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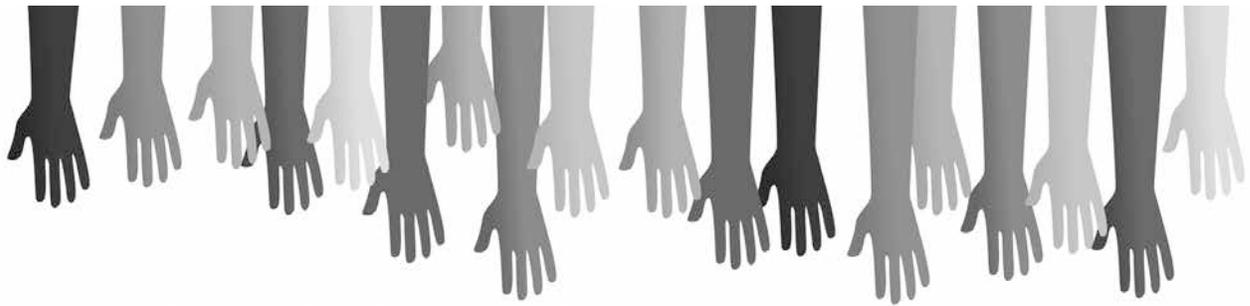
## PURSUIING RACIAL JUSTICE

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21ST CENTURY

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# CLOSING THE GAP

## in Understanding Immigrant Rights as Civil Rights



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Immigrant rights are civil rights. This deceptively simple sentence embodies a history of struggle for millions of Americans and an ongoing fight to protect those rights that ensure human dignity and basic equality. For many advocates, immigrant rights and civil rights are indelibly linked and together are inextricably a part of the past and present struggles of immigrant communities. However, the broader public, including at times members of the traditional civil rights community, often views immigrant rights and civil rights as distinct causes. Closing this gap in how people think about and understand immigrant rights remains a challenge for all civil rights advocates today.

When people think about civil rights, issues affecting immigrants rarely come to mind. The names and images that dominate the collective consciousness of our nation's civil rights history tend to be those of such as Dr. Martin Luther King Jr., Rosa Parks, *Brown v. Board of Education*, and the Little Rock Nine.<sup>1</sup> Much less likely to come to mind are the pioneers and historic markers in the fight for immigrant rights. When they are considered at all, immigrant rights are portrayed as distinct. But, for as long as race has been used to subjugate a class of people, so also have immigration status and the perception of “otherness” that are associated with immigrants—especially those immigrants who are persons of color.

In reality, immigration, and thus immigrant rights, has always been a highly racialized subject in the United States. The American public's perceptions of immigration—such as who is entitled to be an American—is rooted in centuries-old ideas that equate being American with being white. Even recent discussions about comprehensive immigration reform can reflect a thinly veiled desire to preserve a system that facilitates the assimilation of certain racial groups while actively excluding others.

For civil rights advocates today, understanding that immigrant rights are part and parcel of the broader struggle for civil rights is crucial to change-making in the United States of the twenty-first century. Apathy toward policies that unfairly target

<sup>1</sup>*Brown v. Board of Education*, 347 U.S. 483 (1954).

immigrants marginalizes the challenges faced by communities throughout the country. Moreover, failing to grasp the fundamental connection between immigrant rights and civil rights limits one's understanding of the full panoply of civil rights issues and hampers effective advocacy for all Americans. Failure to see the common interests of communities affected by incursions on civil rights, broadly defined, can prevent alliances from forming, weaken them when they do exist, and stop them from exercising their full power. And infringements on immigrants' rights are often a precursor to limiting civil rights on a much broader basis. For all these reasons, social justice advocates must recognize that the struggle for immigrant rights is, and always has been, a struggle for civil rights.

Here we share the history of one organization, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, and its journey toward understanding the inherent equation of immigrant rights and civil rights. This civil rights organization provides direct legal services, policy advocacy, and impact litigation to advance the rights of immigrants, refugees, and communities of color. With a specific focus on low-income communities and a long-standing commitment to African Americans, the organization has spent years working at the intersection of racial justice and immigrant rights. Although the organization has been engaged in immigrant rights advocacy for more than thirty years, the idea that "immigrant rights are civil rights" has not always been reflected in its consciousness about its day-to-day work. Nonetheless, there have been points that crystallized the interconnectedness of the two for the organization and thereby strengthened its mission and its capacity to effectuate that mission.

