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## EDITOR'S NOTE

**T**he power wielded by the American Latino community during the 2012 national election signals a new era in American politics. Gone are the days when majority groups sharing common descriptive characteristics dominated the national political agenda in the United States. Instead, what we are witnessing is the ascendancy of a political class that combines both the hard power of mobilizing people from the grassroots level to manifest themselves and influence policy makers at a national level, and the soft power of a community that builds coalitions that combine *smart* strategies for power *with* rather than merely *over* other interest groups in the political sphere. Of course, how this power is expressed in the realm of politics is important. No longer do we have Tea Party candidates strong-arming politicians into expressing the will of minority group interests. These power tactics have declined in favor of a diffusion of power among elected and non-elected political leaders.

In 2012, we saw the rising political influence of non-elected leaders and activists that combined both the hard power of mobilization and the soft power of coalition building to create a new regime of *smart* power--to borrow a term coined by Harvard Kennedy School Professor Joseph Nye, Jr. Through this use of smart power, Latino leaders successfully influenced a presidential administration to pay attention to the needs of a vulnerable and politically disenfranchised population of undocumented immigrants: the Dreamers. The genius of the Dreamer movement in this last election is the contextual intelligence displayed by these leaders. Professor Nye defines contextual intelligence as "the ability to understand an evolving environment and capitalize on trends." The American Latino community will continue to need contextual intelligence to understand that the ascendancy of the Latino community in politics does not come at the cost of a decline in power for other groups. Rather, the decline in influence of groups like the Tea Party is illustrative of this point: even the most politically powerful



interest groups cannot achieve their aims without the help of others. The political skill displayed by Dreamer activists in the way they built broad and inclusive coalitions—which included such groups as Hispanic evangelical Christians, the lesbian, gay, bisexual, transgender, queer community, unions, Silicon Valley business leaders, and various ethnic interest groups—illustrates this contextual intelligence necessary to succeed. This skill enabled American Latinos to use networks and connectedness in an age of information to convert power resources into successful strategies that changed the course of politics for the Latino community and American history. The purpose of Volume 25 of the *Harvard Journal of Hispanic Policy* is to reflect more on this ascendancy and to stimulate this broader narrative. The ability to maintain this newfound ascendancy will not depend on the Hispanic community's ability to dominate other interest groups or even hold hostage elected officials through the threat of exercise of hard power. Instead, maintaining this ascendant position will rest upon a new narrative of smart power that induces collaboration with a spectrum of interest groups in American politics. Never before has Hispanic policy been in the spotlight in such a manner.

In President Barack Obama's State of the Union Address in February 2013, there were only a handful of moments that caused the members of both houses and both parties of Congress to rise to their feet in ovation. The mention of immigration policy was one such moment. And for the first time in many years, the political winds have seemingly shifted on an important issue for the American Latino community in the United States. It was not long ago that the mention of undocumented immigrants in the State of the Union garnered a "You lie!" exclamation from Republican House member Joseph Wilson. Now, both Republicans and Democrats seem to be in agreement that a major overhaul of America's immigration system is needed to maintain America's primacy in this century.

It is in this dynamic political environment for Latinos that we present to you Volume 25 of the *Harvard Journal of Hispanic Policy*.

This twenty-fifth volume is a wonderful opportunity for us to reflect on how far we have come as a Latino community and to think deeply about where we are going.

I would like to take a moment to thank the section editors of the *Harvard Journal of Hispanic Policy*. It has been a true pleasure and honor to work with such a dedicated team who exhibited a passion for Hispanic policy. I'd also like to thank the members of our Executive Advisory Board and, in particular, our board chair, Jim Carr. Jim has been a driving force in elevating this journal as an institution within the Harvard Kennedy School, and we are very proud to have his dedicated and unwavering support. Finally, I'd like to thank all the former editors of the *Harvard Journal of Hispanic Policy*. They remain an inspiration to all the Latino and Latina students at the Harvard Kennedy School and the Harvard University campus as a whole.

It is my sincere hope that Volume 25 informs our continued national dialogue over the place of the American Latino community in our national history. Never before has there been such a need to understand Hispanic policy and the role our community is taking in leading this nation to the future. And this is what makes this journal unique.

Octavio González  
Editor-in-Chief  
*Harvard Journal of Hispanic Policy*  
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# LA GENTE UNIDA JAMÁS SERÁ VENCIDA

## The Power of Changing Demographics in the 2012 Elections and Beyond

by Katherine Culliton-González

*KATHERINE CULLITON-GONZÁLEZ is the Director of Voter Protection for Advancement Project, where she leads a highly qualified team in litigation, policy advocacy, community education, and empowerment strategies to protect fundamental voting rights. A former Fulbright Scholar, she taught human rights law in Chile and graduated as valedictorian of the 1993 American University law class. She is the author of a series of law review articles, written in English and Spanish, which have been used to protect civil rights in the Americas. Her latest law review article, published in the Harvard Law School Human Rights Journal, argues against disparate access to citizenship due to its negative impact on Latino voting rights. Before joining Advancement Project, Culliton-González served in the U.S. Department of Justice's Civil Rights Division, where she brought a series of cases to enforce the antidiscrimination provisions of the Voting Rights Act. She frequently appears in the media as a nationally recognized voting rights expert.*

**A**dequately summarizing the impact of the Latino vote in the United States' November 2012 elections is a difficult task because, at least as of the time of this writing, the existing data is preliminary. But the postelection news headlines and all available exit polls illustrate the increasingly influential power of Latino voters in American politics with Latinos making up 10 percent of the electorate and influencing the results in battleground states (Pew Hispanic Center 2012).

However, although there are 23.7 million eligible Latino voters, only an estimated 12.5 million voted in 2012, according to exit polls (Taylor et al. 2012). Furthermore, the largest wave of voter suppression in decades was directed against voters of color, with new tactics, like requiring stricter and more elusive forms of voter ID and proof of citizenship, blatantly directed at Latino voters (NALEO Educational Fund 2012). As voting rights historian J. Morgan Kousser summarized on 18 September 2012: “[T]oday’s voter ID and other such laws bear an eerie resemblance to the initial legal stages of the first disfranchisement [during the Jim Crow era]” (Kousser 2012).

As discussed herein, the already influential Latino electorate is expected to double by 2030 (Taylor et al. 2012). Unfortunately, we can only expect voter suppression and increasing targeting of Latinos to worsen in

the face of the rising power of the potential Latino electorate (Adelmann 2012). But as Dr. Martin Luther King demonstrated, when communities fight discrimination, the arc of the moral universe is long, but justice ultimately prevails (King 1967). A next-generation, multiracial, full-time, year-round voting rights movement is needed to protect and fully realize the inherent power of the potential Latino electorate.

### **Voter Suppression Backfired in the 2012 U.S. Presidential Election**

As examples from Florida, Texas, and Pennsylvania show, efforts at voter suppression in the 2012 presidential election backfired.

Like many Americans, I witnessed the long lines at the polls caused by cutbacks in the early voting period in Florida. And on Election Day in Miami, I witnessed African American and Latino voters—there were few White voters at those polls—waiting in extremely long lines. I heard the stories of numerous voters of color who had to pay a “time tax” to exercise their right to vote.

Facing unprecedented attempts to restrict their voting rights, voters of color defied the odds by winning various court cases that challenged discriminatory photo identification voting laws (Weiser and Norden 2012). Intimidation tactics such as the Tea Party’s “True the Vote” initiative (Shen

2012) threatened to deploy more than a million “poll watchers” on Election Day (Mock 2012). African American and Latino voters also faced Election Day dysfunctions egregious enough to cause U.S. President Barack Obama to allude to it in his election night acceptance speech, stating: “We have to fix that” (Froomkin 2012).

Advancement Project, where I serve as the director of voter protection, notes many relevant cases of individuals waiting for hours to vote in Florida. One example is Desilynn Victor, a 103-year-old Haitian American woman, who waited in line for more than four hours at her polling place at the North Miami Public Library on 27 October 2012. This Saturday was the first day of the early voting period, which had been shortened to eight days from fourteen by Florida Republicans via a statute amended 1 July 2012 (Fla. Stat. §101.657, H.B. 1355). She went home to rest and, with the assistance of voting rights advocates Carolyn Thompson and Uzoma Nkwonta, returned to vote to the cheers of hundreds of other voters still waiting in line.

A young Cuban American couple attempting to vote for the first time stood in line on three separate days during early voting. Like many working families, they came to vote with their young children. They needed to vote on an early voting day due to an inability to get time off from work to vote on Election Day. Each time the couple attempted to vote, the lines were so long that they had to leave

without casting their ballot, needing to leave either to go to work or to take care of their children. They waited approximately six to seven hours on each of the days they tried to vote. If it were not for litigation permitting Miami-Dade County to hold one more day of early voting the day before Election Day, and if it were not for advocates asking the county to let people vote in the evening, this young couple would not have been able to vote in their first U.S. presidential election.

Florida and other jurisdictions have not yet released their official turnout results at the precinct level, which is needed to determine the impact of dysfunctional voting procedures. However, preliminary data already shows that Blacks and Latinos were disproportionately impacted by Florida’s cuts in early voting days, which created longer lines for voters, particularly in Miami-Dade County, which has a majority Hispanic and Black population (Herron and Smith 2013).

We cannot afford to be complacent as we wait for the election data to be analyzed. During the 2012 election cycle, new types of voter suppression were aimed more aggressively and more directly at Latinos than in recent years. In addition to resorting to manipulation through redistricting, the latest wave of voter suppression relied heavily on tactics reminiscent of the literacy tests and poll taxes for which the 1965 Voting Rights Act (VRA) was enacted to redress. Texas’s photo ID law, for example, was

found to violate Section 5 of the VRA because it would have made it more difficult for African Americans and Latinos to vote.<sup>1</sup>

Similarly, Pennsylvania's photo identification law would have disenfranchised nearly one million eligible voters who could not afford to get the new, stricter form of ID, including more than 100,000 Puerto Ricans whose birth certificates were invalidated by the law (*Applewhite v. Pennsylvania* 2012a). On 2 October, Pennsylvania's identification law was finally found to violate the state constitutional right to vote (*Applewhite v. Pennsylvania* 2012b).

Also in 2012, Florida targeted Latinos and other voters of color through a new form of purge of their voting rolls. Without favorable settlement of litigation under Section 2 of the VRA, naturalized citizens would have been forced to prove their citizenship in ways more burdensome than native-born citizens in order exercise their right to vote. The majority of the more than 2,600 voters targeted by the 2012 Florida purges were Latino, and more

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i. A three-judge court found that: "uncontested record evidence conclusively shows that the implicit costs of obtaining SB 14-qualifying ID will fall most heavily on the poor and that a disproportionately high percentage of African Americans and Hispanics in Texas live in poverty." *Texas v. Holder*, Opinion Denying Texas' Request for a Declaratory Judgment, No. 12-cv-128, 54 (D.D.C., Aug. 30, 2012). See also Order Entering Final Judgment, No. 12-128 (D.D.C., Dec. 17, 2012).

than 80 percent were voters of color (Black, Asian, and Latino) (Compl. *Arcia v. Detzner* 2012).

## Changing Demographics and Attempts at Voting Restrictions

The backdrop to the 2012 election headlines was a narrative involving the role that "changing demographics" played in the national election. That role became clearly decisive at the presidential level. On 7 November, the Pew Research Center reported that:

The minority groups that carried President Obama to victory yesterday by giving him 80 percent of their votes are on track to become a majority of the nation's population by 2050. By 2050, the Hispanic share of the U.S. population could be as high as 29 percent, up from 17 percent now. The black proportion of the population is projected to rise slightly to 13 percent, while the Asian share is projected to increase to 9 percent from its current 5 percent. Non-Hispanic whites, 63 percent of the current population, will decrease to half or slightly less than half of the population by 2050. (Taylor and Cohn 2012)

The Hispanic electorate is likely to double as the number of eligible Latino voters rises from the current 23.7 million to more than 40 million by 2030 (Taylor et al. 2012). This, however, will only occur if the low rates of naturalization and voter registration for Latinos, both of which lag behind that of other groups, increase (Taylor et al.

2012). Considering the power in numbers that Latinos ought to enjoy and the overwhelming power of a majority of voters with interests in common, we are seemingly on the cusp of massive social change leading to fundamental political changes in this next generation. But the forces of voter suppression will not make it easy. As in 2012, voter suppression directed at voters of color and even more at Latinos will only increase and become more pernicious in response to the increasing potential of changing demographics. We will need to work very hard to fully realize the power of the people to ensure any semblance of fairness and inclusiveness in American politics.

Exit polls from the 2012 national election demonstrate that the influence of Latinos is most powerful when in coalition with African Americans, whose turnout increased despite the largest wave of voter suppression tactics directed at voters of color since the enactment of the 1965 Voting Rights Act. Historically, due to numerous structural barriers, non-Hispanic Whites have always voted at a higher rate than voters of color. But on 28 December 2012, a Pew Research Center study showed that, for the first time, African Americans voted at a higher rate than non-Hispanic Whites (Taylor 2012). African Americans made up 12 percent of eligible voters and 13 percent of the electorate. By contrast, Asian American and Pacific Islanders and American Latinos lagged behind, and their increasing

influence has been due mostly to population growth (Taylor 2012). In fact, Latino participation has been increasing since 2000 but only at a rate of 2.7 percent between 2000 and 2008. In 2012, Latinos continued to have lower levels of voter participation relative to Blacks and Whites (Taylor et al. 2012).

The 2012 voter suppression strategy failed. The courts blocked ten major voting laws, and turnout among Black and Latino voters as well as young people—groups targeted by voter suppression initiatives—increased. Congressional testimony described the rise of new voting restrictions as the “largest legislative effort to rollback voting rights since the post-reconstruction era,” effectuating a trifecta of voter suppression: making it harder to register to vote, harder to cast a ballot, and harder to have a vote counted (U.S. Senate Committee on the Judiciary 2011).

During the past two years, more than 180 restrictive voting bills were introduced in forty-one states, including voter identification restrictions, cutbacks to early voting, restrictions on voter registration, proof of citizenship requirements, and more (Weiser and Norden 2011). However, voter suppression backfired because many of these restrictions were defeated either legislatively or through litigation under state constitutions or under Sections 2 or 5 of the Voting Rights Act.

For voting rights advocates and our partners, who are the leaders of com-

munities of color brave enough to become plaintiffs and back our litigation strategies with highly effective advocacy and communications efforts, the results were thrilling and empowering. The narrative was changed. It has become common knowledge that the alleged in-person voter fraud, used to justify restrictions on voting rights, is actually infinitesimal. In addition, the attempted voting restrictions are now being seen as politically motivated and designed to disparately impact voters of color. We hope that the very principles of American democracy and the power of changing demographics will prevail.

But as I write this commentary at the start of January 2013, more photo ID voting laws are being proposed in several states. Michigan has passed a requirement for affirmation of citizenship, some of the major legal victories of 2012 on photo ID laws are being appealed in state and federal courts, and the constitutionality of Section 5 of the Voting Rights Act—our country’s most effective civil rights law—is scheduled for oral argument on 27 February in the Supreme Court. A dozen states including Florida and Colorado are still pursuing the power to verify the status of naturalized citizens on their voting rolls through federal immigration data, which the U.S. Department of Homeland Security has agreed to turn over. Unsurprisingly, the majority of these naturalized citizens are people of color (Advancement Project 2012).

Later this year, the Supreme Court will also hear an appeal by the State of Arizona on whether it can require additional proof of citizenship than that which is already clearly required by federal law in order for citizens to register and vote. Perhaps most importantly, looking closely at Latino turnout, which is influenced by structural gaps in access to citizenship and a related lack of interest in the current political system and candidates, it is clear that, despite the important role Latino voters played in determining the 2012 election, there is still much work to be done.

## **The Next-Generation Voting Rights Movement**

Now is the time to expand and strengthen the voting rights movement to ensure that the foundation of our democracy does not shift back to permanent disenfranchisement through various forms of second-class citizenship for people of color. 2013 is the 150th anniversary of the Emancipation Proclamation, which was followed, by necessity, by the Fourteenth Amendment, which guarantees birthright citizenship and equal protection before the law, and the Fifteenth Amendment, which prohibits racial discrimination in voting. The 2012 elections clearly demonstrate that the 1965 Voting Rights Act is still needed and that the Fourteenth and Fifteenth Amendments still need to be enforced. However, they also illustrate



that there is a need for additional legal and advocacy tools to truly protect voting rights and access to citizenship in the face of changing demographics.

The most important tools are at state and local levels, where an emerging new voting rights movement can be seen in the actions of members of the Caribbean American community who waited for seven to eight hours to vote in Miami, the grassroots voter registration workers across the country who did not back down in the face of intimidation, and Latino and Latina voters who had their citizenship challenged and who, despite living in mixed-status communities and feeling fearful in this xenophobic climate, went ahead and voted on behalf of themselves, their children and their future. They realize that voting is fundamental and that issues like immigration, health care, and education all depend directly upon having political power, which is supposed to be exercised by votes and not by politicians manipulating the rules to steal them.

In fact, how many of the shenanigans designed to suppress the Latino vote were due to fear, to not wanting immigrants to become citizens, or to not wanting equal access to education, all in the face of “changing demographics?” We have some clues in the proof of intentional discrimination found in the Texas voter ID litigation last year, in the wildly exaggerated allegations of noncitizens voting, and in the numerous voting rights cases where discriminatory impact against

African Americans and Latinos was found. The people who waited in long lines during early voting in Florida surely knew that if someone was willing to go to so much trouble to make it more difficult for people of color to vote, then that vote was something worth fighting for.

No matter what happens next, changing demographics will be powerful, not because of the numbers but because of the power of the people. It is from that base that together we can build the next-generation voting rights movement needed to more fully realize the American dream. To be effective, the movement must recognize the commonalities between and among communities of color as well as the differences. The movement must be more inclusive of Latinos, Asian Americans, and even mixed-race families and communities in order to reflect the great legacy of the African American civil rights movement and the new challenges and opportunities presented. This can and should include recognizing that voter suppression is a form of racial discrimination directed at all communities of color, and moreover, that voter suppression also disproportionately harms women, the elderly, and the poor, no matter what their race.

## Recommendations

The methods used to create the strong reaction to voter suppression by the African American electorate during

the 2012 elections should be carefully considered for use by Latinos and other communities of color as well as reinforced and strengthened in the African American community. This means fighting back as strongly and vocally as possible against discrimination in voting rights and not simply accepting that making it more difficult to vote is the new normal of American elections (Brazile and Crossley 2012). Furthermore, due to changing demographics, any voting bloc in this country and especially other voters of color need Latinos in order to move forward. As the 2012 voter suppression campaign was directed against all voters of color, there is clearly opportunity for a strong voting and civil rights coalition to fight back against disenfranchisement. This coalition should include everyone targeted by the 2012 voter suppression, including women, who were also historically treated as second-class citizens and not permitted to vote.

The elections of 2012 also demonstrated that the next-generation voting rights movement must be full-time, year-round, community-based, and much more powerful. All that power will be needed to fend off continued and increasing attempts at suppressing our most fundamental right: the right to vote. But more importantly, the power of the people is needed to create a next-generation voting rights and racial justice movement that is truly inclusive of the growing diversity of our nation.

Only a little more than half of the country's eligible Latinos voted in the 2012 presidential election, but it does not have to stay this way. More than 80 percent of the Puerto Rican population votes, but voter participation drops precipitously when Puerto Ricans move to the mainland (Culliton-González 2008). This shows that Latino voter participation could be much higher than it is. African American participation has been increasing steadily since 2000, probably due to a concerted effort among movement leaders to fight back against the targeted election dysfunction the Black community has seen since Florida in 2000 (Taylor 2012). For any community, there is no reason for voting to be so difficult, no excuse for continued discrimination in voting, and no reason that rather than restricting voting rights, our country cannot instead work to increase access to voting. In many Latin American countries, elections are not held on a working day and the right to vote is valuably considered an obligation for every citizen.

Our democracy and our nation will be strengthened by increasing access to citizenship rather than restricting access to it. Measures such as multilingual access to election materials and expanded availability of voter registration forms at naturalization ceremonies should be the norm as they decrease barriers to voting for Latinos (Advancement Project 2012). Furthermore, measures such as same-

day voter registration and expanded availability of early voting options would address many of the dysfunctions seen in the 2012 national elections. Restrictive measures such as photo identification laws should be opposed, and the informed public discussion showing that they are not needed must continue in mainstream as well as community-oriented media. Moreover, the discussion of whether naturalized citizens need to prove themselves more than other citizens in order to register and vote should be made more public, and these barriers to voting should be denounced not only by the individuals affected, but also by a broad spectrum of leaders. This issue parallels the overarching discussions needed on immigration.

Without a path to citizenship, and without equal access to citizenship, the Emancipation Proclamation and the Fourteenth and Fifteenth Amendments are empty promises. Our nation needs to see “changing demographics” as a great opportunity to truly embrace every aspect of the American dream. This means that we really are all equal and do all have an equally important voice in shaping our collective future. I hope that these are the headlines in 2013.

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# STEM, SHOOTS, AND LEAVES

Increasing Access of  
Underrepresented Groups to  
High-Quality, Career-Readying  
Science, Technology, Engineering  
and Mathematics Education

By Chelsea Martinez

*CHELSEA MARTINEZ earned her PhD in bioorganic chemistry from the University of Texas at Austin, where she synthesized tiny bio-inspired aromatic molecules that display interesting behavior in water. She graduated from Oberlin College with majors in biochemistry and chemistry and taught high school science and math from 2002 to 2004. Martinez spent one summer interning at the Los Angeles Times's health desk, and while a Christine Mirzayan Science & Technology Policy Graduate Fellow, she worked on the National Academy of Engineering's Changing the Conversation: From Research to Action workshop and Web site. From 2011 to 2012, she worked as a Congressional Hispanic Caucus Institute Graduate STEM Fellow at the White House Office of Science and Technology Policy. Martinez is currently a visiting assistant professor of chemistry back at her alma mater, Oberlin College.*

Labor projections indicate that over the next decade, a gap of more than a million jobs requiring science, technology, engineering, and math (STEM) skills will develop in the United States. A million more workers with STEM skills than our educational system is on track to prepare will be needed (PCAST 2012). At the same time, Latino youth will show the greatest increase in college enrollment (39 percent) by 2017 (WHIEEH 2011). However, evidence indicates that these students are less likely than the average student to complete postsecondary STEM degrees (National Science Foundation 2012). This means that the “million-worker” STEM skills gap is likely an underestimate unless STEM education reform can improve the experience of learning science for students in general and improve STEM degree completion rates for Latino students in particular.

