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## EDITOR'S REMARKS

In November 2012, Americans of all backgrounds will be called to weigh the progress and struggles of their president and their Congress. In doing so, the Latino community will have much to reflect on. Since our last publication in summer 2011, American Latino advancement has been seen in many of America's historic institutions, from the Girl Scouts of the USA's selection of Anna Maria Chavez as CEO to the White House's appointment of Cecilia Munoz as director of the Domestic Policy Council. With that said, progress has not been exclusive to boardrooms or the corridors of 1600 Pennsylvania Avenue. The enrollment of Latino students in America's colleges and universities is on the rise, bringing advancement to the hallways of some of America's most prestigious institutions of higher education. The mobilization and civic participation of Latino young people remains evident and provides the promise of a better tomorrow.

This success, however, has been met with some setbacks. The very students who through their engagement inspire the Latino community with pride continue to have their dream to partake in the promise of an American life deferred. Further, the unemployment rate in the Latino community—11 percent—remains higher than the national average, threatening the development of the Latino middle class.

In this context, the twenty-fourth volume of the *Harvard Journal of Hispanic Policy (HJHP)* sheds light on the issues and successes that define the American Latino experience. In this volume, we highlight the state of Social Security and its growing necessity among the Latino senior community. In our articles and features section, we tackle the questions surrounding immigrant suffrage and the attempt to document the undocumented. Additionally, in an interview with U.S. Secretary of the Interior Ken Salazar, we explore the actions taken by the Department of the Interior to preserve the Latino footprint on the American landscape.

Gathering these conversations on the Latino experience and preparing them for publication requires the work of many. It should be known that the twenty-fourth volume of the *HJHP* was born due to the work of twelve incredible section editors, across six time zones, during the heart of the holiday season. I would like to begin by expressing gratitude to this team of amazing friends. Your resourcefulness and creativity kept this journal and this editor on schedule. I forever thank you.

Specifically, I would like to thank Managing Editor Octavio Gonzalez. Never have I worked with someone with the flexibility, calm, and care of Octavio. It was he who brought the order and discipline needed to produce this publication. Octavio, I thank you.

Every one of the section editors who worked on this twenty-fourth volume could have led the team in the endeavor that is publication. In turn, it has been an honor to see the journal come together from the perspective of editor-in-chief. In this position, I watched students, professors, alumni, and community leaders of all professional backgrounds come together in the effort of advancing a conversation. It was a truly humbling experience, and I will be forever thankful for the opportunity.

I would next like to thank the sixteen authors, artists, and interviewees whose time, service, and work are what ultimately make this volume what it is. Your thoughts, opinions, and insights ignite conversations. I thank you for your contribution to the *Harvard Journal of Hispanic Policy's* efforts.

I would also like to express our most sincere gratitude to Martha Foley, our publisher, and Richard Parker, our faculty advisor, for their extraordinary dedication to the *HJHP*. Martha, without your guidance, heart, organizational skills, and endless patience, this journal is not possible. We thank you.

I wish to acknowledge the *HJHP* Executive Advisory Board, which has proved once again to be an invaluable source of energy, wisdom, and inspiration for me and the entire student editorial board. Our Executive Advisory Board is a group of some of the John F. Kennedy School of Government's most accomplished and dedicated professionals invested in advancing the conversations around the policy issues most important to the Latino community. They truly are leaders in our community, and this volume of the journal would not be feasible without their loving support.

Similarly, acknowledgment is due to last year's *HJHP* staff, particularly 2010-2011 Editor-in-Chief Crisforo Garza and my wonderful amiga, Director of Board Relations Jeanette Acosta. Cris and Jeanette, drawing upon your collective wisdom and passion for public policy has without a doubt enhanced the quality of this volume. Thank you.

Finally, to the reader, your interest and curiosity in seeking to understand the problems and possible solutions to issues affecting our community is our inspiration. I hope you enjoy, reflect, and discuss the thoughts, words, and opinions found within the pages of this text.

I proudly present to you the twenty-fourth volume of the *Harvard Journal of Hispanic Policy*.

Best Wishes,

Joe Carreón  
Editor-in-Chief  
Cambridge, MA  
January 2012



## CHAIR'S REMARKS

This has been an excellent year for the *Harvard Journal of Hispanic Policy* (HJHP). We have an incredibly talented group of graduate student editors who have assembled and edited a wonderful array of thought-provoking articles dealing with policy issues that affect our Hispanic community.

We have received superb support from the John F. Kennedy School of Government's administrators, including Chris Fortunato, dean of students; Professor Richard Parker, student publications advisor; and Martha Foley, student journal coordinator. Dean Fortunato has been wonderfully approachable and open to new ideas to attain goals through constant collaboration and communication with board members as well as the student editorial team. Professor Parker continues to provide sage advice that challenges us to produce a journal to the high standards of Harvard University. Martha Foley is always about getting to "Yes!" in helping the student editors and the Executive Advisory Board in any way she can. We have welcomed a synergistic partnership with Alexandra Martinez, assistant dean of enrollment services, and Dario Collado, program manager of the Latino Leadership Initiative at the Center for Public Leadership.

Executive Advisory Board Member Genoveva Arellano is spearheading our effort to develop a strategic plan for the next five years of HJHP. This is a huge and necessary undertaking. We are incredibly grateful for her leadership and expertise.

For the first time and with the blessing of the Kennedy School, the *Harvard Journal of Hispanic Policy* is sponsoring community policy discussions across the country this year. These sessions serve multiple functions: in the tradition of the John F. Kennedy School of Government, they offer a forum for discussion and debate about important ideas, some of which are raised in the journal; they bring regional and local people directly into conversations of policy affecting their communities; they give the journal additional visibility as an indispensable, high-level, academic vehicle; and tangentially, they provide the journal student editors and Executive Advisory Board members an opportunity to recruit high-caliber candidates for the Kennedy School. Under the leadership of members of the board, we are sponsoring sessions in Houston and San Antonio, TX; Los Angeles and Sacramento, CA; and New York City.

We have added true leaders and accomplished individuals to our already talent-laden Executive Advisory Board: Marlene L. Garcia is the vice chancellor for government relations at California Community Colleges; Hilda Polanco is the founder and managing director of Fiscal Management Associates in New York City; Gabriela Baeza Ventura is director of graduate studies in the Department of Hispanic Studies at the University of Houston; and Sylvia Zaldivar-Sykes is the executive director of the Lake County Community Foundation in Chicago.

Great things are on the horizon for HJHP. I am incredibly proud to work with the student editors, the faculty, and the staff at the Kennedy School to bring you this, the twenty-fourth volume of the *Harvard Journal of Hispanic Policy*.

Sincerely,  
Jim Carr

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## Social Security: Strengthening a Vital Safety Net for Latinos

*by Jeff Cruz*

Since 1935, Social Security has provided a vital safety net for millions of Americans who cannot work because of age or disability. This safety net has been especially critical for Americans of Latino decent, who number more than 50 million or nearly one out of every six Americans. Social Security provides benefits to roughly one out of six Latino households (U.S. Census Bureau 2009).

Social Security is critical to Latinos because it is much more than a retirement program. In addition to protecting those that cannot work because they are too old, the program benefits disabled workers and their families as well as children and spouses of the deceased. Because Latinos have larger families and are more likely to become disabled in physically demanding jobs, the Social Security safety net protects them disproportionately (Torres-Gil et al. 2005).

However, benefits are far from generous. For Latinos over the age of sixty-five, the average annual benefit for men was only \$12,213; for women it was only \$9,536 (Social Security Administration 2011a). On average, for Latino households age sixty-five or older receiving benefits, Social Security makes up 75.4 percent of the household's total income. For a portion of those households—44.2 percent—Social Security makes up all of the income received (Social Security Administration 2008).

Without Social Security, the elderly Latino poverty rate of approximately one out of six (17.9 percent) would explode to one out of two (50.7 percent) (Torres-Gil et al. 2005). Because of lower lifetime income, longer life expectancies, higher incidence of disability, and larger families, Latinos receive a rate of return on their Social Security contributions that is 35 percent to 60 percent higher than that of the overall population—more than any other ethnic group (Social Security Administration 2011a).

Most Latino and seniors advocates believe benefits need to be expanded. For example, Latinos for a Secure Retirement (a coalition of ten leading Latino organizations) and the Commission to Modernize Social Security (a group of national policy experts representing African American, Asian American, Latino, and Native American communities) created reform plans in 2011 that would expand Social Security benefits.

Eighty-four percent of Latinos agree that preserving Social Security for future generations is critical, even if it means increasing Social Security taxes on workers (Rockey Moore and Maitin-Shepard 2010). Ninety percent of Latinos agree that Social

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❖❖❖ *Because Latinos have larger families and are more likely to become disabled in physically demanding jobs, the Social Security safety net protects them disproportionately.*

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Security's societal benefits are worth the cost (Rockeymoore and Maitin-Shepard 2010).

Despite the importance and popularity of Social Security to Latinos, the past year has seen conservative politicians call for the program to be slashed. For example, some members of the Joint Select Committee on Deficit Reduction, colloquially referred to as the Supercommittee, have called for a chained consumer price index (CPI) benefit cut, which would slash benefits by drastically reducing the cost of living adjustment (COLA). COLA was designed to help Social Security and Supplemental Security Income benefits keep pace with inflation (Social Security Administration 2011b). However, most Social Security experts believe the current COLA is insufficient and should be increased (NCPSSM 2011). The experimental CPI for the elderly (CPI-E), developed by the federal government in 1988, has found that Social Security beneficiaries face higher inflationary pressures than the population as a whole.

Opponents of Social Security have tried to present the proposed adoption of the chained CPI benefit cut as a minor technical change, but it would have drastic consequences for Latinos. Because the benefits cut compounds over time, the disabled and the most elderly would be especially hurt. As stated above, Latinos are more likely to be disabled and to live longer than other ethnic groups. A

Hispanic male's life expectancy at birth is 77.9 years, but his life expectancy once he reaches the age of 65 is 84 (Mann 2010). A Hispanic female's life expectancy at birth is 83.1 years, but it is 86.7 once she reaches age 65 (Mann 2010). If the chained CPI benefit cut proposal were enacted, the average worker would face a 6.5 percent benefit cut—a reduction of nearly \$1,000 a year—when he or she reached the age of eighty-five (Latinos for a Secure Retirement 2011a).

Another way opponents of Social Security have proposed cutting benefits is by increasing the normal retirement age past sixty-five. This proposal would result in lower benefits regardless of the age of the individual when benefits are first claimed, and it is particularly harmful to those in blue collar, manual labor jobs who may not be able to physically work beyond age sixty-five. At this time few seniors are able to wait until the normal retirement age to start claiming benefits, and yet the retirement age is already scheduled to rise to sixty-seven by 2027 (Social Security Administration 2010). In 2009, about 75 percent of new retirees (2 million out of 2.7 million) claimed reduced retirement benefits below the full-benefit age (Social Security Administration 2010).

Opponents of Social Security have called for these devastating benefit cuts under the guise of deficit reduction. This is despite the fact that Social Security has never contributed a single penny to our national deficit and is barred from doing

so by the law (Board of Trustees et al. 2010). Social Security currently has a \$2.6 trillion surplus that will grow to nearly \$4 billion over the next decade (Board of Trustees et al. 2010). However, it does face a small funding gap thirty years from now when it would only be able to pay out about 76 percent of promised benefits if no changes are made (Board of Trustees et al. 2010). To avoid this, Social Security should be strengthened to further help Latinos.

### PROPOSED REFORMS

First, to solve the long-term funding gap, additional revenues can be obtained by eliminating the earnings tax cap. This cap currently exempts income above \$106,800 from Social Security taxes, and about six percent of all workers earn more than the cap (Gregory et al. 2010). Gradually raising the cap to cover 90 percent of earnings over the next decade can eliminate about 40 percent of the projected seventy-five-year shortfall in Social Security (Gregory et al. 2010). Completely eliminating the cap, as was done for Medicare under former U.S. President Bill Clinton, would completely eliminate the funding shortfall over the entire seventy-five-year period.

Second, the Social Security trust fund should be diversified into local and state infrastructure through investments in the municipal bond market. This would help protect the trust fund and provide additional infrastructure investment capital vital to the future economic success of America. By generating additional returns for the trust fund, the safety net for Latinos would be strengthened. This will require reforming the bond market for local and state infrastructure to eliminate tax loopholes that benefit the wealthiest Americans and the creation of

an independent trust fund board to oversee the investments. But once set up, diversifying the trust fund can benefit Social Security, local and state governments, and the U.S. economy as a whole.

Third, any Social Security reform should treat all salary reduction plans like 401(k)s. Employees pay Social Security taxes on their contributions to retirement accounts, such as 401(k), 403(b), and 457 plans but do not pay Social Security taxes on other salary reduction plans or flexible spending accounts, such as for health care, dependent care, or qualified commuting costs (Joint Committee on Taxation 2005). Ensuring that all salary reduction plans cannot be used to avoid Social Security tax liability would reduce the projected seventy-five-year deficit by about 13 percent (Gregory et al. 2010).

By adopting these three reforms to raise additional revenue, Social Security could afford to provide additional protections. For example, it could once again provide benefits to college and vocational students with deceased or disabled parents (Hertel-Fernandez 2010). Social Security historically paid benefits to children of retired, deceased, or disabled beneficiaries until the age of twenty-two if they were in college. However, the law was changed in 1981 to end benefits for “student children” once they either graduated high school or turned nineteen, in part because of the belief that higher education had become more affordable for disadvantaged youth (Hertel-Fernandez 2010). Since then, college costs have skyrocketed and higher education has become even more essential to long-term labor market success.

Compared to other ethnic groups, Latinos are a young, low-income population that struggles with college affordability, and Latino children are more likely to have a

deceased or disabled parent. Polls show that 78 percent of Americans favor having Social Security cover college and vocational student children of deceased or disabled parents, and the cost is very modest (Hertel-Fernandez 2010). Similar to diversifying the trust fund, the ultimate benefit may be the future economic growth realized by the investment. A college graduate will, on average, make about \$26,000 more than someone with only a high school education, contributing \$145,000 more into the Social Security trust fund over his or her lifetime (Latinos for a Secure Retirement 2011b).

Social Security should also be reformed to better help agricultural and household workers. Latinos are disproportionately represented in these job categories, comprising 14 percent of the overall workforce but 41 percent of domestic workers and 48 percent of farm workers (U.S. Bureau of Labor Statistics n.d.). Originally, these sectors were excluded from Social Security coverage. Though now eligible, coverage remains low because of inconsistent wage reporting by employers, classification of employees as independent contractors, underpayment of wages, and payment of wages in cash—all of which impact an individual's earnings history and Social Security tax payment records (Benefits Security Administration 2010; Grillo-Chope and Ramos 2006). Increased enforcement measures for wage and reporting violations can compel employers in these sectors to deduct and report Social Security earnings for Latino workers (Robles 2009; Miranda and Torres 2011). Furthermore, household workers face a higher income threshold before their work counts as a quarter of coverage under Social Security: \$1,700 per year for household workers compared to \$1,120

for other workers (Social Security Administration 2011c). This makes it harder for household workers to qualify for Social Security.

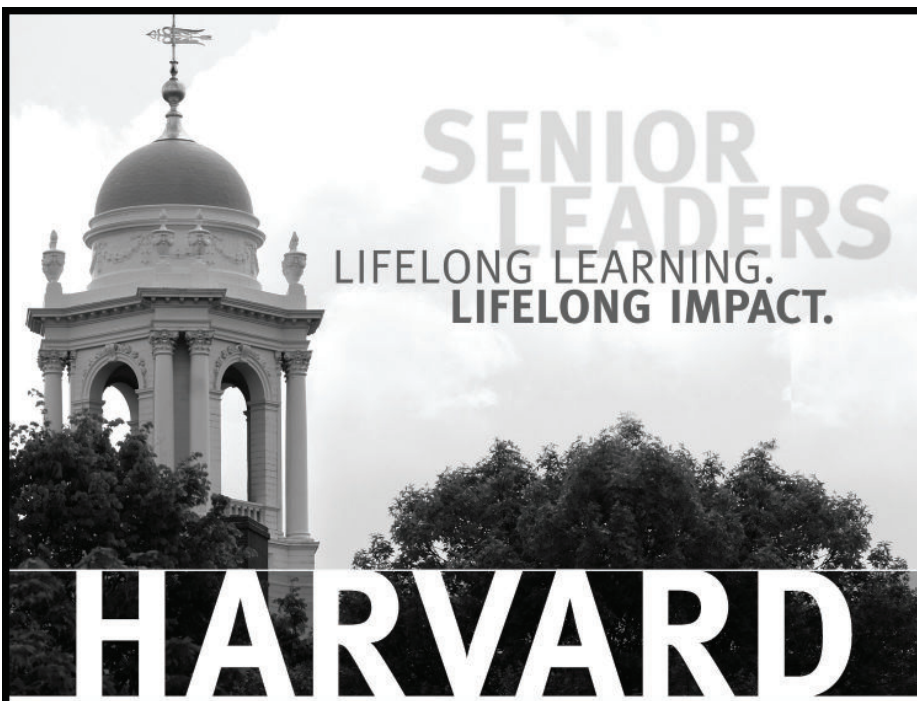
Finally, undocumented workers contribute more than \$10 billion in Social Security taxes each year but are not eligible to collect benefits (Lantigua 2011). Comprehensive immigration reform should allow undocumented workers a chance to claim their Social Security earnings from previous work. Each increase of 100,000 immigrants improves the long-term actuarial balance by about 3.5 percent of the projected seventy-five-year deficit (Board of Trustees et al. 2010, 166).

By eliminating the earning cap, treating all salary reduction plans like 401(k)s, and diversifying the trust fund into local and state infrastructure, Social Security can be strengthened for future generations. Policy makers should also make it easier for agricultural and household workers to qualify for benefits and reinstate the college benefit for “student children” of deceased and disabled parents. With these reforms, Social Security can continue to provide a vital safety net and better protect the Latino community.

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# The Interplay Between Prejudice Against Latinos and Policy: A Social Psychological Perspective

by *Matthew D. Trujillo*

During the past century, American society has made enormous strides in promoting equality and diminishing prejudice among different racial and ethnic groups (Dovidio et al. 2002). Indeed, many believe the election of our first Black president, Barack Obama, marked the beginning of a post-racial America. While our progress is undeniable, America is by no means a post-racial country; many groups continue to face significant prejudice and discrimination.

Latinos, in particular, experience a great deal of prejudice and discrimination. This discrimination operates in a number of spheres from limited employment opportunities (Carvajal 2004; Pager 2007) to increasing maltreatment in the criminal justice system (Bottoms et al. 2004; Lee 2007). Moreover, violent hate crimes against Latinos have risen at an alarming rate of nearly 40 percent from 2003 to 2007 (Potok 2008). The prejudice Latinos face in America has not gone unnoticed; in a recent survey conducted by the Pew Research Center (2010), Americans described Latinos as the racial group most likely to face “a lot” of discrimination.

Due to the significant amount of discrimination that Latinos face today, it is essential that policy makers and social scientists begin to communicate with one another about how to address this issue. This article aims to continue the discourse between the worlds of policy and social psychology as it pertains to prejudice toward Latinos. By using recent findings and theories from social psychology, the current article has three major aims: to provide a better understanding of the psychological underpinnings of prejudice toward Latinos, to discuss how current policies may perpetuate prejudice toward Latinos, and to suggest new policies designed to reduce this prejudice.

Generally speaking, prejudices that one group holds toward another are complex and derive from a variety of sources. Prejudice against Latinos is no different. Much of the current literature on prejudice toward Latinos discusses prejudice as a product of the perceived economic threat that Latinos, particularly Latino immigrants, pose to non-Latinos (Diaz et al. 2001; Esses et al. 2011). In contrast, this article will discuss prejudice that stems from the perceived cultural threat that Latinos present to non-Latinos. Individuals experience cultural threat when they believe their community to be endangered by another group’s conflicting set of values, norms, and mores (Stephan

et al. 1998). In the case of Latinos, the cultural threat that they represent in part derives from perceptions of Latinos as un-American, criminals, and less than human. Although there are many other negative stereotypes of Latinos, such as Latinos being lazy and unintelligent, this article focuses on those perceptions of Latinos as un-American, criminals, and less than human because of the relevance those ideas have to policy.

### **PERCEPTION OF LATINOS AS UN-AMERICAN**

One of the main sources of prejudice against Latinos is the perception that Latinos are un-American, meaning they do not espouse or behave in line with American values. In a recent study designed to capture how Americans perceive various ethnic groups in comparison to the American prototype, respondents were asked to report how alike they viewed various ethnic groups to be to one another. Researchers then analyzed the perceived similarities between the groups on two dimensions: ethnic nationalism and civic nationalism. Ethnic nationalism is a dimension of national inclusion that pertains to the biological essence of groups, which includes shared ancestry and physical appearance. Civic nationalism is a dimension of national inclusion that pertains to the ideology groups espouse, including their values and principles. Respondents perceived Latinos as dissimilar to both White Americans and their prototype of an American on ethnic nationalism as well as civic nationalism (Dovidio et al. 2010).