We discuss the historical racialization of immigration in the United States. We explore the early days of the organization's work in immigrant rights and its struggles to incorporate immigrant rights into its racial justice work. And we examine

how the organization's current work reflects an organizational recognition that immigrant rights and racial justice are part of a single broad struggle for civil rights.

## I. Immigration and Race Throughout History

In a country where "Americanness" is often akin to "whiteness," immigration has always been closely aligned with race and the evolving question of "Who is American?" We cannot look back at our history without recognizing that nonwhite immigrants have continuously battled uphill to become a part of American society. While some immigrants of European descent, such as Italians and Irish, faced hostility upon their arrival in the United States, they were eventually accepted as "Americans," a transition facilitated in large part by the color of their skin. For other nonwhite immigrant groups, such as Asians and Latinos, the right to be "American," literally and figuratively, has been a struggle for centuries.

U.S. immigration and naturalization policy has been racially exclusive of nonwhite immigrants since the country's early days. The U.S. Naturalization Act of 1790 limited naturalization to "free white persons."<sup>2</sup> These three words automatically excluded large groups of people, including slaves, free blacks, and American Indians, from ever becoming U.S. citizens based solely on their not being "white." Less than a century later, a court denied a Chinese immigrant's petition for citizenship because that person of the "Mongolian race" is "not a white person" and "one would scarcely fail to understand that the party employing the words 'white person' would intend a person of the Caucasian race."<sup>3</sup>

The overwhelming desire to maintain American whiteness through restrictive immigration policy is perhaps most clearly illuminated in the U.S. Supreme Court's decision in *United States v. Bhagat Singh Thind*. An Indian immigrant, Thind claimed that, because scientific

<sup>2</sup>Naturalization Act, ch. 3, § 1, 1 Stat. 103, 103-04 (1790) (current version at 8 U.S.C. §§ 1401-1504).

<sup>3</sup>*In re Ah Yup*, 1 F. Cas. 223, 223-24 (1878).

evidence showed that Indian persons are of Aryan descent, Indians are anthropologically “white” and could therefore naturalize under the Naturalization Act.<sup>4</sup> In rejecting Thind’s argument, the Supreme Court reasoned that the term “white person” was intended to have a commonplace, not scientific, meaning.<sup>5</sup> In looking at the legislative intent, the Court further noted:

The original framers of the law ... intended to include only the type of man whom they knew as white.... When they extended the privilege of American citizenship to “any alien being a free white person” it was [Anglo-European] immigrants—bone of their bone and flesh of their flesh—and their kind whom they must have had affirmatively in mind.<sup>6</sup>

However, simply prohibiting nonwhites from becoming U.S. citizens was not enough—exclusion laws created barriers preventing nonwhite immigrants from even entering the United States. One of the nation’s earliest immigration laws, the Chinese Exclusion Act of 1882, is a particularly overt example of the racial origins of our immigration laws. By the early 1800s, tales of newfound wealth brought large numbers of Asian immigrants—Chinese immigrants among them—to the United States.<sup>7</sup> Although

Chinese immigrants supplied much-needed labor, their growing numbers led to rampant anti-Chinese sentiment and fears that Chinese laborers were displacing hard-working Americans.<sup>8</sup> In reality, Chinese immigrants constituted only 0.002 percent of the U.S. population in 1880.<sup>9</sup> Nevertheless, Congress passed the Chinese Exclusion Act, which effectively barred the entry of Chinese laborers for ten years with limited exceptions and was later expanded to include “all persons of the Chinese race.”<sup>10</sup> Although later laws were less blatant, this legislation began, and continues today, a pattern of racially exclusionary immigration policies.<sup>11</sup> And even when our laws have been facially neutral, racially driven enforcement of those laws has been so common as to have been normalized.<sup>12</sup>

Although most facially racial laws are gone, their legacy of legitimizing a racial approach to immigration endures. Many of the debates that surround immigration reform today can trace their roots to the not-so-distant past. Emphasis in recent years on “protecting the border” stems from the notion that undocumented immigrants from Latin America flood across the United States–Mexico border. In reality, however, between 40 percent and 50 percent of all undocumented immigrants are individuals who overstayed their visas after entering the United States legally.<sup>13</sup> But an image of a militarized border is a consoling visual

<sup>4</sup>*United States v. Bhagat Singh Thind*, 261 U.S. 204, 210 (1923).

