

# AN INTERVIEW WITH DAVID LOPEZ

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**HLLR: There's a lot of hesitation to speak about any community as homogeneous or monolithic, especially one as diverse as the Latinx community in America today. Could you speak about what you see as some of the defining characteristics? What does it mean to be Latino to you in America today?**

Mr. Lopez: Yeah, I think that's a really good question because I think that it's important to always emphasize the diversity of the community. And certainly, I think attending Harvard Law School coming out from Arizona State University never having lived on the East Coast I think one of the great educational experiences was to really meet and get to know Latinos from different backgrounds — who grew up on the Island of Puerto Rico, who grew up in New York City, who grew up in Miami and it was, you know it's really eye-opening to see on one hand how diverse and vibrant the community was and what a wide range of experiences we had as Latinos but also to see how we were really tied together as part of the, the sort of broader American narrative by, I think by, language and by culture.

And so, I think one of the things that I've noticed after leaving Harvard Law School and coming down to Washington, DC, is that I've noticed that there are a number of what I would call pan-Latino relationships and pan-Latino marriages, where Latinos from one subgroup would marry Latinos from another subgroup. Personally, I met a woman from Jamaica Plain, and so she was half-Cuban and half-Chilean, she was blood and guts Boston, you know she was born and raised in JP, and you know, we have been married for 26 years and our children are very proud of both their Chicano heritage but also their Cuban and Chilean heritage, and really in some respects reflect the American Latino experience because they, you know, they have a little bit of East Coast in them, and a little bit of Southwest in them, and a little bit of Caribbean in them as well.

And so, you know, I think the community itself you know obviously is not a closed community you know I think that to be a Latino is often at the end of the day a function of self-identification with the community of differ-

ent people who have shared experiences. But one thing that was very, very, illuminating for me is to see that shared experiences can occur at many different levels and that I could sit down and talk to somebody who grew up in the Bronx about you know about the experience growing up in a working-class family in the Bronx and be able that you know certainly empathize and draw a lot of personal, personal analogies, you know with that person. And so, you know, there are threads that tie us but you know at the end of the day you know it is a very dynamic community and to be Latino in some respects, you know is open in concept.

**HLLR: Thank you, yes, it's interesting to hear about your perspective on diversity and it being an open community with some shared experiences.**

Mr. Lopez: And I mean, there are different shared experiences. There are the affirmative experiences, of language, of culture, right? And for you know a part of the community, but again not all of the community, the experience of either being first or second or third generation immigrants. So, you know, there are different trajectories where the experiences are shared for a community.

**HLLR: Yeah, that's fascinating. So, I'd like to hear a little bit more about how your own, how your own identity as a Latino-American has affected your work, if at all. And specifically, whether it informed or influenced your work at the EEOC. And then also whether your legal training, or your legal work has brought you any insight into what it means to be a Latino American.**

Mr. Lopez: Sure. My parents were very active in a variety of social movements, but you know I think probably the most noteworthy was the United Farm Workers' movement. So my parents were very much products of the Sixties and very much focused on, you know on, protesting injustice and trying to leave the world a better place. And so I would often tell the story of how when I was younger my parents would basically drag all of us children out to the picket lines and we would picket Safeway and I hated every single minute of it because I didn't understand what was going on. There seemed to be a lot of contentiousness, and I would always ask them why can't I be normal? Why can't we be normal like the Brady Bunch, right? And they would sort of chuckle and they would say you know "Mijito, you have an obligation to leave the world a better place." And I would you know sort of roll my eyes, and shrug it off and say whatever. So my parents were very influential in terms of instilling the ideas that, you know, that it's important to push for social justice, it's important to, you know, be aware of injustice, it's important to raise your voice both individually and as a community.

So, now that I have children of my own I certainly understand and appreciate the difference between hearing something and actually listening.

