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Sylvia R. Lazos

University of Nevada, Las Vegas -- William S. Boyd School of Law

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Latino Voters 2012 and Beyond: Will the Fastest Growing and Evolving Electoral Group Shape U.S. Politics?

Sylvia R. Lazos

Marisa A. Abrajano and R. Michael Alvarez, *New Faces New Voices: The Hispanic Electorate in America*. Princeton, NJ: Princeton U. Press, 2010, 232 pp., \$28.95 (cloth).

Marisa A. Abrajano, *Campaigning to the New American Electorate: Advertising to Latino Voters*. Stanford, CA: Stanford U. Press, 2010, 216 pp., \$21.95 (paperback).

TWO RECENT BOOKS ON THE LATINO ELECTORATE by political scientist Marisa Abrajano, one co-authored with Michael Alvarez, take on the timely task of studying Latino electorate behavior. These books are part of a growing literature that scientifically studies the evolving Latino electorate, and attempts to answer difficult questions about this ethnic group's electorate cohesiveness and how candidates might be able to influence the Latino electorate. As Professors Abrajano and Alvarez point out, political scientists are only beginning to understand this group's behavior (A and A, pp. 181–183).¹

Why study Latino voters? The first reason is growth and size. Latino population growth over the last decade outstripped expectations,² and accounted for 50% of the U.S. growth over the 2000 to 2010 decade.³ Latinos are now the largest minority group in the United States, according to the 2010 Census, numbering 50.5 million or 16% of the total population.⁴ By comparison, African Americans represent 12% and Asian Americans 5% of the total population.⁵ Latino voting power

is not proportionate to their share of the population: Latinos represented only 7% of all voters in 2010.⁶ Latinos' proportion of voters relative to their population size is low for two reasons. First, Latinos are the most youthful demographic group with a median age of 27.⁷ About 35% are under age 18 and are not eligible to vote, the highest proportion among any demographic ethnic/racial group. Second, a high proportion of Latinos are noncitizens.⁸ One in three Latino of voting age is a noncitizen.⁹ By contrast only 7% of the white adult population is made up of non-citizens.¹⁰ Third, Latinos

¹Throughout this review, citations to Abrajano and Alvarez's *New Faces New Voices* are referenced as "A and A" with the page number, and citations to Abrajano's *Campaigning to the New American Electorate* are referenced as "A" with the page number.

²Daily Mail Reporter, *U.S. Hispanic Population Growth Outstrips Census Estimates*, DAILY MAIL, Mar. 16, 2011, <http://www.dailymail.co.uk/news/article-1366667/U-S-Hispanic-population-growth-outstrips-Census-estimates.html#ixzz1azrykCvV>.

³Jeffrey Passel, D'Vera Cohn, and Mark Lopez, *Census 2010: 50 Million Latinos—Hispanics Account for More Than Half of Nation's Growth in Past Decade*, Pew Hispanic Center, Mar. 24, 2011.

⁴*Id.*

⁵*Id.*

⁶Mark Hugo Lopez, *The Latino Electorate in 2010: More Voters, More Non-Voters*, Pew Hispanic Center, Apr. 26, 2011.

⁷Passel et al., *supra* note 3, at 1. By comparison, the median is 31 for African Americans, 36 for Asian ethnic groups, and 41 for whites. The study also concluded that two-thirds of all Latinos aged 16 to 25 in the country were born in the United States, a challenge to the perception that a majority of Latinos are immigrants.

⁸*Id.*

⁹U. S. Census Bureau, *Voting and Registration in the Election of November 2010*, Table 2, available at <http://www.census.gov/hhes/www/socdemo/voting/index.html>.

¹⁰*Id.*

Sylvia R. Lazos is the Justice Myron Leavitt Professor at William S. Boyd School of Law, University of Nevada Las Vegas.

have the lowest voter turnout among registered voters of all racial and ethnic/racial groups.¹¹

Nonetheless, Latino growth promises to reshape the U.S. electorate for the foreseeable future. Each month 200,000 Latinos turn 18. Fully 98% of these are native born, and are eligible voters.¹² This growth has momentum. Even if immigration totally stops tomorrow, according to demographers' projections, Latino growth will exceed the growth of whites, African Americans, and Asians in the coming decade.¹³

Second, Latinos have shown themselves to be a swing electoral group in key states. Latino voters represent a large enough share of the voters that they can influence the electoral outcome in New Mexico (41% (based on 2008 data)), Florida (14%), Colorado (13%), and Nevada (15%).¹⁴ In addition, Latinos represent a large voting block in states with large electoral votes—California (18%), Texas (20%), and Arizona (16%).¹⁵ The Latino vote was solidly Democratic in the 2008 election.¹⁶ Political scientists Matt Barreto, Loren Collingwood, and Sylvia Manzano credit the Latino vote with influencing the election in favor of President Obama in 2008.¹⁷

A careful read of Abrajano's recent books brings additional understanding to Latino voter behavior, and by implication, how this key group will influence the electoral game in 2012 and beyond. The main message of these texts is that the Latino vote is complex and evolving (A and A, pp. 181–185) and not easy to shoehorn into existing frameworks.¹⁸

ARE LATINO VOTERS A DISTINCT AND COHESIVE VOTING GROUP?

One of the first questions that Abrajano and Alvarez take on in *New Faces, New Voices* is whether the Latino electorate is a distinctive and cohesive electoral group. This is a question that has vexed various political scientists and sociologists, because as the authors point out, the very term “Hispanic” is “socially constructed” (A and A, p. 10)—specifically, constructed by government bureaucrats at the Bureau of Labor Statistics. Only one in four Latinos describe themselves as “Hispanic” or “Latino;” the majority describe themselves by their nation of origin (e.g., Puerto Rican, Mexican American, Nicaraguan) (A and A, p. 22). National

origin identification remains an important identifier because it captures common group histories in the United States. For example, Cubans have a common group history of being political exiles and of more generous treatment under U.S. immigration laws. By contrast, Mexicans' common history leads them to claim that the “border crossed us,” because the 1848 U.S.-Mexico War led to the U.S. annexation of the Mexican territory that now comprises California, Nevada, Utah, Colorado, New Mexico, Arizona, and Texas under the treaty of Guadalupe Hidalgo. Puerto Rico was annexed as a territory as a result of the Spanish American War in 1898, and the citizens of Puerto Rico are U.S. citizens by birthright per congressional statute.