<sup>5</sup>*Id.* at 214–15.

<sup>6</sup>*Id.* at 213.

<sup>7</sup>RONALD TAKAKI, *STRANGERS FROM A DIFFERENT SHORE: A HISTORY OF ASIAN AMERICANS* 33–34 (1989).

<sup>8</sup>SUCHENG CHAN, *ASIAN AMERICANS: AN INTERPRETIVE HISTORY* 53 (1991).

<sup>9</sup>TAKAKI, *supra* note 7, at 110.

<sup>10</sup>Chinese Exclusion Act, 1882, 8 U.S.C. §§ 261 *et seq.* (repealed 1943) (see generally *The Chinese Exclusion Case (Chae Chan Ping v. United States)*, 130 U.S. 581 (1889)).

<sup>11</sup>A number of scholars have explored this extended history and explained the ways in which modern immigration law continues to have a racially disparate impact (see Kevin R. Johnson, *Race, the Immigration Laws, and Domestic Race Relations: A “Magic Mirror” into the Heart of Darkness*, 73 *INDIANA LAW JOURNAL* 1111, 1112–48 (1998)).

<sup>12</sup>See *Yick Wo v. Hopkins*, 118 U.S. 356, 374 (1886). Note that the U.S. Supreme Court sanctioned the use of race—specifically “Mexican appearance”—as a factor relevant to whether there was sufficient basis to conclude that a person was an “alien” (*United States v. Brignoni-Ponce*, 422 U.S. 873, 886–87 (1975)); but see *United States v. Montero-Camargo*, 208 F.3d 1122, 1132–35 (9th Cir. 2000) (en banc).

<sup>13</sup>See, e.g., DORIS MEISSNER ET AL., *MIGRATION POLICY INSTITUTE, IMMIGRATION ENFORCEMENT IN THE UNITED STATES: THE RISE OF A FORMIDABLE MACHINERY* 43 (Jan. 2013), <http://bit.ly/132tpwl>.

for many Americans who fear the growth of the Latino community. For advocates, this serves as a painful reminder that, regardless of how far we have progressed as a nation, race and immigration continue to be deeply entwined, making immigration and immigrant rights very much a civil rights matter.

## **II. Early Efforts in Immigrant Rights Advocacy**

As an organization born during the civil rights movement, Lawyers' Committee for Civil Rights of the San Francisco Bay Area's early mission focused on advocating the African American community's rights. The organization's mission has evolved to incorporate both racial justice and immigrant justice with the understanding that, along with economic justice, both are integral to the fight for civil rights. However, evolution has not always been smooth or easy. The organization's journey toward integrating racial justice and immigrant justice has not only posed unique challenges but also created valuable opportunities to understand better the deep connections between the two.

### **A. Initial Steps into Immigrant Rights**

The Lawyers' Committee for Civil Rights Under Law, located in Washington, D.C., was founded in 1963 at the request of Pres. John F. Kennedy. In subsequent years, Lawyers' Committee affiliates, including Lawyers' Committee for Civil Rights of the San Francisco Bay Area, emerged to fight for civil rights for communities throughout the United States. Founded in 1968, this affiliate was created to enlist the members of the legal profession and their skills, leadership, and special competence to help solve the problems of low-income communities and African American communities in particular. Since its inception, the organization has maintained its focus on racial justice and has emphasized working with and handling issues affecting African American communities throughout the Bay Area.

In 1981 the organization founded the Immigrant and Refugee Rights Project

to meet the needs of the growing immigrant communities, particularly Southeast Asian and Russian, in the Bay Area. In founding the project, the organization became one of the first civil rights groups in the nation and the first Lawyers' Committee for Civil Rights Under Law affiliate to take on immigrant rights as a civil rights issue. However, the creation of the project did not lead to an immediate synergy between racial justice and immigrant rights work within Lawyers' Committee for Civil Rights of the San Francisco Bay Area. While nominally a part of the organization, the project operated separately from the rest of the organization with little crossover or collaboration with the larger organization's racial justice work. With its own budget and cases, the project was essentially "silo-ed."

