEF Los Angeles Office

Thomas A. Saenz
Victor Viramontes
MALDEF National Office

LA/3098  Hernandez v. Merced County, No. CIV F 03-6147 OWW (U.S. Dist. Ct., E.D. Cal.).

We filed this Voting Rights Act Section 5 action on August 25, 2003. It is a companion case to Salazar v. Monterey County (see case 3095 above), but filed in a different district court in order to name as defendants Kings County and Merced County, two other covered California jurisdictions under section 5. The case alleges a failure to
preclear the same electoral changes identified in Salazar with respect to the October 7, 2003 election on Proposition 54. With the complaint, we also filed an application for a temporary restraining order (TRO). The court initially signed the proposed TRO, but after ex parte contact from the state’s attorney over a weekend, the court indicated that its signing of the TRO was an error. On September 2, 2003, the Department of Justice precleared the changes in the two counties, and we dismissed the case later that month.

Joaquin G. Avila
Co-counsel

Steven J. Reyes
MALDEF Los Angeles Office

Thomas A. Saenz
MALDEF National Office


This case is a Section 5 enforcement action to prevent Bexar County from commencing early voting with a reduced number of early voting polling places prior to obtaining preclearance from the Department of Justice. Bexar County planned to conduct early voting for the September 13 Constitutional Amendment Election with no early voting polls on the West Side of San Antonio. We alleged that the lack of early voting polls, particularly for an election with an irregular date, would have a strong negative impact on the ability of Bexar County Latinos to vote. We filed the case on August 26, 2003, and at a hearing the following afternoon, the court granted our application for a temporary restraining order and threatened the County with fines of up to $50,000 per day if they did not open six additional polls in the next three days. On August 28, the first day of early voting, the County opened three polling places on the West Side. At a subsequent court hearing scheduled on the morning of August 29, the County reported that it would open the remaining polling places by the end of the day. We worked with the County Elections Administrator to establish sites that were accessible to West Side voters.

Nina Perales
MALDEF San Antonio Office

LA/3101  Garcia v. Shelley, No. 03CS01267 (Sacramento County Superior Ct.).

On August 27, 2003, we filed this petition for writ of mandate seeking revision of the Ballot Label, the Ballot Title and Summary, Legislative Analyst Office (LAO) analysis, and proponent’s 50 Word Summary of Proposition 54, a proposal to ban government collection of data on race and ethnicity. We alleged that specific elements of each of these portions of the Ballot Pamphlet were false
and misleading as to the effect of Proposition 54. At a hearing on August 29, the court rejected some of our proposed changes, but ordered two critically important changes to the LAO analysis and the 50 Word Summary with respect to the limited scope of Proposition 54’s exemption for medical research.

Victor Viramontes
Thomas A. Saenz
MALDEF National Office

Steven J. Reyes
MALDEF Los Angeles Office

LA/3103 Southwest Voter Registration Education Project v. Shelley, No. 03-56498 (U.S. Ct. App., 9th Cir.).

On September 6, 2003, we filed an amicus brief in this case challenging the use of punch-card ballots in the October 7, 2003 special election. We filed a brief addressing the implications for minority voters of presenting Proposition 54 at the October 7, 2003 special election instead of at the March 2, 2004 primary election, as previously scheduled. We filed the brief during the Ninth Circuit’s consideration of an appeal from the denial of an injunction against conducting the October 7, 2003 election with outdated voting equipment. Drawing heavily from our brief, the three-judge panel ruled that the case for postponing the election is even stronger with respect to the vote on Proposition 54. The Ninth Circuit then voted to rehear the case en banc. On September 23, 2003, the court held that the district court had not abused its discretion in denying the preliminary injunction.

Thomas A. Saenz
Victor Viramontes
MALDEF National Office

Steven J. Reyes
Hector O. Villagra
MALDEF Los Angeles Office

SA/3104 Session v. Perry, Nos. 2:03-CV-354 Consolidated (U.S. Dist. Ct., E.D. Tex.); pending (U.S. S. Ct.).

Our challenge to the Texas legislature’s 2003 statewide congressional redistricting,
which revised the court-ordered plan of 2001, was consolidated into this case. The consolidated case went to trial before a federal three-judge court in November and December 2003. We argued on behalf of the GI Forum of Texas, LULAC District 7 and individual Latino voters that the new redistricting plan violated the Voting Rights Act of 1965 by failing to create seven Latino-majority districts in South Texas and by reducing the Latino voter population in Congressional District 23. On January 6, 2004, the court ruled in favor of the State and denied our claims; one judge dissented on the basis of our claims. We filed our notice of appeal to the U.S. Supreme Court in January 2004, and our Jurisdictional Statement is due on April 5, 2004.

Nina Perales
MALDEF San Antonio Office

Thomas A. Saenz
MALDEF National Office

CH/3105 (Gonzalez v. East Chicago, Indiana, No. 2:03 cv 455 (U.S. Dist. Ct., E.D. Ind.).