News reports in 2012 presage this jobs gap. Even as unemployment persists, certain industrial sectors proclaim that they are seeking to fill well-paying jobs but cannot find sufficiently qualified candidates. Some level of unemployment will always exist, but narrowing the gap in many high-skill labor sectors is feasible provided there is an examination of what these so-called STEM-capable jobs require and what schools, employers, and governments must do to make up the difference.

A visibility problem complicates

the STEM jobs gap, which persists despite a pool of overqualified candidates. Even as experienced senior scientists languish looking for work, their particular salary or intellectual expectations are not ideal for these jobs. From the vantage of STEM academics, there is an overproduction of STEM PhDs seeking to join their ranks, so it may seem that the pipeline is overflowing. But it is exactly this focus on the top layer that distracts from the larger workforce problem.

The middle-skill character of the jobs gap is a curse and a blessing. The good news is that the majority of the future’s unfilled jobs require more than a high-school diploma but no more than a four-year degree; many currently underqualified job seekers may be close to attaining the skills they need. This is fortunate because if the newly created jobs of the near future did require more advanced levels of training, the nation would need to build university capacity to make significant progress in producing these additional master’s or doctorate degree holders. The bad news is that producing these degrees is where most prestigious institutions of higher learning traditionally focus, to the detriment of more incremental postsecondary education. Only five million (about 3.5 percent) of U.S. jobs go to scientists and engineers with STEM degrees; most STEM job growth over the next decade will not be in “expert” university teaching or government research. About 30 percent of 2018 jobs will re-

quire education only at the level of an associate's degree or a technical training certificate (National Science Foundation 2012; Carnevale et al. 2011).

A greater diversity of women and underrepresented minorities is still needed at expert levels, particularly in engineering, computer science, and the physical sciences. The greatest need in coming years will be for bachelor's or associate's level STEM degrees. Focusing efforts to produce more STEM degree holders at various incremental levels will have the subsidiary effect of increasing the pool of adults who have the habit of mind to pursue additional STEM degrees in the future.

### The Importance of Postsecondary STEM

The employment sectors expected to see the most growth are “STEM-capable”—they require postsecondary levels of math, biology, technology, or engineering knowledge, even though the day-to-day tasks of these jobs may only rely on these skills part of the time. For example, new jobs in health care will require facility with electronic health records and operation of specialized biomedical equipment. In recent decades, the outsourcing of both service and manufacturing jobs abroad has both eliminated jobs and driven down wages for those that remain stateside. Future manufacturing jobs in the United States are likely to be highly technological, even as white-collar work moves abroad with

greater ease as access to broadband Internet increases. For this reason, the educational bar is being raised for the desk jobs and factory jobs of the twenty-first century that *do* remain in the United States. Employers in America expect value added from their American employees to offset the higher cost of doing business close to home.

Numerous task forces have collected promising ideas for reforming the postsecondary STEM experience. The President's Council of Advisors on Science and Technology has suggested that much of the expected STEM jobs gap could be filled by retaining students who are interested in STEM as high school students and are well-prepared for college, but nevertheless are lost to other majors in their first years of undergraduate studies (PCAST 2012). Unlike the “pull” away from STEM careers described by Anthony Carnevale, director of Georgetown University's Center for Education and the Workforce, where individuals with STEM skills are eventually attracted to jobs that are “STEM-related” but pay more than “pure” STEM careers, and his coauthors Nicole Smith and Michelle Melton (2011), this undergraduate drain of STEM-interested students to other majors is often due to a “push” to leave science and math disciplines that students feel *before* they have STEM skills in hand.

The council's recommendation to retain these students is that undergraduate coursework in STEM must more closely resemble real scientific

research and discovery. Less reliance on lectures or labs with no room for self-discovery of scientific principles is more attractive to students, improves mastery and retention of concepts, and is better training for the future. Group work and experimentation will stimulate high achievers from all backgrounds, but has also been shown to improve outcomes for students who are less well-prepared (Deslauriers 2011), because a deconstructed classroom allows for more parallel discovery than one in which questions and answers happen only between instructor and the student who wins the hand-raising race. Retaining those who are under-stimulated but well-prepared is only one problem. More than half of students who enroll in higher education have no degree eight years later; the degree completion rate has been in decline as more and more students choose college, especially because most increased enrollment has occurred at less competitive institutions (Bound 2009). The Bill and Melinda Gates Foundation's "Completion by Design" is one effort to improve completion rates.

## The Role of Community Colleges

Community colleges are well-positioned to be hubs for STEM-capable degrees. They are geographically well-dispersed, have a history of working with local businesses and nontraditional students, are more likely to

have small classes than larger higher-education institutions, and serve, at some point in their career, a majority of American postsecondary students. Forty-eight percent of all science and engineering bachelor's degree holders attended some community college, and women scientists and engineers are more likely to have attended a community college than their male counterparts, as are Hispanics and Native Americans, indicating that strengthening these schools might diversify the STEM workforce more quickly (NCSES 2012). In addition, nearly 40 percent of K-12 teachers began in community college, and half of minority K-12 educators graduate from minority-serving institutions (MSIs), giving all the more reason to strengthen these programs (Patton 2006).

Hispanic-serving institutions (HSIs) are those where more than a quarter of full-time students are Hispanic. Unlike Historically Black Colleges and Universities, HSIs are not necessarily Hispanic-serving by design, and a school's status can change over time. Together with Tribal Colleges and Universities and institutions that serve large proportions of Asian American and Pacific Islanders, these schools span a wide range of geographic locations, size, selectivity, and degree offerings, including a large percentage of two-year institutions. It is disputed whether MSIs serve their students better than non-MSI institutions. Successful transfer to and degree completion at four-year schools,



including HSIs, relies on a number of factors. Estela Mara Bensimon argues that compared with the K-12 system, there are very few practitioners and researchers of postsecondary student success, though examples like University of Arizona/Pima County Community College's Futurebound, as self-reported by participants, effectively minimize transfer shock for women in STEM (Bensimon 2007; Reyes 2011). Less well-funded two-year schools are less likely to have the funds to hire such practitioners of student success, even though they have higher concentrations of "nontraditional" students and are therefore the school sites where they are most needed.

Unfortunately, community colleges simultaneously face larger challenges in offering cutting-edge teaching in STEM disciplines. The American Institutes for Research estimates that four billion dollars are spent each year on first-year community college students who drop out (Schneider and Yin 2011). A large source of discouragement is placement in a remedial math or writing course. Community college students are more likely to require remedial math coursework (almost 60 percent) than students at more competitive four-year schools (25 percent) (Dowd 2011). These courses absorb school classroom and instructor resources but are not usually credit-bearing, so even the best-case scenario, where the student completes a remedial course the first time, still leaves him or her a semes-

ter behind in STEM tracks, despite all of the school's and student's effort. Failing such a remedial course is correlated with a higher chance of never completing a degree (PCAST 2012). Interventions such as summer catch-up courses and even more informal emphasis and encouragement of incoming students to treat incoming placement exams as high-stakes tests worth preparing for can reduce investment of school and student in remedial work.

## A Shift in Teaching Methods

Compared to other disciplines, research experiences in STEM fields can be expensive for schools to offer and appear competitive and inflexible to students and their schedules. Still, while traditional lecture hours continue to account for a large portion of a STEM degree, the more hands-on training an undergraduate student receives in his or her discipline, the better prepared the student will be. However, STEM lessons and activities can be hands-on without being thought-provoking, which is why many calls for reform argue for increasing student access to "authentic research experiences" (e.g., open-ended projects that are appropriate for students but still give them real scientific questions to solve).

Most schools have adopted the traditional laboratory coursework as a matter of scale, limited resources, and a desire for modularity. This

coursework is as unlikely to attract and develop curious problem solvers to science or engineering research as color-by-numbers would attract and develop young artists to painting. It is crucial that students gain exposure to the physical setting and collaborative environment of technical workplaces, including informed attitudes toward safety and risk management that are difficult to internalize when presented in a lecture, discussion, or even a controlled “cookbook” style lab course.

On average, particularly in the physical sciences, computing, and engineering, academic institutions do not prepare minority and female students as well as they do White and Asian students (National Academy of Sciences 2010). This is an ugly truth for those scientists who hold a rational, meritocratic image of science in their head: the notion that a good scientist will succeed regardless of his or her background because this success does not rely on subjective interpersonal or business negotiations that can be tainted by human prejudice. A recent study of the National Institutes of Health grant award process confirms that the infrastructure of science is just as subject to implicit bias (Ginther et al. 2011); African American researchers were over-represented in the rejected pool and less likely to reapply for funding even though the reject-and-reapply process is recognized by seasoned researchers as a viable strategy toward funding. These researchers often work

at minority-serving institutions that lack resources (equipment, support staff, collaborator network, institutional knowledge, etc.) enjoyed by colleagues at elite institutions. This lack of capacity inhibits their ability to offer high-quality education.

Most STEM faculty use traditional teaching methods. Investing time in following educational research is a luxury that many do not have time for. Younger, untenured faculty who may be interested in evidence-based methods are not rewarded for devoting time to teaching, even if they demonstrate improved outcomes for students. One solution is for higher education administrations to increase visibility of evidence-based coursework already occurring as well as reward faculty for their enhanced service to students through funding or recognition that is considered in tenure decisions.

Nationally, only 63 percent of Latino students complete high school on time, and although this percentage is increasing, Latinos have the lowest educational attainment level of any group in the United States (WHIEEH 2011; Education Week 2012). Nevertheless, there has been tremendous growth in degree attainment for Latinos: a sixty-four percent increase in non-STEM degrees from 1998 to 2007, but only a fifty percent increase in STEM (Dowd et al. 2010), with lower numbers still in the “hard” (natural, physical, or computer) sciences, math, and engineering. This individual non-STEM/STEM gap is recapitu-

lated in degrees awarded by Hispanic-serving institutions: 40 percent of all Latino bachelor's degrees are awarded by HSIs, but these schools award only 20 percent of STEM bachelor's degrees; that is, HSIs do a relatively worse job at retaining their Latino students in STEM majors than other majors (Dowd et al. 2010). Some interventions and experiences that motivate students to complete STEM degrees may be out of reach for these schools due to lack of resources or expertise, so building STEM research and teaching capacity at schools may improve these numbers.

Interestingly, African American and Hispanic students, who are sorely underrepresented in all STEM fields other than the social sciences, have been found to express interest in these fields at comparable, if not higher rates as White and Asian students. Data from the University of California at Los Angeles's Higher Education Research Institute show virtual parity between underrepresented minorities and White and Asian students entering four-year schools in their intention to major in a STEM field since 2008. Alicia C. Dowd, Lindsey E. Malcom, and Estela Mara Bensimon (2009) marked Latino intent to major in STEM at 36 percent. In fact, this level of interest on the part of underrepresented students is consistent if not higher than that of their peers dating back to the mid-1980s (National Academy of Sciences 2010). Some studies have also found that

African American and Hispanic students self-report greater engagement in their college experience than their peers, including greater personal, social, and academic gain, at both four-year and two-year schools (Greene et al. 2008). Institutionalizing "student success" courses for credit could reward these students for their efforts. Hands-on coursework, internships, and the like may help these students because the environment in which they invest energy acclimatizing to is closer to that of a real-world job environment that part-time students may actually be more comfortable in.

There is some evidence that educators who teach non-major courses are already more flexible in their teaching methods. Only two-thirds of arithmetic courses used alternatives to lectures, while anywhere from four-fifths to nine-tenths of calculus and differential equations courses did (Bragg 2011). Programs like CRAFTY (Curriculum Renewal Across the First Two Years) and Quantway and Statway are building curricula and tools to disseminate more nontraditional practices and more integrative, problems-based topics widely. Greater access to hands-on courses may help to recapture students with spatial reasoning strengths who in the past gravitated toward manufacturing or trade school but may no longer have access to such specialized technical courses (National Science Board 2010). These students would benefit from teachers who have experience

in industry or otherwise know how to recognize potential in students who may not have excelled or delighted in STEM courses before.

Currently, many workers who are employed in STEM-capable jobs, particularly those in non-engineering majors, arrive in such positions after completing STEM degrees whose coursework is not particularly tailored to the tasks. While this well-rounded, liberal arts approach to career preparation is time-honored at the bachelor's level, it may not be appropriate for students who want very specialized training for careers near where they are already living, working, and studying. Ideally, these specialized certificates or associate's degrees should, when possible, allow workers to reenter institutions at a later date to pursue additional degrees. Allowing STEM degree holders to more incrementally accrue credentials on a need-to-know basis is ultimately good for the economy and for individuals, as it minimizes excess course demand that is not relevant. But more work must be done to build connections and validate that courses can serve dual purposes of career preparation and fundamental knowledge-building necessary for future schooling.

### **A Focus on Underrepresented Minorities**

Combined, Blacks and Hispanics made up only 70 percent of K-12 teachers in 2008. Black and Hispanic students are less likely both to have

teachers who look like them and who are experienced teachers with STEM degrees, which are scarcer in high-poverty schools with higher turnover (Ingersoll and May 2011). Credential programs that recruit diverse student populations to teaching degrees, especially those that allow concurrent pursuit of STEM degrees, can improve these statistics, as can legislation that requires "comparability" in access to high-quality teaching at the school, rather than district, level.

As discussed earlier, there is, overall, no shortage of STEM PhDs. However, depending on the field, women and minority groups are underrepresented to various degrees. It is worth considering factors that dissuade students with high interest and high preparedness from seeking advanced STEM degrees. Even if students engage with the material, they may take away (inaccurate) lessons from academia about what working in STEM is like. Oftentimes the argument is made that minority students seek professionals who "look" like them, but research (Carnevale et al. 2011), as well as other findings about the effectiveness of mentors, gives credence to the notion that they also need STEM role models who share their values. Exposure to professionals through internships, mentorships, or speakers' series can provide students with a vision of their future and prevent them from selecting out of STEM environments when the academic culture is not inviting (Packard 2011).

The desire to stay out of debt motivates student populations differently. For example, among STEM bachelor's degree holders, Hispanics were more severely deterred by their student loan debt than others (Dowd 2011). While it is unreasonable to suggest that graduate stipends should try to compete with salaried jobs in terms of dollars, schools *can* combat the risk aversion of underrepresented students by guaranteeing placement as either a teaching or research assistant during graduate school, offering at least the consistency of a "real job." Highlighting the recent extension of income-based repayment of student loans more broadly to careers in public service, including STEM-capable public service, can also decrease the fear that investing in STEM higher education doesn't pay.

Classroom, department, and institutional policies that require students to opt out of interventions can nudge greater participation in programs that improve student success. Requiring attendance, contacting students who fail first exams, and providing students with near-real-time data about their progress can prevent surprises or disappointment. At the institutional level, schools can reach out to students who are close to graduation but, for whatever reason, have dropped out. This is one of the easiest ways to make good on the investment—by the public with education funds and by the student with their time, money, and effort—already made.

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# DANIEL GONZÁLEZ



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Daniel González, *A Struggle for Every Generation*, 2012, linoleum cut printed on paper, 8" x 10".



# ANATOMY OF A COMMUNITY'S COMING OF AGE

By Henry A. J. Ramos

*HENRY A. J. Ramos is a 1985 Master in Public Administration graduate of the John F. Kennedy School of Government at Harvard University and founding editor of the Harvard Journal of Hispanic Policy. He currently serves as a gubernatorial appointee on the California Community Colleges Board of Governors.*

**W**hen I founded the *Harvard Journal of Hispanic Policy* in the mid-1980s, Hispanic America was a largely unknown and underappreciated force on the American political landscape. Some demographers were beginning to note that our growth trajectory across the nation was potentially game changing, but the vast majority of American policy makers, opinion leaders, and the broader public was mostly ignorant of our impending national significance.

At that time, Latinos (then only 6 percent of the national population, compared to more than 16 percent now) were mainly concentrated in a handful of cities and states and largely seen as a population of non-English speaking immigrants. Positive media representations of Latinos were almost nonexistent, and there were few policy leaders with a Hispanic background or expertise in national policy-making circles. In effect, the U.S. Latino community was neither

positioned as nor seen to be a major factor in American public life.

Now, a generation later, the nation is waking up to the reality that, looking to the future, as Latinos go, so goes our nation. Indeed, after a long wait dating back to the founding of the United States and its extension westward, our community has finally come of age.

One part of the equation is the Latino population's rapid growth in recent years and the projection of even greater numerical increases and geographic dispersion of our population in the years to come. By 2050, Latinos are expected to make up fully one-quarter of the national population.

As important as our raw numbers are, however, so is our community's growing prevalence in virtually all corners of the nation, especially in the states most influential in presidential elections: California, Florida, Illinois, New York, and Texas.

As recently failed Republican presidential candidate Mitt Romney learned, and the nation with him, it is no longer possible for any presidential hopeful of either party to be elected without winning the majority of these states; and it is no longer possible to win any of these key electoral states without the support of a majority of Latino voters. As we also saw in 2012, this trend is increasingly characteristic of major senatorial and statewide campaigns for office.

In essence, within a single generation, Latinos have gone from being a

forgotten and marginalized minority to an essential swing voting bloc in the nation's most important elections.

Hispanic Americans still have a long way to go to achieve political, economic, and social equality. To be sure, Hispanic school completion rates are still too low, and Latino health and economic mobility indices remain disturbing in the early twenty-first century. Anti-immigrant sentiment and related hate crimes directed mainly at Latinos also remain significant concerns. Political representation of Latinos in policy-making fields, though increasing steadily, continues to be too low. Despite these lingering realities, no one can doubt that Latinos are suddenly a large factor in our national life and that we are making remarkable progress.

The implications of these developments are huge. They mean that, one day soon, America will elect a Latino president. They mean that, one day in the not-too-distant future, more and more influential states across the land will elect Hispanic governors, U.S. senators, mayors, and other high-ranking policy officials. As all of these changes occur, Latino men and women will have the opportunity for the first time in U.S. history to affect the major policies that will define the American future.

Our emergence as a political force across the land is not merely a product of our growing numbers and reach as a community. It is also a result of the significant gains we have made in



Henry A. J. Ramos, *Justice Has No Borders*, 2005, acrylics and collage, 24" x 27".

recent decades in creating essential mediating institutions that have leveraged our talents and perspectives in fields ranging from law and the media to education and philanthropy.

Latino organizations in these and other fields have provided a platform for our community to develop effective leaders, to build community assets, and to gain voice in state and national political discourse. These

organizations—ranging from anchor civil rights networks like the National Council of La Raza to business and professional groups like Hispanics in Philanthropy, the New America Alliance, and the National Association of Latino Elected and Appointed Officials—have increasingly helped to mainstream our political identity and interests just as Jewish American, African American, Asian American,

women's, and lesbian, gay, bisexual, and transgender anchor institutions have helped give those important and historically excluded groups an accepted place in policy making and in other centers of national life.

At each step of our journey to gain national political standing and a modicum of power, we have also made strides to access positions historically off limits to us. We have effectively fought for a place at the table in corporate America. We have made important contributions to the American military. We have increasingly succeeded in the worlds of sports and entertainment. We have developed strategically significant intellectual leadership through our achievements in organized philanthropy, journalism, and higher education.

In this final connection, the *Harvard Journal of Hispanic Policy* has played an important role. The journal has provided us with a platform for community leadership exchange and self-expression at the institution of higher learning that many people across our nation and abroad consider to be America's premier center of academic and intellectual pursuit. It has enabled Latino faculty, staff, and students within the prestigious Harvard community to find and work with one another in ways that have been unprecedented and increasingly advantageous both to our community's and Harvard's quest to better represent new and emerging groups that will shape the nation's and the

world's future. Finally, and perhaps most importantly, the journal has created an increasingly important space for the development of the ideas and perspectives of both established and emerging thought leaders concerned about the future of Hispanic America and its role in advancing the American Dream.

The culmination of these developments, coupled with our robust population growth of recent years, has helped to redefine what it means to be an American at the outset of the twenty-first century. All of this progress did not happen as part of a well-orchestrated plan of action by our community leaders, nor as an accomplishment preordained by history. Rather, our entrance into popular culture and high-level politics has resulted from important sacrifices by uncounted individuals and groups of Hispanic heritage acting on independent but ultimately reinforcing tracks all across the land over many years. The happy coincidence of all these efforts coming together now means that Latinos and Latinas of the future will have the opportunity to participate in American civic culture in ways we never have before, which is to say in ways that are finally strategic, connected, and impactful.

Had we not developed institutional presence and capacity such as that reflected in the evolution of our anchor law and social justice organizations, our business associations, our journalistic and media networks, and our

philanthropic and educational partnerships, we would not, indeed could not, have come so far so fast.

The *Harvard Journal of Hispanic Policy*, now more than twenty-five years in circulation, is a particularly important barometer of our progress as Americans in the context of community institution building and empowerment. In its early iterations, the journal was a bellwether of things to come, of talent still to be tapped and developed, of a community still searching for relevance and place. Today however, the journal is poised to serve a higher purpose. It is instead situated to provide an essential pathway to leadership development, public policy engagement, and intellectual progress that is beneficial not only to Hispanic Americans, but also to Americans of all backgrounds who care about our nation's future.

Our great opportunity now as a community of common interest and destiny is to contribute to the next generation of American progress and justice and to show that, despite continuing anti-Latino sentiment in too many places, we Latinos are in fact net givers rather than takers. We are an essential source of American solutions rather than merely producers of complex and thorny problems.

This is precisely the position we envisioned when the journal's small founding staff convened to take up its development. Back then, few could truly appreciate our vision. Today, though, history and the unfolding fu-

ture all around us reinforce what we surmised all those years ago. Namely, Latinos across the United States are destined to help lead our nation to the better future that awaits us all—a future that is more inclusive and fair, more dynamic, and more successful in achieving America's democratic promise than ever before.