As the Immigrant and Refugee Rights Project expanded its services, Lawyers' Committee for Civil Rights of the San Francisco Bay Area struggled to integrate immigrant rights into its broader civil rights vision. Internally the organization questioned whether its growing immigrant rights work was deflecting resources away from its racial justice agenda. Then the organization's leadership role in two key immigrant rights struggles in the 1990s—the fight to free detained Haitian refugees in Guantanamo Bay and the campaign against California's Proposition 187—illuminated for the organization that immigrant rights are a fundamental part of civil rights. Jointly these two racialized attacks on immigrant communities were a crucial turning point in how the organization understood the value of its immigrant rights work within its broader civil rights vision.

### **B. The Role of Race in the Guantanamo Bay Detention of Haitian Refugees**

In the early 1990s Lawyers' Committee for Civil Rights of the San Francisco Bay Area was one of several legal organizations that represented Haitian refugees challenging their detention in Guantanamo Bay, Cuba, by the U.S. government. Fleeing political instability, Haitian refugees fled by boat to the United States. Rather than offering them refuge, the

U.S. Coast Guard intercepted many in international waters and detained them in camps established on Guantanamo Bay. In a scathing opinion, U.S. District Court Judge Sterling Johnson Jr. condemned the country's actions as unconstitutional, emphasizing that "[t]he Haitians' plight is a tragedy of immense proportion, and their continued detention is totally unacceptable to this court."<sup>14</sup>

For Lawyers' Committee for Civil Rights of the San Francisco Bay Area, the U.S. government's treatment of the dark-skinned Haitian refugees was a stark contrast to the welcome that many fair-skinned Cuban refugees had been receiving. The blatant difference in treatment between the two groups illustrated that immigration continued to be, as it always had been, a racialized issue in which whiteness was privileged. This exclusion and denigration of immigrants of African descent shone a spotlight on the close intersection between immigrant rights and racial justice and, for the organization, helped illustrate in practice what its staff already understood implicitly—that righting the violations of immigrants' rights is inherently an integral part of the struggle for civil rights.

### C. Impact of Proposition 187

Understanding immigrant rights as a part of civil rights deepened with Lawyers' Committee for Civil Rights of the San Francisco Bay Area's fight against California's Proposition 187. A measure that California voters approved in 1994, Proposition 187 prohibited undocumented immigrants from using public education, health care, and other social services.<sup>15</sup> The day after the law was approved, a coalition of civil rights groups, including the organization, filed federal and state lawsuits challenging its constitutionality. The federal court issued a temporary restraining order three days

later and ultimately issued a permanent injunction that prevented the state from enacting Proposition 187's provisions.<sup>16</sup>

Behind the success of the legal challenges to Proposition 187, however, lay a complex landscape indicative of some of the challenges remaining for the integration of racial justice and immigrant justice within a broader civil rights narrative. While 64 percent of white voters supporting Proposition 187 might not come as a surprise, there was a striking divide among communities of color—only 31 percent of Latino voters voted in favor of Proposition 187, but among Asian and African American voters, 57 percent and 56 percent, respectively, voted in favor of Proposition 187.<sup>17</sup> The high Asian and African American voter support for Proposition 187, despite its clear anti-immigrant underpinnings and the deprivations it sought to effectuate in core civil rights areas such as health and education, highlighted the gap between different communities of color in recognizing immigrant rights as a civil rights issue.

The detention of Haitian refugees and the enactment of Proposition 187 illuminated what has been both a divide and an inextricable connection between immigrant rights and civil rights. Although the organization had well-established projects in both areas, it was forced to acknowledge that hitherto the racial justice and immigrant rights projects operated too independently of each other. Moving forward, the organization began to integrate immigrant rights better within its civil rights vision and daily practice.

### III. A Movement Toward Immigrant Rights as Civil Rights

Understanding and integrating immigrant rights within a civil rights framework is ongoing for the organization.

<sup>14</sup>*Haitian Centers Council v. Sale*, 823 F. Supp. 1028, 1045 (1993).

<sup>15</sup>Mitchell Kurfis, *Constitutionality of California's Proposition 187: An Equal Protection Analysis*, 32 CALIFORNIA WESTERN LAW REVIEW 129 (1995).