Sometimes you'll hear something and not really comprehend it or not really process it for many years. And so they certainly planted that seed and as I kind of, you know, grew older and started to have my own experiences with the outside world, I think those really basic lessons always stuck with me. So I ended up going to high school in Woodburn and you know Woodburn is town about 10,000 between Portland and Salem, and at that time it was probably about 50 percent Latino. It's really I think, the largest Latino population in the state of Oregon, of any city. And the economic dynamics of the city, of the town where that the Latinos were predominantly migrant farmworkers—not all of them, you know, but many of them were migrant farm workers. And so there was a lot of class conflict and there was lot of racial conflict, I think, in the city and I experienced some of that personally. And it wasn't you know so severe, that it reshaped my self conception or made me an angry person. I think, you know, almost to the contrary, you know, I think I always felt like I was able to kind of rise above it.

But as I started to progress through high school and go through the experiences that I think —the universal teenage experiences of angst and insecurity and puberty —you know I guess I was very conscious of the fact that, you know that there were really low expectations I think at school for someone who just loved to read and I just loved to learn. And I basically, you know, excuse the French, but I didn't what to put up with all that bullshit that goes on in high school. And you know I had you know a couple of experiences that, you know, I guess kind of marked me and when I turned 16 I basically, you know, I quit school. And I quit school really with the intention of going to college, but I just felt like I was not really learning, I was not growing, I was not really being challenged in the way I wanted to be challenged. And you know I just decided to leave school.

So what I did is, probably a month later I took the GED, and then I went to community college at Chemeketa Community College, which is in Salem, Oregon, and I took the classes that I wanted to take. I took English classes, I took political science classes, I took sociology classes, and I enjoyed it. I enjoyed learning, I enjoyed, you know, the personal growth that goes with, I guess, a challenging education —about learning how to be a critical thinker, and to understand the world better.

And, then what happened is I moved to Arizona. My dad was there — my parents had divorced. So I had spent, you know, a good part of my childhood, in Arizona also. I moved to Arizona, I went to Arizona State University and at Arizona State University, I became even more politically aware of civil rights issues and human rights issues, particularly as those issues relate to the Latino community. And so, I really embarked on a program of self-study —I had great professors there, but I didn't necessarily have the professors teaching the classes that I wanted to learn —and I really started to study on my own, independently, you know, the great American story of the Civil Rights Movement of the United States. And you know so I learned about reconstruction, I learned about redemption, and I learned about Jim Crow, I learned about the, you know, the Civil Rights Movement,

I learned about, you know, the Civil Rights Act and the Voting Rights Act, and you know, I learned about, you know, Latinos involved. Given, I think, some of the dynamics in that community, I decided very early on that I wanted to be a civil rights lawyer in Phoenix, in what I considered my hometown. By then I had completely, psychologically, physically repudiated my Oregon experience, I vowed never to go back. I considered myself to be an Arizonan, a child of the Southwest. I think, given my deep passion, and my deep interest in those issues, you know I did well in school.

When it came time to apply to law school, I had always had this sort of curiosity, almost like an anthropological curiosity about the East Coast, I had never been east of the Mississippi, and, you know, I applied to Harvard along with a couple other schools. And when I got into Harvard, I decided to accept because I just thought it would be, you know, a real, you know, it would be a challenge, it would actually get me away from some of the family problems that we had at home at the time. And so I approached Harvard Law School almost as an anthropological experience, right? So I was someone who was from a state school, I was the only person, I think, from the state of Arizona admitted that year, and I went to Harvard, and Harvard really has not changed that much — I've been up there a few times. You know, so it tends to have, you know, a significant, if not a majority number of students who went to the Ivy League's or went to elite private colleges, or went to state schools, you know like Berkeley, or University of Michigan. And you know I, I approached it like I said anthropologically because I always felt like I had experiences, I had a voice that none of my classmates necessarily, you know, had, or the majority of them did not have. So it was, you know, it was a real challenge, of course the winters as they, you know, went on through April, became a little bit jarring.

But I was to build a pretty strong, you know, developed a really strong network of friends from a variety of backgrounds and I think as I mentioned I met my wife at school. I was peer pressured into going to a potluck dinner, for what was known as the Latino Law Students Network — it was a network of Latino law students from the various law schools in the Boston area. I was, you know, behind on my work, it was December of my 2L year, and it was *really* cold outside. And I just remember getting peer-pressured to go to this party, I didn't want to go to this party, at all, but I went. And at that party I met the person who would become my wife. And, so you know, obviously, something like that, you know, meeting somebody and getting involved in relationship like that will often have a consequential impact on your life. And so what happened was that, she was in school, or she was about to start graduate school at Boston University, and so I ended up, instead of moving back to Arizona, I moved to Washington, D.C., and I worked in a law firm.

