

# Introduction

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Recent estimates suggest that the Latino population has grown to a point that it is now the largest minority population in the United States.<sup>1</sup> The Latino population in the United States now stands at about 37 million persons.<sup>2</sup> Such demographic statistics, which have been forecasting large increases in the number of Latinos for some time now, are usually presented as though Latinos are a new and scary demographic phenomenon. The press also routinely describes Latinos as inevitably in conflict with African Americans.<sup>3</sup> This may be an attempt to “divide and conquer” by presenting only possibilities for division, rather than union, between two large minority groups. Struggles over political power and the allocation of resources are, however, common to all groups in this country, white, black, Latino/a, Asian, and Indian.

The new population estimates, while suggesting that Latino political power should increase commensurate with the numbers, vastly overstate the current political power of Latinos. We begin with an estimate of 37 million Latinos. The number of Latinos ages eighteen and over, and thus chronologically eligible to vote, is about 22.9 million.<sup>4</sup> This number includes over 4 million undocumented adults, bringing the potential number of Latino voters down to about 18.9 million.<sup>5</sup> Approximately 1.6 million Latinos are permanent residents currently ineligible for naturalization.<sup>6</sup> Additionally, 2.4 million Latino permanent residents have not yet become naturalized.<sup>7</sup> Factoring these numbers into the previously calculated 18.9 million Latinos, the number falls to about 14.9 million. These 14.9 million Latinos include about 3.8 million Puerto Ricans resident on

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<sup>1</sup> Lynette Clemetson, *Hispanics Now Largest Minority, Census Shows*, N.Y. TIMES, Jan. 22, 2003, at A1.

<sup>2</sup> *Id.*

<sup>3</sup> See, e.g., *id.* (“In recent years blacks and Hispanics have often felt in opposition in seeking financing and political representation, and the new numbers could bring fresh tensions. . . . Some Latino advocacy organizations, perhaps anticipating possible difficulties, are already playing down the significance of the shift.”).

<sup>4</sup> See Table 1, *Population by Race and Hispanic or Latino Origin, for All Ages and for 18 Years and Over, for the United States: 2000*, Census 2000 PHC-T-1 (released Mar. 12, 2001), available at <http://www.census.gov/population/www/cen2000/phc-t1.html>.

<sup>5</sup> Louis DeSipio & Rodolfo de la Garza, *Forever Seen as New: Latino Participation in American Elections*, in *LATINOS: REMAKING AMERICA* 398, 402 (Marcelo M. Suárez-Orozco & Mariela M. Páez eds., 2002).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

the island<sup>8</sup> who, despite their United States citizenship, cannot vote for President or Vice President and lack voting representation in the House of Representatives and the Senate.<sup>9</sup> Subtracting an estimate of adult Puerto Ricans, 2.4 million,<sup>10</sup> from 14.9 million, we arrive at 12.5 million Latinos who are actually eligible to vote.

According to these calculations, approximately forty-five percent of adult Latinos living in the United States and Puerto Rico are ineligible to vote.<sup>11</sup> This is a shocking number which helps to explain why the political power of Latinos/as is not commensurate with the numbers. Until Latino political power corresponds with the numbers, Latinos cannot take much comfort in a mere increase in population. Accordingly, enfranchisement of Puerto Ricans and legalization and eventual citizenship for all Latinos resident in the United States should be high on the national agenda.

We often make the tacit assumption that, in the face of demographic change, the rules for political participation will stay the same. Accordingly, an increase in Latino citizens is often assumed to lead to a corresponding increase in Latino voting. The history of African American disfranchisement after their citizenship was constitutionally guaranteed in the Fourteenth Amendment and their voting rights ostensibly protected in the Fifteenth Amendment teaches otherwise. In our own time, we can observe the Official English movement campaigning for repeal of the provisions of the Voting Rights Act that require multilingual ballots in jurisdictions containing enough persons whose primary language is not English. Enfranchisement must be sought and protected with vigilance.