In addition each national origin subgroup traditionally has been geographically concentrated in different regions of the country. Puerto Ricans in the Northeast and Florida, Cubans in Florida, and Mexican Americans in the Southwest and California.

These different histories and immigration trajectories in the United States have meant that Latino identity as a cohesive electoral group has been difficult to achieve.¹⁹

What, then, is transforming Latinos into a political group?

¹¹Lopez, *supra* note 6.

¹²Leo Estrada, *The 2010 Census—What the Numbers Mean and How Funders Can Respond*, HISPANICS IN PHILANTHROPY LAB WEBINAR, Oct. 3, 2011.

¹³*Id.*

¹⁴Mark Lopez, *The Hispanic Vote in 2008 Election*, Pew Hispanic Trust, Nov. 5, 2011, at Fig. 2.

¹⁵*Id.* See also *infra* note 17.

¹⁶*Id.*

¹⁷Matt Barreto, Loren Collingwood, and Sylvia Manzano, *Measuring Latino Political Influence in National Elections*, 63 POL. RES. Q. 4, (Dec. 2010). This research applies a composite index based on size of Latino population, growth in registration, increased rates in partisan cohesiveness, media focus, and mobilization. The authors conclude that the Latino votes had the greatest influence in Florida, Nevada, Colorado, and New Mexico. Texas and Arizona were states that demonstrated “considerable influence” by Latino voters. *Id.* at 10.

¹⁸See Sylvia Lazos Vargas, *The Latina/o and APIA Vote Post-2000: What Does it Mean to Move Beyond “Black and White” Politics?* 81 ORE. L. REV. 784 (2002).

¹⁹LUIS RICARDO FRAGA, JOHN GARCIA, RODNEY HERO, MICHAEL JONES-CORREA, VALERIE MARTINEZ-EBERS, AND GARY SEGURA, *LATINO LIVES IN AMERICA: MAKING IT HOME* 71 (2010) (reporting that 47% of Latinos in 2002 National Latino Survey reported intragroup discrimination as a “major problem”).

Spanish language

Like other scholars,²⁰ Abrajano and Alvarez point to Spanish language. Latinos are distinctive in their belief that it is important for Latinos as an ethnic group in the United States to hold on to their language. Three out of four first and second generation Latinos believe it is important for future generations of Latinos to speak Spanish, while a majority of third generation Latinos so believe (A and A, p. 30). At the same time, Latinos believe in language assimilation; an overwhelming supra-majority believe that learning English is important in order to assimilate into the mainstream (A and A, pp. 32–33). Regardless of their individual national origin, Latinos believe in assimilation on their own terms—become part of the mainstream, but retain your culture and national identity through language.

Language is an important marker of what Abrajano calls political assimilation as well. In Abrajano's study of how advertising influences Latino voting behavior, *Campaigning to the New Electorate*, she describes how Latino's language ability can predict voting behavior and political sophistication. Her analysis divides Latinos into Spanish-dominant and English-dominant—those who primarily watch or listen to Spanish media and those who prefer the latter. Spanish-dominant Latino voters can be described as relatively new to the political process with little political knowledge. By contrast, English-dominant voters are more politically and culturally incorporated, and electorally behave in ways similar to the majority culture voters (A, pp. 14–20). This finding may seem intuitive, but Abrajano makes an important contribution by empirically demonstrating the relationship between language and political knowledge/behavior.

Language then may be both a cultural identifier (language helps Latinos retain their distinctive culture) and a signifier of how politically assimilated Latinos are (the less assimilated are less likely to lose the ability to speak Spanish and less politically knowledgeable). Language, in and of itself, is not necessarily an attribute that creates political consciousness.

Ethnic tribalism

Latinos report that they are likely to vote for another Latino candidate. Let us call this attribute of voting for a co-ethnic candidate, “ethnic tribal-

ism.” Self-reported “ethnic tribalism” is stronger for first generation (80%) than for second generation (66%) of Latinos, according to Alvarez and Abrajano (A and A, p. 27).

Professor Randy Kennedy's recent book, *The Persistence of the Color Line*, analyzes President Obama's 2008 campaign and the importance of racial tribalism in this election.²¹ Candidate Obama was able to court the “middle” white and independent vote, without having to make any overt policy concessions to his own racial group, African Americans, because he heavily relied on racial tribalism to deliver to him this important segment of the Democratic electorate. Because of racial tribalism, no overt message or substantive policy concessions were necessary to the African American electorate. Such a move might have identified Obama as a “black candidate” and triggered inter-racial competitiveness and emotional negative racial stereotypes²² that would have turned off many white voters. Being seen as “too black” would have lost Obama any chance to a substantial share of the white vote. Rather, to secure the black vote, Obama relied on implicit racial tribalism (African Americans were willing to withstand a great deal of policy positioning that did not directly favor them in order to elect the first African American president), and subtle symbolic messaging.

Is this a playbook for a Latino candidate? Although Alvarez and Abrajano raise the tantalizing possibility that Latinos will strongly favor co-ethnic candidates, they do not develop this strain of Latino electorate distinctiveness. Just how loyal will Latino Republicans be to a Latino Democrat, or vice versa? In the 2008 Nevada elections, Republican gubernatorial Latino candidate Brian Sandoval only garnered 15% of the Latino co-ethnic vote;²³ by

²⁰See, e.g., MATT BARRETO, *ETHNIC CUES: THE ROLE OF SHARED ETHNICITY IN LATINO POLITICAL PARTICIPATION* (2010).

²¹RANDALL KENNEDY, *THE PERSISTENCE OF THE COLOR LINE: RACIAL POLITICS AND THE OBAMA PRESIDENCY* (2011).

