

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CHANMONY HUOT, VLADIMIR
SALDAÑA, CHAMPA PANG, LIANNA
KUSHI, THOEUN KONG, DENISSE
COLLAZO, SUE J. KIM, SOADY OUCH,
TOOCH VAN, CARMEN BERMUDEZ,
KEI KAWASHIMA-GINSBERG,
DANIEL K. UK, and FAHMINA ZAMAN,

Plaintiffs,

v.

CITY OF LOWELL, MASSACHUSETTS;
KEVIN J. MURPHY, in his official
capacity as Lowell City Manager; LOWELL
CITY COUNCIL; RITA M. MERCIER,
RODNEY M. ELLIOTT, EDWARD J.
KENNEDY, JR., JOHN J. LEAHY,
WILLIAM SAMARAS, JAMES L.
MILINAZZO, DANIEL P. ROURKE,
COREY A. BELANGER, JAMES D.
LEARY, in their official capacities as
members of the Lowell City Council;
LOWELL SCHOOL COMMITTEE;
STEPHEN J. GENDRON, JACQUELINE
DOHERTY, CONNIE A. MARTIN,
ROBERT J. HOEY, JR., ROBERT JAMES
GIGNAC, ANDRE DESCOTEAUX, in
their official capacities as members of the
Lowell School Committee; LOWELL
ELECTION AND CENSUS
COMMISSION; and BEVERLY ANTHES,
JOSEPH MULLEN, THEL SAR,
THOMAS FR. O'BRIEN, in their official
capacities as members of the Lowell
Election and Census Commission,

Defendants.

Case No. _____

**COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

JURY TRIAL DEMANDED

INTRODUCTION

1. The right to vote—and the principle that everyone’s vote should count equally—is at the very core of our democracy. Plaintiffs are members of the City of Lowell’s large and growing minority community who bring this lawsuit to enforce the federal laws that protect this fundamental right. Specifically, Plaintiffs challenge Lowell’s at-large plurality municipal electoral system, which unlawfully and unconstitutionally dilutes the vote of minorities in Lowell and deprives them of an equal opportunity to elect candidates of their choice to the Lowell City Council and Lowell School Committee.

2. The numbers are stark. Lowell today is on the cusp of being a majority-minority city, with minorities constituting more than 49% of Lowell’s total population. Lowell’s Asian-American and Hispanic/Latino communities by themselves constitute nearly 40% of the city’s total population. Yet the nine-member Lowell City Council is currently all-white, and has been so for virtually all of Lowell’s history. The six-member Lowell School Committee is similarly all-white, and, to Plaintiffs’ knowledge, has never had a single minority representative.

3. The lack of diversity of the Lowell City Council and Lowell School Committee is a direct result of Lowell’s at-large plurality municipal electoral system. In an at-large plurality winner-take-all system such as Lowell’s, 51% of the electorate can control all the seats and win every election. That is precisely what is occurring in Lowell. Voting patterns show demonstrable racial polarization, with a predominantly white majority that generally votes as a bloc, effectively diluting and canceling out the votes of Asian-Americans and Hispanics/Latinos. This is directly counter to the fundamental principle of equal voting opportunity, and in violation of federal law.

4. The lack of diversity on Lowell’s elected bodies has had, and continues to have, a detrimental impact on the minority communities whose votes are diluted. Lowell’s minority

communities struggle to get the Lowell City Council and the Lowell School Committee to take actions on matters that are important to those communities. Outreach to communities of color, including translation services, is lacking at all levels of government. City services and amenities are unequally distributed. Minorities are significantly under-represented in city jobs—including in the Lowell Police Department and in the Lowell Public Schools—and minority students face achievement gaps and disparities in school discipline. Lowell’s elected officials are unaccountable to Lowell’s minority communities under the city’s at-large plurality election system, however, providing little motivation for them to be responsive to minority communities’ needs or concerns.

5. Lowell’s elected officials—and predominantly white majority voters in the city—have resisted recent efforts to change Lowell’s outdated election system. Lowell remains the last holdout among large Massachusetts cities in clinging to an exclusively at-large plurality municipal electoral system—a system that was implemented in Lowell in the 1950s with the declared intent of limiting minority participation in the political process. Judicial intervention is therefore necessary to protect the rights of the large and growing number of minority residents of Lowell whose votes are unlawfully diluted by Lowell’s at-large electoral system.

6. Plaintiffs seek declaratory and injunctive relief under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301 (“Section 2”), as well as under the Fourteenth Amendment to the United States Constitution and the Fifteenth Amendment to the United States Constitution. Through Lowell’s unlawful electoral system, Asian-Americans and Hispanics/Latinos in the City of Lowell have been denied an equal opportunity to elect candidates of their choice to the Lowell City Council and Lowell School Committee.

7. The use of an exclusively at-large plurality voting system for all nine seats on the Lowell City Council and all six seats on the Lowell School Committee dilutes the combined electoral strength of Asian-Americans and Hispanics/Latinos in the City of Lowell. It results in the election of predominantly white candidates from neighborhoods with the largest percentage of white voters, depriving Plaintiffs of equal voting power and preventing them from electing candidates of their choice in violation of Section 2.

8. Under a reasonable and properly-apportioned single-member districting plan, at least one single-member district in Lowell can be created for both the Lowell City Council and the Lowell School Committee in which Asian-Americans and Hispanics/Latinos combined would comprise a majority of the citizen voting age population, voting age population, and total population.

9. Under the totality of the circumstances, including the historical, socio-economic, and other conditions that prevail in Lowell, the at-large plurality election system used to elect the Lowell City Council and Lowell School Committee violates Section 2 of the Voting Right Act, 52 U.S.C. § 10301, as well as the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and the Fifteenth Amendment to the United States Constitution.

10. For these reasons, and as further alleged in detail below, Plaintiffs seek, among other things, declaratory judgment and injunctive relief prohibiting the further utilization of an entirely at-large plurality system for electing members of the Lowell City Council and Lowell School Committee.

JURISDICTION AND VENUE

11. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1343(a), because this action seeks to redress the deprivation, under color of state law, of rights, privileges and immunities secured by the Voting Rights Act; and 28 U.S.C. § 1331, because this action arises under the laws of the United States.

12. This Court has jurisdiction to grant both declaratory and injunctive relief, pursuant to 28 U.S.C. §§ 2201 and 2202.

13. This Court has personal jurisdiction over the Defendants, all of whom reside in this district.

14. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to the claims herein occurred in this district and because the Defendants reside in this district.

PARTIES

Plaintiffs

15. CHANMONY HUOT is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Mr. Huot is denied the equal opportunity to elect candidates of his choice to the Lowell City Council and Lowell School Committee. Mr. Huot resides in the Highlands neighborhood of Lowell.

16. VLADIMIR SALDAÑA is a Hispanic/Latino Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Mr. Saldaña is denied the equal opportunity to elect candidates of his choice to the Lowell City Council and Lowell School Committee. Mr. Saldaña resides in the Sacred Heart neighborhood of Lowell.

17. CHAMPA PANG is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Ms. Pang is denied the equal

opportunity to elect candidates of her choice to the Lowell City Council and Lowell School Committee. Ms. Pang resides in the Acre neighborhood of Lowell.

18. LIANNA KUSHI is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Ms. Kushi is denied the equal opportunity to elect candidates of her choice to the Lowell City Council and Lowell School Committee. Ms. Kushi resides in the Highlands neighborhood of Lowell.

19. THOEUN KONG is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Mr. Kong is denied the equal opportunity to elect candidates of his choice to the Lowell City Council and Lowell School Committee. Mr. Kong resides in the Highlands neighborhood of Lowell.

20. DENISSE COLLAZO is a Hispanic/Latino Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Ms. Collazo is denied the equal opportunity to elect candidates of her choice to the Lowell City Council and Lowell School Committee. Ms. Collazo resides in the Acre neighborhood of Lowell.

21. SUE J. KIM is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Ms. Kim is denied the equal opportunity to elect candidates of her choice to the Lowell City Council and Lowell School Committee. Ms. Kim resides in the Acre/Downtown neighborhood of Lowell.

22. SOADY OUCH is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Ms. Ouch is denied the equal opportunity to elect candidates of her choice to the Lowell City Council and Lowell School Committee. Ms. Ouch resides in the Lower Highlands neighborhood of Lowell.

23. TOOCH VAN is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Mr. Van is denied the equal opportunity to elect candidates of his choice to the Lowell City Council and Lowell School Committee. Mr. Van resides in the Sacred Heart neighborhood of Lowell

24. CARMEN BERMUDEZ is a Hispanic/Latino Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Ms. Bermudez is denied the equal opportunity to elect candidates of her choice to the Lowell City Council and Lowell School Committee. Ms. Bermudez resides in the Acre neighborhood of Lowell.

25. KEI KAWASHIMA-GINSBERG is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Ms. Kawashima-Ginsberg is denied the equal opportunity to elect candidates of her choice to the Lowell City Council and Lowell School Committee. Ms. Kawashima-Ginsberg resides in the Highlands neighborhood of Lowell.

26. DANIEL K. UK is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Mr. Uk is denied the equal opportunity to elect candidates of his choice to the Lowell City Council and Lowell School Committee. Mr. Uk resides in the Centerville neighborhood of Lowell.

27. FAHMINA ZAMAN is an Asian-American Lowell resident and registered voter. As a result of Lowell's at-large plurality municipal election system, Ms. Zaman is denied the equal opportunity to elect candidates of her choice to the Lowell City Council and Lowell School Committee. Ms. Zaman resides in the Highlands neighborhood of Lowell.

Defendants

28. Defendant CITY OF LOWELL is a city in the Commonwealth of Massachusetts organized under Massachusetts' Plan E form of government pursuant to Mass. G. L. c. 43, §§ 93-116.

29. Defendant KEVIN J. MURPHY is the appointed City Manager of the City of Lowell. Mr. Murphy is sued in his official capacity.

30. Defendant LOWELL CITY COUNCIL is a legislative body and the governing authority of the City of Lowell, Massachusetts. The Lowell City Council is established pursuant to Mass. G. L. c. 43, §§ 95-99 under the Plan E form of government and exercises general and specific legislative powers. Among its duties, the Lowell City Council votes on bond issues, proposed city budgets, financial appropriations, land acquisitions and sales, loans, traffic control issues, and zoning changes. Lowell City Council members are elected biennially by city-wide at-large plurality elections held in odd numbered years. *See* 1957 Mass. Act. 725 § 2. The Lowell City Council has the power to implement changes to the city's Plan E form of government and to adopt districting plans that comply with the Voting Rights Act and United States Constitution.