This view of Latinos as non-American is likely due to inaccurate perceptions of Latino acculturation attitudes. Acculturation attitudes reflect the degree

to which individuals want to interact with members of a different culture and want to maintain aspects of their particular culture (Berry et al. 1989). Many non-Latinos view Latinos as not wanting to adapt to American culture, which is problematic given that, in general, dominant society members prefer that nondominant members desire assimilation (Berry 1992). When dominant members of a society perceive a discrepancy between their acculturation ideology and that of nondominant members, this leads to conflict between the two groups (Rohmann et al. 2006). Furthermore, this research shows that this discrepancy is associated with high levels of perceived threat and intergroup anxiety. The irony of the perception that many Latinos do not want to adopt American values and norms is that, in fact, Latinos actually tend to endorse many “American” ideologies (Ryan et al. 2010).

### **Language Policy**

There are many cues that non-Latinos use when they come to the conclusion that Latinos do not wish to assimilate into American culture. One of the most prevalent cues is language. Many non-Latinos view Latinos’ tendency to use Spanish over English as a sign of their unwillingness to assimilate (Fennelly 2008). However, this assumption is most likely false since many Latinos report that learning English is very important (Pew Hispanic Center 2006).

Language acts as a microcosm for the greater disconnect between non-Latino perceptions of Latino values and Latinos’ actual values. As such, language policies, particularly language-education policies, have important implications for

non-Latino perceptions of Latinos as un-American.

There have been a number of policies passed at both the federal and the state level declaring English as the official language and therefore ending bilingual education programs. These policies have effectively strengthened the boundary between Latinos and non-Latinos by creating an environment where many Latinos feel threatened and unwelcome, ultimately decreasing their chances and willingness to assimilate (Portes et al. 2009; Rumbaut and Portes 2001). With the passage of these policies, a vicious cycle is created where the perception of Latinos as un-American is confirmed: despite Latinos' high desire to assimilate, the intimidating environment created by these policies discourages assimilation. By enacting Spanish-friendly policies, we will create an environment that is more welcoming to Latinos, thus allowing Latinos to become more active and involved in American culture. This increase in engagement will have the downstream effect of shifting non-Latinos' perceptions to more accurately identify Latinos as wanting to assimilate and as endorsing American values.

### **Societal-Level Policy Suggestions**

Beyond language, there are a number of other societal-level policies with the potential to decrease perceptions of Latinos as un-American. Fundamentally, these policies should be enacted to increase the civic engagement of Latinos, particularly Latino immigrants. Many of the policies discussed below were originally presented by the Kaplan Foundation and the Center for American Progress and have been enumerated recently by social psychologist Walter Stephan (2011).

In his article, Stephan indicates ways to combat the conflict between Latino immigrants and American citizens. According to Stephan, the creation of liaisons for Latino communities in local governments along with the creation of Latino resource centers in local districts are policies that will likely lead to greater civic engagement of Latinos, particularly Latino immigrants. Of course, the implementation of these policies would be difficult and there is the potential for backlash from the non-Latino community. Ultimately, however, providing these resources can make it easier for Latinos to participate in civic activities and will give Latinos a greater civic presence in their local communities, thus increasing the likelihood that non-Latinos will view them as espousing American values.

Another policy that can be implemented to increase Latino civic engagement is to "provide information on resources and programs to immigrants in their own language in media they use" (Stephan 2011, 6). As discussed earlier, Latinos have the desire to be involved in American culture, but many lack the knowledge or resources necessary to do so. For this reason, it is important not only to provide information to Latinos on how to become more civically engaged but also to tailor this information in such a way that both reaches Latinos and is understood by them. Research has found that information campaigns relating to civic engagement are largely effective when they are in Spanish and are presented in a medium that is familiar to Latinos.

A recent study testing the effectiveness of a pro-census information campaign found that Latinos who watched pro-census clips of a popular telenovela expressed both high levels of positive attitudes and low levels of negative

emotion toward the U.S. government, as well as high levels of pro-census behavior (Trujillo and Paluck 2011). Interestingly, watching the pro-census clips was not effective at improving the attitudes of Latinos residing in Arizona, which had just experienced the passage of SB 1070. This finding highlights the power that policy has in shaping Latinos' civic engagement both in a positive and a negative manner. Ultimately, our country would benefit from enacting policies that encourage Latino immigrants to become more civically involved, which will over time help Americans accurately perceive these immigrants as wanting to be involved in American culture and decrease conflict between non-Latinos and Latinos.

n.d.). An intergroup dialogue program would allow members of both groups to share their experiences and to have a discourse with one another in a safe and open environment. In addition to intergroup dialogue programs, local communities can also develop mentorship programs for Latinos at the school and professional level.

While contact alone has been shown to improve attitudes and perceptions between groups (Pettigrew and Tropp 2006), it is important to note that the positive effects of contact are strengthened when the contact meets certain criteria: that is, when the two groups are of equal status within the context of the contact, when both groups work toward a common goal, and when the contact is

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❖ *While the perception of Latinos as un-American and criminal is harmful on its own, perhaps the most damaging aspect of these perceptions is that they are objectively overstated if not false.*

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### Individual-Level Policy Suggestions

There are also individual-level policies that would improve perceptions of Latinos. The main goal of such policies would be to increase the extent to which non-Latinos perceive Latinos as holding American values and wanting to assimilate. For instance, an increase in the quantity and quality of contact between these two communities would improve non-Latino perceptions of Latinos (Allport 1954). This could be achieved through the implementation of intergroup dialogue programs. These programs can be implemented in schools for adolescents, where they have been found to be particularly effective (Gurin et al.

supported by figures of authority. Of these criteria, the support by authority figures shows the strongest effect. Therefore, it is important that government and community leaders support programs that are put in place to increase the contact between non-Latinos and Latinos. The absolute importance of support by authorities during intergroup contact was demonstrated during the desegregation of the American South. While the federal government required desegregation, many leaders of state and local government explicitly and vehemently opposed the integration of their schools and communities, thus impeding

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❖❖❖ *The repetitive use of “illegal alien” when describing undocumented Latino immigrants creates an association between these individuals and illegality. Moreover, the use of the term “alien” removes all remnants of humanity from undocumented Latino immigrants.*

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desegregation and positive relations between Black and White Americans. It is important that future programs designed to increase contact between non-Latinos and Latinos do not suffer from the same failings that plagued early desegregation efforts.

#### **PERCEPTION OF LATINOS AS CRIMINALS AND AS LESS THAN HUMAN**

The association between Latinos and crime and the dehumanization of Latinos are areas of grave concern that impede positive relations between Latinos and non-Latinos. While these may seem like unrelated concepts, the association of Latinos with crime and the dehumanization of Latinos often go hand in hand, both theoretically and in our nation’s rhetoric.

Historically, African Americans have been associated with crime, but recent data has shown that this association now also applies to Latinos. Indeed, one of the most prominent stereotypes of Latinos is that they are criminals (Niemann et al. 1994; Takaki 1993). Supporting the notion that Latinos are viewed as criminals is research showing that American respondents reported feeling property, trust, and safety threats in reference to Latinos (Cottrell and Neuberg 2005). Stereotypes of Latinos as criminals have real-world consequences, even leading to high levels of perceived guilt of Latino defendants (Bodenhausen 1990). The

portrayal of Latinos as criminals is largely inaccurate, as Latinos tend to have low levels of criminal involvement (Epstein and Goff 2011; Sampson 2006).

In addition to non-Latinos associating Latinos with crime, some non-Latinos have also engaged in the dehumanization of Latinos. Dehumanization is the denial of a group of individuals’ fundamental human traits and is often accomplished by equating these groups with animals. The dehumanization of groups, particularly immigrants, has been associated with greater acceptance of violence and mistreatment directed toward these groups (O’Brien 2003). In a review of metaphors used in the *Los Angeles Times* to describe Latino immigration during the 1990s, researchers found that the newspaper often used animal metaphors, in both the news and editorial sections, to describe Latino immigrants and immigration (Santa Ana 2002). The association between Latinos and animals, often used in the press, has bled into popular culture, with some White Americans associating Latinos with both rodents and insects (Marshall and Eberhardt 2011).

In the study mentioned above, the degree to which participants associated Latinos with rodents and insects was highly correlated with the degree to which Latinos were stereotyped as criminals. Similarly, research on the dehumanization of African Americans found that

dehumanization was associated with greater perceived justification of police brutality toward an African American target and greater likelihood that African American defendants received the death penalty (Goff et al. 2008). These findings suggest that the dehumanization of Latinos may play a role in the bias against Latinos in the criminal justice system and the increased number of hate crimes directed toward Latinos.

### Dehumanization and Immigration Rhetoric

Much of the association between Latinos and crime as well as the dehumanization of Latino immigrants comes from the use of the term “illegal alien” when describing undocumented Latino immigrants. The repetitive use of “illegal alien” when describing undocumented Latino immigrants creates an association between these individuals and illegality. Moreover, the use of the term “alien” removes all remnants of humanity from undocumented Latino immigrants. While this is not a policy suggestion per se, Latino immigrants, and Latinos in general, will benefit from the discontinued use of the label “illegal alien.” Research has shown that when the label “undocumented worker” is used, individuals express less perceptions of threat and less prejudice toward Latinos than when the label “illegal alien” is used (Pearson 2010). The Applied Research Center, a racial justice think tank, has recognized the deleterious impact of this rhetoric and started a movement to drop the “I” word, where individuals pledge to not refer to undocumented immigrants as “illegal.” While this is an excellent start to move discourse regarding Latino immigrants in a more positive direction, there is still progress to be made in terms of decreasing the dehumanization of

Latinos. In addition to dropping the “I” word, we should take steps to also drop the “A” word: alien.

### Criminalization and Immigration Policy

The emphasis on enforcement in our current immigration policies also serves to enhance the association between Latinos and crime. Many of these policies, and the language used in them, portray Latinos, particularly Latino immigrants, as criminals. Specifically, the increased number of immigration “raids” and the provisions of immigration legislation passed in Arizona and Alabama (and proposed in other states) that require the questioning of individuals suspected of being in the country illegally are likely to have strengthened the association between Latinos and crime.

This parallels the widely held notion that many of the antidrug policies that disproportionately targeted African Americans played a role in creating the association between African Americans and drug use. Moreover, the immigration policies that target Latinos are similar to the language policies that target Latinos in that both reify faulty perceptions of Latinos that fuel prejudice against the group. Just as the implementation of more Spanish-friendly language policies will improve perceptions of Latinos, so too will the implementation of immigration policies that do not target Latinos as criminals better Latinos’ image. Focusing enforcement efforts on undocumented immigrants who have committed major crimes rather than undocumented immigrants in general will decrease the association of crime with the general Latino public. Moreover, enacting comprehensive immigration reform that includes a pathway to citizenship for undocumented immigrants where they

must pay a fine, pay taxes, and pass a background check will serve to weaken the need for the harsh enforcement policies currently in place, which will lead to the weakening of the association between Latinos and crime.

## CONCLUSION

This article discusses the ways in which Latinos in America are perceived as a cultural threat by non-Latino Americans. Specifically, it addresses non-Latino perceptions of Latinos as un-American, as being associated with crime, and as less than human. While the perception of Latinos as un-American and criminal is harmful on its own, perhaps the most damaging aspect of these perceptions is that they are objectively overstated if not false. Many of the policies currently in place serve the function of reifying these perceptions. It is essential that policy makers recognize the role that policies play in shaping public perceptions and attitudes, much in the same way that public perceptions and attitudes shape policies; simply put, the causal arrow moves in both directions. One way in which policy makers can attenuate the negative perceptions that many non-Latinos have of Latinos is to implement more Latino-friendly policies, such as policies that promote bilingual education and comprehensive immigration reform. Moreover, policy makers can implement policies designed to increase the amount of Latino civic engagement and the interaction between non-Latino and Latino individuals.

As a country, we have made a great deal of progress in terms of racial and ethnic equality, but there is more work to be done, particularly in the domain of non-Latino and Latino relations. To achieve this, an understanding of the

underlying sources of conflict between these two groups is key. Social psychology not only helps us achieve this understanding but also allows us to formulate effective policies.

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“Authority of the Sovereign” 2005 Linocut on rag paper by Daniel Gonzalez. This print was created in response to the US invasion of Iraq in response to the terrorist attacks of September 11, 2001. St. Augustine promoted the idea of a “just war” in which one of the elements is the “authority of the sovereign”.

# HARVARD JOURNAL OF HISPANIC POLICY

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### **SUBMISSION GUIDELINES:**

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- Must be formatted according to *The Chicago Manual of Style*.
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- Must include a cover letter with (1) author's name, (2) mailing address, (3) e-mail address, (4) phone number, and (5) a brief biography of no more than 300 words, and (6) a headshot.
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- Commentaries should be 1,500 to 3,000 words in length.
- Book reviews should be 1,500 to 3,000 words in length and include a full citation for the book, including publisher and year of publication.
- All figures, tables, and charts must be clear, easy to understand, and submitted as separate files.
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## Immigrants and Suffrage: Adding to the Discourse by Integrating State Versus National Citizenship, Dual Domestic Residency, and Dual Citizenship

by John A. Garcia

### ABSTRACT:

*This article builds upon the literature on immigrants and the vote by focusing on three legal and democratic principles: state versus national citizenship, dual domestic residency, and globalization/dual citizenship. It first delineates the discretion and powers that states can utilize to establish suffrage rights. The article next develops parallels between dual domestic residents and noncitizens in terms of standing, access, and electoral participation. It then examines dual citizenship, especially with Latin American nations, and discusses multiple identities and connections in both countries. Literature on globalism/transnationalism is integrated into that discussion. The article concludes by adding political considerations to the context of the United States and alien suffrage.*

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The seemingly endless attention on contemporary immigration to the United States, especially undocumented migration, serves to crystallize the focus of many debates on what it means to be committed to and have membership in the U.S. political system. Yet often these discourses fail to recognize the multifaceted social and political practices, institutions, and identities that must be included in any social analysis and that, when included, would require some degree of disaggregation of a complicated set of issues (Bosniak 2011). In other words, there is a need to unpack citizenship conceptually when we discuss a range of political and social relationships. Alienage is a form of noncitizenship in which persons have some “basic rights” and status under the rules of the polity. As a result, my general introductory observations about citizenship focus upon the status of citizens, which determines their access to certain resources, benefits, protections, voting rights, and eligibility for social services.

My research deals directly with unpacking the citizenship package by examining the suffrage rights accorded by citizenship status. More specifically, one of the “benefits” of citizenship is that native-born residents and naturalized, foreign-born persons are able to participate in elections complying with each state’s election laws. The relevance for the Latino population lies in the significant portion of its adult population that is foreign-born noncitizens. In March 2007, the U.S. Census Bureau reported 38.2 million foreign-born persons, representing 12.2 percent of the U.S. population. The vast

majority comes from two regions of the world: 53.3 percent from Latin America and 25 percent from Asia (Larsen 2004, 1). In 2006, there was demonstrated immigrant activism (both undocumented and legal) that placed a face on this segment of American society and put forth a policy agenda that includes facilitating its incorporation. A well-versed slogan was “today we march; tomorrow we vote.”

This discussion incorporates the legal foundation of alien status, rights, and obligations along with the underlying principles associated with representative democracy: citizenship, residency, community, rights, and the legal and political context. In this article, ideas regarding the emphasis on residency, accumulation of social, economic, and political equity, and being affected by actions of the state (Dahl 1972, 54-64) are developed. In addition, the introduction of litigation involving dual domestic residents serves as a legal tool to augment consideration of alien suffrage.

### **IMMIGRATION, IMMIGRANTS, AND THE POLITY: A BACKDROP**

In the United States, particularly during the late nineteenth century, suffrage had been extended to immigrants. However, by the 1920s, most states had removed immigrants' access to suffrage. A strong nativist movement resulted in the retrenchment of “rights and privileges” that had been given to immigrants (Harper-Ho 2000).

The current public discourse on alien suffrage has been partially motivated by the rise of the immigrant population, its greater activism, and advocacy among foreign-born permanent residents, undocumented immigrants, and minority-based advocacy groups (Barreto et al.

2009). There are countervailing forces that oppose “alien suffrage” based upon a heightened sense of nationalism, nativism, and national security. As a result, the focus on alien suffrage is a subset of immigration issues, general societal concerns, political integration, and the changing concept of citizenship.

A book by Samuel Huntington (2005) raises a concern about the decline of a national identity due to the current influx of immigrants. Latinos (immigrants and native-born) are seen as the primary threat to the maintenance of American assimilationist patterns and consistency with the country's core values, English-language primacy, and American national identity. The reality of international migration has generated substantial debate about the role and status of immigrants in American society.

My discussion of alien suffrage and immigrants adds two dimensions to this area of analysis: the stream of legal issues defining national and state citizenship/suffrage and dual citizenship. In the case of the latter, this duality of attachment can be affected by actions of governments as well as personal loyalties and involvements in different locations. States have the authority to define suffrage within the constraint of federal protections. These concepts are presented as parallel patterns serving as foundations for extending suffrage to resident aliens.

### **THE MULTIDIMENSIONAL REALM OF ALIEN SUFFRAGE**

The principles of citizenship, community, residency, rights, privileges and immunities, and civic identity are integral to any discussion of alien suffrage. A general discussion of community citizenship incorporates the idea of universal rights that guarantee fundamental civil and

political rights to all residents (Aleinikoff 2001). On the other hand, formal national citizenship (either by *jus soli*, *jus sanguinis*, or naturalization) accords individuals with rights and privileges that are distinct from the rights of those who do not possess this citizenship status (Schuck 2000). As a result, there are legal, political, and value premises that accompany the practice and meaning of citizenship in the United States. Implicit within the concept of citizenship is that of community membership, civic identity, allegiance to the polity, and attachment. Citizenship entails becoming part of the polity such that an individual becomes engaged in local, state, and national matters and becomes active in political parties, voluntary associations, religious institutions, and many other aspects of civil society (Gerstle and Mollenkopf 2001). By describing a political incorporation process, I note that the basis for full and active membership in a political community combines being an inhabitant and acquiring political learning and experiences, status and rights, and civic engagement.

Yet the legal status of noncitizen enables the polity to differentiate between these two “categories” of persons: citizens and noncitizens. The state can discriminate against noncitizens as alienage is a suspect category that is justifiable under the concept of a “state compelling interest” (Schuck 2000). Yet, the equal protection, civil rights, and privileges and immunities clauses of the U.S. Constitution ensure that fundamental rights be accorded to all persons (Bosniak 2002). Citizenship becomes an assembly of rights and responsibilities, and alien “citizenship” is therefore partial citizenship because it does not include suffrage.

Citizenship has not always been synonymous with suffrage. Women, for example, had citizenship status, but prior to the 1920 ratification of the Nineteenth Amendment to the U.S. Constitution, they did not have suffrage rights. In this contemporary period, there has been further blurring of the citizen/noncitizen distinction with some expansion of suffrage rights to immigrants. Invoking the concept of the social contract and community membership, immigrants are residents with established equity (e.g., labor market participation, family and community ties, taxpayers, etc.) who have consented to being governed.

As a result, several local communities such as Cambridge, MA, Takoma Park, MD, and other parts of Montgomery County, MD, have extended suffrage rights to noncitizens (Harper-Ho 2000). This idea is referred to as the *jus nexi* or “affected interest” principle. The social fact of membership (i.e., residence in the polity) means the laws of the polity ought to serve and reflect the interests of those who reside regularly within the territory and are subject to its authority (Shachar 2009; Dahl 1972). Members of a democratic society have a stake and interest in the conduct and substance of the political process, its institutions, and its representatives. Accountability of elected officials, selection of elected officials, and access to decision makers become integral parts of membership in a political community.

Recently, immigrant organizations and advocacy groups have pursued policy initiatives to expand the franchise to noncitizens (Hayduk 2003). Absent such civic engagement and access, immigrants remain outsiders and less politically incorporated into the system. Yet opponents of alien suffrage point to the political sequence of obtaining citizenship

first and then suffrage following (Hayduk 2003). Part of the debate about political access is that immigrants are viewed as not having American interests at heart. Individuals with dual citizenship are criticized that this dual status undermines their integration and loyalty (Renshon 2001). Additionally, voter fraud (Minnite and Callahan 2003) and immigrant bloc voting influencing election outcomes in contentious elections represent another concern regarding alien suffrage (Sontag 1992). Similar discussions and actions have occurred in Europe, with countries such as Sweden, Ireland, the Netherlands, Denmark, and Spain having discussed the extension of suffrage rights (Cinar 1994).

As indicated above, Latino immigrants have become the major focus of the public and civic elites' concerns about the "volume" of migrants (especially undocumented) and the social, economic, and cultural implications. In the spring of 2006, as many cities experienced organized protests regarding restrictive immigration reform legislation, the extent of such civic engagement served to activate both pro- and anti-immigrant constituencies (Barreto et al. 2009). Most of the attention has been placed around national security and securing the U.S.-Mexico border, pathways toward legalization, culture wars, and the Development, Relief, and Education for Alien Minors (DREAM) Act, however, the significant foreign-born population has also been discussed in terms of an "added" electoral bloc. Although the predominantly Latino protestors directed their attention on the status and rights of immigrants (undocumented and legal), they also shouted "today we march, tomorrow we vote." Again, my focus in this article lies with the advancement of the scrutiny of the legal, political, and

constitutional foundation of alien suffrage status.

