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Joaquín Ávila: America At Its Best

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One cannot work in the area of voting rights and not know of Joaquín Ávila. His work was legendary for its success, ambition, and its alignment with our country at its best. To work in the area of voting rights is to have a deep faith in the nation's founding institutions that gives one the self-confidence and motivation to push our laws and related procedures and practices to live up to their highest ideals—and to challenge those who would keep the country far from those ideals. An unrelenting faith in the transformative capacity of the law to build political institutions of inclusion and responsiveness is God's work. It was to this work that Joaquín Ávila devoted his entire professional career.

I first met Joaquín at a symposium on the current state of voting rights at the Brookings Institution in the spring of 1991 in Washington, DC. The impression he made on me was as long-lasting as anyone I had met and have met since. When it was his time to address the very sophisticated audience of scholars, legal advocates, and among the nation's top analytical thinkers, he stepped up to the podium and said:

Quiero dar mis gracias a los directores del Brookings Institution quienes me han dado esta oportunidad de hablar con ustedes. Quizás es una de las primeras veces que alguien ha hablado en español aquí en Brookings. (I want to give my thanks to the

directors of the Brookings Institution who have given me this opportunity to talk with you. Perhaps this is one of the first times that someone has spoken in Spanish here at Brookings.)

Joaquín was neither making a symbolic gesture to racial and ethnic inclusion by speaking Spanish at Brookings, nor was he using his bilingual abilities to make a political statement about the importance of Spanish as the second most spoken language in the U.S. Rather, he was demonstrating, in the clearest possible way, what motivated him to do the never-ending, at times grinding, meticulous, and always contested work that is voting rights litigation. He did this work as someone who was grounded in his Chicano community of Compton, CA, and someone who understood how important and necessary it was to do everything he could to bring justice and power to communities like the one in which he was raised—communities who had been more often abused, exploited, and marginalized as communities of color—who were too often described as among those who did not contribute in significant ways to the nation’s growth, prosperity, and security. Joaquín committed himself to voting rights to empower these communities. It motivated and sustained him in his work.

I am now working on a project to document and study the origins of the expansion and extension of the 1975 Voting Rights Act (VRA). Interestingly, no legal scholar, historian, or social scientist has written a comprehensive analysis of the origins and implementation of the 1975 VRA. So far, my research has revealed that the first ideas that ultimately led to the enactment of the VRA originated with another Chicano, Al Pérez, a young attorney originally from Brownsville, TX, working for the new DC office of the Mexican American Legal Defense and Educational Fund (MALDEF). Pérez first proposed the possibility of specifically including Mexican Americans under the same provisions of the VRA that had proven to be so vital to empowering African-American communities in so many areas of the South. Pérez grounded his ideas in the experiences of his parents and others who were American citizens but were raised in parts of the Southwest where

educational opportunities were so limited for Chicanos, that they did not speak English well enough to have confidence to participate in the political process, even to the extent of registering to vote. After over a year of hard work in DC across both political parties, distinct racial groups, and what developed as a broad coalition of like-minded legal and political leaders from many sectors of our nation, the VRA was enacted, and it brought in the entire state of Texas, other areas of the Southwest, and some counties across the country. These areas would now be covered under either Section 5, requiring covered jurisdictions to submit changes in voting practices and procedures for preclearance by the Attorney General or a three-judge panel in the DC Circuit, or Section 203 of the 1975 VRA, requiring the use of bilingual ballots in areas that had substantial numbers of citizens whose primary language was other than English. These two sections were designed to limit voting discrimination and dilution against “language minorities” that included many Chicanos and others who had sizeable subsets of their populations who spoke a primary language other than English and had limited educational opportunities. It was this legislation, motivated by Mr. Pérez’s commitment to empowering communities of abuse, exploitation, and marginalization, that would come to serve as the foundation of so much of Joaquín Ávila’s work. It must have been Divine Providence that aligned the motivations of Al Pérez and Joaquín Ávila.