Now this was in 1988. And so in 1988, Reagan was President and he had at the helm of the Civil Rights Division of the Department of Justice someone who was completely hostile to the mission of that program. And at the EEOC, Clarence Thomas was in charge and so the federal civil rights enforcement did not seem particularly welcoming. I had a lot of loans to pay

back and so I went to this kind of quirky public interest firm that did, sort of, energy, administrative, kind of plaintiff's antitrust law. And when I had a break I went to the Washington Lawyers' Committee for Civil Rights and I started to pick up civil rights cases, employment discrimination cases. So, you know, after 3 years, you know, I almost had a civil rights practice in the basement of the firm, and they gave me a lot of latitude to do that.

And by then, you know, Bush was elected, he came in with I think sort of more moderate view on civil rights issues. I had a friend from Harvard Law School who is now a judge who was in the Civil Rights Division, and she suggested that I apply Civil Rights Division, and I did and I was hired. And I started prosecuting employment discrimination cases against state and local government, including a national origin case in Fresno County involving a Mexican-American woman who was denied a promotion, but also, you know, a broad range of cases. And then in my third year, after I'd been there three years —the job was great, just enormous collegiality, a lot of very smart lawyers, very dedicated to the work —and after I'd spent about 3 years there I got a call from Gilbert Casellas, who was President Clinton's appointee to be the Chair of the Equal Employment Opportunity Commission, and he asked me if I wanted to come over and be his attorney adviser. And I said yes, so I moved from litigation to the policy realm.

**HLLR: So, you are touching on where we were going to go next, both in your comments about Harvard Law School and your time in D.C. We know that Latinos are pretty underrepresented in law and politics, what do you see as the biggest barriers for Latinos in pursuing a career in these fields?**

Mr. Lopez: You know what's interesting about that question is that we have struggled with these issues for, you know, for decades, and in some respects you know it looked like we were making progress then we hit a plateau. I think that there are certainly deficiency in our public education system that will hold us back. And I think that I'm sure the two of you would agree with me, but education is critical, education is key. And that 3 of us are certainly outliers both in the general population and then in our communities. You know we're the lucky ones; we're the ones who either had a mentor, had a parent, or had an environment that allowed us to pursue higher education.

But I think if you look at the public education system now, it is by and large in shambles across the country, I think in particular in Latino communities. My sister is a fourth-grade teacher in inner-city Phoenix, and she says in her class, out of 95 students about half are Latinos. So Latinos are attending schools that are under resourced and segregated school. Some of the challenges that I saw when I was 15 and 16 in Woodburn tend to really predominate Latino communities across the country in terms of being able to have adequate public education and adequate educational opportunities. I definitely think that is a big barrier that our community faces.

In terms of the legal profession, that is a complex question. There are certainly Latinos in law school, I think as they move out into the profession, Latinos face differing challenges in terms of trying to succeed in whatever environment they are in, particularly if they are in an environment where there are one of a small handful of Latinos or people of color in that environment. I think that that often becomes a big challenge for the organization in terms of trying to make sure there are mentorship opportunities available, ensure that Latinos are part of the informal network that becomes so important in terms of advancement. It is also important for the Latino attorneys to not get discouraged so they are able to continue to advocate for themselves and continue to stay optimistic so they are able to advance. But, at the end of the day, there are some systemic barriers to the advancement of Latinos in the legal profession.

I think part of the problem is that the legal profession often does not know what it does not know. Lawyers do not have a great reputation as managers. Lawyers do have a reputation as sometimes being the smartest person in the room, or believing themselves to be the smartest person in the room. That means there are a lot of blind spots, this is true in recruiting minorities and women, but also retaining them, and making sure that they are promoted. Those are some of the barriers that I have seen.