### **THE CONSTITUTION, RIGHTS, AND STATUS OF NONCITIZENS: A BRIEF OVERVIEW**

If universal citizenship includes all persons that reside within the political community, then what are U.S. Constitutional distinctions between noncitizens (aliens) and citizens? Citizens occupy a particular status in the polity and have a wider collection of rights (Kymlicka and Norman 1994, 354). Citizens are expected to be active and virtuously engaged in the civic life of the community (Barber 1984; Sandel 1998). Noncitizens, on the other hand, are a class of people not granted full or "essential rights" (i.e., fundamental or basic rights) associated with citizenship. The concepts of community membership and citizenship include the societal roles assumed by residents, including workers, consumers, neighbors, and contributors to civic life (Bosniak 2002).

The privileges and immunities clause and the comity clause of the U.S. Constitution (Hamilton et al. 2003) identify important rights linked to the legal status of citizenship. Historically, citizenship was based upon birth in the United States, yet for women and African Americans, this was insufficient. For example, in the 1857 Dred Scott case before the U.S. Supreme Court, African Americans were recognized as having limited protections. Then, the Fourteenth Amendment of the U.S. Constitution, ratified in 1868, guaranteed all persons protections and due process coverage. At the time of the amendment's passage, however, Republicans viewed citizens as entitled to substantially greater rights than noncitizens (Maltz 1988). A central issue is what individual

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❖❖❖ *Absent such civic engagement and access, immigrants remain outsiders and less politically incorporated into the system.*

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rights are due to one's "personhood" standing in relation to citizenship status. The Fifteenth Amendment raises the question of a noncitizen's right to vote. Was there a natural or inherent right exclusive to citizens? The Constitutional interpretation allows states to exclude or include noncitizens (Linder 2011a). The concept of national and state citizenship is a distinguishable status that I will discuss in more detail later.

The courts have consistently allowed states to restrict or exclude noncitizens within the limitations of the Supremacy Clause (which states that the federal government, in exercising any of the powers enumerated in the Constitution, must prevail over any conflicting or inconsistent state exercise of power) and the guarantees of equal protection and due process. At the same time, states cannot interfere with the entrance of citizens (Linder 2011b). In *Wong Wing v. United States* (1896), the U.S. Supreme Court ruled that as long as a noncitizen is allowed to remain in the United States, he or she continues to enjoy protections under the Bill of Rights. Case law defines these rights and protections in many sectors of public life. In *Yick Wo v. Hopkins* (1886), a noncitizen needed permission from the board of supervisors to open a laundry in San Francisco. In this instance, all two-hundred Chinese applicants had been denied, versus one in eighty Whites, indicating bias in policy implementation. The courts ruled that the policy had not been implemented without difference in race/color or

nationality. In *Truax v. Raich* (1915), Arizona sought to limit the percentage of aliens to 20 percent of the labor force for all employers in the state. This restriction was ruled unconstitutional.

The issue of alien property ownership arose in *Terrace v. Thompson* (1923), in which Washington State prohibited aliens ineligible for citizenship from buying or owning real property. Similarly, in *Takahashi v. Fish & Game Commission* (1948), the state of California had barred aliens from obtaining commercial licenses, which violated their Constitutional privileges. In another labor market realm, in the case of *Sugarman v. Dougall* (1973), a New York civil service law made noncitizens ineligible for competitive classified civil service positions. The Court ruled that a blanket statutory exclusion against the employment of aliens in competitive classified civil service jobs in lieu of a legislative plan that bars some or all aliens from a defined class of public employment positions was too broad (Maltz 1996). While there was insufficient precision to meet the criteria of strict scrutiny, Justice Harry Blackmun ruled that limitations could be placed on aliens in terms of voting, holding office, or critical nonelective judicial, executive, or legislative positions (Maltz 1996).

*Nyquist v. Mauclet* (1977) challenged a New York rule mandating that noncitizens who sought financial aid produce an affidavit indicating intent to apply for citizenship. The Court ruled it to be

unconstitutional because it was solely directed toward aliens and imposed an undue burden. The state's claim that the requirement served as an incentive to encourage naturalization was deficient. On the other hand, in *Foley v. Connelie* (1978), state law limited employment as state police to only citizens. The rationale was that the police department was a key governmental function and therefore subject to protection and limiting classification.

The case of *Ambach v. Norwick* (1979) involved New York State's restriction of public school certification to only citizens. Justice Lewis F. Powell stated that teachers perform a task that goes "to the heart" of representative government. Thus, this requirement was a rational basis to support the state's interest (Maltz 1996).

These legal rulings view rights based upon persons being members of a local community and the presumptive right to receive equal treatment from governments responsible for that community (Maltz 1996), within the precepts and principles of the U.S. Constitution. By entering a community, noncitizens establish a presumptive right to receive support from the government that exercises political power over them (Locke 2011). Federal jurisdiction has placed limits on how states should treat noncitizens. *Plyler v. Doe* (1982) challenged a policy that allowed the state of Texas to withhold funds for the education of undocumented children and deny them enrollment. The Court ruled that these persons fell under the equal protection clause and such class exclusion had the effect of denying them an education.

The federal government has the plenary power to determine political status (USLegal n.d.). In effect, the legal decision of protecting rights also includes the political decision to determine the connection between government and citizenship. In this case, citizenship can include state and national operational definitions, which can vary. Thus, over time the definition and inclusion of basic rights and protections have been extended to noncitizens. In addition, each state has exercised some discretion to define noncitizen rights differently from state "citizens."

### NONCITIZEN VOTING RIGHTS: LEGAL HISTORY AND PROSPECTS

Today, several jurisdictions allow noncitizen voting (e.g., Cambridge, MA; Takoma Park, MD; Arlington, VA; Montgomery County, MD) in local municipal and/or school elections (Harper-Ho 2000). Until 2002, the New York City school district allowed all residents (citizens and noncitizens) to vote in school board elections until that governing body was disbanded (Medina 2009).

From the adoption of the U.S. Constitution until the War of 1812, the classifications of inhabitants and freemen were synonymous with citizens for the purpose of voting. Property ownership and position in "colonial society" were major considerations in determining access to suffrage and citizenship (Kettner 1979, 122; Raskin 1993; Neuman 1992).

An anti-foreigner mood surfaced, especially anti-Catholic sentiments, during the post-1812 period, which led to more exclusionary basis for suffrage (e.g., race, gender, property) (Raskin 1993, 1398). The prevailing national consciousness evidenced hostility toward non-English speakers, and all states admitted into



the Union from 1830 to 1840 restricted suffrage to citizens (Harper-Ho 2000). Prior to the Civil War, many states (including Wisconsin, Washington, Kansas, Nebraska, Wyoming, Nevada, North and South Dakota, and Oklahoma) did allow White male immigrants to vote as long as they had a declared intent to naturalize (Harper-Ho 2000). This introduced the concept of “declarant alien” that was used as justification for alien suffrage. This provision was meant to attract more settlers to assist in the development of the state’s economy and population base (Harper-Ho 2000).

Also in the 1840s, Congressional actions regarding land acquired from Mexico (California, Arizona, New Mexico, and Utah) did not allow for alien suffrage. Most of the remaining Midwestern states and Montana, Oregon, and Kentucky also had similar provisions that did not allow suffrage for noncitizens. In contrast, in 1850, the state of Maryland allowed all White males, regardless of citizenship, to vote (Porter 1969, 118).

The pressures of the Civil War conflict highlighted the anti-slavery debate. Alien suffrage became an issue, as the common perception was that aliens would be opposed to slavery, and access to suffrage would affect those policy actions (Raskin 1993, 1409). Also, arguments against alien suffrage included lack of assimilation, perceived lack of interest in the political process, and a concern that aliens would be subject to manipulation by corrupt officials and organizations (Raskin 1993, 1430-1431).

Yet, citizenship and suffrage are separate statuses, that is, women and African Americans enjoyed the status of citizenship but not suffrage rights. Keeping aliens out of the electoral process also had

the net effect of keeping the door closed to these two groups. Even aliens who obtained naturalization were subjected to literacy tests and longer residence requirements beyond naturalization in order to obtain suffrage (Harper-Ho 2000). In the 1800s, suffrage was used as an inducement for Westward settlement and to prepare aliens to assume full rights and responsibilities upon naturalization (Neuman 1995, 307; Raskin 1993, 1406-1407). During the post-Civil War era, thirteen states allowed noncitizens access to the ballot box. By 1875, this movement peaked to twenty-two states (Aylsworth 1931, 114).

This trend ceased and reversed itself by 1928 as anti-immigrant sentiments and nativist movements removed alien suffrage (Harper-Ho 2000, 282). The Constitution does not forbid alien suffrage (Raskin 1993; Rosberg 1977), and there is a real distinction between state and national citizenship. As a result, there are rights and privileges as a state citizen that are not shared under national citizenship. In *Minor v. Happersett* (1874) the distinction between citizenship and voting rights was quite evident. Women, though citizens, were not entitled to vote under the Missouri constitution (Harper-Ho 2000, 287).

### **DISTINGUISHING STATE AND NATIONAL CITIZENSHIP**

Under Articles I and II of the U.S. Constitution, the states define the electorate. Under the naturalization clause of Article I, Section 8 (Harper-Ho 2000, 287), the state/locality has the right to enfranchise noncitizens, as voter qualifications are set by the states. In *Pope v. Williams* (1904), the U.S. Supreme Court upheld a Maryland law that required new residents (including

noncitizens) a one-year residency to be able to vote. The Court recognized a state's right to regulate voting. In addition, a state is permitted to enfranchise noncitizens without being naturalized as long as the state does not overstep any Constitutional mandate (Harper-Ho 2000, 288). In the Fourteenth Amendment, citizens are defined as either native-born or naturalized. Yet, in so defining, the rights of noncitizens are neither defined nor restricted (Stone 1986, 448). Aliens are entitled to full coverage under the equal protection clause (Harper-Ho 2000, 290).

A concomitant issue with alien rights is whether aliens constitute a suspect class. The concept of a suspect class is the immutability of a characteristic, a history of bias and discrimination, lack of political power, and/or one's ability to perform in society (Harper-Ho 2000, 291). Recognizing groups as constituting a suspect class has been a central element of the Voting Rights Act and its amendments, especially for African Americans and Latinos (U.S. Department of Justice). In the *Sugarman v. Dougall* case (1973), the Court ruled that the state can use citizenship as a criterion to limit voting rights (Harper-Ho 2000, 291). The combination of "achieving" suspect group status and strict scrutiny serves to extend this realm into defining alien rights. During the discussion of the Voting Rights Act, Paul Tiao (1993, 171-172) argued for the extension of suffrage to noncitizens by using the view of a political community that is inclusive of all inhabitants. He suggested that this would be further evidence of a democratic commitment to basic American norms. Thus differentiating between state and national citizenship highlights the ability to enfranchise noncitizens at the state

level. I will now discuss another strand of legal status and standing as a parallel case to extend alien suffrage: dual domestic residency.

## MOBILITY AND DUAL RESIDENCY RIGHTS AND STATUS

Immigrants in the United States, among other things, are stakeholders, taxpayers, school parents, and local neighbors. They may also maintain similar ties to their countries of origin. Given this "bona fide" residential status in multiple communities (across political jurisdictions in specific local communities), there is a parallel body of case law concerning dual domestic residents and their local "investment" in—and access to—voting in different political jurisdictions. I will discuss such case law and draw a parallel to the guiding principles in relation to the matter of alien suffrage.

Dual domestic residents are subject to local taxes and ordinances in their "home" community in addition to being affected by public policies in their "second home" community. Issues have arisen about the voice of dual residents in local elections. For example, the state of Michigan instituted a school financing initiative in 1995 that resulted in reduced property taxes for most residents, with the exception of second homeowners (Ostrow 2002, 1955). One of the consequences was a substantial surtax for second-home residents.

Much of the U.S. population now holds residency in multiple communities. The combination of greater mobility, modern communication technology, greater affluence, longer life span, and multiple attachments to communities has contributed to this development. In 1995, nearly 10 percent of households owned more than one residence. In addition, 45

percent of these households had at one point listed their second residence as their primary home (Ostrow 2002, 1955-1956).

These individuals are under the authority of local taxes, zoning, and housing codes and depend on local governments for services such as public safety and health. In 2000, about twelve states permitted nonresidents to vote on some local matters (Harden 2000); some are able to vote in special districts (Ostrow 2002, 1964), and other states permit local governments to enfranchise nonresidents at their discretion (Ostrow 2002, 1957). A variety of arguments have been made to permit nonresidents a voice in local elections. The legitimate connection of residency in a community both connotes property owner status and vested stakes in community life (Ostrow 2002, 1969). In addition, the concept of the rights and consent of the governed is an integral element of a democratic society and does buttress the rationale for dual resident suffrage. Representative government is not viewed as a virtual relationship, but having a direct say in government is expected (Gardner 1997, 893, 909-911; Bailyn 1967, 173-174).

In a potentially parallel context, New York City allowed resident aliens to vote in local elections, especially school board elections. Part of the rationale is based on the empowerment of this segment of the New York City community and accessing immigrants to impact decision makers. By doing so, permanent resident aliens can advocate and act on behalf of children, friends, and neighbors. In *Kramer v. Union Free School District #15* (1965), a thirty-one-year-old plaintiff (stockbroker), who lived with his parents was denied access to vote in school board elections. He did not have children, nor was a real property owner, but he could

vote in the general local elections (Barry 2000; Ostrow 2002, 1964). The Court found that there was no compelling reason to exclude the plaintiff, and equal protection extended to this excluded resident.

The states of Arizona, Colorado, Iowa, Montana, New Mexico, North Dakota, and Wyoming offer nonresidents some voting rights in specific special districts (Ostrow 2002, 1964). Such inclusions have raised concerns about voter dilution for permanent residents. Yet, any expansion of the electoral base does “dilute” the current base, much like when African Americans and women were extended suffrage. The “rational relation standard” (Ostrow 2002, 1965) supports the idea that substantial interest in the subject(s) of the election and being affected by the election outcome warrants inclusion. Nonresidents contribute to local governmental budgets and use the local government’s services (Ostrow 2002).

In *May v. Town of Mountain Village* (1997), the Tenth Circuit Court upheld a charter amendment that enfranchised nonresident populations to vote in all municipal elections. The court viewed the opposition to this as an issue of voter dilution as property owners have an interest in property taxes, land use, capital improvements, bond issuances, and school districts (Ostrow 2002, 1966). The extension of suffrage applied to school board elections, water, police, and fire districts. Opponents of non-permanent residents having access to the ballot box had argued that those individuals have an insufficient attachment to the local community.

The perspective that these “categories” of residents are less attached than permanent residents and possess diffused

loyalties reflects the parallel argument against noncitizens (i.e., immigrants). Dual residents may have loyalties to other communities. The reality is such that most individuals have a multiplicity of loyalties (e.g., family, communities, countries of origin, ancestry, religions), and allegiance is a complex and multidimensional experience (Martin 1999, 9, 26-27). The links for nonresidents lie with their economic participation, membership in local organizations, associations, and churches, and the like. For example, provisions exist for military personnel to vote in areas where they reside as well as for students attending college or university to vote in the communities where they attend school (Ostrow 2002, 1969; Harper-Ho 2000, 302). Similarly, vested segments of the local community (elderly and migratory workers) are affected by such local policies (Ostrow 2002, 1970). It is quite clear that states can and do establish eligibility requirements for dual residents in local elections.

At the same time, these state actions must meet judicial scrutiny standards and define residential status. The equal protection clause also limits state measures from discrimination in violation of the Constitution. In addition, the Fifteenth, Nineteenth, Twenty-Fourth, and Twenty-Sixth Amendments limit states' rights to define voter eligibility. A regulation is subject to strict scrutiny if it severely limits the rights of voters. If the law imposes reasonable, nondiscriminatory restrictions of the First and Fourteenth Amendments, however, then the state's interest would generally justify the restrictions (Ostrow 2002, 1975). State statutes that preclude persons who comply with the requirements of a bona fide resident from voting are subject to the application of strict scrutiny.

As has been the case for allowing alien suffrage, arguments against suffrage for dual domestic residents include fears of bloc voting and of undermining the interests of "permanent" local residents. In *Carrington v. Rash* (1965), members of the military were not able to vote in Texas communities to which they moved until they had completed their military service (Ostrow 2002, 1980). The defense took the position that such a prohibition protected the civilian from being "beleaguered" by targeted balloting of military personnel. The Supreme Court held that partitioning out a segment of the population is impermissible (Ostrow 2002, 1982). Similarly, denying students the right to vote is limiting their right to exercise choice. While the parallel of bloc voting concerns of dual residents and noncitizens is quite evident, these points are not intended to suggest that they are identical.

Another parallel concern is that of voter fraud. In the case of noncitizen voting, New York allowed resident aliens to vote in local elections (Ostrow 2002, 1986). Rather than restrict their voting, the city had differently colored registration forms, separate lists of these voters, and adjustment of the voting machines to accept votes from these voters (Ostrow 2002, 1986). Similarly, in Mountain Village, CO, San Miguel County sent absentee ballots to dual residents (Ostrow 2002, 1986).

In essence, the courts have been "open" to less restrictive alternatives (other than denying the right to vote) to conduct elections in which dual residents and noncitizens can exercise the right to vote. The case law on dual domestic residents illustrates many of the same issues and legal/political considerations explored in this discussion of alien suffrage.

Dual domestic residency's parallel nature to alien suffrage must be examined. Both raise questions of how to define citizenship, vested interests, policy impact and substantive participation, and standing and rights. Another relevant area that augments a discussion of alien suffrage is dual citizenship, that is, the effects of globalization resulting from a rise in international migration and the concomitant complexities of multiple citizenships.

### **DUAL CITIZENSHIP, GLOBALIZATION, AND COMPLEXITY OF LOYALTIES, IDENTITIES, AND NATIONAL INTERESTS**

The discussion regarding the extension of suffrage rights to immigrants includes questions about loyalty to the United States, knowledge of and familiarity with the political system, and the extent of incorporation into American civil society. With record levels of migration to the United States, there has been an accompanying process: transnationalism (Portes et al. 2002). Transnationalism is a sustained range of interactions and exchanges that transcends national boundaries and is maintained by a system of social networks and institutional structures. These transactions occur between individuals and communities. They include trade, citizenship status, the flow of capital, and intergovernmental connections (e.g., dual residency, remittances, social, cultural, and familial ties, etc.). In addition to the practice of real and virtual residency in both countries, the nature of this type of globalization has expanded perspectives about markets, communication systems, spatial distance, and even citizenship.

The introduction of such ideas as habitual residence and possible dual citizenship (Martin 1999, 28) is the basis for this part of this discussion. The former refers to

the substantial equity that international migrants establish by working, maintaining families, and having community ties in both their country of origin and their U.S. residence. One form of the latter is the ability for immigrants to obtain citizenship in their country of primary residence while maintaining citizenship in their country of origin. Focusing on Latino migrants, there are now nine Latin American countries that have provisions for dual citizenship (Argentina, Uruguay, Panama, El Salvador, Brazil, Columbia, Ecuador, Dominican Republic, and Mexico) (Jones-Correa 1998, 160).

Before 1991, only four Latin American countries (Uruguay, Panama, Peru, and El Salvador) allowed dual nationality resulting from state-initiated actions. Michael Jones-Correa (2001) suggests that the post-1990s' passage of dual nationality was the result of a bottom-up effort by Latino nationals living in the United States, that is, organized lobbying directed at the respective Latino immigrants' legislatures and political parties was initiated to extend dual citizenship. Issues of property rights, electoral representation, and other legal status were at the core of these efforts. Similarly, their countries of origin had a vested interest in maintaining good relations with their country-persons, as remittances, privately financed public works projects by hometown associations, and political party donations were an integral part of this symbiotic relationship.

For example, Colombians, Ecuadorians, and Dominicans lobbied their country's respective legislatures to pass enabling legislation and created formal organizations for this purpose. Ecuadorians' efforts began in 1967 and continued until passage in 1995 (Jones-Correa 1998, 162-163). Part of the rationale and

motivation was to avoid the forfeiture of their rights in their “home” country. By obtaining the dual citizenship option, these Latino immigrants could participate (economically, politically, etc.) in both locales. Economic considerations (e.g., remittances, property ownership and transfers, etc.) also contributed to Latino immigrants’ motivation to enact homeland citizenship. Another consequence of dual citizenship for Latino non-U.S. citizens was a marked increase in U.S. naturalizations (Jones-Correa 2001).

Dual citizenship status allows one to participate in elections in one’s country of origin. Such participation takes the form of contributions to candidates and political parties and voting. Some countries (e.g., Mexico and Colombia) have a designated representative in their legislatures for citizens living abroad. Recently, Colombia allowed U.S.-Colombian residents to elect officials in their home district from their U.S. residence. For the most part, Latino immigrants had to return to their country of origin to cast their ballot or, in some cases, had to vote at the consulate in the United States. In the 2006 Mexican presidential election, Mexican nationals residing in the United States could vote absentee if they requested a ballot prior to the July election. The practice of dual citizenship enables the foreign-born to maintain critical links with both their country of origin and their country of residence (Jones-Correa 2001).