31. Defendants RITA M. MERCIER, RODNEY M. ELLIOTT, EDWARD J. KENNEDY, JR., JOHN J. LEAHY, WILLIAM SAMARAS, JAMES L. MILINAZZO, DANIEL P. ROURKE, COREY A. BELANGER, and JAMES D. LEARY are members of the Lowell City Council. Each of these Defendants is sued in his or her official capacity.

32. Defendant LOWELL SCHOOL COMMITTEE is responsible for the conduct of the public schools for the City of Lowell. *See* Mass. G. L. c. 43, § 95. The Lowell School Committee members are elected biennially by city-wide at-large plurality elections held in odd numbered years.

33. Defendants STEPHEN J. GENDRON, JACQUELINE DOHERTY, CONNIE A. MARTIN, ROBERT J. HOEY, JR., ROBERT JAMES GIGNAC, and ANDRE DESCOTEAUX, are members of the Lowell School Committee. Each of these Defendants is sued in his or her official capacity.

34. Defendant LOWELL ELECTION AND CENSUS COMMISSION is responsible for managing and conducting all municipal, state, and federal elections within the City of Lowell.

35. Defendants BEVERLY ANTHES, JOSEPH MULLEN, THEL SAR, and THOMAS FR. O'BRIEN, are members of the Lowell Election and Census Commission. Each of these Defendants is sued in his or her official capacity.

BACKGROUND

Lowell's Municipal Election System

36. By charter, Lowell follows Massachusetts' Plan E form of government under Mass. G. L. c. 43, §§ 93–116.

37. There are nine members of the Lowell City Council, and six members of the Lowell School Committee. The Mayor of Lowell, who is elected by and from the City Council members, also sits on the School Committee.

38. Lowell residents elect all nine members of the Lowell City Council and all six members of the Lowell School Committee at the same time in biennial elections held in odd-numbered years. Each seat is for a two year term.

39. All Lowell City Council and Lowell School Committee candidates are elected at-large, city-wide, in a plurality voting system. *See* 1957 Mass. Act. 725 § 2. At the polls, Lowell voters are presented with a list of candidates for both City Council and School Committee, and may vote for up to nine total City Council candidates and six total School Committee candidates. The top nine and top six vote-getting candidates are elected to the Lowell City Council and Lowell School Committee, respectively.

40. Even though the city is currently divided into eleven separate wards, with each ward encompassing three precincts, the city votes as a whole in this at-large, plurality winner-take-all election system, and thus only the top vote-getting candidates across all wards and precincts win seats on the Lowell City Council and Lowell School Committee. Because the city effectively votes as a single entity, a majority bloc of voters can elect all of their preferred candidates to the Lowell City Council and Lowell School Committee. This election system dilutes the voting power of Lowell's Hispanic/Latino and Asian-American communities.

Lowell Demographics

41. Lowell has historically been a city of immigrants, and accordingly has undergone major demographic changes throughout its history. In the last 50 years, Lowell has seen significant growth in its non-white minority populations, particularly its Asian-American and Hispanic/Latino populations.

42. Hispanic/Latino immigrants began moving to Lowell in significant numbers in the 1960s—a trend which continued into the 1980s and beyond. Colombians in particular, like many other minorities throughout the city's history, were drawn to work in Lowell's mills. The city currently has large Puerto Rican, Dominican Republic, and Colombian populations.¹

43. Asian immigrants began moving to Lowell in large numbers in the 1980s. In particular, many immigrants and refugees from Cambodia began arriving in the United States during this time frame and settled in Lowell. Vietnamese and Laotian immigrants moved to Lowell in significant numbers in the same period. Southeast Asians also comprise a significant portion of Lowell's Asian-American population.²

44. More recently, increasing numbers African immigrants are moving to the city, coming from countries ranging from Cameroon, Liberia, Sierra Leone, Ivory Coast, Kenya, Ghana, Nigeria, to Togo.³

45. Today, minorities constitute over 49% of Lowell's total population, and Hispanics/Latinos and Asian-Americans combined comprise approximately 40% of the total population.

¹ See Robert Forrant & Christoph Strobel, *Ethnicity in Lowell*, Lowell National Historical Park, Ethnographic Overview & Assessment, Northeast Region Ethnography Program, National Park Service, 161-172 (Mar. 2011), <http://library.uml.edu/clh//OH/ETHNO/Ethnicity%20in%20Lowell.pdf>.

² See *id.* at 141-159, 173-179.

³ See *id.* at 181-188.

46. According to the U.S. Census Bureau’s 2011-2015 American Community Survey (the “2015 ACS”), which was published on February 1, 2017, and which contains the most recent demographic estimates available for the City of Lowell: (a) non-Latino whites constitute approximately 50.7% of Lowell’s total population, 55.7% of its voting age population, and 61.0% of its citizen voting age population; (b) Asians constitute approximately 21.8% of Lowell’s total population, 21.0% of its voting age population, and 17.0% of its citizen voting age population; (c) Hispanics/Latinos constitute approximately 18.1% of Lowell’s total population, 15.4% of its voting age population, and 15.5% of its citizen voting age population; and (d) blacks/African Americans constitute approximately 7.1% of Lowell’s total population, 6.7% of its voting age population, and 5.3% of its citizen voting age population. The 2015 ACS data for the City of Lowell is summarized in Table 1 below. Similar demographic data from the 2010 Census, the most recent official decennial census, is summarized in Table 2 below.

Table 1 - Lowell Demographics (U.S. Census 2011-2015 American Community Survey)⁴

	Total Population		Voting Age Population		Citizen Voting Age Population	
	#	%	#	%	#	%
White	55,465	50.72%	47,405	55.72%	44,425	61.01%
Asian	23,840	21.80%	17,890	21.03%	12,340	16.95%
Hispanic/Latino	19,805	18.11%	13,125	15.43%	11,290	15.50%
Black/Afr. Am.	7,750	7.09%	5,655	6.65%	3,855	5.29%
All Other/Mix	2,490	2.28%	995	1.17%	910	1.25%
Total	109,350		85,070		72,820	

⁴ Redistricting Data: Voting Age Population by Citizenship & Race (CVAP), 2011-2015 American Community Survey 5 Year Estimates, U.S. Census Bureau (Feb. 1, 2017), https://www.census.gov/rdo/data/voting_age_population_by_citizenship_and_race_cvap.html.

Table 2 - Lowell Demographics (U.S. Census 2010 Census)⁵

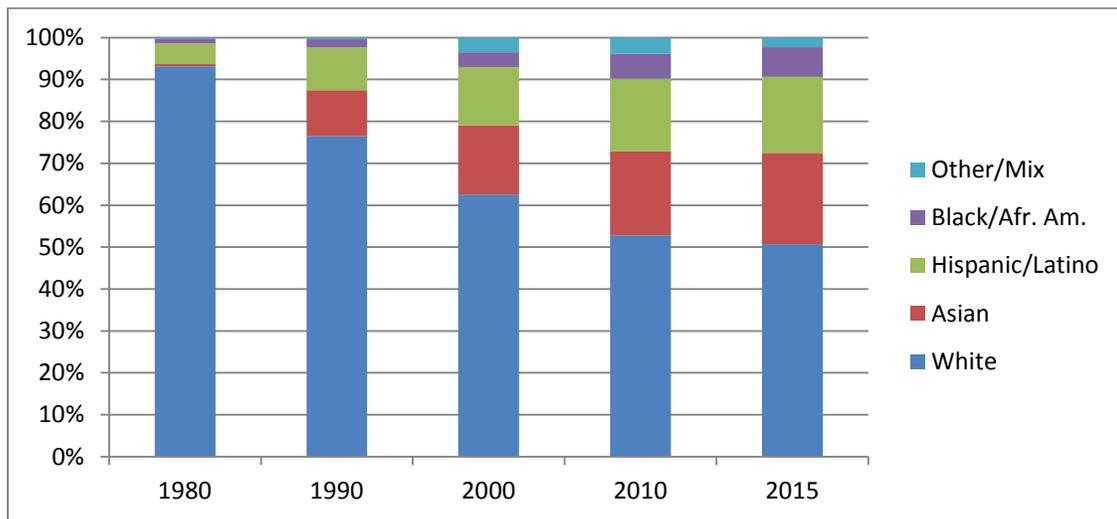
	Total Population		Voting Age Population	
	#	%	#	%
White	56,280	52.8%	47,187	58.1%
Asian	21,337	20.0%	15,270	18.8%
Hispanic/Latino	18,396	17.3%	11,600	14.3%
Black/Afr. Am.	6,367	6.0%	4,515	5.6%
All Other/Mix	4,139	3.9%	2,687	3.3%
Total	106,519		81,259	

47. The growth in Lowell's minority populations—especially Lowell's Asian-American and Hispanic/Latino populations—over the last three decades has been both steady and significant. Since 1980, Lowell's Hispanic/Latino community has more than quadrupled, going from an estimated 4,536 residents in 1980 to an estimated 19,805 residents in 2015. In the same time frame, Lowell's Asian-American community has gone up nearly 50-fold, increasing from an estimated 478 residents in 1980 to an estimated 23,840 residents in 2015. All told, from 1980 to 2015, the city's non-white population has grown from a little over 6% of the total population to just under 50%, and the combined Hispanic/Latino and Asian-American community has grown from just over 5% of Lowell's total population to 40%. In the same time frame, the white population of Lowell decreased by more than 35%, going from 86,105 residents (and 93% of the total population) in 1980 to 55,465 residents (and 50.7% of the total population) in 2015. The following table and chart illustrate the changing demographics in Lowell from 1980 to 2015, based on U.S. Census Bureau data:

⁵ 2010 Redistricting Data SF (PL 94-171), Census 2010, U.S. Census Bureau (last visited May 17, 2017), https://factfinder.census.gov/faces/nav/jsf/pages/download_center.xhtml.