# RAY ROSARIO



*MY PURSUIT to better the world with my gift is a direct response to needs and changes that our society has imposed upon my life. As our world approaches a technological height, we need to recognize our purpose and value all of life, both human and organic. As humans beings, there are many commonalities that we share regardless of race, ethnicity, or color. We are living with a void in our hearts because we are lacking love—love for our surroundings, love for life, and most importantly, love for ourselves. Without self-love we cannot give love of any form.*



Ray Rosario, *Infusion*, 2001, mixed media on threaded fiber paper, 64" x 51"



Ray Rosario, *Freedom Battle*, date unknown, mixed media on threaded fiber paper, 40" x 55".



# BORDERLANDS

## U.S.-Mexican Border Policy in Pictures

By *Maria Davydenko*

*MARIA DAVYDENKO is a 2013 Master in Public Policy candidate at the John F. Kennedy School of Government at Harvard University. She is also a Pickering Undergraduate Foreign Affairs Fellow.*

**I**n May 2012, eleven students of the John F. Kennedy School of Government at Harvard University visited El Paso, Texas, and Ciudad Juárez, Mexico, as part of a Leadership Service Seminar (LSS) program sponsored by the Center for Public Leadership at the Harvard Kennedy School and the offices of the Academic Dean and the Dean of Students.

### **Foreword**

“*La biblia es la verdad. Leela.*” The words, meaning “The Bible is the truth. Read it,” jumped out at us from the mountainside as our van sped toward El Paso. In the days that followed, we explored the U.S.-Mexican border from what seemed like every angle. We drove up to the fence with U.S. Border Patrol agents who told us of the most creative attempts at circumvention, quipping that a forty-foot fence could always be scaled by a forty-one-foot ladder. We looked past officials to

impacted communities as we toured the Otero County Processing Center, which houses migrants awaiting trial for illegal entry into the United States, and attended the immigration hearing of a gentleman who wanted desperately to stay in the United States to take care of his sick wife, an American citizen. We also spoke with advocates at the Las Americas Immigrant Advocacy Center. Perhaps most challenging, however, was the trip across the border into Juarez.

Separated from El Paso by the Rio Grande and a swath of *maquilas* (production plants), the streets of Juarez seemed strangely ordinary save for the constant patrol of government troops. In one of the most dangerous cities on earth, the *Centro de Derechos Humanos Paso del Norte, A.C.* (Center for Human Rights) greeted us with unparalleled hospitality and warmth. But with the kindness came pushback, skepticism at the true aims of the Mérida Initiative, and a general suspicion toward government, inevitable in a city overrun by the military, bloody cartel battles, and a string of limited but infamous femicides, a term used to describe the murders of women and girls.

The Mérida Initiative is a security cooperation agreement jointly implemented by the United States and Mexico in 2008 to fight drug trafficking and other kinds of transnational organized crime. Shared responsibility is a key theme surrounding the legislation. Under the initiative, the U.S.

government has contributed \$1.6 billion toward training security personnel, fighting corruption, and bolstering Mexico's nonmilitary police force. Critics of the initiative say it throws money at the symptoms instead of tackling the underlying causes. A number of the stakeholders in El Paso were frustrated with the initiative, believing it funneled money directly to "the wrong guys" or corrupt government officials. The *Centro's* employees described again and again how government policy, both Mexican and American, had failed *Juarenses* (residents of Juarez). We found ourselves doubting the toolkit of policy analysis (statistics, economics, ethics, and management) we had come to the Kennedy School to acquire.

It was a week of questioning assumptions and confronting the tensions of the border policy debate head-on. We thought Border Patrol agents would be terse and apathetic, but they told us stories of finding water jugs for border jumpers in the desert and looking the other way. We expected the border to be a tall, steely monolith, but in the city center it was demarcated by a simple chain-link fence, and out in the desert west of El Paso, by nothing at all. We chatted and played with *Juarenses* children through the chain links one afternoon, a lighthearted moment that left us unsure of what to feel afterward.

Our experience on the border was intimately tied to its people. After every encounter, we came home to

Annunciation House, a nonprofit that provides shelter to migrants after they cross the border into El Paso, which graciously hosted us. We were at first regarded tentatively, even with amusement. But over time, A-House residents opened up to us with their stories. They came from all across Central America, even from Somalia. We made it our mission to amplify their stories and voices in our meetings with government officials and at the Kennedy School upon our return.

Our meetings with public servants—whether Border Patrol agents, U.S. Drug Enforcement Administration agents, the U.S. Immigration and Customs Enforcement Chief Counsel Elias Gastelo, or John Cook, the El Paso mayor—helped us see that progress was slow but possible. At the office of then U.S. Congressman Silvestre Reyes, we met with staffers who were well acquainted with the complex web of stakeholders we were just beginning to discover. The El Paso Sector, as Border Patrol calls this 268-mile stretch of the border, is the confluence of two states—Arizona and Texas—as well as two countries, with both federal and local jurisdictions. The issues surrounding this physical and regulatory barrier are inextricably linked: trafficking in drugs, arms, and humans; cartel violence; migration; the North American Free Trade Agreement; and the *maquilas*. These linkages breed complexity, but the greatest takeaway for the participants of 2012 LSS program was the need to embrace that complex-

ity as policy makers and to have the courage and persistence to take action anyway.

# PHOTO ESSAY

by Maria Davydenko, Octavio González, and Victoria Rietig



*“La biblia es la verdad . . .”*



Seeing the border through Border Patrol's eyes.

“Before we can talk about co-responsibility on the border issue, we have to address responsibility. Even with the Mérida Initiative, neither the U.S. nor Mexico is there yet.”

—John Hoag, MPP 2013



View from outside Otero County Processing Center.



Where El Paso meets Juarez.



The border from the Juarez side.

“Co-responsibility at the border means not only governments taking responsibility, but the people of Mexico and the United States taking responsibility at every level.”

— Anya Malkov, MPP 2013



On the factory floor at the *maquila*.

“It is clear in speaking with the people from the *Centro* in Juarez that they believe that the Mexican government is truly corrupt. I had a really powerful conversation with a gentleman in El Paso. He said to me, ‘Problems have been building up over decades to put Mexico in its current position with the violence, drug war, and corruption. The policies being implemented right now are trying to solve those problems in just a few years, and they are trying to do it with bullets.’ His words stay with me. Democracy in Mexico is being tested right now by the culture of corruption. It is affecting everything—it is affecting us.”

— Alberto González, Jr., MPP 2013





Meeting the activists at *Centro de los Derechos Humanos* in El Paso Norte, Juarez.



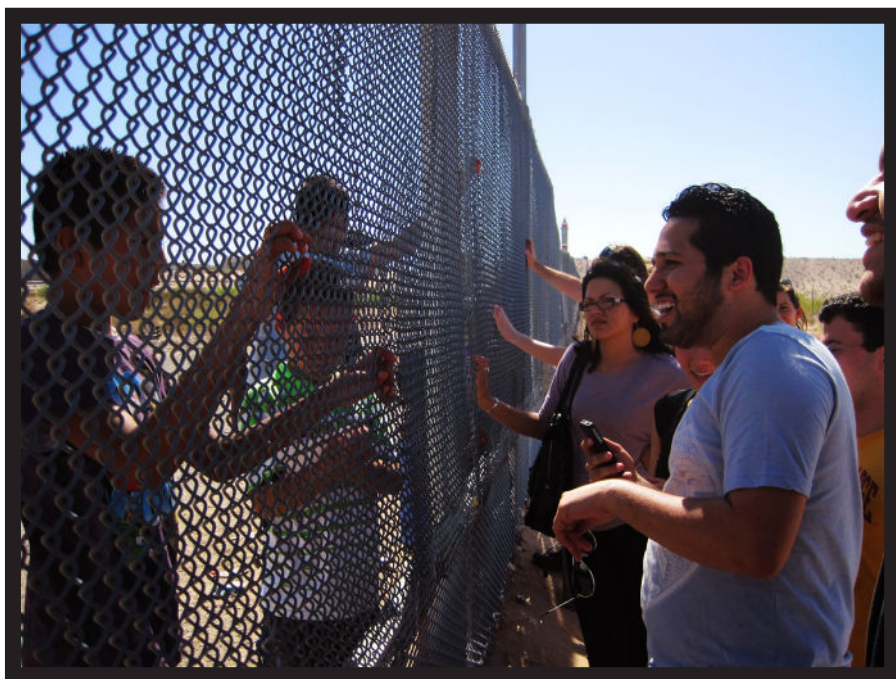
Group picture at the border.



The border west of El Paso.

“We’ve seen how poor education ties to drug use, how higher drug use feeds cartels, how cartels feed violence, and how that violence feeds migration patterns. We see all these links, but we need to get past the negative feedback loops to cycles that can create ameliorative processes.”

— Loren Gary, associate director, Center for Public Leadership



An unexpected encounter.



View from the top of Annunciation House.



Our first meeting with Annunciation House staff to talk Borderlands 101.



Jeanette Acosta (MPP 2012) and Salmon Hussein (MPP 2013) speak with the ICE Chief Counsel, Elias Gastelo.

“A web of government stakeholders touches this issue at every level. But this web is not as connected as I thought. Hearing about the lack of communication between the El Paso mayor’s office and the ICE team—and others—has made me realize there are still many gaps. There are a lot of people heavily invested in helping immigrant communities, but government actors are not as closely connected as I expected.”

— Jeanette Acosta, MPP 2012



Parting serenade from Mayor of El Paso, John Cook.

“Talking to the mayor was heartening. It reminded me that there are officials out there with two things going for them: they are in touch with their constituents and know what is happening in their community but knowledgeable and eloquent enough about politics to be good representatives of their constituents on a higher political level.”

— Victoria Rietig, MPP 2013

# WHEN ENGLISH IS NOT ENOUGH

*Escamilla v. Cuello*

by Donathan L. Brown

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## Abstract

Shifting global demographics produce ongoing political discourse on immigration. In the United States, history continues to repeat itself through the forged rhetorical relationship between individuals who speak English and individuals who are considered “American.” As the debate over immigration reform intensifies, so do efforts to regulate/restrict all languages deemed “foreign.” In Arizona, both officeholders and seekers who do not read, write, speak, and understand English “sufficiently well” risk having their candidacy revoked. This was the case with Alejandrina Cabrera, a former city council candidate in the southern Arizona border city of San Luis. This article argues that the political history of Arizona, as it pertains to matters of an English-only society, has historically operated within the restricted parameters of a paranoid style with the Cabrera case illustrating its modern metamorphosis.

**A**s racial and ethnic demographics continue to shift in the United States, so do mounting so-called concerns over how best to preserve American traditions, values, and laws. Intensified by political efforts to “take our country back” (a phrase most commonly

heard in reference to the divided state of American politics), the passage of controversial state-level immigration enforcement laws, a lack of congressional coordination over immigration reform, and a weakening economy amount to a perfect storm. The current political atmosphere surrounding language and cultural assimilation (Edwards 2009) is akin to earlier American political campaigns concerned about the “German threat” (Brown 2011). Concerns over American authenticity, especially amidst times of war and shifting national demographics, continue to give way to questionable articulations of American national identity (Huntington 2005, Tancredo 2006). Forever preoccupied with articulating what it means to be American, lawmakers attempt to justify “common tongue” (Brown 2010) interpretations of who is and who is not American.

It is unclear whether an intensified quest to define and articulate American commonality has been assisted by means of official language laws. Our efforts to “unify” the nation have resulted in the passage of official language laws in twenty-nine states, with Oklahoma being the most recent in 2010. With the supposed sociopolitical and economic implications of a growing Latino demographic looming, which include speculations over the loss of “core” American values (Buchanan 2002), our pace toward achieving national unity continues to suffer from a seemingly systemic dis-



sociation between “us” and “them,” between “ours” and “theirs” (Santa Ana 2002).

Because the historical and rhetorical legacy of political campaigns aimed at promoting national unity have adjusted to shifting demographic trends, the legal battle that Alejandrina Cabrera faced came as no surprise. Cabrera is a former city council candidate in the southern Arizona border city of San Luis. Being labeled “not sufficiently fluent” in English by the Arizona Superior Court in Yuma County resulted in the removal of Cabrera’s name from the ballot. While the 1910 passage of Arizona’s Enabling Act requires both officeholders and seekers to “read, write, speak, and understand English sufficiently well” (Act June 20, 1910, c. 310, 36 U.S. Stat. 557, 568-579), it does not specify or quantify proficiency, nor does it articulate ways to measure fluency. This policy leaves many unanswered questions and further directs suspicion to a state legislature engulfed in a political crisis over both its enactment of immigration laws and its banning of ethnic studies classes in public schools. Given these and other troublesome developments, this article pursues this peculiar pairing of shifting demographics and questionable political actions.

Despite recent news coverage and protest over recent policy enactments by the state of Arizona, I argue that the state of Arizona’s racial politics have a legal history and legacy of dis-

enfranchisement preceding Arizona’s statehood. Specifically, I contend that the state of Arizona has historically operated within the restricted parameters of a paranoid style. The Alejandrina Cabrera case illustrates the most recent manifestation of this paranoid style.

I, like Richard Hofstadter, refer to this genre of political rhetoric as a “paranoid style simply because no other word adequately evokes the qualities of heated exaggeration, suspiciousness, and conspiratorial fantasy that I have in mind,” particularly when accounting for the peculiar racial dimension involved in such policy formations, whether acknowledged by state lawmakers or not (Hofstadter 1965). To begin, I review the legal history surrounding Arizona’s English-only movement to not only better situate the context of the Cabrera controversy, but also to illustrate how this case does not stray far from the political precedent. Next, I examine the actions and arguments offered to successfully deny Cabrera her city council candidacy in light of this paranoid style, before concluding with final thoughts.

### **The Backstory: From 1910 to Present**

While most documents point to 1988 as Arizona’s first attempt toward securing an official language, there is evidence suggesting Arizona sought English as its official language prior

to it becoming a state in the Union. In anticipation of statehood, the 1910 adoption of the Arizona Constitution included numerous sections and subsections regarding the construction and maintenance of the state apparatus such as public education and achieving “perfect toleration of religious sentiment,” amongst many others (Act June 20, 1910, c. 310, 36 U.S. Stat. 557, 568-579). On face value, many of the stated purposes of the 1910 Arizona Constitution and goals are to be expected. Some, however, raise serious concern not only about the state’s founding nativist principles but also about how such principles are selectively cited and enforced today, especially pertaining to race and therefore to the Latino community. At the center of the current controversy over what defines English fluency is Section 20 of Arizona’s Enabling Act, which reads:

That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that [the] ability to read, write, speak, and understand the English language sufficiently well to conduct the duties

of the office without the aid of an interpreter shall be a necessary qualification for all state officers and members of the state legislature. (Ch. 310, 36 Stat. 559 (1910))

Given the central argument that two Arizona courts pursued to remove Alejandrina Cabrera’s name from the ballot in consultation with Section 20, a closer examination at issues pertaining to “official” and “national language” policies and their peculiar correlation to race and immigration is warranted (Lieberman 2005). The ambiguous meaning of “understand the English language sufficiently well,” acts as the foundational stanza that links the past to the present, providing the needed legal elasticity to execute questionable maneuvers against a particular group of people. Here, the paranoid style “represents an old and recurrent mode of expression in our public life, which has frequently been linked with movements of suspicious discontent” against those viewed and defined by lawmakers as a so-called threat to our overall well-being (Hofstadter 1965). This 1910 law established the legal basis for paranoia and

The paranoid style “represents an old and recurrent mode of expression in our public life which has frequently been linked with movements of suspicious discontent” against those viewed and defined by lawmakers as a so-called threat to our overall well-being.

distrust due to the fact that there is no way to gauge, quantify, or otherwise assess the meaning of “sufficiently well,” and therefore such ambiguity allows for the legal elasticity needed to deny the absorption and incorporation of those groups of people that lawmakers deem undesirable.

Since 1910, Arizona experienced two fundamental addenda to state law that contribute to the paranoid political and legal atmosphere surrounding the Cabrera case: Article 28 and Proposition 103.

In 1988, supporters of the organization Arizonans for Official English canvassed the state for signatures in favor of a ballot initiative prohibiting the state government’s use of languages other than English. Following the group’s successful petition drive, the proposed amendment became known in some circles as the “most restrictive official language law in the nation” (Tatalovich 1995). By a slim 1 percent margin (50.5 percent to 49.5 percent), Arizonans approved the state constitutional amendment, Article 28, entitled “English as the Official Language,” the same year. Arizona’s Article 28, unlike existing laws in other states, is comparatively lengthy and more restrictive in scope. It contains four sections and numerous subsections and is applicable to the legislative, judicial, and executive branches, along with all “political subdivisions, departments, agencies, organizations, and instrumentalities.” For instance, when discussing linguistic restric-

tions under Section 3, Article 28 notes:

(a) This State and all political subdivisions of this State shall act in English and in no other language.

(b) No entity to which this article applies shall make or enforce a law, order, decree or policy which requires the use of a language other than English.

(c) No government document shall be valid, effective or enforceable unless it is in the English language.

While Article 28 makes allowances for federal compliance, teaching foreign languages, protecting public health, and protecting the rights of criminal defendants or victims of crimes, it also includes an enforcement provision that allows persons to pursue legal action against those businesses, officials, or other parties that violate this law. As seen here, for the sake of preservation and supposed unity, lawmakers in Arizona seem to be following the idea that without proper mechanisms any society can possibly have too much diversity or even foster the wrong kind of diversity” (Rodriguez 2007). In its most basic elements, the central image of a paranoid style “is that of a vast and sinister conspiracy, a gigantic and yet subtle machinery of influence set in motion to undermine and destroy a way of life.” Therefore, bilingualism is the looming threat that must be contained by means of legislative restraint if order is to remain (Hofstadter 1965, 29).

The legal challenge associated with Article 28 stemmed from a lawsuit filed by Maria-Kelley Yniguez, a state employee who processed medical malpractice claims. In fulfilling the duties of her job, Yniguez explained she would oftentimes assist citizens in both English and Spanish. Yet, as written, Article 28 made her cease speaking Spanish while operating in her official capacity for fear of disciplinary actions. While Article 28, amongst other mandates, establishes English as the official language of the state, Section 4 of Article 28 also requires official actions of the state to be conducted in English only. Thus, Yniguez asserted that this article violated her First and Fourteenth Amendment rights under the United States Constitution. In seeking an injunction against Article 28's enforcement, Maritza Peña recounts, "reaching the merits of Yniguez's claim, the U.S. Court of Appeals for the 9th District ruled that Article 28 was facially broad in violation of the First Amendment. In granting declaratory relief, the District Court denied injunctive relief in favor of Yniguez because no enforcement action was pending, and thus the court did not reach the other constitutional issue that Yniguez asserted" (Peña, 1997/1998). When the state decided not to file an appeal, the Court of Appeals permitted Arizonans for Official English to intervene and appeal the judgment. Given the great importance of this case, the Ninth Circuit Court of Appeals also

affirmed the ruling of the lower court in Yniguez's favor in an *en banc* decision, opining that Article 28 violated the First Amendment rights of public employees and elected officials. Arizonans for Official English then appealed to the Supreme Court of the United States.

On 25 March 1996, the U.S. Supreme Court granted *certiorari*, agreeing to review the lower courts' decisions. On a case that embodied such a compelling state interest, the anticipated ruling drew much attention given the highly politicized nature of official language policies. In a decision that could determine not only the fate of Arizona's amendment but also the constitutionality of further attempts to legislate English-only, the Court's unanimous decision was surprising. In delivering the opinion of the Court, Justice Ruth Bader Ginsburg turned a deaf ear to both of Yniguez's First and Fourteenth Amendment claims and instead stated:

Federal courts lack competence to rule definitively on the meaning of state legislation . . . Participants in the federal litigation, proceeding without benefit of the views of the Arizona Supreme Court, expressed diverse opinions on the meaning of the amendment. Yniguez commenced and maintained her suit as an individual, not as a class representative. A state employee at the time she filed her complaint, Yniguez voluntarily left the State's employ in 1990 and did not allege she would seek to return to a public post. Her departure for a position in the private sector made her claim for

The central image of a paranoid style “is that of a vast and sinister conspiracy, a gigantic and yet subtle machinery of influence set in motion to undermine and destroy a way of life.” Therefore, bilingualism is the looming threat that must be contained by means of legislative restraint if order is to remain.

prospective relief moot. The Ninth Circuit had no warrant to proceed as it did. The case had lost the essential elements of a justiciable controversy and should not have been retained for adjudication on the merits by the Court of Appeals. We therefore vacate the Ninth Circuit’s judgment, and remand the case to that court with directions that the action be dismissed by the District Court. We express no view on the correct interpretation of Article XXVIII or on the measure’s constitutionality. (*Arizonans for Official English v. Arizona* (95-974), 520 U.S. 43 1997)

In scolding both the reach and scope of the Ninth Circuit’s earlier actions, Justice Ginsburg declined to rule on the merits of Yniguez’s constitutional challenge to Arizona’s Article 28 and instead dismissed the case on account that Yniguez filed suit as an individual, not as a class representative, and was no longer a state employee once the case reached the Supreme Court, making her claim moot in the eyes of the Supreme Court. In what could have been a landmark decision, directly impacting the reach

and scope of the English-only movement, the Supreme Court chose to sidestep questions of constitutionality and avoided judgment altogether.

While rulings prior to the Yniguez case, such as *Puerto Rican Organization for Political Action (PROPA) v. Kusper* (1973), *Lau v. Nichols* (1974), and *Asian American Business Group v. City of Pomona* (1989), established a connection between language discrimination and racial/national origin discrimination, the judges ruling over the Yniguez case did not invoke any of those rulings. For instance, in *Hernandez v. New York* (1991), a case involving a prosecutor who used peremptory challenges to disqualify bilingual jurors, Justice Anthony Kennedy (writing on behalf of the majority) made the link between language discrimination and racial/national origin discrimination. In Justice Kennedy’s words, “as we make clear, a policy of striking down all who speak a given language, without regard to the particular circumstances of the trial or the individual

## Yet, given the lack of benchmarks, measures, or matrix to assess English proficiency it is impossible to definitively interpret the law.

responses of the jurors, may be found by the trial judge to be a pretext for racial discrimination” (*Hernandez v. New York*, 500 U.S. 352 1991). While Justice Kennedy provided the foundation to support Yniguez’s First and Fourteenth Amendment challenges, Justice Ginsburg and the other justices instead decided to take the path of least resistance, neglecting to provide constitutional guidance to a political movement guided by questionable legal underpinnings.

