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Joaquin – the Congenial Warrior.

Tayyab Mahmud¹

Cactus, the Southwest Kitchen and Bar in Madison Park, at noon. My first lunch date with Joaquin. Margarita was frosted, the burrito wholesome and habanero hotter than hell. Hours slipped by, the restaurant emptied, but our conversation maintained a steady pace with any end neither in sight nor intended. We had met earlier, rather briefly at a LatCrit conference, and I knew the general trajectory of his illustrious career. This, however, was our first heart to heart. His easy manner, the gentle smile and the spark in his eyes captivated me. Stories of childhood, our paths to law school, the victories and heartbreaks of lawyering, and the joys and challenges of parenthood flowed seamlessly. There and then, we decided to make the leisurely lunch a monthly affair; and we abided with this decision for many years.

The details of his storied journey, from Compton to Yale and Harvard, from MALDEF to the MacArthur Genius Grant, from drafting legislation to arguing before the Supreme Court, were quite fascinating. But what bowled me over during the few hours at Cactus was Joaquin's manner of interacting with the serving crew: his effortless acknowledgment and respect for the personhood and dignity of a fellow human being. I was at a master-class in finding commonalities, inducing personal connections, and breeding modesty with empathy to form the glue of comradeship. This master-class ended, but Joaquin's incessant embodied manifestation of affability and congeniality never did.

I believe Joaquin's modesty and affability served as an armor in the sustained and uphill battle he had chosen to join. And what a strategic choice of battle it was; a battle that goes to the very foundations of a republic – voting rights. A battle with myriad battlefields – federal, state, local – and

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formidable odds. Arrayed on the battlegrounds were centuries of sedimented and ossified rules, conventions, structures and practices; all having a singular objective – denial of voting rights as a guarantee of systemic denial of representation and personhood. Joaquin joined this battle during an era of regressive retrenchment. Victories of the prior era were yielding to both refurbished and innovative designs and tools to deny and suppress voting rights. Conducting a sustained battle against formidable odds certainly required lawyering excellence, but also patience, persistence, and the fortitude to keep fighting regardless of setbacks. I believe this is where Joaquin’s respect for the personhood and dignity of fellow human beings, leavened with affability, modesty and compassion, came in. His steely will and unwavering objective appeared fueled and sustained by his basic humanity.

Joaquin succumbed to his battle against cancer. But he left the on-going battle for voting rights with the odds better than when he joined it. The excluded are closer to inclusion in the republic because Joaquin engaged the good fight. All lawyers and activists in the cause of voting rights are enriched because Joaquin blazed the luminous trail.

Hearing of Gandhi’s assassination in 1948, Einstein famously said: “Generations to come will scarce believe that such a one as this ever in flesh and blood walked upon this earth.” I never met Einstein or Gandhi. However, it was my good fortune that I did meet Joaquin and got to know him a bit. I have no hesitation in saying about Joaquin what Einstein said about Gandhi.

Farewell, my friend, the congenial warrior. RIP.