Table 3 - Lowell Population Demographics 1980 to 2015

	1980 ⁶	1990 ⁷	2000 ⁸	2010 ⁹	2015 ¹⁰
White	86,105	79,165	65,760	56,280	55,465
Asian	478	11,270	17,302	21,337	23,840
Hispanic/Latino	4,536	10,499	14,734	18,396	19,805
Black/Afr. Am.	1,089	2,093	3,644	6,367	7,750
All Other/Mix	210	412	3,727	4,139	2,490
Total	92,418	103,439	105,167	106,519	109,350

Chart 1 - Lowell Demographics by Percentage of Total Population 1980 to 2015

⁶ Persons by Spanish Origin, Race & Sex: 1980 (Table 59), Vol. 1, Characteristics of the Population, Ch. C, General Social & Economic Characteristics, Pt. 23 Massachusetts (PC80-1-C-23), Census 1980, U.S. Census Bureau (June 1983), <https://www.census.gov/prod/www/decennial.html>. For the 1980 Census data in Table 3, “Asian” reflects both Asian and Pacific Island respondents, as Asian was not tabulated as a separate category in the relevant report. Similarly, the “Hispanic/Latino” data for 1980 reflects “Spanish Origin” census responses, as Hispanic/Latino was not an option in the 1980 Census. Lastly, the “All Other/Mix” 1980 data reflects only “other” responses, as respondents were not given the option of “mixed” race in the 1980 Census.

⁷ 1990 Redistricting Data SF (PL 94-171), Census 1990, U.S. Census Bureau (last visited May 17, 2017) https://www2.census.gov/census_1990/1990_PL94-171/CD9%20-%20FL%20KY%20MA%20NM%20TN%20UT/. For the 1990 data in Table 3, the “All Other/Mix” data reflects only “other” responses, as respondents were not given the option of “mixed” race in the 1990 Census.

⁸ 2000 Redistricting Data SF (PL 94-171), PL002 (Hispanic or Latino, and Not Hispanic or Latino by Race), Census 2000, U.S. Census Bureau (last visited May 17, 2017), https://factfinder.census.gov/faces/nav/jsf/pages/download_center.xhtml.

⁹ 2010 Redistricting Data SF (PL 94-171), P2 (Hispanic or Latino, and Not Hispanic or Latino by Race), Census 2010, U.S. Census Bureau (last visited May 17, 2017), https://factfinder.census.gov/faces/nav/jsf/pages/download_center.xhtml.

¹⁰ Voting Age Population by Citizenship & Race (CVAP), 2011-2015 American Community Survey 5 Year Estimates, U.S. Census Bureau (Feb. 1, 2017), https://www.census.gov/rdo/data/voting_age_population_by_citizenship_and_race_cvap.html.

48. Lowell's increasing diversity is reflected in a wide range of community groups, cultural organizations, and festivals that reflect minority populations in the city, including the Asian-American and Hispanic/Latino populations. That rich diversity, however, is not reflected on the Lowell City Council or the Lowell School Committee.

Lack of Minority Representation in Lowell

49. Lowell's city-wide at-large plurality voting system operates to stamp out opportunities for minorities in Lowell—nearly half the population—to elect representatives of their choice by rendering their vote ineffective against majority bloc voting.

50. For example, despite the vibrancy and size of Lowell's Asian-American and Hispanic/Latino communities, which together comprise a combined 40% of all Lowell residents, there is not a single Asian-American or Hispanic/Latino currently sitting on the Lowell City Council or Lowell School Committee. Out of 45 possible Lowell City Council seats in the last five elections, only two seats were won by Asian-American or Hispanic/Latino candidates.¹¹ In the same time frame, no Asian-American or Hispanic/Latino candidates won a seat—out of 30 possible seats—on the Lowell School Committee. No other minority candidates have won a seat on the Lowell City Council or Lowell School Committee in the past five municipal elections, either. This is despite the fact that minorities comprised nearly half the city's residents during that entire period. This data is reflected in Charts 2 and 3, below.

¹¹ Vesna Noun, who is Cambodian American, won a single term on the Lowell City Council in the 2011 election. Francheska Descoteaux won a single term on the Lowell City Council in 2009. On information and belief, Ms. Descoteaux identifies as Hispanic/Latino.

Chart 2 – Minority Representation on Lowell City Council and Lowell School Committee 2007-2015

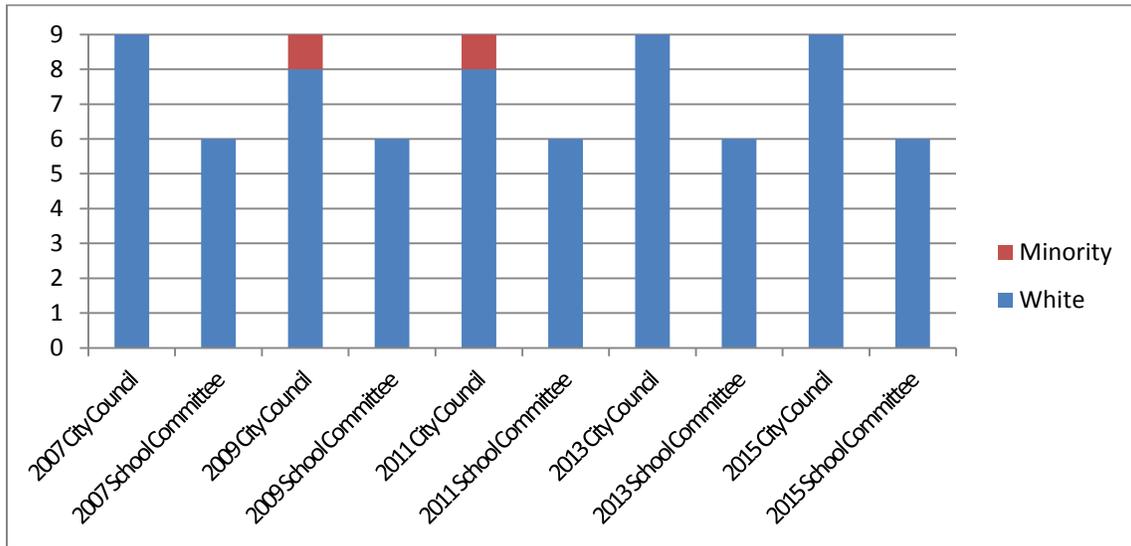
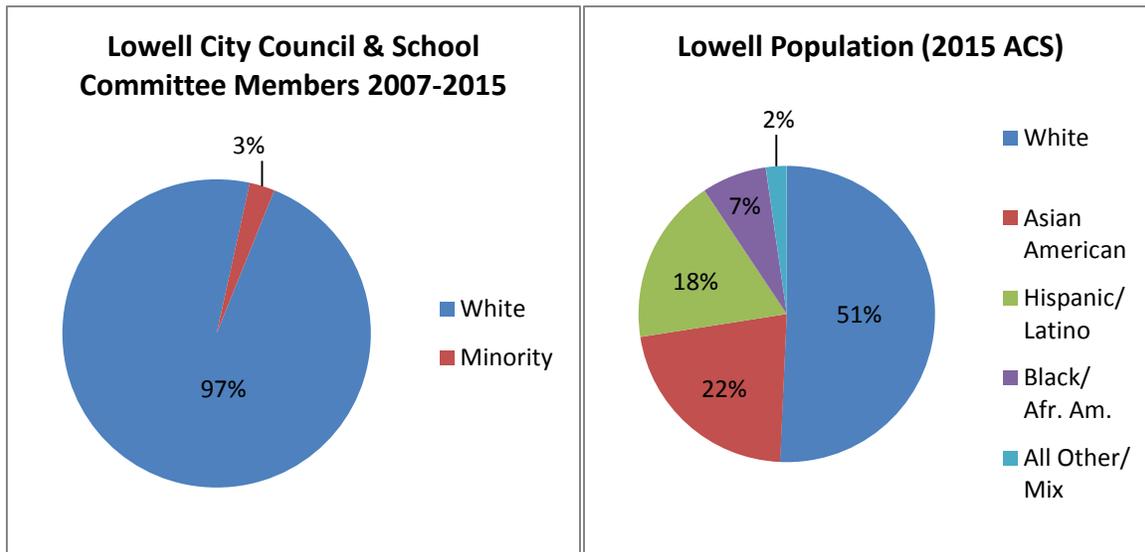


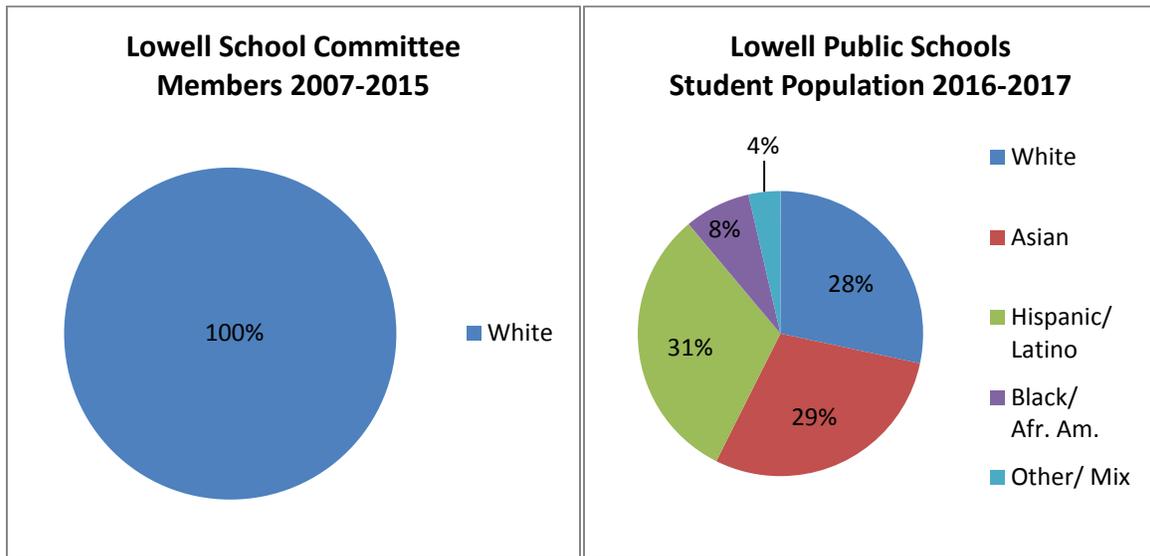
Chart 3 – Minority Representation on Lowell City Council and Lowell School Committee 2007-2015 Compared to Lowell Population



51. The lack of Hispanic-Latino and Asian-American representation is especially stark with regard to the Lowell School Committee because the student population in the Lowell Public Schools is even more heavily minority than the city as a whole. As described in more

detail below, Lowell’s student population is 31.4% Hispanic/Latino, 29.0% Asian-American, 28.3% white, and 7.5% black/African American.¹² This data is reflected in Chart 4:

Chart 4 – Minority Representation on Lowell School Committee Compared to Lowell Public Schools Student Population



52. If the Lowell City Council and Lowell School Committee followed a district-based voting system rather than the current at-large plurality voting system, Hispanics/Latinos and Asian-Americans together could constitute a majority-minority population in at least one district, thereby increasing their opportunity to elect candidates of their choice to the Lowell City Council and Lowell School Committee.