I was fortunate to have had the chance to hear Joaquín tell stories about his efforts to implement the 1975 VRA in Texas in the mid-1970s. He took risks going into sundown towns where those of Mexican origin were rarely permitted to enter courtrooms except as defendants. Judges and opposing attorneys ostracized him. He was warned not to come back. With a team of fellow lawyers from MALDEF, Joaquín personally led a string of successful legal decisions that began to transform political opportunities for Latino communities in Texas and across the nation. He told stories of arguing cases in courtrooms where judges would turn their backs to him whenever he addressed them in court. He was not respected as an officer of the court.

Finding litigants who were willing to put their livelihoods and, at times, their lives on the line to lend their names to voting rights litigation was not easy. However, it was Joaquín's persistence, and that of his fellow MALDEF lawyers, that convinced these citizens that the risks they took were worth taking if they wanted to improve their chance for a decent education, job, and life for themselves and their children. They knew this dream would only be possible if they sacrificed their immediate security for the long-term gain of subsequent generations. Joaquín was not only persuasive in court; he was persuasive in communities as well. Election systems for school boards, city councils, county governments, and state legislatures benefitted from Joaquín's confidence in the righteousness of his cause and his undying commitment to make this righteousness a reality for as many communities as possible.

Joaquín's work ethic was legendary, and that work ethic strongly influenced those who worked alongside him. After he moved to Fremont, CA, I reconnected with him when I was on the faculty at Stanford. He was as focused on voting rights litigation as ever. In the early 2000s, I had a brilliant undergraduate student, Radha Natarajan, who had taken a voting rights seminar that I taught to first-year undergraduate students. In her senior year, she told me that she wanted to work in the area of voting rights with an actual litigator. Joaquín took her on as a research assistant. She told me that she was motivated to commit herself to social justice because of the months she spent working with Joaquín, who helped her see and feel the virtue of committing oneself to the work of empowering marginalized communities. His work ethic was unimaginably deep, and the personal sacrifices—including limited financial compensation he made to continue in this line of work as a private litigator—were substantial. It was this work ethic, willingness to sacrifice, and especially the grace of enlightenment and purpose that comes from this work, that convinced the research assistant to commit her life to public interest litigation. She subsequently went to New York University School of Law and has been involved in social justice work for all of her professional

career. I can only imagine how many other young professionals Joaquín influenced to live professional lives of dignity, commitment, and virtue—as did he.

We last connected in 2007 when I accepted a faculty and administrative appointment at the University of Washington. This was after he joined the faculty at Seattle University in 2005. He was as energetic and forward-thinking as ever. He had been successful a few years before in working with the leaders of the California State Legislature to enact the California Voting Rights Act to allow for transformational change to occur through state courts. At this time, the federal courts, primarily due to Supreme Court decisions, was moving away from ensuring voting rights to supporting efforts to limit the voting rights of historically marginalized communities. Joaquín was working with advocates, litigators, and others to get the legislature to enact the Washington State Voting Rights Act (WVRA). His energy was ever-present. His confidence was high, as always. Whatever barriers he and his allies confronted, Joaquín strategically thought through the issues and found solutions to overcome the barrier. The WVRA ultimately became law. Joaquín committed his entire professional life to serve those whom society and its leaders identified as expendable. Although his passing would prevent him from being in the courtroom to litigate cases, there is no doubt that the many students he trained at Seattle University School of Law and the attorneys and advocates who he convinced to become among the strongest supporters of the WVRA will always remember that this most recent attempt to empower communities of historical marginalization was due to Joaquín. They are yet another legacy of the incredible life and work of Joaquín.

As I reflect on the life and work of Joaquín Ávila, it is crystal clear that he was a person who lived his values each and every day of his life. He committed himself to social justice. He was one of the kindest and most decent people I have ever met. He worked to empower the most vulnerable in our society. He knew who he was. He knew why he did the work he did. He knew the value of his work. He knew his work was God's work and within

the best traditions of living a life motivated by doing good. He did all of this with an undying faith in the transformative and empowering capacity of American political institutions. He was, without any question, a quintessential example of America at its best. Few have worked harder—and as successfully—to push America and especially its political institutions to be their best as well.