<sup>16</sup>In 1997 the federal district court found Proposition 187 to be unconstitutional because it infringed on the federal government's plenary power over immigration. Although the state appealed to the Ninth Circuit Court of Appeals, a 1999 court-approved mediation agreement ultimately affirmed the lower court's decision.

<sup>17</sup>A Summary Analysis of Voting in the 1994 General Election, California Opinion Index (Jan. 1995), <http://bit.ly/14DSzmH>.

The path is not always easy. However, the organization's work today reflects a more nuanced understanding of the intersection between race and immigration. Much of the organization's work spans racial justice and immigrant justice lines and recognizes that both are integral to civil rights. The organization's educational equity, reentry and criminal justice reform, and voting rights projects illustrate the various ways in which racial justice and immigrant justice work are closely intertwined.

### A. Educational Equity

The fight for equal educational opportunities has been at the heart of civil rights for decades. While *Brown v. Board of Education* announced the end of de jure segregation, the struggle for all students' equal access to a quality education has proved ongoing.<sup>18</sup> Over the years immigrant students have fought for educational equity. Seminal cases, such as *Lau v. Nichols*, which guarantees students with limited English proficiency equal opportunities to access public education, provide the foundation for much of educational law today.<sup>19</sup> The Supreme Court's decision in *Plyler v. Doe* further guaranteed undocumented students the right to public education.<sup>20</sup> The Court recognized that "denial of education to some isolated group of children poses an affront to one of the goals of the Equal Protection Clause: the abolition of government barriers presenting unreasonable obstacles to advancement on the basis of individual merit."<sup>21</sup> While these cases have focused on immigrant students' educational rights, they have had a broader impact in the fight to ensure that all students have access to a quality public education.

The fight for educational equity has been a priority for Lawyers' Committee for Civil Rights of the San Francisco Bay Area since the organization's creation. In 1978 the organization filed a lawsuit on behalf

of the San Francisco branch of the National Association for the Advancement of Colored People and African American parents against the San Francisco Unified School District to challenge the racially discriminatory practices that led to a segregated school system. The resulting consent decree, which limited the percentage of students from one racial group in any one school, radically reshaped San Francisco's public schools.<sup>22</sup>

Over the years, the organization's Educational Equity Project has grown to deal with a wide range of educational issues—unfair school discipline practices, harassment and discrimination, and access to appropriate facilities, textbooks, and teachers—affecting both students of color and immigrant students. Today the project assists community-based organizations, parents, and students in leveraging the law to identify and create community-based solutions for issues affecting the educational experiences of students throughout the Bay Area.

In its current educational equity work, the organization continues to advocate immigrant students' education rights as part of the broader push for educational equity for all students. For example, in 2012 the organization, in partnership with California Rural Legal Assistance, successfully challenged the closure of a local Santa Rosa elementary school that served predominantly Latino students who were low-income and limited-English proficient. The Santa Rosa school board, in voting to close the school, simultaneously decided to give the school site to a newly established French bilingual charter school, which was likely to serve predominantly white students.

As charter schools become a larger part of the public school system, the Santa Rosa case signified that charter schools and public school districts should be held accountable to serving all students

<sup>18</sup>*Brown*, 347 U.S. 483.

<sup>19</sup>*Lau v. Nichols*, 414 U.S. 563, 568 (1974).

<sup>20</sup>*Plyler v. Doe*, 457 U.S. 202, 230 (1982).

<sup>21</sup>*Id.* at 221–22.

<sup>22</sup>*San Francisco NAACP v. San Francisco Unified School District*, 576 F. Supp. 34 (N.D. Cal. 1983).

equally, regardless of race, income, or immigration status.

## B. Reentry and Criminal Justice Reform

In California and across the country, people of color and immigrants are disproportionately incarcerated in jails and prisons. Three out of four men in California prisons are Latino or nonwhite—41 percent of men in prison are Latino, and 29 percent are African American.<sup>23</sup> Noncitizens make up 17 percent of those incarcerated in the state.<sup>24</sup> Police practices that disproportionately target people of color for investigation and enforcement are very much a part of this picture, which in recent years has included a significant rise in local law enforcement agencies' involvement in immigration enforcement.