²²DREW WESTEN, *THE POLITICAL BRAIN* (2007). The author reports that he advised candidate Obama to frame his appeals to the white electorate so that the political dialogue would engage the prefrontal cortex, the part of the brain that engages in complex reasoning, and stay away from intuitive thinking, which would trigger negative emotions around racial stereotypes.

²³*Even with Sandoval, Latino Vote Still Not on GOP Side*, FOX-RENO.COM, Apr. 6, 2011, <http://www.foxreno.com/news/news/even-with-sandoval-latino-vote-still-not-on-gop-si/nDh3T>.

contrast, 75% of the Latino vote went to Democrat presidential candidate Obama.²⁴ Pointing to this case, a Latino Republican strategist recently claimed, “Latinos do not vote surnames.”²⁵

Professor Matt Barreto in his recent book, *Ethnic Cues*, concludes that there is strong co-ethnicity loyalty among Latino voters. Barreto presents statistical multivariate analysis of mayoral elections in five major cities from 2000 to 2006, congressional elections and Bill Richardson’s 2008 presidential run. The results leads Barreto to conclude that co-ethnicity is a “significant predictor” of Latino voter choice, with co-ethnicity having “roughly the same effect as issue preference” in explaining Latino voters’ choices.²⁶ Co-ethnicity also had a significant effect in influencing Latino voter choice in favor of a co-ethnic crossover candidate.²⁷ Barreto also finds that a viable co-ethnic candidate on the ballot positively influences Latino voter turnout.²⁸ This study concludes that Latinos could form a cohesive electoral group around the politics of electing “one of their own” to office in elections where Latinos represent a significant share of the electorate (10% or more) and there is a viable Latino candidate.²⁹

Racial/ethnic backlash

Another factor that Alvarez and Abrajano speculate may forge Latinos into a cohesive electoral group is “stigma,” which the authors state is closely related to power and being identified as a racial minority (A and A, p. 20). In an otherwise thorough study, the authors’ exposition as to how “stigma” is an important factor in molding political self-awareness is suggested but not explored in depth. This is probably due to the nature of Alvarez and Abrajano’s approach, which hues closely to statistics and analyzes existing databases. As with any statistical approach that is limited to available data, the analysis may not capture important dynamics.

Racial politics, specifically the antagonism of the majority towards unauthorized immigrants, is now playing a very important role in awakening racial and political consciousness among Latinos.³⁰ It is this recent awakened racial consciousness around immigration politics that may provide the best account as to why Latinos are becoming a cohesive voter group.

Abrajano and Alvarez briefly discuss the importance of the 2006 Immigration Rights Marches (A

and A, pp. 46–48). The Spring 2006 immigration marches were the *largest* civil rights mobilization in the history of American civil rights. Over three months, an estimated up to five million people poured into the streets.³¹ The 2006 marches were spurred by the Republican majority in the House of Representatives’ attempt to enact HR 4437, a bill that enacted harsh measures against unauthorized immigrants and would have criminalized assistance to unauthorized immigrants. Marches spontaneously took place over three months in New York, Boston, Atlanta, Los Angeles, Chicago, Dallas, Houston, Las Vegas, and major cities in every state, reaching a climax on May Day 2006.³²

The fervor of the 2006 immigrant movement has not subsided. This is because states continue to be concerned about the numbers of unauthorized immigrants within their borders, and have passed immigration enforcement laws that target unauthorized immigrants and those who might assist them.³³ Civil rights demonstrators have protested Arizona’s SB 1070, which among other things authorizes police officers to stop any person about whom they have reasonable grounds to suspect may be an unauthorized immigrant. Immigrant

²⁴Lopez, *supra* note 6.

²⁵Jeri Clausing, *GOP Showcasing Hispanic Stars*, AP, Oct. 16, 2011.

²⁶BARRETO, *supra* note 20, at 83.

²⁷*Id.*

²⁸*Id.* at 114 (examining data for mayoral elections).

²⁹*Id.* at 155–56.

³⁰See generally Sylvia R. Lazos Vargas, *Emerging Latina/o Nation and Anti-Immigrant Backlash*, 7 NEV. L. J. 685, 707 (2007).

³¹See XOCHITL BADA, ET AL. IMMIGRANT RIGHTS MARCHES (2006); Anita Revilla, *Las Vegas Activist Crew and the Immigrant Rights Movement: How We Transformed “Sin City,”* in MARGARITA BERTA-AVILA, ANITA TIJERINA-REVILLA, AND JULIE FIGUEROA (EDS.), *MARCHING STUDENTS: CHICANA AND CHICANO ACTIVISM* (2011); Sylvia R. Lazos Vargas, *The Immigrant Rights Marches (Las Marchas): Did the “Gigante” (Giant) Wake up or Does it Still Sleep Tonight?*, 7 NEV. L. J. 779 (2007).

³²See Lazos, *supra* note 31, at 781.

³³The anti-unauthorized immigrant movement points to the federal government’s inability to stem unauthorized immigration, which is now estimated at 10.8 million nationally. Jeffery Passel and D’Vera Cohn, *U.S. Unauthorized Immigration Flows are Down Sharply Since Mid-Decade*, Pew Hispanic Center, Sept. 1, 2010. However, scholars are split over whether local immigration enforcement is wise policy. Compare Sylvia R. Lazos Vargas, *Missouri, the “War on Terrorism,” and Immigrants: Legal Challenges Post 9/11*, 67 MO. L. REV. 775 (2002) with Cristina Rodriguez, *The Significance of the Local in Immigration Reform*, 106 MICH. L. REV. 567 (2008).

rights advocates and Latino communities also mobilized around other similar laws, like Alabama's HB 56, perhaps the most draconian of these local immigration enforcement laws, passed in 2011 by a Republican majority in the legislature and signed into law by a Republican governor.³⁴

As Abrajano and Alvarez point out, survey data show that Latinos are highly aware of the mass movement nature of the 2006 marches. Over 60% of Latinos reported that they viewed the 2006 immigrant rights protests as the beginning of an important political movement (A and A, pp. 95–98). Latino youth, who are the growth engine of the Latino electorate, widely participated in the 2006 marches.³⁵ According to poll data, over 60% of youth (18 to 29) who were likely voters either participated in the 2006 immigration marches or knew someone who did (A and A, p. 96).³⁶

