

Exhibit 5

**DECLARATION OF
GUADALUPE GAMBOA**

I, Guadalupe Gamboa, declare and state as follows:

1. The information in this declaration is true and correct to the best of my knowledge and I am of majority age and competent to testify about the matters set forth herein.
2. I was born in Texas and my family worked as farmworkers.
3. Because white farmworkers left to fight in World War II, owners of large farms in the Yakima Valley, looking for cheap labor, recruited Latino families from Texas. In 1949 we moved from Texas and did seasonal work in Washington, Oregon, and California.
4. My family settled in Sunnyside, WA when I was in about the 6th grade.
5. I attended University of Washington Law School and was admitted to the Washington State bar on May 11, 1981.

DECLARATION - 1

**AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION**
P.O. Box 2728
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- 1 6. I was the Director of the Farmworker Division of Evergreen Legal Services, where I
2 litigated civil rights issues related to farm workers.
3
4 7. I was also a lecturer at the University of Washington's American Ethnic Studies
5 Department.
6
7 8. I currently serve as a Commissioner on the Washington State Human Rights
8 Commission. I was appointed to this position in 2016. As one of five Commissioners
9 we oversee all employment, housing, and public accommodation discrimination cases
10 filed with the WSHCR in this state.

11 Sunnyside

- 12 9. When I was growing up, Sunnyside was a very stratified society with white
13 landowners and white farm owners controlling local government and living entirely
14 separate lives from Latino farmworkers and laborers, who lived in labor camps
15 adjacent to fields, not in town. Workers would drive to town to get groceries and
16 come back to the camps.
17
18 10. Growing up in Sunnyside, whites did not interact socially with Latinos. I was not
19 invited to white people's homes and since my family lived in farmworker housing
20 and had no indoor bathroom, I did not invite white friends to my home. In high
21 school, Mexican American students interacted with each other, and white students did
22 the same. Even where a relationship existed, the social dynamic between whites and
23 Latinos resembled a master-servant dynamic.
24
25 11. There was no Spanish translation in the schools for students or parents who wished to
26 participate with their children's education. When I started school, I could not speak
27 English at all, and no accommodation was made for my learning. Consequently, I

1 flunked the first grade.

2 12. Due to a lack of basic human rights, I felt like we lived at the bottom of a caste
3 system.

4 Racial disparity in employment, housing, and labor conditions

5
6 13. Labor conditions for farmworkers were dire when I grew up. Children worked in the
7 fields, often under dangerous conditions. There was no childcare available, so parents
8 brought their children out to the fields when they worked. In one instance, a child was
9 run over by asparagus cart and blinded in one eye. Workers did not get breaks, water,
10 or a place to use the bathroom. Farm owners were resistant to making
11 accommodations for even basic needs, including the installation of a bathroom for
12 farm laborers. Policy makers from the local, county and state level were all white and
13 they fought back against efforts to get protections for farmworkers
14

15 14. In the 1930's, when New Deal Legislation improved labor protection for industrial
16 workers and wage and hour, health and safety, and child labor protections were added
17 to federal law, farmworkers and domestic service workers were exempted. As a
18 result, there was no minimum wage, no unemployment benefits, no insurance, and no
19 regulations for child labor in agricultural work. This significantly impacted the Black
20 population in the South and the Latino population on the West Coast.
21

22 15. As a result, wages were low, and many children dropped out of school to work
23 because their parents' wages were insufficient to support their family. My five older
24 sisters were taken out of school in 4th and 5th grade to work in the fields to help
25 support the family. Despite a growing Latino population, only 20 Latinos graduated
26 in my high school class in 1964 because so many had to drop out of school to work.
27

- 1 16. Even if they did not drop out fully, Latino children who worked in the fields were
2 pulled out of school early so they could harvest the crops. School also started late
3 during harvest season to ensure that children and teens could pick the crops. Latino
4 farmworker students missed out academically.
5
- 6 17. After graduating from Sunnyside High School, I attended Yakima Valley Community
7 College in 1964 and got involved with the newly formed United Farmworkers Union
8 (UFW). I then attended University of Washington where I was one of only five
9 Latino students.
10
- 11 18. I helped found the University of Washington chapter of Movimiento Estudiantil
12 Chicano de Aztlan (MEChA) and led a campaign to support the UFW in their Grape
13 Boycott.
14
- 15 19. I assisted in the founding of the UFW Coop in Toppenish to make sure families had
16 food when there was no work. I also helped coordinate 1970 hop strikes in the
17 Yakima Valley.
18
- 19 20. When I began organizing for humane labor conditions in the labor camps, I was met
20 with hostility and threats from local white farm owners. Some farm owners hired
21 armed guards who displayed guns and bats to intimidate farmworkers and activists.
22
- 23 21. We heard threats such as, "Go back to Mexico" and "If you don't get out of here,
24 there will be some dead beaners." I was also arrested for entering a labor camp in
25 Walla Walla, Washington in 1971. This arrest was challenged and in *State v. Fox* the
26 State Supreme Court vacated the conviction and held that workers had the right to
27 receive visitors, including labor organizers and lawyers in their labor camp homes.
22. Employers have brought in anti-union consultants to avoid organizing among

1 farmworkers.

2 23. Growers had total control over laborers in their camps and would not allow them to
3 receive information about their labor rights.

4 24. I attended law school to focus on labor rights and the cases I worked on established
5 the first state labor laws to protect farmworkers.

6 25. I was successful in part. *Garza v. Patnode* enjoined growers from intimidating their
7 workers by displaying shotguns and threatening violence against workers who were
8 organizing. *State v Fox* established that workers had a right to receive visitors and
9 information within their camps.

10 26. Nowadays, many farmworkers are non-citizens who arrive through H-1A visas. If
11 they organize or advocate for their rights, their employer will retaliate. They are
12 frequently dependent on their employer for maintaining their visa, so employers have
13 immense power to retaliate if farmworkers advocate for themselves.

14 27. As I reflect on the past 40 years, there has been progress in labor conditions, but
15 racial discrimination still exists, and workers are still left without basic protections. In
16 August of 2022, the Attorney General of Washington filed a lawsuit in Yakima
17 County Superior Court against Sunnyside's Ostrom Mushroom Farm due to
18 discrimination of its workers based on sex and immigration status. In April 2023,
19 Ostrom Mushroom Farm settled the case for \$3.4 million. Attachment 1 is a fair and
20 accurate copy of a newspaper article about the lawsuit.

21 Racial disparity in healthcare for Latinos in Sunnyside

22 28. The most egregious example of the denial of human rights protections was during the
23 pandemic. Yakima county had the highest rates of infection and death on the West
24

1 Coast because growers failed to provide safe working conditions, such as masks and
2 social distancing; failed to provide testing; and failed to provide treatment to those
3 that were sick. Despite the pandemic, workers still worked and slept shoulder to
4 shoulder. Exhibit 2 is a fair and accurate copy of a report outlining these issues.

5
6 29. I testified at the state level about farmworkers dying due to unsafe conditions. There
7 was little oversight at the local level. Local majority white health boards were
8 influenced by white growers who did want to slow down production. Attachment 3 is
9 a fair and accurate copy of a newspaper editorial about my statewide advocacy to
10 protect farmworkers during the COVID pandemic.

11 30. Growers and farm owners resisted any regulations and safety precautions during the
12 pandemic and viewed safety as an inconvenience that negatively affected their profit
13 margins.

14
15 31. Latinos also faced barriers to getting vaccinated with local government failing to do
16 outreach to high density Latino areas in Sunnyside and the Yakima Valley.
17 Statewide, as vaccines became available, only 7% of Latinos were vaccinated
18 compared to 67% of whites. Exhibit 4 is a fair and accurate copy of a report outlining
19 these issues.

20
21 Lack of representation in local government and barriers to voting

22 32. During the 1950s and 1960s, most Latinos families were farmworkers and trying to
23 survive and put food on the table. There were no Latinos running for local
24 government. By the 1970s, as the population became more established, Latinos began
25 to politically organize and run for local office. During this time, a Latino from
26 Sunnyside, Sam Martinez, supported by the Mexican American Federation in
27

1 Yakima, pushed for voter registration among Latinos.

2 33. Historically, Spanish-speaking citizens were denied their right to vote due to arbitrary
3 literacy tests that were administered on the spot when Latinos came to register at the
4 election's office. This persisted even after the Federal Voting Rights Act until the
5 U.S. Supreme Court ordered them to stop using literacy test based on the litigation in
6 *MAF v. Naff*.
7

8 34. Today, I believe low voter turn-out is because Latinos don't see themselves reflected
9 in local government. Without representation, there is disillusionment as people
10 believe that change is not possible, so don't vote.

11 35. Having been raised in Sunnyside and having worked in the lower Yakima Valley for
12 decades, I have witnessed the white power structure resist and undermine Latino
13 representation. They do not make it easy for Latinos to vote or to have their ballots
14 counted. There is no voter education in Sunnyside and some Latino citizens simply
15 don't know how to vote.
16

17 36. In 2017, I contacted the Washington Secretary of State several times to oversee
18 Yakima County's Canvassing Review Board meetings because Latino voters were
19 having their ballots rejected at a very high rate compared to white voters. This
20 resulted in a lawsuit against Yakima County that settled in December 2023.
21 Attachment 5 is a fair and accurate copy of a newspaper article about the lawsuit.
22

23 Executed this 8th day of April 2024.

24 I declare under penalty of perjury under the laws of the United States and the State of
25 Washington that the foregoing is true and correct.

26 By: s/Guadalupe Gamboa
27

DECLARATION - 7

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Guadalupe Gamboa

DECLARATION - 8

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Exhibit 1 to Guadalupe Gamboa Declaration

Sunnyside mushroom farm will pay \$3.4 million for violating the civil rights of its workers

FOR IMMEDIATE RELEASE:
May 17 2023

Ostrom Mushroom Farm discriminated against female workers, Washington residents by intentionally replacing them with male guest workers from Mexico

SEATTLE — Attorney General Bob Ferguson today announced a Sunnyside mushroom farm will pay \$3.4 million (<https://agportal-s3bucket.s3.amazonaws.com/ConsentDecree-Ostrom.pdf>) to resolve a lawsuit asserting unfair, deceptive and discriminatory actions against female farmworkers and Washington-based workers.

Ferguson will use all of the money to pay farmworkers affected by Ostrom's illegal conduct. The Attorney General's Office estimates more than 170 farmworkers are eligible for compensation.

If you worked at Ostrom and believe you should be part of this claims process, please contact the Civil Rights Division by emailing ostrom@atg.wa.gov (<mailto:ostrom@atg.wa.gov>) or by calling 1-833-660-4877, and selecting Option 5.

Ferguson filed the lawsuit in Yakima County Superior Court (<https://www.atg.wa.gov/news/news-releases/ag-ferguson-files-civil-rights-lawsuit-against-mushroom-producer-ostrom>) in August 2022, after an investigation by his office revealed that Ostrom had been discriminating against its workers for over a year based on their sex and immigration status. Ostrom fired its largely female and Washington-based workforce and replaced them with male foreign guest workers hired through the H-2A Temporary Agricultural Program, in violation of the Washington Law Against Discrimination.

Ostrom invented pretextual reasons to discipline, terminate and refuse employment to these workers. Ostrom also placed job advertisements that misrepresented work requirements and wages, in violation of the Washington Consumer Protection Act. When workers complained about the unlawful treatment, Ostrom retaliated against the employees who spoke up.

"Ostrom's systematic discrimination was calculated to force out female and Washington-based employees," Ferguson said. "I want to thank the workers who spoke out against this discrimination in the face of so much danger and stood up for their rights. My team fought for them and today we secured an important victory."

While the lawsuit was still pending, Ostrom sold its mushroom facility to Windmill Farms, which is now operating the farm. The court order requires Windmill Farms (<https://agportal-s3bucket.s3.amazonaws.com/AssuranceOfDiscontinuance-Asellus.pdf>) to take measures designed to protect employees from any future misconduct, including prohibiting the company from:

- Misrepresenting to current and prospective employees the terms and conditions of employment;
- Applying more stringent requirements to domestic employees than to workers hired through the H-2A system;
- Failing to hire, discriminating against or terminating employees on the basis of sex, citizenship, immigration status or other protected categories under the Washington Law Against Discrimination; and
- Retaliating against employees who make claims about discrimination.

Though Ostrom ceased operating, the court order will require Ostrom to adopt the same policies if it resumes operations in Washington state during the next three years.

Abuse of the H-2A visa system

In mid-2021, Ostrom hired new management to improve its production. This new management believed Ostrom needed to replace its largely female workforce because its female workers had childcare obligations and could not work late hours or weekends. Ostrom's management decided to replace its domestic workforce with workers from the H-2A guest worker program.

The H-2A Temporary Agricultural Program allows employers to hire seasonal agricultural workers who come to the U.S. alone and leave their families behind. H-2A workers are brought from other countries to work for a specific employer — meaning if they leave that employer, they must also leave the country. For Ostrom, this meant that the Mexican guest workers they recruited and hired would work whatever hours Ostrom told them to work.

The H-2A program is intended only for employers who face a shortage of domestic laborers. Employers cannot apply for this program unless they can show that there is a shortage of workers located in their region who are willing, qualified and able to work. In order to demonstrate this "shortage" of domestic workers, Ostrom fired its domestic workforce and refused to hire Washington residents who wanted to work for Ostrom in the Yakima area. (<https://agportal-s3bucket.s3.amazonaws.com/FB%20Snip.JPG>)

Ostrom discriminated against its female and U.S.-based workers

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Before April 2021, the Sunnyside facility employed an average of 117 workers from the local community and 87% of its workforce was female. By April 2022, Ostrom had hired 65 H-2A guest workers — 63 of them were male — to replace its majority-female, Washington-based workforce. Once Ostrom began hiring H-2A guest workers, it employed approximately 50 Washington workers, which reduced the average number of female workers by over 60%.

At the same time that it was firing its female workforce, a lead picker who worked at Ostrom posted to a Facebook group for Yakima-based farmworkers seeking “only males” to apply for Ostrom mushroom picking jobs. Managers also increased production demands on workers, pushing many female and Washington-based workers to find different jobs because they feared being disciplined or fired.

During its investigation, the Attorney General’s Office found trends showing that Ostrom fired and disciplined its Yakima-area female workers for failing to meet production requirements at higher rates than its male workers. This happened despite the fact that, on average, female workers picked more mushrooms than their male co-workers.

Ostrom retaliated against workers who spoke out

Beginning in June 2022 Ostrom workers began voicing concerns to company leaders regarding unfair and discriminatory workplace conditions at the Sunnyside facility.

Instead of addressing these concerns, Ostrom’s managers retaliated against the workers who spoke out. Retaliating against employees for speaking up against discrimination violates the Washington Law Against Discrimination.

One harvesting room manager physically assaulted a female worker with a metal cart immediately after she met with Ostrom’s management and expressed her concerns about workplace conditions.

The retaliation also included unfounded discipline and warnings targeting the workers leading the efforts to oppose Ostrom’s discriminatory practices.

Assistant Attorneys General Alfredo González Benítez, Teri Healy and Emily C. Nelson, Investigator Supervisor Alma Poletti, and Legal Assistant Anna Alfonso of the Wing Luke Civil Rights Division led the case for the Attorney General’s Office. Organizers with the United Farm Workers of America, along with legal advocacy nonprofits Columbia Legal Services and the Northwest Justice Project, alerted Ferguson’s Civil Rights Division to the case.

Ferguson created the Wing Luke Civil Rights Division (<https://www.atg.wa.gov/wing-luke-civil-rights-division>) in 2015 to protect the rights of all Washingtonians by enforcing state and federal anti-discrimination laws. Ferguson named the division for Wing Luke, who served as an Assistant Attorney General for the State of Washington in the late 1950s and early 1960s. He went on to become the first person of color elected to the Seattle City Council and the first Asian-American elected to public office in the Pacific Northwest.

Para leer esta noticia en español, haga clic aquí (<https://www.atg.wa.gov/news/news-releases/una-granja-de-hongos-de-sunnyside-pagar-34-millones-por-violar-los-derechos>).



Ostrom Press Conference



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to learn more.

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Exhibit 2 to Guadalupe Gamboa Declaration



COVID-19 in Rural America: Impact on Farms & Agricultural Workers

Note: NCFH typically relies on peer-reviewed research and government reports for its fact sheet series, but due to the urgent and constantly evolving nature of the pandemic, we have utilized reputable media sources as well. This fact sheet will be updated on a frequent basis.

Last updated: April 22, 2021

Impact of COVID-19 in Rural America

- As of April 22, 2021, 99% of rural counties in America had reported positive COVID-19 cases and 97% had reported one or more deaths. More than 4.4 million rural residents have tested positive for COVID-19 and 88,538 deaths among rural Americans have been attributed to the disease.¹
- The current prevalent case rate in rural counties is 959.9 cases per 10,000 residents and the current death rate is 19.2 per 10,000 residents.¹ The prevalent case rate is now higher in rural counties than urban counties.
- Epidemiologists generally consider rural Americans more vulnerable to the pandemic than urban Americans. Higher proportions of elderly persons, higher smoking usage, higher prevalence of certain chronic diseases, and lower proportions of persons covered by health insurance contribute to this vulnerability.^{3,4}
- Emerging research is beginning to demonstrate stark disparities in the rate of COVID-19 cases and COVID-19-related deaths among people of color in the U.S., a pattern that has emerged in both urban and rural areas.^{5,6} A major factor in this disparity is likely due to the fact that a high proportion of essential workers are people of color and thus have greater risk of exposure.⁷
- A lack of physicians and in-patient hospital beds is another major concern for rural areas that will experience a relatively high number of COVID-19 cases. Nearly half of rural hospitals operate in a financial deficit, and many hospitals have had to lay-off or temporarily furlough staff or completely close their doors due to the financial impact of the pandemic.^{1,8}
- Cases and deaths from COVID-19 have generally been higher in metropolitan areas of the U.S., but non-metropolitan areas of the U.S. have seen rapidly increasing numbers of cases and deaths, beginning in late April.⁹ As of April 2021, current hot spots (defined as highest number of cases in past week per capita) include Meager County, Montana; Terrell County, Texas; Ferry County Washington; Grant County, Oregon; and Coos County, New Hampshire, all counties without a major metropolitan area.¹⁰

Vaccines for Agricultural Workers

- The CDC recommended that food and agricultural workers as essential workers be part of 1b vaccination efforts. However, each state was responsible for their own vaccine prioritization plan.¹¹ Find more information about how the U.S. has prioritized farmworkers for the COVID-19 vaccine here: http://www.ncfh.org/uploads/3/8/6/8/38685499/farmworker_vaccine_fact_sheet_3.5.21.pdf
- Agricultural workers face many barriers when seeking vaccination. Many do not have the transportation necessary to reach vaccination sites in cities or cannot get the time off from work. Some may not have access to the internet to sign up for a vaccine appointment. Additionally, language barriers and worries about immigration status create additional barriers to vaccination.¹²
- Only California, Washington, and Oregon (3 out of the 5 states with the most farmworkers) have prioritized farmworkers ahead of the general population when it comes to vaccinations.¹³

COVID-Related Policies & Initiatives for Agricultural Workers

- The American Rescue Plan Act of 2021 devotes \$3.6 billion, approximately 35% of total agricultural expenditures, for the U.S. Department of Agriculture to purchase and distribute food, and to make grants and loans for food processors and distributors and other entities to strengthen the agricultural and food supply chain. An additional \$500 million of the funds are allotted for rural health care efforts including increasing vaccine distribution capacity, improving access to medical supplies, increasing telehealth capabilities, supporting COVID-19 related staffing needs, and providing nutrition assistance to vulnerable communities.^{14,15}
- Of the five states with the most farmworkers, only California and Oregon have established policies as of April 2021 in regards to vaccination clinics on worksites or in housing communities of farmworkers.¹³
- Several state and county governments have implemented regulations, provided free testing, and started funding programs to support and protect agricultural workers during the pandemic.¹⁶⁻¹⁸ As of December 2020, only eleven states have issued some form of mandatory regulations for protecting agricultural workers from exposure to COVID-19 (California, Colorado, Michigan, New York, New Mexico, Oregon, Pennsylvania, Virginia, Vermont, Washington, Wisconsin).^{19,20}

- The Florida Department of Agriculture and Consumer Services has a bilingual vaccine education campaign to encourage agricultural workers in Florida to get their COVID-19 vaccine.²¹
- In November 2020, the Oregon Occupational Safety and Health Administration passed a temporary rule that will require employers to provide personal protective equipment (PPE), notify workers if a workplace exposure has occurred, provide training to workers, among other measures. Oregon is the third state to enact such measures, following Virginia and Michigan.²⁰
- Several states and counties have begun funding emergency quarantine housing for agricultural workers suffering from COVID-19. Other state and counties have added funds to pay for lost wages or assistance with bills for agricultural workers affected by COVID.²²⁻²⁴ California became the first state to approve an agricultural worker relief package, which will ensure paid sick leave, stricter enforcement of guidelines, and prioritize agricultural workers for COVID testing and PPE.²⁵
- A number of diverse coalitions to protect the health of farmworkers across the country have emerged. A coalition of growers, researchers, and advocates has coalesced in Monterey County, California, to create health and safety guidelines, obtain PPE for farmworkers, and increase access to testing and quarantine facilities.²⁶ Some state governments, such as Maine and New York, have been proactively working with community health centers and local health care providers to provide testing for farmworkers and health and safety guidelines for the agricultural industry.^{27,28}
- In Oregon and California, grape growers' and wine makers' associations have come together with health care partners and farmworker-serving organizations to provide mobile testing services, PPE, and trainings to agricultural workers in grape-growing regions.²⁹
- Even though America's agricultural workers have been classified as "critical infrastructure" workers (also known as essential workers), many still lack essential protections and benefits:
 - The U.S. Occupational Safety and Health Administration (OSHA) has not provided clear guidance on employers' responsibility to provide PPE to employees to protect them from exposure to COVID-19.³⁰ Even if clear guidance or a COVID-related standard was available, OSHA cannot conduct inspections or enforce health and safety standards on farms with 10 or fewer employees.³¹ OSHA recently revised their guidance, and now requires employers to record COVID-19 illnesses that cause the employee to seek medical care or miss one or more days of work and that may have been contracted at work.³²
 - An estimated 49% of horticulture workers lack work authorization to work in the U.S.³³ This means that at least half of all horticulture workers are not able to

access unemployment benefits if they are laid off or furloughed.³⁴ Undocumented workers were also not eligible to receive the federal stimulus money sent to families through the CARES Act.³⁵ U.S. citizen spouses married to a spouse without a Social Security number are also ineligible, which may impact many agricultural worker households with mixed immigration status.

COVID-19 on American Farms & among Agricultural Workers

- At the onset of the pandemic in April 2020, researchers from the University of Missouri estimated that U.S. farmers and ranchers would lose approximately \$20 billion in revenue during 2020 due to the pandemic.³⁶
- Because of COVID outbreaks in over 700 meatpacking and food processing plants, U.S. beef and pork production declined by 40% in the summer of 2020.³⁷ Produce processing plants have reported declines in production as well, and the U.S. apple industry has lost \$174 million during the pandemic.³⁸
- Farm bankruptcies in the U.S. were up by 23% from March 2019 to March 2020, the third-highest level in the past two decades.³⁹ Total farm bankruptcies in 2020 were down 7% from 2019; however still high compared to the past decade.⁴⁰ The Wisconsin Bankers Association is seeing fewer bankruptcies in 2021 than in 2020, which may be due to factors like increase of farm income and government assistance. This is significant because Wisconsin was the leading state with 48 farm bankruptcies in 2020.⁴¹ Seventy-four percent of the \$10.4 billion funding from the Agricultural Provisions of American Rescue Act is going to pandemic response and debt forgiveness and the USDA temporarily suspended debt collections, foreclosures and other activities for certain farm borrowers.^{14,40}
- Mass layoffs of agricultural workers have been reported in various locations in order to meet social distancing guidelines, low product demand, and due to positive cases among a cohort of workers.^{42,43} Many workers fear testing for COVID-19 since a positive test may mean a permanent job loss.
- Systemic barriers to testing, prevention measures, and medical care exist. OSHA has only provided guidance, rather than requirements for agricultural employers, some employers have refused to offer testing or threatened retaliation if workers do seek testing, and public health officials have often been resistant or reluctant to control or respond to COVID-19 outbreaks among agricultural workers.¹⁹ Research has also found that workers employed by farm labor contractors may be less likely to receive PPE from their employer.⁴⁴
- Research conducted with over 1,000 farmworkers in central California found current COVID-19 infection in 13% of the sample according to lab testing done from July – November 2020. Twenty percent of the 1,091 workers had antibodies for COVID-19.⁴⁵

- Research by the CDC found that Hispanic or Latino workers employed in food production or agriculture had a substantially higher prevalence of COVID-19 compared to non-Hispanic workers in those industries. Among the 31 states that reported data, only 37% of workers in those industries were Hispanic or Latino but they represented 73% of laboratory-confirmed COVID-19 cases in the food processing and agriculture industries.⁴⁶
- Overcrowded and substandard housing conditions are a major concern for the potential of COVID-19 to spread through agricultural worker communities.^{47,48} A single building may house several dozen workers or more, who often sleep in dormitory-style quarters, making quarantining or social distancing efforts difficult if not impossible. Limited access to restrooms and sinks, at home and in the field, may complicate hygiene prevention efforts.⁴⁹
- Extremely low annual incomes and a widespread lack of access to health insurance may limit health care-seeking behaviors among agricultural workers, even if they are experiencing symptoms of an illness.^{33,50}
- **Outbreaks on farms:** Purdue University estimates that more than 565,000 agricultural workers have tested positive for COVID-19 nationwide, but this figure likely underestimates the number greatly since it excludes contracted and temporary labor.⁵¹ No comprehensive national or industry-wide testing or reporting of positive COVID cases among agricultural workers is being systematically conducted, but some case clusters among agricultural workers are being reported in the media. NCFH has compiled some of these outbreaks below, however this is not an inclusive list.
 - **ARIZONA:** Although the exact number of cases among farm workers in Yuma County, Arizona is not reported, 143 positive COVID-19 cases in the county have occurred in or near farm labor camps.⁵² Five female prison inmates employed on Hickman's Family egg farm tested positive in June 2020.⁵³
 - **CALIFORNIA:** As of September 2020, the largest outbreak on a single farm in California is on a poultry farm (Foster Farms) in Merced County, where at least 392 employees tested positive, and at least 8 workers died.⁵⁴ Another large outbreak occurred on the Villa Las Brisas berry farm in Ventura County, where 201 H-2A workers tested positive.⁵⁵ Ventura County also saw an outbreak among 28 H-2A workers who were employed in avocado and citrus orchards, and over 35 employees of Calavo Growers in Ventura County tested positive in early May 2020.^{56,57} In late July 2020, another outbreak among H-2A workers in Santa Barbara county occurred, with 91 workers testing positive, one of whom died.⁵⁸ Twelve additional H-2A workers employed by Rancho Nuevo Harvesting in Santa Barbara county also tested positive.⁵⁷ As of October 2020, a total of 1,180 agricultural workers in Santa Barbara County tested positive.⁵⁹ A reported 247 agricultural workers in Monterey County, California tested positive for the virus.⁶⁰ Other outbreaks among farmworkers are being reported in California among fruit

and vegetable packing house workers.⁶¹ One hundred and fifty employees of a pistachio farm in Wasco, California and 65 of their family members tested positive, triggering a strike from other employees who learned of the outbreak through local news.^{62–64} The rural Lake County also had an outbreak where 25 farmworkers tested positive in June 2020.⁶⁵ At least 60 agricultural workers residing in Solano County and working in Sonoma and Napa vineyards have tested positive.⁶⁶ Sonoma County has reported 12 outbreaks on farms in the county, resulting in 347 cases among agricultural workers.⁶⁷ In San Joaquin County, 102 workers tested positive for the virus.⁶⁸ Guillermo Gomez, a 39-year-old farmworker from Orange Cove, died from COVID-19 after a six week battle with the disease.⁶⁹