53. Instead, the at-large plurality scheme used to elect the Lowell City Council and the Lowell School Committee denies Lowell’s Hispanic/Latino and Asian-American residents an equal opportunity to participate in the political process and elect representatives of their choice in violation of Section 2 of the Voting Rights Act.

¹² School & District Profiles: Lowell Enrollment Data (2016-2017), Mass. Dep’t of Elementary & Secondary Educ. (last visited May 17, 2017), <http://profiles.doe.mass.edu/profiles/student.aspx?orgcode=01600000&orgtypecode=5&fycode=2017>.

LOWELL'S MUNICIPAL ELECTION SYSTEM VIOLATES SECTION 2 OF THE VOTING RIGHTS ACT UNDER THE SUPREME COURT'S GINGLES TEST

54. Lowell's election system violates Section 2 of the Voting Rights Act under the Supreme Court's vote dilution test in *Thornburg v. Gingles*, 478 U.S. 30 (1986).

The *Gingles* Test

55. Section 2 of the Voting Rights Act, 52 U.S.C. § 10301(a), prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” A Section 2 violation is established if it is shown that “the political processes leading to nomination or election” in the jurisdiction “are not equally open to participation by [a minority] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Id.* § 10301(b). An electoral system that dilutes the voting strength of minority communities may deprive the members of those communities of an equal opportunity to elect representatives of their choice in violation of Section 2 of the Voting Rights Act.

56. In *Gingles*, 478 U.S. at 50-51, the Supreme Court identified three necessary preconditions to support a claim of vote dilution under Section 2 of the Voting Rights Act: (1) the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district;” (2) the minority group must be “politically cohesive;” and (3) the majority must vote “sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.”

57. If these preconditions are satisfied, a plaintiff must then show that, under the totality of the circumstances, the minority group has less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. *See*

id. at 44-45. Totality of the circumstances can be demonstrated by, among other things: a history of voting-related discrimination in the political subdivision; the extent to which voting is racially polarized within the political subdivision; the extent to which voting practices or procedures tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts and majority vote requirements; the extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; whether political campaigns have been characterized by overt or subtle racial appeals; the extent to which members of the minority group have been elected to public office in the jurisdiction; evidence demonstrating that elected officials are unresponsive to the particularized needs of the members of the minority group; and evidence showing the policy underlying the political subdivision's use of the contested election practice or structure is tenuous. *See id.* at 36-37, 44-45.

58. Coalitions of minority groups that exhibit political cohesion and that otherwise satisfy the *Gingles* test may sustain a vote dilution action under Section 2. *See Bridgeport Coalition for Fair Representation v. City of Bridgeport*, 26 F.3d 271, 275-76 (2d Cir. 1994), *judgment vacated on other grounds*, 512 U.S. 1283 (1994); *Concerned Citizens of Hardee Cty. v. Hardee Cty. Bd. of Comm'rs*, 906 F.2d 524, 526 (11th Cir. 1990); *Campos v. City of Baytown, Tex.*, 840 F.2d 1240, 1244 (5th Cir. 1988), *cert. denied* 492 U.S. 905 (1989).

59. In Lowell, both the *Gingles* preconditions and the totality of the circumstances demonstrate that Asian-American and Hispanic/Latino voters together have less opportunity than other members of the electorate to participate in the political process and to elect candidates of choice to the Lowell City Council and Lowell School Committee.

Asian-Americans and Hispanics/Latinos Are Sufficiently Large and Geographically Compact to Constitute a Majority in a Single-Member District

60. Lowell's Hispanic/Latino and Asian-American residents together are sufficiently numerous and geographically compact to form a majority of the total population, voting age population, and citizen voting age population in at least one district of a reasonable and properly-apportioned district-based election system.

61. It is possible to draw redistricting maps for the City of Lowell in which Asian-Americans and Hispanics/Latinos would form a majority of the population in at least one reasonable and properly-apportioned single-member district for both the Lowell City Council and the Lowell School Committee. For example, a district comprising portions of the Acre, Lower Highlands, and/or Highlands neighborhoods of Lowell can be drawn that satisfies this precondition.

Asian-Americans and Hispanics/Latinos Are Politically Cohesive and Majority Bloc Voting Usually Defeats Their Preferred Candidates

62. Lowell's Hispanic/Latino and Asian-American voters are politically cohesive as a coalition minority group. They consistently tend to vote together in support of minority candidates of choice, particularly Asian-American and Hispanic/Latino candidates. These candidates are heavily favored by Asian-American and Hispanic/Latino voters over different candidates favored by Lowell's remaining voters, who are predominantly white.

63. Lowell's predominantly white majority electorate votes as a bloc in support of different candidates than those supported by Asian-American and Hispanic/Latino voters together. Bloc voting by the predominantly white majority consistently defeats the candidates preferred by Hispanic/Latino and Asian-American voters. This generally explains why, despite overwhelming support from Lowell's Hispanic/Latino and Asian-American voters, minority

candidates for the Lowell City Council and Lowell School Committee have been consistently defeated by white opponents.

64. An analysis of recent election results confirms that, despite the political cohesiveness of Lowell's Asian-American and Hispanic/Latino voters, they are unable to elect candidates of their choice under Lowell's unlawful at-large election scheme and the strength of Lowell's predominantly white majority voting bloc.

65. For example, in 2013, two Cambodian-American candidates ran for Lowell City Council—Vesna Nuon and Vandoeun Van Pech. Mr. Nuon was running for re-election, having won a seat on the Lowell City Council the 2011 election. Despite heavy support from Asian-American and Hispanic/Latino voters—and, in Mr. Noun's case, the advantages of incumbency—neither Mr. Nuon nor Mr. Pech won a seat on the Lowell City Council. Analysis of election results indicates that Mr. Nuon and Mr. Pech were favored by both Asian-American and Hispanic/Latino voters above all other candidates, ranking as the voters' first and second choice candidates, respectively. In contrast, Mr. Nuon and Mr. Pech were the seventeenth and eighteenth choices (out of eighteen candidates) among the predominantly white majority voting bloc. The predominantly majority voting bloc elected all nine of its top candidates to the Lowell City Council.

66. Similarly, in 2015, four Cambodian-American candidates ran for Lowell City Council—Mr. Nuon, as well as Paul Yem, Pan So, and Cheth Khim. Analysis of election results indicates that Mr. Nuon and Mr. Yem were heavily supported by both Asian-American and Hispanic/Latino voters, ranking as the first and second choice among Asian-American voters and the first and third choice of Hispanic/Latino voters. (Mr. So and Mr. Khim were also heavily favored by Asian-American voters—ranking as their third and fourth choice—while also

receiving significant support from Hispanic/Latino voters.) Again, despite overwhelming preference among both Asian-American and Hispanic/Latino voters, none of these candidates were elected to the Lowell City Council. Just as with the 2013 election, the top nine candidates preferred by the predominantly white majority voting bloc were elected to the Lowell City Council in 2015.

67. Also in 2015, two Cambodian-American candidates for Lowell School Committee—Kamara Kay and Dominik Lay—failed to win a seat. Analysis of election results indicates that Mr. Kay, in particular, received strong support from both Asian-American and Hispanic/Latino voters. Neither of these candidates were elected to the Lowell School Committee. Once again the predominantly white majority voting bloc overwhelmingly favored other candidates, and elected its top six choices to the Lowell School Committee.

68. As demonstrated above, Lowell's city-wide at-large election system allows the predominantly white majority voting bloc to deny Asian-Americans and Hispanics/Latinos the equal opportunity to elect representatives of their choice. This is also seen in the limited number of minority candidates, including Asian-Americans and Hispanics/Latinos, elected to Lowell municipal offices. On information and belief, in the city's entire history, only four Asian-American or Hispanic/Latino candidates have ever been elected to the Lowell City Council, and none have been elected to the Lowell School Committee.¹³ On information and belief, no black/African American or other non-Asian or Hispanic/Latino minority candidate has ever been elected to either body, as well.

¹³ Chanrithy "Rithy" Uong, who is Cambodian American, was elected to the Lowell City Council in 1999, 2001, and 2003. George Ramirez, Lowell's first Hispanic/Latino councilor, was elected for one term in 2005. As described in footnote 11, Francheska Descoteaux, who upon information and belief identifies as Hispanic/Latino, was elected for one term in 2009. And as described in footnote 11 and paragraph 65, Cambodian American Vesna Nuon was elected to the Lowell City Council in 2011 for one term, but failed to win re-election despite multiple attempts.

Voting in Lowell is Racially Polarized and Virtually No Asian-Americans or Hispanics/Latinos Have Been Elected to Municipal Office in Lowell

69. The totality of the circumstances also demonstrate that Asian-American and Hispanic/Latino voters together have less opportunity than other members of the electorate to participate in the political process and to elect candidates of choice to the Lowell City Council and Lowell School Committee.

70. For example, as indicated above in paragraphs 64-67, voting in Lowell is highly racially polarized. Asian-American and Hispanic/Latino voters frequently support the same candidates, and those candidates are routinely defeated by the preferred candidates of the predominantly white majority voting bloc. Asian-American and Hispanic/Latino candidates also receive little to no support from the white majority voting bloc.

71. Moreover, as described above in paragraphs 64-68, only four Asian-American or Hispanic/Latino candidates have ever been elected to the Lowell City Council, and none have ever been elected to the Lowell School Committee. No Asian-American or Hispanic/Latino candidate has won election to either body since the 2011 election, despite the fact that these groups together comprise approximately 40% of the city's population.