However, Abrajano and Alvarez do not credit the immigration marches as a bona fide civil rights movement³⁷ that is influencing the political consciousness of Latinos, particularly young Latinos who are the biggest growth factor in the Latino voter block. This again may be due to their statistical methodology. Perhaps Abrajano and Alvarez are being cautious and wish not to over-generalize. Specifically, the 2006 and the ongoing immigrant civil rights movement is made up of not only Latinos, but also religious communities, worker rights' organizations, and traditional civil rights groups.³⁸

Nonetheless, the anti-Unauthorized immigrant local enforcement movement merits the attention of political scientists studying Latino voter behavior, because it was a pivotal event in raising Latinos' racial and consequently political consciousness,³⁹ because 1) the anti-immigrant rhetoric that accompanies the desire to improve local immigration enforcement is hostile and generalized, 2) heavy-handed enforcement disproportionately impacts Latino communities, and 3) discrimination against Latinos has increased, which in turn influences voter behavior. In sum, Latinos now see themselves as a minority under siege.⁴⁰

1. Anti-immigrant rhetoric. Anti-immigrant rhetoric cuts with a broad swath. The rants are generalized—"Mexicans go home." "Why don't you speak English?" This rhetoric is not just against unauthorized immigrants, but it is also anti-Latino, attacking Latinos' cultural language, and Latinos' claim to belonging to the larger American community.⁴¹

The result is that Latinos increasingly see themselves as outsiders, rather than just another immigrant group that is increasingly becoming incorporated and assimilated into American society.

Terms such as "illegals" or "illegal aliens" boil down the debate to a legal question—does an individual qualify under immigration law to live and work in the United States. The term "illegals" strips the human component from the complex human, social, and economic issues that permeate immigration law. The premise behind "what part of illegal don't you understand?" is that all unauthorized are law-breakers, and should be immediately deported. Their contributions to this country, their family ties, the communities that they have built, should not ameliorate the legal consequences of entering this country as an unauthorized immigrant.

Most Latinos are able to see the human side of this policy debate. Latinos are predominantly an immigrant community (40% are foreign born).⁴² In the immigrant marches, the sentiment that the immigration issue needed to be framed in humanistic terms, rather than just legalistic ones, was seen in the signs that read "Illegals are human beings."⁴³ Close community ties make the empathy gap

³⁴Patrik Jonsson, *Alabama Life Already Changing under Tough Immigration Law*, CHRISTIAN SCI. MONITOR, Sept. 29, 2011.

³⁵See Lazos, *supra* note 31 (describing youth leadership in the Los Angeles and Las Vegas immigration rights marches); Revilla, *supra* note 31 (describing youth leadership and political activism).

³⁶Mark Hugo Lopez, Rich Morin, and Paul Taylor, *Illegal Immigration Backlash Worries, Divides Latinos*, Pew Hispanic Center, Oct. 28, 2010.

³⁷See generally Kevin R. Johnson and Bill Ong Hing, *The Immigrant Rights Marches of 2006 and the Prospects for a New Civil Rights Movement*, 42 HARV. CR-CL 99 (2007).

³⁸In 2006, each city's immigrant rights marches had its own organizational structure. However, religious groups, students, and worker rights groups formed the core of the movement. See Lazos, *supra* note 31, at 786–812. In Alabama, the Episcopal Church, United Methodist Church, and Roman Catholic Church filed a lawsuit challenging the constitutionality of HB 56, saying it violated immigrants' rights to free speech, assembly, and religious practice. Valeria Fernandez, *HB 56 Reigniting Civil Rights Movement in Alabama*, NEW AMERICA MEDIA, Oct. 14, 2011.

³⁹Lazos, *supra* note 33, at 819.

⁴⁰*Id.*

⁴¹BILL ONG HING, *DEFINING AMERICA THROUGH IMMIGRATION POLICY* (2004).

⁴²U.S. Census, *Race and Hispanic Origin of the Foreign-Born Population in the United States: 2007*, Jan. 20, 2010.

⁴³Lazos, *supra* note 31, at 819.

narrow to almost nonexistent. Unauthorized immigrants could be family members, friends' children, church members, or neighbors. According to a 2010 poll, over 80% of U.S. Latinos agree that immigrants contribute to American society.⁴⁴ The same proportion opposes policies that deport unauthorized immigrants.⁴⁵

2. Spillover. Latinos do not necessarily want to be conflated with unauthorized immigrants. Polls reflect Latinos' mixed feelings towards unauthorized immigrants. Recent poll data show that only 30% of Latinos believe that unauthorized immigrants are a positive benefit to U.S. society,⁴⁶ a substantial drop from 50% from three years earlier.⁴⁷

Opponents of SB 1070 and HB 54 have argued that these laws encourage racial profiling because of the stereotype that unauthorized immigrants are Latinos. This stereotype is based on the empirical facts that four in five unauthorized immigrants are of Hispanic origin.⁴⁸ The stereotype, however, has become a myth—that most Latinos are “illegals”—particularly those who speak English with an accent. Although the vast majority of the Latino population are native born and legal residents, three in four Americans believe that immigrants are “illegal.”⁴⁹

If law enforcement officers similarly have absorbed these stereotypes and myths, then Latinos may be disproportionately impacted by racial profiling. Local immigration enforcement laws, like SB 1070 and HB 54, require police officers and state workers (teachers, drivers license clerks, medical personnel) to be vigilant as to who might be unauthorized, and report their reasonable suspicions to local law enforcement. The rational Bayesian—a person who relies on probabilities⁵⁰—would focus on someone who looks Latino because of the statistics that most unauthorized immigrants are of Hispanic origin. Even if such action is “rational,” it is nonetheless racial profiling that disproportionately impacts native and legal resident Latinos. Professor Jody Armour has argued that this kind of racial profiling may be rational but it is not reasonable because of its consequences of error.⁵¹