While the various courts did not rule Article 28 unconstitutional or in violation of the Fourteenth Amendment, proponents knew their greatest obstacle resided in the free speech clause of the First Amendment. Knowing the limits of legal feasibility, proponents returned to the drawing board in efforts to again approach Arizona voters over the question of an “official language,” though this time, with a few modifications.

While official language proponents did not take immediate action toward redirecting their efforts at remobilizing their political base, in 2006 Arizona was introduced to Proposition 103, the English as the Official Language Act. On 7 November 2006, by means of a legislatively referred constitutional amendment, Arizona vot-

ers overwhelmingly approved a new official language measure aimed at preserving, protecting, and enhancing the role of English as the official language. By securing 74 percent of Arizonans’ approval, the state welcomed its new English-only amendment, replacing Article 28. Rewritten in light of the previous legal challenges, Proposition 103 sought to strike a balance between free speech concerns and the preservation of the English language by most notably defining the parameters of state official action, the key point of tension in the Yniguez case. Nonetheless, Proposition 103, like Article 28, maintains the historical legacy of suspiciousness toward the state’s thriving Latino population, as both policies believe an official language will enhance and protect the role of English in Arizona.

The year 2006 was a landmark year for policy deliberations pertaining to immigration and official language legislation at all levels of government. These deliberations included two failed attempts at immigration reform introduced in both the House and Senate chambers along with a Senate amendment introduced by Oklahoma Republican Senator James Inhofe, entitled the National Language Act of 2006 (Brown 2012). The belief that

an official language will safeguard the nation against sociopolitical collapse is an all too common theme repeated by official language proponents like Indiana Republican Congressman Mark Souder. Without an official language, Souder warned, “we are all going to descend into chaos,” later adding, “if you are going to come to America, then learn our language” (Gamboa, 2006).

What remains peculiar about the passage of Proposition 103 in Arizona is that it came just two years after a 2004 U.S. Census Bureau report announced Latinos as the nation’s largest and fastest-growing “minority” group, overtaking African Americans, thus inviting much attention and many questions regarding the state of Latino politics in America. Latinos, often characterized as a “swing vote,” as Christina Beltrán informs us, possess “the potential of providing the margin of victory in close races,” and represent “the electorate’s fastest growing segment,” whereby what once was deemed a political “safe seat,” no longer exists in such absolute terms (Beltrán 2010, 4). If nothing else, the year 2006 provides a unique snapshot of policy deliberation pertaining to issues aimed at a growing Latino population (Barreto et al. 2009).

Arizona’s new official language law, Proposition 103, outlines a series of highly questionable core assumptions as follows:

Whereas, the United States is comprised of individuals from diverse

ethnic, cultural and linguistic backgrounds, and continues to benefit from this rich diversity; and

Whereas, throughout the history of the United States, the common thread binding individuals of differing backgrounds has been the English language, which has permitted diverse individuals to discuss, debate and come to agreement on contentious issues; and

Whereas, in recent years, the role of the English language as a common language has been threatened by governmental actions that either ignore or harm the role of English or that promote the use of languages other than English in official governmental actions, and these governmental actions promote division, confusion, error and inappropriate use of resources; and

Whereas, among the powers reserved to the States respectively is the power to establish the English language as the official language of the respective States, and otherwise to promote the English language within the respective States, subject to the prohibitions enumerated in the Constitution of the United States and federal statutes.

The alleged justification behind this measure is the mitigation of a looming threat that promises to interrupt and possibly displace the role of the English language. Such core assumptions raise suspicion and foster distrust to a point where the established political hierarchy, argues Amardo Rodriguez (2007), “is supposedly vital for the evolution of a good society,” which is the state of Arizona in this case. These “government actions that either ignore or harm the role of English” represent, among others, programs like bilingual

education and inaction at the federal level over immigration reform. Yet, no evidence is offered nor examples stated to illustrate how federal actions continue to, as Proposition 103 states, “promote division, confusion, error and inappropriate use of resources,” which leaves many questions unanswered. Even Proposition 103’s assumption that “the common thread binding individuals of differing backgrounds has been the English language, which has permitted diverse individuals to discuss, debate and come to agreement on contentious issues” raises serious questions over historical accuracy and factual evidence. Landmark cases, such as *Meyer v. Nebraska* (1921), *Negrón v. New York* (1970), *Garcia v. Gloor* (1980), and *Plyler v. Doe* (1982), illustrate how the English language was and is by no means the “common thread binding individuals.” This is something various groups, including Native Americans (Trafzer et al. 2006), German immigrants (Martin 2010), Latinos (Del Valle 2003), and “national origin-minorities” (Schmid 2001), along with those deemed “limited English proficient” (Carrasquillo and Rodriguez 2002), have learned through scores of discriminatory actions that eventually resulted in changes to federal law.

As seen here, the policy’s stated core assumptions about the nature of societal unity amidst shifting demographics are questionable, further illustrating that “what is at stake is always a conflict between absolute good

and absolute evil,” allowing for the paranoid style to become more readily consumable to the general public (Hofstadter 1965). Continuing down this path, Proposition 103 introduces a series of maxims and guiding “definitions” that govern its existence, execution, and oversight. To avoid the legal fallout generated under Article 28, Proposition 103 is explicit in defining the parameters of state “official action,” whereas Article 28 failed to differentiate “official action” from other possible forms, bringing us to the exact sticking point in the Yñiguez case. Here, state official action, as written in Proposition 103, includes, “the performance of any function or action on behalf of this state or a political subdivision of this state or required by state law that appears to present the views, position or imprimatur of the state or political subdivision or that binds or commits the state or political subdivision.” Nevertheless, in this rather sweeping bundle of actions, lawmakers demonstrated the knowledge gained from their previous legal challenges by excluding the following actions from their articulation of “official action” in Proposition 103:

- (a) The teaching of or the encouragement of learning languages other than English.
- (b) Actions required under the federal Individuals with Disabilities Education Act or other federal laws.
- (c) Actions, documents or policies necessary for tourism, commerce or inter-



national trade.

(d) Actions or documents that protect the public health and safety, including law enforcement and emergency services.

(e) Actions that protect the rights of victims of crimes or criminal defendants.

(f) Using terms of art or phrases from languages other than English.

(g) Using or preserving Native American languages.

(h) Proving assistance to hearing impaired or illiterate persons.

(i) Informal and nonbinding translations or communications among or between representatives of government and other persons if this activity does not affect or impair supervision, management, conduct or execution of official actions and if the representatives of government make clear that these translations or communications are unofficial and are not binding on this state or a political subdivision of this state.

With this list of exceptions, lawmakers sought to create distance from past actions while creating an outward appearance that, despite insisting on an official language law, Proposition 103 makes allowances in areas that should please most of its critics. Although on the one hand these “official action” exclusions place state law out of the immediate grasp of constitutional challenges, on the other, Proposition 103 contains a se-

ries of troublesome core assumptions that allow for analysis of the Alejandrina Cabrera case.

### **Text in Context: The Alejandrina Cabrera Case**

What began as a typical campaign for city council at the Arizona border town of San Luis, ended on a far less typical note. As mentioned earlier, the 1910 law in question simply provides that candidates must possess the ability to “read, write, speak, and understand English sufficiently well,” leaving many questions unanswered. Such questions include:

- Who is to decide what “sufficiently well” means?
- How, if possible, can “sufficiently well” be quantified or measured?
- Just how fluent must Arizona officeholders and seekers be?

These questions, amongst many others surrounding this case, leave much to be desired from the actions taken by the Arizona Superior Court in Yuma County and the Arizona Supreme Court, as state law does not establish any standards for fluency.

In January 2012, upon Cabrera’s decision to run for San Luis City Council, Mayor Juan Carlos Escamilla filed a lawsuit challenging her eligibility on the grounds of her alleged lack of English fluency. San Luis’s political turmoil (the town had twenty-four recall attempts of local officeholders

since 2001), along with the recent rash of peculiar measures passed in the Arizona state legislature, placed reasonable doubt on the nature of fair and objective consideration (Lopez 2012b). As Hofstadter (1965) writes, a “paranoid style that finds it directed against a nation, a culture, a way of life whose fate affects not himself alone but millions of others” is a sentiment that appears to be embedded in the state’s political culture, at least it seems to be the preferred means to mitigate where the “Latino threat” is concerned (Chavez 2008).

In efforts to gauge whether or not Cabrera’s English proficiency complied with the 1910 law that established the sufficient proficiency clause in question, Arizona Superior Court Judge John Nelson first framed the context of the legal challenge by articulating what he believed to be the relevant concerns before the court. In doing so, Judge Nelson explained:

The only issue before the Court is whether Respondent Cabrera satisfies the requirement of A.R.S. § 38-201(C) [the 1910 law] that she is able to speak, write and read the English language with sufficient proficiency. . . . However, the issue of proper interpretation of A.R.S. § 38-201 is an issue of first impression, as the statute is not the subject of any reported Arizona appellate decision. In interpreting a statute, a court must look to the legislative intent, but little evidence of legislative intent has been provided to the Court. A.R.S. § 38-201(C) would be rendered meaningless if, as suggested by Re-

spondent Cabrera, it were interpreted as having no standard or only requiring minimal or bare proficiency at speaking, reading, and writing in the English language. The standard to be applied under A.R.S. § 38-201(C) . . . must be in the context of the political office at issue, here City Councilman for the City of San Luis, Arizona. (*Escamilla v. Cuello*, CV-12-0039 (2012))

According to the U.S. Census Bureau, 98.7 percent of the population in San Luis, Arizona, is Latino, and 87.9 percent of the population speaks a language other than English in the home. Thus, if one were to interpret the statute within the context of “the political office at issue, here City Councilman for the City of San Luis, Arizona,” then such an interpretation must account for and acknowledge this reality (*Escamilla v. Cuello* 2012). For instance, former San Luis City Councilman Carlos Bernal explained, “my [English] pronunciation was weak, it’s rare to have council members who have a 100 percent grasp of the English language. There have been very few” (Lopez 2012a). If nothing else, interpreting A.R.S. § 38-201(C) within the context Judge Nelson outlines created an arbitrary standard of English fluency that provides a legal pathway to invite other such cases, especially in places where Spanish is quite prevalent. More troubling is Judge Nelson’s interpretation of the challenge introduced by Cabrera. The dispute was not that A.R.S. § 38-201(C) requires “minimal or bare proficiency.” Yet, given the lack of benchmarks, measures, or matrix to

assess English proficiency, it is impossible to definitively interpret the law.

To assist with the court's efforts to determine compliancy with A.R.S. § 38-201(C), linguistic expert William Gregory Eggington of Brigham Young University was hired to conduct and report testing results of Cabrera's English proficiency. What many thought would be a fairly objective and scientific method of assessment turned out to possess neither of those qualities. Prior to conducting a series of three English proficiency tests at the law offices of Garcia, Hengl, Kinsey and Villarreal, P.L.C., the law firm representing Cabrera, Eggington was informed of Cabrera's poor hearing. Yet, he failed to make accommodations and proceeded regardless, marking the first of many oversights throughout this case (*Escamilla v. Cuello* 2012).

Still, with no established benchmark to articulate proficiency, Eggington presented findings indicating that Cabrera failed to meet the minimum level of English proficiency to be in compliance with A.R.S. § 38-201(C). However, while Judge Nelson argued that "the standard to be applied under A.R.S. § 38-201(C) must be in the context of the political office at issue, here City Councilman for the City of San Luis, Arizona," Eggington testified he never conducted the research necessary to establish such a baseline in relation to someone seeking the office of city councilperson for the City of San Luis, Arizona. Furthermore, Eggington also testified

to never visiting San Luis, nor taking into consideration the "Hispanic English" dialect of southern Arizona (*Escamilla v. Cuello* 2012).

While Eggington testified that Cabrera read English between a ninth and tenth grade level, he never tested her writing abilities (*Escamilla v. Cuello* 2012). Despite the numerous shortcomings in the expert's evidence and Cabrera's demonstrated willingness to both testify and read a San Luis council meeting agenda and minutes in English, Judge Nelson nonetheless concluded, "the Court finds his testimony to be compelling and adopts it," whereby "the Court finds that Respondent Cabrera does not satisfy the requirement of A.R.S. § 38-201(C) that she possesses the ability to speak, read, and write the English language with sufficient proficiency to perform as a City Councilman for the City of San Luis" (*Escamilla v. Cuello* 2012).

In light of Judge Nelson's decision to remove Cabrera from the ballot, Cabrera's legal team presented the Arizona Supreme Court with five issues that specified their request for an appeal. To no surprise, three of the challenges pertained to the peculiar nature of establishing and articulating an English language proficiency standard that injected trivial specificity into the otherwise ambiguous "sufficient proficiency" clause. These objections included:

Whether the trial court erred in interpreting A.R.S. § 38-201(C) to impose a proficiency standard specific to a mem-

ber of City Council for the City of San Luis, Arizona, then misapplied it to the evidence produced at trial?

Whether the trial court erred in admitting and relying upon Dr. Eggington's opinions and in the testimony of Appellant in granting the injunction?

Whether the test adopted by the trial court is in violation of Appellant's constitutional right to participate in government? (*Escamilla v. Cuello* 2012)

When examined closer, these points of objection raise serious concerns over how the court ruled Cabrera unfit to run for public office. A first concern is raised in how the court created and ultimately accepted an English proficiency standard that was mostly created by an Australian sociolinguist. Amongst other troubling variables, this sociolinguist testified he never visited nor studied any part of the Southeast U.S. border, its people, or their English dialect, let alone studied or visited San Luis, Arizona (*Escamilla v. Cuello* 2012).

Additionally, Cabrera's legal team argued in its appeal, "Appellant knows of no statute, case or other law that provides for or otherwise permits a trial court to adopt an English proficiency standard that will only be applied to that case, based upon unverified opinions and unaccepted testing methodologies" (*Escamilla v. Cuello* 2012). As affirmed by the Arizona Superior Court in Yuma County, there is nothing stopping other state courts from creating and enforcing their own proficiency standards, much akin to superficial litmus tests, like

literacy tests, used throughout history to disenfranchise and discourage the political participation of people of color. Such tests have been outlawed on account of their overt prejudicial intentions, stemming largely from the passage of the Voting Rights Act of 1965. Therefore, the question of whether or not the tests adopted by the court to gauge Cabrera's proficiency violated the equal protection clause of the Fourteenth Amendment, at least through the court's eyes, is irrelevant.

The heightened level of paranoia in this case continues to invite much skepticism, questioning the case's overall handling and the objectiveness surrounding it. Despite Eggington's inability to prove that Cabrera was "unable to speak, write, and read the English language," the court attempted to superficially assess Cabrera's level of English-language proficiency. Furthermore, during trial, Eggington admitted that one of the three tests administered was "experimental," never before used as evidence in a civil or criminal trial. This statement called into question whether or not the court observed the Frye rule, which states that the proponent of scientific evidence must show the evidence's underlying reliability (*Frye v. United States*, 293 F. 1013, 1014 (App. D.C. Dec. 03, 1923)). Nonetheless, despite the series of concerns raised over the validity of Eggington's expert testimony and tests, his evidence was not disqualified. Rather, it

was cited by Judge Nelson when affirming his ruling to strike Cabrera's name from the ballot. Disregarding the aforementioned shortcomings, the Arizona Supreme Court signed a short order affirming the lower court's decision.

### Concluding Thoughts

In a state that continues to garner unflattering attention over its handling of political and legal issues that possess a peculiar racial dimension, the Cabrera case was plagued by many state-centered ailments from the outset. For a paranoid style to be effective, that is, to garner support amongst the masses, there must exist a shared level of distrust and suspicion that centers on increased calls for social regulation (Rodriguez 2001). Modern day political efforts aimed at the creation and/or enforcement of official language statutes, writes Raymond Tatalovich, "is a policy response to a perceived threat to the normative order,"

caused in large part by a hesitancy generated over "official" versus "non-official" languages (1995, 9). These calls for "official language" measures, like calls for its enforcement, illustrate a worst-case scenario dichotomy that fuels much of the public distrust over "foreign languages" and "foreign peoples" seen throughout the policy history of Arizona. In this light, writes Cass R. Sunstein, we witness political actors using "probability neglect so as to promote attention to problems that may or may not deserve public concern" (2005, 65). For instance, within the confines of the Cabrera case, because the 1910 law failed to articulate precisely what it means for officeholders and seekers to speak, read, write, and understand English "sufficiently well," let alone define how to assess this requirement, prosecutors relied on probability neglect to elevate the existence of a political threat shaped in the form of Cabrera's candidacy.

The paranoid style in American politics, while historically rooted

As affirmed by the Arizona Superior Court in Yuma County, there is nothing stopping other state courts from creating and enforcing their own proficiency standards, much akin to superficial litmus tests, like literacy tests, used throughout history to disenfranchise and discourage the political participation of people of color.

throughout the sociopolitical experiences of many immigrant groups and communities of color, continues to exist by means of discursive political formations steeped in anxiety, suspiciousness, and polarity (Sunstein 2009). While the Cabrera case initially generated much attention, later followed by controversy, it is imperative to revisit the legal developments on all levels of government toward establishing “official language” laws, as its history and recent developments all tell an unfortunate story of a sweeping paranoid style in American politics aimed at a thriving Latino population.

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# HARVARD JOURNAL OF HISPANIC POLICY

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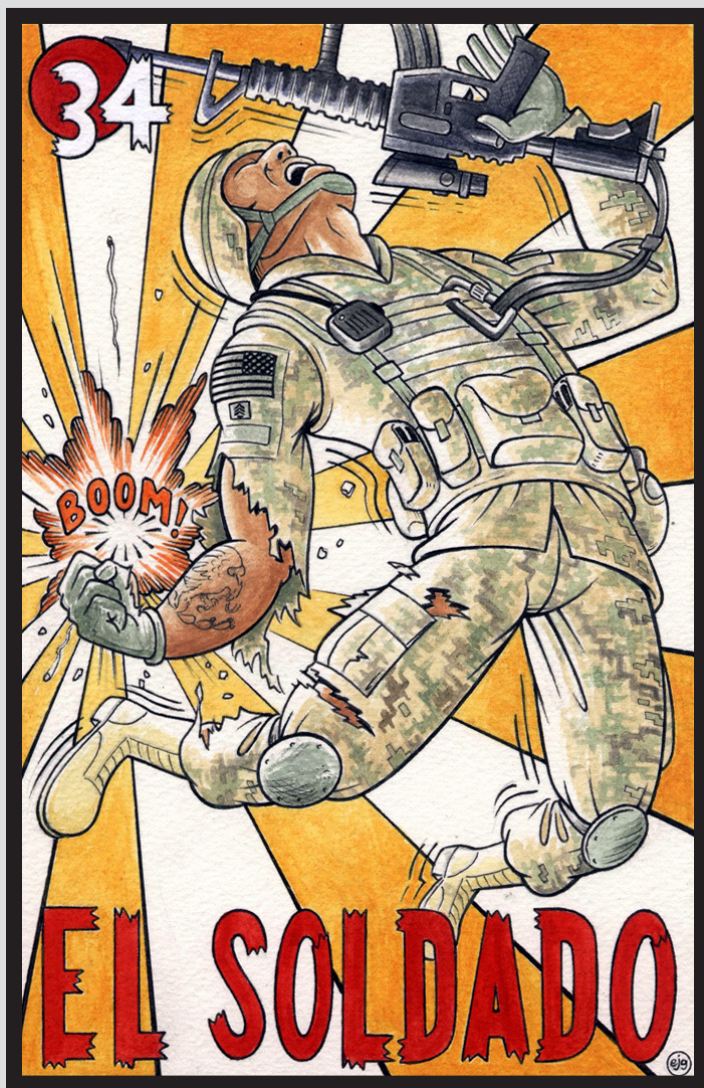
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# ERIC J. GARCIA



*“HISTORICALLY BASED, politically charged criticism, with the goal of creating dialogue about complicated issues.” That’s how Eric J. Garcia describes his work. Known for mixing history and culture with contemporary themes, Garcia always tries to create art that is much more than just aesthetics. Having completed his MFA from the School of the Art Institute of Chicago, Garcia has shown in numerous exhibitions nationally and internationally. A versatile artist working in an assortment of media, from handprinted posters to political cartoons to sculptural installations, Garcia’s work has the common goal of educating and challenging.*



Eric J. Garcia, *El Soldado*, 2010, watercolor and ink on paper, 12" x 9 ¼"

# TOWARD AN EMPIRICAL ANALYSIS OF HATE SPEECH ON COMMERCIAL TALK RADIO

by Chon A. Noriega and Francisco Javier Iribarren

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## Abstract

This pilot study uses qualitative content analysis to examine hate speech that targets vulnerable groups, including ethnic, racial, religious, and/or sexual minorities, in commercial broadcasting. The study quantifies a recurring rhetorical pattern for targeting specific vulnerable groups through the systematic use of unsubstantiated claims, divisive language, and nativist code words. For example, Latino immigrants were often coded as criminals and then linked to social institutions that were presented as complicit with immigrants. In this way, target groups were characterized as a powerful and direct threat to the nation. While vulnerable groups are targeted, calls for action from talk radio are then directed against those identified as supporters of these vulnerable groups.

## Introduction

The considerable and often heated debate over hate speech has produced numerous reports, articles, and books. These studies have looked at the issue from a number of disciplinary perspectives, including those of journalism, law, linguistics, economics, history, and philosophy (Butler 1997; Cortese 2006; Dharmapala and McAdams 2003; Kellow and Steeves 1998; Lendman 2006; Lewis 2007; Meddaugh and Kay 2009; Neiwert 2009; O'Connor 2008; Slagle 2009; Tolmach Lakoff 2001). These studies offer valuable theoretical, conceptual, interpretive, and descriptive insights into hate speech, but they often rest upon unsubstantiated empirical premises about the phenomenon itself. To date, there is limited research on hate speech using scientific approaches to medium, content, and impact.<sup>i</sup> The main goal of this pilot study is to develop a sound, replicable methodology for qualitative content analysis that can be used to examine hate speech that targets vulnerable groups, including ethnic, racial, religious, and/or sexual minorities, in commercial broadcasting. This pilot study establishes data-driven descrip-

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i. Research in economics involves the development of models with empirical support (Dharmapala and McAdams 2003). Media research has established scientific approaches for impact as it relates to advertising as well as to media violence (Bushman and Anderson 2001).

tive categories for such speech and creates a preliminary baseline or reference point for future research.