- **COLORADO:** At least 11 employees of a mushroom farm in Alamosa County tested positive for coronavirus.⁷⁰ A potato farm and processing facility in Rio Grande County had 13 employees test positive in late May 2020, and another potato farm in the same county had 25 positive employees.⁷¹ A greenhouse operation in Weld County had 14 staff test positive in early May 2020.⁷¹
- **FLORIDA:** During a reported outbreak in North Central Florida in June 2020, 91 out of 100 tested H-2A farmworkers tested positive for COVID-19. The workers were housed with six to ten people per motel room and most returned to harvesting watermelons the morning after testing.⁷² As of mid-June 2020, Florida is experiencing large outbreaks among farmworkers, although media reporting has been limited. In the farm labor community of Immokalee, more than 1,000 positive cases have been documented in recent weeks and the area has one of the highest infection rates in the state.⁷³ A 17-year-old female migrant farmworker from Immokalee, Florida nearly died from COVID-19 while working in Georgia.⁷⁴ A reported COVID-19 death of an Immokalee farmworker was reported in May 2020, but the employer has denied any cases on his farm and has called the pandemic a “hoax”.⁷⁵ In mid-July 2020, over 20 employees of Costa Farms in the Miami-Dade area reportedly tested positive.⁷⁶
- **GEORGIA:** An outbreak among agricultural workers has been reported in Echols County, where 58 of 73 tested persons were found positive for COVID-19.⁷⁷ Echols County now has the highest case rate in Georgia, with over 4,000 cases per 100,000 residents. Lanier County saw a tripling of case numbers in a single day after 59 farmworkers tested positive in mid-June 2020.⁷⁸ On June 23rd, 2020, the first death of a migratory farmworker from Georgia was reported in the media.⁷⁹
- **ILLINOIS:** In early July 2020, 100 COVID-19 cases had been reported among agricultural workers employed in northern Illinois on different farms.⁸⁰
- **MAINE:** Small outbreaks of 3-10 workers have started occurring in late July and early August 2020 on blueberry farms.⁸¹ In December 2020, 13 workers tested positive on Flood Brothers Farm, a dairy farm in Clinton.⁸²
- **MICHIGAN:** A multi-county outbreak occurred in late April 2020 due to a COVID-19 cluster on a poultry farm in Ionia County. At least fifteen farm employees tested positive, and health department officials traced a total of 84 cases in five different counties to the original poultry farm cases.^{83,84} Oceana County reported

an outbreak among 216 farmworkers and the workers' contacts.⁸⁵ A single farm in Branch County had 57 workers, primarily working with H-2A visas, tested positive in late June 2020.⁸⁶ Several case clusters have been reported on farms in Missaukee County in late July 2020, but the number of cases has not been released.⁸⁷

- **MISSOURI:** Thirteen out of 60 workers tested positive for the virus on a hog farm in Audrain County, Missouri.⁸⁸
- **NEW JERSEY:** Fifty-nine agricultural workers in Upper Pittsgrove Township, New Jersey tested positive for coronavirus, over half of the town's seasonal agricultural labor force.⁸⁹ More than 50 farm workers on a specialty crop farm in Gloucester County, New Jersey tested for coronavirus as of late May 2020.⁹⁰ A total of over 400 farm workers have tested positive in the state of New Jersey, and at least 2 workers have died from the disease.⁹¹
- **NEW YORK:** A large outbreak of COVID-19 occurred in Madison County, New York, where 169 workers from a single farm tested positive for coronavirus. Public health officials raised concerns about a lack of isolation procedures during transportation to and from the farm and in the workers' sleeping quarters.⁹² OSHA is conducting an investigation at the farm.⁹³
- **NORTH CAROLINA:** In early July 2020, the total number of positive cases of agricultural workers residing in camps in the state was 177.⁹⁴ Bottomley Evergreens & Farms in Alleghany County has now reported the largest outbreak on a farm in the state, with 112 positive cases as of August 18th, 2020.⁹⁵ Other large outbreaks have occurred in the state in August 2020, with 46 positive cases in Macon County, 31 cases in Greene County, and 27 cases in Wilson County, all occurring on farms with shared worker housing.⁹⁵
- **OHIO:** A cluster outbreak with an unknown number of workers have been reported on two farms in Canton and Holmes counties.⁹⁶ In Champaign County, 50 workers on a single farm tested positive in July and August 2020.⁹⁷
- **OREGON:** Three separate outbreaks have occurred at Townsend Farms in 2020, with one outbreak occurring in April with 51 workers who tested positive, and a second outbreak occurring in May with 56 workers who tested positive, and a third outbreak in June, affecting 22 workers.⁹⁸ According to the Oregon Health Authority, an additional 263 agricultural workers and their close contacts tested positive for COVID due to workplace outbreaks with five or more cases since the start of the pandemic.⁹⁹ Klamath County authorities reported a new outbreak of 59 positive agricultural workers in October 2020.¹⁰⁰
- **TENNESSEE:** Nearly 200 farm employees on a single farm in Rhea County, Tennessee tested positive for COVID-19 in late May 2020. 100% of the employees on the farm tested positive.¹⁰¹ Thirty-eight out of 119 employees tested positive in late May 2020 on a single strawberry farm in Unicoi County, and in early June 2020 a second farm in the county reported that 10 of their workers had tested positive.^{102,103} On a mushroom farm in Loudon County, 74 employees tested positive out of the nearly 300 tested so far.¹⁰⁴

- **TEXAS:** According to the Centro de Trabajadores Agricolas Fronterizos, four farmworkers tested positive for COVID-19 in late May 2020, and one of them died from the disease.¹⁰⁵ An H-2A guestworker named Marco Antonio Galvan Gomez died from COVID-19 a few weeks after arriving in Texas to work on Blaine Larsen farm, where reportedly at least 35 other workers became ill and two additional COVID deaths occurred.¹⁰⁶ Personal communication with the Texas Department of State Health Services found approximately 35 other positive COVID cases on other farms in Dallam and Hartley counties.
- **VERMONT:** Twenty-six H-2A agricultural workers employed at Champlain Orchards tested positive for COVID-19 in October 2020.¹⁰⁷
- **WASHINGTON:** Over 70 farm and fruit-packing workers in Yakima County, Washington have tested positive for COVID-19.¹⁰⁸ In Okanogan County, 120 employees on a single farm tested positive, with another 156 workers awaiting test results in July 2020.¹⁰⁹ Stemlit Growers in Chelan County, Washington reported two separate outbreaks among their agricultural workers.¹¹⁰ In late April 2020, Stemlit Growers in Chelan County announced that 36 of their 71 H-2A workers had tested positive for the virus, and in late May 2020 another outbreak occurred in one of their packing houses, where 25 out of 60 workers tested positive. On May 30th, a farmworker in Yakima, Washington died from COVID-19.¹⁰⁹ Two H-2A workers died from COVID-19 on Gebbers Farm in Okanogan County: Juan Carlos Santiago Rincon, in his 30s, died from the disease on July 8th, and Earl Edwards, in his early 60s, died in late July 2020.¹¹¹ A third non-visa employee of Gebbers Farm, Francisco Montiel, died on August 1st, 2020.¹¹²

Keywords: rural health, farmworker health, covid-19, coronavirus, rural epidemiology, vaccine, outbreak

Disclaimer: This publication was supported by the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (HHS) as part of an award totaling \$1,916,466 with 0% financed with nongovernmental sources. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by HRSA, HHS or the U.S. Government.

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Exhibit 3 to Guadalupe Gamboa Declaration

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Sunday, August 9, 2020

Commentary: State must do more to protect farmworkers' health

State health and labor agencies must do more to enforce laws meant to protect workers during the pandemic.

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Sunday, August 9, 2020 1:30am || [OPINION](#) [COMMENTARY](#) [CORONAVIRUS OUTBREAK](#)

By Guadalupe Gamboa, Rebecca Saldaña and Rosalinda Guillen / For The Herald

Farmworker David Cruz was 60 years old when he went on strike in early May to demand protection and hazard pay from his employer, Yakima-based Allan Brothers Fruit.

By May 30, he was dead from COVID-19.

In a desperate attempt to protect his family, Cruz had been self-isolating. "He (was) scared to infect everybody," his wife, Reyna, said later. Despite Cruz's precautions, Reyna and three of their four daughters also became ill.

Thousands of other farmworkers and their families face the same deadly working conditions. Farmworkers walked out of five other Yakima apple warehouses demanding safety measures such as hand-washing facilities with soap, face masks and physical distancing in the crowded lines.

The workers went on strike out of fear: fear of contracting the virus, fear of dying, fear of infecting their families.

These fears were well founded. Yakima Health District records from this time-period indicate that Allan Brothers had 11 confirmed cases of coronavirus. Twenty-four other apple facilities in the county had documented COVID-19 outbreaks with 595 confirmed cases.

These strikes received high-profile coverage in Yakima Valley media, including images of workers with picket signs declaring “Our health is indispensable!” and “We are worth more than your apples.” Despite these pleas for help, no effective action was taken by the state agencies responsible for safeguarding their health: the departments of Health or Labor and Industries.

After the virus outbreaks, the Department of Health contacted all agricultural employers in Yakima County and offered to train them in safety procedures for working during the pandemic. Only a handful of apple companies agreed to safety consultations. DOH states that employers were afraid safety consultations would uncover outbreaks at their facilities causing them to lose workers. Operations continued as usual.

DOH and L&I failed to inform workers at facilities with COVID-19 outbreaks about these outbreaks. Neither of these agencies undertook targeted outreach programs in Spanish to inform the largely Spanish-speaking community of agricultural workers of their COVID-19 rights.

Yakima County has the highest of number of confirmed COVID-19 infections per capita of any county on the west coast. The county now has more than 10,000 COVID-19 infections and close to 200 deaths, even though it represents only 3.2 percent of the state’s population. Our state’s increased COVID-19 rates are driven by growing infections in the farmworker community.

L&I and DOH must take responsibility to protect our essential farmworker workforce by taking these actions:

1. Fund trusted community-based organizations and labor unions to conduct targeted outreach to farmworkers in labor camps and rural communities in their first language.
2. Fund and staff enforcement of emergency safety regulations recently issued by the state governing agricultural worksites, transportation and employer-offered communal housing. Employers must be made aware that the regulations are mandatory, that failure to follow them will result in penalties, including shutting down operations.
3. Strengthen farmworker labor camp housing rules to provide them the space and ventilation necessary to protect people in communal housing from highly contagious airborne pathogens. Regularly inspect housing for

compliance with these rules.

4. Make public the names of farms, orchards, packing sheds and temporary worker housing locations with outbreaks, and specific safety orders with which they must comply in order to continue operations.

5. Implement sufficient mandatory testing of infected workers and co-workers and their families and contact tracing and isolation of those infected.

David Cruz and this state's more than 200,000 farmworkers have strengthened Washington's economy enabling it to become the leading producer of apples, cherries, asparagus, hops and many other fruits and vegetables. Let's honor his life, and recognize the risk to farmworkers in this pandemic, by protecting these essential workers who put food on our table with meaningful state action.

Guadalupe Gamboa is an attorney and helped launch the united Farm Workers of Washington. State Sen. Rebecca Saldaña, D-Seattle, represents the 37th Legislative District. Rosalinda Guillen is a farmworker and rural justice advocate.

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Exhibit 4 to Guadalupe Gamboa Declaration

COVID-19 Vaccination Coverage by Race and Ethnicity in Washington State Counties

Washington State Department of Health

April 23, 2021



DOH 348-805 April 2021

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For more information or additional copies of this report: Office of Immunization and Child Profile, Prevention and Community Health, Washington State Department of Health, 243 Israel Road SE, MS: 47843, Tumwater, WA 98501
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COVID-19 Vaccination Coverage by Race and Ethnicity in Washington State Counties

Washington State Department of Health

April 23, 2021

Overview

This report follows our February 10th report on COVID-19 coverage by race and ethnicity in Washington state. The purpose of this report is to show current race/ethnicity data by county to continue to describe who is being vaccinated in Washington state.

Washington's COVID-19 vaccination program began on December 14, 2020, after the first Emergency Use Authorization was approved. Initially, Washington state prioritized vaccination eligibility of health care workers, first responders, people who live or work in long-term care facilities, and all other workers in health settings who are at risk of COVID-19. Eligibility expanded to additional groups sequentially from January 18 until April 15, 2021, when eligibility expanded to anyone ages 16 and older. The data contained in this report are cumulative and may reflect this prior prioritization. Previously eligible populations do not necessarily align with the race/ethnicity distribution of the general population. This may contribute in part to the observed differences between the race/ethnicity distribution of vaccinated individuals and the total population.

Race, ethnicity, county, and immunization status data are based on provider reporting to the Washington Immunization Information System (WAIS). All COVID-19 vaccination providers in Washington state are required to report to the WAIS within 24 hours of vaccine administration. DOH monitors vaccination coverage in Washington's population using WAIS data.

To assign race/ethnicity categories, we used standard public health data assessment processes, with Hispanic ethnicity assessed first, regardless of race. For those not identified as Hispanic, racial groups were assigned. Racial groups are based on categories in the WAIS and are consistent with Washington State Office of Financial Management (OFM) race categories, with the exception of "Other" race, which is collected by the WAIS but not reported by OFM. The "Other" race category is a national HL7 data exchange standard in a drop-down menu option for direct entry in WAIS, and a requested category for reporting to the CDC. Over 75% of records are reported through HL7 data exchange. The vaccinated population reported as "other" race does not have a population estimate for comparison and would be reported differently if this category was not allowed. Thus, the reported proportion vaccinated for other race and ethnicity groups may be underestimated.

We recognize there are other community informed processes to analyze and assign race/ethnicity categories, and we are committed to working on this with community partners in the future.

This report contains data for the following race/ethnicity groups:

Hispanic
Non-Hispanic American Indian or Alaska Native
Non-Hispanic Asian
Non-Hispanic Black
Non-Hispanic Native Hawaiian or Other Pacific Islander
Non-Hispanic White
Non-Hispanic Other Race and Multiracial

These categories make it possible to examine immunization coverage by race/ethnicity, but do not fully capture the diversity of Washingtonians. Additionally, race and ethnicity data are missing for about 6% of all vaccinated individuals. Race and ethnicity are required fields in the IIS, but providers may report these as unknown. As of 4/21/21, 6.4% of people initiating vaccination and 6.1% of fully vaccinated people had unknown race/ethnicity. Missing race/ethnicity data and the high proportion of individuals with race categorized as “Other” impacts our ability to make conclusions based on these data. Efforts to improve WAIS data completeness are ongoing.

County-level counts of vaccinated individuals in some race/ethnicity categories may be small. DOH small numbers policy balances the public’s need to know with privacy protection. To protect privacy, counts of less than 10 are suppressed in this report. We have also combined the “Other” and “Multiracial” categories into one “Other Race and Multiracial” category to increase sharing of data while maintaining privacy. As more data are reported, we will continue to assess what additional fields can be released.

Vaccine coverage was analyzed two different ways: persons initiating vaccination and persons fully vaccinated. Individuals receiving at least one dose of COVID-19 vaccine were defined as initiating vaccination. Individuals completing the recommended number of COVID-19 doses were defined as fully vaccinated. Those initiating vaccination include fully vaccinated individuals. The count includes doses administered to Washington residents out of state and does not include invalid doses (doses given at inappropriate time interval).

Vaccination coverage by race and ethnicity

Table 1 shows the race/ethnicity of people that have been vaccinated and compares this with the race/ethnicity distribution of the county population. Data are shown separately for people initiating vaccination and people who are fully vaccinated. While there is quite a bit of diversity in the county-level data, a few highlights emerged.

- Hispanics are underrepresented in the vaccinated population in nearly all counties, compared to their percent of the county’s population.
 - The size of this gap varies by county. Many counties are in close range of attaining a percent of vaccinations that is at least equal to their share of the population. However, many other counties have large gaps.
- Similarly, non-Hispanic blacks are underrepresented in almost all counties
- In most counties, the race/ethnicity distribution of people initiating vaccination and people fully vaccinated were similar, but there were some exceptions.

Table 1. Cumulative count and percent of people initiating and completing vaccination by reported race and ethnicity by county, April 21, 2021 (Note: Row percents are shown in table)

Status	County	Hispanic		Non-Hispanic AIAN		Non-Hispanic Asian		Non-Hispanic Black		Non-Hispanic NHOPI		Non-Hispanic White		Non-Hispanic Other*		Unk/ Missing
Initiated	ADAMS	1653	(34%)	NA		43	(1%)	NA		NA		1865	(39%)	1230	(26%)	782
Completed	ADAMS	1212	(31%)	NA		NA		NA		NA		1602	(42%)	989	(26%)	647
Population	ADAMS	14147	(69%)	127	(1%)	135	(1%)	116	(1%)	11	(0%)	5802	(28%)			
Initiated	ASOTIN	65	(1%)	23	(0%)	49	(1%)	NA		NA		3833	(74%)	1217	(23%)	322
Completed	ASOTIN	51	(1%)	NA		26	(1%)	NA		NA		3058	(72%)	1049	(25%)	239
Population	ASOTIN	938	(4%)	295	(1%)	166	(1%)	138	(1%)	62	(0%)	20436	(90%)			
Initiated	BENTON	7407	(12%)	326	(1%)	2430	(4%)	645	(1%)	157	(0%)	44817	(74%)	4615	(8%)	4033
Completed	BENTON	5279	(12%)	241	(1%)	1627	(4%)	413	(1%)	102	(0%)	34054	(75%)	3616	(8%)	2922
Population	BENTON	47451	(23%)	1463	(1%)	6856	(3%)	2850	(1%)	335	(0%)	141474	(69%)			
Initiated	CHELAN	7211	(21%)	166	(0%)	399	(1%)	87	(0%)	54	(0%)	24057	(70%)	2406	(7%)	1111
Completed	CHELAN	5063	(19%)	127	(0%)	275	(1%)	60	(0%)	37	(0%)	19560	(72%)	1898	(7%)	782
Population	CHELAN	24549	(31%)	538	(1%)	846	(1%)	287	(0%)	129	(0%)	51888	(65%)			
Initiated	CLALLAM	795	(2%)	1725	(5%)	496	(2%)	137	(0%)	71	(0%)	23403	(73%)	5321	(17%)	4016
Completed	CLALLAM	603	(2%)	1459	(6%)	368	(1%)	99	(0%)	53	(0%)	19013	(72%)	4879	(18%)	3017
Population	CLALLAM	5000	(7%)	3564	(5%)	1471	(2%)	652	(1%)	112	(0%)	62839	(82%)			
Initiated	CLARK	8408	(5%)	1377	(1%)	8691	(5%)	2528	(2%)	1185	(1%)	112759	(70%)	26380	(16%)	5750
Completed	CLARK	4725	(4%)	1061	(1%)	5473	(5%)	1658	(1%)	784	(1%)	79197	(71%)	19056	(17%)	3616
Population	CLARK	48292	(10%)	3424	(1%)	26187	(5%)	11053	(2%)	4073	(1%)	386399	(77%)			
Initiated	COLUMBIA	NA		NA		NA		NA		NA		887	(90%)	49	(5%)	NA
Completed	COLUMBIA	29	(3%)	NA		NA		NA		NA		793	(90%)	44	(5%)	NA
Population	COLUMBIA	286	(7%)	59	(1%)	43	(1%)	15	(0%)	55	(1%)	3632	(87%)			
Initiated	COWLITZ	1409	(4%)	487	(1%)	768	(2%)	187	(1%)	129	(0%)	28520	(81%)	3656	(10%)	1012
Completed	COWLITZ	1018	(4%)	380	(1%)	517	(2%)	130	(0%)	91	(0%)	22367	(81%)	2957	(11%)	730
Population	COWLITZ	10793	(10%)	1502	(1%)	2003	(2%)	790	(1%)	366	(0%)	91093	(82%)			

Status	County	Hispanic		Non-Hispanic AIAN		Non-Hispanic Asian		Non-Hispanic Black		Non-Hispanic NHOPI		Non-Hispanic White		Non-Hispanic Other*		Unk/ Missing
Initiated	DOUGLAS	4645	(29%)	66	(0%)	199	(1%)	47	(0%)	25	(0%)	9966	(62%)	1064	(7%)	366
Completed	DOUGLAS	3269	(26%)	53	(0%)	140	(1%)	39	(0%)	20	(0%)	8240	(65%)	841	(7%)	211
Population	DOUGLAS	14794	(34%)	342	(1%)	379	(1%)	121	(0%)	74	(0%)	27205	(62%)			
Initiated	FERRY	16	(1%)	101	(6%)	NA		NA		NA		1461	(90%)	21	(1%)	48
Completed	FERRY	NA		91	(6%)	NA		NA		NA		1289	(91%)	NA		29
Population	FERRY	325	(4%)	1123	(14%)	116	(1%)	31	(0%)	15	(0%)	5824	(74%)			
Initiated	FRANKLIN	8310	(39%)	73	(0%)	589	(3%)	293	(1%)	42	(0%)	10250	(49%)	1533	(7%)	1753
Completed	FRANKLIN	5866	(38%)	48	(0%)	417	(3%)	222	(1%)	32	(0%)	7884	(50%)	1166	(7%)	1225
Population	FRANKLIN	54092	(56%)	430	(0%)	2041	(2%)	1645	(2%)	145	(0%)	36847	(38%)			
Initiated	GARFIELD	NA		NA		NA		NA		NA		377	(90%)	20	(5%)	NA
Completed	GARFIELD	NA		NA		NA		NA		NA		330	(92%)	NA		NA
Population	GARFIELD	74	(3%)	12	(1%)	28	(1%)	1	(0%)	1	(0%)	2069	(93%)			
Initiated	GRANT	7905	(30%)	248	(1%)	303	(1%)	171	(1%)	45	(0%)	15699	(59%)	2422	(9%)	931
Completed	GRANT	5771	(27%)	197	(1%)	205	(1%)	134	(1%)	31	(0%)	13262	(62%)	1914	(9%)	660
Population	GRANT	43852	(44%)	864	(1%)	1057	(1%)	859	(1%)	69	(0%)	51600	(52%)			
Initiated	GRAYS HARBOR	1287	(5%)	1088	(4%)	397	(2%)	138	(1%)	64	(0%)	19385	(79%)	2312	(9%)	1966
Completed	GRAYS HARBOR	863	(4%)	976	(5%)	302	(2%)	99	(1%)	51	(0%)	15555	(80%)	1678	(9%)	1395
Population	GRAYS HARBOR	8133	(11%)	3067	(4%)	1263	(2%)	910	(1%)	238	(0%)	58233	(78%)			
Initiated	ISLAND	1038	(3%)	197	(1%)	1296	(4%)	354	(1%)	217	(1%)	26265	(83%)	2364	(7%)	2228
Completed	ISLAND	639	(3%)	150	(1%)	807	(3%)	215	(1%)	143	(1%)	19486	(84%)	1818	(8%)	1405
Population	ISLAND	6121	(7%)	612	(1%)	4640	(5%)	2137	(2%)	459	(1%)	67638	(79%)			
Initiated	JEFFERSON	276	(2%)	112	(1%)	267	(2%)	61	(0%)	21	(0%)	15350	(89%)	1223	(7%)	1068
Completed	JEFFERSON	170	(1%)	86	(1%)	194	(1%)	47	(0%)	16	(0%)	12311	(89%)	991	(7%)	662
Population	JEFFERSON	1163	(4%)	684	(2%)	648	(2%)	318	(1%)	84	(0%)	28151	(87%)			
Initiated	KING	61895	(6%)	6458	(1%)	199284	(20%)	41326	(4%)	6911	(1%)	563542	(57%)	108565	(11%)	54399
Completed	KING	34684	(6%)	4493	(1%)	114838	(18%)	27124	(4%)	4229	(1%)	364403	(58%)	73300	(12%)	30912
Population	KING	233923	(10%)	13703	(1%)	429652	(19%)	152999	(7%)	19548	(1%)	1303935	(58%)			

Status	County	Hispanic		Non-Hispanic AIAN		Non-Hispanic Asian		Non-Hispanic Black		Non-Hispanic NHOPI		Non-Hispanic White		Non-Hispanic Other*		Unk/ Missing
Initiated	KITSAP	3455	(4%)	1310	(2%)	4726	(5%)	1321	(2%)	857	(1%)	66056	(76%)	8945	(10%)	8368
Completed	KITSAP	2303	(3%)	1015	(2%)	3567	(5%)	923	(1%)	626	(1%)	52093	(77%)	6828	(10%)	5790
Population	KITSAP	21068	(8%)	3693	(1%)	15936	(6%)	8185	(3%)	2757	(1%)	204464	(75%)			
Initiated	KITTITAS	575	(5%)	172	(1%)	185	(2%)	88	(1%)	26	(0%)	9188	(75%)	1976	(16%)	4960
Completed	KITTITAS	334	(4%)	127	(1%)	97	(1%)	54	(1%)	15	(0%)	6852	(78%)	1283	(15%)	3398
Population	KITTITAS	4409	(9%)	437	(1%)	997	(2%)	411	(1%)	71	(0%)	40519	(84%)			
Initiated	KLICKITAT	503	(7%)	79	(1%)	43	(1%)	NA		NA		6048	(88%)	158	(2%)	1086
Completed	KLICKITAT	354	(7%)	63	(1%)	NA		NA		NA		4421	(89%)	120	(2%)	766
Population	KLICKITAT	2906	(13%)	332	(1%)	169	(1%)	86	(0%)	8	(0%)	18607	(82%)			
Initiated	LEWIS	1030	(5%)	265	(1%)	287	(1%)	136	(1%)	78	(0%)	16185	(81%)	1984	(10%)	2427
Completed	LEWIS	666	(4%)	206	(1%)	206	(1%)	100	(1%)	55	(0%)	12285	(81%)	1688	(11%)	1907
Population	LEWIS	8832	(11%)	1075	(1%)	952	(1%)	519	(1%)	141	(0%)	66119	(82%)			
Initiated	LINCOLN	52	(2%)	46	(1%)	NA		NA		NA		2907	(92%)	103	(3%)	228
Completed	LINCOLN	40	(2%)	25	(1%)	NA		NA		NA		2353	(94%)	76	(3%)	190
Population	LINCOLN	343	(3%)	175	(2%)	66	(1%)	47	(0%)	6	(0%)	10142	(92%)			
Initiated	MASON	838	(4%)	564	(3%)	300	(1%)	141	(1%)	73	(0%)	16556	(80%)	2326	(11%)	2189
Completed	MASON	519	(3%)	483	(3%)	204	(1%)	91	(1%)	48	(0%)	12983	(80%)	1829	(11%)	1355
Population	MASON	6870	(10%)	1970	(3%)	925	(1%)	716	(1%)	280	(0%)	52160	(79%)			
Initiated	OKANOGAN	2631	(16%)	1840	(12%)	94	(1%)	181	(1%)	22	(0%)	10606	(66%)	584	(4%)	846
Completed	OKANOGAN	2018	(15%)	1661	(13%)	68	(1%)	171	(1%)	17	(0%)	8887	(67%)	425	(3%)	565
Population	OKANOGAN	9280	(22%)	4509	(10%)	352	(1%)	189	(0%)	55	(0%)	27468	(64%)			
Initiated	PACIFIC	230	(3%)	144	(2%)	111	(2%)	27	(0%)	24	(0%)	6484	(90%)	202	(3%)	1423
Completed	PACIFIC	122	(2%)	109	(2%)	55	(1%)	NA		NA		4639	(91%)	160	(3%)	1250
Population	PACIFIC	2268	(10%)	406	(2%)	545	(2%)	111	(1%)	19	(0%)	17759	(81%)			
Initiated	PEND OREILLE	49	(2%)	53	(2%)	NA		NA		NA		2049	(74%)	582	(21%)	511
Completed	PEND OREILLE	34	(2%)	43	(2%)	NA		NA		NA		1383	(70%)	502	(25%)	413
Population	PEND OREILLE	524	(4%)	504	(4%)	131	(1%)	85	(1%)	19	(0%)	12194	(88%)			