The consequences are that many “innocent” Latinos will be disproportionately impacted if law enforcement is untrained and proceeds on stereotypes. In other words, the error rate of “stops” for suspicion of a Latino being unauthorized will be very large (because the stop is based on a stereotype

or conduct based on a stereotype), relative to accurate stops and arrests (the number of unauthorized is small relative to the much larger number of Latinos who are native and authorized immigrants). Recent national poll data support the proposition that Latinos are increasingly being racially profiled. One in ten Latinos report they have been stopped and asked by police or other authorities about their immigration status.⁵² Latinos now believe that laws such as SB 1070 give too much power to local law enforcement officials.⁵³

Laws like SB 1070 direct law enforcement to focus on behavioral clues to determine if a person is “reasonably” suspected of being an unauthorized immigrant. The question then arises, what are such behavioral clues? Looking nervous around law enforcement? Looking “foreign”? Speaking English with an accent? Wearing a soccer shirt from a Mexican or Salvadoran national team? All these “behavioral cues” border on racial and cultural stereotyping, rather than conduct. In areas of ambiguity, and without proper training, law enforcement, like other persons, will rely on unconscious stereotypes and make decisions that “lean” in favor of the stereotype. In a series of well-known studies, Professor Joshua Correll and fellow cognitive psychologists demonstrated that untrained citizens unconsciously associated crime with African Americans, and were much more likely to shoot at figures who were African Americans when the figure had made an ambiguous motion that could not be

⁴⁴Lopez, Morin, and Taylor, *supra* note 36, at Fig. 5.

⁴⁵*Id.* at 7.

⁴⁶Lopez, Morin, and Taylor, *supra* note 36, at Fig. 6. Similar proportions say that the impact of these immigrants is negative (31%) or that there has been no effect one way or the other (30%).

⁴⁷2007 National Survey of Latinos: As Illegal Immigration Issue Heats Up Hispanics Feel a Chill Pew Hispanic Center, Dec. 13, 2007.

⁴⁸Passel and Cohn, *supra* note 33, at Fig. 3.

⁴⁹In a 2007 CBS/NTY survey 75% of non-immigrant Americans said they thought most immigrants were “illegal.”

⁵⁰JODY ARMOUR, NEGROPHOBIA AND REASONABLE RACISM: THE HIDDEN COSTS OF BEING BLACK IN AMERICA (1997).

⁵¹*Id.* at 46–49. Professor Armour explains that “humiliation and stigmatization must be counted among the most painful costs of race based suspicions...[that should not] be trivialized.” *Id.* at 53.

⁵²Mark Hugo Lopez and Susan Minushkin, 2008 National Survey of Latinos: Hispanics See their situation in US Deteriorating: Oppose Key Immigration Enforcement Measures, Pew Hispanic Center, Sept. 18, 2008.

⁵³*Id.*

clearly discerned as threatening.⁵⁴ By contrast, police officers who had received training on shoot/don't shoot decisions were much less likely to shoot at ambiguous black figures.⁵⁵ These studies show that professional training on stereotypes is key to just enforcement. Without training, stereotypes in the heads of law enforcement will have "real life" consequences.

How communities perceive that they are treated by law enforcement has a chilling effect on their sense of community,⁵⁶ lessening trust in authority and heightening the sense of being a target of discrimination and outsiders. The disproportionate impact of immigration enforcement laws on the Latino community and the perceived unfairness should be viewed as a key factor in raising political consciousness.⁵⁷ Alvarez and Abrajano miss this important dynamic that is impacting Latino voting behavior today.

3. Discrimination. Not all discrimination is the same. The most acute kind of discrimination is when there is no empathy felt towards a group and when this group is viewed as incompetent or useless.⁵⁸ When a group is low on warmth and low on competence, the emotion associated is disgust and contempt.⁵⁹ In turn, the emotion of contempt dehumanizes members of that group,⁶⁰ making it virtually impossible that members of the majority group will empathize with the scorned group.

Illegal or unauthorized immigrants are one of the most scorned groups in American society, according to measures based on a model that measures both stereotypes and emotions, developed by social psychologist Susan Fiske and her collaborators.⁶¹ Using interview and focus group data, Fiske and her collaborators have mapped where various disfavored groups stand in American society.⁶² According to these data homeless people are *the most* scorned group in American society, with unauthorized immigrants falling in the same grouping as the homeless.⁶³ Documented immigrants are perceived similar to Americans,⁶⁴ but unauthorized immigrants are subject to contemptuous prejudice, "encompassing anger, contempt, disgust, hate and resentment."⁶⁵

In another study using survey and focus group data, political scientist Deborah Schildkraut found that resentment against immigrants is rooted in personal beliefs about traditional norms and values associated with American national civic commu-

nity.⁶⁶ Americans who resent immigrants view them as not committed to the overall public civic

⁵⁴Joshua Correll, Bernadette Park, Charles M. Judd, and Bernd Wittenbrink, *The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals*, 83 J. PERSONALITY AND SOC. PSYCH. 1314, (2002) (using videogames, researchers study the effect of ethnicity on shoot/don't shoot decisions on untrained civilians. Subjects were more likely to shoot at African American targets who made ambiguous movements).

⁵⁵Joshua Correll, Bernadette Park, Charles M. Judd, Tracie Keese, Melody Sadler, and Bernd Wittenbrink, *Across the Thin Blue Line: Police Officers and Racial Bias in the Decision to Shoot*, 92 J. PERSONALITY AND SOC. PSYCH. 1006 (2007) (study of Denver law enforcement officers, sample of citizens, and college students showed that law enforcement officers were less likely to shoot at black figures who made ambiguous movements than the untrained samples of subjects).

⁵⁶ARMOUR, *supra* note 50, at 52–53.

⁵⁷See Lazos, *supra* note 33, at 817–20.