Lowell's At-Large Plurality Voting Scheme Enhances Opportunities for Discrimination Against Asian-Americans and Hispanics/Latinos

72. Lowell's use of a city-wide at-large plurality election scheme enhances opportunities for discrimination against Asian-Americans and Hispanics/Latinos. Using a single city-wide district for all municipal elections in which all voters are permitted to vote for up to nine candidates for Lowell City Council and up to six candidates for Lowell School Committee enables the predominantly white majority voting bloc to elect the candidates of its choice, and to defeat the preferred candidates of Asian-American and Hispanic/Latino voters. As described in more detail in other sections of this complaint, candidates elected by the predominantly white

majority bloc are less responsive to the needs and concerns of minority communities in Lowell because they do not need support from those communities to win election.

73. Notably, Lowell's predominantly white voting bloc—and the candidates elected by that bloc—have rejected multiple recent efforts to change Lowell's municipal election system.

74. For example, in 2009, a group of Lowell residents placed an initiative on the ballot to have Lowell re-adopt a proportional representation voting system referred to as "choice voting" (the "2009 Referendum"). Proponents of choice voting advocated that it would—among other things—provide a more equitable election system and give minorities in Lowell a better opportunity to elect their choice of representatives.¹⁴

75. The 2009 Referendum was rejected by a 56.9% to 43.1% margin due in large part to Lowell's predominantly white majority voting bloc. Analysis of election results indicates that Hispanics/Latinos and Asian-Americans voted overwhelmingly in favor of the referendum by a more than a 2-1 margin, while the predominantly white majority voting bloc voted approximately 2-1 against it.

76. Members of the City of Lowell's political establishment opposed the 2009 Referendum. For example, Lowell's former city manager advocated against making changes to the city's at-large plurality winner-take-all election system.¹⁵

77. On information and belief, voter opposition to the 2009 Referendum was also based, at least in part, on racial animus. For example, a commentator responding to a September

¹⁴ See Jennifer Myers, *Choice-Vote Advocate Optimistic*, Lowell Sun (Nov. 18, 2009), http://www.lowellsun.com/ci_13814132; Jennifer Myers, *'Choice Voting' Aims for Diversity, Bigger Turnout in Lowell Election*, Lowell Sun (Jun. 22, 2009), http://www.lowellsun.com/ci_12663029.

¹⁵ See James L. Sullivan, *Changing Methods Is Not Lowell's Answer*, Lowell Sun (Nov. 1, 2009), http://www.lowellsun.com/ci_13689953.

23, 2009 Lowell Sun article titled “Confusion Over Bid for New Lowell Vote System”¹⁶ wrote: “If you want better representation how about some better candidates? Here’s a hint, start with someone that you can even tell what the hell they’re saying.” Another commentator wrote: “There is NOTHING wrong with the voting system we have now. It works. If people are too dumb and lazy to get involved that is their own fault. . . . All diversity has done for Lowell is give us gangs, drive by shootings and made the drug problem ten times worse.”¹⁷

78. This majority bloc resistance to changing the at-large plurality election system in Lowell dates back decades. For example, in a non-binding 1993 referendum, Lowell residents voted by large majorities to change from the Plan E city manager form of government to a strong mayor system, but also voted 57% to 43% to retain the at-large plurality election system for city councilors rather than move to a district-based election system.

79. The Lowell City Council has also resisted additional recent efforts to change the election system in Lowell. For example, in 2010 and 2011, a group of Lowell residents again pushed for changes to the city’s voting system to provide more equitable representation for Lowell’s residents, including a proposal to move to district or ward-based elections. The Lowell City Council agreed to discuss changes to the city’s election system, including the possibility of district-based elections, but no changes resulted.¹⁸

80. In February 2016, Councilor Rodney Elliott made a motion for the Lowell City Council to discuss the possibility of changing to a combination at-large and ward-based election

¹⁶ See Erin Smith, *Confusion Over Bid for New Lowell Vote System*, Lowell Sun (Sept. 23, 2009), http://www.lowellsun.com/todayshadlines/ci_13400876.

¹⁷ Topix, *Confusion Over Bid for New Lowell Vote System* (last updated Oct. 9, 2009), <http://www.topix.com/forum/city/lowell-ma/TQSUE1P13P3DPIJ49>.

¹⁸ See Jennifer Myers, *Lowell Activists Push for Change in City Voting System*, Lowell Sun (Jan. 10, 2011), http://www.lowellsun.com/todayshadlines/ci_17055197; Jennifer Myers, *Lowell Water Rates to Rise 24%*, Lowell Sun (Nov. 17, 2010), http://www.lowellsun.com/ci_16635581.

system to address the lack of representation from minority neighborhoods. No other councilor seconded the motion, and the motion—to even consider the possibility of change—failed.¹⁹

The Policy Underlying Lowell’s Use of an All At-Large Plurality Election System Is Tenuous and the Practice Is Out of Step with Other Massachusetts Cities

81. The policy underlying Lowell’s at-large plurality voting system both is tenuous and was implemented with the goal of entrenching majority voting power and excluding minorities from the political process. Lowell is also the only Massachusetts city with a population over 100,000 residents that elects all municipal government office holders via at-large plurality elections.

82. Lowell did not always use an at-large plurality voting system. Lowell first adopted the Plan E form of government in 1943, and from 1943 until 1957, Lowell employed proportional representation voting in municipal elections.²⁰

83. In contrast to present-day Lowell, under proportional voting from 1943 to 1957, Lowell voters consistently elected a diverse City Council, with representatives from the major ethnic groups living in the city at the time, including the Irish, French, Polish, and Greek. According to historian Mary Blewett, this system increased the political power of groups which had formerly played a limited role in Lowell city politics.²¹

84. Lowell switched from proportional representation to at-large plurality voting via a city-wide referendum in 1957. Contemporary accounts show that opponents of proportional representation—including an incumbent city councilor who was a former mayor—said that

¹⁹ See Lowell City Council Regular Meeting Minutes for Feb. 23, 2016, Item 10.2, Lowell City Council Meeting Agenda & Packet, Lowell City Council (Mar. 1, 2016), https://www.lowellma.gov/AgendaCenter/ViewFile/Agenda/_03012016-40?packet=true.

²⁰ See Jennifer Myers, *Question One Would Change Way Lowell Elects Leaders*, Lowell Sun (Oct. 30, 2009), http://www.lowellsun.com/ci_13676037.

²¹ See Mary Blewett, *The Mills & The Multitudes: A Political History*, in Cotton Was King: A History of Lowell Massachusetts, at 184 (Arthur L. Eno, Jr. ed., 1976) (hereinafter, “Blewett, *The Mills & The Multitudes*”).

moving to an at-large plurality scheme would promote “majority rule” and would limit “minority rule” of ethnic and national groups like the French, Greeks, Irish, Poles, Jews, Syrians, Armenians, and Lithuanians.²² Supporters of proportional representation noted that moving to an at-large plurality scheme would “deprive minority groups [of] representation in city government,” and characterized the anti-proportional representation campaign as “stir[ring] up racial and nationality tensions [in] an open attempt to take away from the so-called minority groups the representation they have had in our city government since [adopting the proportional representation] method of voting.”²³

85. Similarly, in the lead-up to the 1957 referendum, the Lowell Sun ran a pair of op-eds stating that “[t]he most obvious advantage of PR (proportional representation) is that it gives representation in the city government to minority groups,” and that “[w]ithout PR it would be difficult or impossible for these groups to win the representation they now have.”²⁴ The Lowell Sun characterized the “most objectionable feature” of proportional representation as “the opportunity [that] minority groups are given, under PR, for representation,” because it purportedly led to “minority representation strictly on a racial or national basis,” and motions or decisions based on “racial extraction” where City Council and School Committee members “stick right to the end to win the objective of the individual racial group in question.”²⁵

86. The 1957 referendum to eliminate proportional representation and to move to an at-large plurality election scheme passed by a significant margin—21,214 to 12,881.²⁶

²² William C. Geary, Political Advertisement, *An Open Letter to the Voters of the City of Lowell*, Lowell Sunday Sun (Nov. 3, 1957).

²³ Albert T. Wodzik, Political Advertisement, *Save PR . . . Vote No*, Lowell Sun (Nov. 4, 1957).

²⁴ *The Case for PR*, Editorial, Lowell Sun (Oct. 30, 1957).

²⁵ *The Case Against PR*, Editorial, Lowell Sun (Oct. 31, 1957).

²⁶ *PR Tossed Out; 21,214 to 12,881*, Lowell Sun (Nov. 7, 1957).

87. In the following 1959 election, the Lowell City Council shifted back to a majority-dominated composition. According to Mary Blewett, the abolition of proportional representation significantly curtailed minority-group representation in city politics.²⁷

88. Lowell's continued use of an at-large plurality voting system is also unusual for Massachusetts cities in the 21st century, most of which have switched to municipal election systems that ensure greater opportunities for minority representation in municipal government. For example, no other Massachusetts city with a population of over 100,000 residents utilizes an exclusively at-large plurality scheme for electing all its municipal office holders. Comparable cities like Boston, Worcester, Springfield and Cambridge use a variety of election methods that ensure greater opportunities for minority representation, including combinations of district and at-large elections, and proportional representation.

89. Notably, prior to 2009, Springfield—like Lowell—utilized an at-large plurality election system to elect all members of its City Council and School Committee. Springfield changed to its current system—which includes a combination of district and at-large seats for both bodies²⁸—after a lawsuit was brought alleging that the prior at-large plurality election scheme was unlawful under Section 2 of the Voting Rights Act.²⁹ Today, Springfield's City Council and School Committee reflect the diversity of the city, with minorities constituting approximately half of both bodies.

²⁷ See Blewett, *The Mills & The Multitudes*, at 186, *supra* note 21.

²⁸ See City of Springfield Elections Ward Representation, City of Springfield (last visited May 17, 2017), <https://www.springfield-ma.gov/elections/index.php?id=ward-representation>; School Committee, Springfield Public Schools (last visited May 17, 2017), <http://www.springfieldpublicschools.com/school-committee>.

²⁹ See *Arise For Social Justice v. City of Springfield*, No. 05-cv-30080 (D. Mass. 2005).