This case involves civil rights claims regarding the May 2003 election of Mayor for the town of East Chicago, Indiana. East Chicago has a Latino population of over 51 percent and has the largest concentration of Latinos in the entire state. It also has a substantial African American population of 37 percent. The Anglo incumbent has been mayor for over 20 years. In the recent election, George Pabey (of Latino descent) ran against the Mayor and won the regular ballot vote by a comfortable margin, but lost the absentee ballot vote by an over 4 to 1 margin. There were complaints of voter fraud in absentee ballot voting. Information has come to light that some Latino registered voters who went to the polls to vote were prevented from voting because they were told that they had already submitted an absentee ballot. Pabey alleges that the Anglo incumbent fraudulently used names of Latino voters to submit absentee ballots on their behalf. Pabey filed legal challenges based on state law claims concerning the fraud issues. The state court found that voter fraud existed in the election, but that Pabey failed to show fraud in all votes that were the margin of victory. He sought appeal to the Indiana Court of Appeals, which rejected the case. He has sought an appeal to the Indiana State Supreme Court.

In October 2004, we filed suit against city and county officials in East Chicago, Indiana. The lawsuit challenges the May 2003 mayoral primary election under the Voting Rights Act and other civil rights acts. Our lawsuit alleges that the defendants targeted the Latino community in their voter fraud scheme by purchasing absentee ballot votes from Latinos, taking advantage of their lack of familiarity with the electoral process. The lawsuit also alleges that the election board did not allow poll officials to speak Spanish at the polls, even though thousand of Latino registered voters in East Chicago do not speak English well.
On October 31, 2003, five days before the November election, we filed a motion for a Preliminary Restraining Order to force the city to provide bilingual assistance at the polls. Relying on an unusual provision of the Voting Rights Act applicable only to Puerto Ricans who do not speak English well, we successfully obtained a Preliminary Restraining Order requiring election officials in East Chicago to have bilingual poll workers at every polling place, and to allow the poll officials to assist all Spanish-speaking voters, as requested.

The defendants have filed two motions to dismiss, which we have opposed. A court hearing on the motions is scheduled for April 5, 2004.

Maria Valdez
MALDEF Chicago Office

SA/3108  Miguel Hernandez Chapter of the GI Forum v. Bexar County, No. SA-03-CA-816-RF (U.S. Dist. Ct., W.D. Tex.).

We filed this action to force Bexar County elections staff and the county Democratic and Republican party chairs to open polling places that were illegally closed or relocated for the March 9, 2004 primary election. Our clients in the case include the American GI Forum (Miguel Hernandez Chapter), Neighborhood First Alliance and individual voters who were affected by the illegal polling place changes. The lawsuit sought to block the County’s plans to hold primary election voting at certain polling places because the polling places were not approved by the U.S. Justice Department and because the precinct consolidations mixed together voters from different political jurisdictions in violation of state election law. We succeeded in obtaining an order from the court requiring the political parties to post signs redirecting voters from closed polls to open polls. However, another portion of the court order, which required Bexar County to open two additional polling places (Cameron and Douglass Elementary schools on San Antonio’s East Side) was stayed the night before the election by the Fifth Circuit Court of Appeals. The case is currently pending before the Fifth Circuit.

Nina Perales
MALDEF San Antonio Office
TITLE IV: IMMIGRANTS' RIGHTS

LA/4044 Rodriguez v. United States, Nos. CV 99-11821-CBM (U.S. Dist. Ct., C.D. Cal.); 02-56785 (U.S. Ct. App., 9th Cir.).

The five plaintiffs in this action are family members whose Oxnard home was invaded by armed INS officers in pre-dawn hours of November 16, 1998. The agents were in search of someone who does not live in the home and who is not known to the family. The agents entered the home without permission, proceeded to roust the family members from their beds, herd them into the living room, and question them for about 30 minutes.

The men made little effort to explain themselves to the frightened Rodriguez family, who did not understand what was going on. The men repeatedly yelled at the eldest daughter to “shut up” whenever she attempted to translate for her parents, who do not speak English and wanted to understand the situation. After some time, the agents stated that they wanted “Marisela” because she was an “illegal.” This purported explanation made no sense to the family, and further aroused their suspicions about the true identities and intentions of the men who had invaded their home. The Rodriguez family has a daughter named Marisela Rodriguez Valencia, but she not only does not live at the family home, she has been a lawful permanent resident since 1976. She had, in fact, recently applied to become a U.S. citizen. When told that Marisela was legal, the men responded that they would take her anyway. Based on their aggressive and unjustified behavior, the Rodriguez family did not believe that the men were police officers as they claimed.

Instead, the family believed that the armed men were criminal intruders intent on doing serious physical harm to them or their daughter Marisela. Indeed, as soon as the men left, the Rodriguez family made two calls: 1) to make sure that their daughter Marisela was taken somewhere safe, in case the men should proceed to her home; and 2) to inquire of the local police department whether officers had, in fact, been dispatched to their home.