This interrelationship might indicate that some foreign-born individuals seek U.S. naturalization with the knowledge that the loss of home country rights would be minimal. While our attention so far has been directed toward the noncitizen segment, the widening phenomena of dual citizenship raises persistent ques-

tions about political participation in multiple settings, about loyalty and affinities, and about community membership, as well as about the basic notion of what citizenship entails. Therefore, the discussion of dual citizenship focuses more upon the notion and practice of multiple “citizenship” as a result of accumulated investment and social capital in both one’s country of residence and of origin (Garcia forthcoming 2012). Alien suffrage has become germane for the significant proportion of immigrants living in the United States who have not pursued naturalization. In the case of Latino immigrants, many of the national origin subgroups have lower rates of naturalization than that of immigrants overall (Gryn and Larsen 2010).

The nature of citizenship and its meaning in terms of commitment, loyalty, and emotional attachment have been the subject of significant discussion. While dual citizenship has become more prevalent (e.g., recent actions by Mexico, Colombia, and the Dominican Republic), the issues of which national citizenship has primacy, possible foreign influences on domestic issues, and requirements to relinquish the other citizenship have been the center of national discussions. Dual nationality is a legitimate link to one’s new country, which is reflected by the oath of citizenship. In addition, it has been suggested that maintaining citizenship of one’s original nationality is integral to reducing the disadvantages that can follow from acquiring a new nationality such as inheritance, property ownership, and other entitlements (Martin 1999, 30).

This perspective sees an individual’s primary obligation as being to the nation of primary residence, which is viewed as the individual’s principle protector. At the

same time, the questions of voting rights and what it means to be a dual citizen are at the heart of this discussion. For example, Colombian presidential and legislative candidates seek votes and campaign support from Colombians living in the United States. Also, Colombians living abroad may vote for representatives in their home districts. While having provisions to cast ballots in one's home country, these dual citizens can also participate in U.S. elections on local, state, and national levels (Jones-Correa 2001).

Does dual citizenship entail a singular commitment, allegiance, and primary engagement in only one's country of residence or newer nationality? Or, does the dual citizen continue his or her economic, civic, and electoral ties in the ancestral country while also participating in the full range of social, political, and economic spheres in the United States as do U.S. citizens? It is the latter relationship that expands the notions of citizenship as more global in nature and representing a multiplicity of attachments, loyalties, and involvements. Underlying dual citizen status is the extent of incorporation of the individual into American society. Work by Michael Jones-Correa (1998) illustrates how immigrants live between or in two worlds (their U.S. residence and home country). They maintain vested interests and commitments with both settings and their institutions.

Structurally, many non-U.S. governments promote the continued involvement of their nationals in their country of origin (e.g., economic remittances, involvement with government agencies, elections and campaigns, and acquiring dual citizenship) (Cinar 1994). In addition, some countries have established policies in which refugees, former citizens, former

colonists, or noncitizens that have lived in the country for more than ten years are entered into a facilitated naturalization process (Bosniak 2011; Cinar 1994). Attachment, vested equity in the country, family ties, and integration in that society are the policy rationale for such an option. There is no parallel status in existence under U.S. legislation.

An important element of this discussion of dual citizenship is that, in the case of noncitizens, the immigrant has not completed the naturalization process in the United States. How does this discussion apply to the noncitizen segment? The status of dual citizenship reinforces the realities of multiple attachments, interests, connections/involvements, and impacts of governments. Yet, the question that persists is whether a representative government can function without the political participation of significant portions of constituents (Hammar 1985, 442-445; Neuman 1992, 295). Without such participation, there would be less difference of rights between citizens and noncitizens. The European experience is an example of governmental institutions facilitating an informal role for noncitizens (i.e., sharing opinions or preferences without the formal right of voting) in order to involve noncitizens in local matters. Twenty-two democracies worldwide allow noncitizens to vote. New Zealand allows all noncitizens to vote after one year of residency. Sweden, Denmark, Norway, Ireland, Hungary, and the Netherlands allow noncitizens to participate in local elections (Layton-Henry 1990, 189-191). The introduction of dual domestic residents' electoral rights and dual citizenship facilitates the expansion and examination of the scope of alien suffrage. At the same time, modification of alien suffrage status will

only result from political discussions and changed public policies.

### INTERTWINING THE LEGAL, POLITICAL, AND DEMOCRATIC PRINCIPLES FOR SUFFRAGE FOR NONCITIZENS

From a contemporary public policy perspective, consideration and possible advocacy efforts regarding alien suffrage require political action (e.g., legislative initiatives, political activism, advocacy organizations, etc.). A summary of some of the important concepts, themes, and perspectives is presented briefly below:

- Using the concept of political community, the rights of the governed and the theme of self-determination would require all residents to be able to participate on matters of representation and the policy-making process.
- Legally, noncitizens have many of the same rights and obligations as citizens (e.g., military service, taxes, etc.), therefore, noncitizens are a significant segment of the community. As a result, involvement in electoral affairs serves as a way to educate future citizens in civic responsibilities and prepare them for more engaged citizenship. For proponents of some form of alien suffrage, conditional access to the ballot box is more appropriate for local elections only (Earnest 2003; Hawks 2008; Rodríguez 2010). Opponents of alien suffrage support the perspective that “outside voices” (i.e., immigrants) should not play a role in selecting officials and shaping public policies (Harper-Ho 2000, 296). This position advocates that the United States not mandate political participation by everyone that is subject to its laws. In addition, being a taxpayer is not a sufficient reason to allow alien suffrage.
- Immigrants are seen as persons of questionable loyalty to the United States,

who, at best, have divided loyalties (Neuman 1992, 279-280). Yet, no tests of knowledge or attachments are required to exercise one’s vote. When both noncitizens and citizens have stakes in their local communities and policies, enabling noncitizens to participate and compete in the process can strengthen local democratic values and, potentially, widen the collective benefits (Raskin 1993).

- If some noncitizens are to be considered for suffrage, then should such consideration apply to only permanent resident aliens who, implicitly, have demonstrated a commitment to reside in the United States (*declarant voter*)?
- Opposition to alien suffrage has also stemmed from notions of an insufficient stake in governmental affairs, a disruptive bloc voting, and lack of adequate knowledge to exercise the vote. Case law regarding the lack of a sufficient stake by college students or military personnel and corresponding residency requirements have not been upheld (Harper-Ho 2000, 302) despite arguments made by state and local jurisdictions that students and military personnel are transitory and therefore not vested in the local community. In addition, the Supreme Court has ruled that persons cannot be denied the right to vote because of the way they vote (Rosberg 1977, 1113). In *Dunn v. Blumstein* (1972), the Court stated that a difference of opinion may not be used as a basis for prohibiting any group from the franchise. The lack of “informed judgment” was an argument used to oppose suffrage rights for women and African Americans. Therefore, even citizens with a long history in the United States have been subject to skepticism. (Harper-Ho 2000, 304).
- Expanding suffrage to include noncitizens would have the effect of diluting



citizens' votes. However, legislative apportionment is based on total population in political jurisdictions (Harper-Ho 2000, 304). Therefore, registered citizens' votes count more in districts with significant noncitizen populations. For example, in the First Congressional District of California, a substantial portion of the total population is noncitizen, primarily Latinos (U.S. Census Bureau 2001). Even though this district conforms to the population size to be a district, a significant portion of the residents are noncitizens and thus ineligible to vote in elections. Voting citizens benefit by getting more representation, even if the population consists of noncitizens.

Up until this point, we have explored and discussed the legal standing of immigrants in the broad spectrum of life in the United States and added general rationales and legal principles regarding alien suffrage. We have also made the distinction between state and national "citizenship." In our federalist system, state legislatures can pass legislation to allow alien suffrage, require localities to do so, enable specific local jurisdictions to pass local enfranchisement, or amend the state constitution to allow alien suffrage (Arnold 1993; Kaiman and Varner 1992). These approaches combine the legal provisions for alien suffrage with the political will of the current electorate to pursue such changes.

The large and vociferous demonstrations by immigrants and supporters in 2006 spoke out against more punitive immigration reform legislation. The political expressions and actions by this previously invisible segment of America interjected the concepts of human rights, standing, and relevancy of involvement in policy formulation and adoption. Some "back-

lash" occurred as protesters carried the flags of both the United States and other countries and rallied in both Spanish and English. Counter-protestors chided immigrants for their lack of Americanization and over-attachment to their countries' culture and patriotism.

In a very real sense, the activation of immigrants (documented and undocumented) heightened the political mobilization process and placed a broader set of issues of immigrant rights and political participation beyond just the particular Sensenbrenner bill (HR 4437), passed on 16 December 2005 by the U.S. House of Representatives. Entitled "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005," this bill would make illegal presence in the United States, or any assistance of illegal immigration, a felony. The bill also required the Department of Homeland Security to construct a double security fence across several portions of the Mexican border and encouraged local police to enforce immigration law. It imposed a maximum fine of \$40,000 for each undocumented worker that an employer hired or that an agency helped to find work (Cano 2008, 2).

Clearly, the impact of these protests was felt to a greater degree within the Latino communities (i.e., undocumented, permanent resident aliens, native-born, national origin groups, region, etc.). This development illustrates the political perspectives and voices that are necessary for matters such as alien suffrage, undocumented persons' access to education, and other services to be discussed broadly in various policy arenas (Cano 2008).

We have discussed alien suffrage in the context of globalization, dual citizenship,

and dual domestic residence. The next section of this article focuses on the more explicit political factors that would advance a broader examination of alien suffrage. These political factors would include reframing the issues, effective advocacy, policy considerations, and opening dialogues that incorporate the themes of democracy and participation.

### THE POLITICAL FACTORS IN EXAMINING ALIEN SUFFRAGE

The discussion of globalization, dual citizenship, and dual domestic residence not only expands the exploration of the contemporary meaning of citizenship but also introduces the political realm. In other words, the legal provisions and court rulings allowing alien suffrage are clearly established for local electoral participation. The concepts of compelling state interests, equal protection, and membership in a political community intersect with the area of alien suffrage. At the same time, public sentiments and political climate play a major role in the policy implementation of the extension of alien suffrage. The rise of transnationalism serves as a vehicle for the recognition of the legitimacy of dual citizenship as well as multiple political identities. Even when there may be competing loyalties, the active involvement of residents is consistent with democratic principles (Guarnizo 2001, 227-229).

What is at stake in the discussion of alien suffrage is the process of political incorporation. Whether looking at dual citizens or noncitizens, the concept of community membership includes persons engaged in and affected by public policies who participate in the economic and social life of their communities of residence and countries of origin (Dahl 1972, 1070; Shapiro 2001). Competing

loyalties will neither dissipate nor diminish involvement in either locale. The existence of “hometown associations” among immigrants living in the United States reflects their collective efforts to involve themselves in both communities (Portes et al. 2002). This pattern will only expand as transnationalism becomes more entrenched in industrialized societies.

This discussion of alien suffrage has examined matters of status, rights, obligations, and the nature of community membership in the American political system. The body of case law has moved to blur, somewhat, the rights of citizens and noncitizens, while maintaining operational distinctions as to the status of citizen versus noncitizen. Political climate and policy debates will determine the status of alien suffrage. This section presents the primary political concerns and issues.

As a number of local political jurisdictions (e.g., towns and cities, school and other special districts) have enacted ordinances/legislation that enable noncitizen suffrage rights, local “stakeholder” groups have pursued alien suffrage as a way to facilitate the political incorporation process. In most cases, the status of a local voter is defined as permanent resident, although in the Maryland communities this status is not required for resident noncitizens. One of the underlying principles for alien suffrage is based on the concept of the social contract. The idea of the consent of the governed empowers all residents to select their representatives and hold them accountable (Hayduk 2003, 2-3). Noncitizens as residents and taxpayers of local communities have an investment and interest in public policies, and

fairness dictates their access to the political process.

A second basis for alien suffrage is to protect noncitizens from discriminatory and/or biased actions by government. Assuming the presence of policy preferences and lack of direct electoral access, the noncitizen segment is disadvantaged in the policy-making process and could experience habitual policy biases. The issue of representation is also present in terms of redistricting practices. The determination of representational districts is based on population counts, which does not consider the citizenship status of residents. Thus, noncitizens affect the creation and composition of legislative districts from which elected officials are selected. At the same time, they are unable to participate in the nomination and selection of their representatives.

Additionally, proponents contend that full access to the electoral process produces community-wide benefits (Hayduk 2003, 4-5), that is, this form of political incorporation engages, civically, a currently disenfranchised sector of the community. In addition, greater opportunities for broader-based political alliances (e.g., working class, communities of color, etc.) are possible as well as opportunities for diversifying perspectives on issues and

policy alternatives. Yet, political opponents of alien suffrage advocate that citizenship precede the attainment of voting privileges and rights.

There is some conditional support to allow declarant noncitizens access to the ballot box. The key component is an emphasis on a civic educational program that would increase knowledge of the American political system and processes in order for noncitizens to participate in an informed manner (Hayduk 2003, 8). However, opponents of alien suffrage view the act of naturalization as a necessary confirmation of allegiance to the United States. Consistently, criticism has been directed toward “potentially” voting noncitizens as not having America’s interest at heart and being less than loyal to this nation (Renshon 2001). The idea is that they will vote according to their own interests, which is seen as incongruent with those of citizens and could possibly dilute that voice.

The existence of dual citizenship is also viewed as undermining political integration and cultural “coherence.” Noncitizens are seen as lacking sufficient knowledge to make well-versed decisions about public policies and candidates. Greater political knowledge is argued as a prerequisite to exercise the voting franchise.

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❖ *Whether looking at dual citizens or noncitizens, the concept of community membership includes persons engaged in and affected by public policies who participate in the economic and social life of their communities of residence and countries of origin (Dahl 1972, 1070; Shapiro 2001). Competing loyalties will neither dissipate nor diminish involvement in either locale.*

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Finally, the participation of noncitizens in elections could influence the outcomes of contentious elections and policy debates (Sontag 1992). Despite the democratic principle that every vote counts, in the case of noncitizens, it is suggested that their voice would be discordant with citizens' interests. Claims of increased voter fraud (Minnite and Callahan 2003) have also been posited, although there seems to be little evidence supporting this argument.

### **CONCLUSION: ALIEN SUFFRAGE'S DEMOCRATIC, LEGAL, AND POLITICAL FOUNDATIONS**

The rise in the number of noncitizens living in the United States has contributed to renewed interest in discussing and advocating for the extension of suffrage to alien residents. However, there is also a heightened sense of nationalism, chauvinism, and bounded characterization of who genuinely belongs to the American social-political fabric. A prevailing view of alien suffrage is that voting rights require the possession of citizenship status. As a result, extending the vote franchise would require noncitizens to pursue naturalization. At the same time, the naturalization clause gives states "unfettered" authority to define rights and responsibilities of their residents/inhabitants and classify them as they see fit (Maltz 1996, 1183). This discussion has explored the legal foundations and issues related to alien suffrage and other recent developments in order to examine the substance of citizenship and membership in a democratic society.

One historical and Constitutional development has been the blurring between citizen and noncitizen rights and obligations. The Supreme Court has declared that limiting voting rights to

citizens is permissible but is not compulsory (Evia 2003). Thus, the federal government has the plenary power to determine political status (USLegal n.d.). It is a political decision within the parameters of the Constitution and the courts' rulings.

We have discussed the concepts of residency, community, rights, obligations, status, declarant resident, political incorporation, and citizenship.

Citizenship as legal status is determined by birthplace, birthplace of parentage, or by naturalization (Shachar 2009). Citizenship connotes loyalty, allegiance, obligations, responsibilities, commitment, values, and interests. Under a democratic society and political system, citizens are expected to be engaged actively as members of the political community. Yet, our discussion delves into democratic principles, which extend to all residents. Community residents are affected by public policies, contribute to the fiscal status of governments, and possess policy and representation preferences. Therefore, they are members of the political community. Besides including vested members of the community, providing voting rights to noncitizens can serve as a vehicle for fuller participation and incorporation.

Earlier periods of American history enfranchised noncitizens, partially as a measure to stimulate Westward expansion and to open suffrage to immigrant males at the expense of women and African Americans. Contemporarily, growing immigrant communities, especially Latino immigrants, have reinvigorated public discourse about their rights and status. While most of that attention has been directed toward more restrictive immigration movement and control, the broader scope of immigration, immigrants, and the American socio-political

system need to include the examination of alien suffrage.

Currently, some local jurisdictions provide for noncitizen voting (Hayduk 2003), and other local communities have it under consideration. The primary rationale has been practical, recognizing noncitizens' membership in the local community and their vested interest in local affairs. A key consideration of alien suffrage is which noncitizens should be granted suffrage rights, that is, should it include all noncitizens, only permanent resident aliens, declarant aliens, and legal residents with a minimum period of residency or undocumented migrants as well? Support for any alien suffrage is couched as acceptable in a limited capacity (i.e., restricted to local elections, school, or other special districts) as a way to integrate the noncitizen segment into "civil society" and facilitate their "progression" into formal citizen status. This introduces the idea of national versus state citizenship in which states and local jurisdictions can define the political connections differently than the federal government. Our discussion of dual domestic residency and dual citizenship is added to the corpus of substantive dimensions of alien suffrage.

In order to respond to this type of political connection for noncitizens, a number of alternatives are viable. States could pass enabling legislation that extends the voting franchise to noncitizens (with or without specifications that are more detailed). Other possibilities would include requiring locales to institute alien suffrage, requiring citizen initiatives to enact such legislation, or requiring the amendment of the state constitution. The options available to each state are largely determined by its constitutional provisions (e.g., in

California and Texas, alien suffrage would require a constitutional amendment). The question of alien suffrage requires examination of both the constitutional definitions of citizenship and the political/legislative dimensions that characterize whom and what constitutes citizenship in a global society. When both noncitizens and citizens have a stake in local policy, allowing policies that benefit the noncitizen can strengthen local democracy. While Latinos serve as the catalyst for much of the dialogue regarding incorporation or lack thereof, this discussion has ramifications for all noncitizens and for the entire American polity.

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# Documenting the Undocumented:

## A Review of the United States' First Municipal ID Program

by Paul F. Lagues, Brian M. Levin, and Ruth K. Ditlmann

### ABSTRACT

*The City of New Haven, CT, sought to promote the assimilation of its immigrants by becoming the first American city to provide a government-backed ID, the Elm City Resident Card, to all residents. This article tests the policy's effectiveness in commerce. We find that Hispanics/Latinos are asked to present an ID more than Whites/Anglos, showing that the former are in greater need of documentation, regardless of their citizenship status. When a Hispanic/Latino presented the Elm City Resident Card to a cashier, it fared only as well as an unofficial ID. Thus, we conclude that the card has negligible utility as a form of documentation.*

*PLEASE NOTE: Should the heading "article" be deleted?*

### ARTICLE:

In May 2007, the bipartisan McCain-Kennedy Comprehensive Immigration Reform bill failed to garner the necessary votes to pass in Congress. The bill would have bolstered border security, placed the country's undocumented immigrants—most of whom are Hispanic/Latino—on a pathway to citizenship, and changed the visa allocation criteria. As *The Economist* (2007) cited, some cities took the immigration issue on themselves: "As the federal government . . . proved itself incapable of formulating an immigration policy, local governments are stepping in as they did on health care and the environment."

In this context, some cities enacted policies cracking down on undocumented immigrants. For instance, Farmers Branch, TX, Escondido, CA, Hazleton, PA, Riverside, NJ, and Pahrump, NV, passed laws banning undocumented immigrants from renting apartments or houses and punishing landlords who defied these policies (CNN 2008). In contrast, the City of New Haven, CT, received national and international attention for its unique, immigrant-friendly response.

New Haven passed a policy to solve an issue articulated by Jorge G. Castañeda, Mexico's former Secretary of Foreign Affairs. In an interview, Castañeda said, "Undocumented immigrants in the United States desperately need a form of identification" (Castañeda 2009). Elsewhere Castañeda (2007) notes that these undocumented people "have nothing: no identification from either [their home or host] country, no photo ID, no

name, no number, no address; they live in a legal limbo, without registry in a registered world.”

In light of this and other problems, New Haven created the Elm City Resident Card, the first municipal identification card in the United States for all city residents regardless of immigration status. Since then, similar programs have been created in San Francisco and Oakland in California and in Trenton, Princeton, and Mercer County in New Jersey. However, before other cities consider adopting a similar policy, we suggest a thorough analysis of the relevant issues. We aim to assist such analysis with our careful review of New Haven’s initiative. Specifically, we test whether the Elm City Resident Card helps undocumented immigrants participate in day-to-day activities.

This article begins by providing a context for the analysis, informed by considerable research and in-depth interviews with key actors involved in the most recent immigration debates (e.g., former Mexican President Vicente Fox) and in the implementation of the Elm City Resident Card policy (e.g., Mayor of New Haven John DeStefano). This section offers a historical overview of Hispanic immigration to the United States and New Haven. It then traces the events that led to the creation of New Haven’s municipal ID and records the issues that surrounded the enactment of this controversial policy.