The impact of incarceration on individuals of color and noncitizens is broad and far-reaching, creating barriers to employment, housing, rehabilitation, and, for noncitizens, the possibility of continuing to live one's life here in the United States. For noncitizens, a criminal record can create severe, often insurmountable, barriers to obtaining citizenship or lawful permanent residency. Immigrants with convictions for even minor criminal offenses can find themselves relegated to impermanent, unstable status with little or no opportunities for relief. In many cases a conviction can mean banishment after a lifetime of calling this country home.

Established in 2010, Lawyers' Committee for Civil Rights of the San Francisco Bay Area's Reentry and Criminal Justice Reform Project tackles—by combining direct legal services and legislative advocacy—civil

rights injustices embedded in today's system of mass incarceration. The project's Second Chance Legal Services Clinic provides legal assistance to individuals overcoming barriers to housing or employment due to past arrest or conviction records. In cases where eligibility for immigration relief requires a noncitizen with prior criminal convictions to demonstrate rehabilitation or other factors showing that relief would be in the "interest of justice," the organization obtains criminal-records remedies under California law to help support clients' applications for immigration relief.

The organization is also engaged in curbing the criminalization and overpolicing of communities of color and immigrant communities and throughout the Bay Area and across California. Collaborations between local law enforcement and U.S. Immigration and Customs Enforcement through programs such as "Secure Communities," known as "S-Comm," further funnel immigrants directly from the criminal justice system into deportation proceedings.<sup>25</sup> Not only has the Secure Communities program led to mistrust of police in immigrant communities and made victims of crime and witnesses fearful of coming forward, but also the Secure Communities program and similar programs have raised serious concerns about racial profiling.<sup>26</sup>

Lawyers' Committee for Civil Rights of the San Francisco Bay Area has been pushing back against collaborations between law enforcement and Immigration and Customs Enforcement. In 2008 Mayor Gavin Newsom reversed the long-standing practice of prohibiting Juvenile Probation, in line with the city's Sanctuary Ordinance, from reporting undocumented

<sup>23</sup>Ryken Grattet & Joseph Hayes, Public Policy Institute of California, *California's Changing Prison Population* (June 2013), <http://bit.ly/1c0m97i>.

<sup>24</sup>Public Policy Institute of California, *Immigrants and Crime* (June 2008), <http://bit.ly/18xPnlr>.

<sup>25</sup>"Secure Communities" is a program that U.S. Immigration and Customs Enforcement employs to identify and detain immigrants arrested by local law enforcement agencies. While purportedly aimed at deporting noncitizens with serious criminal histories, the program has led to the deportation of thousands of people who have minor or no criminal convictions or who are themselves crime victims, individuals who have shown themselves to be rehabilitated, and even U.S. citizens (see, e.g., Edgar Aguila-socho et al., *Immigrant Rights Clinic, University of California, Irvine, School of Law, Misplaced Priorities: The Failure of Secure Communities in Los Angeles County* (Jan. 2012), <http://bit.ly/12JMrUo>).

<sup>26</sup>See, e.g., Aarti Kohli et al., Chief Justice Earl Warren Institute on Law and Social Policy, University of California, Berkeley, Law School, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process* (Oct. 2011), <http://bit.ly/1aGWpLl> (documenting Secure Communities' problems, including Latinos' arrest rate significantly higher than their representation among undocumented immigrants).

minors to Immigration and Customs Enforcement.<sup>27</sup> Young people were referred to the agency for deportation proceedings even before their criminal cases were adjudicated. Lawyers' Committee for Civil Rights of the San Francisco Bay Area, in collaboration with other legal and community-based organizations, challenged the mayor's decision with city and federal officials through a combination of community organizing and legal advocacy, including the threat of litigation. Ultimately the San Francisco Board of Supervisors overturned the mayor's decision by amending the city's Sanctuary Ordinance to delay reporting an undocumented juvenile to Immigration and Customs Enforcement until the juvenile has been adjudicated delinquent of a felony charge.<sup>28</sup>

### C. Voting Rights

The right to vote is one of our most fundamental rights, but it has also been one of the most contentious in our history. Today, despite long, hard-fought battles for their recognition and protection, voting rights—and participation in the democratic process, particularly in communities of color and immigrant communities—continue to be under attack throughout the United States.