Status	County	Hispanic		Non-Hispanic AIAN		Non-Hispanic Asian		Non-Hispanic Black		Non-Hispanic NHOPI		Non-Hispanic White		Non-Hispanic Other*		Unk/ Missing
Initiated	PIERCE	15740	(6%)	4134	(2%)	22272	(8%)	13186	(5%)	3306	(1%)	183626	(69%)	24150	(9%)	14678
Completed	PIERCE	9138	(5%)	3137	(2%)	15557	(8%)	9082	(5%)	2065	(1%)	131821	(70%)	17093	(9%)	8979
Population	PIERCE	100817	(11%)	9941	(1%)	65809	(7%)	65024	(7%)	14551	(2%)	583955	(65%)			
Initiated	SAN JUAN	340	(4%)	40	(0%)	132	(2%)	26	(0%)	12	(0%)	7775	(89%)	382	(4%)	856
Completed	SAN JUAN	151	(2%)	24	(0%)	75	(1%)	NA		NA		5672	(92%)	239	(4%)	590
Population	SAN JUAN	1214	(7%)	104	(1%)	265	(2%)	78	(0%)	21	(0%)	15233	(88%)			
Initiated	SKAGIT	5358	(11%)	712	(1%)	1054	(2%)	269	(1%)	148	(0%)	37856	(76%)	4723	(9%)	3003
Completed	SKAGIT	2980	(8%)	583	(2%)	631	(2%)	160	(0%)	97	(0%)	28846	(78%)	3513	(10%)	2063
Population	SKAGIT	26479	(20%)	2189	(2%)	2966	(2%)	896	(1%)	298	(0%)	94255	(72%)			
Initiated	SKAMANIA	199	(8%)	27	(1%)	NA		NA		NA		2256	(86%)	119	(5%)	293
Completed	SKAMANIA	150	(8%)	23	(1%)	NA		NA		NA		1649	(85%)	86	(4%)	213
Population	SKAMANIA	770	(6%)	155	(1%)	149	(1%)	54	(0%)	23	(0%)	10669	(87%)			
Initiated	SNOHOMISH	17712	(6%)	2905	(1%)	43545	(14%)	7681	(3%)	2101	(1%)	190490	(63%)	37300	(12%)	15312
Completed	SNOHOMISH	9722	(5%)	2150	(1%)	25755	(13%)	4980	(3%)	1337	(1%)	127901	(65%)	25916	(13%)	9548
Population	SNOHOMISH	90576	(11%)	9195	(1%)	98685	(12%)	25435	(3%)	4722	(1%)	564701	(68%)			
Initiated	SPOKANE	5476	(3%)	2037	(1%)	3868	(2%)	2205	(1%)	615	(0%)	126627	(81%)	15739	(10%)	16978
Completed	SPOKANE	3466	(3%)	1448	(1%)	2472	(2%)	1466	(1%)	366	(0%)	88050	(81%)	11303	(10%)	13382
Population	SPOKANE	30454	(6%)	7279	(1%)	13755	(3%)	9875	(2%)	3049	(1%)	437444	(84%)			
Initiated	STEVENS	109	(1%)	495	(6%)	54	(1%)	NA		NA		6797	(83%)	735	(9%)	986
Completed	STEVENS	62	(1%)	98	(2%)	NA		NA		NA		4589	(85%)	576	(11%)	683
Population	STEVENS	1631	(4%)	2410	(5%)	376	(1%)	209	(0%)	80	(0%)	39544	(86%)			
Initiated	THURSTON	4728	(5%)	1365	(1%)	6841	(7%)	2045	(2%)	810	(1%)	78282	(75%)	10712	(10%)	5856
Completed	THURSTON	2776	(4%)	1016	(1%)	4539	(6%)	1288	(2%)	500	(1%)	55545	(76%)	7849	(11%)	3878
Population	THURSTON	26012	(9%)	3429	(1%)	18990	(7%)	8864	(3%)	2730	(1%)	215476	(74%)			
Initiated	WAHIAKUM	15	(1%)	17	(1%)	NA		NA		NA		1213	(86%)	138	(10%)	174
Completed	WAHIAKUM	12	(1%)	NA		NA		NA		NA		1048	(86%)	120	(10%)	141
Population	WAHIAKUM	179	(4%)	48	(1%)	47	(1%)	15	(0%)	8	(0%)	3765	(89%)			

Status	County	Hispanic	Non-Hispanic AIAN	Non-Hispanic Asian	Non-Hispanic Black	Non-Hispanic NHOPI	Non-Hispanic White	Non-Hispanic Other*	Unk/ Missing
Initiated	WALLA WALLA	3831 (17%)	104 (0%)	472 (2%)	226 (1%)	60 (0%)	16067 (71%)	1722 (8%)	1766
Completed	WALLA WALLA	2934 (17%)	74 (0%)	277 (2%)	147 (1%)	28 (0%)	12609 (72%)	1462 (8%)	1454
Population	WALLA WALLA	14642 (23%)	495 (1%)	1010 (2%)	1147 (2%)	216 (0%)	43551 (70%)		
Initiated	WHATCOM	4286 (5%)	1005 (1%)	4012 (5%)	742 (1%)	324 (0%)	66863 (76%)	10599 (12%)	5715
Completed	WHATCOM	2333 (4%)	754 (1%)	2457 (4%)	424 (1%)	192 (0%)	46700 (77%)	7440 (12%)	3092
Population	WHATCOM	22176 (10%)	5717 (3%)	10333 (5%)	2339 (1%)	642 (0%)	178378 (78%)		
Initiated	WHITMAN	395 (3%)	57 (0%)	691 (6%)	190 (2%)	24 (0%)	8318 (70%)	2246 (19%)	1970
Completed	WHITMAN	224 (3%)	NA	289 (4%)	107 (1%)	NA	5987 (74%)	1440 (18%)	820
Population	WHITMAN	3174 (6%)	306 (1%)	5424 (11%)	932 (2%)	95 (0%)	38503 (76%)		
Initiated	YAKIMA	32494 (42%)	4065 (5%)	839 (1%)	485 (1%)	146 (0%)	33593 (43%)	5767 (7%)	5553
Completed	YAKIMA	22007 (39%)	3416 (6%)	545 (1%)	343 (1%)	97 (0%)	26003 (46%)	4610 (8%)	4151
Population	YAKIMA	134120 (52%)	8862 (3%)	3315 (1%)	2086 (1%)	206 (0%)	104683 (41%)		
Initiated	UNKNOWN	7581 (9%)	667 (1%)	10044 (12%)	3307 (4%)	641 (1%)	55134 (68%)	3718 (5%)	16933
Completed	UNKNOWN	4709 (9%)	467 (1%)	5646 (11%)	2266 (4%)	426 (1%)	36801 (70%)	2614 (5%)	
Initiated	WA STATE	220003 (8%)	34565 (1%)	314882 (11%)	78323 (3%)	18243 (1%)	1853412 (66%)	299308 (11%)	191965
Completed	WA STATE	136321 (7%)	26355 (1%)	187784 (10%)	51940 (3%)	11528 (1%)	1301521 (67%)	213397 (11%)	124327
Population	WA STATE	1022677 (13%)	95040 (1%)	718728 (9%)	302225 (4%)	55773 (1%)	5124654 (67%)		

* Non-Hispanic Other includes people reporting more than one race (Multiracial) and/or other races not presented in table.

AIAN = American Indian and Alaskan Native

NHOPI = Native Hawaiian and Other Pacific Islander

Note: The percent values in the Population row are based on total county populations counts; however, the OFM does not provide a count for Non-Hispanic Other. Hence the row of percents excludes population data for Non-Hispanic Other/Multiracial and will not sum to 100%.

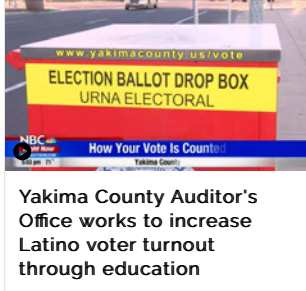
Exhibit 5 to Guadalupe Gamboa Declaration

https://www.nbcrightnow.com/news/3-washington-state-counties-facing-a-lawsuit-for-latino-voter-suppression/article_4f4e6cda-bcf8-11eb-817a-43e11f752665.html

3 Washington State counties facing a lawsuit for Latino voter suppression

May 24, 2021

MORE INFORMATION



Yakima County election board certifies midterm ballots

Washington Legislature sees first Latino caucus

BENTON, FRANKLIN, AND CHELAN COUNTIES, WA - A lawsuit filed by plaintiffs Marissa Reyes, League of United Latin American Citizens (LULAC) and the Latino Community Fund of Washington against Benton, Chelan, and Yakima counties cites violation of the 14th and 15th Amendment stating their ballot system "discriminates against Latino voters and other racial minorities."

Amongst several voter disenfranchisement that voting and human rights attorney Molly Matter and LULAC President Domingo Garcia cited, they said mail-in-ballots are usually rejected for three reasons. Late ballots, ballots without any signature, or ballots with mismatched signatures. In 2020, mismatched signatures was the most common reason in Washington state why a ballot was discounted. Latinos made up most of that demographic.

"It seems that if you have a Spanish surname, you are more likely to be scrutinized for your signature. A lot of the time ballot auditors (who have the authority and discretion when looking at signatures) don't realize that Latinos might have one or two last names due to their culture or their mom's maiden name," says co-counselor on the case, Molly Matter.

"If you're a Garcia, a Sanchez, a Hernadez, or any Latino last name, you're more likely to have your ballot thrown out than someone with a name of Jones or Smith," said LULAC's national President Domingo Garcia.

In fact, in Benton County, ballots by Latino voters and those with Spanish surnames were 3 times more likely to have their ballots rejected compared to White voters, because their signatures didn't match. In Yakima county, Latino voters were 3.9 times more likely to have their ballots rejected because of this too. And in Chelan, Latino voters were 3.2 times more likely to have their ballots rejected.

In 2019, 24% of rejected ballots were due to mismatched signatures. Now that statistics has more than doubled, 74% of rejected ballots in 2020 were due to mismatched signatures.

"This is definitely a tool of voter suppression," says Matter, whose investigation on this particular voting issue spans a few years since 2017, "It seems the more politically engaged and civically engaged Latino voters are, the more discriminatory measures are being used."

In 2020, about 99 percent of voters voted by mail in WA. In order for ballots to be counted, a voter must sign the outside of the return envelope. The signature on the envelope must match the signature in the county's voter registration record.

The defendants include those involved in handling the mail-in ballots which are Benton County Auditor Brenda Chilton, Prosecutor Andy Miller and Commission Chairman Jerome Delvin - all who make up the Benton County Canvassing Review Board. The defendants also include Yakima County's Auditor Charles Ross, Prosecutor Joe Brusica and Commissioner Ron Anderson; as well as Chelan County, Auditor Skip Moore, Prosecutor Douglas Shae and Commissioner Bob Bugert.

The lawsuit states that the county auditors, prosecutors, and commissioner's have not communicate clear standards to voters on how their handwriting must match in addition to the fact that Latinos in Eastern Washington and nationwide have much higher rates of having their ballot rejected because of handwriting compared to non-Latino voters stating it is racially biased discrimination. The lawsuit goes on to write it is a "flawed system," saying no two signatures by the same person are the same. Their claim is that giving the county board of canvassers, who have authority over counting ballot signatures, violates due process because it denies Latino voters ballots based on the board's own discretion and doesn't give Latino voters due process to explain themselves.

In the lawsuit, the plaintiff's ask that the defendants declare that their system violates the Constitutional Amendments and Federal Voting Rights Act and adopt a better standard of determining matching signatures amongst other "prayers for relief" which include, declaring that the defendants have violated the United States Constitution, as well as section 2 of the Federal Voting Rights Act, design a process that does

not discriminate/allows a person to cure their ballot (fix their signature) upon issue, and publish the number of rejected ballots for the general public. The lawsuit was filed May 7th and defendants have until the 28th to respond.

The statistics cited in the lawsuit were taken from investigations and the Washington State Secretary.

The Benton County Auditor has not commented at this time in addition to Yakima and Chelan Counties.

If you have an issue with a mail-in-ballot you can contact LULAC at their website and Molly Matter at molly@amendlawmatter.com

Exhibit 6

**DECLARATION OF VICKY
FRAUSTO**

I, Vicky Frausto, declare and state as follows:

1. The information in this declaration is true and correct to the best of my knowledge and I am of majority age and competent to testify about the matters set forth herein.
2. I am a current resident of Sunnyside, Washington.
3. I represent District Three on the Sunnyside City Council.
4. I am a first-generation daughter of immigrants. My parents moved to Sunnyside in the mid-1980s to work in the agricultural industry around Sunnyside.
5. I was born and raised in Sunnyside and graduated from Sunnyside High School.
6. I received my Bachelor's degree in Political Science from the University of Washington and a Master's degree in Public Administration from Seattle University.

1 **Sunnyside**

- 2 7. Sunnyside was extremely divided when I was growing up. White people would
3 largely stay to themselves and as a Latina, I frequently did not feel welcome in white
4 spaces.
5
6 8. Cinco de Mayo is one of the few instances of celebrating Mexican culture in
7 Sunnyside. White residents tend to avoid the celebration. I have heard white residents
8 explain that they avoid the celebration because of gangs and violence.
9
10 9. My parents were agricultural workers. They faced harassment, poor working
11 conditions, and race-based discrimination at their work. Their employers frequently
12 refused to pay them or would find reasons to dock their pay.
13
14 10. My parents were not English speakers when I was growing up.
15
16 11. When my parents sought services through the city, there was never Spanish
17 translation available. From a young age, I would act as their interpreter. For this
18 reason, they avoided many businesses and city services in the area.
19
20 12. Because Sunnyside and Yakima County did not translate election materials into
21 Spanish, my parents were not engaged in the political process. They would not, for
22 example be engaged in efforts to pass levies in the town because they did not
23 understand they were happening.

22 **Sunnyside Schools**

- 23 13. The racial issues that were present in the community at large were also present in the
24 schools.
25
26 14. My teachers were predominantly white. Most of my teachers never tried to
27 meaningfully engage with my parents.

1 15. My parents frequently felt discouraged from participating in my schooling because of
2 the language barrier. As a child, as early as five or six years old, I had to act as
3 translator for my parents when they wished to engage in my education. No translation
4 was provided for parent-teacher conferences nor if there was an issue at the school.

5
6 16. In addition to the language barrier, my parents always felt that many teachers were
7 hostile. As a result, they felt that they should not be involved in my schooling.

8 17. I also experienced hostility from teachers.

9 a. I was an outgoing student, who had many friends. I was talking in class
10 when I should not have been, and a teacher said to me something to the
11 effect of: "You're just going to add to the statistics. You're going to drop
12 out and get pregnant like the rest of your own."

13 b. Another teacher heard my friends and I speaking in Spanish during a
14 private conversation and said something to the effect of "Stop speaking
15 Spanish, I can't understand it."
16

17 18. Despite repeated requests, the first time a Latino Cultural Club was created was in
18 2008.

19 **2023 Election**

20
21 19. In Spring of 2023, Bengie Aguilar recruited me to be part of a slate of candidates
22 running for office in Sunnyside. I was working in Seattle for the University of
23 Washington at this time, but moved back to Sunnyside and went to an initial
24 candidate meeting where I first became involved in Empowering Latina Leaders and
25 Action (ELLA).

26 20. As of May 2023, there was only one Latina representative of the twelve possible
27

positions on the school board or city council, even though Latino people make up most of Sunnyside's population. Part of the mission of this slate was to increase Latino representation on the council.

21. ELLA helped in providing education and logistical support for our campaign.

22. ELLA supported six candidates in the 2023 election: Keren Vazquez, Jorge Galvan and me for city council; and Yasmin Barrios, Sandra Zesati, and Anna Saenz for school board. All the candidates campaigned with and for each other. All these candidates were Latino.

23. Exhibit 1 is a fair and accurate copy of various screenshots taken during the campaign. Each is a correct, unaltered copy of posts and pictures that I personally saw.

24. There was another slate of candidates, which included Jason Raines, Michael Farmer, Mike Kennard, and Luis Ochoa. These candidates also campaigned together.

a. Michael Farmer, Mike Kennard, and Jason Raines have a long history of involvement in Sunnyside politics.

b. Exhibit 1(F) is a fair and accurate representation of pictures of flyers that were sent by this slate of candidates. These flyers allege that ELLA candidates were funded by "dark money" and suggested that they were trying to "take over Sunnyside City Council." They include each candidate's name at the bottom.

25. Jason Raines, a part of this slate, has a history of political success in Sunnyside, despite his open racism.

a. On May 22, 2010, he posted a "joke" on BLOGSUNNYSIDE about

1 killing a Mexican and an Arab person because “we have so many illegal
2 aliens that we don’t have to drink with the same ones twice.” Exhibit 1(A)

3 b. He was elected 18 months later to the City Council of Sunnyside, beating
4 a Latino candidate, Pablo Garcia.

5 c. In 2014, Jason Raines made a joke about a Black man who was killed by
6 police in a review for an airsoft gun. Exhibit 1(B).

7
8 i. Exhibit 2 is a fair and accurate copy of an article from the
9 Sunnyside Sun, concerning the controversy that arose after these
10 comments.

11 ii. In the article, Jason Raines is quoted as explaining his comment in
12 this way: “Otherwise, I don’t want to respond to an opinion
13 column by a doctoral candidate in hip-hop studies posting at Al
14 Jazeera.” Exhibit 2.

15
16 26. Posts on another online forum, “What’s Up Sunnyside,” referred to the ELLA
17 slate as a “gang.” Exhibit 1(D).

18 27. Exhibit 3 is a fair and accurate copy of an op-ed from the Sunnyside Sun, in
19 which the brother of one of the candidates running against ELLA’s slate outlines
20 his concerns about the ELLA candidates.

21 a. A link to this article was posted to “What’s Up Sunnyside.” In comments
22 to the article, ELLA defended its role in the election. In response to
23 ELLA, a commenter said “Your agenda is clear. Mexican/Latino/Hispanic
24 take over.” Exhibit 1(G).

25
26 28. Iwatch Sunnyside is a Facebook page run by Jim Stevens, who supported the slate of
27

1 candidates which included Jason Raines. That Facebook page garnered a lot of
2 attention from people in the city as they posted about the election.

3 a. In response to posts on Iwatch Sunnyside, people referred to the ELLA
4 slate as the “ELLA Cartel.” Exhibit 1(C).

5 b. Another post alleged that one of the ELLA candidates had damaged Jason
6 Raines’ sign, stating “An example of Third World demonstration and
7 disrespect for The American Way.” [sic] Exhibit 1(E).
8

9 **Continuing Issues in the School District**

10 29. There are continuing issues with the School District, especially as it relates to the
11 School District meeting the needs of Latino students.

12 30. In speaking to educators, there are not enough Spanish speaking employees of the
13 School District to work with students who speak only Spanish or to conference with
14 parents with limited English proficiency.
15

16 31. The current board makes little effort to engage with parents. I have been at school
17 board meetings when parents and students brought forward issues to the board. They
18 made no attempt to engage or follow up on the issues raised.

19 32. Parents and district employees have repeatedly brought issues to me including
20 nepotism, racism in the schools, failure to apply policies, inequitable distribution of
21 resources with regards to programming, lack of translation, retaliation, and
22 inequitable discipline.
23

24 33. Many teachers are afraid to bring these issues forward because they face retaliation.

25 34. Exhibit 4 is a fair and accurate copy of an article from the Sunnyside Sun, describing
26 a protest by parents regarding issues with the School District. I have firsthand
27

1 knowledge of the protest and the article accurately describes the event.

2 Executed this 1st day of April 2024.

3 I declare under penalty of perjury under the laws of the United States and the State of
4 Washington that the foregoing is true and correct.

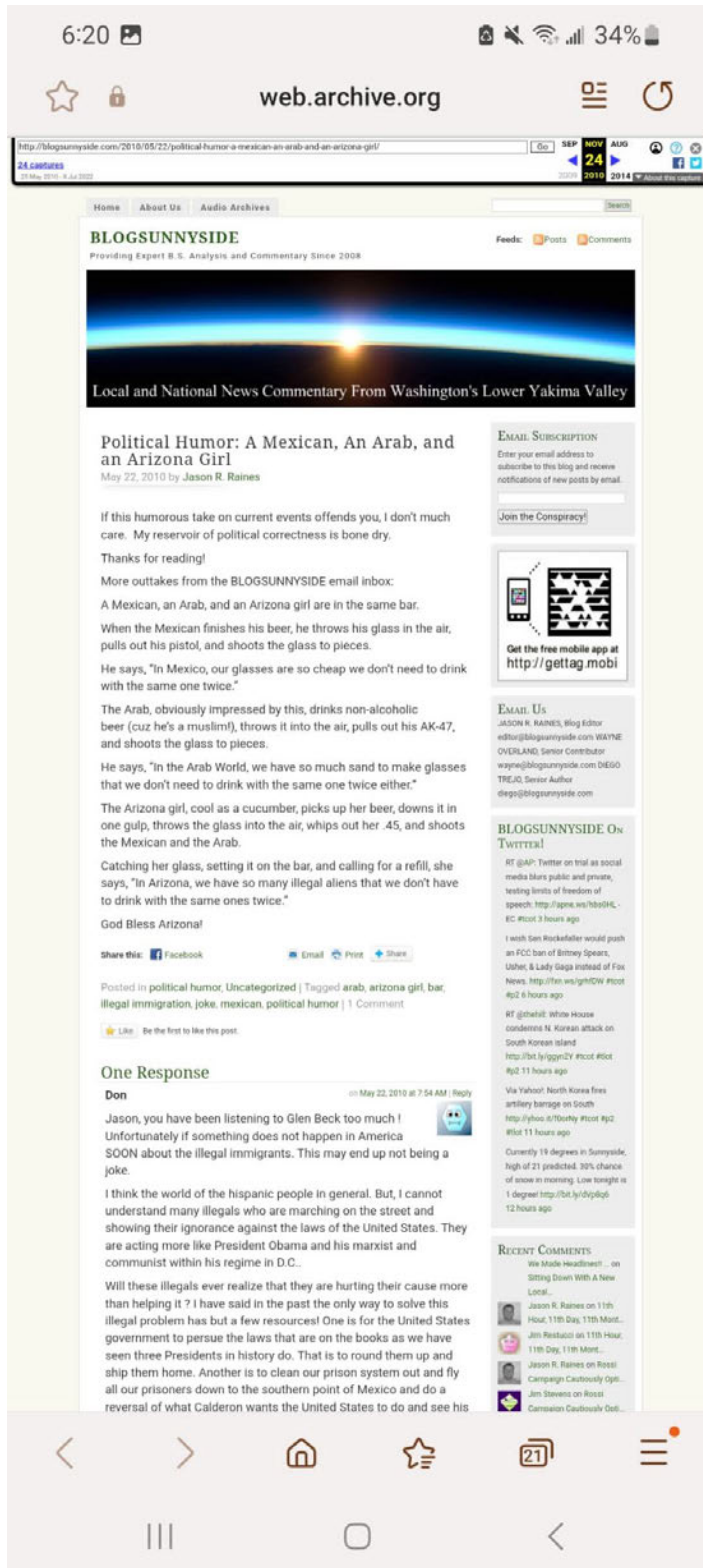
5 By: s/Vicky Frausto

6 Vicky Frausto
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Exhibit 1 to Vicky Frausto Declaration

Exhibit 1

A:



B:

★★★★★ **Warning: Not a Toy**

By [Jason R. Raines](#) on 2014/08/10

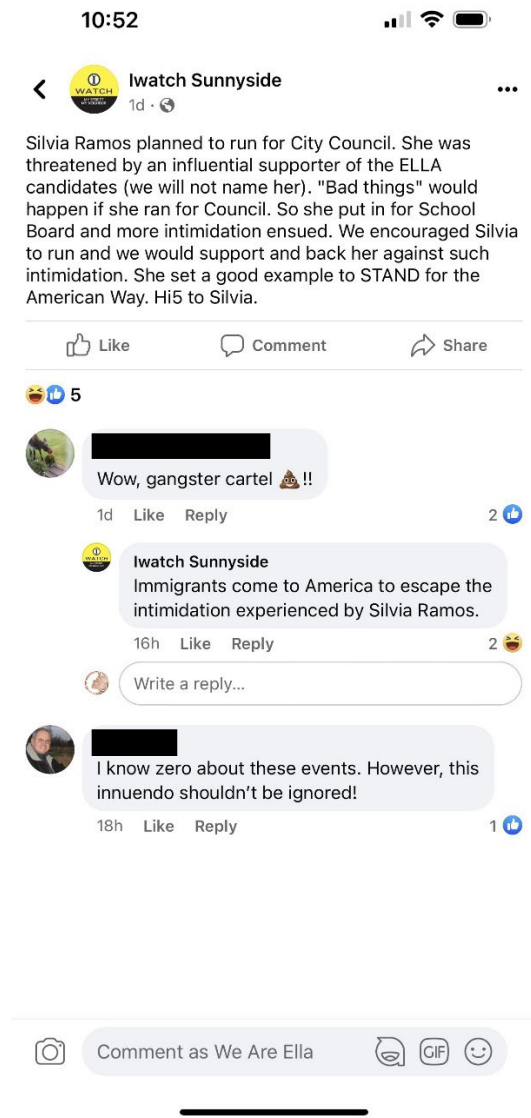
The manual for this product includes a warning: Do not brandish or display this air rifle in public – it may confuse people and may be a crime. Police and others may think it is a firearm. Do not change the coloration and markings to make it look more like a firearm. That is dangerous and may be a crime.