Next, the policy analysis section contains our data-driven evaluation of New Haven’s ID program and is guided by the following two questions:

1. Is it true that Hispanics living in the United States, as compared to their White/Anglo counterparts, are in greater

need of identification, regardless of their citizenship status?

2. To what extent is New Haven’s municipal ID perceived as a legitimate form of identification in the context of regular interactions?

To address these questions, we ran a field experiment following the example of existing audit studies on bias (Ayres 1991; Hebl et al. 2002; Pager 2003; King et al. 2006; Fried et al. 2010).

In response to the first query, we randomly assigned Hispanic and White actors to make check payments in a total of 217 retail stores and measured the number of times the members of each ethnic group were asked to present identification. Our decision to run the study in this context was simple. Social integration involves being able to partake fully in day-to-day activities, such as shopping. Thus, we aimed to compare the ease with which Hispanics and Whites can partake in basic, local commerce. Furthermore, because checks are akin to promissory notes, check payments place cashiers in a position of discretion: to trust or not to trust. This created an ideal situation for testing whether store employees make different assumptions about people depending on their ethnicity.

In response to the second query, we randomly assigned our Hispanic actors to present either the Elm City Resident Card or a corresponding nongovernment-backed ID when asked to support their check payments with identification. As a means for gauging the cards’ perceived legitimacy, we tallied the number of purchases that went through based on which ID was shown.

In the end, we found that cashiers asked Hispanic actors more frequently for

identification than White actors (85 percent versus 74 percent). This shows that Hispanics, regardless of their citizenship status, are in greater need of documentation. It also provides empirical backing to the argument that Hispanics have long faced a number of barriers in the United States (Fraga and Segura 2006; Smith 2011). We also found that New Haven's municipal card was merely accepted at the same rate as one of its unofficial equivalents. Thus, as noted in our discussion and conclusion sections, the Elm City Resident Card may have served to signal the New Haven government's pro-immigrant stance in at a time when numerous cities and states were adopting anti-immigrant policies, but the card's marginal utility as a form of documentation is negligible. A subsequent study we conducted and also discuss here gauging the perceived legitimacy of the Elm City Resident Card and other comparable identification cards sheds light on this last finding. Indeed, it appears that the design of the Elm City Resident Card is responsible for its rate of rejection.

## CONTEXT

On the morning of Tuesday, 24 July 2007, the City of New Haven launched the Elm City Resident Card program. The program was largely intended to increase public safety by improving Hispanic community members' relationship with the police. Indeed, the hope was to encourage more crime reporting and cooperation with police investigations (DeStefano 2007b). The card also intended to integrate Hispanics, regardless of immigration status, into New Haven's civic life. As New Haven Mayor John DeStefano Jr. explained, "The card's most important function . . . is to recognize all of the people who live in

New Haven" (DeStefano 2007b). Thus, given the policy's link to the topic of immigration, this section provides a brief historical review of the flow of Hispanics to the United States and New Haven. This section also traces the events that led to the card's creation while setting the stage for our program evaluation/audit study.

## Hispanic Immigration to the United States

There has long been a great dissonance between immigration policy and the realities of immigration in the United States. There are an estimated 11.2 million undocumented immigrants in the country (Passel and Cohn 2011). The majority of these undocumented immigrants come from Mexico, where jobs in the formal market are scarce, where wages are low, and where the decision to go to "El Norte" is often a very last resort (Preston 2010). These immigrants, mostly male, and many of whom leave families behind, undertake a treacherous and expensive journey across the border, where they expect a market for cheap, unskilled labor in industries overwhelmingly dominated by immigrants like themselves.

The trend of Mexicans working in the United States began in the 1870s during the construction of American railroads. American contractors went to Mexico to recruit, or even enslave, Mexican laborers to work on the railroads and perform other difficult tasks. As the railroad system expanded and a close relationship was forged between corporate America and President Porfirio Diaz's government in Mexico, the number of Mexican workers in the United States grew.

In many cases, a Mexican *enganchador* working for American contractors would pay the Mexican military or police to

“arrest” potential workers who would then be tied up with rope and placed on a train to the United States (Castañeda 2007, 27–28). While this first wave of Mexican immigrants through 1929 was considered “legal,” the following influx of immigrants from 1942 to 1964 consisted primarily of seasonal migratory workers. Since 1965, due to restrictive immigration policies and the relative ease of border crossing, most immigrants have been undocumented (Massey et al. in Castañeda 2007, 36). Roberto Suro (1998, 6) writes, “No other democracy has ever experienced an uninterrupted wave of migration that has lasted as long and that has involved as many people as the recent movement of Spanish-speaking people to the United States.”

While undocumented immigrants make a significant contribution to the American economy (Greenspan 2009), they face hurdles in navigating daily life. Without Social Security numbers and the ability to obtain government-issued IDs, undocumented workers are unable to engage in the most basic of activities. For example, most cannot open checking accounts, obtain debit or credit cards, drive legally, or purchase insurance. Undocumented workers are prone to abuse and exploitation since they risk being reported to immigration authorities if they complain about working conditions or pay (Meyerson 2011). They are the constant victims of crime (AFP 2008). Social mobility—the essence of the American dream—is difficult given that undocumented immigrants are ineligible for federal loans making it more difficult to afford higher education (Kantrowitz 2012).

Despite widespread recognition of the problems plaguing the American immigration system, there has been no

significant federal reform since the Immigration Reform and Control Act of 1986 (Mitnik et al. 2008). This lack of legal amendments led Jeffrey Davidow, former U.S. ambassador to Mexico, to argue that, “The United States needs a comprehensive immigration reform. The current system is not working. Whether we’re talking about the safety of those immigrating, our ability to control the number of immigrants entering the country, or the legalization of existing immigrants—none of it is working. Change is necessary” (Davidow 2009).

On a similar note, when we interviewed Vicente Fox, the former Mexican president, he said:

I invited President [George W.] Bush here. During our first meeting as presidents, virtually the only issue we discussed was immigration, and the only commitment we made revolved around immigration. Unfortunately, he did not keep his part of the agreement; he stalled and then proceeded to give me a number of poor excuses for why he couldn’t move forward with reform. . . . He never kept his word. There was always an election coming up. He’d say: “Fox, I can’t do it right now. I have to wait. I have to wait a few months, and then we’ll take a look at immigration reform.” Time passed and then September 11 came and destroyed the whole issue of immigration in the United States. It became a low-ranking priority. The first priority was security . . . the priority was terrorism . . . the priority was [everything but immigration]. I tried to rescue the issue but failed. (Authors’ translation from personal communication, Fox 2010)

In 2007, Congress proved unable to agree on an immigration overhaul, leaving

states and municipalities to address the problem on their own (Varsanyi 2010). Some states and localities have passed laws designed to target undocumented immigrants and those who aid and abet them (Carpenter 2007). Others have sought to integrate undocumented immigrants and encourage them to become civically engaged. New Haven chose the latter strategy, placing it in the minority. During the year before the Elm City Resident Card was created, all forty-eight state bills concerning immigration sought to restrict undocumented immigration, as did 100 out of 130 local and municipal bills, which were categorized as “anti-immigrant” (Carpenter 2007).

### Immigration to New Haven

While Hispanic immigration to New Haven is a relatively recent phenomenon, immigration has ebbed and flowed throughout the city’s history. In the mid-1880s, Irish and German immigrants began arriving in New Haven, followed by a large wave of Italians and Eastern Europeans, many of whom were Jewish (Rae 2003, 9, 15). By 1870, more than a quarter of the city’s population was foreign-born and, by 1910, this figure had risen to 33 percent (Dahl 2005, 32). New Haven is greatly influenced by these immigrant groups. This can be seen, for example, in the culturally Italian neighborhoods like Wooster Square.

In the past, Hispanic immigrants generally settled in a few states. However, this pattern changed dramatically between the 1990s and today. During this time, undocumented immigrants began taking up residence in new locations around the country (Passel and Cohn 2011, i-ii). Connecticut, in many ways, epitomizes this trend. The immigrant population in

the state increased by 69 percent from 1990 to 2006. In New Haven, the percentage of immigrants has increased by 40 percent in the six intervening years between 2000 and 2006. By 2006, immigrants made up 17 percent of the city (see Figure 1; Steinberg 2008, 5). New Haven is about 25 percent Hispanic (Allan and Bazelon 2009), and estimates suggest that 10,000 to 15,000 of the city’s 125,000 residents are undocumented (Matos 2008).

### New Haven’s Response to Undocumented Immigration

In 2004, New Haven Mayor John DeStefano and Police Chief Francisco Ortiz organized an open meeting at the Fair Haven branch of the New Haven Public Library to discuss issues of concern to the undocumented community (from personal communication, DeStefano 2010). As a result of this and subsequent meetings, the community-based organizations Junta for Progressive Action (subsequently “Junta”) and Unidad Latina en Acción, together with the Yale Law School’s Community Clinic, published a report that outlined the main concerns confronting the undocumented community (2005). For instance, the report recorded undocumented residents’ complaints about high levels of theft against them. Since they could not open bank accounts, they were widely believed to be carrying cash on their person and stockpiling it at home. The problem of theft became so common that the undocumented immigrants came to be known as “walking ATMs” by people sympathetic to their vulnerable situation and by some journalists.

Despite being victims of crime and witnesses to criminal activity, the undocumented were wary of talking to the

Figure 1 — Population changes (New Haven, CT). Chart obtained from Rae 2003, 259.

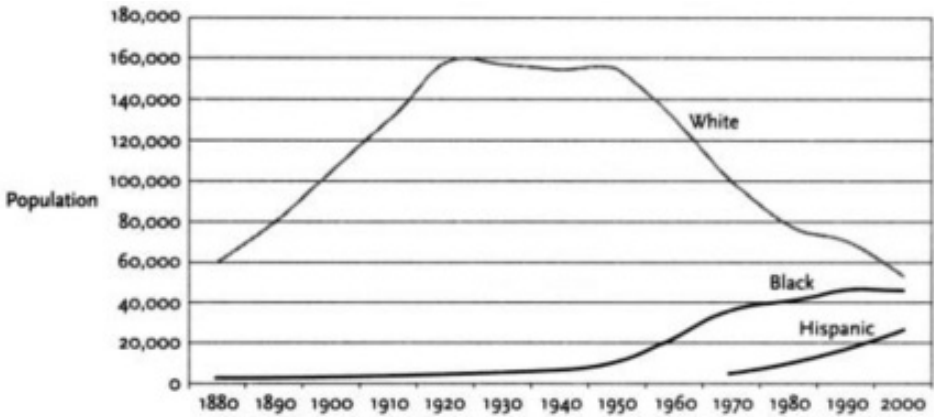


Chart obtained from Rae 2003, 259.

police given their lack of identification and fear of how police would respond to their immigration status. In a similar vein, immigrants reported being underpaid and in some cases not being paid wages owed by employers aware of their helplessness. To address these problems, the report suggested, among other things, that the city create a municipal identification card.

The DeStefano administration had become keenly aware that the discrepancy between federal law and reality posed threats to undocumented workers and to the community at large. As DeStefano, himself the grandson of Italian immigrants, shared during our interview, “The only reason we’re having to deal with [immigration] locally is because the federal government has failed so miserably to deal with it.” By the end of 2006, the city had followed through on two of the report’s policy recommendations. Though a new office of immigrant affairs was not established, DeStefano appointed Kica Matos, who had been the executive director of Junta for five years and was a driving force behind the Junta and

Unidad Latina en Acción report, to be the city’s community service administrator.

### The Elm City Resident Card

The pathway toward creating New Haven’s municipal identification card was neither easy nor straightforward. Initially, activists proposed changing Connecticut state law to allow immigrants to obtain driver’s licenses. According to an interview with Matos, “One of the things that surfaced during those conversations was also the need for immigrants to have ID cards per se” (Matos 2011). During a meeting with immigration activists, DeStefano said that while New Haven’s state representatives would probably support the driver’s license proposal, it was improbable that it would attain majority support. One of the attendees raised the point that even if allowing undocumented immigrants access to driver’s licenses was not viable, the community would still deeply benefit from IDs. The mayor responded favorably, and at an October 2005 press conference about the “Hablamos Español” initiative, under which important city

documents would be translated into Spanish, the mayor announced he was thinking about creating an ID card for all residents, including immigrants (Bass 2005a).

The following day, a local paper published the headline, “City to Offer ID for Illegal Aliens” (Gladstone 2005). CNN dispatched reporters to New Haven, and the Associated Press reported on the story. This generated tremendous criticism around the state while DeStefano was in the midst of his campaign for the 2006 Connecticut gubernatorial election. During our interview with DeStefano, he revealed, “My calculus was off about . . . whatever [sic] political reaction I’d get . . . and I actually heard quite a lot about it around the state” (DeStefano 2010). Thus, perhaps it is unsurprising that New Haven City Hall’s communication team and the DeStefano campaign communication team released conflicting information. While the former said that the mayor was considering the ID card program, the gubernatorial team denied that the mayor proposed the plan and denied that it was a possibility (Matos 2011). The initiative was promptly put on hold.

However, on 20 December 2006, just over a month after his defeat in the 2006 election, DeStefano renewed his commitment to the Elm City Resident Card program. Less than two months earlier, Manuel Santiago, a 36-year-old Mexican employee of a local bakery, had been

stabbed to death by a robber in the Fair Haven neighborhood after cashing his paycheck (Bass 2006). According to Matos (2011), Santiago’s death was “The tipping point for New Haven. Up until then there had been increasing incidents of hostility and aggression directed towards immigrants . . . including robberies and assaults, and the thing about Manuel Santiago’s murder was that he was such a symbol of who some of the immigrants are in New Haven.” Santiago’s murder was emblematic of the broader abuses immigrants confronted in New Haven. This outrage turned into more aggressive action, not only among activists, but also among the community at large.

A large portion of New Haven’s citizenry rallied around the immigrant population, a group that, given the city’s small size, many regularly encountered. According to Matos (2011), “Many of us had neighbors who were immigrants . . . people went to church, worshipped with immigrants . . . their kids went to school with immigrants.” At a public hearing in support of the Elm City Resident Card, the aldermanic chambers were filled to capacity and more than forty people from a representative cross section of the New Haven community testified in support of the card (Bailey 2007). The community showed various signs of support for the creation of a municipal identification card that would help put an end to immigrants being thought of as walking ATMs and making them vulnerable targets.

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❖❖❖ *One of the attendees raised the point that even if allowing undocumented immigrants access to driver’s licenses was not viable, the community would still deeply benefit from IDs.*

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On 4 June 2007, New Haven aldermen overwhelmingly approved the Elm City Resident Card program in a 25-to-1 vote (Bailey 2007). Once again, the aldermanic chambers were overflowing with residents from every conceivable background. Rather than strictly being a card for the undocumented, the card was purposely designed to “have broad-based appeal and be of utility to all of the city’s residents” (DeStefano 2010). Therefore, in addition to serving as an identification card with two holograms, the card serves as a debit card for use in local stores and on parking meters and also serves as a library card. In addition, it allows access to city facilities (Asmougha n.d.). The card costs \$11 for adults and \$5 for children under 17. City officials underwent extensive preparations to ensure that the card would be tamper-proof and even met with the US attorney assigned to Connecticut (DeStefano 2010). Yale Law Clinic, Junta staff, and the Community Service Administration found that the plan was legal under federal and state laws (Bass 2005b).

The mayor actively declared that the Elm City Resident Card was “not an undocumented card,” saying, “it’s for city services for all kinds of folks” (DeStefano 2010). However, the card was clearly intended to serve the undocumented community and promote civic engagement and public safety amongst this demographic, which until then had been left in limbo as a result of federal policy or, rather, the lack thereof. At the aldermanic finance committee meeting on 17 May 2007, the mayor spoke passionately:

Living among us today—silently, almost invisibly—are some 12 million men, women, and children. They do not dream different things for themselves and their families. They do not hope for futures less full of possibility

for their children. They do not worship a different god. The sweat of their work is no different from yours or mine. And they would not be here but for the complicit permission of the national government. Like the rest of us, they are not here by accident. So tonight we have a chance to end the silent complicity in our nation by taking action, together, here in New Haven. . . . We can do that by way of a fundamental acknowledgement of an individual’s worth and dignity, by giving a name to those among us. Not to name them by a stereotype or by an ignorance or by a prejudice. Rather to call our neighbor by their own name. Now many of those names are Hispanic. But this is not a Hispanic issue. This is not an immigrant issue. This is an issue of justice and human rights. And as was the case with the *Amistad*, if we in New Haven do not stand up, who will? This is a New Haven issue. (DeStefano 2007a)

Just two days after the vote, U.S. Immigration and Customs Enforcement began raiding the Fair Haven neighborhood and ultimately detained thirty-two undocumented immigrants (Zapana 2008). While federal authorities denied any connection between the raids and the vote, Matos says, “[The] Yale Law School did some FOI [Freedom of Information Act] requests, and I looked at materials that the DHS [Department of Homeland Security] turned over, and there was regular communication about the ID card between the US Attorney’s office, the Department of Homeland Security, the FBI, and the Justice Department.” She adds that it seemed as if the federal government was actively punishing the city for its policy (Matos 2011).



In general, members of the New Haven community seemed to welcome the card's arrival. Some residents posted signs outside their homes in support of the policy. Moreover, a small, local survey run by Yale's Institution for Social and Policy Studies in collaboration with the Stanford Center for Deliberative Democracy in October 2007 found that most residents held a somewhat favorable position toward New Haven's municipal ID initiative (Bui et al. n.d.). Nevertheless, this sense of approval surrounding the Elm City Resident Card did not prevent the emergence of a vocal opposition.

The Yankee Patriot Association, a New England regional anti-illegal immigration organization, prepared a protest in front of city hall on 1 July 2007 in which members waved flags and wore hard hats. According to member Bill Farrel, "The city is selling out legal Americans. . . . The illegals are taking jobs from guys that wear these kinds of hats" (Carpenter 2007). North Carolina-based Americans for Legal Immigration PAC attacked the program by distributing pamphlets in forty states, in both Spanish and English, telling undocumented immigrants to go to New Haven and giving them directions on how to get there. In an interview with Bill O'Reilly (2007), who devoted a segment of his TV show to the Elm City Resident Card, the group's president, William Gheen, said, "Well, we figure if they get another 5,000 or 10,000 illegal aliens in New Haven, they'll be closing hospitals, begging for school bonds, and begging for federal aid to fight the gangs in their street like much of the disaster areas being created across America." Sentiments like these spurred other groups such as the Southern Connecticut Citizens for Immigration Reform and the Community Watchdog Project to join the

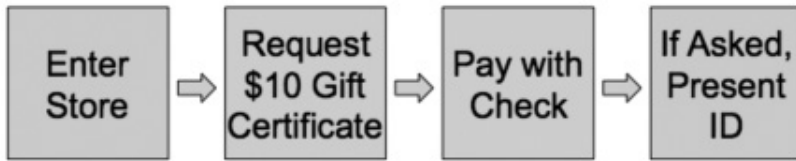
opposition to the card. Some of the opposition even turned virulent. A few of the policy's antagonists made angry phone calls and sent negatively charged e-mails to the city. Matos received a death threat, and DeStefano endured harassment at press conferences (Matos 2011).

In spite of the opposition, on Tuesday, 24 July 2007, the Elm City Resident Card program was launched with great fanfare. Lines wrapped around the block for several days after the program was launched, with people queuing up at city hall as early as 4 a.m. (Steinberg 2008, 6). Among those in line were Juana Mendieta and Fidel Cuapio who waited for 10 hours in order to apply. They had been held up at gunpoint and robbed of their earnings twice and said they intended to use the card to open a bank account (Shufro 2007).

By 9 August 2007, more than 2,500 people had signed up and the city exceeded its goal of issuing 5,000 cards in its first year in just five months (Steinberg 2008, 7). As of September 2009, more than 8,000 cards had been issued at city hall, in mobile units, and in recruitment drives (Office of Senator José M. Serrano 2009). DeStefano (2010) speculated that "an overwhelming number" of the cardholders are undocumented immigrants from Latin America.

Based on the aforementioned anecdotal evidence, such as the intense demand for cards, it appears that the municipal ID responded to a concrete need. However, we wonder whether systematic evidence can be gathered on this matter. Indeed, how often are Hispanics, documented or undocumented, required to present identification? Are Hispanics carded more frequently than Whites? Lastly, when Hispanics are asked for identification, to what extent is the Elm City Resident Card

Figure 2 — Diagram of the field experiment’s standard procedure.



accepted? Essentially, we are asking whether or not New Haven’s ID is actually an effective form of identification.

**POLICY ANALYSIS**

With the knowledge that undocumented immigrants use the Elm City Resident Card to support their check payments at local stores (Zapana 2008), we designed an experiment that would help us gauge the need for identification amongst Hispanics as well as the acceptance of the Elm City Resident Card (for a detailed description of the design and results of this experiment see also Ditlmann and Lagunes 2011). We ran our field study in the summer of 2008 in the greater New Haven area. This city was the ideal location for the study in part because, as Robert Dahl (2005, iii) explains, “New Haven is in many respects typical of other cities in the United States.”