The backdrop for this study is the 1993 National Telecommunications and Information Administration (NTIA) Report to Congress, which addressed the role of telecommunications in the commission of hate crimes. The NTIA advises the president on telecommunications and information policy and manages the federal government's use of the radio frequency spectrum. Mindful of First Amendment protections as well as related federal legislation and policy, the 1993 NTIA report established a definition of hate speech drawn from the Hate Crimes Statistics Act of 1990. Now, two decades later, the NTIA report continues to provide a viable definition for hate speech, but it no longer reflects significant recent changes in federal policy, telecommunications platforms, and programming formats and content. Furthermore, the original study relied on data that was, by the NTIA's own account, "scattered and largely anecdotal," and it therefore failed to provide a scientific basis for data assessment, let alone a methodology or baseline for future study.

In developing this pilot study, we considered areas in which we ex-

pected to see significant results so as to establish and test data-driven descriptive categories. Future full-scale analysis would need to include a comparative dimension.

Commercial talk radio is the focus of this pilot study. Radio has the greatest penetration of any media outlet (print, broadcast, or digital), reaching 90 percent of Americans each week, and the news-talk format is the predominant radio format in terms of dedicated stations nationwide (more than 1,700) and the second most popular format in terms of audience share (12.1 percent; country music is 13.3 percent) (Houston Santhanam 2012). We examined commercial radio talk programs reaching audiences in Los Angeles County because it is the most populous county in the United States and because Latinos made up nearly half—48 percent—of the county's population in 2011 (U.S. Census Bureau 2011).

As the fastest-growing and largest minority group in the United States, Latinos represented 16.7 percent of the U.S. population, or about 51.9 million people, in 2011 (U.S. Census Bureau 2011). Noncitizens make up 44 percent of the adult Latino population, of which 55 percent is undocumented (Pew Hispanic Center 2007). Nation-

Radio has the greatest penetration of any media outlet (print, broadcast, or digital), reaching 90 percent of Americans each week.

Nationally, hate crimes against Latinos, when compared with hate crimes against other racial/ethnic groups, have risen by the highest rate, with a 25 percent increase between 2004 and 2008. This increase may be linked to the media-generated negative discourse against immigrants that has been prevalent on the airwaves.

ally, hate crimes against Latinos, when compared with hate crimes against other racial/ethnic groups, have risen by the highest rate, with a 25 percent increase between 2004 and 2008 (Federal Bureau of Investigation 2004; Federal Bureau of Investigation 2008). This increase may be linked to the media-generated negative discourse against immigrants that has been prevalent on the airwaves. In a 2007 national survey, about 64 percent of U.S. Latinos reported that the immigration debate had negatively impacted their lives, while 78 percent reported feeling that discrimination remained a problem affecting their community (Pew Hispanic Center 2007).

## Methodology

The 1993 report was the result of the NTIA's mandate to examine and report to Congress on the media's role in "crimes of hate and violent acts against ethnic, religious, and racial minorities." The report defined hate speech as either: (1) "words that

threaten to incite 'imminent unlawful action,' which may be criminalized without violating the First Amendment"; or (2) "speech that creates a climate of hate or prejudice, which may in turn foster the commission of hate crimes" (U.S. Department of Commerce 1993). The definition of hate speech used in this pilot study is derived from this definition as well as the definition used in the hate crimes legislation: hate speech is speech that targets a vulnerable group and threatens or fosters the commission of hate crimes against that group, as defined by law.<sup>ii</sup>

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ii. Our study relies on the original target groups for hate speech put forward in the 1993 NTIA report: "Hate speech' would therefore encompass words and images that 'manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.'" That said, our use of "vulnerable group" as a generalized description for hate speech targets allows for the fact that the groups constituted as vulnerable may change over time or across different contexts.

## Inclusion Criteria

The 1993 NTIA report considered all telecommunication at that time: “broadcast television and radio, cable television, public access television, computer bulletin boards, and other electronic media” (U.S. Department of Commerce 1993). For the purposes of this pilot study, we focused our at-

grams: *The Lou Dobbs Show: Mr. Independent* (syndicated by the United Stations Radio Networks), broadcast on 31 July 2008; *The Savage Nation* (produced at KFMB 760 AM and syndicated by Talk Radio Network), broadcast on 24 July 2008; and *The John & Ken Show* (KFI AM 640, Los Angeles), broadcast on 30 July 2008.<sup>iii</sup> These programs share certain general

Hate speech is speech that targets a vulnerable group and threatens or fosters the commission of hate crimes against that group, as defined by law.

tention on samples from one medium (radio) and one programming format (news-talk) in one market (Los Angeles County). We decided to look specifically at conservative talk radio, which accounts for 91 percent of total weekday talk radio programming (Halpin et al. 2007). This allowed us to consider exemplary instances with respect to media penetration, a predominant format, and a large and diverse market. Furthermore, by examining the news-talk format, program content could also be measured against established professional journalistic standards, specifically, the Code of Ethics developed by the Society of Professional Journalists (1996).

Segments of thirty to forty minutes were selected from each of three pro-

features of the news-talk format (news commentary, guest interviews) and focus on conservative topics (anti-immigration and free speech). At the same time, each program has a distinct profile: *The Lou Dobbs Show* is an example of a program featuring a high-profile media personality who has access to multiple traditional media platforms (at the time of the broadcast, Dobbs hosted radio and television shows). *The Savage Nation* is a prominent example of popular syndicated talk radio. *The John & Ken Show* represents

iii. Media Matters for America, a not-for-profit media monitoring organization, provided audio files and transcripts for *The Savage Nation* for 21-31 July 2008. More information about obtaining copies of the transcripts used in this study is available on request.

successful local market news-talk radio (it is also syndicated nationally).

We selected the broadcast segments shortly after the start of a project grant from the Social Science Research Council. This coincided with the controversy surrounding San Francisco's status as a sanctuary city for undocumented immigrants. Not surprisingly, this issue is reflected in the transcripts; nevertheless, we analyzed speech targeting any vulnerable group (as defined by the 1993 NTIA report).

### **Qualitative Content Analysis**

In this study, we employed conventional qualitative content analysis, also known as inductive category development, whereby we derived coding categories directly from the textual data, in this case, transcripts of the program segments (Mayring 2000). This approach uses delineated and replicable methodologies that allow the generation of inferences from a given text without being bound to inflexible quantification. Conventional qualitative content analysis is ideal for areas of study supported by little theoretical or research literature (Kondracki and Wellman 2002), as is the case for empirical studies of hate speech.

Conventional qualitative content analysis follows an iterative process, beginning with the repeated reading of the data (transcripts) and the formation of the coding process. Category development involves the deri-

vation of criteria from the data, based on background considerations and research objectives (Barrett 2007). Materials are analyzed for patterns, for which descriptive codes are developed; these patterns may indicate the presence of larger themes. As the analysis progresses, categories are either revised or removed based on their frequency and reliability. The inductive process of category development is followed by the deductive process of category application (Mayring 2000). This involves assigning category definitions within a coding agenda, in essence defining how texts should be coded with a category. Data findings and interpretations are related to pertinent research and literature and, as relevant, to common experience (Barrett 2007).

### **Establishment of Analytic Categories**

Trained readers (undergraduate and graduate students), working in conjunction with the investigators, examined the transcripts for each of the three program segments. Emphasis was placed on identifying the relationship between speakers and targets—basically, who said what, about or to whom, and for what purpose. This allowed the research team to identify targets—vulnerable groups and/or their supporters—through implied and named (specific) references to them as well as through a speaker's call for action against them (that is,



suggesting or implying that listeners might do something that could affect the target).

The research team then identified four types of statements that were made relative to these targets: unsubstantiated claims, flawed argumentation, divisive language (that is, “us-them” constructions), and dehumanizing metaphors. Utterances could be categorized, simultaneously, within two or more of these categories. The readers then developed a fifth analytical category for indexicality, wherein a word (or other sign) points to a context-dependent meaning. Given the labor-intensive nature of coding for indexicality, the readers focused on a ten-minute sample from one of the program segments (*The John & Ken Show*), adapting and using open source software (Transana) for both audio and transcript analysis. The readers focused on indexical terms, or code words, that pointed to a nativist attitude on the part of the speaker, then determined which indexical terms were used most frequently. Readers also identified patterns of rhythm, stress, and intonation (prosody) and discourse alignment among speakers. The four most recurrent indices in the ten-minute segment of *The John & Ken Show* were then used to analyze the three transcripts.

The preliminary findings provided data for all three programs in six categories: targeted statements, unsubstantiated claims, flawed argu-

mentation (with a focus on fallacies), divisive language (deixis), dehumanizing metaphors, and selected indexical terms (indices for nativism). To ensure a robust methodology, we re-examined these six categories, first in relation to the transcripts and then in relation to one another. The first step yielded some corrections with respect to the coding process. In comparing the findings across categories, we noted a certain degree of overlap. In some instances this revealed how particular rhetorical strategies resonated with one another, but in other instances it merely produced redundant findings.

### **Category Refinement**

Two categories—dehumanizing metaphors and flawed argumentation—raised particular concerns given the redundancy of their findings with other approaches, the expertise required for credible analysis, and the contention among scholars in each area with respect to methodology and interpretation. Our main concern had to do with whether these categories contributed to the project research objectives by generating reliable findings and a replicable methodology. The interdisciplinary nature of the project and the volatile nature of public debate over hate speech, not to mention practical considerations with respect to the limited resources for full-scale research, required a methodology that could be implemented or replicated by nonexperts.

The inherent difficulty of reliably identifying formal arguments (that is, statements that make and present evidence for a claim) in natural-language contexts and the inability of formal logic to adequately evaluate natural-language argument (for example, identifying logical fallacies to invalidate a claim) led us to reconsider an approach in this direction (Hahn et al. 2009).<sup>iv</sup>

As Trudy Govier cautions, “In practice it is often difficult to tell whether people are offering arguments or not, and whenever this interpretive issue is contestable, a comment to the effect that a fallacy has been committed will be similarly contestable” (1982, 6). Although the research team could identify and reach a consensus about “traditional fallacies” in the transcripts (particularly, *ad hominem* attacks), it proved much more difficult to connect them to a corresponding argument. Doing so depended on the charity of the interpreter, who might fill in premises needed to establish a

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iv. The study of informal logic—the attempt to assess and therefore improve reasoning in ordinary (natural) language—seems to be moving away from a focus on fallacies as a way to evaluate the validity of an informal argument (Groarke 2012). For our purposes, the central issues have to do with the limited ability of informal logic (and “traditional fallacies,” in particular) to address natural-language argument (Hahn et al. 2009). This approach also resonates with at least one attempt to redefine fallacy on the basis of the falsity or truth of the premises (Boone 1999).

formal argument (Finocchiaro 1981). We found that another analytical category used in our preliminary findings, unsubstantiated claims, provided a more productive approach, one in which speech targeted at vulnerable groups could be assessed through a standard fact-checking methodology.

Initially, metaphor analysis provided a compelling framework by which we could measure the extent to which the radio programs dehumanized vulnerable groups by establishing the sameness between two unrelated things or ideas. Phrases such as “love is a rose,” “the ship of state,” or “immigrants are a virus” are metaphors that facilitate an understanding of one thing (love, nation-states, immigrants) in the terms of another (flowers, ships on an ocean, disease). This type of analysis has already generated considerable insight into the media depiction of Latinos. In *Brown Tide Rising: Metaphors of Latinos in Contemporary American Public Discourse*, Otto Santa Ana (2002) provides an empirical analysis of the ways in which the mainstream, and ostensibly liberal, press uses metaphors to characterize immigrants in nonhuman terms, such as a dangerous threat, a virulent disease, an invasion, or an animal-like force. As Santa Ana notes, “These metaphors are not merely rhetorical flourishes, but are the key components with which the public’s concept of Latinos is edified, reinforced, and articulated” (2002, xvi). Cognitive linguists emphasize that

metaphors can also operate on a conceptual level. If a linguistic metaphor uses one thing or idea to understand another, a conceptual metaphor uses one “coherent organization of experience” to understand another, as with “life is a journey,” wherein the experience of life is understood through the metaphor of travel toward a destination (and, hence, a purpose) (Kövecses et al. 2010, 4). Thus, the study of linguistic and conceptual metaphors has the potential to reveal the rhetorical strategies and underlying conceptual systems by which vulnerable groups are understood and perhaps even acted against.

In the preliminary analysis for our study, the readers used a consensus methodology to identify linguistic and conceptual metaphors directed against vulnerable groups. These were then reviewed, and only those metaphors that dehumanized members of a vulnerable group were selected. The preliminary findings proved suggestive and resonated with Santa Ana’s findings (describing, for example, Latinos as a threat, disease, or animals)

while also revealing other metaphoric constructions used to describe not only vulnerable groups but also race (using terms such as “card game,” “nature,” and “criminals”). Given the small sample, however, we identified only one significant and recurring pattern with respect to dehumanizing metaphors: the repeated use of the terms “illegal alien” or “illegal aliens” and “illegal” or “illegals” to describe immigrants. These terms were also identified in our examination of indices for nativism, wherein they code immigrants as antithetical to the nation. We found the latter approach more productive insofar as it provides a comparative framework with two sets of indices for an external enemy (“anarchist” and terms including “illegal”) and home country (terms referring to community and free speech).

## Findings

### **Targeted Statements**

Drawing from the 1993 NTIA report and the Hate Crimes Statistic Act, this pilot study foregrounds two fea-

Phrases such as “love is a rose,” “the ship of state,” or “immigrants are a virus” are metaphors that facilitate an understanding of one thing in the terms of another. This type of analysis has already generated considerable insight into the media depiction of Latinos.

tures that are crucial to the report's definition of hate speech: a vulnerable group as the target and speech that threatens or fosters the commission of hate crimes against that group, as defined by law. In that context, vulnerable groups are defined as ethnic, racial, religious, and/or sexual minorities. We included undocumented immigrants insofar as they are associated with an ethnic group (Latinos) in the transcripts. We also gathered data on calls for action against those identified as supporters of vulnerable groups.

### **Methodology**

Readers identified statements in the transcripts that were targeted at vulnerable groups, then distributed the statements into three categories: implied target, which does not explicitly identify a member of a vulnerable group but the intent is clear; named target, which specifically identifies a member of a vulnerable group; and call for action, in which hosts suggest or imply that an action might be taken against the vulnerable group (see Tables 1 and 2).

### **Results**

Readers identified 148 instances that met the study's criteria for statements targeting a vulnerable group or a group's supporters. Seventy-nine percent of these instances (117) targeted vulnerable groups, and 21 percent (31) targeted their supporters. Across

the three programs, readers identified thirty-three instances of call for action.

Just over two-thirds of targeted statements focused on undocumented immigrants and Latinos (73 of 117, which includes 4 of 28 instances related to people of color in public office). Averaged on a per-program basis, Latinos (both citizen and undocumented) represented 91 percent (43 of 47, including those in public office) of the targeted vulnerable groups on *The Lou Dobbs Show*; 43 percent (15 of 35) on *The Savage Nation*; and 43 percent (15 of 35) on *The John & Ken Show*. The figure for *The John & Ken Show* is actually higher, since 34 percent (12 of 35) of the targeted statements in this broadcast segment focused on the residents of "South L.A." (South Central Los Angeles), an area that is roughly 55 percent Latino and 41 percent African American.

Readers identified two calls for action against a vulnerable group: one was a general call related to immigration and the other focused on people of color in public office who supported immigration reform. Insofar as both were oriented toward the political representation system, each might also have been identified as a call for action against supporters. The other thirty-one calls for action clearly focused on supporters: these were specific elected officials, advocacy groups (ANSWER Coalition, Media Matters for America), and employers of undocumented immigrants.

**Table 1 — Summary of Targeted Statements by Statement Type**

Program	Call for Action against Vulnerable Group	Call for Action against Supporter	Implied Target	Named Target	Total by Program
Lou Dobbs Show	1	6	10	36	53
Savage Nation	0	10	12	23	45
John & Ken Show	1	15	14	20	50
Totals	2	31	36	79	148

**Table 2 — Summary of Targeted Statements by Target**

Program	Un-documented Immigrants	Latinos or Mexicans	People of Color in Public Office	Muslims	Sexual Minorities	South L.A. Residents	Total by Program
Lou Dobbs Show	36	3	8	0	0	0	47
Savage Nation	15	0	12	5	3	0	35
John & Ken Show	12	3	8	0	0	12	35
Totals	63	6	28	5	3	12	117

This suggests a rhetorical strategy in which vulnerable groups are targeted and identified as a social problem or threat but the call for action is directed against advocacy groups, public figures (and political administrations), or legal enforcement.

Twenty-six of the thirty-three calls for action focused on Latinos and immigration. Seven related to a report by Media Matters for America that criticized the host's statements about autism, gays, and Democrats as fascists (*The Savage Nation*).

### **Unsubstantiated Claims**

The assertion of false, unverifiable, and/or distorted claims emerged as a significant feature of all the segments we analyzed. This finding is important insofar as news-talk programming is presented within a general journalistic framework that is associated with fact-based news commentary and expert-driven interviews on topical issues. The relevant professional organizations—Radio and Television News Directors Association, the International Federation of Journalists, and the Society of Professional Journalists (SPJ)—underscore the importance of both freedom of the press and ethical journalism. The SPJ Code of Ethics (1996) includes the following professional standards for journalists:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Delib-

erate distortion is never permissible.

- Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
- Examine one's own cultural values and avoid imposing those values on others.
- Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance, or social status.
- Support the open exchange of views, even views one finds repugnant.
- Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.
- Admit mistakes and correct them promptly.

The code is a set of guidelines, as the SPJ notes: "The code is intended not as a set of 'rules' but as a resource for ethical decision-making. It is not—nor can it be under the First Amendment—legally enforceable."<sup>v</sup> As with other professional organizations, membership signals adoption

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v. SPJ elides a crucial distinction here: the First Amendment protects journalists from governmental censorship, not necessarily from "decision making" related to content made by media corporations.

of the standards and thereby also provides a basis for identifying noncompliance with widely held professional standards. In contrast to other professional organizations, however, the SPJ itself does not enforce its code. Instead, it “encourage[s] the exposure of unethical journalism” and notes that its code “is widely consulted and applied in newsrooms and classrooms as the definitive statement of our profession’s highest values and a helpful way to think about the specific and unique journalism quandaries we confront daily.”

While it is beyond the scope of this study to resolve the ongoing debate over the relationship of news-talk radio to journalism and professional codes of behavior, we do note that Lou Dobbs has served on the board of the Society of Professional Journalists. In addition, all three shows analyzed here adopt a fact-finding, truth-exposing stance with regard to their programming content. While often imbued with considerable emotion, opinion is nevertheless usually presented as based on fact.

### Methodology

We employed a standard fact-checking methodology for analyzing claims in the transcripts. Each transcript was marked for explicit factual citations (figures, statistics, percentages) and for arguments or assertions with strong factual implications. We included fact-based claims made by

guest speakers and interviewees in our analyses, alongside those of the shows’ hosts, since their claims supported positions with which the host agreed. Each statement of fact was cross-checked with credible sources (published articles from academic and national media sources; official, non-commercial institutional Web sites). The claims summarized in Table 3 are those that we were able to disprove or question with reliable evidence. The statements are organized into three degrees of unreliability: false claims, which were proved to be untrue; unverifiable claims, which were based on facts that could not be verified; and distorted claims, which were based on facts that were exaggerated or taken out of context. Each claim was then correlated to a target—a vulnerable group or a supporter—that would be impacted negatively if the unsubstantiated claim were accepted as true.

### Results

In the transcripts, readers identified 114 fact-based claims. Of these, 37 percent (42 of 114) were unsubstantiated, with 11 proven false, 18 found to be unverifiable, and 13 found to be distorted. The reliability of fact-based claims varied according to program: claims on *The Lou Dobbs Show* were 87 percent accurate; claims on *The Savage Nation* were 53 percent accurate; and claims on *The John & Ken Show* were 55 percent accurate. In the transcripts, Lou Dobbs made

three unsubstantiated claims, with a guest making one in addition.<sup>vi</sup> Michael Savage made one false claim but a significant number of unverifiable and distorted claims (eight in each category). John Kobylt and Ken Chiampou made seven false claims, four unverifiable claims, and five distorted claims; their guest made a similar number of false and unverifiable claims.

The targets of these unsubstantiated claims were congruent with the vulnerable groups and supporters that are identified in the targeted statements. In *The Lou Dobbs Show* and *The John & Ken Show*, the unsubstantiated claims related either entirely or predominantly to undocumented immigrants and governmental agencies or public officials that were characterized as supporting them or facilitating their negative impact on society. The unsubstantiated claims magnified the sense of an immigrant threat (attributed alternately to immigrants as criminals or public officials as accomplices), overstated the effectiveness of the hosts' preferred immigration policies, and linked immigrant rights advocacy groups to terrorism. In addition to this focus on immigration, *The John & Ken Show* made eight unsubstantiated claims related to an ini-

tiative to ban the construction of new fast-food outlets for one year in South Central Los Angeles, using these claims to discredit a local elected official (Jan Perry), disparage the "Mexican diet," and portray economically disadvantaged Blacks and Latinos as inherently violent and undeserving of the public's support. As with the two other programs, *The Savage Nation* made unsubstantiated claims related to immigration, but it also made unsubstantiated claims with respect to a wider range of targets, including liberals, Democrats, media, and advocacy groups. Other unsubstantiated claims focused on vulnerable groups identified by their race, religion, or sexual orientation.

### **Divisive Language (Deixis)**

In examining media discourse, it is just as important to analyze word choice and how rhetorical effects are used to appeal to listeners as it is to analyze the factual accuracy of statements. For the pilot study, we focused on one particular way that language establishes, maintains, or reinforces in-group status vis-à-vis a targeted out-group: deixis.