On August 19, 2002, the court denied the government’s motion for summary judgment on the constitutional and tort claims. The court urged the government to discuss settlement, because the officers, “with just a few computer keystrokes,” could have learned that they had targeted the wrong home. On October 12, 2002, the parties met with a mediator, but were unable to reach settlement. The government filed a notice of appeal from the denial of summary judgment on the constitutional claim. The government’s appeal does not affect the trial on the tort claims.

After several lengthy delays, the trial on the tort claims -- negligence, false imprisonment, and intentional infliction of emotional distress -- began on February 24, 2004 and continued through March 4. Plaintiffs presented a compelling case to the court,
and the credibility of defendant's main witnesses was seriously undermined. The court will hear closing arguments in the case on April 12, 2004.

Fried, Frank, Harris, Shriver & Jacobson
Co-counsel

Belinda Escobosa Helzer
Hector O. Villagran
MALDEF Los Angeles Office

Thomas A. Saenz
MALDEF National Office

SA/4052    Lopez v. City of Rogers, Arkansas, No. 01-5061 (U.S. Dist. Ct. W.D. Ark.).

The Rogers, Arkansas Police Department implemented a policy of stopping, detaining and questioning Latinos living or traveling in the City in an effort to enforce federal immigration law. We believe that the police department engaged in racial profiling aimed at Latino newcomers who have increasingly made their home in this part of the state. We represent nine plaintiffs who in separate incidents were stopped by the police and questioned about their immigration status. We filed this class action in federal court on March 23, 2001, seeking declaratory and injunctive relief, as well as damages.

In August 2003, the district court granted our motion for class certification in the case. At the time, we were involved in settlement negotiations as we prepared for an October trial date. Shortly after class certification, we reached agreement with the defendants on all issues. In September 2003, defendants agreed to pay $99,000 in settlement of all individual damage claims and claims for attorneys’ fees. In November 2003, the court approved a joint settlement agreement on the class action claims for injunctive relief. Defendants agreed to implement explicit policies which we drafted to prevent racial profiling and prohibit immigration status inquiries. Defendants also agreed to establish with us an ad hoc advisory committee to monitor the agreement and improve relations with the Latino community. The court retained explicit jurisdiction to monitor implementation of the agreement for one year following approval.

Gary Kennan
Co-counsel

Joseph Berra
MALDEF San Antonio Office

NT/4061    Society of Saint Vincent de Paul of Santa Clara County v. City of Los Altos, Nos. C 02-00847 PVT (U.S. Dist. Ct., N.D. Cal.); 02-16761 (U.S. Ct. App., 9th Cir.).

Together with pro bono co-counsel, we filed this action on February 19, 2002 on behalf
of the former operator of a day labor hiring center and a commission of day laborers, to challenge a Los Altos ordinance prohibiting day laborers from soliciting work on public sidewalks. We challenge the ordinance as a violation of the First Amendment. The ordinance is very similar to the Los Angeles County ordinance we challenged successfully in CHIRLA v. Burke, 2000 U.S. Dist. LEXIS 16520. This case originally was to challenge an ordinance from the neighboring city of Mountain View as well, but after we threatened to file suit and identified the similarities to the CHIRLA case, the Mountain View city council repealed that ordinance. Los Altos refused to repeal its ordinance. We attempted to convince Los Altos at least to stipulate to a preliminary injunction in light of the virtually indistinguishable CHIRLA case.

When Los Altos refused to stipulate, we moved for a preliminary injunction against enforcement of the ordinance. The court heard argument on July 15, 2002, and issued the injunction in August. The city filed an appeal of the injunction, and also sought a modification from the district court to permit enforcement as to solicitation in the roadway. Rather than decide the motion, the district court commenced mediation, which the judge himself has overseen. In August 2003, we reached an agreement that preserves day laborers’ right to solicit from the sidewalk, creates a task force of workers and city officials to discuss future concerns, and involved a monetary recovery.

Morrison & Foerster
Co-counsel

Thomas A. Saenz
MALDEF National Office

Belinda Escobosa Helzer
MALDEF Los Angeles Office

LA/4064 Gebin v. Mineta, No. CV 02-493-RMT (U.S. Dist. Ct., C.D. Cal.).

This case, filed on January 17, 2002, challenges the citizenship requirement of the Aviation Transportation and Security Act (ATSA), which was signed into law on November 19, 2001. Under the ATSA, to be eligible for employment as an airport screener, an applicant must, among other things, be a citizen of the United States. Consequently, thousands of lawful permanent residents who are employed as screeners will be summarily fired from their jobs without any determination whether their continued employment would pose a security risk. Many of these people, however, have worked for years as screeners, and have spotless work histories. Some are in the process of becoming citizens, and some have even served in the U.S. military.

On November 13, 2002, the court denied the government’s motion to dismiss, ruling that, although improving security is a compelling governmental interest, the court could not at this stage conclude that the categorical exclusion of all non-citizens from employment as screeners is the least restrictive means to accomplish that interest. On November 15,
2002, the court granted a preliminary injunction. The government appealed. On May 20, 2003, the Ninth Circuit vacated the appeal and remanded the case back to the district in light of amendments Congress had made to the ATSA.