⁵⁸I am not referring to the legal standard, which is "invidious discrimination," but rather to social psychological concept. Empirical research by social psychologist has found that the human psyche automatically classifies groups of people and ranks them. See SUSAN FISKE, SCORN UP, ENVY DOWN: HOW STATUS DIVIDES US (2010), The ranking of groups is fairly consistent across cultures, see Amy Cuddy et al., *Is the Stereotyped Content Model Culture-Bound?: A Cross-Cultural Comparison Reveals Systematic Similarities and Differences*. 48 BRITISH J. SOC. PSYCH. 33 (2009). "Despite American's insistence on egalitarianism, opportunity and classlessness, there is an un-American secret at the heart of American culture: for a long time it was [and is] preoccupied by class." FISKE, *supra*, at 26.

⁵⁹See Amy Cuddy, Susan Fiske, and Peter Glick, *The BIAS Map-Behaviors from Intergroup Affect and Stereotypes*, 92 J. PERSON. AND SOC. PSYCH. 631 (2008).

⁶⁰Professor Amy Cuddy, who collaborates with Professor Fiske, explains that brain scan research found that when subjects were shown pictures of homeless people, who are at the bottom of their rankings, the area of the brain that needs to be activated for social perceptions showed no activation. See Craig Lambert, *The Psyche on Automatic*, 113 HARV. MAG. 48, 51 (2010).

⁶¹The findings are based on survey data and interviews. Tiane Lee and Susan Fiske, *Not an Outgroup, Not Yet an Ingroup: Immigrants in the Stereotype Content Model*, 30 INTL J. INTERCULTURAL RELATIONS 751 (2006). Using survey questionnaires, Lee and Fiske found that unauthorized immigrants were stereotyped both as not competent and as a group towards whom no warmth is felt. Only homeless people were more scorned. *Id.*

⁶²See Cuddy et al, *supra* note 59; Susan Fiske, Amy Cuddy, Peter Glick, and Jun Xu, *A Model of (Often Mixed) Stereotype Content: Competence and Warmth Respectively Follow from Perceived Status and Competition*, 82 J. PERSON. AND SOC. PSYCH. 878 (2002).

⁶³Lee and Fiske, *supra* note 58, at 764.

⁶⁴*Id.*

⁶⁵Fiske et al., *supra* note 62, at 896.

⁶⁶DEBORAH SCHILDKRAUT, AMERICANISM IN THE 21ST CENTURY: PUBLIC OPINION IN THE AGE OF IMMIGRATION 160–65 (2010).

community, and as refusing to assimilate by holding themselves separate from mainstream America and insisting on their cultural difference.⁶⁷ In other words, Americans who believe in the traditional assimilationist framework and strongly identify with the American civic community are most likely to feel resentful towards immigrants. In addition, another group of Americans resent immigrants for economic competitive reasons.⁶⁸ Immigrants are resented for being willing to work “too hard” making it harder for native Americans to compete against them.⁶⁹

Immigrant resentment should be greater against unauthorized rather than authorized immigrants. This group is perceived as refusing to follow the rules of membership in America—they broke the law when they entered the United States, they hold themselves separate from American society, and work “too hard”—undermining security and wages of the true members of the American civic community who themselves have followed the rules.

As noted above, resentment against the stereotypical unauthorized immigrants spills over to Latinos. Latinos perceive that discrimination against them as a group has increased from 2002 to 2010. According to the Pew Hispanic Trust surveys, about six in ten Latinos (61%) said discrimination against Hispanics is a “major problem” in 2010, while only 40% thought that this was the case in 2002.⁷⁰ Approximately three-quarters (76%) of Spanish-dominant Hispanics say anti-Hispanic bias is a major problem.⁷¹ In another national survey taken in 2006, one in three Latinos report personally having experienced an act of discrimination in a public accommodation, employment, or private interpersonal setting.⁷²

The reason that this issue of perception of discrimination among Latinos is important is that it shapes Latino desire for political efficacy. Professor Schildkraut has found that persons who self-identify as Latino significantly increase their likelihood of voting as perceptions of discrimination against them as individuals increases.⁷³ Thus, viewing one’s self as part of a distinct ethnic group that is the object of discrimination and backlash and could be vulnerable to majority resentment motivates Latino individuals to be more active politically—either to attenuate the negative impacts of being a victim of discrimination, or as agency, taking individual responsibility for being part of the solution to a system that seems unfair.⁷⁴

Alvarez and Abrajano seem sympathetic to the perspective that Hispanic political identity in the United States is not based on a racial identity, and that this explains Latinos’ overall lower political participation and political efficacy as compared to African Americans (A and A, pp. 116–117). Unlike blacks, Latinos of various national origins do not share a history of racial subordination and discrimination (*id.*). They also argue that there is not a single issue that would unite Latinos politically (*id.*). However, immigration backlash—enforcement laws that spill over to Latinos who are native and naturalized American citizens and legal residents—is providing emerging racial identity for Latinos.

HOW MIGHT POLITICAL PARTICIPATION AMONG LATINOS BE INCREASED?: WAKING UP THE “SLEEPING GIANT”

Still, the mainstream media seems to cast doubt on the importance of the Latino vote.⁷⁵ Latino voter share of the overall electorate continues to grow representing in 2010 7% of the entire electorate, the highest ever. Yet, Latino voter turnout is the lowest among the three main racial/ethnic groups in the United States.⁷⁶ In 2010, just 31.2% of eligible Latino voters cast ballots, compared with 48.6% of whites and 44% of African Americans.⁷⁷

⁶⁷*Id.* at 161. See also Sylvia Lazos Vargas, *Deconstructing Homogeneous Americanus*, TULANE L. REV. (2000).

⁶⁸Deborah Schildkraut, *Immigrant Resentment: When the Work Ethic Backfires* (APA paper 2009).

⁶⁹*Id.*

⁷⁰Lopez et al., *supra* note 36 at Fig.11.

⁷¹*Id.*

⁷²Fraga et al., *supra* note 19 at 73–78.

⁷³Deborah Schildkraut, *The Rise and Fall of Political Engagement among Latinos: The Role of Identity and Perceptions of Discrimination*, 27 POL. BEHAV. 285 (2005).