After interviewing more than forty applicants, we recruited three Hispanic and three White male actors who looked stereotypical for their ethnicities, had stereotypically sounding names for their ethnicities, and were matched on four key characteristics (i.e., age, weight, attractiveness, and extroversion). We verified the success of our matching efforts by asking 107 college students to rate our study’s six actors. The survey results are discussed at length in Appendix I.

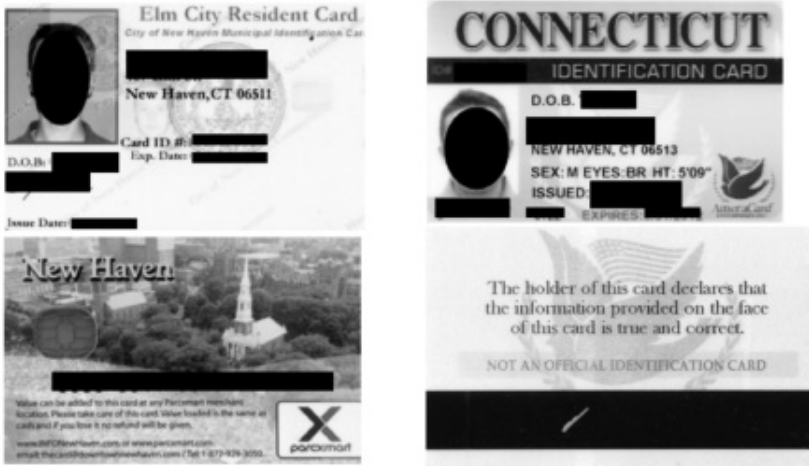
We then conducted a nine-day extensive training that involved memorizing and practicing the script through role-play in

the lab. During this period, we also standardized the actors’ appearance and behavior. At the end of the training, we conducted separate trials with each actor in actual stores. We kept actors unaware of our discrimination hypothesis by making sure members of the Hispanic and White groups never met.

Throughout a period of four weeks, we randomly assigned actors to seven to ten stores per trial and provided them with a list of stores to visit on any given day. Actors individually entered a store and asked to purchase a \$10 gift certificate. Each store was visited only once. When prompted for payment, the actors asked, “Do you accept checks?” The actors took note if the cashier asked for identification in response (see Figure 2).

Before the Hispanic actors entered a store they drew one of two ID cards, an official or government-supported ID (i.e., the Elm City Resident Card) or the unofficial ID (i.e., the Ameracard), from a shuffling bag so as to randomly assign themselves to one of the conditions. They did so while remaining unaware of the type of ID they were going to present. The Elm City Resident Card is clearly labeled and presents the holder’s personal information. The Ameracard is also labeled with the card name and “Connecticut” in bold on the front. An inscription on the back states: “Not an official identification card” (see Figure 3). If the ID card was declined, actors left the store. If it was accepted, they completed the purchase transaction.

Figure 3 — The Elm City Resident Card (pictured left) and the Ameracard (right).



After leaving the store, they immediately filled out a report sheet that included information on the store and our outcome variables.

Our two main outcome measures were whether identification was requested and whether the card was accepted to complete a sale. Our actors visited a total of 217 stores in downtown New Haven and in three nearby malls: Milford Mall, Meriden Mall, and Trumbull Mall. Hispanic actors visited 111 stores, and White actors visited 106. A test confirmed that our random assignment procedure reduced the risk of bias by successfully balancing variables, such as store location, store type, and cashier ethnicity, across the two experimental groups (see Table 1). Also as a result of random assignment, Hispanic actors presented the official ID (Elm City Resident Card) in forty-one stores and the unofficial ID (Ameracard) in fifty-three stores (seventeen stores did not request identification).

The experiment found that 85 percent of store cashiers asked the study's Hispanic actors to produce identification while

only 74 percent of store cashiers asked this of the White actors (see Figure 4). This 11.09 percentage point difference is statistically significant ( $2[1, N=217]=4.06, p<.04$ ) and shows that, whether they are undocumented or not, Hispanics are in greater need of identification. One possible interpretation of this finding is that cashiers trusted White customers more than Hispanic customers, especially considering that the form of payment was a kind of promissory note.

In terms of the Elm City Resident Card's acceptance rate, the news is not very encouraging for the program's supporters. Store cashiers approved the Elm City Resident Card 68 percent of the time when presented by a Hispanic actor, but approved the Ameracard 76 percent of the time (see Figure 5). This difference of 8.82 percentage points is not statistically significant ( $2[1, N=94]=.59, p>.4$ ), which shows that the unofficial ID was as useful to the Hispanic actors as the municipal identification card. This result is troubling if we consider that the Elm City Resident Card is an official, government-issued identification card that is

Table 1 — Randomization Check

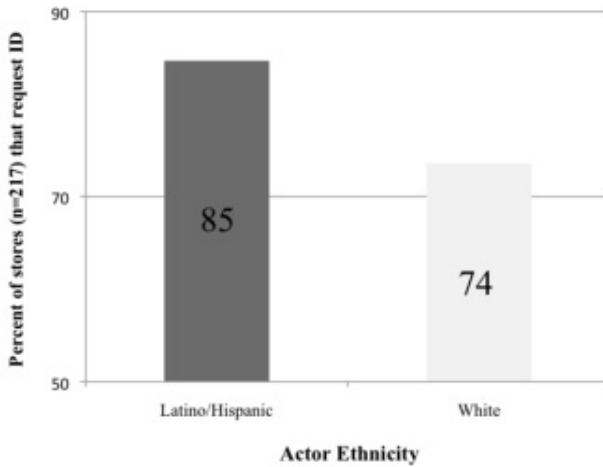
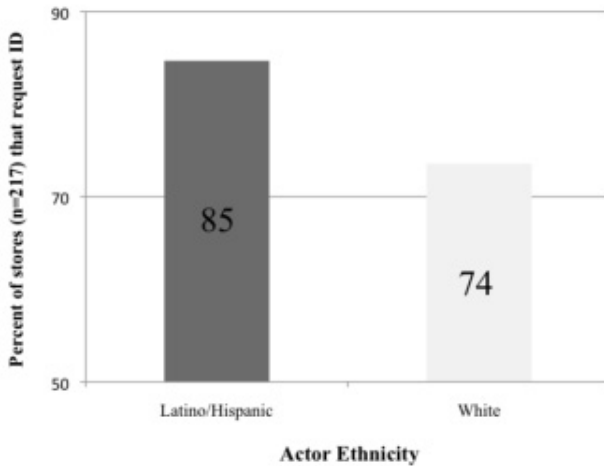


Figure 4 — Probability of being carded by ethnicity.

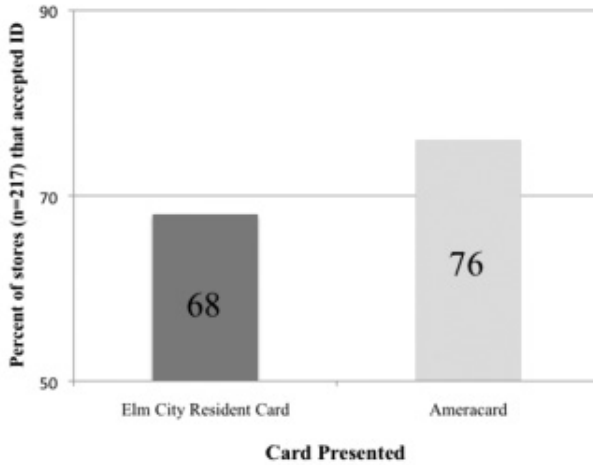


only accessible to people who can provide two forms of photo identification as well as two documents to prove New Haven residency. The Ameracard, however, can be purchased by anyone without verification of identity.

**DISCUSSION**

Our field experiment shows that Hispanics are treated differently than Whites in the context of day-to-day, commercial interactions. On average, the study’s Hispanic actors were required to support their check payments with a form of identification more often than their White counterparts. This finding, which

Figure 5 — Probability of acceptance by card.



points to differential treatment, is consistent with other studies that look at the disadvantages associated with appearing Hispanic (Cross et al. 1990; Espino and Franz 2002).

Our study also shows that New Haven’s municipal ID is not always accepted in the context of commercial interactions. Moreover, it is perceived as being no more legitimate than a nongovernment-issued ID. This may help explain why only three of the seven local banks we contacted accepted the Elm City Resident Card as a valid form of ID for opening a checking account. Thus, all things considered, New Haven’s ID initiative may be seen as a relatively weak tool for documenting the undocumented.

After having been told of our study’s results, Castañeda observed, “What these findings are saying is that the Elm City Resident Card is not worthwhile” (Castañeda 2009). This conclusion, however, may be extreme. For one, the Elm City Resident Card sent a clear signal that the city of New Haven stood in favor of the undocumented in its midst. It is

also true that the card offers concrete benefits (e.g., the ID also serves as a library card), while costing a lot less than its nongovernmental alternatives. Finally, as we discuss below, there seems to exist a solution for increasing the card’s perceived legitimacy.

Our research suggests that the Elm City Resident Card does not constitute a policy failure; rather, the design of the Elm City Resident Card is to blame for its comparatively weaker rate of acceptance vis-à-vis the nongovernment-issued ID.

We conducted a follow-up online survey with 150 participants, one-third of whom had experience working as cashiers in retail stores, to find out how official the card appears based on how it looks and how it compares to other cards.

Specifically, we chose to compare it to three other IDs. We compared the Elm City Resident Card to the San Francisco municipal ID because, as of this writing, it was the only other municipal identification card in the nation (see Appendix II for a brief review of other municipalities’ efforts to launch an ID program). We also

compared it to the Ameracard and to the Vermont state ID (see Table 2). Including the latter helps us gauge reactions to an uncommon state-issued ID card.

On a scale from one (“not official at all”) to seven (“very official”), survey participants rated the Elm City Resident Card with a 4.21 (standard error, SE=.15). Using Bonferroni correction to account for multiple comparisons, we found in a series of paired sample t-tests that this rating was significantly lower than the rating of the Ameracard ( $M=5.01$ ,  $SE=.16$ ),  $t(148)=-3.77$ ,  $p<.016$  (1 missing data point); the Vermont card ( $M=6.35$ ,  $SE=.09$ ),  $t(149)=-13.59$ ,  $p<.016$ ; and the San Francisco card ( $M=4.62$ ,  $SE=.14$ ),  $t(148)=-3.03$ ,  $p<.016$  (1 missing data point). In layman’s terms, compared to the three other cards, the Elm City Resident Card received the lowest score, which is to say it was perceived as least legitimate.

In light of various factors, we understand why respondents were not fully convinced by New Haven’s municipal card. For example, it is called the “Elm City Resident Card” instead of the more official sounding “New Haven Identification Card.” Interestingly, the name choice resulted from the fact that city officials thought that calling the card the “New Haven Resident Card” was “a little dull” (Matos 2011).

In contrast, the unofficial Ameracard, which participants rated with a 5.01 ( $SE=0.16$ ) on the scale, resembles a driver’s license or official state identification card in that it is cleanly designed, shares the state’s official colors, and displays “Connecticut” in large letters at the top. A cashier looking at the front of the Ameracard would likely assume it is legitimate and might not even turn the

card over to read that the card itself is unofficial.

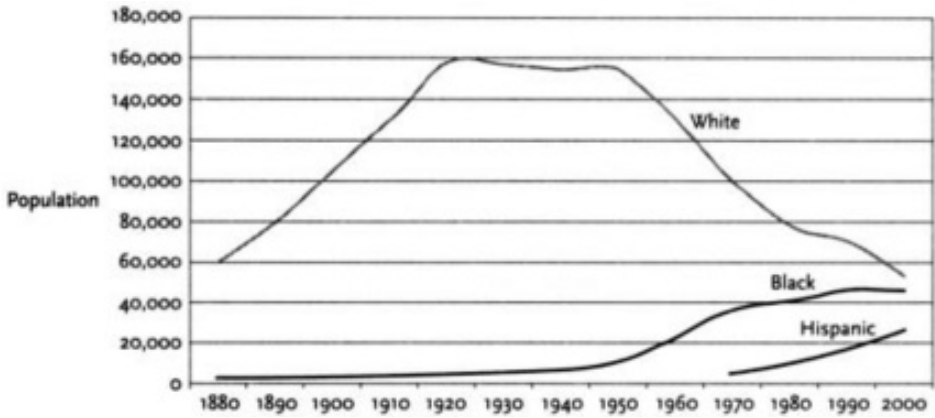
In our study we also asked participants to evaluate the San Francisco municipal ID card. This card was rated as a 4.62 ( $SE=.14$ ), which is a 9.74 percentage point increase over the Elm City Resident Card’s score. We attribute this difference to the San Francisco card’s simple, crisp, and minimalist design. It clearly says the city’s name in large letters at the top and incorporates a complex hologram resembling a U.S. passport. In addition, the only text on the card is the card’s title, the cardholder’s identification number, name and address, and the date of issuance and expiration. Thus, we conclude that the survey results point to the fact that the Elm City Resident Card is poorly designed and that this design has a negative bearing on its utility to the city’s community, especially the undocumented.

Given that Vermont’s non-driver’s state identification card was rated with an impressive 6.35 ( $SE=.09$ ), it would appear as if identification cards issued by or, in the case of the Ameracard, appearing to be issued by states are perceived to be more official than cards issued by municipalities. However, as DeStefano advised New Haven’s immigration activists, it would be much more difficult to establish a state identification card available to undocumented immigrants.

## CONCLUSION

There are more than 11 million people in the United States, most of whom are Hispanic, living in a legal limbo in the absence of federal immigration reform. Therefore, cities across the country have been left to figure out different ways to cope with the numerous undocumented immigrants living in their midst. Some cities (e.g., Hazleton, PA) have enacted

Table 2 — Ratings for the Different Cards from the Online Survey



policies that complicate the lives of people who have entered the country illegally (CNN 2008). Other entities have embraced immigration and have sought ways to integrate the undocumented into their communities. The City of New Haven stands out among these for issuing municipal resident cards to all residents regardless of their immigration status. In our study we sought to test whether a policy designed to help immigrants actually has achieved its objective.

In a field experiment focused on shopping—a common yet crucial aspect of life—we obtained systematic evidence that Hispanics, documented or not, are subject to differential treatment and thus in particular need of identification. In light of this finding, New Haven’s ID clearly satisfies an important demand. To our surprise, however, we also discovered that the Elm City Resident Card was often viewed as an illegitimate form of identification and had an acceptance rate on par with a nongovernment-issued ID known as the Ameracard. With regard to this finding, a subsequent survey revealed two things. First, state-issued ID cards appear to carry greater weight than city-issued ID cards. However, given restrictions set

on state governments by the REAL ID Act of 2005, pro-immigrant groups that wish to help document the undocumented in their midst should continue focusing their lobbying efforts on local-level governments so that they start issuing municipal IDs. Second, the card’s design seems to be responsible for its perceived lack of legitimacy. Thus, moving forward, the City of New Haven and other immigrant-friendly governments should place paramount consideration on their identification card’s appearance. San Francisco’s simple design is an excellent example, given its perceived legitimacy in our follow-up survey study.

Whether New Haven will heed our recommendations remains to be seen. In speaking with the city’s mayor and the director of a Hispanic, community-based, nonprofit organization in New Haven, it was evident that the Elm City Resident Card program is no longer a priority. Demand for the card has decreased substantially as immigration to New Haven has subsided given the inauspicious economic conditions resulting from the 2008 recession.

As a final note, it is important to remember that our experiment tested how the Elm City Resident Card fared in one aspect of daily life. Thus, from the standpoint of Mayor DeStefano's administration, the Elm City Resident Card has sent a positive message of inclusion to the city's undocumented community. This sense of inclusion has yielded tangible benefits according to the card's proponents, such as an increase in police reports from this demographic (DeStefano 2007b).

## APPENDIX I

It is impossible to recruit actors for an audit study who are identical in everything except for the one factor or variable of interest. Nonetheless, we endeavored to find six ideal participants for our experiment, which is why we interviewed more than forty applicants.

Once we had chosen the best candidates, we practiced uncommon diligence and hired more than one-hundred external raters to help gauge whether our White and Hispanic actors differed on perceivable factors that could compete with ethnicity in explaining our experiment's results. Specifically, we asked 107 undergraduate students at a private university in the Northeast of the United States to observe video recordings of our six actors partaking in a one-minute, mock, customer-cashier interaction. We then asked the students to rate each actor on the four characteristics that, according to Devah Pager (2007), deserve most attention: nonverbal communication style, physical attractiveness, ease of personal interaction, and articulateness. Answers were measured using a seven-point Likert-type scale anchored at one (disagree strongly) and seven (agree strongly).

Regarding our actors' nonverbal behavior, an important concern was that our White actors could have been perceived as being more polite. If this were true, their perceived politeness could explain why they were treated better (i.e., carded less frequently). However, as noted in Appendix Table 1, it is actually the case that our Hispanic actors were perceived as behaving more courteously. Thus, given that we see no reason why being polite could systematically evoke a negative reaction from others, we trust that this apparent difference between our Hispanic and White actors does not bring to question our experiment's validity.

We also used the ratings to see whether the two groups could have been perceived as presenting different levels of articulateness, for this too could have influenced the outcomes of store-cashier interactions. However, as noted in Appendix Table 1, we find an apparent equality between the two groups. Stated differently, articulateness does not seem to influence the differential treatment found in the experiment.

Another concern was that the study's White actors could have been perceived as more physically attractive or as carrying themselves with greater confidence. An inequality on either of these two factors could explain the preferential treatment that the White actors experienced. As shown in Appendix Table 1, the data gathered through the ratings may sustain these two possibilities. However, with regard to physical attractiveness, the difference found is arguably the result of dominant perceptions of beauty embedded in the country's culture, which favor lighter skin tones (Hall 1995; Wolf 1991; Swami et al. 2008). Thus, given the existing standards of what is thought of as attractive, we maintain that hiring



Appendix Table 1 — Means and Standard Deviations of Actors on Key Factors

	<b>Latino</b>	<b>White/Anglo</b>
<b>Is Polite</b>	5.32	4.71
	(1.04)	(1.42)
<b>Is Articulate</b>	4.54	4.71
	(1.18)	(1.39)
<b>Is Attractive</b>	2.98	3.72
	(1.09)	(1.21)
<b>Is Anxious</b>	3.39	3.10
	(1.7)	(1.54)

different Hispanic or White actors would have still resulted in a perceived difference across the two groups.

To conclude, the only variable that merits a measure of concern is that of perceived anxiety. The fact that our Hispanic actors were perceived as carrying themselves with less confidence than their White counterparts could play a role in explaining why they were carded more frequently. After all, the Hispanic actors' modest level of perceived anxiety could have triggered somewhat higher rates of cashier distrust. Nonetheless, we want to point out that our main results on differential treatment are robust across all actors. As Appendix Figure 1 shows, all three Hispanic actors were carded more frequently than any of the three White actors. Thus, this experiment brings to bear evidence on differential treatment toward Hispanics as an ethnic group.

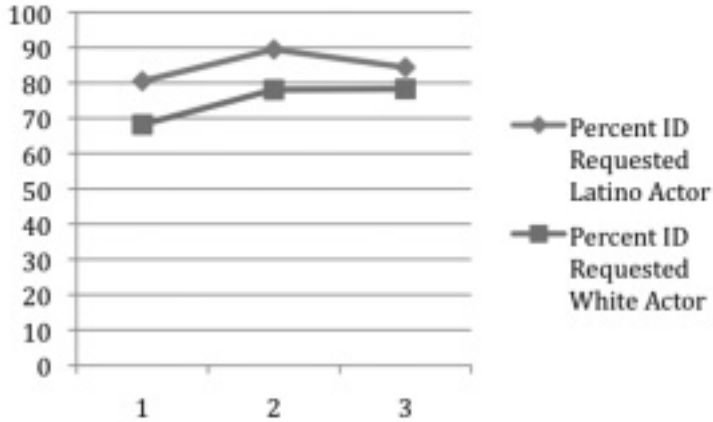
## APPENDIX II

It has been interesting to see how other cities have followed New Haven's lead in providing municipal identification cards to all of their residents. Oakland, CA,

found that it would cost at least \$662,000 initially and \$48,000 annually to manufacture and administer its municipal identification program in-house. In order to recoup its costs, Oakland would have had to charge \$40 to \$60 per card, which would have limited the card's adoption. Thus, Oakland entertained bids from the private sector and ultimately gave the contract to S.F. Mexico Services. The company had the know-how to adhere to all security standards and offered to establish in-take centers inside community organizations and administer the program independently. Best of all for the city, the company is not charging the city and is setting the price per card at an affordable \$15 for adults and \$10 for seniors and students (City of Oakland 2010). It is able to offset the costs of the program by incorporating an optional debit card feature that generates revenue (SFGate 2011).

The municipal identification programs in New Jersey were not created by any government agency. Rather, the Latin American Legal Defense & Education Fund created the cards, which bear

Appendix Figure 1 — Graphed results of percentage of times cashiers asked for ID by actor.



endorsements from local law enforcement officials at the bottom. The cards are, however, similar in price point to the others, costing \$10 for adults and \$5 for minors (LALDEF n.d.; Township of Princeton n.d.).