ACLU Foundation of Southern Cal. Belinda Escobosa Helzer
Co-counsel Hector O. Villagra
MALDEF Los Angeles Office


On November 13, 2002, in conjunction with the Midwest Immigrant & Human Rights Center (MIHRC) and private attorney Steve Saltzman, we filed this suit on behalf of thousands of individuals who applied prematurely for legal permanent residence under Section 245(i) of the Immigration and Naturalization Act (INA) after being defrauded by self-styled immigration consultants. We allege that the Chicago District Office violated the Immigration and Naturalization Service's own regulations and instructions, and the Equal Protection and Due Process Clauses of the Fifth Amendment, by: 1) accepting these applications for processing despite their knowledge of the widespread problem of "immigration consultants," 2) retaining thousands of dollars in special processing and filing fees, and 3) starting investigations against these applicants that eventually exposed most of them to deportation.

Defendants filed a motion to dismiss, which the court bifurcated in order to deal with the jurisdictional issues of the case first. We successfully defeated the motion to dismiss on jurisdictional grounds, which we considered our biggest obstacle in this case. Two months later, the court addressed defendants' motion to dismiss for failure to state a claim. Although the court dismissed our constitutional claims, it held that the statutory claims under the Administrative Procedures Act were viable. Discovery is ongoing.

Midwest Immigrant & Human Rights Center Alonzo Rivas
Steven Saltzman MALDEF Chicago Office
Co-counsel

LA/4067 Avila v. Department of Motor Vehicles, Nos. 02CS00617 (Sacramento County Superior Ct.); C042014 (Cal. Ct. App., 3d Dist.).

On May 2, 2002, we challenged the failure of the California Department of Motor Vehicles to implement A.B. 60, a bill enacted by the Legislature, but never signed by the
Governor, which would have allowed certain undocumented immigrants to qualify for a driver’s license. We contend that the bill became law when the Governor failed to sign or veto the bill within the time period set by the state constitution. The Governor, not wanting to sign or veto the bill, engineered its return to the Legislature, without any formal request by either house, so that it could be rewritten to his liking. We contend that the state constitution neither recognizes nor permits such a method of return.

On August 1, 2002, the court dismissed our petition, holding that the courts have no authority to rule on the matter and, in the alternative, that the Governor’s return of the bill lifted the constitutional deadline that would have automatically converted the bill into law. We appealed on August 26, 2002.

On October 7, 2003, the Court of Appeals affirmed the decision of the lower court. We petitioned the California Supreme Court but, on December 23, 2003, it denied our petition for review.

Hector O. Villagra
MALDEF Los Angeles Office

SA/4068 Pozo Rodriguez v. McHugh, No. A02- CA-713 SS (U.S. Dist. Ct., W.D. Tex.)

In November 2002, we filed this suit against individual State Troopers and the Texas Department of Public Safety (DPS) on behalf of a Honduran immigrant whose immigration papers were confiscated and held by the Department for nearly four months after he applied for a Texas driver’s license. The suit alleges violations of Fourth (unlawful seizure) and Fourteenth (due process and equal protection) Amendment rights. The suit seeks damages for Pozo, as well as changes in DPS policy that will prevent future discriminatory and unwarranted scrutiny of documents that Latino license applicants present. Defendants answered, and the Texas Attorney General sought immediate mediation in the case.

In March 2003, we successfully mediated this case, settling Mr. Pozo’s claims for damages and attorneys’ fees for $45,000. We subsequently reached agreement on a new internal DPS policy governing review and any confiscation of personal documentation that will ensure compliance with the Fourth and Fourteenth amendments. Documentation of the procedures will also enable effective monitoring by both the Department and external advocates. As a result of the settlement, the case was dismissed in July of 2003. In February 2004, we received confirmation that the new policies and procedures were in place, and all DPS personnel had received training on them.

Joseph Berra
MALDEF San Antonio Office

43
NT/4070  Comite de Jornaleros de Rancho Cucamonga y Upland v. City of Rancho Cucamonga, No. EDCV 02-1010-VAP (U.S. Dist. Ct., C.D. Cal.).

We filed this action in September 2002 on behalf of day laborers who solicit employment in the San Bernardino County cities of Rancho Cucamonga and Upland. The suit alleges that the cities' ordinances restricting the solicitation of work violate free-speech rights protected by the First Amendment. Soon after we filed the suit, both cities amended their ordinances so that they do not apply to solicitation conducted on the sidewalk, and the cities removed posted signs that declared solicitation unlawful. The cities answered the suit, and discovery has commenced. We are exploring settlement in light of the revisions made to the two ordinances. In late 2003, we reached an agreement that preserves day laborers' right to solicit from the sidewalk, creates a task force of workers and city officials to discuss future concerns, and provides new training material to police officers on the rights of day laborers.

Thomas A. Saenz
MALDEF National Office

Belinda Escobosa Helzer
MALDEF Los Angeles Office

LA/4071  In re Corona, Nava, Damian & Huicochea (INS Deportation Proceedings).