Despite Nisha Chittal's description of this item as a toy gun, in a report published by such reputable media as MSNBC; Wal-Mart customers like [John Crawford can attest to the fact \(via his autopsy report\)](#) that it can confuse both members of the public and police into thinking it is a firearm.

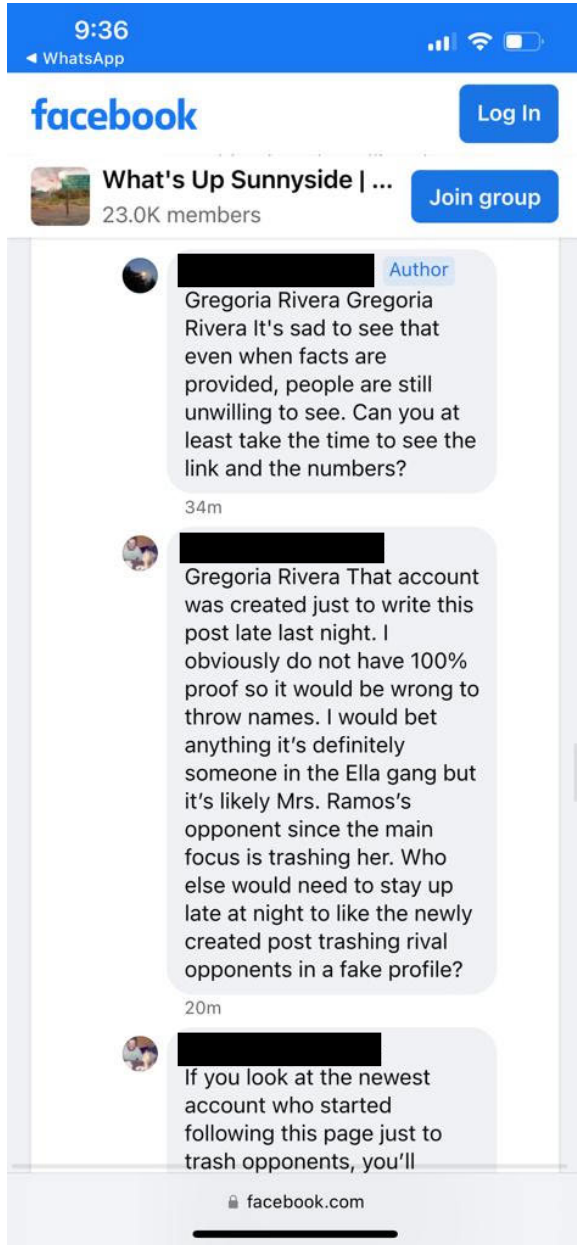
[Comment](#)

Was this review helpful to you?

C:



D:



E:





F:

OUR CITY IS ON THE BRINK OF DISASTER

Far-left candidates funded by "dark money" organizations are using ballot harvesting to try and take over city council.

If they succeed, their top priority in the words of their candidate, *Jorge Galvan*, is to:

 **"Burn down the police department..."** 

Sunnyside would suffer the same fate as Seattle, Portland, and other once-safe cities.

MIKE FARMER WILL SAVE SUNNYSIDE

He did it 10 years ago when as Mayor crime plunged more than 50%. Now, he needs a majority on council to get the job done. **Luis Ochoa, Mike Kennard, and Jason Raines** pledge to support Farmer in cutting crime.

Your vote counts. Last time Farmer was elected by just one vote. With your help he can make Sunnyside safe again.

Paid for by Mike Farmer, Jason Raines, Mike Kennard, and Luis Ochoa. 208 E Edison Ave, Sunnyside, WA 98944.

UNBELIEVABLE!

Learn More

Do you want a city council that believes...

"The American Dream is a scam."

"Policing originates from runaway slave patrols."

"Capitalism exploits."

"The Founding Fathers were racists."

These are the online posted beliefs of Chelsea Dimas, an Internet troll and leader of the far-left group trying to take over Sunnyside City Council in the November 7 Election.


Dimas is Vice Chair of the Yakima County Democrats and works a day job as an advocate for criminals convicted of felonies!


Learn More


Support a safe Sunnyside with a **fully funded** Police Department.


Vote:

November 7, 2023

 **MIKE FARMER**

 **MIKE KENNARD**

 **LUIS OCHOA**



 **JASON RAINES**


Your choice on November 7th.


Paid for by Mike Farmer, Luis Ochoa, Mike Kennard, & Jason Raines; 208 E Edison Ave, Sunnyside, WA 98944.

November 4, 2023




G:





What's Up Sunnyside
Sharon Dolan · Oct 16, 2023 · 




We hold many events throughout Yakima County, including right here in Sunnyside. We aren't hiding, like so many of the keyboard warriors on this thread. You can come directly to me to air whatever grievances you have based on your warped perceptions about ELLA and our "agenda". Or dare I say, maybe even ask us for the facts about our work, if you have the courage to do so.

18w Like Reply 8   



[We Are Ella](#) talk to your candidates if you don't like hidden warriors. Your agenda is clear. Mexican/Latino/Hispanic take over. I like to see qualified mexicans in good positions but not when it's done this way. Your candidates are hateful and prejudice people. They've spent so much time fighting in pages instead of doing any good. That says so much. I find the fighting funny and entertaining but nobody wants leaders who act this way. We need professional people to lead professionals positions. They should act better and I think our current city/school positions have done a good job of showing that they will not act like Ella candidates

18w Like Reply 1 

Rules

Exhibit 2 to Vicky Frausto Declaration

Councilman taken to task for on-line posting

Laura Gjovaag

Aug 20, 2014



Sunnyside Councilman Jason Raines

Sunnyside has received some international attention. Unfortunately, the attention does not put the city in a positive light.

A reference to a man shot by police in an Amazon.com review posted by Sunnyside Councilman Jason Raines, combined with a racist joke posted four years ago on his blog, were brought up in an opinion column about recent police-involved shootings of black men on the website of Al Jazeera English, an international news organization.

Near the end of the column on the social dynamics of recent shootings, Dexter Thomas Jr. references Raines as a man whose position as a councilman lends him some authority. He notes that Raines sees nothing wrong with making fun of the victim of a police shooting and making jokes about killing Mexicans and Arabs on his blog.

“What makes our elected officials display such a shameless and terrifying disregard for human life?” asks Thomas.

Thomas said he ran across Raines’ on-line posting by accident while researching a column about the shootings. The recent events in Ferguson, Mo. have made headlines, but four days before the shooting there, another black man was shot by police in Beavercreek, Ohio.

In the Ohio incident, John Crawford III was shopping at Walmart and holding an air rifle sold by the store. The air rifle is made to look like a real gun. Another customer called the police, who shot and killed Crawford when they arrived.

The brand of the air rifle was published in some news reports, and within a few days two reviews for the product showed up on Amazon.com that refer to Crawford’s death as proof that the item looks like a real gun. One of the reviews was posted by Raines.

Specifically, it read: “Crosman MK-177 Tactical Air Rifle (Sports). The manual for this product includes a warning: Do not brandish or display this air rifle in public – it may confuse people and may be a crime. Police and others may think it is a firearm. Do not change the coloration and markings to make it look more like a firearm. That is dangerous and may be a crime.

“Despite Nisha Chittal’s description of this item as a toy gun, in a report published by such reputable media as MSNBC; Wal-Mart customers like John Crawford can attest to the fact (via his autopsy report) that it can confuse both members of the public and police into thinking it is a firearm.”

Raines said that his comment was not making fun of anyone, but was instead a correction of other news reports about the incident, which referred to the item the victim was holding as a toy gun.

“I was pointing out a factual error in a report published by MSNBC,” said Raines. “Otherwise, I don’t want to respond to an opinion column by a doctoral candidate in hip-hop studies posting at Al Jazeera.”

According to Sunnyside Mayor Jim Restucci, the comment Raines posted on Amazon.com does not represent the city.

“Mr. Raines has a first amendment right to say what he wants,” said Restucci. “Those are his opinions, not the opinion of the council or of Sunnyside. Mr. Raines doesn’t speak for Sunnyside or the council.”

Thomas said that his initial column was rejected by his editors at Al Jazeera English, who asked him to provide proof that the person who posted the comments was actually a councilman.

“They said, ‘this is not normal’,” said Thomas. “I had to provide evidence that the Jason Raines who posted the review on Amazon.com and posted the joke on his blog was the same man who is a councilman in Sunnyside.”

Thomas, a Ph.D. candidate in East Asian Studies from Cornell University, researched Raines and said he was stunned to learn that he is a councilman. He used Raines as an example in his column of how deep the social divide is in the United States.

“I do think the residents of Sunnyside deserve to know that they have an elected official that makes jokes about killing Mexicans and makes fun of black men being killed for no reason, and then refuses to acknowledge these things are wrong,” said Thomas. “This is especially the case considering the diverse population of Sunnyside, that the police endorsed him and that he’s on the public safety committee.”

Thomas also said he was surprised to see that Raines, instead of apologizing or denying his statements, got back on Amazon and argued with commenters.

Sunnyside Deputy Mayor Theresa Hancock said she was disappointed to see a council member making the type of remarks Raines posted on Amazon.com.

“He (Raines) has had ample opportunity to see the pitfalls of social media,” she said.

Tags

Jason Raines Commerce Politics Internet Thomas Jr. Weaponry Shooting Councilman
Amazon Rifle Sunnyside

Exhibit 3 to Vicky Frausto Declaration

Opinion | Preserving local values: A review of Sunnyside's School Board election

Emmanuel Ramos

Oct 11, 2023

A pivotal moment unfolded on Thursday, Oct. 5, 2023, as six dedicated individuals vied for the opportunity to represent their local districts on the Sunnyside School Board. As I observed this election forum, my initial impression was one of confidence.

Our current school board is in the capable hands of educated individuals who possess a profound passion for service, a clear vision, and a defined path to providing our community with the best possible education within a secure and safe environment. Moreover, the candidates bring a diverse array of educational backgrounds, global perspectives, and a sincere desire to enhance our community.

However, amid this promising electoral landscape, a question looms large: Are outside influences from large cities injecting money into our local elections, potentially altering the course of our community's values and policies? This question is especially important when considering its potential impact on our youth.

One of the most notable questions posed during the forum was, "Has an outside organization been funding your campaign? If so, who, and is that what motivated you to run for school board?" It was Dr. Yasmin Barrios', candidate for School Board Position 1, response that particularly caught my attention. She revealed that three candidates running for school board and three for city council had been encouraged, educated, and supported by a group called "Ella."

Dr. Barrios went on to explain that this group had been actively educating and supporting these candidates in their campaigns. While the intent behind such support may be well-meaning, it raises concerns about the influence of outside organizations on our local elections. Specifically, when they are trying to gain a majority in elected positions, with the likely goal of bringing big city policies to small town politics.

As an eight-year Marine Corps combat veteran who honorably served as a journalist, I learned valuable lessons during my service. One of these lessons pertains to the importance of small rural towns like Sunnyside, where wholesome family values are cultivated and held in high regard. It is in communities like ours that traditions and values thrive.

We must recognize that our community's unique character and cherished values are at stake when outside influencers and their money pour into our local elections. While diversity of thought is essential, we must tread carefully to ensure that the essence of Sunnyside, with its close-knit family values, remains intact.

In this critical school board election, Sunnyside stands at a crossroads. The candidates bring their unique backgrounds and perspectives to the table, reflecting the diversity within our community. However, we must remain vigilant to the potential influence of outside organizations seeking to reshape our community's values and traditions.

As we move forward, it is imperative that we prioritize preserving the values that make Sunnyside an ideal place to raise a family.

Our duty as engaged citizens is to ensure that our local elections are not swayed by external forces but remain true to the genuine aspirations of our community. In doing so, we can continue to nurture and protect the values that define our cherished town.

Emmanuel Ramos is a resident of Sunnyside and a U.S. Marine Corps combat veteran.

Tags

Politics

Sociology

Exhibit 4 to Vicky Frausto Declaration

FEATURED

Community members rally for transparency from school district

Kennia Perez

Feb 21, 2024



Community members hold up signs in front of Sunnyside School District offices during a rally organized by Lower Yakima Valley Latinx Coalition, Feb. 13.

Kennia Perez

Families and local leaders from Sunnyside gathered at the Sunnyside School District administration building on Tuesday, Feb. 13, rallying for transparency regarding alleged ongoing issues within the district.

The Lower Yakima Valley Latinx Coalition organized a rally with the aim of drawing the attention of decision-makers within the School District. The group alleges that a range of ongoing issues, including lack of action and accountability from leadership, increased school

violence, violations of district policies, and nepotism, are visible within the district.

Sandra Zesati, a coalition partner and community advocate, articulated in a press release that given the current levy vote, this is the best time to highlight these issues if efforts of seeing a response and plan of action.

The levy if approved would add around 14 million dollars of funding for the school. The funding would be allocated towards positions such as school resource officers, additional custodial and maintenance staffing, as well as supporting clubs, school programs, and the acquisition of teaching materials.

Kennia Perez can be contacted at 509-837-4500 ext. 110 or at KPerez@sunnysidesun.com

Tags

Politics

School Systems

Law

Armed Forces

Education

Kennia Perez

Reporter

Exhibit 7

**DECLARATION OF
CHELSEA DIMAS**

I, Chelsea Dimas, declare and state as follows:

1. The information in this declaration is true and correct to the best of my knowledge and I am of majority age and competent to testify about the matters set forth herein.
2. I am a current resident of Sunnyside, Washington.
3. I am a first-generation daughter of immigrants. I grew up moving between Sunnyside, Washington, and Southern California, as my parents followed the availability of work.
4. I attended Yakima Valley Community College, Parsons School of Design, and received a Bachelor's Degree in Fine Arts from Pacific Lutheran University.
5. I am currently a Commissioner on the Washington State Human Rights Commission and am running for State Representative. I have also worked for legislators in the

Democratic Caucus.

Sunnyside

6. When I was growing up, Sunnyside was divided, with the white community largely staying separate. Along with this segregation, there was outright discrimination. I was told that I would end up pregnant or in a gang because I am a Latina. My parents were regularly referred to as “illegals” or “aliens.”
7. My parents faced difficult working conditions, low wages, and race-based discrimination as agricultural workers. My mother was a non-citizen, and employers used this fact to intimidate her.
8. My family struggled to meet our basic needs growing up, in large part due to my parents’ wages and a shortage of housing. Housing was extremely difficult to find in Sunnyside.
9. Many of the people who have been on the Sunnyside City Council over the past decade have significant control over affordable housing in and around Sunnyside, increasing the potential for retaliation when people get involved in politics. Don Vlieger and Wayne Overland either manage or own much of the affordable housing in and around Sunnyside.
10. Language barriers made accessing even basic services a struggle. I would have to interpret for my parents from the age of four or five years old, including interpreting rental agreements, bills, and applications for services.
11. Sunnyside has always done a poor job of communicating services that are available, especially to Spanish speaking families. City government refused to translate many documents for residents despite repeated requests.

1 12. Many families are also scared to engage with the government because they grew up
2 understanding that the government worked with the farm bosses and were a tool of
3 retaliation. Also, non-citizens in the community, and their families, fear contact with
4 the government. They believe that any interaction with the government, including
5 voting incorrectly, could have immigration consequences for their family members.
6

7 This discourages people from participating in elections.

8 13. As a result, my parents got involved in the immigrants' rights movement, including
9 protesting for changes to DACA and labor rights for agricultural workers. This
10 created a constant fear of retaliation.

11 14. My mother eventually transferred college credits from Mexico to the United States
12 and now works as a social worker for agricultural workers.
13

14 15. I left Sunnyside to pursue a higher education. When I returned, I found that many of
15 the problems with segregation and discrimination still plagued our community.

16 16. My brother left the community because of the constant racism and the feeling that it
17 would not change.

18 **Sunnyside Schools**

19 17. The racial issues that are present in the community are also present in the schools.
20

21 18. When I went to school in Sunnyside, my teachers and administrators were largely
22 white. They did little to engage with my family.

23 19. Translation was a major barrier to their participation because the schools did not
24 provide interpretation. I was the primary interpreter for my parents starting when I
25 was 5-6 years old. When my parents would demand interpreters, they were told that
26 they were being aggressive or argumentative.
27

1 20. This all greatly affected their ability to be involved. Nonetheless, they persevered and
2 were strong advocates for my education, despite these barriers.

3 21. The schools were not responsive to my needs as a student, and I frequently felt unsafe
4 at school.

5 22. As a queer Latina, I was frequently bullied. I was regularly called homophobic slurs
6 and was physically assaulted on several occasions. The school administration largely
7 ignored these issues when I would bring them to their attention. My parents had to
8 come to the school and demand that the school take action to stop the bullying. Even
9 so, the school was slow to respond. My parents filed multiple complaints before the
10 school did anything to stop the bullying. This process was frustrating and exhausting
11 for them, especially because the school largely ignored them. My parents had to leave
12 work to advocate for me in my school, giving up wages our family desperately
13 needed.

14 23. Sometimes I had to leave school because the harassment was so bad, and the
15 administration was not doing anything. I would have likely dropped out of school
16 early if not for my parents' advocacy. Many of my friends whose parents were less
17 able to advocate in the school did drop out.

18 24. Other students did not have the same issues. White students, athletes, and students
19 with ties to school administration were all listened to without question. They also
20 appeared to be protected if I brought forward issues involving them since they did not
21 face repercussions.

22 25. More recently, issues have come up with the Sunnyside School Board being
23 responsive to the Latinx community.
24
25
26
27

- 1 a. When the prior Superintendent was fired, the community demanded that
2 the Board consider a Latinx candidate for his replacement because the
3 students in the School District are 92 percent Latinx. There were three
4 well-qualified Latinx candidates that were passed over for a white
5 candidate. After a white superintendent was hired, the community met
6 with the School Board to express our concern. The Board Director Sandra
7 Linde and other members of the board were dismissive of our concerns.
8

9 **2021 Election**

10 26. I ran for Sunnyside City Council in 2021 against Vicky Ripley. I experienced nearly
11 constant harassment and racial attacks during the campaign.
12

13 27. During the campaign, people would tell me to “Go back to my country.” Other people
14 said in a threatening way that I “better leave the county.” I noticed that a car seemed
15 to be following me during the campaign. This created fear that earlier threats would
16 be carried out.

17 28. During the campaign, I was attacked as “un-American” if I shopped at the Latinx
18 grocery store or did not attend a certain event in the town. I was also called “un-
19 American” if I brought up the lack of Latinx representation on City Council or the
20 racist history of the United States.
21

22 29. Although my opponent, Vicky Ripley, was careful not to make these statements, she
23 did “like” posts containing some of these statements on social media.

24 30. This campaign occurred during the pandemic and because of the financial strain, my
25 partner and I lost our house. Nonetheless, I stayed in the race. My opponents followed
26 me to try to see where I was living to see if they could have me disqualified.
27

1 31. I got involved with ELLA after this race when I saw them supporting candidates. I
2 wanted to support other candidates that might face similar challenges.

3 32. ELLA helped in providing education and logistical support for our campaign.

4 33. ELLA supported six candidates in the 2023 election: Keren Vazquez, Jorge Galvan
5 and Vicky Frausto for City Council; and Yasmin Barrios, Sandra Zesati, and Anna
6 Saenz for School Board. All the candidates campaigned with and for each other. All
7 these candidates were Latinx.
8

9 a. During this campaign, I was again attacked as a proxy for the ELLA
10 candidates, although I was not a candidate.

11 b. I heard and saw people in the community call the slate of candidates “a
12 cartel,” “a gang,” and “a mafia.”
13

14 34. Exhibit 1 is a fair and accurate copy of various screenshots taken during the 2023
15 campaign. Each is a correct, unaltered copy of screenshots I collected and personally
16 saw.

17 a. Teresa Wickham Hancock, a former Council member, warned me about
18 her experience opposing Jason Raines, Don Vlieger and Mike Farmer, and
19 warned me about their “attacks.” Exhibit 1(B).

20 b. She also told me about a “joke” posted by Jason Raines, joking about
21 killing Mexicans and Arab people. Exhibit 1(A). I was later able to find
22 the original post. Exhibit 1(A) is a fair and accurate representation of that
23 post.
24

25 c. Despite his history of racially inflammatory language, many people in the
26 City put campaign signs for Jason Raines in their yard.
27

1 35. People have warned me that I may face retaliation for running for State
2 Representative. Any time a Latinx candidate runs for office in the Sunnyside area,
3 they must consider the possibility of retaliation and attacks on their personal safety.
4

5 Executed this 27 day of March 2024.

6 I declare under penalty of perjury under the laws of the United States and the State of
7 Washington that the foregoing is true and correct.

8 By: 

9 Chelsea Dimas
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Exhibit 1 to Chelsea Dimas Declaration

Exhibit 1

A:



B:

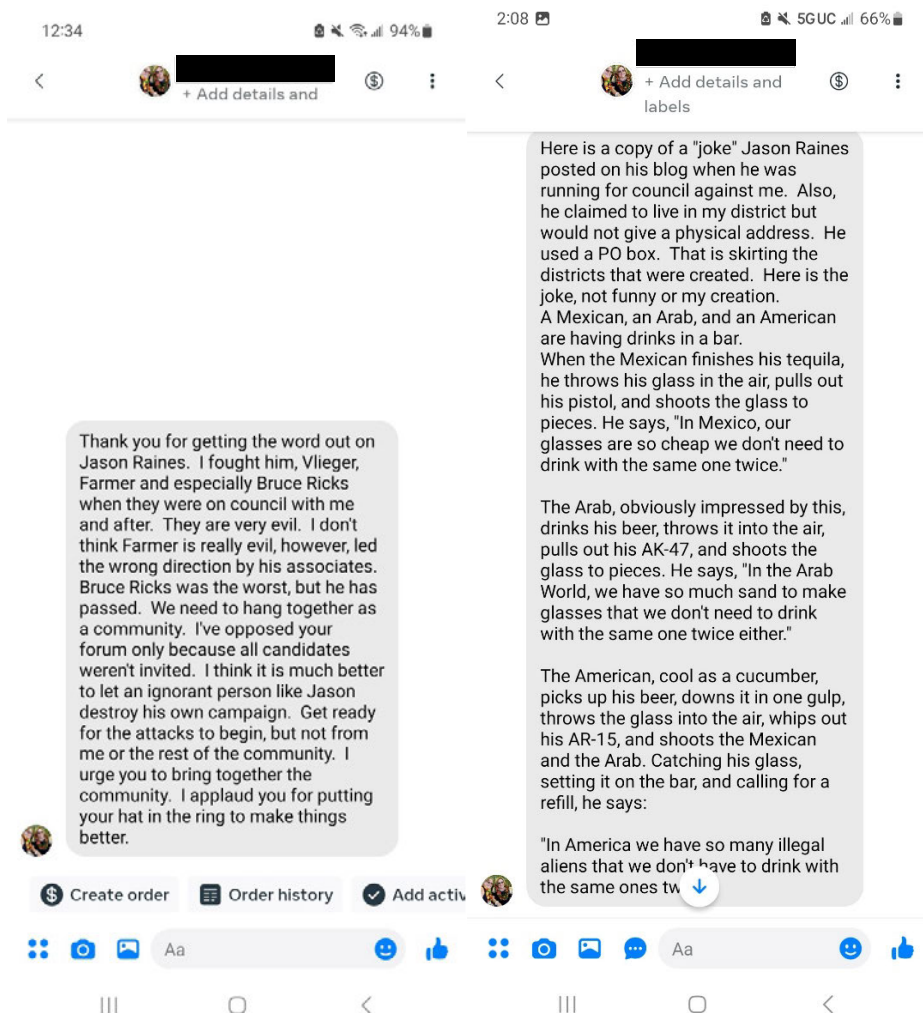


Exhibit 8

**DECLARATION OF EVANGELINA
AGUILAR**

I, Evangelina Aguilar, declare and state as follows:

1. The information in this declaration is true and correct to the best of my knowledge and I am of majority age and competent to testify about the matters set forth herein.
2. I am a current resident of Granger, Washington.
3. I was born in Glendale, Arizona and grew up as a migrant student traveling from Texas to Washington, helping my family harvest crops in different states. I am a middle child and have 12 siblings. We all went to schools wherever we worked. I was in 5th grade when my dad settled in Washington. I went to school in Pasco and Sunnyside and graduated from Pasco High School.

Sunnyside

DECLARATION - 1

AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION
P.O. Box 2728
SEATTLE, WA 98111
(206) 624-2184

4. Back when I attended school in Sunnyside, there were fewer Latino people in the community. Most of my friends both Hispanic and white worked the fields during harvest. Many of us cut asparagus. During asparagus season, the school started later because there were so many students that were cutting asparagus. Back in those days, there was a feeling that everyone was the same.
5. This has changed over time. The community has become more divided, and the white population seems anxious about the growth of Latino leadership in our community.
6. Politicians who represent our area don't represent all the people that live and work in the Yakima Valley, especially those that are Latino and work in agriculture. They tend to represent the white community and ignore the desires of the Latino community.
7. For example, Governor Jay Inslee proposed legislation celebrating a special day for Cesar Chavez, who is a big hero to the Latino and agricultural community. Jim Honeyford, the Senator for the 15th District, which represents the lower Yakima Valley, including Sunnyside, was one of only a few legislators who opposed this action by the Governor. When asked why he voted against this, he simply stated that he did not find it important for the Governor to do this. His actions were very disrespectful to all the hard-working Latino agricultural laborers in his district and clearly showed a disconnect and disregard for the Latino community.
8. Local politicians ignore the Latino community as well.
9. For example, I heard white council members speaking to business leaders about going out of town to avoid Latinx celebrations like the Cinco de Mayo celebration. They would say they were going to the mountains for the weekend to avoid the Latino

people that would be gathering for the Cinco de Mayo celebration. That was back in the early 2000's but last year was no different. I participated in the Sunshine Days parade and later visited the downtown booths that were set up for the event. I did not see any white City Council or School Board representatives present. The people there were almost entirely Latino families.

2001-2005 City Council

10. In the late 90s, I got involved in various service projects around the city. As part of those projects, I got to know many of the people that were involved in city politics, including Jim Stevens, Don Vlieger, Mike Farmer, and the late Bruce Ricks.
11. As the 2001 election came, the group asked me to run for City Council against the only Latino person on the council, Mike Aguirre. One of them stated he would fully endorse and fund my campaign. I agreed to run but ultimately decided to challenge another candidate. This candidate had previously been interviewed in the local media and had made offensive remarks about the Latino community.
12. The man who had initially supported me and stated that he would fund my campaign turned on me, stating that he and the group would no longer support me because I was not challenging the Latino candidate on the Council.
13. I won that election because my campaign was about the whole community and I had the support of many of the teachers in Sunnyside.
14. My time on the Council was very difficult because the other members of the council were extremely dismissive and aggressive, especially when discussing issues that affected the Latino community:
 - a. On several occasions during the City Council meetings, I requested that

1 materials related to important Sunnyside business be translated into
2 Spanish in order to educate our monolingual Spanish speaking
3 community. Other members of the council responded that if Spanish
4 speakers in the community wanted to get educated about city affairs, they
5 would need to learn to speak and read English.