When asked for her thoughts on the nongovernment-issued cards, Kica Matos (2011) said, “To me this is one of the more interesting things about how the program has developed, and in each instance it seems to have a local imprint which I think is great.”

In each area, it might not be possible or even realistic for governments to issue cards, particularly if the localities are smaller cities or suburbs. Thus, several similar-looking ID cards issued by a nonprofit, but endorsed by government officials, would probably be more recognizable and thus perceived as more legitimate than a card issued by a small town.

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## Preserving Latino Heritage: An Interview with Ken Salazar

*Interviewed by Mark Truman, Jorge Mazal, and Ray Rivera*



Ken Salazar, a fifth-generation Coloradan, was confirmed as the fiftieth secretary of the U.S. Department of the Interior in 2009. Prior to his confirmation, Salazar served as Colorado's thirty-fifth U.S. senator, winning election in November 2004 and serving on the Finance Committee, which oversees the nation's tax, trade, social security, and health care systems. He also served on the Agriculture, Energy and Natural Resources, Ethics, Veterans Affairs and Aging committees. From 1999 to 2004, Salazar served as Colorado's thirty-sixth attorney general, winning statewide elections in 1998 and 2002. He chaired the Conference of Western Attorneys General and received the Profiles in Courage award from his fellow state attorneys general for his dedication to

preserving and promoting the rule of law. He received a political science degree from Colorado College in 1977 and graduated with a law degree from the University of Michigan in 1981. He also received honorary doctorates of law from Colorado College in 1993 and the University of Denver in 1999.

HJHP

**As secretary of the interior, how would you describe your role in telling the story of Latinos in America?**

SALAZAR

The mission of the Department of the Interior, which I'm responsible for, is to protect and preserve America's natural resources and America's heritage. On the latter part of that statement, America's heritage includes the heritage of everyone. We fail in our duty

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❖❖❖ *At the end of the day, it's about making sure that everyone's heritage and history is respected and no one is left behind.*

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when we don't tell that story in a comprehensive way. [Recently], we've dedicated the Martin Luther King Jr. memorial on the National Mall as one of our newest national parks and Fort Monroe in southern Virginia, all related to the march for civil rights and the great history of this country relative to the Emancipation Proclamation and the contributions of African Americans. We do it with Japanese internment camps when we tell that painful story of America.

With respect to the Latino community, there really has not been a very good job [done] by this department, in its history, of telling that story. Over the last several years, we've really wrapped up the effort to make sure that we—as President Obama directed the country to be an inclusive America where no one is left behind—are being inclusive here in the department in telling the story of the Latino community as well.

That has led us to a number of different things, including the designation of [Nuestra Señora Reina de La Paz], the Cesar Chavez 40-acre compound, as a National Historic Landmark. We are developing a multi-decade blueprint for how we tell the story of the contributions of the Latino community throughout the country through the National Park Service. That effort is currently underway. The president hosted the Forum on American Latino Heritage here at the Department of the Interior [on 11 October 2011] where we brought leaders from across the country to talk about the

importance of Latino heritage. A number of other efforts are underway including the Latino museum at the Smithsonian, an effort that I had worked on when I was in the U.S. Senate. Our hope is that having a museum that recognizes the history and contributions of Latinos right here in America's front yard, on the National Mall, will be a good way of making sure that the story of the American Latino is told. We continue to do everything we can to get that one across the finish line. At the end of the day, it's about making sure that everyone's heritage and history is respected and no one is left behind.

HJHP

**There are several groups that oppose having another museum on the Mall. What would you say to them in regard to the National Museum of the American Latino?**

SALAZAR

I would say to them that we are at a critical point in the history of the United States. We can look at the great diversity of this country and embrace it and strengthen our country, or we can embrace the opposite notion, which is what some people are advocating, that diversity is a divisive thing for our country. The president and I both reject the second alternative, and we believe very strongly that the best way to move forward is with an inclusive America that not only tolerates diversity but celebrates diversity.

[Often when I give speeches], I refer to a U.S. Supreme Court decision that Sandra Day O'Connor—in her last years on the Supreme Court—wrote concerning the University of Michigan's affirmative action program. There was a key paragraph in the early pages of the opinion where she said that diversity is something which is imperative for the nation's future. She cited the brief that had been filed by the former joint chiefs of staff of the military in the U.S. where they had said that our very national defense and our national security was dependent on our armed forces continuing to embrace the concept of diversity. She cited a brief that had been filed by a group of *Fortune* 500 companies [that] spoke about the global economy requiring us to make sure that we were supporting diversity in this country. The bottom line is that I very much agree with her, and I was part of that case at the Supreme Court. My view is that diversity is ultimately something we need to celebrate and embrace because it's required [in order] for us as a country to be a stronger country.

HJHP

**The Department of the Interior manages many sites away from the National Mall. What are some of the sites that you are looking at commemorating that are significant to Latino heritage?**

SALAZAR

They actually exist all over the country. In Florida, there are many places, from St. Augustine, which was the first settlement in the United States of America, which will soon be celebrating its 450th anniversary, along with the State of Florida, which will celebrate its 500-year anniversary, founded by the Spanish explorers; all the way to California and the struggle for civil rights and the farm worker move-

ment; Cesar Chavez and his march for equality and civil rights is part of what will hopefully become a new national park in the years ahead. We will soon be releasing a study that points the way to the creation of a national park around the Sangre De Cristo Mountains that tells the story of Northern New Mexico and Southern Colorado. [There are] numerous places all around the country.

Liberty Island in New York, the story of what happened with immigration at that place, is a very special place for us. Almost everywhere you go around the country, and in all of the fifty states, there is now a Latino presence. The history in each of the regions and places is different, but there is also a tremendous amount of commonality. It essentially shows the contributions that are being made today, have been made in the past, and will be made in the future by people who come here into this country, some of them were here before this country was founded.

HJHP

**You mention that some of the Hispanics have been here since before this country was founded. It's part of your family history. Given your heritage, what would you say is the future of Hispanics and their influence in this country?**

SALAZAR

Part of my great interest in this subject, part of the reason that I have moved here to [the Department of the] Interior, and other work that I've done in my civic and professional life before I came to Interior, is that history has not been told. It's been shoved under the rug for a very long time. When I was going to school, in the very remote San Luis Valley about 275 miles from Denver, I was being taught in the schools that my forefathers had come

across on the Mayflower. That obviously to me, and to the oral and folklore history of my family, was not true. Yet, that was what was being taught to all of us at our school. I'd seen firsthand how important it is for people to know who they are in order for them to have self-esteem and dignity. That's true no matter whether you're Irish-American, White male, whatever. It's important to know your history. No one person's history and no one group's history is superior or inferior to that of another. At its core, it really is a civil rights story.

I'm often reminded—in the Latino context—about the emphasis on the formation of [the American] G.I. Forum. The G.I. Forum was started [by Hector P. Garcia] in south Texas in 1948. It wasn't really very long ago, seven years before I was born, but it started because at that time American soldiers who were coming home from the war in body bags were not being allowed to be buried in the national cemeteries in south Texas. The American G.I. Forum was created to be an advocacy organization for veterans. They continue to be one of the leading civil rights groups in 2011 here in this country.

We all know people in our families, whether it was World War II or some other place, who made a great contribution. For me, my mother was nineteen years old when she came from New Mexico, knew nobody as she came across the country, and ended up working five years here at the War Department [now called the Department of Defense]. My father was a staff sergeant during World War II, and he died back in 2001. He asked to be buried in his uniform from that war because he was so proud of the contribution that he had made. It was a painful war. When my mother was here, she received a call from a priest at her

local parish letting her know that my uncle, Lejandro, had been killed in the war in Europe. We've left our blood and our sweat and tears on the history of this country and the formation of this country. We're not entitled to anything more than anybody else is entitled, but it is, in my view, essential that we have a recognition of the historic contributions that the Latino community has made to this country.

HJHP

**How do you think America should balance our need for oil and gas with the consequences of climate change?**

SALAZAR

First, I think that we need to recognize some realities in respect to both oil and gas and climate change. The first is that climate change is a reality. It is affecting what's happening up in the Arctic. I've been there many times. I've watched the disappearance of the glaciers, the shrinking of the polar bear habitats, the opening of what's going to be a very open passage across the Arctic Oceans. I've watched this happen even here at home where you have water supply projections on the Colorado River and the Rio Grande, which are going to be significantly less in the years ahead. People are going to have to adapt and change to those realities of the changing climate. It is a fact.

I think a second fact is that we have to recognize that oil and gas are very significant ingredients in powering our economy. We can't have a good quality of life and a strong country if we don't have the fuel that powers our economy.

Right now, most of our fuel that powers our economy does come from fossil fuels, including coal.



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With those two realities in mind, the president's energy and climate change blueprint is attempting to address those realities and find a balance. We're moving forward in a revolutionary way in standing up for renewable energy projects around the country. We're very proud of the successes that we've had. We are developing new science and information relative to climate change and what it means to the landscapes and wildlife and conservation.

At the same time, we recognize that in order for us to get out of what has been the greatest economic crisis since the Great Depression, which we inherited from the prior administration, we need to support oil and gas in appropriate places. That doesn't mean that we drill everywhere. It means that in places like the Gulf of Mexico, where 30 percent of our oil and natural gas already comes from, we are moving forward with oil and gas production. We are moving forward onshore as well with oil and gas development, but we are not doing it everywhere; we are not doing it in places where there are sensitive ecological or other conservation values.

HJHP

**What is your advice to the next generation of Latinos in America?**

SALAZAR

I want every young person to be everything that they can be. That includes

members of the Latino community. I think in our own history, many Latinos have not been able to achieve their human potential, frankly because there were barriers and discrimination placed in their way. It's surely true of the generation that came before me. It's certainly true of the young generation I see today. There are still significant barriers. I would hope that as the Latino population continues to grow in this country—54 million strong today out of the 307 million total population—that they will be achieving the kinds of positions in all walks of American life that demonstrate that they are in fact essential to this country, that they are able to realize their full potential. The keystone to that is very much through education. When I speak to groups, colleges, and universities, I am always inspired because I know that they very much hold the future in their hands.

Where you sit now—at Harvard—thirty years ago there would have been very few of you. It wasn't that there weren't Latinos that were talented, like you all are. It's that there was no way for them to get there, either for economic reasons or reasons of discrimination. Much of that has changed. From the 1970s and increasingly into the 1980s and now today, there is a greater emphasis on diversity. There is more of an opportunity for more Latinos to get their education and move forward in their professional life in a way that makes the most sense to them.

But in the context overall of 400 years of the presence of Latinos in the United States, you are a relatively new generation, in terms of being able to occupy those coveted positions that you have at Harvard. With that also comes, I think, a duty and responsibility to give back and to bring others of our [Latino] community along.

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# Fighting Against Human Trafficking and the Sex Trade:

## An Interview with Teresa Ulloa Ziáurriz

*Interviewed by Mark Truman and Jorge Mazal*

Teresa Ulloa Ziáurriz has a degree in education from the Instituto Nacional de Pedagogía and a master's degree in education sciences from the London School of Education at the University of London, England. She is a graduate of the Law School at Universidad Nacional Autónoma de México. In 1997, she studied for a certificate in "Women's Human Rights and Development" in Brussels, Belgium, with funding from the European Economic Union and the International Federation of Human Rights. She also obtained a certificate in education and values, gender and law, and international humanitarian law at the Sorbonne in Paris. Most recently she obtained a certificate in public policy and public administration from New York University. She was a candidate for the 2005 Nobel Peace Prize within the 1,000 Women for Peace Project. She has rescued more than 650 women and children from internal and international trafficking with sexual exploitation purposes. She is the founder and general coordinator of the Legal Collective "Compañera" and "Defensoras Populares, A.C." As a legal representative of the victims, she has litigated more than 25,000 rape cases in which women and girls were the victims. She has also participated as an expert on violence and gender discrimination in three political asylum cases that included family violence before the Migration Courts in the United States and in one abduction case before the Federal Courts in New York that was the first to apply the Hague Conventions in favor of mother and children victims of family violence.

HJHP

**How did you start working as an advocate for the victims of human trafficking?**

ZIÁURRIZ

I started working as a lawyer for union trades. One day, a group of women came to visit one of the unions [where] I was consulting asking [for] help because two little girls were raped by many men—a gang rape. The Solidarity, the union, gave these women from a very poor area in the metropolitan area of Mexico City . . . assistance from a lawyer. And that lawyer was me.

Since then, I've been working against sexual violence. I've been working in this area for forty years of my life. [This area of work] is very painful and deals a lot with power,

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❖❖❖ *It was in 2005 that we were able to secure money; a donor sponsored our first regional meeting. There, we realized we have to make visible the last actor in the human trafficking chain: the man.*

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patriarchy, and violence against women and girls. I became an expert, and I started designing [program] models to try to make it easier for [women] on these legal procedures.

We put a lot of [the abusers] in jail. Things didn't change at all. So we decided we needed to do more interdisciplinary interventions, and we needed to not only take care of the victims [but also] do some prevention. We founded Popular Defenders, [an organization that trains citizen groups to work with victims of gender violence], and we started working on women's and girls' human rights. We start[ed] an education program for community leaders so they become promoters of their own rights and . . . defend their rights, [defend] the other women, and [defend] the children's rights.

In those years, it was not very clear what . . . trafficking [was]. It's like [the] trade of human beings. It was trade for paid sex, and I have learned a lot since then: the damage, the consequences, but also [that] it's a multifactorial issue of organized crime. More and more it's being perpetuated by the drug cartels, at least in Latin America, in Mexico, in Central America, and in . . . Argentina.

It's difficult because some countries in our vision have this abolitionist scope, some others have legalized sex work, and some others punish the women, not the traffickers or the johns. It's difficult. I

believe it was in 2003, our former regional director, who was based in Caracas, Venezuela, passed away because of breast cancer, and they asked me to take care of the region. I started working with twelve networks in twelve different countries and Mexico. Now we are in twenty-five countries.

I still need to work on the English Caribbean region. There are so many tiny islands; it is difficult. But I believe we are in the major countries, and we have a membership of 400 organizations in Latin America and the Caribbean. I have a lot of partners all over Latin America.

HJHP

**How do you hope to make changes with prevention? What programs are you using?**

ZIÁURRIZ

First, we started working on prevention, and we work on several models. We pilot them in Mexico and then share [them] with our partners. It was in 2005 that we were able to secure money; a donor sponsored our first regional meeting. There, we realized we have to make visible the last actor in the human trafficking chain: the man. We start working with focus groups of children from [age] twelve to young men [that are] twenty-five-years-old. We included the [Mexican] Navy and a focus group from the federal police.

We realized, of course, it is a cultural problem and that culture could be

changed. We need to work with young boys at a certain age where they are building their sexual identity and also when they are [learning] how to relate to women and how to see women as [either] . . . object[s] [or] . . . commodities or as . . . human beings, equal in rights. It's not easy, but that is why we designed this model, to try to reduce the demand side.

[The program] also talks about gender: What is gender? And what are the main differences between sex and gender? When [is] gender a sign? When [is] gender identity built? [What about] gender stereotypes and the consequences? We deal with power and violence, sexism, patriarchy, and phallogocentric syndrome.

[We deal] with a culture of how important the penis is to penetrate the woman, how it has been used as an arm of war. Almost in all the wars, if you review the history of the wars, always the one who wins uses [the penis] to rape the women of the people defeated as an example of their dominance. The bodies of women and girls are reduced to commodities, to objects, to war trophies. This deals with power and violence and the lack of opportunities for women and the difference in opportunities for men. [In the program], we arrive to the chapter of prostitution and sexual initiation.

We found that around 75 percent or 80 percent [of men start relations] in the brothels; they were taken there by a godfather, or older brother, or parent even. We found . . . two cases where they

said, "My father thought I was a strange thing, that I'm not behaving as a man, and he decided to take me to a brothel with the most experienced women. And this was such a bad and frustrating experience that since then I became gay because I decided I don't want these kind of relations." Several times, this history came across [during interviews.]

HJHP

**You've talked about the importance of the machismo culture and the impact it has on society and on women in general. How do you think governments should—or could—help with the transformational processes that you are pushing forward?**

ZIÁURRIZ

[Governments can] include this type of program [like Popular Defenders] in the agenda, in the curricula of the elementary education. As well, [they can] change the scope when they are delivering sexual education—to link sex not only with biological functions, but with feelings, with responsibilities, with information, with consensual relations, and also to educate for peace and [to reduce] inequality.

You can transform. You can make a revolution without arms if you educate differently. One generation to the next one. This education has to start at home and then be reinforced in the school. We can have a cultural change quickly from one generation to the other.

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The problem is corruption. The problem is, in the sex industry, there are so many interest[s] involved. It is so productive economically, the Office of Drugs and Crime of the United Nations projected [for] 2011, the sex industry, the trafficking industry, [would] overpass in profits drug trafficking and arms trafficking. The general secretary of FLACSO in Argentina estimated that 40 percent of the gross income of all our Latin American region comes from drug trafficking and trafficking in women and girls with sexual exploitation purposes. Therefore, they have a very strong speech against trafficking, but it is only speech.

It is almost the same in the U.S. They have an annual report where they grade all the countries. They have more or less a good law, but how many convictions do you have every year in the U.S.? We are suffering in Mexico. We are the filter to bring the victims to the biggest sex market in the world on the other side of the Bravo River [in the United States]. Here in the U.S., I believe nothing is being done against the demand [for sex trafficking].

Although, the Palermo Protocols—in Article 9, Section 5—say that governments or state parties will take legal reforms or other kinds of actions, including educational actions, to reduce the demand, they only take the part about criminalizing the traffickers. When you sign and ratify an international instrument, you are forced to comply with the complete instrument, not only the part you like.

HJHP

**There are competing discourses about prostitution and pornography in the United States. One side argues that prostitution and pornography are an expression of rights, while the other argues that those actions violate the rights of others. Is there too much importance given to the rights of someone to produce and consume pornography? How can that tension be solved?**

ZIÁURRIZ

Up to now, more than ten years have passed in the two main models: the one implemented in the Netherlands and Germany, which legalized the sex industry, and [the one in which] Sweden criminalized the buyers of prostitution. In the Netherlands, they have, just one year ago, appropriated twenty-square [blocks] of the red light district where the windows were. They decided that there would be a fashion area because, with the legalization, the only thing they got was

[the] legalization of traffickers and pimps. And now they are discussing what they are going to do. Will they continue with the legalization process?

In Sweden, although they didn't finish completely with the phenomenon, in ten years they reduced 70 percent [of the trafficking].

I know there is a discussion, but I understand that those that argue that prostitution and pornography can be a work are giving patriarchal arguments to perpetuate one of the oldest [types of] violence against women. As I mentioned, pornography is not sexual education. Once pornography is on the Internet, who can stop it? It is arriving to very young boys and also girls. It is damaging the way they are building their own sexual identities. Pornography is like the graphic expression of the whore. These two issues perpetuate the stereotype that women and girls are articles for the sexual pleasure of men.

What is the sexuality that is expressed or involved in both pornography and prostitution? The woman's sexuality? Or the man's sexuality? I really don't think we need to vindicate our right to buy sex. I think that not only the women that are in situation[s] of prostitution or pornography are [at] risk, but this perpetuation of certain stereotypes makes all the women and girls be at risk. Because, culturally, you are saying, "Yes, they are here for you." And you can access them by paying them [in prostitution] or by force, like in rape.

There is a very old discussion, and the radical feminists talk about [how] there were two ways to colonize the bodies of women: as private property through marriage or as collective property through prostitution. After this position,

Simone de Beauvoir wrote in her feminist book [The Second Sex] that prostitution is women's liberation, but that has to do with the bad sexual relation she had with her partner [Jean-Paul] Sartre, who all the nights went out from home to have sex [with prostitutes]. And she stayed at home, wishing to be in the place of those women. It's a reflection of that.

If the final buyer is not there, there will be no supply and no criminal acts behind that. I believe now we are advancing in our fight because of the results the Scandinavian model has achieved. For instance, the president of Spain has started discussing the sex ads in the newspapers. The president of Argentina banned by decree the inclusion of sex ads in the newspapers. In Mexico, we got it in the law already. But we got a major journal, *El Universal*, to voluntarily retire all their sex ads, in all their publications, in the whole country.

HJHP

**What do you think Hispanics in the United States can do to help in the cause?**

ZIÁURRIZ

Not to consume, for instance. To educate differently young boys that are born here in the United States. . . . To spread the voice against the demand [for trafficking].

The United States is the biggest sex market. The major number of sex tourists that goes to all Latin America to consume children and women is from the U.S. and Canada.

I don't think it is a matter [of] freedom. You cannot resign your human rights: they are part of you, even if you try to resign them. You are not free to be subject to mistreatment, to torture, to be

degraded as a human being, to be commercialized as an object. You cannot do it.

This is not an issue of morality. My liberty is limited by the other's liberties. I do not have the right to do something that will have an effect on others' freedom, on others' dignity, on others' life, on others' integrity or security.