History of Voting Related Discrimination in Lowell

90. There is a well-documented history of voting problems for minorities in Lowell stretching back more than a decade.

91. In 2004, election observers from the Asian American Legal Defense and Education Fund (“AALDEF”) documented instances where poll workers failed to inform minority voters whose names were not on the rolls that they could cast provisional ballots. Poll workers told some such voters to register for the next election. Other voters were directed to City Hall, instead of being offered provisional ballots at polling locations. One registered Cambodian voter whose name was inadvertently not listed on the voting rolls went to City Hall to verify his registration. A city worker informed the voter ten minutes before the closing of the polls that he was indeed registered. It was too late for him to return to his polling location to cast his vote.³⁰

92. In 2005, the United States Department of Justice (“DOJ”) sent federal observers to monitor Lowell’s municipal election.³¹ In that election, Lowell failed to hire a sufficient number of translators to serve at polling locations, rendering the polls inaccessible to non-English speaking voters.³² Voting rights advocates also documented instances of voters being directed to the wrong polling places, and one voter having to cast a provisional ballot because his name was listed incorrectly on the voter roll.³³

³⁰ See *Asian American Access to Democracy in the 2004 Election*, Asian Am. Legal Def. & Educ. Fund (Aug. 2005), <http://www.aaldef.org/docs/AALDEF-AA-Access-to-Democracy-2004.pdf>; Glenn D. Magpantay, *Request for Federal Monitoring of the November 6, 2012 General Elections in NY, NJ, VA, PA, GA, and MA*, Asian Am. Legal Def. & Educ. Fund (Oct. 31, 2012) (hereinafter “Magpantay, *Request for Federal Monitoring*”), <http://aaldef.org/AALDEF%20Ltr%20DOJ%20for%20Observers%20October%202012.pdf>.

³¹ See Stephanie Ebbert, *Lowell Voting Problems Probed*, Boston Globe (Mar. 19, 2006) (hereinafter “Boston Globe, *Lowell Voting Problems Probed*”), http://archive.boston.com/news/local/articles/2006/03/19/lowell_voting_problems_probed/.

³² See Michael Lafleur, *City Pledges More Help for Minorities at Polls*, Lowell Sun (Mar. 28, 2006), http://www.lowellsun.com/ci_3647712.

³³ See Boston Globe, *Lowell Voting Problems Probed*, *supra* note 31.

93. Additionally, in 2006, the DOJ investigated voting rights violations in Lowell after AALDEF reported a lack of election materials in Khmer, the native language of the Cambodian community, in the 2005 election.³⁴

94. In 2008 and 2009, the DOJ again monitored elections in Lowell.³⁵ In the 2008 election, AALDEF election observers documented instances of voters who were not permitted to vote by provisional ballot in Lowell. Instead, when poll workers could not find the voters' names on the voter lists, the workers directed the voters to go to City Hall to find out whether they were registered and to cast provisional ballots there. Voters said this "effectively precluded them from voting." One Asian-American voter also reported that she was ignored by a poll worker, and that a white voter was given preferential treatment. AALDEF observers also found that foreign language interpreters were not readily accessible to voters because poll workers failed to post signs indicating their availability and because interpreters failed to wear badges identifying themselves as interpreters.³⁶

95. In 2012, AALDEF election observers again identified election problems in Lowell. Poll workers at multiple locations failed to post almost all signs that had been translated from English, including signs indicating the availability of interpreters. Some interpreters also did not display name badges identifying them as interpreters.³⁷

³⁴ *See id.*

³⁵ *See Justice Dep't to Monitor Elections in Illinois, Massachusetts, New Jersey, and New York*, Dep't of Justice (Feb. 4, 2008), https://www.justice.gov/archive/opa/pr/2008/February/08_crt_090.html; *Feds to Monitor Lowell, Springfield Elections*, Lowell Sun (Nov. 11, 2009), http://www.lowellsun.com/ci_13701979.

³⁶ Magpantay, *Request for Federal Monitoring*, *supra* note 30; *Asian American Access to Democracy in the 2008 Elections*, Asian Am. Legal Def. & Educ. Fund (2009), <http://www.aaldef.org/docs/AALDEF-AA-Access-to-Democracy-2008.pdf>; Testimony of Glenn D. Magpantay Before the U.S. House of Representatives Judiciary Committee (Mar. 19, 2009), https://judiciary.house.gov/_files/hearings/pdf/Magpantay090319.pdf.

³⁷ *See Asian American Access to Democracy in the 2012 Elections*, Asian Am. Legal Def. & Educ. Fund (2013), <http://aaldef.org/Access%20to%20Democracy%20Report%202012.pdf>.

96. In the 2014 election, poll workers again failed to post signs indicating that Khmer language interpreters were available. As a result, twenty-four percent of Khmer-speaking voters polled by AALDEF in Lowell reported experiencing difficulty in voting due to lack of language assistance.³⁸

Lowell Minorities Bear the Effects of Past Discrimination in Employment

97. Minority communities in Lowell, including Asian-Americans and Hispanics/Latinos, bear the effects of past discrimination in employment, which hinders their ability to participate effectively in the political process. Hiring of minorities by the City of Lowell and the Lowell Public Schools lags behind those groups' representative proportions in the population as a whole. In contrast, hiring of whites is proportionally significantly higher than the white population in the city.

98. For example, according to the Massachusetts Department of Elementary and Secondary Education ("DOE"), out of approximately 1903 full time equivalent faculty and staff positions in the Lowell Public Schools, nearly 90% are filled by whites, with only 5% filled by Hispanics/Latinos, 3.2% by Asian-Americans, and 1.6% by blacks/African Americans.³⁹ Lowell's school administrators are also predominantly white. These numbers are in stark contrast to Lowell's general population which, as noted above, is approximately 50.7% white, 21.8% Asian-American, 18.1% Hispanic/Latino, and 7.1% black/African American. The significant underrepresentation of minority faculty and staff is even more striking in comparison to Lowell's student population, which, as noted above, has even higher percentages of Asian-

³⁸ See *Asian American Access to Democracy in the 2014 Elections*, Asian Am. Legal Def. & Educ. Fund (2014), <http://aaldef.org/2014AccessToDemocracyReport.pdf>.

³⁹ School & District Profiles: Lowell Staffing Data by Race, Ethnicity, Gender by Full-time Equivalents (2016-2017), Mass. Dep't of Elementary & Secondary Educ. (last visited May 17, 2017), <http://profiles.doe.mass.edu/profiles/teacher.aspx?orgcode=01600000&orgtypecode=5&leftNavId=817&>.

Americans (29%), Hispanics/Latinos (31.4%) and blacks/African Americans (7.5%) than the city as a whole.⁴⁰

99. Asian-American, Hispanic/Latino and black/African American representation also lags significantly behind whites in the Lowell Police Department in comparison to their respective populations in the city. According to the 2015 Annual Report of the Lowell Police Department, whites comprised 79.5% of the 239 Lowell police officers, and over 80% of the total 336 person civilian and police staff. Out of 239 police officers, only 33 (13.8%) were Hispanic/Latino, 11 (4.6%) were Asian-American, and 5 (2.1%) were black/African American. For the combined officer and civilian staff, approximately 11.9% were Hispanic/Latino, 5.1% were Asian-American, and 2.7% were black/African American.⁴¹

100. Due to the lack of diversity in its police force, Lowell is also one of only a handful of Massachusetts municipalities that remain subject to a consent decree from the 1970s governing diversity in police hiring practices.⁴²

101. Individual Asian-American and Hispanic/Latino teachers and police officers have successfully changed Lowell's employment practices in court. For example, in 2006, two Asian-American and one Hispanic/Latino Lowell Public Schools teachers were reinstated after successfully suing for wrongful termination. The teachers—Vandy Duch, Vong Oung, and Pedro Espada—had been required, along with other non-native English speaking instructors, to take English fluency tests, and then dismissed for allegedly failing to prove their proficiency.

⁴⁰ School & District Profiles: Lowell Enrollment Data (2016-2017), Mass. Dep't of Elementary & Secondary Educ. (last visited May 17, 2017), <http://profiles.doe.mass.edu/profiles/student.aspx?orgcode=01600000&orgtypecode=5&fycode=2017>.

⁴¹ 2015 Annual Report at 3, Lowell Police Dep't (July 29, 2016), <https://www.lowellma.gov/documentcenter/view/286>.

⁴² See *Castro v. Beecher*, Consent Decree, Nos. 70-cv-1220-W, 74-cv-2982-C (D. Mass. June 27, 1975).

The three teachers were reinstated by an independent arbitrator, whose ruling was upheld by the Massachusetts Superior Court and the Massachusetts Appeals Court.⁴³

102. Similarly, in October 1999, Robert Alvarez, a long-time Lowell police officer, filed a complaint with the Massachusetts Commission Against Discrimination (“MCAD”) alleging discrimination by the City of Lowell. Officer Alvarez alleged, among other things, that he had been unfairly suspended and disciplined, and that there was a pervasive and longstanding pattern of racial discrimination in the Lowell Police Department. In a subsequent court case filed in 2002, Officer Alvarez further alleged that he had been retaliated against for filing the MCAD complaint. After a lengthy court battle and jury trial, the Massachusetts Appeals Court upheld a judgment against the City of Lowell on the retaliation claim, awarding Officer Alvarez more than \$640,000.⁴⁴

103. On information and belief, similar employment disparities exist in the Lowell Fire Department, as well as in other city departments and offices.

104. On information and belief, similar disparities exist on city boards and commissions.

⁴³ See Michael LaFleur, *Arbitrator: City Must Reinstate 3 Teachers Educators Were Wrongfully Terminated After Fluency Test*, Lowell Sun (Mar. 30, 2006), http://www.lowellsun.com/ci_3655694; Matt Murphy, *Lowell Told to Rehire Teachers Who Failed English Fluency Test*, Lowell Sun (Dec. 6, 2006), http://www.lowellsun.com/ci_4788835; *Sch. Comm. of Lowell v. Oung*, 72 Mass. App. Ct. 698 (2008).