6 b. During a Council retreat I suggested that we mail a monthly
7 English/Spanish newsletter with utility bills to inform the community
8 about city services and council decisions. One of the members responded
9 that if that was all I had to contribute, that he didn't really want to hear
10 what I had to say. He also stated that the Latino community does not
11 participate so therefore, they had no value to him. The City Manager and
12 other city council members heard this and did not respond or try to support
13 my efforts in any way.

14 c. Some Council members targeted taco vendors in the city. They tried to
15 pass an ordinance to push them out of the city, claiming the trucks were
16 not aesthetically pleasing. These vendors were important to the working
17 Latino community because they provided food to farmworkers who were
18 not able to leave the fields during lunch.

19 d. I was able to help negotiate a resolution, which allowed the trucks to stay
20 if they followed certain regulations. White businesses were not targeted in
21 this way.

22 e. I remember asking if we could hire bilingual staff to help our monolingual
23 Spanish speakers access services at City Hall. I would never get any

support for this type of request.

f. I remember one Christmas a downtown Latino business owner called me.

He was trying to open his doors before Christmas and was running into problem after problem with the city. I went to the City Manager with the business owner and translated the problem for him to the Manager. The business owner was able to open his business after all, but had I not gotten the City Manager involved he would have had to keep his doors closed throughout the busiest time of the year. When I asked the staff what the problem was, they stated a breakdown in communication.

g. Availability of affordable housing has been a longstanding issue in Sunnyside. Catholic Community Housing Services proposed an affordable housing development in Sunnyside. Some Council members opposed the project because they felt affordable housing would encourage the growth of the Latino community, which they wanted to avoid. During the meeting to vote on the project several citizens who lived close to the proposed project had a signed petition requesting I recuse myself due to a conflict of interest. The person who was presenting this information to the council stated that they had been told that I had a relationship with the Catholic Diocese and for this reason I should not vote on this project. I publicly conferred with the Council's attorney to confirm and assure all those who had signed the petition that I did not have a conflict and that they had all been misinformed.

h. I informed the public that earlier in the week I had conferred with the city

1 attorney regarding City Councilman Don Vlieger, who owned housing in a
2 neighboring city, but had been told that this was a perceived conflict of
3 interest since the rentals were in a neighboring city and not in Sunnyside.
4 I suggested to the presenter and the audience in attendance that if anyone
5 should recuse himself it should be Mr. Vlieger who had a perceived
6 conflict of interest. Mr. Vlieger responded by covering his microphone
7 and threatening me by sticking his finger in my face and stating "if you
8 ever". I stopped him and reminded him that the Chief of Police was
9 sitting just a short distance from us and I would file a complaint.

- 10 i. I made a public comment on the record at the end of the meeting and let
11 the Mayor and all Councilmen know that I had been threatened by Mr.
12 Vlieger and that I was afraid for my safety. I requested to change seats so
13 that I would not have to sit next to Don Vlieger anymore.
- 14 j. Don Vlieger threatened me on at least two other occasions, using the
15 words, "If you ever..." and shoving a finger in my face. There were many
16 times during my four-year term when I wanted to quit. I was concerned
17 that Mr. Vlieger would send someone to hurt me or my family. Thank God
18 that never happened.

19 **Sunnyside Schools**

20 15. Growing up as a migrant student I found that Teachers in Schools had very little
21 training on how to work with Spanish-speaking or Latino families.

22 16. For example, my first name is Evangelina. In first grade my teacher never asked me
23 how to pronounce my name and decided to call me Bengie not Evangelina. She

1 taught me how to write my name this way. This ultimately became my nickname
2 throughout school, and I accepted it later in life because it made it easier for teachers
3 and other members of the community to say my name. This happened to many of my
4 friends as well. Juanita became Janie, Juan became John, Francisco was Frank and so
5 on.

6 17. When I worked as a teacher's assistant in my late 20's I had befriended many
7 teachers and staff. I experienced a very unfortunate feeling of prejudice when white
8 teachers would avoid talking about issues involving Latino students when I entered a
9 room.

10 18. The lack of Latino staff sometimes creates unnecessary conflict and
11 misunderstanding.

12 19. For example, two girls that attended my church were considering dropping out of
13 school because they felt a school principal was targeting them. The girls' parents
14 were afraid to intervene because they were undocumented. The principal thought the
15 girls were involved in gangs and being disrespectful to him. The girls thought the
16 principal hated them. The parents asked me for assistance, so I sat down with the
17 principal and parents and was able to mediate the situation. Once there was clear
18 communication, there were no further problems and the girls returned to school. The
19 principal did not take the initiative to clarify the problem, but instead had targeted the
20 girls until they felt their only option was to drop out of school.

21 **Prior Issues with Racially Polarized Voting**

22 20. In 2005, an undergraduate student, Ian Warner, at Whitman College did an analysis of
23 the voting system in Sunnyside and found that there was racially polarized voting.

Exhibit 2 is a fair and accurate copy of his report.

21. A Department of Justice official from Washington DC would meet with a group of us off and on to check on how the County Auditor's office was doing regarding elections and Spanish translation of materials for voting. He came into town the week the student's report hit the papers. He asked us about it and as a result he launched an investigation and in 2008 Sunnyside was forced to change the election system so that there were four district-based positions and three at-large positions for City Council. Although elections in the general election remained at-large.

22. Subsequently, a Council Member Francisco Guerrero raised the issue of using district-based voting in Sunnyside. The other council members, who were all white rejected his proposal.

23. Exhibit 3 is a fair and accurate copy of an article from the Sunnyside Sun discussing the DOJ investigation and a proposal for district-based voting in Sunnyside.

24. Francisco Guerrero explained the proposal to the other Council members, saying "There is a small segment of voters determining how city government is operated." The other Council members did not seem to disagree with this statement but, nonetheless, responded that "I don't see a need to change the current election process." Exhibit 3.

25. Exhibit 4 is a fair and accurate copy of an article from the Whitman Wire discussing the DOJ investigation resulting from Ian Warner's thesis.

Other Sunnyside Elections

26. Jason Raines has been involved in Sunnyside politics for years, despite his open racism. Exhibit 1(A) is a fair and accurate depiction of a "joke" posted on a blog by

1 Jason Raines. Less than a year after this “joke” was posted, the Sunnyside Police
2 Department endorsed Jason Raines. Exhibit 1(B) is a fair and accurate copy of an
3 announcement of that endorsement.

4 27. There is little to no voter education or outreach in Sunnyside. I have worked in
5 elections canvassing and helping to register voters. Many people simply don’t know
6 how to vote or are scared to vote. I have personally shown people how to fill out
7 ballots because they said they simply didn’t know how to and were afraid they would
8 get in trouble if they made mistakes.

9 **Continuing Issues in the School District**

10 28. The Latino community has met with school board members and expressed concerns
11 about lack of representation in the Sunnyside School District administration.

12 a. For example, recently Sunnyside School District Superintendent Kevin
13 MaKay resigned. We were fortunate to have two experienced Latinos
14 with their Superintendent credentials apply. The last time I looked there
15 were only 10 Latino Superintendents in the whole state of Washington and
16 we had two of them at our table. This was so exciting we finally had some
17 candidates that had the experience, credentials, and the cultural
18 background to connect with our huge Latino population in Sunnyside. In
19 the end the School Board hired the non-Latino candidate with no
20 Superintendent experience.

21 b. As part of the process, school board members had met with the Latino
22 parents and community members on several occasions to hear what they
23

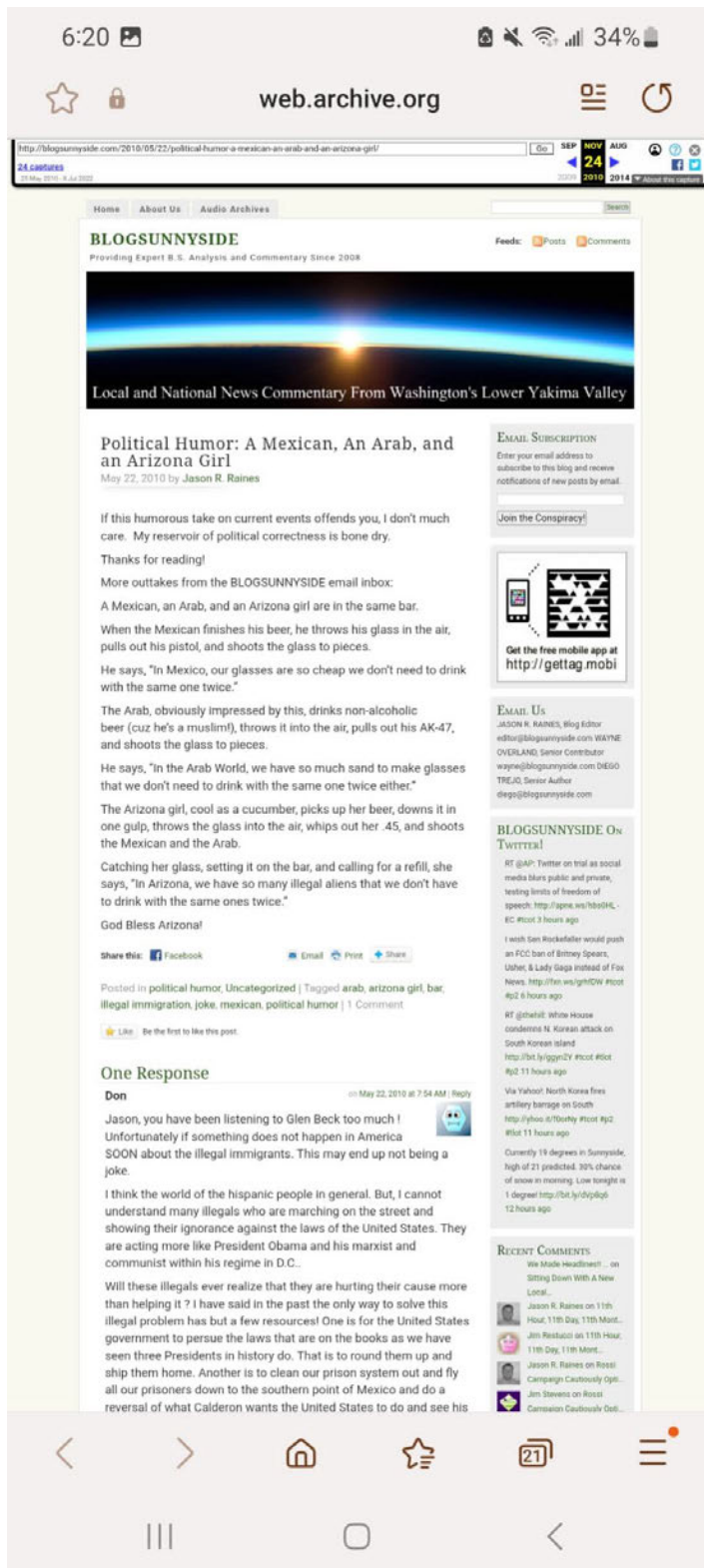
1 wanted to see in the new Superintendent. The parents were excited to hear
2 those two Latino candidates had applied for the position. In fact, on
3 several occasions Sandra Linde, one of the school board members at the
4 time, met with me and explained that she understood how important it was
5 for the Sunnyside School District to have a Superintendent that reflected
6 its student population. She added that her husband, the Commissioner for
7 Yakima County (who was running for office at the time), also understood
8 the importance of the Superintendent being a mentor for the students. She
9 told me not to worry that she had heard the voice of the parents and
10 community, and that the new Superintendent would definitely be Latino
11 since it made sense for Sunnyside. I had complete confidence that Mrs.
12 Linde's vote for the new Superintendent would be in support of one of the
13 Latino candidates. In the end Mrs. Linde's vote was the deciding vote and
14 she voted for the Sunnyside HS Principal, Ryan Maxwell, who is non-
15 Latino and had no Superintendent experience at the time. He had just
16 received his superintendent credentials that same week. I know Ryan
17 Maxwell and he is a good man and I am proud of him for all he has
18 accomplished. I just don't believe that he was the best candidate for the
19 job and truly believe that one of the Latino candidates would have been a
20 better fit to meet the needs of the students and the parents.

21
22
23 c. It is apparent that the leadership of Sunnyside School District does not see

Exhibit 1 to Evangelina Aguilar Declaration

Exhibit 1

A:



B:

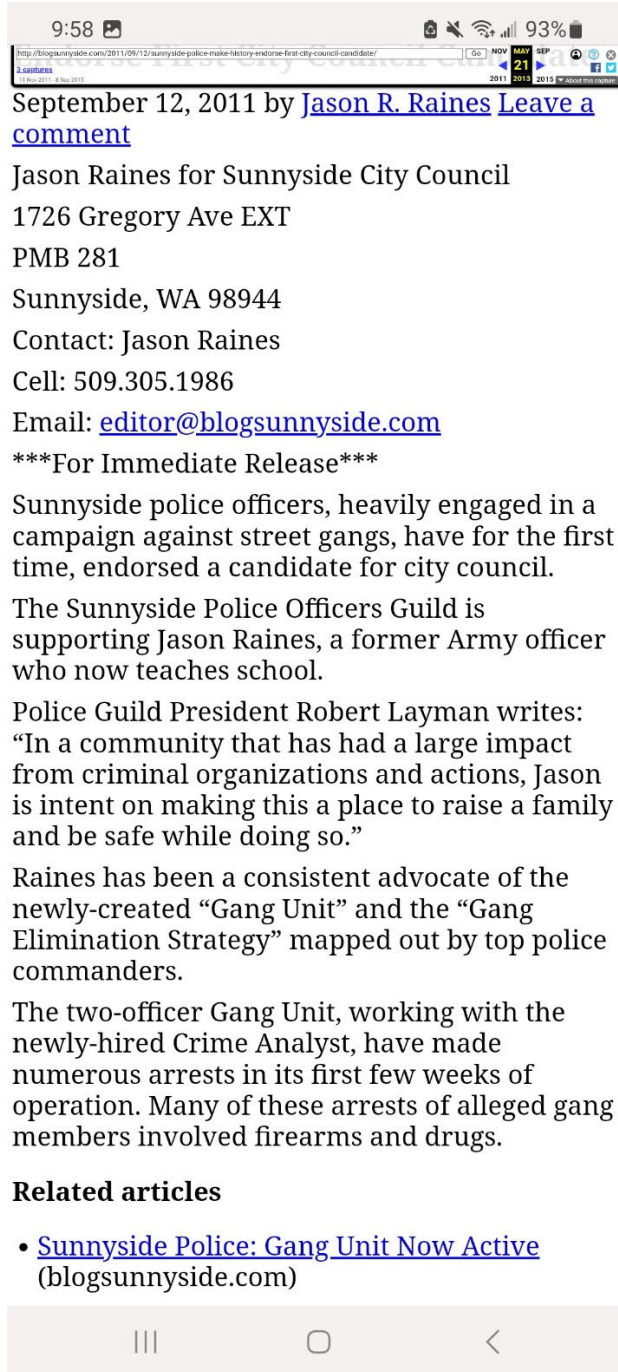


Exhibit 2 to Evangelina Aguilar Declaration

The Political Representation of Latinos in Washington

**Ian Warner
Politics 458
Whitman College
November 4, 2005**

Introduction

The focus of my research is the political representation of Latinos in Washington. The main question my research seeks to answer is; What are the main causes of the discrepancy between Washington's growing Latino population and the level of Latino representatives on city councils around the state? In a true democracy, political representatives reflect the constituency of the people they represent. True representation is manifested in policy decisions, as implemented by representatives, that match the desires of the general public. The basis of this study is derived from cities around Washington State, in which Latinos comprise a much larger percent of the population than their political representation would suggest. In answering my main research question I employ the well documented necessity for minority racial groups to gain political representation in the pursuit of true democracy. The historical struggle to obtain this democratic goal continues today, and my research provides information about the successes and failures of localities in Washington State. The methodology of this project includes the collection of demographic data of cities around the state, an examination of specific city council elections, interviews of politicians and voters, and an attempt to create conclusions and policy suggestions as based in the scholarly texts that have informed my understanding of the issue at hand. Especially important to my comprehension and inspiration for the project was the assistance of Joaquin Avila, assistant professor of Law at Seattle University School of Law. Professor Avila's previous work and expertise was central to creating the direction that my project was to take and the conclusions it has produced. Those conclusions include that: 1) the at-large elections in Sunnyside disadvantage the Latino population as voting patterns are related to racially polarized voting. 2) a. Latinos in Sunnyside are registered to vote, and partake in the act of voting at a much lower rate than non-Latinos in Sunnyside, b. there is a lack of social programming aimed at encouraging voter participation, and education in Sunnyside. As a result, I suggest reexamining the general election format in Sunnyside as well as actively pursuing voter participation through more voter mobilization programming that is focused on voter education and encouragement.

Scholarly Literature Discussion

In order to advance conclusions about racially polarized voting and the political marginalization that general elections can cause minority populations, it is necessary to examine both the Voting Rights Act as amended in 1982 and the *Case of Gomez V. City of Wastonville*, 863 F.d2 1407 (9th circuit 1998).

The voting rights acts of 1957, 1960, 1964 and 1965 were all created with the intention of removing the barriers to voting and representation for African Americans. More recently, America's Latino population has been recognized as a politically marginalized group. An important example can be drawn from the connection between the amendments of the Voting rights act in 1982 and the *Gomez V. City of Watsonville* case.

The aspects of the 1982 Voting Rights Act amendments that are essential to the conclusions advanced by this study are summarized by Texas University School of Law Assistant Professor Samuel Issacharoff. In, *Polarized Voting and the Political Process: The Transformation of Voting Rights Jurisprudence*. Issacharoff purports the importance of voting rights litigation as supported by the Voting rights act. He discusses the history of voting rights litigation and its continuing transformation by citing its historical necessity. Issacharoff focuses on the amended Voting Rights Act and its importance as an instrument to combating electoral systems that result in majority populations receiving disproportionate amounts of political power, which in turn, leads to a similarly disproportionate amount of access to the goods and services allocated by the legislative process. He writes, "The paradigmatic claim of minority vote dilution under the amended Voting Rights Act would now incorporate three basic features: (1) structural obstacles to the electoral success of minorities, such as at-large elections; (2) behavioral patterns that interact with the social obstacles to exaggerate the political power of the majority- - i.e., racially polarized voting; and (3) a resulting under representation or even complete lack of representation of the minority community relative to its proportion of the population."¹ The mentioned amendments, in conjunction with this summarization, are in direct connection with my main research question and the reasoning behind my case study of Sunnyside. Sunnyside's city council elections are conducted in the at-large format and have resulted in a grave under representation of the Latino community on its city council relative to its proportion of the population. The data collected from my research provides evidence of racially polarized voting, hence my suggestion that as forwarded by the 1982 amendment of the Voting Rights Act, the general elections format in Sunnyside should be re-examined.

This re-examination would likely result in a restructuring of city council elections in Sunnyside. The current at-large election format is resulting in a grave under-representation of Latinos. A possible solution would be to change the at-large election system to a district election system. As Engstrom and McDonald write in, the *Election of Blacks to City Councils: Clarifying the Impact of Electoral Arrangements on the Seats/Population Relationship*, "In comparison with single-member districts, at large elections seriously reduce the level of black [minority] representation."² This assertion is generally accepted in the literature surrounding the subject. The effectiveness of single-member districts to amending the under-representation caused by at-large elections is complicated by the impact of several factors including, the geographical concentration of the minority population and the size of the minority population. Such complications lead to claims such as, "District elections do not generally facilitate the election of Hispanics, though they may do so in some cities with a high degree of residential segregation. However, Hispanics appear to do somewhat better in cities with both at-large and district elections than in either of the pure types, a finding which confounds expectations."³ This

¹ Issacharoff, Samuel. "Polarized Voting and the Political Process: The Transformation of Voting Rights Jurisprudence". *Michigan Law Review*, 1992.

² Engstrom, Richard; McDonald, Michael. "The Election of Blacks to City Councils: Clarifying the Impact of Electoral Arrangements on the Seats/Population Relationship". *The American Political Science Review*. Vol. 75 No. 2. 1981.

³ Welch, Susan. "The Impact At-Large Elections on the Representation of Blacks and Hispanics." *The Journal of Politics*, Vol. 52. No. 4. 1990.

statement addresses the complexities of redistricting without denying the efficacy of district elections in comparison to general elections. It also appeals to a combination of the two structures which illuminates the fact that different municipalities warrant different structural changes. Despite these complexities, it remains that when an at-large election, such as Sunnyside's, produces a grave under-representation of a minority community on its city council, redistricting is an effective solution. In this report I will not pretend to be an expert on redistricting techniques but instead thoroughly establish the fact that the current election format in Sunnyside is not producing a true representative democracy and therefore necessitates a change in the election structure as established by the Voting Rights Act.

The case of *Gomez V. City of Watsonville* offers an example of another city that held at-large elections that resulted in a similar under-representation of Latinos on its city council. The case was brought forth by the Mexican American citizens of Watsonville as represented by counsel Joaquin Avila, with the claim that the City's at-large system of mayoral and city council elections violated section 2 of the 1982 amendments of the Voting Rights act, "by lessening the opportunity of Hispanics to participate in the political process and to elect representatives of their choice."⁴ The district court ruled in favor of the city but upon appeal to the Ninth Circuit Court of Appeals in California, that decision was reversed and the Appellants won their case. If such a case were tried today in Washington, this study would provide evidence that at-large elections are lessening the opportunity for Latinos to gain proportionate political representation, as related to the trend of racially polarized voting in Sunnyside's city council elections.

Among the scholarly cynics of studies that claim to present evidence of racially polarized voting in the United States is Morris P. Fiorina. In, *Culture War?* Fiorina argues against the current media and public portrayal of a politically polarized United States. She argues that researchers often have self serving motives and aim at producing interesting studies rather than obtaining a true analysis of political situations. Of political polarization in the United States Fiorina writes, "There is little evidence that Americans' ideological or policy positions are more polarized today than they were two or three decades ago, although their choices often seem to be. The explanation is that the political figures Americans evaluate are more polarized."⁵ In relation to racially polarized voting and my research, this statement is shown to be problematic. My research demonstrates racially polarized voting in a bi-candidate election in which a Latina ran against a Non-Latino. The Latina candidate testifies in interviews that she strategically did not run a Latino based campaign when she won an election for a city council position in 2001. She then ran for re-election in 2005 and lost by a landslide while running the same sort of non-Latino based campaign. She attributes this apparent change in public opinion and her subsequent defeat to her activism on the city council for Latino issues. She states that, "many Latinos make the mistake of running Latino campaigns which ostracize most of the voters."⁶ In her campaign history and this quotation it is clear that as a politician, she is responding to the polarization of the voting body rather than emphasizing her Latino

⁴ Ibid.

⁵ Fiorina, Morris. *Culture War?: the Myth of a Polarized America*. Pearson Education Inc, 2005.

⁶ See appendix B.

identity as a strategy to polarize the voting body in her favor. Racially polarized voting is present and detrimental in the United States today as confirmed by the necessary amendments to the Voting Rights Act and cases like *Gomez V. City of Watsonville*.⁷

The VRA has also been successful in ending other barriers to minority voting and representation. Joaquin Avila summarizes, “These devices [strategies to curtail minority voting] included literacy tests requiring a potential voter registrant to read, write or interpret a provision of a state constitution to the satisfaction of a voter registration official or clerk[...]Other devices included limiting voter participation in political party primaries to white and imposing a poll tax.”⁸ The poll tax was a fee charged to a voter when they came to the polls to vote. The poll tax marginalized the poor and by demographic association, minority populations like African-Americans and Latinos. These successes of the VRA are necessary to understanding the context of my research. They demonstrate the historical utility of the VRA in remedying the structural barriers to minority political participation as my research suggests would be possible by restructuring the city council elections in Sunnyside Washington.

The second conclusion advanced by this study is based upon scholarly literature about voter education and mobilization. In the United States, Latinos are registered to vote and participate in elections at a much lower rate than Non-Latinos while constituting the nations largest minority group. The low rate of Latino voter turnout is reflected in the lack of Latino representation. In 1994 the National Association of Latino Elected and Appointed Officials (NALEAO) estimated the total number of Hispanic Elected Officers to be 5,459, most of which could be found in city government and local school boards.⁹ This is a large increase in Latino representation after the implementation of the VRA in comparison to the 3,128 Hispanic Elected Officers in 1984¹⁰, but the number of Latino representatives today is well short of the ideal of a true democracy our government pursues. The severity of the under-representation of Latinos is made clear by the findings of this report in terms of the disparity between the percentage of Latino population and their lack of political representation in Washington’s city governments.

This research focuses on the impact of at-large elections upon Latino representation. This is not to imply that the demographic factors that impact Latino voting are decisively less important than the structure of election systems. My research aims at creating a focus on the structural barriers to Latino representation that have been brought into question by the VRA and its amendments. In *The Election of Blacks to City Councils: Clarifying the Impact of Electoral Arrangements on the seats/Population Relationship* the authors discuss the relationship between socioeconomic factors and the impact of electoral frameworks. They find that the relative impact of each set of factors, one demographic and one structural are dependent upon the population percentage of the minority

⁷ *Gomez v. City of Watsonville*, 863 F. 2d 1407 (9th Cir. 1988).

⁸ Avila, Joaquin. “The Washington 2004 Gubernatorial Election Crisis: The Necessity of Restoring Public Confidence in the Electoral Process.” *Seattle University Law Review*. Vol. 29, n. 2 (2006).

⁹ Cafferty and Engstrom, 331.

¹⁰ www.naleo.org

involved.¹¹ In terms of this particular study, the Latino populations of Washington make up large percentages of several localities in which the level of Latino representation is very low. In accordance with the body of literature surrounding the subject, this would suggest a need to examine the likelihood that at-large elections are playing a significant role in fostering the under-representation of Latinos on city councils around the Nation.

Focusing solely on the structural factors that impact Latino representation and voter turnout is not to suggest that demographic factors do not make an impact as well. In *Meeting the Challenge of Latino Voter Mobilization* Melissa Michelson writes, “While some of the disparities can be attributed to low levels of Latino citizenship, socioeconomic status, and age, lack of mobilization by political parties and candidates also contributes to the problem.”¹² Demographic factors then can be recognized as having an impact while also noting that Latinos are largely responsive to voter mobilization efforts. Factors such as age, socioeconomic status and low levels of citizenship do contribute to the problem but focusing on these factors leads to more difficult problem solving strategies than the evidence of a lack of Latino mobilization efforts. An increase in mobilization efforts offers an active approach to rectifying low participation of Latinos. As a result, my study investigates both the presence and effectiveness of voter mobilization and education efforts in Sunnyside.