On September 11, 2002, we became co-counsel on behalf of four high school students currently in deportation proceedings. While on a school field trip to upstate New York, four high school students from Phoenix were questioned and detained for more than nine hours at the Canadian-U.S. border by the INS. We challenge their deportation because: (1) of the nine students in the group, they were targeted for questioning because they are Latino; (2) they were questioned for more than nine hours; (3) immigration officials failed to inform the students of their rights; and (4) immigration officials used intimidation and scare tactics during the interrogation. The plight of these children relates directly to the Development, Relief and Education Act for Alien Minors ("DREAM Act"), which we seek to have enacted. The DREAM Act would allow immigrant children the opportunity to become permanent residents and apply for citizenship.

The deportation hearings have been put off until September 23, 2004. The students have applied for humanitarian relief under the immigration laws.
La Raza Centro Legal v. City and County of San Francisco, No. C 03-01265 CW (U.S. Dist. Ct., N.D. Cal.).

In March 2003, we filed this challenge to the retaliatory decision to end the funding of La Raza Centro Legal (LRCL) to operate the San Francisco Day Labor Program. LRCL successfully ran the program for three years, but the City of San Francisco decided to put the contract to run the program out to bid after LRCL assisted day laborers in organizing a peaceful protest targeting the police department and Mayor’s office. Representatives of the Mayor’s office made clear that the decision came because LRCL was organizing the workers. Ultimately, even though LRCL twice submitted responsive and satisfactory bids in a protracted bidding process, the City awarded the contract to run the program to the only other bidder. Our lawsuit alleges that the City’s decision violates the First Amendment because it was made in retaliation for political speech.


On August 26, 2003, we filed this case to vindicate the constitutional rights of Juana Jimenez, a legal permanent resident wrongfully caught up in Operation Tarmac. In August 2002, Jimenez returned from working a night shift at Sky Chefs and was asleep in her bedroom when, at approximately 2 p.m., unidentified agents of the United States government arrived at her home. Jimenez’s then-18-year-old daughter, Jenifer, heard their loud banging and answered the door, opening it about a foot and a half. The male agent stated he had a warrant for Jimenez’s arrest. However, neither he nor the female agent ever produced an arrest warrant or search warrant, displayed identification, or told Jenifer the nature of the charges. Jenifer told the agents to wait outside the house while
she went to get her mother. As she woke her mother to tell her what was happening, Jenifer realized that the agents had entered the home unnoticed and followed her into her parents' bedroom. Jimenez awoke to find the two federal agents standing at her bed.

When Jimenez asked whether she could put some clothing on, the male agent left, and the female agent stayed behind dressed. Jimenez then asked to use the bathroom; the female agent followed her into the bathroom and remained there until Jimenez was finished. The female agent then refused Ms. Jimenez's request that she be allowed to brush her hair, handcuffed her, and proceeded to remove her from the bedroom.

As the handcuffed Jimenez was taken into the hallway, Jenifer saw that three other officers had entered the home and were looking through other areas of the house without either her or her mother's consent. As the officers proceeded to take Jimenez from her home, a distraught and frightened Jenifer asked several times where they were taking her mother. Jenifer was finally told that the agents could not tell her where Jimenez would be taken. Jenifer also asked the agents why her mother was being arrested, and was told that they couldn't give her that information.

Minutes later, Jimenez's husband, Regie, returned home with the couple's youngest daughter, Marilyn. More than nine frantic hours ensued, as the family attempted to determine Jimenez's whereabouts. Jimenez, who cannot read or write English, had been arrested, booked, photographed, fingerprinted, and forced to sign several documents, one of which contained a series of statements written only in English. She was also forced to wear handcuffs attached to a restraint that fastened around her waist. Despite repeated requests, Jimenez was not permitted to telephone her family until approximately 11:30 p.m. or midnight, more than nine hours after she had been arrested. It was during that phone call that Jimenez's panic-stricken family finally learned her whereabouts, and that she had a court date set for the following day.

Jimenez went to court the following day, and was released on bail. As a condition of Jimenez's release, she was prevented from returning to her job at Sky Chefs and from leaving the Los Angeles area. In October 2002, four months later, the government dropped all charges against Jimenez, who had been charged with misuse of a social security number, a felony, when the Social Security Administration confirmed that Jimenez was using her valid social security number.

Luis Carrillo
Moreno, Becerra, Guerrero & Casillas
Co-counsel

Shaheena Ahmad Simons
MALDEF National Office

Hector O. Villagra
MALDEF Los Angeles Office
Leiva v. Ranch Rescue, No. CC-03-077 (Jim Hogg County Dist. Ct.).