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# A Rich History of Ethnic Media: A Review of News for All the People: The Epic Story of Race and the American Media

by Juan González and Joseph Torres

(Verso 2011)

## Reviewed by Inez González

*Inez González joined the National Hispanic Media Coalition (NHMC) in 2005 as the Media Policy Director. She has developed NHMC's media policy priorities and established strong national, statewide, and local alliances with groups concerned with media and telecom policy issues. In 2008, González was promoted to Vice President of Media Policy and moved to the East Coast to open NHMC's office in Washington, DC. After two years in the Beltway, González was promoted to Executive Vice President. Prior to NHMC, González was the district director for Congressman Bob Filner, overseeing the management and operations of two district offices that served more than 650,000 constituents. She is a board member of the Center for New Community and the National Immigration Law Center. González has a bachelor's degree in computer science from the University of San Diego, a master's in organizational management from the University of Phoenix, and a master in public administration from the John F. Kennedy School of Government at Harvard University.*

White-owned media has disparaged, dehumanized, and defamed people of color for thousands of years. That is the premise of the recently released *News for All the People: The Epic Story of Race and the American Media* by journalists and activists Juan González and Joseph Torres. This book is a meticulously researched history of modern mass communication and is an essential read for those interested in media policy and race relations. The authors of this timely book state, "It is our contention that newspapers, radio, and television played a pivotal role in perpetuating racists' views among the general population. They did so by routinely portraying non-white minorities as threats to a white society and by reinforcing racial ignorance, group hatred, and discriminatory government policies."

## THE HISTORY OF HATE SPEECH IN MEDIA

Hate speech in the U.S. media has existed since the inception of this country and, unfortunately, has endured to the present day, continuing to cause great harm to targeted groups. This is one of the many reasons why this book is relevant and worth reading. As the poet and philosopher George Santayana said, "Those who cannot

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❖ It is our contention that newspapers, radio, and television played a pivotal role in perpetuating racists' views among the general population. They did so by routinely portraying non-white minorities as threats to a white society and by reinforcing racial ignorance, group hatred, and discriminatory government policies.

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remember the past are condemned to repeat it.”

The book narrates the early years of hate speech in media against Native Americans, African Americans, and Mexicans. Often, newspaper publishers would frame untrue narratives claiming that people of color routinely victimized innocent White citizens. According to González and Torres, “Indian barbarism . . . was the overriding theme of numerous news accounts about Native Americans in our early media.” According to the White-owned media, there was often justification for any White-led counter aggression.

Innovations in mass communications gave bigoted media an even larger audience. For instance, as detailed in the book, in 1833, the *New York Sun* launched the first penny newspaper, signaling the advent of the penny press. The penny press was revolutionary in that, for the first time, newspapers became accessible to the working class. Regrettably, according to González and Torres, the penny press also “became a key instrument in the spread of racism among America’s white working class.” In the late 1840s, the Associated Press (AP) was created and the model of sensational news appeared. The AP made it easier for newspapers across the country to republish racist distor-

tions. The authors claim that “the centralization of news delivery in late-nineteenth-century America represented a huge setback for the portrayal of race relations.”

As explored in the book, when radio first appeared, it duplicated the newspapers’ bigoted model. The high barriers of entry for this new industry made it substantially more difficult for ethnic media to enter the market and counter any negative portrayals. The authors state, “[R]adio programs in those early decades invariably disseminated a ‘white’ view of the world, and when they did portray non-whites, it was often through demeaning stereotypes.” As the government agency responsible for overseeing the use of the public airwaves, the Federal Radio Commission (FRC), the predecessor to today’s Federal Communications Commission (FCC), could not find the courage to stand up against racism. In 1927, it granted a broadcast license to a firm openly associated with the Ku Klux Klan, the Fellowship Forum. The new radio station, with the call letters WFFF, was subsequently granted a jump in power from 50 to 10,000 watts, significantly increasing its geographic reach.

Eventually, as detailed in the book, media companies would publicly apologize for promoting racism and condoning violent

acts against vulnerable groups. In 2006, after fifty years had passed, the *Tallahassee Democrat* published an apology for not covering the city's bus boycott following Rosa Parks's arrest. The apology, in part as quoted in the book, states: "Leaders in that journey toward equality should have been able to expect support in ending segregation from the local daily newspaper, the *Tallahassee Democrat*. They could not." In a later portion of the apology that the authors surprisingly excluded, it states, "[w]e not only did not lend a hand, we openly opposed integration, siding firmly with the segregationists."

The book's narration of the history of hate speech in the United States is riveting and enlightening. It is a shameful story that has been swept under the rug—until now. Yet, it is unfortunate that after providing such a complete historic perspective on hate speech in media, the authors bypass an important discussion on the hate speech that plagues media today. It would have been fascinating for González and Torres to train the caliber and depth of analysis exhibited in discussing the hate speech of the eighteenth and nineteenth century on the hate speech and media landscape of today. Perhaps this topic could spawn a worthy sequel to *News for All the People*.

### THE IMPORTANCE OF ETHNIC MEDIA

I am aware of no other book that has documented in such a complete manner the contributions made by ethnic media in the United States. The authors show great respect for the influences of ethnic media and provide a complete rundown of the most important newspapers for each community of color. We learn about talented and passionate people of color, often dissidents that made their mark by going against the mainstream media to

keep their communities informed and empowered. Sadly, while certain ethnic media outlets made important strides in representing their particular communities, often their editorial pages would include racism against other ethnic groups. For example, some Native American and Hispanic newspapers supported slavery and would use the same dehumanizing language against African Americans that the mainstream media at the time used.

A poignant story in the book about ethnic media highlights the world's first Indian newspaper, the *Cherokee Phoenix* (or Tsa-la-ge-Tsi-hi-sa-ni-hi), which was founded in 1828. As recounted by González and Torres, "Each issue of the weekly *Phoenix* faithfully chronicled Cherokee efforts to prevent incursions on their land by Georgia's white settlers." The *Phoenix's* campaign against Indian removal became influential and widespread, despite attempts by the post office to curtail the newspaper's distribution. Because of its influence, the *Phoenix* became a threat to local settlers. In 1835, as the newspaper was in the process of moving to a more secure location on Indian land in Tennessee, the Georgia Guard intercepted the wagon train carrying all of the *Phoenix's* printing equipment and destroyed it, ending the extraordinary life of this significant newspaper.

González and Torres draw attention to several journalist activists, among them José Martí, Ida B. Wells, Ng Poon Chew, and Jovita Idar. In 1880, Martí, a young Cuban political exile who would later become one of the great revolutionaries of Latin America, moved to New York City and spent fifteen years writing about life in the United States. As González and Torres contend, "Martí's marvelous

dispatches should long ago have accorded him a special place among America's nineteenth-century newsmen, but because he wrote in Spanish he remains largely unknown in the very country where he practiced his best journalism."

Wells, an African American schoolteacher and editor of a small newspaper, dedicated her life to "exposing America's epidemic of lynching and race hatred" after three of her good friends were murdered by a White mob. Ng Poon Chew, a young clergyman, consistently empowered the Chinese American community by informing and advocating on relevant issues in the *Chung Sai Yat Po* (China's West Daily). After the 1906 San Francisco earthquake, as mainstream media advocated for Chinatown to be removed from the downtown area, Poon Chew encouraged Chinese Americans to return to Chinatown and rebuild, which they did. The *Chung Sai Yat Po* was one of the longest-running and most influential Chinese papers in American history.

Finally, Mexican American editor Jovita Idar, along with her brothers, established the newspaper, *La Crónica*. As the best Hispanic newspaper along the border, "the paper repeatedly exposed not only segregation in the public schools, but the unjust seizures of Tejano land and lynchings of Texas Mexicans." According to the authors, even though ethnic media played such an important and unique role for ethnic communities, it was invisible to mainstream media. Arguably, it still is.

### THE ROLE OF GOVERNMENT

One argument presented throughout the book is the substantial government investment in the United States' communication networks and private industries' desire to maximize profit from networks that were partially built with taxpayers'

money. Private industry typically revolts against government regulation when in fact it has benefited greatly from government subsidies. This core statement reflects the authors' belief that all taxpayers are entitled to have access to the communication networks that have been created, in part, with their money. The authors seem to suggest that if more people were aware of the notable public cost required to build communication networks, the public would demand access to these networks from the government. Additionally, the authors explain the impact on various media policy decisions made throughout the years.

A look at the evolution of communication reveals that public versus private distinction has always played a role in the development of our networks. Upon the creation of the post office, a communication network was born that has allowed newspapers not only to be distributed to citizens from around the country but also to gain great influence in public opinion. The Postal Act of 1792 created second-class mail that still exists to this day, guaranteeing all printers low-cost distribution of their product.

As detailed in the book, the invention of the telegraph was followed by a long public debate on whether this new communication technology should be publicly or privately owned. Samuel Morse, the inventor, fearing private control of his new technology, offered to sell his patent to the government for \$100,000. Congress rejected the offer. As a result of opting for the private model, the telegraph became twice as expensive in the United States as it was in Europe and accessible only to commercial companies and the wealthy. The trend that the penny press had started, of making mass

communication accessible to all, was reversed with the telegraph. In the United States, the rich would receive the most important news and information far ahead of the masses. According to González and Torres, due to the telegraph, “[T]he nation witnessed the rise of its first industrial monopoly, the Western Union Co., and of its first communications cartel, an alliance between Western Union and the Associated Press.”

During World War I, the U.S. Navy worked to harness radio effectively for the war effort. Following the war, the navy engineered the creation of a radio trust that would keep control of airwaves. The trust was known as the Radio Corporation of America (RCA). RCA was a consortium of key American wireless industry players who were shareholders of this new entity and agreed to work in cooperation, divide up their areas of interest, and make their patents available to each other. The Navy would have a seat on the board of directors. González and Torres reveal that, “RCA would go on to dominate commercial broadcasting for much of the twentieth century in much the same way as Western Union had dominated the telegraph in the late nineteenth century.” Smaller radio stations had no chance against RCA. The government helped create this conglomerate but did little to help people of color become radio station owners.

During the first years of the FCC, the commission was dominated by commissioners from Southern states. Unsurprisingly, according to the authors, “the agency did virtually nothing to address racial diversity in broadcast ownership.” By 1971, only ten of the nation’s 7,500 radio stations were owned by people of color, and it would take seven more years for the FCC to finally

adopt its first official policy to promote minority ownership of broadcast stations.

By the time the book enters more familiar waters—the age of broadcast television, cable, and the Internet—anticipation has mounted for the authors to turn their unique perspective on a more familiar set of issues. However, the authors seem to have run out of pages to be as detailed as they were when discussing the policy decisions of the eighteenth and nineteenth centuries. Although there is a brief discussion on Ma Bell, public access channels, and cable policy related issues, the quality and depth of discussion that readers are treated to in earlier chapters causes this later section to feel somewhat unsatisfying. Although this does little to diminish the great accomplishment of the work, readers in search of a more contemporary look at mass communications will find little of it in this volume.

## CONCLUSION

Ultimately, *News for All the People* is an extraordinary resource for those interested in media policy issues in relation to race relations. The important research conducted by the authors and the rich history of ethnic media discovered throughout the pages are priceless. Nevertheless, at times the complexity of the subject matter could lead to a dry or difficult-to-follow experience for readers who lack a predisposition to the topic. This book is a treasure, especially for people of color whose unique story is often forgotten by the mainstream. The authors write from their perspective—a perspective that often is missed by those who think little about the impact that policy has on people of color.

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*Jeff Cruz is the executive director of Latinos for a Secure Retirement, a coalition of ten national Latino organizations formed to educate the growing Latino community to protect and strengthen Social Security, Medicare, and the pension system. Cruz is also currently a 2012 mid-career master in public administration candidate at the John F. Kennedy School of Government at Harvard University. In 2011, Cruz was a visiting scholar at the National Academy of Social Insurance. Previously, he served as an associate director handling health care and seniors outreach at the White House Office of Public Engagement and as a senior policy adviser to U.S. Senator Herb Kohl (D-WI) on the Senate Committee on Aging, focusing on retirement security issues. In 2008, Cruz took leave from the Senate to work for U.S. President Barack Obama's national election campaign as the deputy director for senior outreach, then as the Florida State seniors vote director. Before that, Cruz was a senior policy analyst for Campaign for America's Future. Cruz has also served as a staff member in the U.S. House of Representatives, working in the leadership office of then-Chairman of the Democratic Caucus Bob Menendez (D-NJ) and as a legislative assistant to Congresswoman Grace Napolitano (D-CA). He has worked on campaigns in more than a dozen states. He is a graduate of the University of Illinois at Urbana-Champaign and a recently elected member of the National Academy of Social Insurance.*

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*Ruth K. Ditlmann is completing her PhD in social psychology at Yale University. Ditlmann received her diploma in psychology from the University of Constance, Germany, in 2007. Her research focuses on cultural narratives in intergroup dynamics. In her current research she studies the role of leadership motivation and group membership in dialogues about past injustice between African Americans and Whites. She adopts a multi-method approach, consisting of laboratory studies, content analysis, and field experimentation.*



*John A. Garcia is a research professor and director of community outreach at the Inter-University Consortium for Political and Social Research (ICPSR) and faculty associate in the Center for Political Studies at the University of Michigan in Ann Arbor. He also directs the ICPSR's Resource Center for Minority Data. Garcia previously held a professorship in the School of Government and Public Policy at the University of Arizona. He received his PhD in government at Florida State University (1971) and was awarded a National Institute of Mental Health postdoctoral fellowship at the Center for Urban Affairs and Policy Research (now known as the Institute for Policy Research) at Northwestern University. His primary areas of research and teaching are: minority group politics, especially Latinos; political behavior; political mobilization; urban politics; social survey research; and public policy. He has published eleven books and more than sixty articles and book chapters and has been the recipient of nearly twenty grants to conduct research. He has held several positions, including vice president, at the American Political Science Association. In addition, he has served on the advisory committee for the Social, Behavioral and Economic Directorate of the National Science Foundation, member and chair of the Hispanic advisory committee for the 2000 Census, and past member of the executive council of ICPSR. He has been a co-principal investigator to the Latino National Political Survey and the Latino National Survey, as well as researcher for the National Chicano Survey.*



*Inez González joined the National Hispanic Media Coalition (NHMC) in 2005 as the Media Policy Director. She has developed NHMC's media policy priorities and established strong national, statewide, and local alliances with groups concerned with media and telecom policy issues. In 2008, González was promoted to Vice President of Media Policy and moved to the East Coast to open NHMC's office in Washington, DC. After two years in the Beltway, González was promoted to Executive Vice President. Prior to NHMC, González was the district director for Congressman Bob Filner, overseeing the management and operations of two district offices that served more than 650,000 constituents. She is a board member of the Center for New Community and the National Immigration Law Center. González has a bachelor's degree in computer science from the University of San Diego, a master's in organizational management from the University of Phoenix, and a master in public administration from the John F. Kennedy School of Government at Harvard University.*



*Grace Flores-Hughes, John F. Kennedy School of Government at Harvard University alumna (MPA 1980) and former executive advisory board chair of the Harvard Journal of Hispanic Policy, is the author of A Tale of Survival and can be reached through her Web site: [www.graceflores-hughes.com](http://www.graceflores-hughes.com).*

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*Paul F. Lagunes is a doctoral candidate in political science at Yale University. He graduated with honors from Duke University in 2003. He studies democratic accountability, Latino and Latin American politics, and urban affairs. His work applies field experiments to study various phenomena, including differential treatment. His dissertation research provides a close examination of corruption in Mexico's cities.*

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*Brian M. Levin graduated from Yale University summa cum laude and Phi Beta Kappa with distinction in political science in 2011. He wrote his senior thesis on the role of social media in the 2008 and 2010 U.S. elections. He is currently a New York City Urban Fellow working for NYC Digital in the Mayor's Office of Media and Entertainment.*

*Jorge Mazal is currently a master in public policy candidate at the John F. Kennedy School of Government at Harvard University. Before coming to Harvard, Mazal worked as Director of Education at the Pete Suazo Business Center, helping minority, immigrant, and refugee entrepreneurs to succeed in launching and growing their businesses. Prior to that, Mazal worked as a marketing consultant for technology and life sciences start-ups, an activity he continues to do as an independent consultant. Mazal graduated magna cum laude with a BS in management from the Marriott School of Management at Brigham Young University.*



*Matthew D. Trujillo was born and raised in Phoenix, AZ. He received his bachelor's degree in psychology from Arizona State University. Currently, he is a PhD candidate in psychology and social policy at Princeton University. His research interests include stereotyping and prejudice, ethnic identity, and Latino issues.*

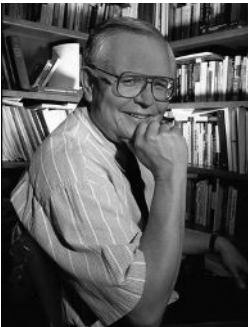
*Mark Truman is a first-year master in public policy candidate at the John F. Kennedy School of Government at Harvard University. After spending the last five years working in for-profit education through a company he founded called Omnic Education, Truman is now committed to community development and organization in his hometown of Albuquerque, NM. He received a BA from Arizona State University in 2004 and has studied economics at the University of New Mexico.*

*Ray Rivera is a mid-career master in public administration candidate at the John F. Kennedy School of Government at Harvard University. He was most recently at the White House as the Deputy Associate Director for Policy Outreach at the Council on Environmental Quality. Just prior, Rivera was Director of External and Intergovernmental Affairs at the U.S. Department of the Interior. Before serving as an appointee in President Barack Obama's administration, Rivera was the state director for the Obama campaign in Colorado and was a political director and union organizer for AFSCME, America's public employees' labor union. A native of Albuquerque, NM, Rivera earned a BA in political science from the University of New Mexico.*

## In Memoriam:

### Harry Pachón, Nationally Acclaimed Scholar, Educator, and Activist, 1945–2011

by Grace Flores-Hughes and Jeanette M. Acosta



Harry Pachón was born in Miami in 1945. The son of Colombian immigrants, Pachón grew up partially in Colombia and Montebello, CA, and graduated from California State University, Los Angeles, where he received a bachelor's degree in 1967 and a master's in 1968, both in political science. Pachón went on to earn a doctorate degree in government from Claremont Graduate University in 1973.

#### REFLECTIONS FROM GRACE FLORES-HUGHES, A FORMER COLLEAGUE

Harry Pachón is known more for his work as the longtime president of the Tomás Rivera Policy Institute, serving from 1993 until 2010. But, it was at the former U.S. Department of Health, Education, and Welfare (HEW) where Pachón began his public service—a place rarely mentioned in his background. It was that move that brought Pachón center stage with policy issues that he would later champion as leader of the Tomás Rivera Policy Institute.

In the early 1970s, I helped recruit Pachón, and he became a member of the staff in the Office of Spanish Surnamed Americans within the Office of Planning & Evaluation at HEW. We worked together addressing a range of policy issues, from welfare reform to immigration to education. It was in this capacity and environment that Pachón's determination to pursue these issues was developed even further. This determination was nurtured while he served as chief of staff to U.S. Representative Edward R. Roybal (D-CA). Pachón's political acumen became even more prominent when he became the executive director of the National Association of Latino Elected and Appointed Officials in 1983.

During the years Pachón spent at the Tomás Rivera Policy Institute he not only found his voice in the world of policy regarding issues affecting the Hispanic/Latino communities in America, but he also became its most important source of expertise. While soft-spoken, Pachón's printed words revealed a Bengal tiger approach to raising issues that affected how immigrants are treated, how our schools fail our Latino students, and

how the vote by Latinos could bring permanent change to the political climate of both political parties.

Even though Pachón didn't wear his political persuasion on his sleeve, I knew his political philosophy was much different than mine. But over more than thirty years, the issue of party affiliation never stood in the way of the friendship of a very active Democrat and a very active Republican. We worked on several projects together in later years, including his participation on the board of the *Harvard Journal of Hispanic Policy* when I served as its chair during the 1990s.

#### **REFLECTIONS FROM JEANETTE M. ACOSTA, A FORMER STUDENT**

The Tomás Rivera Policy Institute (TRPI), started at Claremont Graduate University and later moved to the University of Southern California's Sol Price School of Public Policy, where Pachón was a professor of public policy and mentor to countless graduate and undergraduate students, including me. For nearly twenty years, TRPI has focused on Latino issues and has been led by Latino researchers and advocates. TRPI was the first Latino think tank, and it was Pachón's visionary leadership that led to the success it is today.

I had the honor and privilege of learning from Pachón as a senior at the University of Southern California during the fall of 2007. As a student in his U.S. immigration policy seminar, I was introduced to the complexities of our nation's immigration system and soon grew to realize that fixing the failures and injustices of this broken system was my calling. I know that the brilliant instruction and caring mentorship of Pachón led me to hear and answer this calling. Even though his passing is a tremendous loss to students,

colleagues, and the overall Latino community, we have been left with the precious gift of his legacy.

Reflecting on the passing of Pachón, U.S. Representative Xavier Becerra (D-CA) stated on Facebook:

“Harry Pachón believed in America and was a champion of education. His currency was knowledge and, in that sense, he was a supremely rich man most generous with his wealth. His groundbreaking research on the Latino community in America continues to inform and drive our nation's policy-making process.”

As Becerra asserts, Harry Pachón was a supremely rich man, and we should feel blessed to have received a portion of his riches. The United States has lost a premier advocate of public policy, and he will be forever missed.