Discussion of Research Methods

The gathering of my quantitative data began with census information. I used census information, as published on the internet, to rank Washington’s counties in terms of the percentage of their population that was Latino. From that data, and again with the use of census information, I focused on Yakima County as a local that has a high Latino population percentage. The next step was to rank the Latino population percentages of each city in Yakima County and compare those population percentages with the percentage of representation that Latinos held on their respective city councils. From that data, the overall under representation of Latinos in the cities of Yakima County became quite clear. There is an example of a city (Granger) with a high level of Latino representation but it is an exception in Yakima County and given that the aim of my research is to assess the general level of the political representation of Latinos in Washington, I used the example of Sunnyside, a city with a high Latino population percentage and a low level of Latino representation. Important to selection of Sunnyside and the direction of my report is the conclusion as advanced by scholars, including my community partner Joaquin Avila, that general elections often contribute to the under representation of minority groups.¹³ With that proposition I began the task of researching whether or not general elections contribute to the under-representation of Latinos in Sunnyside.

¹¹ The election of blacks...Cafferty and Engstrom

¹² Michelson, Melissa. “Meeting the Challenge of Latino Voter Mobilization.” *The Annals of the American Academy*. 601 (September 2005).

¹³ Avila, Joaquin. “The Washington 2004 Gubernatorial Election Crisis: The Necessity of Restoring Public Confidence in the Electoral Process.” *Seattle University Law Review*. Vol. 29, n. 2 (2006).

In order to reach any conclusions about Sunnyside's general elections it was necessary to obtain the election returns and voter files from Sunnyside's most recent city council elections. I obtained this information through a series of phone calls and emails with the Yakima County auditor's office. Once I had that information, I began the task of recording whether a voter was Latino or Non-Latino (by use of a Spanish Surname list), whether or not they were registered for each city council election (the three I focused on being the three most recent) and whether or not they voted in each election. Once I had completed those tasks for more than 4,000 registered Sunnyside voters in each of the three elections, it became clear that non-Latinos were both registered to vote and voting at much higher rates than Latinos. The next step in my quantitative research was premised on the fact that the percentages of voters who voted for both Latino and Non-Latino candidates were closely related to the number of Latinos and Non-Latinos that voted in each election. With the help of several advisors, I then conducted an ecological bivariate regression analysis on the voting data I obtained in order to determine whether or not racially polarized voting was affecting the outcome of elections in which a Latino ran against a non-Latino. The conclusions from this analysis were important to demonstrating the affect that a general election can have on the probability of minority population obtaining political representation, as I will describe in detail later in the report.

The conclusion that Sunnyside currently lacks effective voter mobilization programs was reached by conducting of interviews of voters and politicians in the city. Very few voters expressed that any organization had encouraged them to vote in any election and those that did, mentioned Universities or personal motivation rather than any explicit program. I also traveled to the United Farm Workers center of Sunnyside and inquired about any such programs. The secretary there provided me the name of a politician in Seattle whom I was unable to contact. The only program I was able to obtain information about was through my interview with Bengie Aguilar. That interview, among others, will be discussed in detail in the following sections of the report.

Data Presentation

This data is presented in order to put my case study into a statewide context.

Washington's Counties as ranked by Latino Population Percentage

1. Adams County 48% Latino
2. Yakima county 37 % Latino
3. Grant County 31% Latino
4. Walla Walla County 26% Latino
5. Douglas County 20% Latino
6. Chelan County 19 % Latino
7. Okanogan County 14% Latino
8. Skagit County 11% Latino
9. Klickitat County 8% Latino
10. Columbia County 6.4% Latino

From this data the prevalence of the Latino population across the state of Washington is quite clear. I chose to focus on Yakima County as it represents a county with a prevalent Latino population and because was a locality I could travel to in order to complete my case study.

It was then necessary to decide which city I would focus on as a case study within Yakima County. In order to make this decision I ranked the Latino population in each city in comparison to its percentage of Latino representation on each city's city council.

Latino Percentage of City Council (2005 Election Returns)	Latino Population Percentage (2000 Census)	Discrepancy Between Population and Representation
Sunnyside 14.3%	73.1%	-59%
Tieton 0%	54.3%	-54%
Toppenish 28.5%	75.7%	-47%
Grandview 28.5	68.0%	-40%
Wapato 42.8%	76.2%	-34%
Yakima 0%	33.3%	-33%
Moxee 0%	31.0%	-31%
Union Gap 0%	29.6%	-30%
Mabton 60%	89.0%	-29%
Selah 0%	11.0%	-11%
Naches 0%	10.9%	-11%
Zillah 20%	26.9%	-6%
Granger 80%	85.5%	-5%
Harrah 60%	44.1%	+16%

This chart displays the general under-representation of Latinos on city councils in Yakima County. The first 8 cities listed have a clear discrepancy between their Latino population and the percentage of representation they receive, which illuminates the absence of a true democracy in which representatives are reflective of the citizenry they ideally embody, as discussed in the introduction.

The final five cities have smaller discrepancies with the exception of Harrah, which has a positive relationship between its Latino population and their political representation. These cities are an exception the trend in Yakima County especially as articulated by the fact that in 5 cities (Sunnyside, Tietan, Toppenish, Grandview, Wapato) non-Latinos comprise less than 50 percent of the population, yet hold from 100% to 67.2% of the positions on the city council in each city. As the goal of my research was to investigate the trends of Latino representation across the state, I chose Sunnyside as a case study as it was likely to provide the clearest explanations for the trend of under-representation of Latinos in Washington.

Case Study

The 2000 census lists that 73.1 percent of Sunnyside's population is Latino.¹⁴ This is an important statistic to this study when applied to the fact that Sunnyside's city council had only one Latino representative after the 2005 election. As a result, Sunnyside provided an example of a city that holds general elections and has a large discrepancy between its Latino population and their political representation. These circumstances provided an opportunity to thoroughly investigate my main research question and decipher whether or not the at-large elections format disadvantaged Latino voters and candidates in elections in which a Latino ran against a non-Latino candidate.

I will first discuss my findings that Latino voters in Sunnyside are an example of the National trend that Latinos are registered to vote and participate in elections at a lower rate than non-Latinos. This portion of the research included determining the number of Latinos and non-Latinos that were registered to vote and voted for each of the elections I would examine. I chose these three elections because they pitted a Latino candidate against a non-Latino candidate. Such a contest allows for a comparison of the voting patterns of Latinos and non-Latinos, as reflected in the outcome of an at-large election. In such a contest it is possible to then determine whether or not racially polarized voting exists in a given election. I chose the three most recent city council elections in which a non-Latino candidate ran against a Latino candidate as they best exemplify the current voting trends in Sunnyside. The results are as follows:

2001 Sunnyside City Council Election		
Non-Latinos Registered	Non-Latinos that Voted	Voter Turnout Percentage
1682	1051	70%
Latinos Registered	Latinos that Voted	Voter Turnout Percentage
1541	533	30%

2003 Sunnyside City Council Election		
Non-Latinos Registered	Non-Latinos that Voted	Voter Turnout Percentage
1440	838	58%
Latinos Registered	Latinos that Voted	Voter Turnout Percentage
1152	239	21%

¹⁴ U.S. Census Bureau. American Fact Finder. 2000. Oct. 2006. <Factfinder.Census.Gov>.

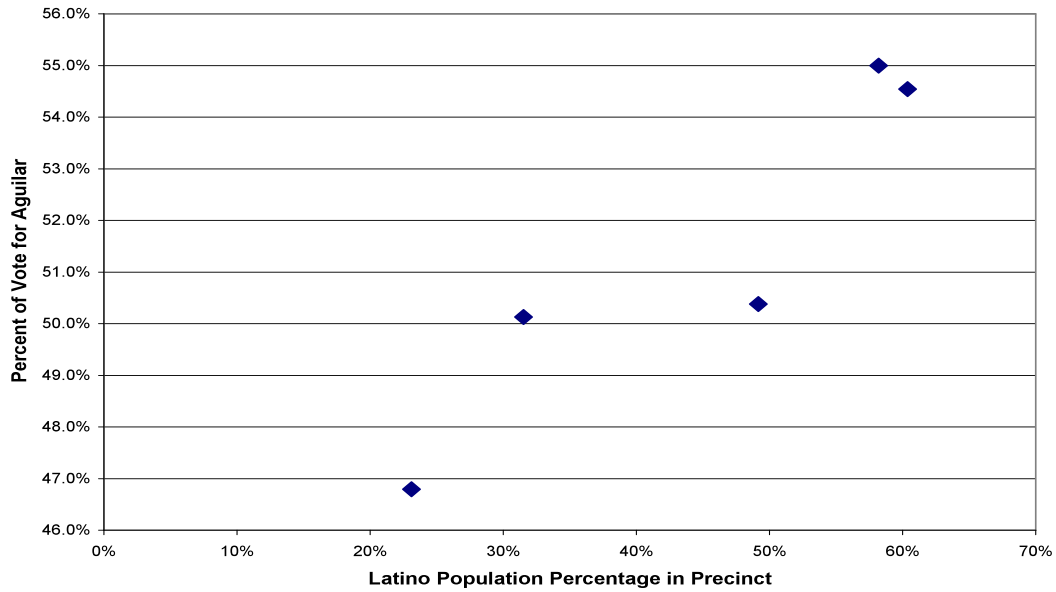
2005 Sunnyside City Council Election		
Non-Latinos Registered	Non-Latinos that Voted	Voter Turnout Percentage
1682	1051	62%
Latinos Registered	Latinos that Voted	Voter Turnout Percentage
1531	533	35.2%

In each of the three elections non-Latinos were registered to vote, and turned out to vote, in much higher numbers than Latinos despite the fact that Latinos constitute 75% of Sunnyside's population. This can be explained by low levels of Latino citizenship, socioeconomic status, and age but the lack of Latino participation would be likely to improve with a voter mobilization effort, as previously discussed. This data also shows a steady decline in non-Latino participation since 2001, providing more evidence for the need of a voter mobilization effort.

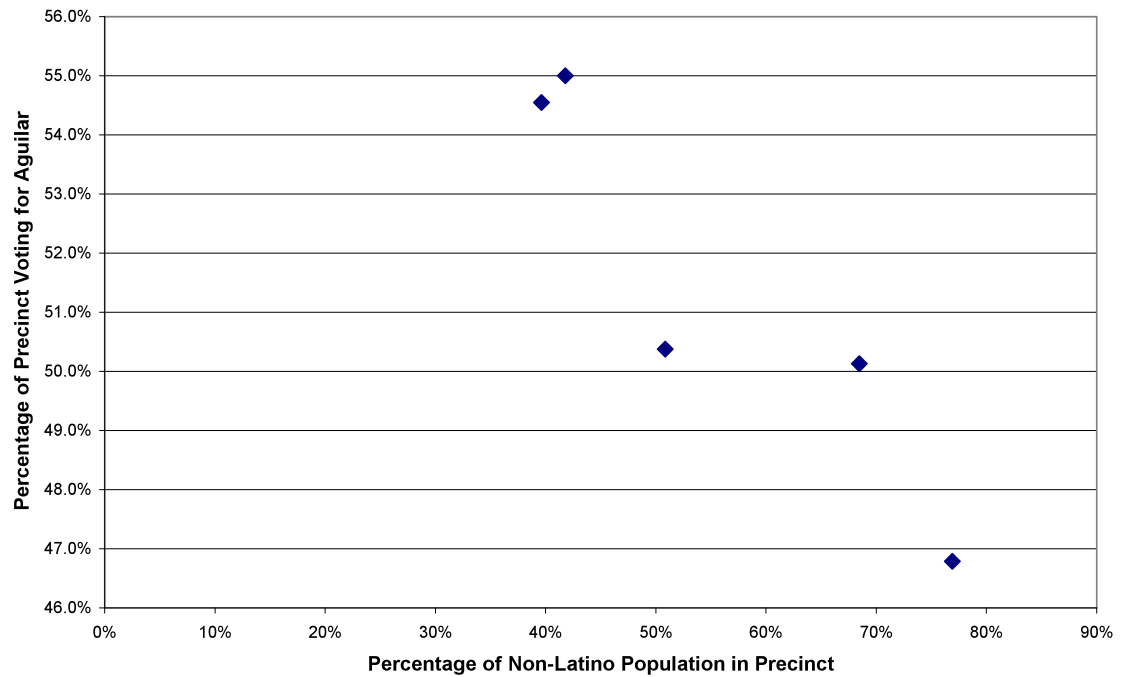
In each of these three elections a Latino ran against a non-Latino candidate. By comparing the relationship between the percent of Latinos that voted and the votes the Latino candidate received as well as the percent of Non-Latinos that voted and the votes the Non-Latino candidate received, it appeared there was a possibility of racially polarized voting. I then performed a ecological bivariate regression analysis which consisted of taking all the data I had collected, determining the Latino population percentage in each voting precinct of the city, and then comparing that number to the number of votes a Latino or Non-Latino candidate received from those precincts. This ecological bivariate regression conclusively shows that there is a pattern of racially polarized voting in Sunnyside, especially in the most recent 2005 city council election. The results are as follows:

Graphs I. & II.

2001 Sunnyside City Council Elections



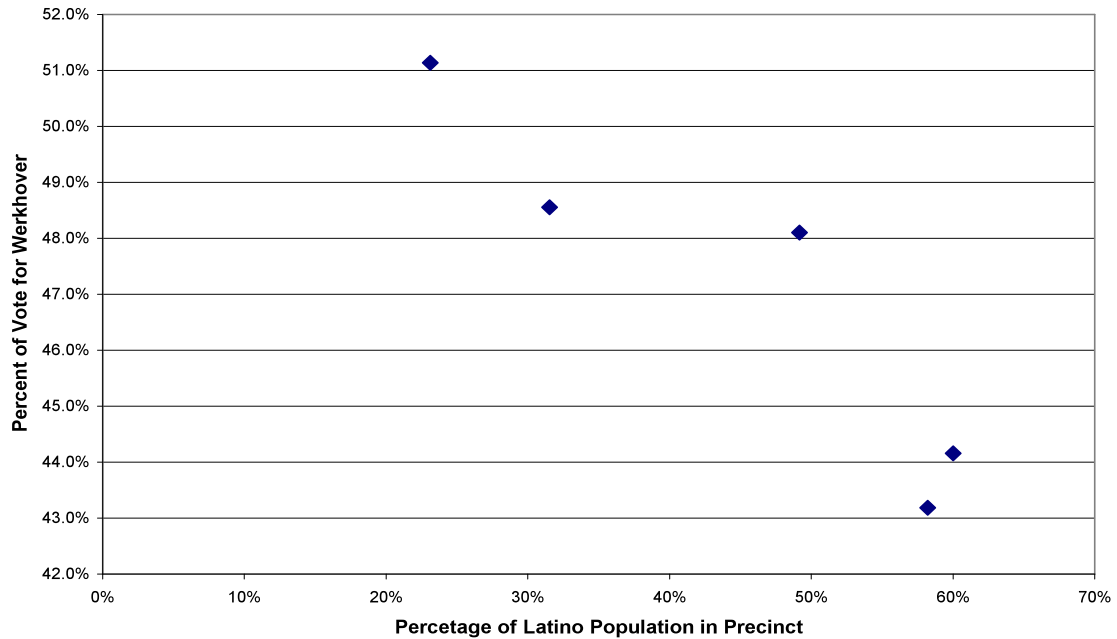
2001 Sunnyside City Council Election



This data on these graphs demonstrate racially polarized voting. This conclusion can be reached by the demonstrated trend in graph I, that as the Latino Population in each precinct rises, the number of votes for the Latino candidate, Bengie Aguilar, rises as well. In graph II the inverse is demonstrated in that as the percentage of non-Latinos in each precinct increases the number of votes for Aguilar decreases. Charts III and IV below display a similar situation in terms of the Non-Latino candidate:

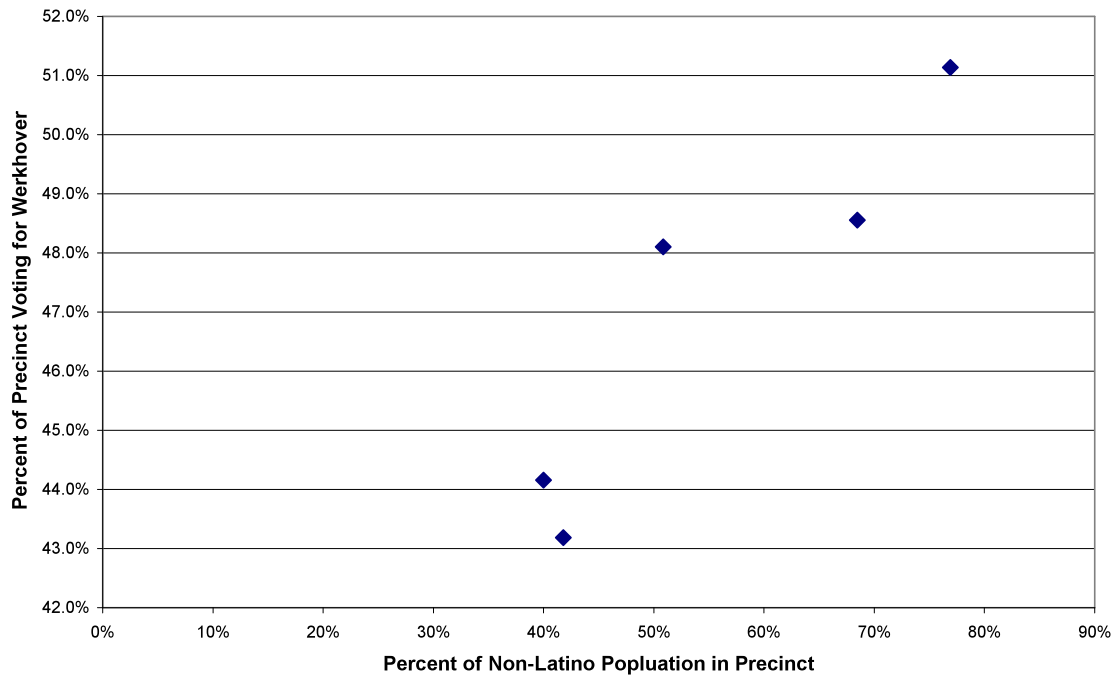
Graph III

2001 Sunnyside City Council Elections



Graph IV

2001 Sunnyside City Council Election



The data on graph III displays the decline in the percentage of votes for the non-Latino candidate as the Latino population percentage increases. The data on graph IV demonstrates the increase of votes for the non-Latino candidate as the non-Latino population percentage increases. The same conclusions reached in Graphs I and II apply to Graphs III and IV.

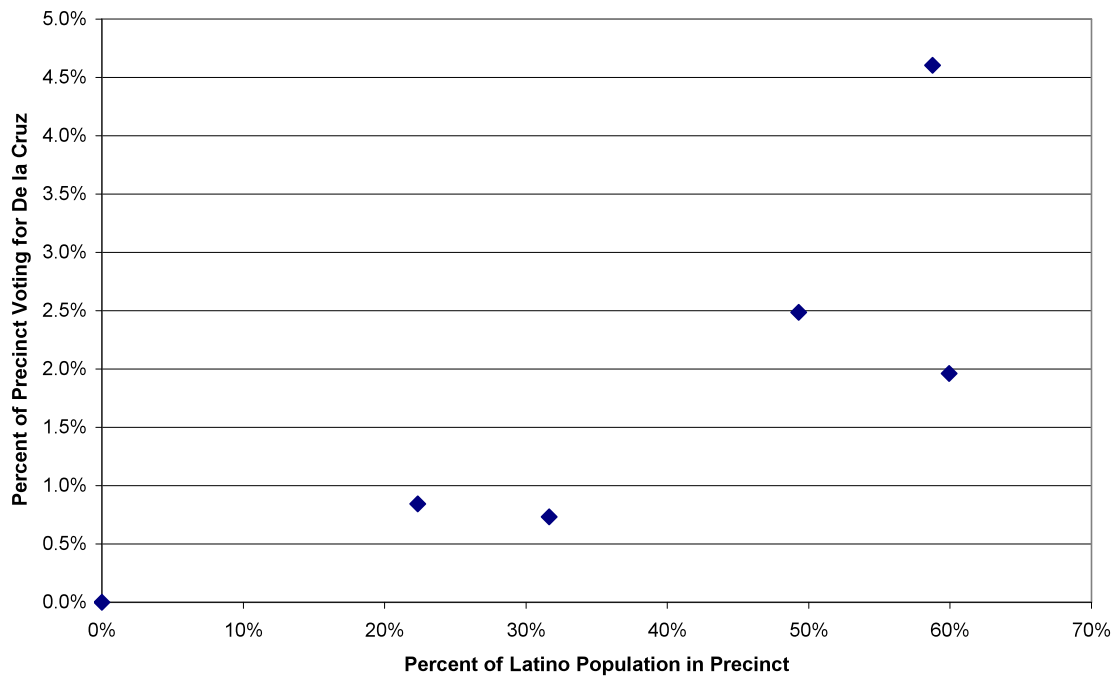
In this 2001 election 962 Non-Latinos voted as compared to 327 Latinos. As a result Bengie Aguilar needed a significant number of Non-Latino votes to win. The election ended with Aguilar receiving 50.66% of the vote and the Non-Latino candidate receiving 47.7%. The results demonstrate that the majority of non-Latino voters voted for the Non-Latino candidate but that a significant number also voted for Aguilar. In an interview, Aguilar described her campaign that year as a “people campaign” and not a Latino campaign which she feels gained her a lot of the Non-Latino vote.¹⁵ She strategically did not emphasize her advocacy of Latino issues and Latino voter mobilization. This being the situation in 2001 is especially important as Aguilar ran again in 2005 in an election clearly impacted by racially polarized voting. After this 2001 victory Aguilar became the only Latino on the city council. In her term she raised issues that had not previously been

¹⁵ See appendix B.

raised in terms of interests of Sunnyside's large Latino community. Being the only Latino on the city council along with her advocacy of Latino interests, such as a bilingual newsletter about the activities of the city council aimed at reaching the broader community, Aguilar became recognized as a Latino candidate. This provides evidence that while Aguilar's strategy to run a "people campaign" in 2001 gained her some of the non-Latino vote, those gains were lost in 2005 when she was publicly recognized as a Latino advocate.

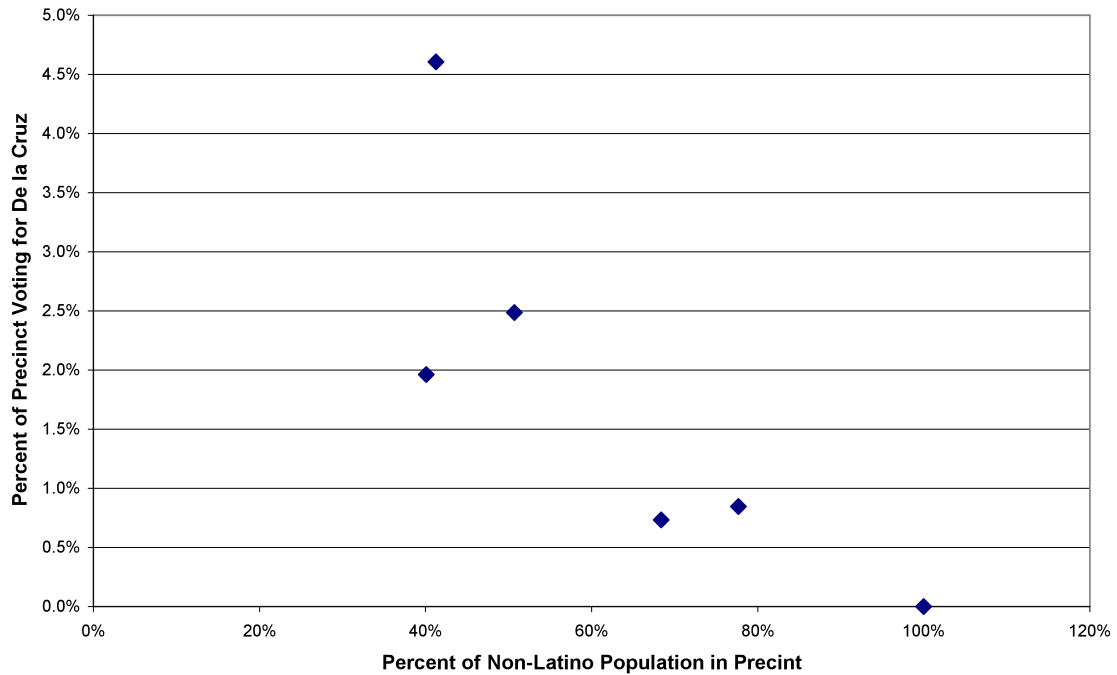
Graph V

2003 Sunnyside City Council Election



Graph VI

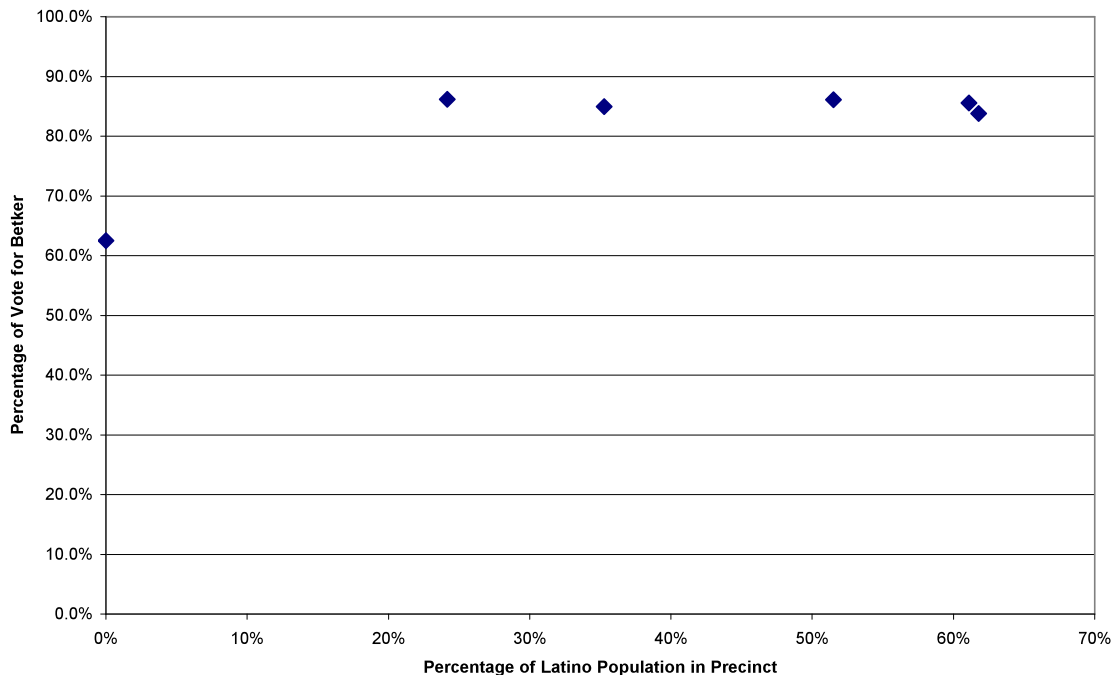
2003 Sunnyside City Council Election



It is difficult to make any concrete conclusions from the 2003 city council election data alone because the outcome of the election was such a landslide. Despite this, graph V demonstrates that as the population percentage of Latinos in each precinct increased so did the number of votes received by the Latino candidate. In graph VI the number of votes for the Latino candidate decreased as the percentage of non-Latinos in each precinct increased.