In linguistics, deixis refers to words or phrases that require contextual information in order for the reader or listener to grasp the denotational meaning, that is, to understand the referent (who speaks, to whom and of whom, and where and when the speech occurs) for the deictic term

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vi. We do not include Dobbs's claim, "But, by God, I'm an anti-illegal employer as well" (lines 985-986), which has been proven untrue (Nation, 25 October 2010); that was not known at the time of the broadcast.



**Table 3 —Summary of Unsubstantiated Claims by Type of Claim**

Program	Speakers	False Claims	Unverifiable Claims	Distorted Claims	Subtotal	All Unsubstantiated Claims	All Substantiated Claims	All Claims
Lou Dobbs Show	Lou Dobbs	0	3	0	3			
	Peter Brimelow	0	1	0	1	4	27	
	Stephen Camarota	0	0	0	0			
Savage Nation	Michael Savage	1	8	8	17	17	19	
	John Kobylt	3	2	2	7			
John & Ken Show	Ken Chiampou	4	2	3	9	21	26	
	Jim Gilchrist	3	2	0	5			
Total		11	18	13	42	42	72	114

or terms (Lyons 1977; Rapaport et al. 1994). For example, the sentence, “And now we don’t like those people over there” includes four terms that require contextual information: “now” (meaning at the present time), “we” (presumably, both the speaker and the addressee), “those people” (a third party previously mentioned), and “over there” (the spatial location of “those people”). In effect, deictic words “point” to specific persons, places, situations, values, ideologies, and/or group ascription in an often unconscious fashion. Deixis frequently occurs between speakers in the same speech community, where members share the same discussion topics, values, and worldviews and can therefore use deictic phrases within their community without being misunderstood.

Because of their capacity to attribute in-group and out-group status, collective pronouns carry a great deictic charge. In fact, they act as influential shapers of perception and social cognition at a very fundamental level, determining group belonging or lack thereof. Research has demonstrated that collective pronouns utilized to indicate in-group and out-group belonging play a powerful role in intergroup bias (Perdue et al. 1990). This is of great significance as perceived members of an in-group are thought to have more positive attributes in comparison to those of an out-group (Brewer 1979). Collective pronouns pointing at in-group and out-group

membership may establish evaluative predispositions toward both positive and negative targets, depending on group membership, in a kind of linguistic conditioning (Perdue et al. 1990). Hence, deixis provides an easy and effective tactic *at the level of language*, rather than at the level of factuality, for talk radio hosts to establish and maintain a cognitive and ideological bond with their audience.<sup>vii</sup>

### Methodology

Readers identified pronouns with a deictic function in the transcripts—those that indicated in-group or out-group status—such as “we,” “us,” “ours,” “they,” “them,” and “theirs,” and also “I,” “my,” “me,” “you,” “he,” and “his,” plus pronouns such as “these,” “this,” “those,” and “that” when they had a deictic role. Each transcript was marked for deictic phrases and words. Those that appeared to refer to a sociopolitical, economic, or cultural division were

vii. In a Los Angeles Times article on the National Tea Party Convention in February 2010, an attendee explained what she wanted from the movement: “Our way of life is under attack. I truly believe they are trying to destroy this country. It’s just hard to say who ‘they’ is” (Hennessey 2010). The deictic phrasing reveals both the speaker’s fears for “our way of life” in “this country” and her confusion about the “they” posing the threat. Mass media has the potential to provide contextual information that shapes these fears—and their us-versus-them configuration—by providing a clear referent for the deictic term “they.”

placed in charts for analysis. Most of these listed instances suggested an “us versus them” framework. Thus, each deictic occurrence was linked to an implied or stated in-group, an implied or stated out-group, or the targeted vulnerable group. An explication of the social function of the passages containing deixis provides context for the project as a whole (the results are summarized in Table 4).

## Results

Readers identified 37 passages that relied primarily or extensively on deictic phrases. The number of instances were similar across the three programs, with 13 passages identified for *The Lou Dobbs Show*, 12 for *The Savage Nation*, and 12 for *The John & Ken Show*. The deictic phrases used tended to posit an insurmountable sociopolitical, racial, or cultural divide between a show’s audience and targeted vulnerable groups. Fourteen passages focused on vulnerable groups: 7 on immigrants, 1 on sexual minorities, and 6 on the Black and Latino residents of South Central Los Angeles. In another 15 passages, the target was supporters of vulnerable groups (elected officials, advocacy groups, and the media): *The Lou Dobbs Show* contained 5 of these passages, including 3 that were focused on Latino elected officials; *The Savage Nation*, 6; and *The John & Ken Show*, 4.

In addition, three passages in *The Lou Dobbs Show* and four passages

in *The Savage Nation* fashioned U.S. leaders (President Barack Obama, House Minority Leader Nancy Pelosi, and the Bush administration) as out of touch with the values of the American public. One passage in *The John & Ken Show* established the wealthy as an out-group given their obsession with physical appearance and health, thereby situating its listeners somewhere between high-income families and low-income communities. The class positioning for appearance (“their slenderness” in wealthy families versus “everybody’s fat” in South Central Los Angeles) and health (“they take care of themselves” versus “they don’t care”) carries strong racial and ethnic overtones for the poor, which the program hosts describe as “that tribe” in “these areas.”

Michael Savage’s statement about a CNN report on gay Iraqis suggests how a speaker can use deictic phrases to aggregate multiple targets around an apparently simple us-versus-them statement. Savage dismissed the report, commenting, “If the first thing they did with their freedom—that’s what American men have died for so they can be gay in Iraq?” In the contrast between “being gay in Iraq” and “American men,” the passage suggests that gay rights are in direct opposition to American values, as measured by military casualties. Savage’s use of “American men” rather than “American troops” emphasizes masculinity as a positive trait, but it also ignores the fact that American women served

and died in the Iraq War. Savage’s rhetorical stance is to claim a dismissive lack of interest (“please leave me alone with that already”), but the effect of the passage is to align Iraqis, homosexuals, gay rights, and the liberal media against Savage and his articulation of “freedom” as defended by “American men.”

As a discursive tactic, deictic passages may even be more effective than explicit calls for action against vulnerable groups, as it requires audiences to accept or at least be constantly aware of the underlying context (the speaker’s set of beliefs) in order to understand the speaker’s comments.

**Indexical Terms**

Indexicality is a concept that emerges out of linguistics as well as the philosophy of language. Like deixis, it describes references whose meaning is dependent on context. An indexical includes any sign—linguistic expression, behavior, or thing—that points to other concepts, objects, or sentiments. The classic example is smoke as an index of fire, insofar as we associate smoke as a sign that points to fire. In this context, smoke means fire, since we understand that fire produces smoke. The relationship between an indexical sign or code and what it signifies is not necessarily causal, however. As we saw in the discussion

**Table 4 —Summary of Divisive Language (Deixis) by Targeted Group**

Program	Vulnerable Group Supporters	Undocumented Immigrants	National Leaders	Sexual Minorities	South L.A. Residents <sup>a</sup>	High-Income Families	Total by Program
Lou Dobbs Show	5	5	3	0	0	0	13
Savage Nation	6	1	4	1	0	0	12
John & Ken Show	4	1	0	0	6	1	12
Totals	15	7	7	1	6	1	37

<sup>a</sup>These passages also referred, directly or indirectly, to Latinos (who make up a majority of the area’s residents) and Blacks, and/or undocumented immigrants.

of *The John & Ken Show* in the previous section, the hosts established the word “appearance” as an indexical for wealth and “obesity” as an indexical for low-income Black and Latino families in South Central Los Angeles. Analyses of indexicality offer insight into interpretative processes and the role of language in constructing identity and societal attitudes (Inoue 2004; Ochs 1992). As Mary Bucholtz and Kira Hall note, “Identity is the social positioning of self and other [wherein] indexical associations can also be imposed from the top down by cultural authorities such as intellectuals or the media. Such an imposed indexical tie may create ideological expectations among speakers and hence affect linguistic practice” (2005, 596).

### Methodology

Given the large volume of data that would be generated from coding all three transcripts for indexicality, we focused on a sample drawn from one of the transcripts: ten minutes of dialogue from *The John & Ken Show* between hosts John Kobylyt and Ken Chiampou and guest Jim Gilchrist, founder and director of the Minuteman Project. During this segment they discussed San Francisco’s sanctuary policy in the context of murder (and other crimes) and immigration (lines 45-267 of the transcript). This segment provides an example of identity construction as the “social positioning of self and other” by way

of political nativism—the attitude or policy of favoring the native inhabitants of a country over its immigrants.

### Analysis of Sample

Readers found that the speakers used indexicality in four ways in the sample segment: (1) the use of code words to establish Latinos, immigrants, and immigrant rights advocates as “other” to the nation; (2) the use of rhythm, stress, and intonation (prosody) to emphasize nativist attitudes; (3) the reinforcement of nativist attitudes through word repetition; and (4) alignment between the hosts and guest.

Readers identified twenty passages in which indexical terms (code words) were used to identify certain groups as “other” to the nation. Terms such as “illegal alien,” “gangbanger,” “killers,” “anarchists,” “calamity,” and “domestic terrorism” indexed Latinos, undocumented immigrants, and immigrant rights advocates, thereby associating these groups with crime, terror, and a foreign enemy. Heightening this message was the juxtaposition of these terms with indices for a vulnerable home nation: “community,” “civilized community,” “freedom of speech,” “founding fathers,” “city,” and “country.” In seventeen passages, the speaker’s rhythm, stress, and intonation heightened the indexical associations. Rising pitch and syllabic emphasis on the indices for crime, terror, and the enemy added a sense of urgency. Stutters and pauses when uttering usually

positive or neutral words (“advocates,” “endorsing,” “supporting,” “preference programs”) to describe immigrant rights proponents indexed ridicule, disgust, and condemnation. Four terms were repeated between three and six times each over the course of ten minutes: “illegal alien” (6), “anarchist” (3), “community or communities” (5), and “free speech” or “freedom of speech” (4). The first two index a foreign enemy, and the last two index the home nation.

Finally, readers identified lack of alignment among hosts and guests in the sample segment—passages where speakers did not use the same words and tried to advance different ideas. Prosodic and rhetorical elements such as interruption, talking over each other, and changing the subject also indicated a lack of alignment. In the ten-minute sample John Kobylt and Ken Chiampou frequently did not align: Chiampou characterized the protesters as advocating immorality, while Kobylt identified them as free speech suppressors; Chiampou wanted to talk about the specifics related to California Lieutenant Governor Gavin Newsom and a type of gun, while Jim Gilchrist wanted to implicate Newsom using generalities. Gilchrist also wanted to advance the idea that “safe” communities were now in danger. These differences were reinforced through word frequency. In the nine instances where Kobylt, Chiampou, and Gilchrist seemed to engage and concur with one another,

indexical analysis revealed that only in one instance did they all fully align. In seven instances, the hosts used differing words to refer to the same discussion topic, and in one instance they used the identical word but in reference to differing interpretations of it. This lack of alignment does not signal lack of agreement (they are all anti-immigration), but rather an appeal to different audience segments through different approaches to the same end.

### **Analysis of Transcripts**

For the larger pilot study, we counted the occurrence of four indexical terms that had the highest number of repetitions in the ten-minute segment, either as a single word or in a phrase: “illegal” (including illegals, illegal alien, illegal aliens, illegal immigrants, illegal immigration), “anarchist,” “community” (including communities), and “free speech” (including freedom of speech, free press, freedom of the press). We then counted the occurrences of these terms in the transcript for each of the three programs, determining frequency by speaker and totals for each term (see Table 5).

### **Findings**

Program hosts and guests repeated the four indexical terms 101 times in the transcripts. Terms including the word illegal accounted for 68 percent (69 of 101) of these indexical utterances, with most of them occurring in

*The Lou Dobbs Show* (44). Dobbs used terms with illegal in them 31 times, and his two guests used the code words a total of 13 times, in reference to deportation, statistical data about the decline of recent illegal immigration, employers of undocumented immigrants, and immigration reform. Dobbs most frequently used the phrase illegal alien (or illegal aliens), which dehumanizes undocumented immigrants and strips away broader socioeconomic contexts and factors. Dobbs used one other code word, community, which was not tabulated because it was used outside a nativist framework (Dobbs spoke favorably of technological incentives within the “business community”).

Savage used the term illegal alien as a jumping-off point in a criticism of government, civil servants (California Attorney General Kamala Harris), and public policies (the sanctuary policy). But he also established “this illegal alien” as an index not only for the specific gruesome murder of a father and his two sons but also for “murderers, rapists, and pornographers” in general. Savage used the other three terms to establish an us-versus-them contrast between himself and socially liberal groups. He used “community” to attack liberal values and lifestyles with regard to the Middle East and to criticize San Francisco as a liberal community in connection to the sanctuary policy. In using the different iterations of free speech, Savage positioned him-

self as a victim of the censorship of the political left, specifically in regard to philanthropist George Soros and media watchdog Media Matters for America.<sup>viii</sup> In several instances, Savage directly cited the activities of Media Matters as an impediment to his own freedom of speech and portrayed the organization as detrimental to personal freedom, national freedom, and public knowledge. Savage also called for financial investigations of Media Matters. Finally, Savage used “anarchist” in the context of describing left-oriented politics. The term was used in combination with “socialists, communists, and anti-Americanism” to characterize crowds attending Obama’s campaign speeches in the United States and abroad. The term was also used twice to describe Media Matters as an organization that wants to censor Savage’s views.

In *The John & Ken Show*, “illegal alien” or some variation was used nine times, largely as an index of immorality and criminality. Like Savage, Kobylt and Chiampou associated “illegal alien” with violent crime: “triple-murdering illegal alien.” They also used the phrase four times to qualify the terms advocates, advocacy groups, and protesters, thereby casting these groups in immoral and criminal terms as

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viii. Media Matters for America describes itself on its Web site as a “progressive research and information center dedicated to comprehensively monitoring, analyzing, and correcting conservative misinformation in the U.S. media.”

**Table 5 — Summary of Selected Indexical Terms**

Program	Illegal <sup>a</sup>	Community <sup>b</sup>	Free Speech <sup>c</sup>	Anarchist	Total by Program
Lou Dobbs Show	44	0	0	0	44
Savage Nation	16	2	12	6	36
John & Ken Show	9	5	4	3	21
Totals	69	7	16	9	101

<sup>a</sup>Category contains “illegal alien,” “illegal aliens,” “illegal immigration,” “illegal immigrants,” “illegal,” “illegals,” “illegal employers,” “illegal employees.”

<sup>b</sup>Category contains “community,” “communities.”

<sup>c</sup>Category contains “free speech,” “freedom of speech,” “free press,” “freedom of the press.”

well. Guest Jim Gilchrist did not use “illegal aliens,” but he did use “these killers” in an indexical sense that generalizes a single murder suspect to imply that all undocumented immigrants are murderous: “They [San Franciscans] don’t want these killers up here.” In the discussion, however, Gilchrist focused more attention on the protests by immigrant rights advocates as suppressing free speech, a point he repeats four times. Gilchrist was the only speaker on the show to use “community” (five times), mostly as a reference point for fears about the dangers posed by undocumented immigrants. Finally, both host and guest used “anarchist” as an index for immigrant rights advocates. For Gilchrist, “anarchists” becomes a code word

by which the following associations are attached to immigrant rights advocates: “delusional,” “misinformed,” “let’s suppress everyone else’s freedom of speech,” and “domestic terrorists.” Interestingly, Chiampou used “anarchist” in a different sense, distinguishing between advocacy groups and “just anarchists who signed up for the mayhem that day.” Gilchrist responded by conflating both senses of the word around “domestic terrorism.”

### Conclusion and Recommendations

The findings are based on data generated from broadcast segments of thirty to forty minutes that were selected from three commercial talk



The programs reveal a distinct and recurring rhetorical pattern for targeting specific vulnerable groups that relies on the systematic use of a combination of unsubstantiated claims, divisive language, and indexical terms that point to a nativist attitude.

radio programs. Even using this limited sample, the qualitative content analysis reveals a significant incidence of speech that incorporates targeted statements, unsubstantiated claims, divisive language, and indexical terms related to political nativism. Our analysis yielded no instances of the kind of hate speech that is defined in the 1993 NTIA report as calling for “immediate unlawful action” (U.S. Department of Commerce 1993). Whether such speech exists on talk radio would require a broader study.<sup>ix</sup> Based on the evidence we uncovered, the programs reveal a distinct and recurring rhetorical pattern for targeting specific vulnerable groups that relies on the systematic use of a combination of unsubstantiated claims, divisive language, and indexical terms that point to a nativist attitude. Through this rhetorical pattern, vulnerable groups were defined as

antithetical to core American values, which were attributed by the hosts to themselves, their audience, and the nation. A significant and recurring indexical construct was that of (Latino) immigrants as criminals and, by extension, as an imminent threat to the American public. Latino immigrants were also linked to social institutions that were presented as complicit with immigrants. In this way, target groups were characterized as both powerful and a direct threat to the listeners’ way of life (in some measure because they were seen as having captured major social institutions such as the media).

What we see as most troubling in our findings is the extent to which this pattern relies on unsubstantiated claims while the talk radio programs situate themselves within the journalistic context of “news” and “opinion” directed at public policy debate. Although our data included no explicit calls to criminal action, the programs systematically placed unsubstantiated claims in the context of divisive language and indexical associations that drew a sharp contrast between their

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ix. In an opinion piece on 1 August 2010, a Washington Post writer outlined a suggestive correlation between program content targeting specific groups and violent acts (Milbank 2010).

targets (vulnerable groups and those depicted as in collusion with them) and their ideologically aligned listeners, whom they sought to mobilize. In this regard, it is notable that the program hosts often utilized specific situations and people to exemplify larger themes. Thus, while the targets may have been specific (a political figure, a news organization, undocumented immigrants), the discourse itself had bigger political or policy aims.

The primary goal of the pilot study was to establish a rigorous and replicable methodology for a full-scale study or series of ongoing studies. Although the limited size of our sample does not provide a basis for definitive conclusions, our findings nonetheless identify several distinct features of speech among the talk radio programs and raise useful questions for a full-scale study. These include broader studies into the extent and nature of:

- The discursive pattern whereby vulnerable groups are targeted but calls for action are directed against those identified as supporters of vulnerable groups.
- The use of dehumanizing metaphors, divisive language (deixis), and indexical terms (nativist code words) to establish targeted outgroups as outside the realm of legal protection or participation in public discourse.
- The use of unsubstantiated claims as a cornerstone of political opin-

ion presented as an interpretation of fact. These unsubstantiated claims further serve as the basis for targeting vulnerable groups as an immediate and direct threat to the program audience (and nation).

Other studies could attempt to measure the impact of particular discursive patterns, figures of speech, linguistic expressions, and unsubstantiated claims that target vulnerable groups while also calling for action on the part of listeners.

The major challenge for a study of hate speech involves determining whether some speech on news-talk radio conforms to one of the two definitions for actionable hate speech: speech that threatens or fosters the commission of hate crimes. In this regard, it is important to note that there is no inherent statistical or numerical threshold for any of the analytical categories used in this study that could thereby provide unequivocal evidence for the existence of hate speech or a climate of hate or prejudice. Indeed, determining a causal relationship between media discourse and the commission of hate crimes against vulnerable groups would require other approaches that can measure impact. In this regard, the pilot study lays the groundwork for developing scientific studies that would provide evidence related to impact: for example, biomarkers for increased aggression (based on evidence that salivary biomarkers can measure aggression as demonstrated by Gordis et al. 2006),

social psychology surveys, and social network analysis (Wasserman and Faust 1994). We argue that qualitative content analysis provides a necessary component of any such analysis, since it provides verifiable, precise delineations of program content. But the question about the relationship between program content and hate crimes requires a multidisciplinary approach that can provide indicators for impact on different levels: physiological, psychological, and social. Together, these approaches would provide a more complete picture of the nature and impact of program content with respect to vulnerable groups.

This project has numerous implications for policy development. In the past, Latino groups have pushed for change on three fronts with respect to media advocacy and policy: improving on-screen and on-air portrayals, increasing employment (for both talent and executives), and facilitating media ownership. While our project does not explore the fine points of media policy or the public and political debate that surrounds them, we do bring renewed attention to content issues as they impact the Latino population. Our pilot study also highlights the issue of codes of professional conduct for journalists. Moreover, our pilot project may generate questions about control over content production and distribution and how that control affects the representation of vulnerable groups. In this regard, the

1993 NTIA report's recommendation is more salient than ever: "To combat hate speech with more speech." But such a goal is also easier said than done. Indeed, one can reasonably ask, exactly how and where will this "more speech" be spoken?

In the United States, the issue of hate speech has been framed largely by First Amendment protections, focusing on freedom of speech and of the press.<sup>x</sup> In some ways, the public discourse about free speech has become more about doctrine than process, presuming that free speech is absolute and fixed rather than a freedom from *governmental* restrictions that must be defended and defined through specific instances and for which there have been notable exceptions (sedition, war protests, obscenity, and, more recently, free speech zones). In the United States, the system of checks and balances inherent in the Constitution's separation of powers provides a necessary governance context for adjudicating among competing constitutional rights, for example, in the case of hate speech, freedom of speech (First Amendment) versus equal protection (Four-

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x. The First Amendment is actually broader in scope: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

teenth Amendment).

Furthermore, in adjudicating among competing claims and claimants, the government also plays an indirect role in restricting speech, as in the case of libel suits. With respect to broadcast media, the government determines which corporate interests are allocated radio frequency (and, hence, access to speech within expansive media), defines a regulatory framework that has a direct impact on programming formats (and, hence, on content), and plays an explicit role in imposing fines and censorship around specific content. Our goal is not to question freedom of speech but rather to acknowledge that it exists in the context of the entire U.S. Constitution and our corresponding governance system. In addressing the issue of hate speech and its relation to hate crimes, we need the “more speech” of sound research on the phenomenon itself, so that we have some basis other than unsubstantiated claims by which to understand who says what, about whom, and to what effect on the public airwaves.