⁴⁴ See *Alvarez v. City of Lowell*, 81 Mass. App. Ct. 1105 (Dec. 21, 2011) (Rule 1:28 Decision); *Alvarez v. City of Lowell*, 20 Mass. L. Rep. 106 (Mass. Super. Ct. Sept. 30, 2005); Christopher Scott, *City of Lowell Pays Ex-Cop \$642G in Discrimination Case*, Lowell Sun (Nov. 1, 2013), http://www.lowellsun.com/todayshadlines/ci_24432500.

Lowell Minorities Bear the Effects of Past Discrimination in Education

105. Minority communities in Lowell also bear the effects of past discrimination in education, which hinders their ability to participate effectively in the political process.

106. Historically, minorities including Asian-Americans and Hispanics/Latinos faced discrimination and segregation in the Lowell Public Schools. For example, in 1986, after discovering that schools in Lowell's Acre section (a neighborhood with a high concentration of Asian-Americans and Hispanics/Latinos) were both segregated and overcrowded, the Commonwealth of Massachusetts ordered Lowell to implement a busing plan to desegregate the Lowell Public Schools.⁴⁵

107. In 1989, the Lowell School Committee and the Lowell Public Schools entered into a consent order and compliance plan to desegregate and make comprehensive educational reforms to the Lowell Public Schools after being sued by a coalition of Hispanic/Latino and Asian-American parents and community groups, including the Hispanic Parents Advisory Council, the Cambodian Mutual Assistance Association of Greater Lowell, and the Laotian Association of Greater Lowell. The lawsuit had alleged unconstitutional segregation of the Lowell Public Schools and the denial of equal education opportunities to students of limited English proficiency in violation of Title VI of the 1964 Civil Rights Act and the Equal Education Opportunities Act of 1974. The desegregation and educational improvement plan, revised in 1996, is still in place today.⁴⁶ Notably, in 1989—the same year that the lawsuit was settled—

⁴⁵ See *Killing and School Plan Stir Tensions in Lowell*, N.Y. Times (Oct. 25, 1987) (hereinafter "N.Y. Times, *School Plan*"), <http://www.nytimes.com/1987/10/25/us/killing-and-school-plan-stir-tensions-in-lowell.html>.

⁴⁶ See Desegregation Plan, Lowell Public Schools (last visited May 17, 2017), http://www.edline.net/pages/lpsd/depts/School_Committee/Policies/Desegregation_Plan; Peter Nien-chu Kiang, *Southeast Asian Parent Empowerment: The Challenge of Changing Demographics in Lowell, Mass.*, Vietnam Generation Vol. 2 No. 3 Art. 3 (1990).

Lowell residents passed a non-binding public referendum sponsored by then-School Committee member George Kouloheras to declare English the official language of the City of Lowell.⁴⁷

108. Despite efforts over the years to improve education and school services for minorities in the Lowell Public Schools, minority student performance—including that of Asian-American and Hispanic/Latino students—still lags behind that of white students. Minority students also receive disparate disciplinary treatment in the Lowell Public Schools.

109. DOE data shows that standardized test scores for minority students in Lowell—including Asian-American and Hispanic/Latino students—lag behind scores for their white counterparts. For example, science and technology tests across all grades in the Massachusetts Comprehensive Assessment System (“MCAS”) show that white students in Lowell achieve average scores of 69.7 (out of 100) on the MCAS Composite Performance Index, compared to 68 for Asian-Americans, 60.6 for blacks/African Americans, and 51.3 for Hispanics/Latinos.⁴⁸ Scores for minority students also lag behind those of their white counterparts on the Scholastic Aptitude Test (or “SAT”) by an average of 115 points for Asian-Americans, 215 points for Hispanics/Latinos, and 317 points for blacks/African Americans.⁴⁹

110. DOE statistics also show that minority students graduate from Lowell High School at lower rates and drop out at higher rates than their white counterparts. For example, in 2016, white students in Lowell had a four-year high school graduation rate of 86.7%, compared to 81.2% for Asian-Americans, 75.6% for blacks/African Americans, and 68.8% for

⁴⁷ See Dana Francis, *Language Referendum Blasted*, Lowell Sun (Nov. 2, 1989).

⁴⁸ School & District Profiles: Lowell 2016 MCAS Results by Subgroup by Grade and Subject, Mass. Dep’t of Elementary & Secondary Educ. (last visited May 17, 2017), <http://profiles.doe.mass.edu/mcas/subgroups2.aspx?linkid=25&orgcode=01600000&fycode=2016&orgtypecode=5&>

⁴⁹ School & District Profiles: Lowell 2015-2016 SAT Performance Report, Mass. Dep’t of Elementary & Secondary Educ. (last visited May 17, 2017), http://profiles.doe.mass.edu/sat/sat_perf_dist.aspx?orgcode=01600000&orgtypecode=5&.

Hispanics/Latinos.⁵⁰ Hispanic/Latino and black/African American students also dropped out of grades nine through twelve at significantly higher rates than white students (2.5% and 2.0% to 1.5%, respectively).⁵¹

111. DOE statistics further show that Hispanic/Latino and black/African American students in the Lowell Public Schools are significantly more likely than their white counterparts to be suspended. Data from the DOE's 2015-2016 Student Discipline Data Report shows that 11.77% of Lowell's Hispanic/Latino students and 9.79% of black/African American students received in- or out-of-school suspensions, compared to only 7.14% of white students. Overall, Hispanics/Latinos accounted for nearly half of all suspensions in the Lowell Public Schools—565 out of 1246 total suspensions—despite being less than 1/3 of the student population.⁵²

112. In June 2016, the DOE notified the Lowell Superintendent of Schools that it had identified Lowell High School as a school where high percentages of students were expelled or placed on long-term suspension, and where there were significant disparities in the rate of student suspension and expulsion by race and ethnicity. That letter provided data showing that in 2014-2015, 30% of Hispanic/Latino students at Lowell High School received suspensions, compared to 17% of white students.⁵³ DOE data from 2015-2016 shows similar results:

⁵⁰ School & District Profiles: Lowell Cohort 2016 Graduation Rates, Mass. Dep't of Elementary & Secondary Educ. (last visited May 17, 2017), http://profiles.doe.mass.edu/grad/grad_report.aspx?orgcode=01600000&orgtypecode=5&.

⁵¹ School & District Profiles: Lowell 2015-2016 Student Dropout Rate Report, Mass. Dep't of Elementary & Secondary Educ. (last visited May 17, 2017), <http://profiles.doe.mass.edu/dropout/default.aspx?orgcode=01600000&orgtypecode=5&leftNavId=15627&>.

⁵² School & District Profiles: Lowell 2015-2016 Student Discipline Data Report All Offenses, Mass. Dep't of Elementary & Secondary Educ. (last visited May 17, 2017), <http://profiles.doe.mass.edu/ssdr/default.aspx?orgcode=01600000&orgtypecode=5&leftNavId=12565&TYPE=DISRICT&fycode=2016>. See also Amelia Pak-Harvey, *Lowell High Joins Discipline-Disparity Study*, Lowell Sun (June 22, 2016), http://www.lowellsun.com/news/ci_30044064.

⁵³ See Notification of LHS Disproportionate Suspension Data, Mass. Dep't of Elementary & Secondary Educ. (June 13, 2016), in Reports of the Superintendent, 2016/347, Lowell Sch. Comm. Meeting Agenda & Packet, Lowell Sch. Comm. (Sept. 7, 2016), http://www.edline.net/files/_UCKuL_/25c35bd4a713950d3745a49013852ec4/SC_Meeting_9.7.16.pdf.

approximately 24% of Hispanic/Latino Lowell High School students received suspensions, compared to only 14% of whites.⁵⁴

Elected Officials Are Less Responsive to the Needs of Lowell's Minority Communities, Including the Asian-American and Hispanic/Latino Communities

113. The needs of Lowell's minority communities—including the Asian-American and Hispanic/Latino communities—are often overlooked within the City of Lowell due to those communities' lack of representation in city government. Lowell's minority communities also frequently receive disparate treatment with regard to city services.

114. For example, the Lowell City Council is currently debating whether to renovate the current Lowell High School or to build a new one. Several options have been under consideration—including moving the location of the high school from downtown, near minority and poorer neighborhoods, to a location on the edge of the city in the predominantly white Belvidere neighborhood. Despite the fact that approximately two-thirds of the school system's student body is composed of students of color, outreach to communities of color about these options has been lacking. Minority residents, including Asian-American and Hispanic/Latino residents, who currently have no representation on either the Lowell City Council or the Lowell School Committee, complained about a lack of information about the plans, and demanded additional informational meetings about the proposals with Spanish and Khmer language translators.⁵⁵ Forums were finally set up, late in the process, months if not years after similar information was known in majority white neighborhoods. Many members of minority communities in Lowell want to keep the high school in the downtown area because it is within

⁵⁴ School & District Profiles: Lowell High 2015-2016 Student Discipline Data Report All Offenses, Mass. Dep't of Elementary & Secondary Educ. (last visited May 17, 2017), <http://profiles.doe.mass.edu/ssdr/default.aspx?orgcode=01600505&orgtypecode=6&leftNavId=12565&TYPE=SCHOOL&fycode=2016>.

⁵⁵ See Todd Feathers, *Translators to be Included in Upcoming Forums on Lowell High*, Lowell Sun (Mar. 8, 2017), http://www.lowellsun.com/news/ci_30843113.

walking distance for students from those communities, and close to youth service providers like UTEC (a nationally-recognized anti-gang program), Girls, Inc., and the Boys & Girls Club.⁵⁶

115. Other issues important to the Asian-American and Hispanic/Latino communities are overlooked or dismissed by the Lowell City Council and Lowell School Committee. For example, in February 2017, the Lowell City Council rejected a citizen petition to have the City of Lowell adopt a “Trust Ordinance,” that would have instructed Lowell police not to cooperate with federal civil immigration detainer requests based solely on an individual’s immigration status. With little debate and little recognition of the importance of the issue to the city’s immigrant and minority communities, the Lowell City Council took no action on the Trust Ordinance petition after the city manager recommended against adopting the ordinance, and three councilors spoke against it.⁵⁷ Similar ordinances have been found to be a constitutional exercise of local governmental authority,⁵⁸ and have been passed in a number of other Massachusetts cities and towns including but not limited to Boston, Somerville, Cambridge, Lawrence, and Chelsea.⁵⁹

116. As alluded to above, on information and belief, translation services are not provided as standard services at many city meetings—including Lowell City Council and Lowell School Committee meetings—thus depriving English-as-a-second-language residents from fully

⁵⁶ See Todd Feathers, *Lowell City Council OKs Lowell High Proposals*, Lowell Sun (Mar. 1, 2017), http://www.lowellsun.com/news/ci_30827741.