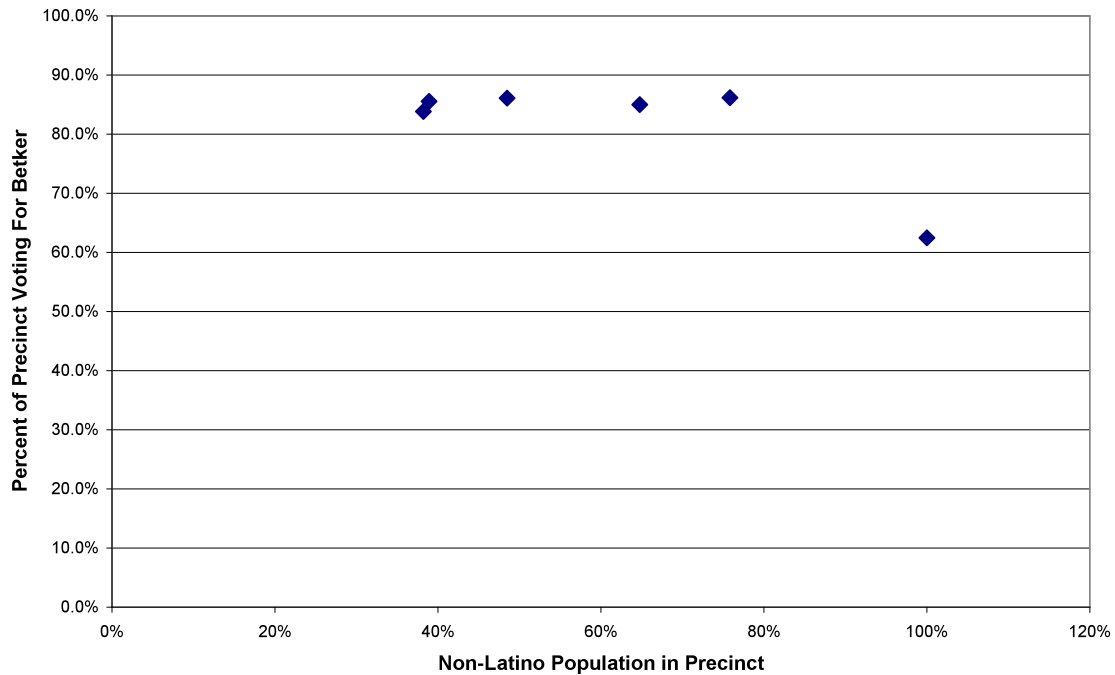
Graph VII

2003 Sunnyside City Council Elections



Graph VIII

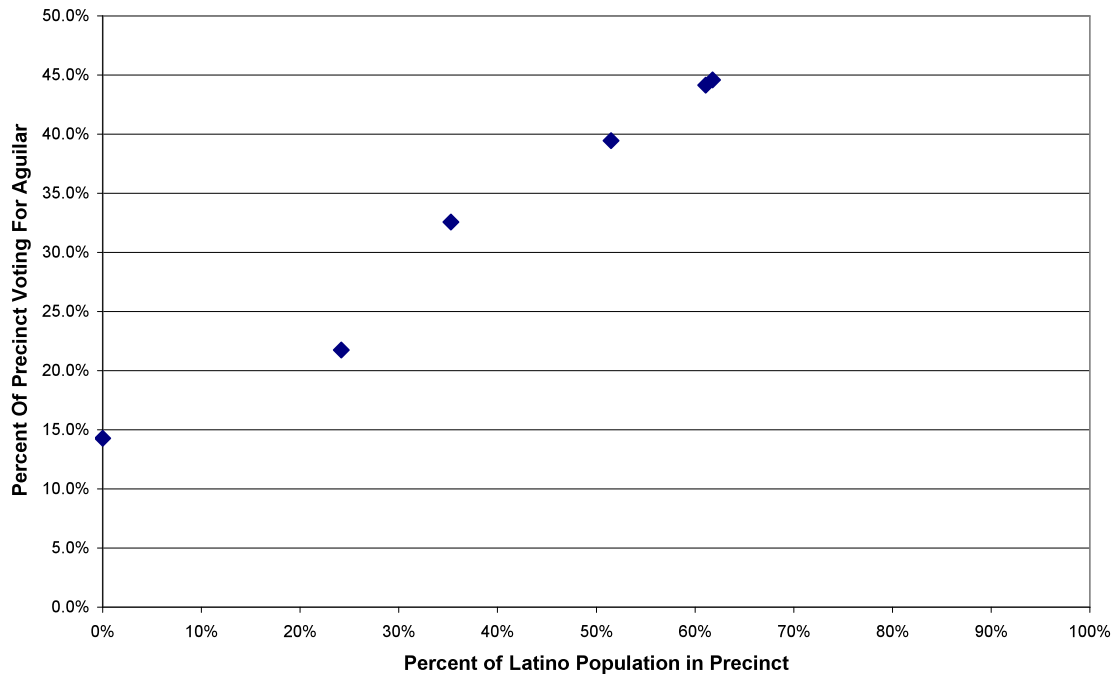
2003 Sunnyside City Council Election



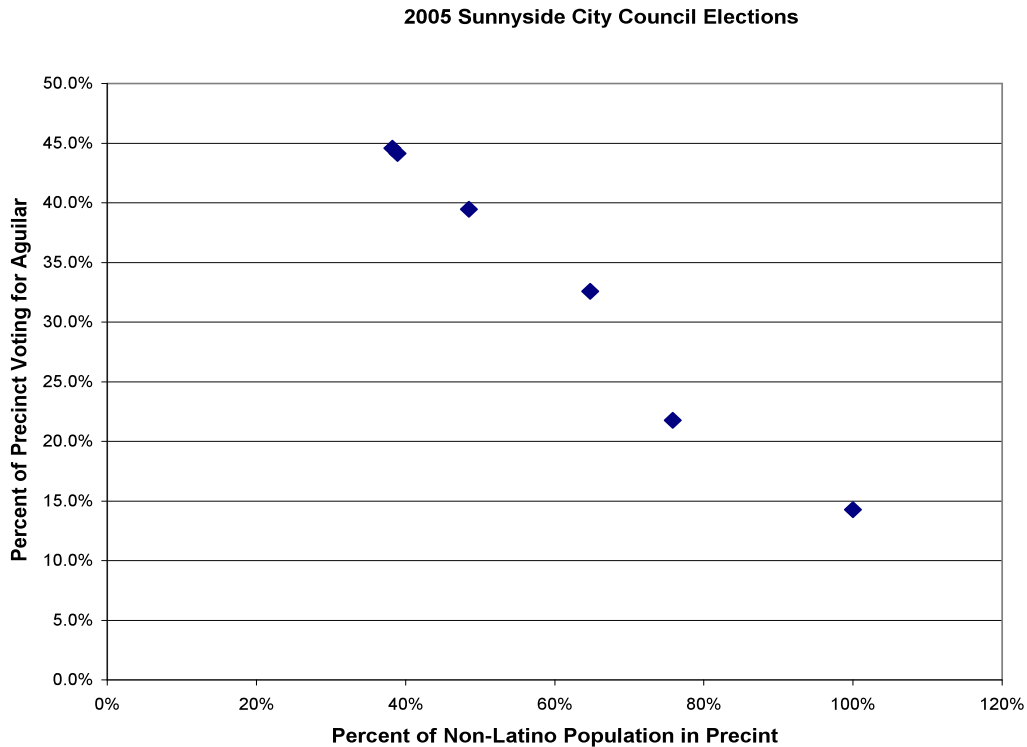
Graphs VII and VIII are also compromised by the fact that the 2003 Sunnyside City Council election was such a landslide. The percentage of votes the non-Latino received stays close to 90% as the percentage of Latinos in each precinct increases. It is also difficult to make assertive conclusions because so few Latinos, 239 in comparison to 838 non-Latinos, voted in this election. This discrepancy put the Latino candidate at a disadvantage so that even if nearly all of the Latinos that voted supported him, he would not win the contest. In light of the fact that 75% of the city is Latino and that the majority of Latinos voted for De La Cruz it is likely that the election would have been much closer or had a different outcome if their had been more Latino voter mobilization. Despite the shortcomings of assessing the 2003 election, the graphs do show that racially polarized voting existed in terms of the votes received by the Latino candidate.

Graph IX

Sunnyside 2005 City Council Election

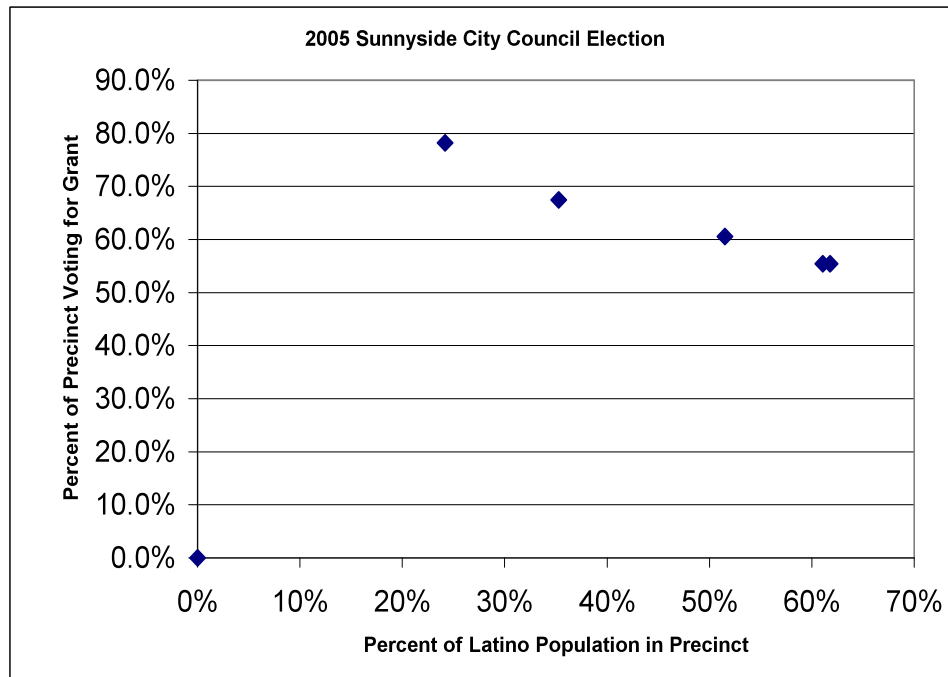


Graph X

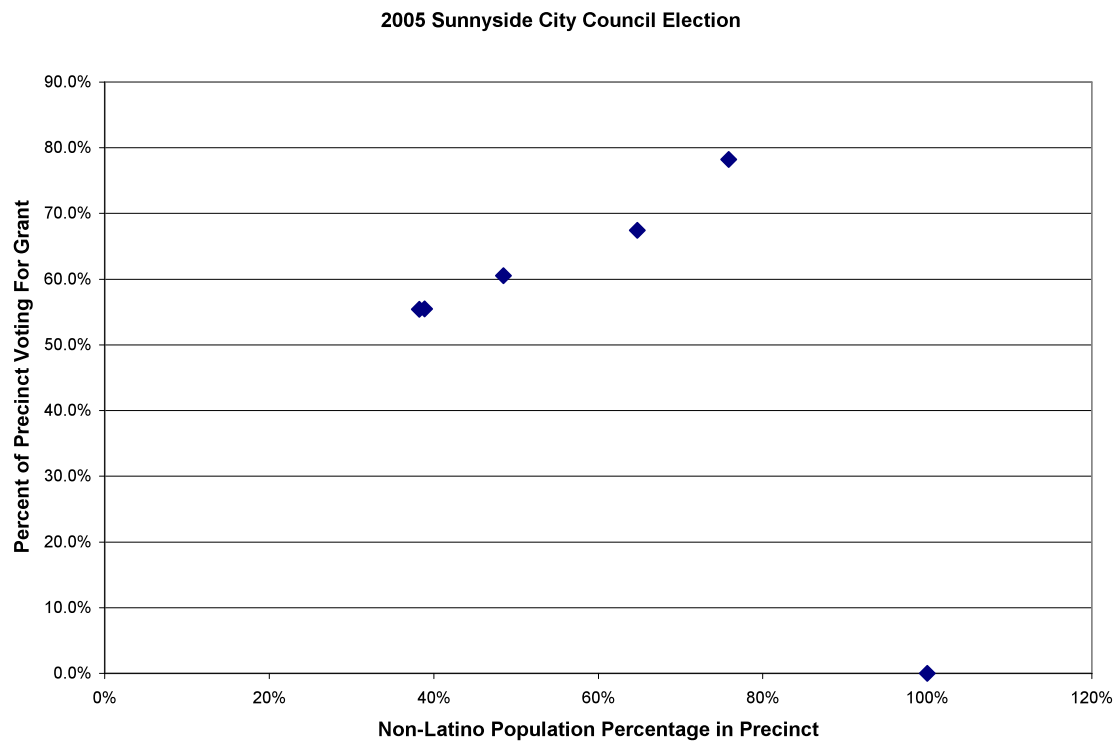


Graph IX shows a direct relationship between the increases in Latino population percentage and the number of votes received by Bengie Aguilar, the Latino candidate. Graph X demonstrates a clear decrease in the number of votes by the Latino candidate as the percent of Non-Latino population increases. 533 Latinos turned out to vote for this election and Aguilar received 616 votes in total. Graph IX demonstrates that many of those votes were from Latino voters. A specific example can be drawn from precincts 1703 and 1705. In precinct 1703 where the Latino population percentage is 35.26% Aguilar received 32.6% of the vote. In precinct 1705 the Latino population percentage is 24.16% and Aguilar received 21.8% of the vote. The correlation between the Latino population percentage in these precincts and the percentage of the vote received by Aguilar suggests that Aguilar received the large majority of her votes from Latino voters and very few otherwise. This is supported by the fact that in total, 35% of the votes in the election were made by Latinos, and Aguilar finished with 35% of the vote. The trend continues in that 62% of the vote was constituted by non-Latinos and the non-Latino candidate received 65% of the vote. This is a clear case of racially polarized voting.

Graph XI



Graph XII



Graph XI conclusively demonstrates a decrease in the number of votes received by Grant, the non-Latino candidate as the Latino population percentage in each precinct increases. Graph XII shows the inverse situation in which the number of votes received by the non-Latino candidate increases as the non-Latino population percentage increases.

As a group, these twelve graphs demonstrate a pattern of racially polarized voting. The 2001 and 2003 elections show a less drastic relationship between the number of Latinos and the number of votes the Latino candidates received but it is clear that on average the higher the Latino population percentage in the precinct, the more votes the Latino candidate received and the fewer votes the non-Latino candidate received. The 2005 election shows a clear case of racially polarized voting in which the relationship between the number of Latinos or non-Latinos and the number of votes received by the Latino or non-Latino candidate are closely related.

This demonstration of racially polarized voting in a general election in a city where Latinos are greatly under-represented on the city council fulfills the three requirements of the 1982 amendments of the Voting rights act as summarized by Issacharoff¹⁶. To reiterate the summarization with the inclusion of Sunnyside as a case study example: The paradigmatic claim of minority vote dilution under the amended Voting Rights Act would now incorporate three basic features: (1) structural obstacles to the electoral success of minorities, such as at-large elections, are present in Sunnyside; (2) behavioral patterns that interact with the social obstacles to exaggerate the political power of the majority- - i.e., racially polarized voting, as demonstrated in the above graphs, and (3) a resulting under representation or even complete lack of representation of the minority community relative to its proportion of the population, as demonstrated by the data above.

Interview Discussion

I interviewed Bengie Aguilar, the Latino candidate from the 2001 and 2005 Sunnyside City Council elections in order to advance my ability to construct conclusions concerning my main research question. The purpose of the interview was to ask Aguilar about her perspective on the impact of racially polarized voting in recent city council elections, along with her ideas about the causes and possible remedies for the under-representation of Latinos in her city. The following selections from that interview directly pertain to my main research question and the conclusions advanced by this study.

Aguilar commented that, “One of the strategies that I used to get on council is that I didn’t run a Hispanic or Latino campaign. I ran a people campaign, you know. I think that sometimes our folks make the mistake of running a Latino campaign, that they are here to represent the Hispanics...”¹⁷ This statement is in reference to her 2001 campaign in which she successfully defeated her Non-Latino opponent in a closely contested election. This statement becomes even more interesting in comparison to a comment she makes in reference to the outcome of the 2005 election and her time on the council, “I ran again and a former principle ran against me... very well known in the area and he beat

¹⁶ See appendix B.

¹⁷ Ibid.

me by a landslide. And I think a big part of that was all the controversy I caused while I was on the council. I was very controversial. I wasn't afraid to challenge something I didn't agree with and unfortunately people don't like that sometimes. Again, we get back to who is the voter? In Sunnyside its not our Latino population unfortunately, but were trying to change that..."¹⁸ From this statement a connection to the rise in racially polarized voting from the 2001 election to the 2005 election can be drawn. The controversy Aguilar mentions made her recognizable as a Latino advocacy candidate in the 2005 election, where as in 2001, she focused so heavily on running a "people campaign" rather than a Latino campaign and thereby avoided being labeled as a Latino candidate.

On the subject of whether or not racially polarized voting contributed to the outcomes of Sunnyside's Council Elections, Aguilar commented, "That's the way it is Ian. I mean you don't have to...well its good you're getting the numbers to prove it, but that's what's happening. You know Mr. Gant ran against me and I knew he would get the support... I knew that once he put in his name against me I didn't have a chance. You know because absolutely, because someone's going to...let me tell you Ian, I did not really understand that racial thing until I got on the council. Then I really understood it. And I'm not saying I didn't encounter it before because we encounter it in our everyday lives, but man did I encounter in on council." Thus the observations of a Latina candidate that has both won and lost in recent Sunnyside elections confirms the trend of racially polarized voting that the data and the above graphs demonstrate.

I will now move to the second conclusion this report advances which is the fact that there is a lack of voter mobilization efforts in Sunnyside. The following responses came from Latino community members in Sunnyside outside of the local mall. I was able to obtain successful interviews with five Latino community members. They were all asked the question; has any group or organization here in Sunnyside encouraged you to vote?

Community member I: "No"

Community member II: "No"

Community member III: "Yea I ah, I've gotten a lot more into politics the older I've gotten...I'm pretty...I know what I like."

Community member IV: Yea my college in Yakima YV tech has. I just haven't had time.

Community member V: "No".¹⁹

Zero out of the five Latino community members mentioned any organization or program in Sunnyside that has encouraged them to vote. This information, along with the low levels of Latino participation, led me to the conclusion that there was a lack of voter mobilization efforts in Sunnyside. The one mobilization effort I did come across was brought to my attention in my interview with Ms. Aguilar when she stated, "Well, I'm involved and have been involved for three years... with a group here called voters registration committee. It's just an *ad hoc* committee here in Sunnyside, trying to register voters... we were focusing on Latinos, but anyone who wasn't registered, we registered

¹⁸ Ibid.

¹⁹ Ibid.

them too but most of your Anglo population is already registered.”²⁰ Aguilar reiterated throughout the interview that the greatest hindrance to Latino turnout and registration is the fact that people are not educated about the voting process. This committee has made an effort to start mobilizing voters but as Aguilar describes has had mixed success, “This year for the first time the group that we work with, the group that’s working here in Sunnyside, we held a ballot party at the Church at St. Josephs that has about a 2000 membership, and a lot of them are Latinos... but unfortunately we had very low attendance at those.”²¹ Further research into this program could provide a useful case study for forming future voter mobilization efforts as my conclusions advocate. One important shortcoming of the program Aguilar describes is that the all the committee members are working people that have to maintain their regular jobs while taking on the role of vote solicitors. A state funded program could help remedy this lack of resources that the local program currently faces.

Aguilar mentioned another interesting and low cost idea for educating Latino voters during the interview. She stated, “I’m not asking for a monthly basis, a quarterly basis... a news letter that would be in a bi-lingual format that would sit on that from desk so that when people came in to pay their water bill that they could just take it home with them. Something that would have information about the city.... Decisions that were being made in the city. You know people say, you know, we publish it in the Daily Sun News (city council decisions). Well guess what? Not everyone buys the Daily Sun News. In fact, a big chunk of this community (including the Latino community) does not buy the Daily Sun News. Wouldn’t it be nice for them to have something sitting on the front desk that would really educate them?”²² This relates back to my main research question in that it provides an example of a way to educate Latino voters and remedy the low level of Latino participation in Sunnyside City Council elections. Aguilar also illuminates the fact that her idea for such a publication has been repeatedly rejected by the City Council.

As an entirety, these interviews support my two conclusions that I., there is racially polarized voting in Sunnyside’s city council elections and that II., there is a lack of voter mobilization efforts in order to rectify the low level of Latino participation in elections.

Conclusion

The data, case studies, and interviews provided in this report provide a basis for the conclusions I have made in response to my main research question. The data provided demonstrates that throughout the State of Washington, Latinos are under-represented in comparison to the percentage of the population in various cities, as compared to the percentage of representation that Latinos hold on their respective city councils.

Narrowing from this state wide context, my case study of Sunnyside demonstrates that Latinos register to vote and turn out to vote at much lower levels than non-Latinos and that racially polarized voting in Sunnyside’s general elections hinders the ability of

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

Latinos to gain political representation. It is quite possible barriers to Latino representation in Sunnyside could be found in similar cities around the state in which there is a grave discrepancy between the population of Latinos and their political representation. Tietan and Toppenish are two other local cities that share the similarities of having at-large city council elections and a grave disparity between their Latino population percentage and the percentage of Latino representation on their respective city councils. A fourth case study of Harrah, a city with a higher Latino representation percentage than its Latino population percentage could provide some interesting insight into solutions for the under representation of Latinos in the State.

The most significant aspect of my report is in reference to the 1982 amendments of the Voting Rights Act. My case study provides that Sunnyside constitutes a situation in which all three requirements for a minority population to bring suit against the state are fulfilled. That is to say that: (1)Sunnyside has structural obstacles to the electoral success of minorities, such as at-large elections; (2)that in Sunnyside behavioral patterns that interact with the social obstacles to exaggerate the political power of the majority- - i.e., racially polarized voting exist; and (3) a resulting under representation or even complete lack of representation of the minority community relative to its proportion of the population is present in Sunnyside. These facts provide grounds for a re-examination of the use of at large-general elections in Sunnyside and other cities around the state. The *Gomez V. City of Watsonville* case provides a compelling precedent. The implementation of district elections would provide a way to remedy the barrier to Latino representation that at-large elections are creating in Washington today. My community partner Joaquin Avila has directed me to this research in an effort to uncover whether trying such a case would be possible in the future in the State of Washington. The results of this research imply that the circumstances in Sunnyside provide grounds for such a case.

On the basis of my findings I advocate an increase in voter mobilization and education efforts in Sunnyside along with a re-examination of the general election format in the city council elections. Again, these recommendations are based upon the conclusion that the main causes for the under-representation of Latinos, specifically in Sunnyside and hypothetically across the state, is that Latinos are registered to vote and turn out to vote at lower rates than non-Latinos, as accentuated by the lack of voter mobilization efforts and that racially polarized voting in Sunnyside is a barrier to Latino representation constitutive of a true democracy.

As reflected in the interviews and data previously provided, the extremely low turnout of Latino voters demonstrates the lack of resources and interest being devoted to voter mobilization efforts in Sunnyside. Addressing the problems highlighted in this report will require creative strategies at improving the level of education of voters in the area as well as the support of State Agencies for funding and other resources from outside of Sunnyside.

The problems as highlighted by this report do not have easy fix it all solutions. Rather this report has aimed to articulate the specific problems causing the under-representation

of Latinos in Washington in order to provide a starting point for improving these circumstances. Creative solutions, such as Bengie Aguilar's suggestion of having a bilingual newsletter aimed at educating Sunnyside about the issues in the city and decisions made by the city council seems to be a very practical way to begin the effort to improve the level of Latino involvement in politics in Sunnyside. A reinvigoration of support and resources for the voter mobilization efforts that are present in Sunnyside could also go a long way in improving voter turn out.

The final and loftier goal of changing the current general election system is a possibility as exemplified by the *Gomez V. City of Watsonville* case but will require a ground breaking effort by Latino advocates and lawyers around the State. My community partner, Joaquin Avila, has mentioned such an effort as a possibility in the future and I hope that the information provided by this report can assist in changing the current barriers to the proportionate representation of Washington States largest minority population.

Appendix A:

Interview Questions

Interview Questions for Latino Voters:

1. Are you registered to vote?
 - a. If no:
 1. Why is that?
 - b. If yes: Have you Voted in any recent Sunnyside city council elections?
 - If no: Why is that?
2. Has any organization or anyone here in Sunnyside encouraged you to vote?
3. Possible Questions for Latino Voters depending upon direction of interview
 - a. Do you know about the current composition of the city council here in Sunnyside?
 - b. Sunnyside has a 75 percent Latino population but only has one Latino council member. What are your reactions to this composition?
 - c. Have you known any Latinos interested in being representatives here in Sunnyside?
 - d. A lot of Latinos that are registered to vote in Sunnyside don't vote. Why do you think that is?

Interview Questions for Bengie Aguilar:

1. Why is it that so many Latinos are registered to vote but do not vote in Sunnyside's City Council elections?
2. Are there any other programs or organizations aimed at encouraging more Latinos to vote in the area?
3. So you were on the council in 2003 is that when you ran? And then again in 2005?
4. Have you noticed any patterns of racially polarized voting in the city council elections here in Sunnyside?

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Exhibit 3 to Evangelina Aguilar Declaration

City may consider district-based voting

Feb 1, 2016

1 of 2



Francisco Guerrero

District-based voting during a primary election is nothing new, but the idea of district voting in a general election may be up for consideration.

Councilman Francisco Guerrero, who currently is the only Hispanic member of City Council, thinks it could be a good idea.

Guerrero said he believes the majority of those who regularly vote are from specific areas of town, not always representative of the districts from which council members are elected.

If half the town votes for someone who is not from their district, then the election process is skewed, Guerrero said.

“There is a small segment of voters determining how city government is operated,” he said.

In 2008 the city was divided into four districts in response to a U.S. Department of Justice investigation due to lack of Hispanic representation. The city was urged to move to a district system to keep it in compliance with the Voting Rights Act.

Mayor Jim Restucci said, “We couldn’t find seven districts the justice department wanted.”

The city instead went with four council seats representing by voting districts and three at-large seats.