On June 26, 2003, we filed this case against a paramilitary, vigilante group and the rancher who invited them on his property to hunt and terrorize immigrants. Our two clients were traveling across the rancher's property, a desolate area of South Texas some 60 miles north of the border, when they were set upon by a group of heavily armed vigilantes in military garb. The vigilantes fired shots in the air, made threats on our clients' lives, and chased our clients with a Rottweiler attack dog. One client was pistol whipped. Our clients then endured over an hour of interrogation, verbal abuse and humiliation, fearing the whole time for their lives. Near the end of the ordeal, the rancher personally insulted, threatened, and verbally abused them, before finally releasing them back onto the highway. They were subsequently picked up by the local sheriff's deputy and brought to immigration authorities. We obtained their release after they identified two vigilantes, who were then charged with assault and unlawful restraint. We sued the rancher, Ranch Rescue, and individual members of Ranch Rescue under tort theories of assault and battery, false imprisonment, intentional infliction of emotional distress, negligence, and negligence per se.

Ranch Rescue and its individual members have failed to make an appearance in the case. The rancher has vigorously defended the case using procedural and discovery tactics. Intense discovery in the latter half of 2003 included depositions of our two clients and our deposition of rancher Joe Sutton. We obtained interim immigration relief in the form of deferred action status for our two clients. They began psychological treatment for trauma associated with the assault they suffered.

In March 2004, we went to mediation with the defendant rancher, Joe Sutton, and we have guarded hopes that the case against the rancher will settle. Subsequently, we will continue to litigate the case against Ranch Rescue and the other individual defendants, although they have failed to make an appearance in the case.

Southern Poverty Law Center
De Anda Law Firm
Judge & Brim, P.C.
Co-counsel

Joseph Berra
MALDEF San Antonio Office

Padilla v. Ridge, No. CA M-03-126 (U.S. Dist. Ct., S.D.Tex.).

In May 2003, together with co-counsel, we filed this suit on behalf of individuals who, having won their case for lawful permanent residency in Immigration Court, were
denied adequate documentation and proof of their status. Without documentation, they are unable to exercise their rights as lawful permanent residents, including their right to employment and their right to travel. We filed the suit as a class action in the Texas districts of the U.S. Citizenship and Immigration Service of the Department of Homeland Security (Houston, Harlingen and San Antonio).

We filed our motion for class certification on July 28, 2003 and a motion for preliminary injunctive relief on August 26, 2003. Defendants filed a motion to dismiss on August 5, 2003. In a hearing on October 14, the court indicated its intention to grant our motion for class certification; the court also urged the parties to try to settle the case, and asked the parties to seek agreement on a proposed order granting class certification. We submitted a proposed order granting class certification on November 6, 2003 after failing to reach agreement with the government. At a status hearing on January 26, 2004, the court once again asked the parties to work on a proposed order granting class certification with further instructions. Unable to come to an agreement, we submitted separate proposals to the court on February 24, 2004. Another status conference is scheduled for March 29, 2004. We are still awaiting a hearing on the motion for preliminary injunctive relief. Discovery closes May 3, 2004, but a trial date has not yet been set.

Texas Lawyers’ Committee
Co-counsel

Joseph Berra
MALDEF San Antonio Office

LA/4082  
_Castañeda v. State of California_, No. BC 299062 (Los Angeles County Superior Ct.).

On July 15, 2003, we filed this federal class action on behalf of U.S. citizens and lawful residents wrongfully expelled from California during the 30s and 40s because of their Mexican ancestry. It is estimated that of the 1.2 million wrongfully expelled, approximately 300,000 to 400,000 are still living.

Plaintiff Emilia Castañeda was among the half million Mexicans and Mexican Americans forced to leave California during the 1930s. She and her brother had both been born in Los Angeles. Neither spoke Spanish. Their father had come to the United States in 1915 and settled in Boyle Heights. In 1935, Castañeda and her family were targeted for repatriation. As she has explained, one day, when she was nine years old, she came home from school and her father said the family had to leave for Mexico immediately. At dawn the next day, Castañeda and her family were put on a train and shipped to Mexico, with only those few personal belongings they could carry. The family was relocated to a colonia in Mexico, where they received no assistance from any government. The family was continually on the move for the next decade as her father searched for employment. Castaneda was never able to complete high school.
In essence, the complaint alleges that the State of California, the County of Los Angeles, and the City of Los Angeles, among others, engaged in unlawful discrimination on the basis of race/ancestry, and violated the due process and equal protection rights of all those wrongfully expelled. Trial is currently expected to begin in late 2004 or early 2005.

The viability of the case is dependent on passage of a bill extending the statute of limitations. Governor Davis vetoed the first such bill in fall 2003. Because there was no override, this action has been dismissed, with the promise of revival with successful subsequent legislation. State Senator Joseph Dunn (D-Garden Grove) has introduced new legislation to extend the statute of limitations.

Kiesel, Boucher & Larson
DiMarco, Araujo & Montevideo
Co-Counsel

Steven J. Reyes
Hector O. Villagra
MALDEF Los Angeles Office

Thomas A. Saenz
MALDEF National Office
TITLE V: PUBLIC RESOURCE EQUITY

CH/5022  Burgos v. McDonald, No. 75 C 3974 (U.S. Dist. Ct., N.D. Ill.).