⁵⁷ See Todd Feathers, *Lowell Steers Clear of ‘Sanctuary’ Label*, Lowell Sun (Feb. 18, 2017), http://www.lowellsun.com/news/ci_30804599; Evan Allen, *Lowell Passes on Sanctuary City Status*, Boston Globe (Feb. 18, 2017), <https://www.bostonglobe.com/metro/2017/02/18/lowell-passes-sanctuary-city-status/LGqAp80lAzo8StAriWn8BJ/story.html>; Katie Lannan, *Chelsea, Lawrence Sue Trump Over Immigration*, State House News Service, Lowell Sun (Feb. 10, 2017), http://www.lowellsun.com/news/ci_30786638; Todd Feathers, *Lowell City Manager to Investigate Sanctuary Status Bid*, Lowell Sun (Feb. 8, 2017), http://www.lowellsun.com/todayshadlines/ci_30781699.

⁵⁸ See, e.g., *Cty. of Santa Clara v. Trump*, No. 3:17-cv-00574, ECF No. 82, at *27-*28 (N.D. Cal. Apr. 25, 2017).

⁵⁹ See Milton J. Valencia, *Chelsea, Lawrence Challenge Trump on Sanctuary Cities*, Boston Globe (Feb. 8, 2017), <https://www.bostonglobe.com/metro/2017/02/08/chelsea-lawrence-sue-trump-over-sanctuary-city-penalties/tXbFN0dM6Wy88gHEjwxdYO/story.html>. See also note 57 and accompanying text.

participating in the political process. This failure to provide translation services at city meetings and in city services has been a recurrent issue in the city since the 1980s.⁶⁰

117. In another example, minority communities have struggled to get the City of Lowell to provide equal access to funding and amenities for city parks in predominantly minority communities, and, on information and belief, such parks have historically received less funding and fewer amenities than parks in other neighborhoods. For example, community activists had to advocate for several years to get functioning lights at Roberto Clemente Park in a predominantly Cambodian neighborhood in Lower Highlands, even though many other parks in the city had working lights at the time. The Mayor at the time acknowledged that the park, and the neighborhood as a whole, had not received improvements that were needed.⁶¹ On information and belief, Asian-American and Hispanic/Latino residents of Lowell continue to have less access to park and other open spaces compared to white residents.

118. On information and belief, the Lowell Public Schools also provide insufficient language and school liaison support for non- or limited-English speaking parents, including those in the Asian-American and Hispanic/Latino communities.

119. Other actions by the Lowell Public Schools and Lowell School Committee reflect a similar unresponsiveness to the needs of minority communities. For example, in 2015, a group of students at Lowell High School exchanged a racist series of text messages that included slurs and the mention of lynching after an African-American student was elected student body president. Six students who were involved in the texting were suspended. However, one of those students—the son of a white Lowell School Committee member—was suspended a day

⁶⁰ See, e.g., N.Y. Times, *School Plan*, *supra* note 45.

⁶¹ See Jennifer Myers, *Motion Seeks Lights at City Park*, Lowell Sun (Mar. 29, 2010), http://www.lowellsun.com/local/ci_14777854; Dennis Shaughnessey, *City Plans Clemente Park Improvements*, Lowell Sun (July 16, 2010), http://www.lowellsun.com/local/ci_15530897.

after the others, allowing him to compete in a school sporting event. In their handling of the incident, Lowell High School staff failed to promptly notify the Lowell Police about the texts, and failed to promptly notify the student body president's family about the threat of lynching. An independent task force reviewed the incident and made recommendations for changes to the Lowell Public School system. However, the Lowell School Committee refused to make significant portions of that report public, citing privacy and personnel issues. A student task force formed in the wake of the incident recommended major changes at Lowell High School, including mandatory cultural-sensitivity training for staff, and greater emphasis on recruiting a diverse workforce for the school.⁶²

120. On information and belief, similar disparities as described above exist with regard to provision of other city amenities, benefits and services.

⁶² See Amelia Pak-Harvey, *Report: Lowell High Staff Did Not Call Cops on Racial Texts*, Lowell Sun (Oct. 7, 2015), http://www.lowellsun.com/todayshadlines/ci_28933492; Amelia Pak-Harvey & Alana Melanson, *Lowell City, School Leaders Apologize in Racial Incident*, Lowell Sun (Oct. 3, 2015), http://www.lowellsun.com/sports/ci_28916251; Amelia Pak-Harvey, *Report Sheds Little Light on Lowell High Racial Incident*, Lowell Sun (Jan. 28, 2016), http://www.lowellsun.com/todayshadlines/ci_29443766; Amelia Pak-Harvey, *Lowell High Drops 'Master' from Leadership Titles*, Lowell Sun (June 17, 2016), http://www.lowellsun.com/news/ci_30026987; Tom Duggan, *Black Student Who Suffered Racial Slurs, Comments About Lynchings at Lowell High Says Administration Asked Him to "Move On,"* Valley Patriot (Oct. 11, 2015), <http://valleypatriot.com/black-student-who-suffered-racial-slurs-comments-about-lynchings-at-lowell-high-says-administration-asked-him-to-move-on/>.

COUNT I

Violation of Section 2 of the Voting Rights Act of 1965

121. Plaintiffs repeat and incorporate herein the allegations set forth in paragraphs 1 through 120 above, as if fully set forth herein.

122. As explained above, Defendants' actions and inactions in creating and maintaining the at-large plurality municipal election system in Lowell deny Asian-American and Hispanic/Latino voters an equal opportunity to elect representatives of their choice and discriminate against Asian-American and Hispanic/Latino voters by diluting the weight of their votes in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

123. Unless enjoined by order of this Court, Defendants will continue to act in violation of Section 2 of the Voting Rights Act by administering, implementing, and conducting future elections for the Lowell City Council and Lowell School Committee using an unlawful at-large electoral system.

COUNT II

Violation of the Equal Protection Clause of the Fourteenth Amendment

124. Plaintiffs repeat and incorporate herein the allegations set forth in paragraphs 1 through 123 above, as if fully set forth herein.

125. Defendants' actions and deliberate inactions in creating and maintaining the at-large plurality municipal election system in Lowell deny Asian-American and Hispanic/Latino voters an equal opportunity to elect representatives of their choice and intentionally discriminate against Asian-American and Hispanic/Latino voters by diluting the weight of their votes in violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, resulting in a deprivation of the rights of Plaintiffs and other Asian-American and Hispanic/Latino voters to participate in the electoral process on an equal basis with white voters.

COUNT III

Violation of Fifteenth Amendment

126. Plaintiffs repeat and incorporate herein the allegations set forth in paragraphs 1 through 125 above, as if fully set forth herein.

127. Lowell's at-large voting system utilizes a discriminatory winner-take-all voting method and, accordingly, unlawfully deprives and abridges the individual Plaintiffs' and other Asian-American and Hispanic/Latino voters' right to vote as guaranteed under the Fifteenth Amendment of the U.S. Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for relief from this Court as follows:

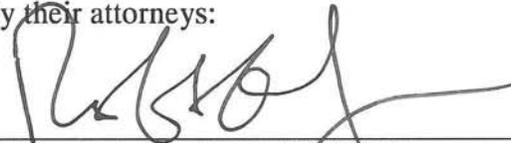
- a. Declare that the use of an at-large plurality system to elect the Lowell City Council violates Section 2 of the Voting Rights Act, the Fourteenth Amendment to the United States Constitution, and/or the Fifteenth Amendment to the United States Constitution;
- b. Declare that the use of an at-large plurality system to elect the Lowell School Committee violates Section 2 of the Voting Rights Act, the Fourteenth Amendment to the United States Constitution, and/or the Fifteenth Amendment to the United States Constitution;
- c. Order preliminary and permanent injunctive relief enjoining Defendants, their agents and successors in office, and all persons acting in concert with, or as an agent of, any Defendants in this action, from administering, implementing, or conducting any future elections in Lowell, Massachusetts under the at-large plurality method of election employed by the Lowell City Council and the Lowell School Committee;
- d. Order the implementation of a new method of election and districting plan for the Lowell City Council and Lowell School Committee that complies with Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, the Fourteenth Amendment to the United States Constitution, and/or the Fifteenth Amendment to the United States Constitution;
- e. Award Plaintiffs their reasonable attorneys' fees, pursuant to statute, and the costs and disbursements of maintaining this action, such as expert fees;
- f. Retain jurisdiction to render any and all further orders that this Court may deem appropriate; and
- g. Order such other relief that the Court deems just and reasonable.

Dated: May 18, 2017

Respectfully submitted,

CHANMONY HUOT, VLADIMIR SALDAÑA,
CHAMPA PANG, LIANNA KUSHI, THOEUN
KONG, DENISSE COLLAZO, SUE J. KIM,
SOADY OUCH, TOOCH VAN, CARMEN
BERMUDEZ, KEI KAWASHIMA-GINSBERG,
DANIEL K. UK, and FAHMINA ZAMAN,

By their attorneys:



Robert G. Jones (BBO # 630767)

Scott Taylor (BBO # 692689)

Matthew Mazzotta (BBO # 679230)

Daniel E. Fine (BBO # 691980)

Shane D. Anderson (Of Counsel)

ROPES & GRAY LLP

Prudential Tower

800 Boylston Street

Boston, MA 02199-3600

Telephone: (617) 951-7000

Fax: (617) 951-7050

Robert.Jones@ropesgray.com

Scott.Taylor@ropesgray.com

Matthew.Mazzotta@ropesgray.com

Daniel.Fine@ropesgray.com

Shane.Anderson@ropesgray.com

Oren M. Sellstrom (BBO # 569045)

Iván Espinoza-Madrigal (Of Counsel)

LAWYERS' COMMITTEE FOR CIVIL RIGHTS
AND ECONOMIC JUSTICE

61 Batterymarch Street, Fifth Floor

Boston, MA 02110

Telephone: (617) 988-0608

Fax: (617) 482-4392

osellstrom@lawyerscom.org

iespinoza@lawyerscom.org