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\* *Transcripts of all data used in the above can be accessible on the Harvard Journal of Hispanic Policy website, [www.harvardhispanic.com](http://www.harvardhispanic.com).*

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# THE IMPORTANCE OF PREPARING TEACHERS TO EDUCATE VULNERABLE POPULATIONS

By *Blanchi Roblero*

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## Abstract

In the midst of federal budget discussions, the field of education has been targeted with large cuts that affect the stability of the teaching profession. Today, teachers are penalized for not closing the achievement gap and not preparing students to be able to compete globally. Although teacher requirements and preparation vary across the nation, most states continually fail to adequately prepare teachers to educate students, particularly vulnerable populations like English language learners (ELLs). As the reauthorization of the Elementary

of our student population and neglect their need for both quality education and well-trained teachers, the outcome can only be one of an uneducated and unprepared workforce.

## Introduction

The civil rights movement and the war on poverty in the 1960s provided the political context for passage of the Elementary and Secondary Education Act (ESEA) of 1965. This was a period when educational inequity became a national concern. The primary purpose of ESEA was to help schools better serve the “special educational needs

Today, teachers are penalized for not closing the achievement gap and not preparing students to be able to compete globally.

and Secondary Education Act moves forward, we need to ensure that the needs of ELLs and their teachers take priority. Legislators must add provisions requiring general education teachers to earn specific credentials and participate in professional development to advance both linguistic and academic proficiency for ELL students. The academic success of ELL students is in the best interest of the United States, both economically and in terms of equity in education. If we continue to overlook 25 percent

of educationally deprived children” (Crawford 2011). Over time and with the reauthorization of this legislation under the administration of President George W. Bush in 2002, the focus of the law (also known as the No Child Left Behind Act) expanded to include numerous other objectives, such as ensuring that educators are highly qualified and allowing for an increase in accountability in order to both reward and sanction educators. This new version of the legislation expanded the federal role in education



## Legislators must add provisions requiring general education teachers to earn specific credentials and participate in professional development to advance both linguistic and academic proficiency for English language learner students.

and took particular aim at improving the educational realities of disadvantaged students. At the core of the ESEA reauthorization legislation were a number of measures and mandates designed to drive broad gains in student achievement and to hold states and their schools accountable for student progress (Kirst and Wirt 2009, 294-297).

Since last reauthorized, this law revealed significant educational disparities among students of color, low-income students, migrant students, students with disabilities, and English language learners (ELLs). However, the mandates of this law have not improved the conditions of these students attending public schools. Many components of ESEA present unrealistic expectations; for instance, the expectation that ELL students are to achieve content knowledge before they master the English language is problematic not only for the students but also for the teachers.

High-quality and effective education through prepared teachers

should be afforded to all students. In October 2011, the Los Angeles Unified School District (LAUSD) agreed to improvements in the way it teaches ELLs after a nineteen-month investigation by the U.S. Department of Education's Office for Civil Rights. The investigation found that 30 percent of students were denied equal educational opportunities by not affording ELLs access to core academic classes required to graduate and enroll in college or job training programs. One factor that contributed to this inequity is the large number of unprepared teachers designated to teach ELL students (U.S. Department of Education 2011). One of the ways in which the LAUSD case was resolved was to provide professional development to improve the quality of teachers of ELLs. However, the nation should not wait until school districts violate the rights of these students in order to provide them with well-qualified instructors and equal education (U.S. Department of Education 2011). As the reautho-

However, the nation should not wait until school districts violate the rights of these students in order to provide them with well-qualified instructors and equal education.

rization of ESEA moves forward, we need to ensure that the needs of ELLs and their teachers take priority and are effectively addressed. The academic achievement of this group of students will contribute to the success of the United States economy by providing a fast-growing and well-educated labor force.

Moreover, it is necessary to highlight the importance of funding within ESEA. Titles II and III of ESEA specifically authorize programs that provide funding and management support for the professional development of general education teachers and of those who teach ELLs. This article will address the complexities of funding and developing programs for teachers of ELLs. It will also discuss ways to improve the training of teachers in this field while simultaneously improving the academic achievements of ELLs.

### **English Language Learners**

English language learners, as defined by Title IX of ESEA, are students between the ages of three and twenty-one who have difficulty listening to,

writing, reading, or speaking English to the extent that it may be detrimental to their success in society (U.S. Department of Education 2008). Despite common assumptions, most ELLs are not immigrants. Actually, 84 percent of this population is born within the United States, and 76 percent of ELLs in elementary school and 54 percent of ELLs in secondary school are native-born (Capps et al. 2005). This student population is not only the fastest growing in the United States but it also has the highest high school dropout rate at 25 percent and lower academic achievement in comparison to its peers, whose dropout rate is 15 percent (Van Roekel 2008; Maxwell 2011). This jeopardizes a well-educated workforce that must compete globally.

In the past fifteen years, ELL students have doubled to five million, and it is predicted that by 2015 this population will increase to ten million. More importantly, by 2025, it is projected that one out of every four students in public schools will be an English language learner (Van Roekel 2008). Today, about 12 percent of students in public schools across the nation are ELLs; they

are part of federal legislation, and therefore great attention should be paid to them when creating comprehensive education policies.

## The Education of ELLs

The 1965 ESEA defines the goal of education for ELLs and immigrant students as preparing students to enter and participate in school with the knowledge and skills necessary to achieve at the same high academic level at which their peers are expected to achieve. Still, there are some circumstances that prevent this from happening. For example, ESEA prohibits ELLs from being removed from core academic classes; as a result, general education teachers are responsible for both content and language learning for the students. This prohibition has been in place since 2001 and designates more responsibilities to general education teachers; however, development and training for educators continues to lag behind, thus creating a serious problem for both the educator and the student (Leos and Saavedra 2010).

As the number of ELL students increases, educators will continue to encounter the challenge of providing effective second language instruction and academic content. In the past, the responsibility of ELLs' learning fell on the shoulders of bilingual teachers. However, as ELLs today spend the largest percentage of their schooling in regular class-

rooms, it is now the responsibility of general education teachers to educate ELLs (Van Roekel 2008). The obligation of ESEA is to ensure that professional development and other tools are available to teachers so they can fulfill these expectations.

## Federal Funding

### *Title II*

Title II of ESEA provides approximately \$3 billion annually to support local and state-level activities to improve teacher quality and consequently improve student achievement. For the most part, these funds are spent at the district level on professional development and class size reduction. Since 2002, federal funding for professional development has increased; however, research on the effectiveness of these development programs is limited.

A recent review of nine rigorous studies found that adequate professional development for teachers could boost student achievement by 21 percentile points (Chait and Miller 2009). This review also concluded that training lasting fourteen hours or less would not yield positive effects on either the teacher's development or the achievement of the students. This finding may suggest a different approach in the allocation of Title II funds for professional development programs and monitoring of development courses

for content areas as well as English as a second language.

### **Title III**

The creation of Title III in the ESEA reauthorization of 2002 marked a new federal approach to provide high-quality instruction that meets the needs of ELLs. States are awarded federal formula grants that take into account the number of immigrant and ELL students in each state. School and division-level programs supported with Title III funds must provide research-based instruction designed to help ELL students develop fluency in English and achieve state standards in core academic content areas. Title III also supports high-quality professional development for classroom teachers, principals, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of ELLs (U.S. Department of Education 2008).

### **Preparing Teachers to Educate ELLs**

Although teacher requirements and preparation vary across the nation, most states fail to adequately prepare teachers to educate students, particularly vulnerable populations like ELLs. Current demographic shifts in the United States show that it is likely that all teachers, at some point in their careers, will encounter a student who is not fully proficient in English. Many

teachers do not have the adequate preparation to provide highly effective instruction to this population of students (Ballantyne et al. 2008).

Rosalinda Barrera, former assistant deputy secretary and director of the Office of English Language Acquisition (OELA) at the U.S. Department of Education, has emphasized the fact that there is a shortage of prepared teachers who can effectively address the needs of ELL students in the classroom (Barrera et al. 2011). Moreover, the data presented in Table 1 shows that many states are not focused on teachers of ELLs or their participation in professional development. This also supports Barrera's statement, showing that only thirty-three states have English language standards, and out of these states, only three (Arizona, Florida, and New York) require all teachers to show competence in English language instruction (National Center for Education Statistics 2009). Failing to meet the most efficient requirements within standards will affect not only individual students but also the competency of this country.

ELLs constitute a significant portion of the school-age population and encounter additional educational challenges compared to their counterparts. For example, controlling for other factors, these students' academic performance is far below that of their peers, reflecting extremely high dropout rates. Looking

at the academic career of this population, teachers prove to be an important factor in improving academic performance. An increasingly large body of research has established the importance of professional development for student learning as it allows teachers to share their concerns and support one another in finding ways to work effectively with ELL students (Van Roekel 2011).

Teachers of ELLs are in need of practical, research-based information, teaching strategies, and professional development to evaluate and educate ELLs. In 2005, a survey of California teachers showed teachers' frustration with the absence of, or minimal amount of, profes-

sion or English as a second language (ESL) are not prepared to meet the needs of these students. This is a challenge that must be overcome given that most general education teachers have at least one ELL student in their classroom but only 29.5 percent of those teachers have been exposed to any kind of training in the field (Ballantyne et al. 2008). In addition, as the ELL student population continues to increase across the nation, only twenty states require incoming teachers to receive training for working with ELLs (Ballantyne et al. 2008). It is vital to address the need for professional development regarding ELLs, as many more educators will encoun-

Only one out of five professional development programs offers a full course on English language learners (ELLs), and 30 percent or less of all teachers have had any relevant training pertaining to the education of ELLs.

sional development or in-service workshops regarding ELL students (Gándara et al. 2005).

ELLs require teachers who are skilled in a variety of instructional, pedagogical, and cultural strategies. Recent research on teacher preparation suggests that general education teachers who do not hold a license or certification for bilingual educa-

tion face the challenge of providing effective second language instruction in their classroom.

According to OELA, teachers and principals are not being trained, and more teachers without an ESL background are now responsible for teaching ELLs (Barrera et al. 2011). In addition, only one out of five professional development programs

offers a full course on ELLs, and 30 percent or less of all teachers have had any relevant training pertaining to the education of ELLs (Barrera et al. 2011). Clearly, there is a great urgency for development programs.

In addition, the American Educational Research Association published an article showing that the most important influence on student success is what teachers learn (Holland 2005). Professional development should aim to improve teachers' knowledge, and

Teachers themselves have expressed their dissatisfaction with the lack of resources and the feeling of unpreparedness to teach English language learners.

### **The Need for Additional Teacher Training for ELLs**

Despite ongoing debates about whether teachers make a difference in student learning, many studies show that the most important factor affecting student learning is the teacher. An article in the *Future of Children* highlights the quality of instruction as the most significant factor when educating ELLs (Calderón et al. 2011). The obvious conclusion of this finding is that more can be done to better education by improving the effectiveness of teachers than by any other single factor. Effective teachers appear to be successful with students of all achievement levels. If the teacher is ineffective, students under that teacher's guidance achieve inadequate progress academically (Calderón et al. 2011).

it should enhance their understanding of student thinking in the subject matter as well as English acquisition. Aligning substantive training with the classroom curriculum and teachers' actual work experiences is vital to the success of teachers and their students.

Teachers themselves have expressed their dissatisfaction with the lack of resources and the feeling of unpreparedness to teach ELLs. These teachers often find themselves struggling with a lack of pedagogical skills and the absence of professional development to gain linguistic, cultural, and instructional knowledge of this group (Gándara et al. 2005). Table 2 illustrates the lack of support for teacher development across states. This table shows that only thirty-one states require school districts to align professional development with local priorities and goals and that only six-

teen states require schools to actually set time aside for development (National Center for Education Statistics 2012). Professional development is essential for the success of teachers working with vulnerable populations as well as all for the students' learning. General education teachers must be aware of the areas in which ELLs may encounter challenges and also be exposed to training programs that will give them guidance and support in working with these students.

### **Effective Techniques of Professional Development**

Experts in the field have discovered different approaches that can improve the instruction of teachers when educating ELLs. One successful program includes a cultural component that maximizes the opportunities of ELLs by understanding different cultural backgrounds. Geneva Gay, professor of education at the University of Washington-Seattle, emphasizes teaching all students to learn about their own culture and appreciate the cultures of others; this approach helps develop a good relationship with the teacher and provide the support that ELLs need in order to overcome challenges in the classroom (2002).

Effective techniques exist and are recommended for educating these students; for example, teachers should strive to help ELLs feel comfortable in their classroom to facilitate their learning. Gay suggests differentiating

instruction for ELLs in the classroom. Teachers should make sure the lessons provide comprehensible input for students and link new learning to ELLs' prior knowledge. Literature in the classroom should reflect multiple ethnic, language, and cultural perspectives. Culturally responsive teachers contribute to the success of students in an academic and social environment (Gay 2002).

New research continues to identify additional techniques for professional development. For example, Kenji Hakuta, a professor at the Graduate School of Education at Stanford University and a long-time expert on ELLs, as well as the Bill and Melinda Gates Foundation are collaborating to create a team that will work with national ELL experts and educators to identify the academic language required in different content areas and to develop an open-source platform of resources to help teachers of ELLs implement the new standards. The team will test samples of curricula with frameworks, lesson plans, teacher professional development, and other resources based on federal standards. Subsequently, the team will work with the Council of the Great City Schools in Washington, DC, to test them in classrooms (Sparks 2011). Initiatives like this should be supported and studied to identify effective techniques in the classroom and to incorporate them into the professional development of teachers.

In addition, Margarita Calderón,

senior research scientist and professor at Johns Hopkins University, made a clear distinction by expressing that effective professional development for teachers who work with language-minority students must be very different from standard professional development. In particular, she noted, professional development needs to be ongoing throughout the school year and for many years (Calderón et al. 2011). Teachers need preparation that integrates language, literacy, and subject matter knowledge for teaching diverse populations, and staff development that is outcomes-based, comprehensive, and provides enough time and tools for improvement (McBride 2008).

Some comprehensive models that overhaul how schools address the needs of ELLs have been shown to be effective. One model that motivates this change is Quality Teaching for English Learners, which emphasizes professional development for secondary school general teachers, as well as ELL specialists, to learn how to engage ELLs. An evaluation of the first two years of the program in a high school in the Austin Independent School District in Texas concluded it was “moderately effective.” Since then, districts in San Diego and New York City have also implemented it (Zehr 2011).

In addition, the U.S. Department of Education has made efforts to change the devastating statistics on ELL students’ achievement by increasing

teacher development. OELA initiated the Delta program and allocated grants for 8,000 teachers, totaling about \$40 million since 2002. The Delta training program studies the relationship between teacher preparation and the achievement of ELLs in K-12. Recent teacher graduates from Delta determine the effectiveness the professional development program and make improvements in the curriculum and instruction of the program. Interestingly, one observation was that bilingual teachers felt more prepared to teach ELLs. The clinical experience or direct experience with ELLs was looked at as the most helpful and beneficial aspect in being prepared to educate ELLs (Barrera et al. 2011).

The time teachers spend in professional development makes a difference as well, but only when the activities focus on high-quality instruction. High-quality instruction should be culturally appropriate for the students being served and must prepare all students to be part of a competitive workforce. Fourteen hours or less of training will not have any effect on student achievement; therefore, teachers must be exposed to significant training varying from thirty to fifty hours (Chait and Miller 2009). Extended opportunities to better understand student learning, curriculum and instruction, and subject matter content can boost the performance of both teachers and students (Holland 2005).

After presenting different initiatives and forms of development, it



can be seen that research is one of the most important factors in creating highly qualified educators for ELLs. Research that examines how to better measure the impact of professional development programs, compares models, and offers large-scale replication of effective models is needed (McBride 2008).

### **Program Recommendations for Practitioners**

Schools seeking to provide high-quality development for teachers in the ELL field must be aware of what does and does not work. These professional development programs should do the following:

- Establish high standards for academic content within lesson planning and ELL language acquisition, instruction, and testing. This would require general education teachers to be held to the same standards as any bilingual teacher operating in the school.
- Ensure use of effective pedagogy skills and knowledge on ELLs.
- Demonstrate how to implement strategies that simultaneously integrate language and content learning as well as exposure to successful instructional approaches that increases the academic achievement of ELLs.
- Align teachers' learning opportunities with their real work expe-

riences, using actual curriculum materials and assessments.

- Provide adequate time for professional development and ensure that extended opportunities are present in order to emphasize the observation and analysis of students' understanding of the instruction. Teachers should receive thirty to fifty hours of professional development training. Anything less will not yield any positive effects.

A strict evaluation of the professional development system must be put in place. Most states and school districts do not know how much money is spent on professional development for teachers or what the benefit is because they do not systematically evaluate how well the additional training works. An effective evaluation includes an examination of actual classroom practices, the impact of the training on teacher behavior, and the effect this has on student learning. As Holly Holland notes, "Evaluation should be an ongoing process that starts in the earliest stages of program planning and continues beyond the end of the program" (2005).

### **Policy Recommendations for Policy Makers**

The federal government has very limited power in setting education policies across the nation. But under ESEA and its guidelines, this power has increased and is currently influ-

encing policy at the state and local levels. Amid all the issues targeting the education of our country, the teaching profession should not be overlooked. Policy makers need to ensure that a reauthorized ESEA does the following:

- **Introduces teacher training requirements that address the unequal distribution of highly qualified teachers across districts.** These provisions are necessary so that students can be guaranteed an effective education. These could be further strengthened for ELLs by requiring general education teachers to be properly trained, as demonstrated by specific credentials and professional development to advance both language and academic proficiency in ELLs, thus making these teachers highly qualified (August et al. 2011).
- **Promotes and supports teacher preparation and training by allocating a \$1 million award per state through competitive grants.** We need to fund programs that build the capacity of general education teachers and ESL educators to differentiate instruction and as-

essment of ELLs as well as teach ELLs the academic language required to successfully access academic content. ELL experts need to be involved at every level of design and implementation to close the achievement gap this specific group currently faces. These individuals' expertise and knowledge of the ELL community and their teachers could serve as a guide and outline of what legislation should focus on in order to have educators teaching vulnerable students like ELLs in an effective and substantive manner.

- **Advises research to determine a baseline for adequate funding of ELL programs and require states to dedicate at least that amount to ELL programs as a condition of receiving ESEA and Title III funds** (Crawford 2011). Educating ELLs is more costly than educating non-ELLs. Therefore, we need to make sure that we allocate the right amount of funding to support professional development programs that will yield well-trained teachers to educate these students.

Policy makers need to ensure that a reauthorized ESEA introduces teacher training requirements that address the unequal distribution of highly qualified teachers across districts.

- **Allocates funds of Title II to specific activities at the district level that will improve the quality of professional development for general education teachers educating ELLs.** Since 2002, the funding for professional development has increased. However, monitoring of development programs and their effectiveness has not been measured (Chait and Miller 2009). The reauthorization of ESEA needs to design a system of oversight to observe where the funds are going and how effective these funds are per development program.
- **Ensures that school districts have reliable systems for evaluating the impact of professional development on teachers' practices and student learning.** More attention needs to be paid to the kind of development program that is implemented, and its success should be shown by data-driven measures. Database decision making should promote systematic collection of data to build evidence of the effectiveness of the programs. Districts also have to do a better job with advancing the requirement to show teacher competency to ELLs after completing any professional development training.
- **Guarantees resources to selected states to work toward the development of a broad national framework that captures the many dimensions of academic English, particularly, training for teachers.** As a consequence, ESEA should also strive to incentivize professional development for teachers with the goal of having at least 70 percent of teachers be highly qualified—meaning having skills to teach both content and language to ELLs by the year 2020. There must be ongoing federal support toward programs like the National Professional Development (NPD) program, which is the only federal program that targets training for personnel that serve ELLs. Since 2002, NPD has been able to allocate grants for 8,000 teachers, train 1,700 teachers through in-service, and support the completion of teachers' ESL certification. However, this number should be larger given the growing ELL student population (Barrera et al. 2011).
- **Raises the current appropriations cap under Title III by 15 percent for teacher preparation.** ELL enrollments are expanding throughout the country, especially in several states where school personnel have limited experience and expertise in serving these students. Therefore, under Title III, Congress should lift the cap on appropriations for pre- and in-service preparation of bilingual and ESL teachers and also set aside 15 percent of Title III funds for the NPD program (Crawford 2011).

## Summary

The federal government must be committed to improving the education of ELL students by providing assistance in the development of training programs for general education teachers. Funding and spending have been taken into account with these recommendations, which is why policy makers must be aware that professional development needs to be looked at as a long-term process instead of just focusing on short-term needs of certain education agendas. In addition, there should be less expansion of resources without research-based evidence of quality of training programs.

Investment in professional development is essential for closing the achievement gap among students. Policy makers cannot focus only on the pipeline for new teachers but must also promote development for existing teachers that have been in the field for years. There has to be more emphasis for teachers to attend workshops that will sharpen their skills to better educate ELLs. Funds that are currently allocated in Title II of ESEA could be redistributed in a way that will lead to improvements in ELLs by ensuring that funds are used in efficient ways. Funding for teacher development should align with strategic goals and perhaps channel these funds toward competitive grants that present greater results.

ESEA must support the development of effective teachers in schools

and classrooms. This must include expanding the capacity to culturally and academically prepare teachers. Through Title II, the federal government should provide support to states and districts that have a curriculum of professional development for teachers in order to prepare them to work with ELLs. Educators must be empowered and stimulated to establish positive responses to any challenges that educating an ELL may present to them. Lastly, we need to have a clear understanding that investing in an educational model that addresses the needs of ELL students and creates professional development programs for teachers requires collaboration, discipline, and coordination throughout the education field as well as Congress.