In 1975, plaintiffs filed a class action lawsuit under Title VI challenging the failure of the Department of Children and Family Services (DCFS) to address adequately the needs of Spanish speakers. Plaintiffs were then represented by the Legal Assistance Foundation of Chicago (LAF). A consent decree was entered on January 10, 1977. The decree requires DCFS and its vendors to provide child welfare services in Spanish to Latino clients whose primary language is Spanish; requires children with Spanish-speaking parents to be placed with Spanish-speaking foster parents, unless a waiver has been signed; and requires individual or general written communications to Spanish-speaking clients to be in Spanish.

Contempt petitions were filed in 1979 and 1987 and resolved by supplemental agreements. In March 1992, the judge ordered the appointment of an independent monitor to review DCFS compliance. On December 17, 1993, the monitor filed a report with the court making a number of recommendations concerning compliance with provisions, including the appointment of a new independent monitor who could review progress and ensure compliance for the next 18 months. A long transition period ensued, and finally in September 1995, a new monitor was appointed. In January 1996, the new monitor began a full review of DCFS compliance. The monitor completed her report and recommendations regarding DCFS compliance in early 1998. It served as the catalyst for the parties to agree to move from a court monitor to an implementation consultant who will assist DCFS in implementing the changes necessary to bring the department into compliance with the consent decree.

By agreed order, on November 12, 1999, the Court Monitor’s Report of 1997 was filed in District Court along with a jointly developed workplan. The workplan was designed to implement the recommendations made in the 1997 Court Monitor’s Report. Indicators and timelines by which DCFS is to comply with specific provisions have been developed.

Under both the Burgos Consent Decree and the 1991 Agreed Order, DCFS has to provide monthly reports on an array of information. Given the amount and significance of the data provided, we have decided to work jointly in reviewing the current reporting system in order to make the reporting process more streamline and timely. In August 2002, we reached an agreement concerning both the new format for the mandated monthly reports as well as the format for the Workplan Progress Reports generated by the Implementation Consultant. All reports were timely issued since the informal change; however, DCFS’s counsel resigned and a replacement has not yet been named. As a result, we have not received monthly reports from DCFS for several months; however, the Implementation Consultant continues to issue her Workplan Progress Reports monthly. We will meet with the Implementation Consultant in
late March to discuss possible court action on defendants' failure to provide monthly reports.

Maria Valdez  
MALDEF Chicago Office
Application for Extension of Time To File an Exempt Organization Return

Form 8868  (December 2000)

Department of the Treasury
Internal Revenue Service

File a separate application for each return

- If you are filing for an Automatic 3-Month Extension, complete only Part I and check this box .
- If you are filing for an Additional (not automatic) 3-Month Extension, complete only Part II (on page 2 of this form)

Note: Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.

Part I  Automatic 3-Month Extension of Time - Only submit original (no copies needed)

Note: Form 990-T corporations requesting an automatic 6-month extension - check this box and complete Part I only .

All other corporations (including Form 990-C filers) must use Form 7004 to request an extension of time to file income tax returns. Partnerships, REMICs and trusts must use Form 8736 to request an extension of time to file Form 1065, 1066, or 1041.

Type or print

Name of Exempt Organization

MALDEF

Employer identification number

74-1563270

File by the due date for filing your return. See instructions.

Number, street, and room or suite no. If a P.O. box, see instructions.

COPY

634 S. SPRING STREET, 11TH FLOOR

City, town or post office, state, and ZIP code. For a foreign address, see instructions.

LOS ANGELES, CA 90014-3921

Check type of return to be filed (file a separate application for each return).

X Form 990
Form 990-BL
Form 990-EZ
Form 990-PF

Form 990-T (corporation)
Form 990-T (sec. 401(a) or 408(a) trust)
Form 990-T (trust other than above)
Form 1041-A

Form 4720
Form 5227
Form 6069
Form 8870

If the organization does not have an office or place of business in the United States, check this box .

If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) . If this is for the whole group, check this box . If it is for part of the group, check this box and attach a list with the names and EINs of all members the extension will cover.

1 I request an automatic 3-month (6-month, for 990-T corporation) extension of time until ______________ , 2004 .

to file the exempt organization return for the organization named above. The extension is for the organization's return for:

X calendar year or

X tax year beginning ______________ , 2003 , and ending ______________ , 2004

2 If this tax year is for less than 12 months, check reason: Initial return Final return Change in accounting period

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions .

$ ___________________

b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit .

$ ___________________

c Balance Due. Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions .

$ ___________________

Signature and Verification

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete, and that I am authorized to prepare this form.

Signature __________________________

Michael W. Duran, C.P.A.

Date 9/07/04

For Paperwork Reduction Act Notice, see instruction

Michael W. Duran, C.P.A.