⁷⁴*Cf. id.* at 299. However, Alvarez and Abrajano point out, group conflict may make it less likely that Latinos are able to elect a candidate of their choice, because tension runs high. Group identities become more salient and ethnic and minority groups are unable to form coalitions (A and A, pp. 162–63).

⁷⁵See, e.g., Aaron Blake and Rachel Weiner, *Latino turnout squanders chance at being key voting bloc*, WASHINGTON POST, THE FIX BLOG, Apr. 27, 2011, http://www.washingtonpost.com/blogs/the-fix/post/latino-turnout-squanders-chance-at-being-key-voting-bloc/2011/04/26/AFaSdJxE_blog.html.

⁷⁶U.S. Census Bureau, *Census Bureau Reports Hispanic Voter Turnout Reaches Record High for Congressional Election*, Sept. 28, 2011.

⁷⁷*Id.*

While pundits forecasted rapid growth of Latino voter participation after the 2006 immigrant civil rights marches, it is unclear whether this has been the case. For example, in the state of Arizona, where anti-immigration politics around SB 1070, have been red hot and polarized the electorate, Latino turnout of eligible registered voters in 2010, the first election cycle after the enactment of SB 1070, was only 29%, compared to almost 52% for whites, and almost 40% for African Americans.⁷⁸ Nonetheless, Latinos' 2008 29% turnout rate is a significant rise over the 2008 turnout rate of 24%.⁷⁹

Advertising

Theoretically, one major method for increasing Latino involvement and political knowledge would be through information delivered through advertising. In *Campaigning to the New Electorate*, Marisa Abrajano examines how advertising directed to Latinos impacted voter behavior in the 2000–2004 congressional and presidential elections. Using various interview and content analysis of advertisement data sets, she applies multivariate statistical analysis to explain how advertising influences Latino voters.

A significant and useful finding of Professor Abrajano's work is that advertising can influence higher turnout among Latinos. She finds that "exposure to political ads affects the turnout rates of both English and Spanish dominant Latinos" (A, p. 95). Using multivariate regression analysis, Professor Abrajano estimates that Spanish advertising will increase voter turnout among Spanish dominant Latinos by up to 28% (*id.*). English-dominant Latinos, who primarily watch or listen to English media, were also positively influenced by English language advertising but not as much. English dominant Latino voters increased their likelihood of voting by 9%, when English advertising directed ads specifically targeted at Latinos, either addressing a policy issue of high interest to Latinos, or where the candidate symbolically identifies with Latinos by endorsements from Latino personalities. Quixotically, Professor Abrajano points out that English-dominant voters were negatively impacted in voter turnout when they were exposed to Spanish-media advertising (*id.*).

Structural accommodations

In *New Faces, New Voices*, Alvarez and Abrajano analyze data from the Current Population Sur-

vey as to why registered Latinos self-reported as the reasons that they did not go out to vote. The top two reasons cited are "too busy," at almost 24%, and "registration problems" at 11% (A and A, pp. 86–87).

These reasons are a reflection of Latino population's demography and class. The Latino population is younger, works more hours, is more likely to be employed in manual labor and blue collar jobs, and is less educated and poorer than the general population. These are attributes that generally depress voter turnout (A and A, pp. 86–87). To increase Latino voter participation, there must be support structures in place that compensate. For example, recently non-profit groups as well as labor unions have put in massive efforts to register Latinos. A legal solution suggested by Spencer Overton and others is to allow for same day registration and permit documents such as a high school graduation degree to serve as legally cognizable documentation for registering to vote.⁸⁰

It is troubling that, instead of making it easier for those with limited economic means and limited time to register to vote, the recent trend has been to make voter registration more difficult. The Brennan Center for Justice has recently published a report on recent voting law changes, finding that the move to stricter voter identification will make it "significantly harder for more than five million eligible voters to cast ballots in 2012."⁸¹ The changes require young voters to provide photo identification (Alabama, Kansas, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin).⁸² However, the Brennan Center reports that 11%, or 21 million American citizens, do not possess a photo ID.⁸³ Moreover, instead of going the direction suggested by Professor Overton, states are now increasingly making registration harder, reducing opportunities for registration (Florida, Illinois, Texas, Wisconsin).⁸⁴

⁷⁸*Id.* at Table 4b.

⁷⁹Thomas File and Sara Crissey, *2008 Voting and Registration in the Election of 2008*, at Table 4b (U.S. Census Bureau, 2010).

⁸⁰SPENCER OVERTON, *STEALING DEMOCRACY: THE NEW POLITICS OF VOTER SUPPRESSION* (2007).

⁸¹Wendy Weiser and Lawrence Norden, *Voting Law Changes in 2012* (Brennan Center for Justice 2011).

⁸²*Id.* at 2.

⁸³*Id.*

⁸⁴*Id.*

These laws that make it harder for first time voters to register to vote will have an impact on Latino voters, unless community and national groups organize efforts to counteract these efforts. Non-profit groups such as National Association of Latino Elected Officials (NALEO) are undertaking a national campaign to educate potential Latino voters on voter ID laws.⁸⁵ NALEO is also embarking on an ambitious voter registration effort, predicting that in 2012, 12.2 million Latino voters will cast their ballots.⁸⁶ Other non-profit groups that were established in 2008, like *Mi Familia Vota*, will have the challenge of registering new voters and helping new voters meet the requirements of these new laws. Indications are that the Obama 2012 campaign is already beginning registration efforts in key electoral states.

THE EDUCATION OF LATINO VOTERS: THE NEED TO CHANGE THE “DUMBING IT DOWN” APPROACH TO LATINO- TARGETED ADVERTISING

Abrajano’s content analysis of advertising targeted at Latino voters shows that messaging contained in an advertisement differs based on whether it is advertising prepared for Spanish-dominant Latinos (where advertising occurs in the Spanish media) or English-dominant Latinos (where advertising occurs in the English media). Spanish media advertising is characterized by Abrajano as simplistic, aimed at burnishing the personality traits of the candidate, and primarily signaling the candidate’s solidarity with Latinos as an ethnic group. (A, pp. 50–52). Spanish media advertising delivers simple policy messages (A, p. 50), so much so that Abrajano found that candidates seldom advertised their policy positions on bilingual education (under 1% of advertisements) and immigration (3%)—both of which are issues of great interest to Latino voters (*id.* at 51) and have the potential of influencing the Latino vote.