Since 1988, Lawyers' Committee for Civil Rights of the San Francisco Bay Area has sought to remedy voting rights violations in historically disenfranchised communities throughout California. Through a combination of impact litigation, policy advocacy, and community education,

the organization's Voting Rights Project promotes communities of color's electoral power, which has a broader impact on immigrant communities' advocacy of their concerns through the democratic process. Although individuals must be U.S. citizens to vote in local, state, or federal elections, many communities of color throughout California are "mixed-status" communities, consisting of citizens and noncitizens.<sup>29</sup> The election by the voting-age population in mixed-status communities of candidates who will represent that population's concerns to the broader community can promote the welfare of all—citizens and noncitizens.

In Madera, a city in Central California, Lawyers' Committee for Civil Rights of the San Francisco Bay Area worked with the Latino community to challenge a voting system that effectively prevented Latino voters from electing a representative school board. In 2008 the student population in Madera Unified School District in Central California was 82 percent Latino and 53 percent limited-English-proficient.<sup>30</sup> However, at the time, there was only one Latino on the seven-member school board.<sup>31</sup> Latino candidates had run for the school board eight times over the preceding twelve years with only one success due to a white voting majority and an at-large voting system that diluted the Latino vote.<sup>32</sup> Working closely with Latino community members, Lawyers' Committee for Civil Rights of the San Francisco Bay Area filed under the California Voting Rights Act a lawsuit that forced Madera Unified to change from at-large to district elections.<sup>33</sup> Three years later the Madera Unified school board had

<sup>27</sup>The "City and County of Refuge" Ordinance (also known as the Sanctuary Ordinance) was passed in 1989 and prohibits San Francisco city employees from assisting Immigration and Customs Enforcement in immigration investigations or arrests unless required by law or a warrant (S.F., CAL., ADMIN. CODE ch. 12H (1989), <http://bit.ly/165r425>); Jaxon Van Derbeken, *S.F. Mayor Shifts Policy on Illegal Offenders*, SF GATE, July 3, 2008, <http://bit.ly/15FexCC>.

<sup>28</sup>Jesse McKinley, *San Francisco Alters When Police Must Report Immigrants*, NEW YORK TIMES, Oct. 20, 2009, <http://nyti.ms/15Ff4EB>.

<sup>29</sup>In some jurisdictions noncitizens have been allowed to vote in some local elections such as those involving school boards.

<sup>30</sup>Educational Demographics Unit, California Department of Education, *Enrollment by Ethnicity for 2008–09: District Enrollment by Ethnicity* (July 7, 2009), <http://bit.ly/1bKNyMO>.

<sup>31</sup>Joanna Cuevas Ingram, *The Color of Change: Voting Rights in the 21st Century and the California Voting Rights Act*, 15 HARVARD LATINO LAW REVIEW 183, 226 (2012).

<sup>32</sup>*Id.*

<sup>33</sup>*Rey v. Madera Unified School District*, No. MCV043467 (Cal. Super. Ct. Madera Cnty. filed Aug. 21, 2008).

three Latino school board members.<sup>34</sup> As one plaintiff, Carlos Uranga, reflected, “it was worth it because we believed it was important for our children and our communities to realize that they actually do have a voice in the democratic process.”<sup>35</sup>



As the foregoing history relates, and an examination of virtually any area of civil rights law reminds us, the struggle for immigrant rights is the struggle for civil rights. Although discussions about civil rights often omit mention of immigrant justice, we cannot forget how immigration has shaped the social fabric of America or ignore our immigration system’s inequities that undermine

civil rights for all. Lawyers’ Committee for Civil Rights of the San Francisco Bay Area’s experience is simply one example of an organization building a practice that meets the needs of America’s diverse communities. As a civil rights organization, its journey to engage in a broader civil rights vision that includes both immigrant rights and racial justice reflects an evolving understanding of the United States in the twenty-first century. As we persevere in the fight for justice and equality, we must remember that immigrant rights are an integral part of civil rights, and we will not achieve justice or equality if we do not achieve equal rights for immigrants as well.

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<sup>34</sup>Ingram, *supra* note 31, at 227. For information on voting rights and legal services advocacy, see Marcia Henry, *After Shelby County v. Holder Voting Rights Are Again a Racial Justice Frontier*, in this issue.

<sup>35</sup>*Id.*



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