Washington State Attorney General Bob Ferguson last week issued an opinion after Pasco and several other cities asked for an opinion regarding voting by district in a general election.

“Code cities in Washington that believe they may be in violation of the (Voting Rights Act) face difficult decisions and potential legal risk regardless of what course they choose,” Ferguson’s office said.

Pasco Mayor Matt Watkins testified last week before the State Senate, supporting a bill that would let cities hold council elections by district.

His city is one of several seeking to keep votes for district seats within the boundaries of each district, rather than allow a city-wide vote during the general election.

Restucci said he isn’t certain if a district vote, rather than city-wide vote would be the right thing for Sunnyside.

“I don’t see a need to change the current election process,” he said.

City Manager Don Day could not be reached for comment on what steps would be required of city staff if council changes to district voting.

Currently the top two candidates chosen by voters in a specific district during the primary election move on to the general election. At that time voters city-wide select the candidate to serve on council.

Restucci said there are approximately 4,000 registered voters in the city, of which between 45 and 50 percent regularly vote.

Sunnyside is a non-charter city. “It’s an optional code city — adopted in 1948 — getting most of its laws from the state. It’s governed and run according to RCW 35A.13,” Restucci said.

Therefore, it qualifies as a non-charter city and could potentially hold its general elections for City Council positions by district.

“The idea might be something to discuss and review to decide what’s best for the community,” Guerrero said.

Restucci said he doesn’t believe it will make a difference because “... if you are going off Hispanic surnames, every part of Sunnyside is a majority Hispanic.”

Tags

Politics

Vote

Jim Restucci

Francisco Guerrero

Voter

General Election

Election

Council

Exhibit 4 to Evangelina Aguilar Declaration

WHITMAN WIRE

Justice Dept. steps in after research by '06 alumnus

Becquer Medak-Seguin • November 4, 2008

An attempt at political justice for Latinos has been effected in Sunnyside, Wash. after the publication of research by Whitman alumnus Ian Warner, '06, caught the attention of the federal Justice Department.

The Sunnyside City Council has revamped its election system after the Justice Dept. informed the town's City Council that its at-large voting system violated the Voting Rights Act.

The Justice Department's inquiry and, by extension, the overhaul of its voting system has come at the hands of research conducted by Whitman alumnus Ian Warner, '06.

His research, conducted while taking a seminar class from Dr. Paul Apostolidis, Associate Professor of Politics, showed that Latinos in Sunnyside, who comprise nearly three-fourths of the population, were disproportionately unrepresented on the City Council.

Warner concluded that the at-large voting system, one in which all residents can vote for all seven council positions, "produced racially polarized voting patterns that, in effect, kept Hispanics (who represent 73 percent of the city's population) off the council,"

reported Senior News Service Officer Lenel Parish earlier this year. In response, the Yakima City Council has changed its at-large system to one in which only three of the seats will be at-large and the remaining four will represent specific geographic districts. It still remains unclear, however, whether the proposed changes – part district and part at-large council seats instead of entirely district based elections – will effect the change desired by Justice Dept. or adhere to the Voting Rights Act. Warner's research was published in Whitman's 2006 "State of the State for Washington Latinos," an "account of social and political conditions for Latinos in Washington State," according to the report. The report is available on Whitman's website or at www.walatinos.org.

Exhibit 9

**DECLARATION OF
LINDSEY KEESLING**

I, Lindsey Keesling, declare and state as follows:

1. The information in this declaration is true and correct to the best of my knowledge and I am of majority age and competent to testify about the matters set forth herein.
2. I am a current resident of Zillah, Washington.
3. I currently teach remedial reading at Wapato High School. I previously worked for the Yakima School District as a Language Arts Teacher.
4. I am currently pursuing Master's in Educational Leadership at Western

Governor's University.

Sunnyside Schools

5. In 2023, I was asked to give a training to a candidate slate put together by Empowering Latina Leadership and Action (ELLA).
6. While talking to this group, I learned that there was tension between parents and the Sunnyside School District. At the time, I was taking a class in education law and learning about resources for investigating issues of inequality in school data. I decided to use the Sunnyside School District as a case study for a project in the class.
7. I examined data from the Washington Office of Superintendent of Public Instruction (OSPI) and the Office for Civil Rights for the U.S. Department of Education (OCR) for the case study.
8. In examining this data and comparing it with other similar school districts in the area, I learned that Sunnyside has discipline rates that are far higher than similarly situated nearby schools, such as Wapato and Grandview.
9. Sunnyside has similar demographics and social issues to Wapato and Grandview. There is no reason to believe the discipline rate should be significantly different based on those demographics.
10. Exhibit 1 is a fair and accurate copy of a letter I helped draft for parents concerned about discipline in the school. The data in the letter is taken from

1 the investigation I did as part of my case study. It is a fair and accurate
2 comparison of data of various school districts.

3
4 11. I created this letter because parents in the Sunnyside School District were
5 concerned about discrimination in discipline.

6
7 12. In my Master's program, we learn that discipline is an important part of access
8 to education. Barring a student from the classroom, affects their ability to
9 learn and may result in inequities in learning and achievement. We are taught
10 that we must consider implicit bias when administering discipline. Implicit
11 bias is not always obvious and may need to be examined through indirect
12 investigation. One way to investigate whether implicit bias is playing a role in
13 discipline is to examine data, like that provided by OSPI and OCR. Doing a
14 comparative analysis between similar school districts can be a good way to
15 determine if implicit bias is at play.

16
17 13. The data from the Sunnyside School District raises concerns about implicit
18 bias in the district.

19
20 14. It is not clear that Sunnyside is following state law as it relates to reporting
21 harassment, intimidation, and bullying. This data should be available through
22 OCR. I have searched and been unable to find the data through OCR.


23
24 15. I have heard complaints from several parents about failure to enforce the
25 school's harassment policy. We are trained that enforcement of a schools'
26 harassment policy is a good way to prevent an escalation to physical violence.
27

1 16. I have been present at school board meetings when parents have expressed
2 these concerns. I have not seen the board engage with these parents or follow
3 up on the issues they raise.
4

5 17. The School Board has previously raised concerns about disproportionate
6 numbers of students leaving the school district. Parents suggested that the
7 dynamics outlined above may be the reason. The School Board did not appear
8 to engage with those suggestions.
9

10 Executed this ____ day of March 2024.

11 I declare under penalty of perjury under the laws of the United States and the State of
12 Washington that the foregoing is true and correct.

13 By: 

14 Lindsey Keesling
15
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26
27

Exhibit 1 to Lindsey Keesling Declaration

(Name)
(Address)
(Contact)

To the Sunnyside School Board, and Administration of the Sunnyside School District:

We, the concerned parents and community members of this district, would like to request a greater level of transparency and candor with regards to the discipline policies of this district. There are serious questions of if the policies are adhered to with fidelity and if they are enforced equitably. At a recent school board meeting, there was a lack of clarity with regard to the reason so many students have been leaving the school district, and the effect that may have on the future of our community. With all necessary respect, we wish to lay out a pattern of data that allows the most reasonable explanation for why families would choose to undergo the strain of transferring out of district or homeschooling, rather than remaining here.

For the purposes of preparing this report, data was gathered from the OSPI's Washington State Scorecard database, and US Dept. of Education office of Civil Rights Data Collection.

ANALYSIS OF DISCIPLINE RATES IN SUNNYSIDE SCHOOL DISTRICT:

In the reporting year 2021/2022, 92.9% of the student population of Sunnyside School District was Hispanic/Latino. 7.2% of all students faced an educational exclusion. 7.4% of Hispanic/Latino students faced an educational exclusion. A breakdown of suspensions from the Sunnyside High School in the 2015/2016 school year shows that 12.8% of all students faced an in school suspension compared to 13.2% of Hispanic/Latino students. 7.9% of all students faced an out of school suspension compared to 8% of Hispanic/Latino students. And .15% of all students were expelled, compared to .16% of Hispanic/Latino students.

While there is not a statistically significant disparity based on race, perhaps due to the overwhelming majority of students who are Hispanic/Latino, there is a statistically significant comparison to be made to other school districts in the area which have similar demographics, including the socioeconomic environment around the school being remarkably similar.

COMPARATIVE ANALYSIS TO WAPATO SCHOOL DISTRICT:

In the reporting year 2018/2019, Wapato School District was 77.3% Hispanic/Latino. 10.1% of all students faced a disciplinary exclusion, and 8.8% of Hispanic/Latino students. In the 2015/2016 school year, 1.5% of all students at Wapato High School faced in school suspension and 1.7% of Hispanic/Latino students. 8.2% of all students faced out of school suspension and 7.9% of Hispanic/Latino students. No students were expelled.

Students at Wapato High School are significantly less likely to have their education impacted by a disciplinary exclusion, especially an in-school suspension, which can have dramatic effects on both the classroom and social experience of children.

COMPARATIVE ANALYSIS TO TOPPENISH SCHOOL DISTRICT

In the reporting year 2018/2019, Toppenish School District was 85.2% Hispanic/Latino. 1.4% of all students received a disciplinary exclusion, and 1.6% of Hispanic/Latino students. In the 2015/2016 school year, 2.2% of all students at Toppenish High School faced in school suspension, and 2% of Hispanic/Latino students. 3% of all students faced out of school suspension and 2.8% of Hispanic/Latino students. No students were expelled.

Students at Toppenish High School are far less likely to face severe disciplinary exclusions than students at Sunnyside High School.

COMPARATIVE ANALYSIS TO GRANDVIEW SCHOOL DISTRICT

In the 2018/2019 reporting year, 93.4% of students were Hispanic/Latino. 3.1% of all students faced a disciplinary exclusion and 3.1% of Hispanic/Latino students did. In the 2015/2016 school year at Grandview High School, 5.9% of all students faced a suspension and 5.9% of Hispanic/Latino students did. 2.4% of all students and Hispanic/Latino students faced expulsion.

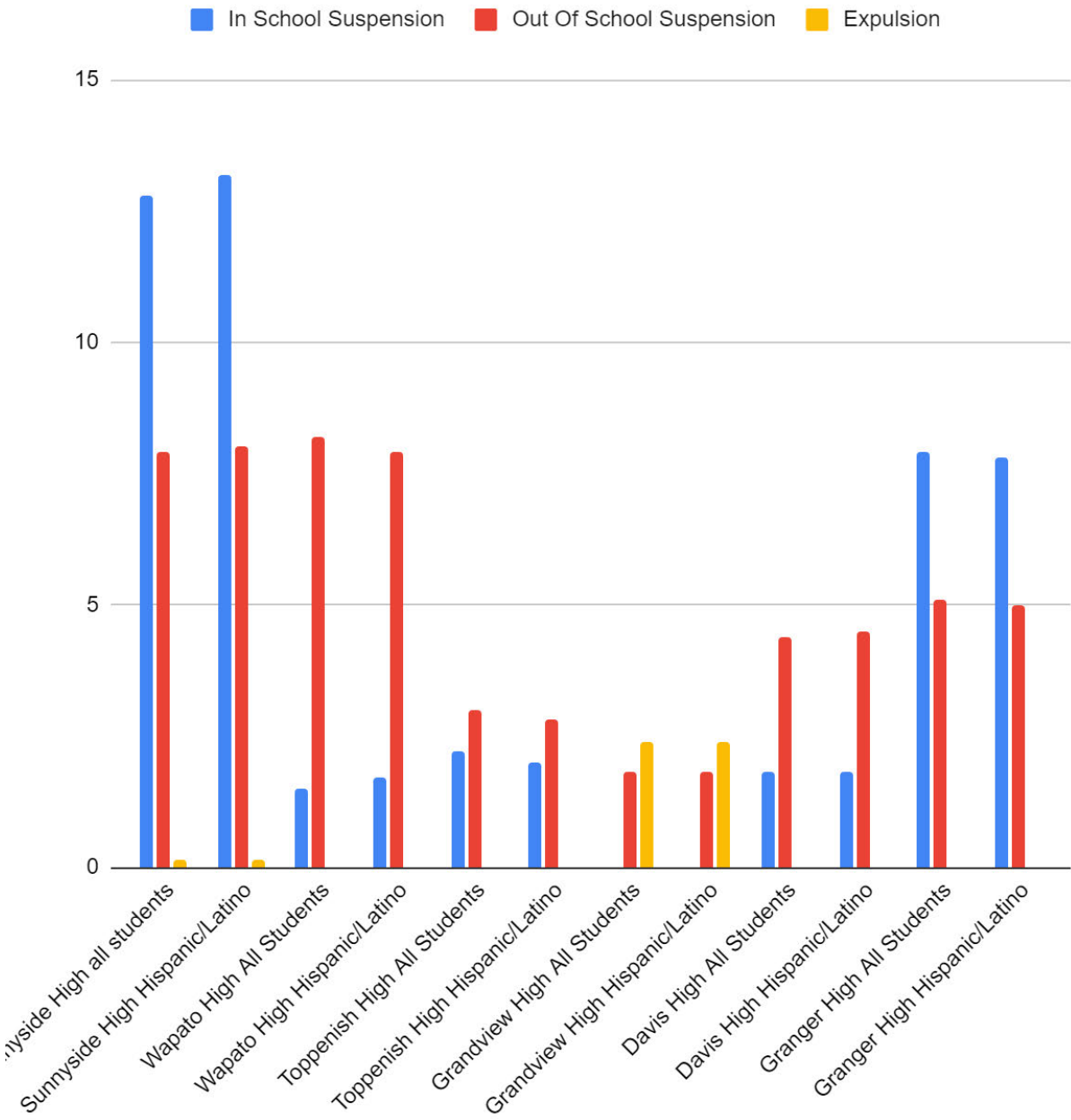
While students at Grandview High School are more likely to be expelled than students at Sunnyside High School, overall students are far less likely to face classroom exclusions, especially considering that Grandview High School does not use an in-school suspension system, so students' classroom experience faces less interruptions.

COMPARATIVE ANALYSIS TO YAKIMA SCHOOL DISTRICT

In the 2018/2019 reporting year, 81.3% of the student population was Hispanic/Latino. 8.1% of all students received a disciplinary exclusion and 7.6% of Hispanic/Latino students. In the 2015/2016 school year at Davis High School, 1.8% of all students faced in school suspension and 1.8% of Hispanic/Latino students. 4.4% of all students faced out of school suspension and 4.5% of Hispanic/Latino students. 01.% of all student groups faced expulsion.

In the Yakima school district, a student, again, is far more likely to remain in a classroom learning.

Comparative Discipline Rates in Local High Schools, by demographic



DISCUSSION

Looking at the staff handbooks of all associated school districts, there are huge disparities when it comes to things like the discipline progression and suggested classroom management. Sunnyside School District has few avenues for discipline outside of exclusions: warnings, parent contact, detention, and then exclusion. Without data to show rates of types of discipline, paper trails and office referrals, it's hard to get a clear pattern for what the environment really is. Anecdotal evidence shows a climate in which the adults are cold to the concerns of students; students perceive they are viewed as a problem, they feel their autonomy and privacy is disrespected. Parents feel blockaded and stonewalled when it comes to communicating about student concerns. More than one parent reports contacting the school when their child was threatened with violence, but having their child feel attacked and singled out by the school rather than protected.

It is not surprising, then, that parents choose to put their children in safer environments.

The school board need not be confused. Just look at the data, and ask yourselves if you are contributing to the problem, or working towards creating a safe, positive learning environment for our children. Schools have a legal, ethical, and moral obligation to provide students with safety. Schools have a legal, ethical, and moral obligation to act as caregivers in the stead of parents. While these issues are complex, they are also fairly straightforward in their impact. Trust is a result of transparency and cooperation, two things that have been sorely lacking in this dialogue so far.

And the need for change is imperative: a history of exclusions and violence has preceded every school shooting to occur. Parents, and students, feel the pressure to disengage from an environment that feels eminently unsafe. Throughout the Yakima Valley, gun violence has been climbing. If you were a parent, looking at the statistics, wouldn't you choose a school where your child was less likely to experience violence, and where the school was more likely to act trusting and trustworthy if they did?

So please, we ask of you, stop denying the data and start talking to us like the members of your community that we are.

Signed,

Exhibit 10

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**DECLARATION OF
RAQUEL LOPEZ**

15 I, Raquel Lopez, declare and state as follows:

- 16 1. The information in this declaration is true and correct to the best of my knowledge
17 and I am of majority age and competent to testify about the matters set forth herein.
18
19 2. I am a current resident of Sunnyside, Washington.
20
21 3. I am a first-generation daughter of immigrants. My parents moved to Sunnyside in the
22 mid-1980s to work in the agricultural industry around Sunnyside.
23
24 4. I was born and raised in Sunnyside and graduated from Sunnyside High School.
25
26 5. I am a Migrant Nurse Case Manager for Educational Service District 105.

27
Sunnyside

6. There was a lot of separation between the Latino and white community when I was
growing up. I knew that I was not allowed to go to certain parts of town where the

1 residents were primarily white, such as on the hill in town.

2 7. Although I had many white friends in school, I was never invited to hang out with
3 them outside of school because of the separation in the community.

4 8. From 9 or 10 years of age, I translated for my parents in many different contexts,
5 including doctors' appointments, parent-teachers conferences, accessing services, and
6 signing legal documents.

7 9. Because my parents were non-citizens, they were always scared to advocate for
8 themselves or for us as children. For example, my mom died of complications from a
9 heart condition. We believed that the doctors were negligent in her treatment and
10 follow-up but were scared to raise the issue for fear of retaliation.
11

12 **Sunnyside Schools**

13 10. In recent years, the City of Sunnyside has gotten better at having cultural celebrations
14 for the Latino community, but this is not true of the schools.

15 11. There is little discussion of Latino culture in Sunnyside Schools.

16 12. The school is extremely welcoming for certain students and much less welcoming for
17 others. If a student is related to someone who works in the school, or are athletes,
18 they are treated differently. White students also face less discipline than Latino
19 students in the schools.
20

21 13. The administration at the school is largely white. There are cliques among
22 administrators and if someone is not a part of the clique, it is hard to play an active
23 role in the direction of the school.
24

25 14. For example, as a Migrant Nurse for the Sunnyside School District, I tried to have a
26 wellness day for migrant students. The goal was to educate and help the students with
27

1 issues around mental health and coping skills. Latino cultural struggles to
2 acknowledge mental health concerns. We were trying to change this. The
3 administration pushed back, objecting that the students would have to miss class.
4 They felt that this was not a good reason to miss class. They ultimately relented when
5 I pointed out that athletes regularly miss class for sporting events.
6

7 15. Elda Cuevas, the secretary in the school, was dismissive of my position as a Migrant
8 Nurse entirely. She questioned me: "Why do we need a migrant nurse when we
9 already have a nurse? Those migrant kids already get everything for free."
10

11 16. Wallace Sheer, the Vice Principal at Sunnyside High School, had a boy in his office. I
12 came to speak with him, and we spoke outside his office. I saw there was a student in
13 his office and asked what was going on. His answer was "he's just a piece of shit."
14

15 17. Nepotism is a huge problem in the Sunnyside School District. For example, Ryan
16 Maxwell is the superintendent. His sister is the principal at Sierra Vista Middle
17 School. If a teacher has an issue at that middle school, they do not feel they have an
18 independent place to express concerns.
19

20 18. I did not feel comfortable expressing concerns to the School Board or administration.
21 It was not until I was able to express my concerns at an independent listening forum
22 that I felt like I could raise my concerns about the school.

Assault of my Son

23 19. On January 26, 2024, my son and his friend were assaulted at Sunnyside High
24 School. My son was experiencing medical issues after the assault, but no one called
25 me, the police, or an ambulance. I found out when my older son called and told me
26 about the situation.
27

1 20. My son was aware that he was going to get jumped before the incident but did not
2 trust that he would be believed by the administration, so tried to leave campus instead
3 of seeking help.

4 21. When I arrived at the school, several parents of assailants were there with their
5 children. Many of these parents were closely connected to the School District. One
6 such parent was Bethany Morris, the Vice Principal of Washington Elementary
7 School. Her son was the primary instigator of the fight. Danny Zavala, who works for
8 the School District, was also present. His son was involved in the fight as well. Elda
9 Cuevaz, a secretary at the School, was also there. Her nephew was involved in the
10 fight, and she was with him. I was not called by the school until after I took my son to
11 the hospital, and they only called to tell me he had been suspended. The
12 Superintendent, Ryan Maxwell, met with Bethany Morris that night.

13 22. I found my son, laying on the ground, hyperventilating. Although the administration
14 had not called an ambulance, the nurse indicated that my son needed immediate
15 medical attention.

16 23. My son told me that he had requested to call me immediately after he was attacked
17 but an administrator, Holly Ohler, had refused, telling my son she had to investigate
18 the cameras before calling.

19 24. I repeatedly asked to see the cameras after the assault but was told I had to do a PRA
20 request. In documents I received as part of a records requests, I found out that school
21 administration offered to show Bethany Morris the videos without a request.

22 25. Both as a student and working in schools, I saw police called when there were fights.
23 No police were called to this incident until I requested that they be called. The school
24
25
26
27

1 resource officer met me at the hospital and insinuated that nothing further should be
2 done about the fight, including pressing charges. He suggested that I could be charged
3 for actions at the school. He never took a statement from my son.

4 26. Despite clear evidence that the other kids instigated the fight, my son received the
5 same punishment as the other kids.

6 27. The main aggressor is not Latino, he is an athlete, and his parent works in the school
7 district.

8 28. My son feels unsafe and targeted at school. He has a security guard following him
9 around the school. The other kids involved in the fight do not.

10 29. I talked to the administrators, Superintendent, Ryan Maxwell, and the School Board
11 about these issues, the lack of security, and inequitable discipline. Each were
12 dismissive of my concerns.

13 30. I have noticed that on nights when many parents appear to give feedback, they bring
14 extra security and police officers to School Board Meetings.

15 31. When I have asked people who work at the school to give statements about what
16 happened, they have said "I can't, they told us not to engage with any of you." One
17 said "I have to take care of my job."

18 32. It was not until I raised these issues publicly, two months after the assault, that there
19 was any responsiveness to our concerns. At that point, it was a single counseling visit
20 for my son.

21 Executed this 4th day of April 2024.

22 I declare under penalty of perjury under the laws of the United States and the State of
23 Washington that the foregoing is true and correct.

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DECLARATION - 5

AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION
P.O. BOX 2728
SEATTLE, WA 98111
(206) 624-2184

By: s/Raquel Lopez

Raquel Lopez

Exhibit 11

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10 **DECLARATION OF**
11 **SANDRA BENITEZ**
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15 I, Sandra Benitez, declare and state as follows:

- 16 1. The information in this declaration is true and correct to the best of my knowledge
17 and I am of majority age and competent to testify about the matters set forth herein.
18
19 2. I am a current resident of Grandview, Washington.
20
21 3. I was born in Toppenish raised in Sunnyside and graduated from Sunnyside High
22 School.
23
24 4. I currently work for the Sunnyside School District and I am also an executive officer
25 for the the Sunnyside Education Association.
26
27 5. My son and daughter are students in the Sunnyside School District.

26 **Sunnyside Schools**
27

DECLARATION 1

- 1 6. I have brought many concerns to the Sunnyside School Board, and they have been
2 unresponsive and dismissive. I have seen other parents do the same and saw their
3 concerns dismissed as well.
4
- 5 7. Other parents and I have repeatedly brought concerns about failure of the school
6 district to enforce their harassment policy and take appropriate security measures.
- 7 a. My son and his friend were assaulted by seven other students at the high
8 school and no staff were around to intervene for several minutes.
9
- 10 b. I was also concerned that the school did not contact me immediately.
11
- 12 c. I was concerned that my son was being treated differently because he is
13 Latinx. Despite the fact that the other students instigated the fight, they
14 received the same punishment.
15
- 16 d. I brought forward concerns about this at a parent forum and a school
17 district employee said that parents have to take responsibility for their kids
18 and if there are problems, it is probably down to how the parents are
19 raising their kids.
- 20 8. There is inequitable discipline in the schools. I see Latinx children punished severely
21 for taking actions that are forgiven or excused when taken by white students. This is
22 confirmed by the OSPI data on school discipline.
- 23 9. Their hiring practices are driven by nepotism and discrimination.
- 24 a. The administration is primarily white.
25
- 26 b. Qualified Latinx teachers and school employees are regularly passed over
27

DECLARATION 2

1 in favor of white teachers and faculty.

2 c. A white superintendent was hired in 2022, passing over several Latinx
3 candidates with more superintendent experience. The new
4 Superintendent's sister is also a principal in the school district.
5

6 d. Only two out of eleven instructional coaches in the school district are
7 Latinx and only one is fluent in Spanish. The middle school where the
8 superintendent's sister is the principal is also the same school where the
9 superintendent's wife is an instructional coach.
10

11 e. There are not enough teachers in the district to serve students who only
12 speak Spanish but no concerted effort has been made to seek out more
13 bilingual teachers. Despite research indicating the current language
14 program is the least effective program available there has been no
15 concerted effort to adopt effective programs to serve English language
16 learners.
17

18 10. Teachers who speak out against the school district face retaliation. When Latinx
19 teachers speak out, they are told they are being uncivil. There is a feeling that it is not
20 acceptable for Latinx people to advocate for themselves.
21

22 11. Resources for programs are distributed inequitably. Sports tend to receive most of the
23 funding related to extracurricular activities while other programs, like the Mariachi
24 club and cultural clubs, get minimal funding.
25

26 Executed this ____ day of April 2024.
27

DECLARATION 3

1 I declare under penalty of perjury under the laws of the United States and the State of
2 Washington that the foregoing is true and correct.

3
4 By: _____



5 Sandra Benitez
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DECLARATION 4

AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION

P.O. Box 2728

SEATTLE, WA 98111

Exhibit 12

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**DECLARATION OF JERYKA
NAVA**

15 I, Jeryka Nava, declare and state as follows:

- 16 1. The information in this declaration is true and correct to the best of my knowledge
17 and I am of majority age and competent to testify about the matters set forth herein.
18
19 2. I am a current resident of Sunnyside, Washington.
20
21 3. I am a current student at Sunnyside High School. I am involved in the Dance Team
22 and Track and Field. I am also part of the Running Start Program.

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Sunnyside High School

4. I participated in Running Start, in part, because the High School never felt
welcoming.
5. The school talked about services that were offered but I never was sure how to access

those services.

6. It never felt like there was a community in the school.
7. A white student with a politically connected uncle wore cloths and prominently displayed symbols that were openly racist. My mom contacted the school several times and contacted a friend of hers that worked at the school before it stopped. It took many contacts to make the student stop.
8. One teacher was so aggressive with other students that I felt I needed to leave his class.
9. Counselors have been non-responsive and given me incorrect information in a way that caused me to miss educational opportunities.
10. It does not feel as though the administration has been responsive to the needs of students.

2023 Election

11. I was an intern with Empowering Latina Leaders and Action during the 2023 election.
12. I saw how the current system allowed candidates to depend on support from outside the district they were running for to win the election. This is unfair. People in the district should choose their elected representative.

Executed this 10th day of April 2024.

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

By: S/Jeryka Nava

Jeryka Nava