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**Table 1 — State policies regarding teaching of English language learner (ELL) students, by state: 2008–09**

State	State has teacher standards for ELL instruction	State requires all prospective teachers to demonstrate competence in ELL instruction	State offers incentives to earn English as a Second Language license and/or endorsement	State bans or restricts native-language instruction
United States <sup>1</sup>	33	3	11	7
Alabama	No	No	No	No
Alaska	No	No	No	No
Arizona	Yes	Yes	Yes	Yes
Arkansas	Yes	No	Yes	Yes
California	Yes	No	No	Yes
Colorado	Yes	No	No	No
Connecticut	No	No	No	Yes
Delaware	No	No	Yes	No
District of Columbia	No	No	No	No
Florida	Yes	Yes	Yes	No
Georgia	Yes	No	No	No
Hawaii	No	No	No	No
Idaho	Yes	No	Yes	No
Illinois	Yes	No	No	No
Indiana	Yes	No	No	No
Iowa	Yes	No	Yes	No
Kansas	Yes	No	Yes	No
Kentucky	No	No	No	No
Louisiana	No	No	No	No
Maine	No	No	No	No
Maryland	Yes	No	Yes	No
Massachusetts	Yes	No	No	Yes

## THE IMPORTANCE OF PREPARING TEACHERS

Michigan	Yes	No	No	No
Minnesota	Yes	No	No	No
Mississippi	No	No	No	No
Missouri	No	No	No	No
Montana	Yes	No	No	No
Nebraska	Yes	No	No	No
Nevada	No	No	No	No
New Hampshire	Yes	No	No	Yes <sup>2</sup>
New Jersey	Yes	No	No	No
New Mexico	Yes	No	No	No
New York	Yes	Yes	Yes	No
North Carolina	Yes	No	No	No
North Dakota	Yes	No	No	No
Ohio	No	No	No	No
Oklahoma	No	No	No	No
Oregon	Yes	No	No	No
Pennsylvania	Yes	No	No	No
Rhode Island	Yes	No	No	No
South Carolina	No	No	No	No
South Dakota	No	No	No	No
Tennessee	Yes	No	No	No
Texas	Yes	No	No	No
Utah	No	No	No	No
Vermont	Yes	No	No	No
Virginia	Yes	No	No	No
Washington	No	No	Yes	No
West Virginia	Yes	No	Yes	No
Wisconsin	Yes	No	No	Yes
Wyoming	Yes	No	No	No

<sup>1</sup> National total reflects the number of “Yes” responses for each column.

<sup>2</sup> New Hampshire state law indicates that instruction should be exclusively in English, but bilingual education programs are permitted with the approval of the state board of education and the local school district.

*Source: National Center for Education Statistics 2009*

**Table 2 — State encouragement and support for teacher professional development and incentives for earning National Board Certification, by state: 2011-12**

State	State has formal professional-development standards	State finances professional-development for all districts	State requires districts/schools to set aside time for professional development	State requires districts to align professional development with local priorities and goals	State provides incentives for teachers to earn National Board Certification <sup>1</sup>
United States <sup>2</sup>	39	23	16	31	24
Alabama	Yes	Yes	Yes	No	Yes
Alaska	No	No	No	No	No
Arizona	Yes	No	No	No	No
Arkansas	Yes	Yes	Yes	Yes	Yes
California	No	No	No	No	Yes
Colorado	Yes	No	No	No	Yes
Connecticut	Yes	No	Yes	Yes	No
Delaware	Yes	Yes	Yes	No	No
District of Columbia	No	No	No	No	No
Florida	Yes	Yes	No	Yes	No
Georgia	Yes	Yes	Yes	Yes	No
Hawaii	Yes	Yes	No	Yes	Yes
Idaho	No	No	No	No	No
Illinois	No	No	No	No	Yes
Indiana	No	No	No	Yes	No
Iowa	Yes	Yes	No	Yes	No
Kansas	Yes	No	No	Yes	Yes
Kentucky	Yes	Yes	Yes	Yes	Yes
Louisiana	Yes	No	Yes	Yes	No
Maine	Yes	Yes	No	No	Yes
Maryland	Yes	Yes	No	Yes	Yes



## THE IMPORTANCE OF PREPARING TEACHERS

Massachusetts	Yes	Yes	No	Yes	No
Michigan	Yes	Yes	Yes	Yes	No
Minnesota	Yes	Yes	No	Yes	No
Mississippi	No	No	No	No	Yes
Missouri	Yes	No	No	Yes	No
Montana	Yes	Yes	Yes	Yes	Yes
Nebraska	No	Yes	Yes	No	No
Nevada	No	Yes	No	Yes	Yes
New Hampshire	Yes	No	No	No	No
New Jersey	Yes	No	No	Yes	No
New Mexico	Yes	No	No	Yes	No
New York	Yes	No	Yes	Yes	Yes
North Carolina	Yes	No	No	Yes	Yes
North Dakota	Yes	Yes	Yes	No	Yes
Ohio	Yes	No	No	No	No
Oklahoma	Yes	No	No	No	No
Oregon	Yes	No	No	No	Yes
Pennsylvania	Yes	Yes	No	Yes	No
Rhode Island	Yes	Yes	No	No	Yes
South Carolina	Yes	Yes	Yes	Yes	Yes
South Dakota	No	No	No	No	No
Tennessee	Yes	No	Yes	Yes	No
Texas	Yes	No	No	Yes	No
Utah	Yes	No	No	Yes	No
Vermont	Yes	No	Yes	Yes	No
Virginia	Yes	Yes	No	Yes	Yes
Washington	Yes	No	No	No	Yes
West Virginia	Yes	Yes	Yes	Yes	Yes
Wisconsin	No	Yes	No	Yes	Yes
Wyoming	No	No	No	Yes	Yes

<sup>1</sup> The National Board for Professional Teaching Standards (NBPTS) offers the National Board Certification (NBC) on a voluntary basis to all people with a baccalaureate degree and three years of classroom experience in either a public or private school.

<sup>2</sup> National total reflects the number of “Yes” responses for each column.

*Source: National Center for Education Statistics 2012.*

# ANTONIO PAZARAN



*BORN AND raised in the Little Village neighborhood of Chicago to Mexican immigrant parents, Antonio Pazaran grew up alongside two sisters and an older brother. He is a self-taught painter, muralist, and printmaker and was also formally trained at Columbia College Chicago, earning a BA in graphic design. He finds inspiration in everyday life situations and strives to incorporate topics that are central to his culture and environment. Themes include music, social issues, poverty, violence, sex, and graffiti with a central focus on the people around him and in his neighborhood.*



Antonio Pazarán, *Materia Prima*, 2008, linocut, 11" x 21"

# The Search for Kitsch: A Review of The Riddle of Cantinflas

Essays on Hispanic Popular Culture

by Ilan Stavans

(University of New Mexico Press, 2012, Revised and Expanded Edition)

Reviewed by Jesus Davila

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*Corps member in Houston, Texas, where he taught at the KIPP Spirit school. Davila then spent a year teaching at numerous charter and private schools across New York City, exploring best practices for education reform. Recently, Davila worked with the Strategic Data Project at Harvard University, editing the Toolkit for Effective Data Use and completing a data use review for the Howard County Public School System. Currently, Davila is working with the City of Houston's Division of Economic Development to complete his second-year policy analysis exercise*

**T**he *Riddle of Cantinflas: Essays on Hispanic Popular Culture* is a thick, colorful knot of essays—essays that map where intellectual and immigrant intersect. If readers focus on this junction and avoid searching for kitsch, the book is enlightening.

Author Ilan Stavans claims “kitsch,” an infatuation and reproduction of the past, explains the chaotic pin-board beauty of Hispanic culture. For Stavans, Hispanic culture is a copy of a copy.

In the preface to *The Riddle of Cantinflas*, Stavans makes his case for this simulacrum of society, swinging through a maze of Spanish and Latin American history to prove his point.

However, the thread of kitsch in his essays is as thin as a burnt corn tortilla.

The trouble begins when Stavans warns the reader to “beware of looking for sequence and cohesiveness” in his essays. He even advises against looking for some sort of conclusion. This left me confused. If kitsch explains Hispanic culture, according to Stavans, why shouldn’t I look for this theme in his articles? At times his essays, often sprawling and itinerant, failed to connect with kitsch at all.

But this book is more than kitsch. Many essays plunge *lucha libre* style into *rascuache*, a term Stavans uses to describe popular and organic Hispanic culture. Stavans uses all his fingers to untangle *rascuache* with poetic and academic engrossment, “sketching” sense and significance into everything from the colorful pastel cards of *lotería*, the old Mexican game of chance, to the rags and rakishness of Cantinflas. The essay on the Mexican movie star from the mid-twentieth century known simply as Cantinflas captivated me. Stavans believes Cantinflas served as a “Mexican collective self,” acting as therapy for a country in hurried transition from an agrarian to industrialized nation. Similarly, he argues the confusion Cantinflas caused was symbolic. Stavans claims Cantinflas’s pun-filled promenades, the actor’s verbal strolls that always ended in confusion, exposed the growing communication gap between Mexican classes. Some of Stavans’s other *rascuache* explorations

include El Sup’s role in Chiapas and José Guadalupe Posada’s street art. For Stavans, the super glue of *rascuache* is that it is subversive, honest, and a product of a labyrinthine history and culture, a culture that must be cherished not relegated by a dominant art intelligentsia.

Stavans’s recent essays on society slosh through the bog of the immigration debate. In “Mother of Exiles,” he deconstructs the message and significance of the Statue of Liberty. In “A Dream Act Deferred,” he explores one undocumented student’s rise to a PhD in America and ultimate immigration to Canada. Finally in “Immigration and Authenticity,” he reflects on the significance of dominant cultural expectations, both in biblical history and modern immigration (e.g., camels in the Bible, sombreros for Mexican immigrants).

This book is an Olympic-sized swimming pool of thoughts, stretching with depth as it meanders from street art to author Sandra Cisneros to Latino civility. It would be difficult to find a book on Hispanic culture that extends itself so far with so few pages to create such an elegant and colorful dialogue.

Stepping back, letting go, and appreciating this dialogue took time. When I began the book, I felt frustrated as I looked for a billboard-sized takeaway for the Hispanic experience. But I did my best to heed the author’s advice: forget about coherence, consistency, or an answer.

Who could possibly explain Latino culture in fourteen essays? When I finally dropped the compulsion to search and connect, I began to understand Ilan Stavans's experience as an immigrant, his perception of the world, and his profound scholarship. Stavans's book became a skeleton key, opening small hidden doors into the complicated world of Hispanic culture. Stavans doesn't pretend to have the answers, but he wants to let you in on the conversation, pulling out a chair, welcoming you, asking you to play *lotería*. When I let go of the search, which is a theme in Hispanic literature, Stavans treated me with an engaging pastiche that did the impossible: contextualize Hispanic culture.

On the other hand, I found it difficult to follow the haphazard structure of the book. The essays range from academic discourse to colloquial interview, from poetic digressions to historic inquiries. Readers may feel overwhelmed as they hop from one essay genre to another. Similarly, in some essays, Stavans's mental perambulations (while interesting) detracted from the thesis of the piece. Finally, while each essay is soaked with knowledge, I sometimes felt the pieces on immigration wobbled from succinct poetic prose, aligning every atom of readership in me, to stilted inflammatory accusations. One example was when he contrasted modern Latin American immigration with immigration in the past. He suggested Big Brother greets modern im-

migrants, while nineteenth-century European immigrants were greeted by the Statue of Liberty, a symbol created to mirror them. On the contrary, many believe Lady Liberty was simply modeled after Charlotte, the sculptor's mother.

Like many essay collections, greatness and verbosity arm-wrestled throughout the book, but anyone interested in Hispanic culture should read this collection. When I read this book that chronicled Stavans's thoughts over the past twenty-two years, I felt I was watching a microcosm of Hispanic culture unfurl at light speed. Perhaps this is the best way to explore Hispanic culture. While the obliqueness of his essays and the inconsistency of the book's structure sometimes felt chaotic, ultimately the ineffable completeness I felt after finishing the book made it a treasured read. For those looking to explore Hispanic culture or connect with someone who made a life of this exploration, consider *The Riddle of Cantinflas* your primer.

# SELF- REFLECTION AND DISCOVERY

A Review of *Mi Voz, Mi Vida: Latino College Students Tell Their Life Stories*

Edited by Andrew Garrod,  
Robert Kilkenny, and Chris-  
tina Gómez

(Cornell University Press, 2012)

Reviewed by Anthony R.  
Jimenez, President and CEO,  
*MicroTech*

*Tony Jimenez is the award-winning  
President and CEO of MicroTech, the*

*top Hispanic-owned IT integrator in the nation. A retired Army officer and service-disabled veteran, Jimenez founded MicroTech in 2004 and has grown the business into a profitable quarter-of-a-billion-dollar company. Hispanic Business Magazine named him one of the “Most Influential Hispanics in the Nation” and the Minority Enterprise Executive Council declared him one of the “Most Powerful Minority Men in Business.” Along with being on the Harvard Journal of Hispanic Policy Executive Advisory Board, Jimenez also serves on several other boards, including the U.S. Department of Commerce’s National Advisory Council on Minority Business Enterprise, the United States Hispanic Chamber of Commerce, the United States-Mexico Chamber of Commerce, the Latino Donor Collaborative, and George Mason University’s Board of Visitors. Jimenez has worked with several White House administrations, meeting with presidents and their senior advisors regarding small and medium-sized businesses and ways to create jobs, improve educational opportunities, and stimulate the economy.*

**I**n celebration of the digital publication of *Mi Voz, Mi Vida: Latino College Students Tell Their Life Stories*, a publication that signals a hunger to understand Latino students, and knowing that American education will soon hinge both on digital publications and Hispanic students,

I dive into this touchstone for understanding the Latino college experience.

The editors of *Mi Voz, Mi Vida* did an exceptional job of weaving fifteen disparate narratives into a coherent, comprehensive look at the struggles and triumphs of the student authors. The book is a collection of memoirs by student autobiographers between the ages of eighteen and twenty-two who attended Dartmouth College. Since these events took place at only one institution, one might question how generalizable or representative the students' Latino college experiences are. However, this inspiring book of stories, or *cuentos*, is one that anyone who ever attended college or embarked on a serious journey of self-reflection and discovery can relate to regardless of ethnicity. As a Latino myself, I found many of the experiences described by the authors not only intriguing, revealing, and promising, but reflective of my upbringing and life events. In many instances, the stories capture the raw emotions of those who feel disenfranchised, yet through perseverance, ultimately prevail; Joseph Rodriguez's story of visiting his father in jail is a good example.

The essays represent only a select few completed as part of the requirements of a sociology course. The objective of the course was to increase the students' understanding of Latino history, politics, and public policy. For many of the student authors, this would be their first serious foray into

these areas. While the editors went to great lengths not to unduly influence the students' stories, the authors were provided with a number of "guiding questions" to help convey their personal stories; these questions undoubtedly served as a useful framework for promoting the reflective process for each student author. A representative sample of those questions is provided below.

- What gives purpose to your life?
- What relationships have been of major significance to you?
- When and how did you become aware of the concept of ethnicity?
- What have been some of the major struggles in your life?
- What role does your "Latinoness" play in how you identify yourself?

To ensure the integrity of the stories, the editors followed a thorough review and vetting process for the essays. Independent reviews were employed by those not directly engaged in the story development process to ensure each essay received a more objective reading. Changes to the written texts by the editors were minimal. With a goal of facilitating each student to ultimately find "their voice" and tell their story in their own words, this approach helped ensure each author retained "ownership" of his or her story. The "sense making" aspects of their individual and very



personal experiences were left to the authors. After all, it is only through that sort of analytical and reflective process that individual meaning and “truth” can be derived. In the end, the story must be their story as they believe they lived it. *Mi Voz, Mi Vida: Latino College Students Tell Their Life Stories* effectively leverages this personalized perspective.

It was a good decision to package the essays and present them under the auspice of four major themes: resilience, biculturalism, mentoring, and identity. While on the surface the four themes appear to be discreet, independent topics, the reality is that the themes are present in the stories. Not surprisingly, the themes evident in each essay only help the reader gain an increased appreciation and understanding of the students’ collective experiences. The interesting question for readers to ponder as they make their way through the authors’ stories, which outline the firsthand experiences and challenges of growing up Latino, is: “Can this work help combat the stereotypes of Latinos?”

As the stories of each individual unfolded, I found myself rooting for the authors to make good choices, find avenues of release for their pain, discover answers to their questions, and ultimately, achieve success. Growing up Latino, I found many points of connectedness; their stories were my story. I am sure many readers will have a similar reaction, which is always a telltale sign of a compelling

narrative essay.

Although the editors do not suggest that any one of the four themes is more important than another, for me, resilience stood out. The importance of resilience comes through in almost every story. As one might expect, all of the authors faced obstacles to some degree on their individual journeys, although some more than others (e.g., dysfunctional families, serious financial challenges, etc.). One especially interesting dimension to the stories is that in virtually every instance the authors recognized the possibilities that existed that could offer them an escape or enable them to transcend their circumstances. My sense is that most readers will agree with the editors who noted that perhaps there was no more vital factor for the students in terms of being able to endure, persist, survive, and succeed than resilience. In fact, I found myself easily relating to that aspect of the stories. As for myself, as an entrepreneur and CEO of a Top Five Fastest-Growing Hispanic-Owned Business as ranked by *Hispanic Business Magazine*, I found these same factors (endurance, persistence, survival) critical to my success when starting up and growing my business over the past almost nine years.

The book is filled with touching and powerful personal stories. Many readers will find the essays quite emotional. A good example is the story of Eric Martinez. Eric experienced his parents’ physical abuse, their repeated drug use,

and their alcohol addictions, which ultimately contributed to his mother's death when he was only thirteen. Eric and other student authors' life circumstances underscore the conflicted feelings children may have growing up in dysfunctional households and the fine line that can exist between feelings of intense love and hate.

The bicultural essays offer the reader interesting insights into the challenges the authors faced existing within two cultures and the struggles associated with adapting, existing, and operating within those different worlds. As someone who lived through that experience—growing up, in the workplace, in the military, and as a successful businessman—I empathized with the inherent conflict the bicultural experience presented the authors. No reader will be surprised to learn that bicultural issues can generate conflict. For the authors, this often meant examining those issuing through a polarizing prism: Latino versus White, rich versus poor, educated versus uneducated, industrious versus indolent, and legal versus illegal. Abiel Acosta's story illustrates the conflict some students faced in terms of identity, having one school persona (uninhibited and freewheeling), yet exhibiting totally different behaviors among family (reserved, respectful, etc.). Almost every student struggled to embrace both identities. Their essays at times outline painful personal struggles of their cultural awakening as they navigate their way

through various phases, phases that included awareness, education, learning, development, and ultimately acceptance. As someone who operates in both worlds on a daily basis, I can appreciate the struggles in the bicultural section of the book. As the students discovered, coming to grips with one's Latino identity is a journey, not an event.

The value of education is one of the constant refrains of the mentoring portion of this book. This discussion reminded me of the emphasis and value my parents placed on education. Like many Latino parents in these stories, my parents believed getting an education was a critical steppingstone to a better life. Although neither of my parents were high school graduates, they served as inspiring role models, and both eventually attained their GED. In fact, my father, shortly before passing away, even obtained a college degree. My parents walked the talk and I listened, having earned three degrees and numerous certifications along the way. Interestingly, the stories presented in the book are largely at odds with some of the literature that claims Latino families do not value education. A number of students were keen to repay those who sacrificed so much to provide a path to success never available to them.

Mentoring is especially critical for "at risk" populations, and clearly a number of the authors fell into that category. The significant impact mothers and grandmothers had on

the student authors is especially noteworthy. Some were raised by single moms, many of which instilled a strong work ethic in their children. Likewise, matriarchs promoted Latino/Latina roots and the importance of family, faith, and cultural ties. As Eric Martinez noted, “my grandmother’s love and faith [that] she helped instill in me are two factors that saved me from ruin.” Readers will find the description of the family graduation celebration outlined in Angelita Urena’s essay underscores the pride her immediate and extended family felt from her educational achievement. As a successful entrepreneur, the mentoring essays reminded me that I must remain cognizant of my roots and the need to serve as an example, to be a role model, and to mentor those looking for a helping hand, not a handout.

The final section of the book addresses the students’ efforts to answer the ever-present question of their self-identity and how to embrace and integrate their Latinoness into this identity. Virtually all attempted to reconcile who they were with who they are and, ultimately, with who they hoped to become. Alejo Alvarez captured the internal conflict that the search for identity generates well, writing, “My experience is often empty and detached, complimented by moments of fulfillment.” Like many others, he struggled with “a way to integrate being Latino into being me.” Norma Andrade’s story of identity struggle was representative of that of many of

the others. She saw herself as fated to live in two worlds, the one her parents brought with them and the rest of society, where she gained an awareness of, and appreciation for, her “Americanness.” The conundrum for the authors of balancing the old with the new, retaining important family values and traditions while promoting cultural acceptance and advancement, is captured in Andrade’s statement that, “Like myself, *mi familia* is forever changing and assimilating, but like me, they selectively assimilate in order to retain a rich culture.” The authors often concluded that they lived in a separate world from their family.

The editors suggest the book focuses on the students’ evolving lives and Latino identities; clearly this book does that, but I would argue that it does much more. It takes on the stereotypes of Latinos presented in the mainstream media as being poor, uneducated, and unassimilated to U.S. culture. The book is filled with stories of triumph and success as opposed to loss, sadness, and failure. In fact, the reader could certainly conclude that this book of essays outlines the consummate American success story: overcoming great odds to achieve success. While the book should have broad base appeal for anyone involved in student development, it will be of particular interest to Latino students, Latino parents, and educators that teach, advise, counsel, or otherwise engage Latino students.

I was left with two compelling questions at the conclusion of the book. The first has to do with the price the students paid in terms of graduating from a prestigious Ivy League school. Virtually every student and their family made enormous sacrifices to obtain a degree from Dartmouth. While some journeys were more difficult than others, all were forced to address incredibly challenging personal and family issues. Some of the experiences undoubtedly left emotional scars. Was the price too high? I am guessing, in some cases, the jury may still be out.

The second question is more personal for this reader. Would I have shown that kind of courage? As I reflect on my own personal journey, having grown up in a humble working-class Latino family, I am inclined to believe that the core values instilled in me by my parents would have prepared me well to handle the pressures the student authors encountered. I easily related to and recognized myself in many of the stories. I am sure other readers will as well. Although the book was originally published in 2007, the recurring themes, challenges, and issues remain relevant and can be used to inform our understanding of Latino students today. To the extent this book inspires and motivates readers to understand the challenges Latinos face, as well as the contributions they make, it will continue to be a meaningful and informative gift to readers.

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