



**League of United Latin American Citizens**

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Office of Southeast National Vice President

April 23, 1984

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Dr. Hector P. Garcia  
1315 Bright Street  
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Dear Dr. Garcia:

I am enclosing a copy of a very recent United States District Court Decision issued by the Southern District of Florida which, in my opinion, is detrimental to the Hispanic community.

The Opinion and Order which was issued by the Court on March 21, 1984, involved about eleven criminal cases wherein the Defendants who were indicted by Miami grand jurors filed motions to dismiss on the grounds of alleged constitutional and statutory violations in the selection of grand and petit jurors in the Miami Division.

Basically, what the Court finds is that "Hispanics" do not constitute a cognizable class of persons for equal protection purposes. The Court opines that to "lump persons from so many countries/referring to Spanish Surnamed persons, including Cubans, Puerto Ricans, Nicaraguans, Salvadorans, and Mexican Americans/, together as a distinct class requires the exercise of "considerable philosophical imagination." The Court further states that it does not believe that persons of Nicaraguan or Salvadoran heritage and persons of Cuban heritage could comfortably equate their cultural background and attitudes, one to another, and that persons of Puerto Rican heritage could not comfortably equate their backgrounds and attitudes with those persons of Mexican heritage." See page 5 of the Opinion and Order.

In its dicta, the Court also states, "/t/here are just too many Jose Gonzalezes, Cardozos, Felixes, and Ferres, whose attitudes and experiences do not coalesce with those of other Jose Gonzalezes, Cardozos, Felixes, and Ferres to allow the Court to consider them all to be members of one cognizable class for the purposes here discussed." See page 6 of the Opinion and Order.

The Court goes on to determine that "/u/nlike Hispanics, there is no question that blacks are a constitutionally cognizable class." While we conceive that it is true that blacks are a constitutionally cognizable class, they are not unlike Hispanics. In this respect only, and not in the outcome of the Court's decision, it is my opinion that the decision is an insult to the Hispanic community. The Court applies inconsistent rationale in its application of factors in deter-



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mining what constitutes a "cognizable class " for purposes of Fifth and Sixth Amendment protection.

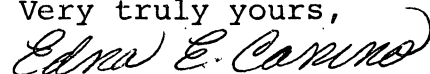
The Court clearly takes the position that in order for "Hispanics" to constitute a cognizable class, "it must be shown that there exists a cohesiveness of attitudes, ideas, or experiences which distinguishes the class from the general social milieu." In this respect, the Court is inconsistent in distinguishing blacks and Hispanics. For if the bottom line is cohesiveness of attitudes, ideas, and experiences, then too, all blacks, as all Hispanics, do not fall within that guideline. You have Cuban-blacks, Puerto Rican blacks, African blacks; blacks from Haiti and Jamaica, and American blacks who also do not possess the "cohesiveness of attitudes, ideas, and experiences." Although color may bind all blacks together, a common Spanish language bind all Hispanics together, unlike blacks whose common language may be French, English, Creole, or other dialects. In addition, we have Hispanic blacks.

In summation, on behalf of LULAC and as National Vice President of the Southeast, I submit that such inconsistency by the Court in applying different standards for Hispanics than for blacks, should not be unchallenged.

Through this letter, it is the intent of LULAC to disseminate this potentially adverse decision to the Hispanic community in order to solicit the opinion and views of other Hispanic leaders in an effort to coordinate a unified position for public release.

Please let me know your comments and opinion on this matter.

Very truly yours,



EDNA E. CANINO

EEC:jfc

Enclosure