

The lawyers battling to redress systemic racial inequalities

Putting right historic wrongs in the US requires a long-term view and often takes years of legal work

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The US census is a once-in-a-decade opportunity to ensure the nation's citizens are properly served. It determines the number of representatives states have in Congress and how £1.5tn in federal government funds will be allocated over the next 10 years.

So, when the Census Bureau announced in August 2020 that it would end the count a month early – a move that would potentially exclude millions of people, many of them immigrants – it was important to ask why.

The bureau had been instructed to do this by the Trump administration – which had previously also tried to have undocumented immigrants removed from the census count, and had made a failed attempt to have a question about citizenship status included on the census forms.

Speaking about the White House's decision to override the bureau's judgment, lawyer Melissa Arbus Sherry says: "What was really striking was to see all of that expertise just thrown to the side." Sherry, who is a partner at Latham & Watkins, represented the National Urban League, a civil rights organisation, in a case to ensure that the count was done correctly.

And, in taking on this lawsuit, in what ultimately became the only federal case



Melissa Arbus Sherry

standing in the way of the government's plan, the firm highlighted the role that lawyers can play in rectifying systemic racial inequalities.

Because of the legal questions in this case and an expectation that it might go to the Court of Appeals, Sherry, whose practice is focused on appellate courts and the Supreme Court, felt she could make a difference.

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Melissa Arbus Sherry Latham & Watkins

not so much 'do what we think is right', but to do what the Census Bureau's own experts said was the right way to do things," Sherry says. "It really should not be a political or a politically motivated process. It should be driven by the statisticians and the experts in the field."

The breadth of the plaintiffs – from federally recognised tribes, cities including Los Angeles and San Jose, and immigrant advocacy groups – emphasised the significance of the problem, says Sherry. "Not counting these hard-to-count communities impacts representation and impacts federal funding."

Latham & Watkins won the case on behalf of the plaintiffs, ensuring the bureau continued the count and appropriately processed the data.

Racial Justice

WINNER: Latham & Watkins

The firm led a case on behalf of civil rights organisation the National Urban League against the Trump administration, to ensure the US census was counted fully in 2020, despite the pandemic. The plaintiffs argued that the government was accelerating the census process, which could lead to tens of millions of people being excluded from the count – disproportionately people of colour, low-income individuals, undocumented immigrants and people with disabilities. Through litigation, lawyers successfully ensured the count continued and worked with the census bureau and courts to ensure the data was accurately processed. Census data is used in several government decisions, including how to distribute \$1.5tn in federal funding annually for education, healthcare, food and other needs.