**HLLR: Great, we really appreciate your perspective on that. In this last election cycle, there was some pretty inflammatory rhetoric about Latino Americans, and now of course, President Trump has taken some actions seemingly targeting Latino communities. How do you see both that rhetoric and these actions? And how do you think Latino Americans should see it? Do you have any message to those who are feeling alienated from the political process because of this?**

Mr. Lopez: If you're feeling alienated that is probably the wrong reaction because right now, our community needs to be more vigilant, more active, and more political than ever. We talked earlier about what binds our community, and I talked about some of the affirmative characteristics that define our community. I do not want to define our community by people bound by racism or discrimination, but what we have seen in this country is there has been an unleashing of forces that were always there. These forces have become increasingly overt in terms of racist attitudes towards Latinos and an inability to understand the Latino experience in any type of complex way to see the humanity of Latinos.

We became one of the big political issues, and when I say we, I mean *we*. Even though much of the rhetoric was shrouded in issues of immigration, certainly on the ground—I just got back from Arizona and I did this panel. It was like, all Latinos were presumptively undocumented until proven otherwise. And that is in the state of Arizona where there are longstanding and historical ties of the Latino community to that state and to that land. Certainly, what you see is that immigration is almost a jumping off point, or a

pretext, to treat our community as 'other,' as somehow less than American, and that is insulting at so many different levels. What we need to do is really push back with enormous vigilance, to make sure our voices are heard, but we also need to work with other communities that are being excluded at this time. I think one of the things that is very heartening, and I tend to be a glass half-full person, is that you see, unlike in the nineties, you see different community organizations and separate advocacy groups, standing up for each other.

For example, the Hispanic National Bar Association where there is really strong advocates on behalf of the LGBT community. Women's organizations have become increasingly outspoken about the unique challenges faced by immigrant women. That's absolutely necessary support to not view this as a Latino movement; it is important to view this as a human rights movement and a human rights moment where we need to seize upon our shared humanity and push back together to protect the political institutions that enable us to move forward and advance.

There are a lot issues right now, immigration is one issue. Immigration is often tied up in preposterous allegations of voting rights fraud. There is a general movement right now to roll back the franchise in communities of color. As Martin Luther King and John Lewis stated if you do not have a franchise, if you do not have a vote, then you are really never going to make progress in this society. Today, you see an enormously aggressive effort to limit the protections of the Voting's Rights Act and to limit the franchise. And that is scary.

Then I talked about education, that continues to be an issue that we all face, and that is also tied up in certain needs about immigration and about our community. We have a lot of work, not just the Latino community; I think this country has a lot of work to do right now. Instead of becoming alienated, when everyone wakes up in the morning they should ask themselves, 'What can I do to push back? What can I do to resist? Do I write a letter to my Senator? Do I go to the streets in protest?' For lawyers, there are legal opportunities to represent somebody in a deportation case or file impact litigation. We need to make sure to speak out and that our voices are heard because there is a lot of discouragement right now, but in many respects, what we have seen in the last month or so, is also very encouraging. You see people who really take pride in our democratic institutions and are very concerned that it is being eroding rapidly to the detriment of communities of color. At the EEOC, in my work, a lot of the most effective work in the agency was on behalf of communities such as undocumented workers, the transgender community, the reentry community, and the Muslim community.

People will say, "David, why don't you run for office?" And yes, I would have a great coalition with these communities. I say to them, somewhat facetiously, the reason we push back in those areas because those are communities that have been traditionally disenfranchised. What is going on across the country, is really what happen in [Woodburn] High School, it is a

good fashioned bullying, and those communities are viewed as being politically weak, economically weak, and as scapegoats, or as good political issues for your next campaign. Where I am encouraged is that a lot of people are speaking up not just on behalf of issues that affect them directly, but on broader human rights issues that affect other communities.

The day after the inauguration, there were 500,000 people that showed up in Washington. I saw an older white woman carrying signs about DACA, and that is encouraging because that means that people recognize the common humanity, but not recognize it but are willing to speak up on behalf of their brothers and sisters in the human race. But we really are at a very scary moment in history for our community, and it makes me happy that there are people like you that are getting an education and have the tools to push back. The thing with being a Latino attorney is, at any small town and the person that is often helping people navigate things will often be an attorney, so there is so much we can do at the very micro and the national level. And I think there is so much we have to do right now, at this moment of history.