1440 No. Harbor Blvd., Suite 800

Fullerton, California 92835

Form 8868 (12-2000)
## SPECIAL EVENTS AND ACTIVITIES

<table>
<thead>
<tr>
<th>DESCRIPTION OF EVENT</th>
<th>GROSS RECEIPTS</th>
<th>CONTRIBUT. INCLUDED</th>
<th>GROSS REVENUE</th>
<th>DIRECT EXPENSES</th>
<th>NET INCOME</th>
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<td>63,951.</td>
<td></td>
<td>63,951.</td>
<td>7,045.</td>
<td>56,906.</td>
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## OTHER EXPENSES

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<tr>
<th>DESCRIPTION</th>
<th>(A) TOTAL</th>
<th>(B) PROGRAM SERVICES</th>
<th>(C) MANAGEMENT AND GENERAL</th>
<th>(D) FUNDRAISING</th>
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<tr>
<td>INSURANCE</td>
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<td>PROGRAM EXPENSES</td>
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<td>OFFICE EXPENSES</td>
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<td>840.</td>
<td>1,764.</td>
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<td>NATIONAL DUES</td>
<td>5,123.</td>
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<td>PROFESSIONAL FEES</td>
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<tr>
<td>PAYROLL SERVICE FEES</td>
<td>1,456.</td>
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<td>1,456.</td>
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</tr>
<tr>
<td>TOTAL TO FM 990, LN 43</td>
<td>53,557.</td>
<td>32,593.</td>
<td>17,532.</td>
<td>3,432.</td>
</tr>
</tbody>
</table>
DESCRIPTION OF PROGRAM SERVICE ONE

BIG BROTHERS BIG SISTERS SERVES APPROXIMATELY 140 BOYS AND GIRLS AGES 7-16 WITH VOLUNTEERS AND PAID STAFF. THE STAFF RECRUITS AND TRAINS ADULT VOLUNTEERS, MATCHES THEM WITH A CHILD, AND PROVIDES SUPPORT.

TO FORM 990, PART III, LINE A

GRANTS EXPENSES

227,119.
Form 8868 (12-2000) Page 2

- If you are filing for an Additional (not automatic) 3-Month Extension, complete only Part II and check this box .
- Note: Only complete Part II if you have already been granted an automatic 3-month extension on a previously filed Form 8868.
- If you are filing for an Automatic 3-Month Extension, complete only Part I (on page 1).

**Part II** Additional (not automatic) 3-Month Extension of Time — Must File Original and One Copy.

<table>
<thead>
<tr>
<th>Type or print</th>
<th>File by the extended due date for filing the return See instructions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Exempt Organization</td>
<td>Employer Identification number</td>
</tr>
<tr>
<td>BIG BROTHERS BIG SISTERS OF S. MIDDLESEX</td>
<td>23-7296924</td>
</tr>
<tr>
<td>4 FRANKLIN COMMONS</td>
<td>For IRS use only</td>
</tr>
<tr>
<td>Framingham, MA 01702</td>
<td></td>
</tr>
</tbody>
</table>

Check type of return to be filed (File a separate application for each return):

- Form 990
- Form 990-EZ
- Form 990-T (sec. 401(a) or 408(a) trust)
- Form 5227
- Form 5010
- Form 6069

STOP: Do not complete Part II if you were not already granted an automatic 3-month extension on a previously filed Form 8868.

- If the organization does not have an office or place of business in the United States, check this box .
- If this is for a Group Return, enter the organization's four-digit Group Exemption Number (GEN) . If this is for the whole group, check this box . If it is for part of the group, check this box and attach a list with the names and EINs of all members the extension is for.

5 For calendar year , or other tax year beginning JULY 1, 2002, and ending JUNE 30, 2003.
6 If this tax year is for less than 12 months, check reason: Initial return Final return Change in accounting period
7 State in detail why you need the extension ADDITIONAL TIME IS REQUIRED TO FILE A COMPLETE AND ACCURATE RETURN.

8a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions $ 0.00
8b If this application is for Form 990-PF, 990-T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit and any amount paid previously with Form 8868 $ 0.00
8c Balance Due. Subtract line 8b from line 8a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions $ 0.00

Signature and Verification

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form

Signature: [Signature] Date: 2/10/04

Notify to Applicant — To Be Completed by the IRS

- We have approved this application Please attach this form to the organization's return
- We have not approved this application However, we have granted a 10-day grace period from the later of the date shown below or the due date of the organization's return (including any prior extensions) This grace period is considered to be a valid extension of time for elections otherwise required to be made on a timely return Please attach this form to the organization's return
- We have not approved this application. After considering the reasons stated in item 7, we cannot grant your request for an extension of time to file. We are not granting a 10-day grace period.
- We cannot consider this application because it was filed after the due date of the return for which an extension was requested.
- Other

Alternate Mailing Address — Enter the address if you want the copy of this application for an additional (not automatic) 3-month extension returned to an address different than the one entered above.

<table>
<thead>
<tr>
<th>Name</th>
<th>Number and street (include suite, room, or apt. no.) Or a P.O. box number</th>
</tr>
</thead>
<tbody>
<tr>
<td>DAVID B. BOULAY JR., CPA</td>
<td>286 MILL STREET</td>
</tr>
<tr>
<td></td>
<td>WORCESTER, MA 01602</td>
</tr>
</tbody>
</table>

Form 8868 (12-2000)