Dumbing down the education of Latino voters through advertising has unintended consequences. Abrajano finds that Spanish-dominant Latino voters reported significantly greater incorrect answers about presidential candidates’ qualifications and ideological positions than did Caucasian or African American voters (A, pp. 112–14, 128). Abrajano notes that for the 2004 presidential campaign, a

majority of Spanish-dominant Latinos were unable to correctly identify the policy positions of Bush or Kerry, and often interchanged the positions of the candidates (A, p. 118). In sum, according to Abrajano’s study, Spanish media advertising did not increase Latinos’ knowledge of political issues. As Abrajano notes, in the 2000 and 2004 campaigns, Spanish media advertisements did “little in the way of substantive policy information about the presidential candidates” (A., p. 136). As a result, Spanish-dominant Latinos are “less influenced in their vote decisions by issue positions and ideological beliefs” (*id.*). Because of the ineffectiveness of campaign advertising to Spanish-dominant Latinos, Abrajano suggests that Spanish-dominant Latinos may not actually be voting in a way that is consistent with their policy positions and ideological beliefs (*id.*).

By contrast, among English-dominant Latinos, the group that is more assimilated, political advertisement reinforced their pre-existing beliefs and political leanings. Their vote choice was highly influenced by cultural beliefs and the positions they had taken on hot issues such as abortion, immigration, and education. (A, p. 130–136).

In *New Faces, New Voices*, Abrajano and Alvarez analyze 2008 presidential advertising. The Obama and McCain campaigns spent twice as much on Spanish media as did previous presidential candidates in the 2000 and 2004 elections. (A and A, p. 186). However, the content of advertising did not stray from previous campaigns. Both candidates stuck to simplistic messaging emphasizing character and endorsements from Latino personalities (*id.* at 189).

Thus, no presidential candidate has yet devised a campaign that addresses Latino voters “with respect.” Major candidates have not tried to court the Latino vote by persuasion and showing how their position on serious policy issues, particularly education, immigration, and the economy affect Latinos. These issues impact Latinos just as much as other American voters with whom candidates communicate through the English media at a sophisticated level. Moreover, Abrajano’s analysis implies

⁸⁵NALEO’s campaign is “*Ya es hora !ve y vota!*” see <http://veyvota.yaeshora.info>.

⁸⁶*The 2012 Latino Vote—Turning Numbers into Clout*, <http://www.naleo.org/latinovote.html>.

that partisanship and ideological sophistication is not being developed among the Latino electorate, because candidates have chosen not to explain why Latino vote for the specific candidate would be aligned with ideological beliefs and policy positions that meet the needs of individual Latinos and their community.

Because of *Citizens United*, the Supreme Court case that eliminated restrictions on advertising by corporations and unions, there will be more dollars spent on advertising in the 2012 elections. Hopefully, this new bounty in advertising will inspire “smarter” advertising that is aimed at Latinos. Candidates should construct more substantive advertising campaigns that speak to Latino voters in Spanish-dominant media, and address the issues that matter to Latino voter, the economy, education, and immigration policy. The Democratic Party, which has benefitted from Latino support in the 2008 elections, should also take care to ensure that their advertisements clearly explain why the party’s policy positions benefit Latino families. The Republican Party should deploy “family values” campaigns to demonstrate that their party is aligned with Latino cultural beliefs.

There are signs that President Barack Obama may try more sophisticated advertising campaigns aimed at the all-important Latino vote in 2012. The White House Office of Civic Engagement and the White House Office on Initiatives on Hispanic Education have been honing substantive messaging on what President Obama has accomplished in his first term in the key areas of the economy, education, and immigration, and how these policies have benefitted Latinos. Politically active and English-dominant Latinos are being courted with weekly emails from the White House informing them of the President’s most recent accomplishments. The White House Office on Initiatives on Hispanic Education has produced white papers on the state of Latino education, and the President has taken strong substantive positions through an executive order and timely speeches. It remains to be seen whether email messages, press releases, and white house papers can be translated into 30 and 60 second media spots that educate both the English-dominant and Spanish-dominant Latino voter as to President Obama’s substantive policy positions.

There are also signs that the Republicans are thinking about how they can register and court conservative Latinos. At the grass roots level, conservative Latinos, frustrated with the Republican Party structure, have begun to organize new groups such as “Café con Leche” Republicans.⁸⁷ Another group, who call themselves the Tequila Party bills itself as a counter movement to the Tea Party.⁸⁸ The “Tequila Party” nascent movement is national in scope and is marking out conservative positions that speak to Latinos in the three areas that they most care about—immigration, the economy, and education. In sum, in anticipation of 2012, grass-roots conservative Latino leaders are trying to create organizations that separate themselves from the angry anti-immigrant policy proposals and rhetoric that is pushing the Latino vote towards the Democrats so that Republicans too can court the emerging Latino voter.

CONCLUSION

Professors Abrajano and Alvarez have made a valuable contribution to the area of understanding Latino political behavior. As they conclude, this is a “distinct...political identity in the United States” (A and A, p. 175) that is still in flux and is evolving. They succeed in their overall aim, to “give a broad overview of Hispanic political behavior” (*id.*). Each election will provide more information about Latino voters and how it finds its “new voice” in the American electorate. This is exciting stuff!

Address correspondence to:

Sylvia R. Lazos

William S. Boyd School of Law, UNLV

4505 South Maryland Parkway

Box 451003

Las Vegas, NV 89154

E-mail: lazoss@unlv.nevada.edu

⁸⁷*Somos Republicans’ Leader Steps Down*, NEWS TACO.COM, Nov. 9, 2011, <http://www.newstaco.com/2011/11/04/somos-republicans-leader-steps-down>.

⁸⁸<http://tequilapartytour.com>.