Although the general public may only recently have begun to notice our increased numbers, Latinos are not new in the United States. While about two-thirds of the current Latino population are immigrants or the children of immigrants,<sup>12</sup> Latinos have very old historical roots in the Southwest and in Puerto Rico. During the United States' war of conquest against Mexico from 1846 to 1848, Mexico was invaded by American military forces. In addition to the annexation of Texas in 1845, a huge amount of former Mexican territory, approximately one-third to one-half, was ceded to the United States under the Treaty of Guadalupe Hidalgo. The states of Texas, California, Arizona, New Mexico, Nevada, and parts of Colorado and Utah are all former Mexican lands populated and owned by Mexi-

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<sup>8</sup> See P1. *Total Population*[1](Puerto Rico) *Census Summary File 3* (SF 3) Sample Data, available at [www.census.gov](http://www.census.gov).

<sup>9</sup> See *Sanchez v. United States*, 376 F. Supp. 239 (D.P.R. 1974).

<sup>10</sup> To calculate this estimate, I assume that the ratio of adult Latinos to Latinos ages eighteen or over holds for Puerto Rico. This ratio is about 23 million/37 million or 62%. I then multiply the total Puerto Rican population, 3.8 million, by 62% to yield approximately 2.4 million Puerto Ricans ages eighteen and over.

<sup>11</sup> I calculated this number by dividing eligible adult Latinos, 12.5 million, by total adult Latinos, 22.9 million, to yield about 55% eligible. Thus about 45% are ineligible.

<sup>12</sup> Marcelo M. Suárez-Orozco & Mariela M. Páez, *Introduction: The Research Agenda*, in *LATINOS: REMAKING AMERICA*, *supra* note 5, at 1, 4.

cans. The separation of Mexicans from their land through American governmental action is one of the most significant untold stories in American history.<sup>13</sup>

Puerto Rico, as well, was an object of American conquest during the Spanish-American War of 1898. Spain ceded Puerto Rico to the United States in the Treaty of Paris of 1898. Under Article IX of that Treaty, "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."<sup>14</sup> Although Puerto Ricans were granted statutory United States citizenship in 1917, Puerto Rico remains an "unincorporated territory," subject to Congressional mandates.<sup>15</sup> Puerto Ricans are subject to most federal law but are unable to vote for President and Vice President and, lacking statehood, they have no voting representation in Congress.

Rather than understanding Latinos only as recent immigrants, it should be understood that early generations of Mexicans and Puerto Ricans came within the ambit of the United States through conquest. "They did not come to the United States; the United States came to them."<sup>16</sup> And, of course, immigrants have propelled the growth of the Latino population at a dramatic rate in recent years.

On April 6, 2002, two distinguished panels at the Alianza Conference held at Harvard Law School discussed issues facing Latinos. The first panel addressed the subject of issues that transcend the political and ethnic divisions within the Latino community. A brief introduction of each of the panelists is in order. Professor Rodolfo de la Garza is professor of political science at Columbia University who studies ethnic politics and Latino political behavior. Professor de la Garza presents recent findings on the political opinions of Latinos regarding important issues facing the country. Next, Ms. Sarita Brown is former executive director of the White House Initiative on Educational Excellence for Hispanic Americans and has over twenty years of experience in higher education administration. Ms. Brown discusses many of the key issues in education policy concerning Latinos, particularly the importance of increasing Latino enrollments in colleges and universities. Following Ms. Brown, Dr. David Hayes Bautista is professor of medicine at UCLA and director of the UCLA Center for the Study of Latino Health. Dr. Hayes Bautista discusses his research findings on Latino health and the need for more particularized studies of Latino health. Finally, Mr. Adam Chavarria is currently associ-

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<sup>13</sup> See JUAN F. PEREA ET AL., *RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA* 270-91 (West Group 2000) for an introduction. See also Guadalupe T. Luna, *Chicano/Chicana Land Tenure in the Agrarian Domain: on the Edge of a "Naked Knife,"* 4 MICH. J. RACE & L. 39 (1998) for a comprehensive discussion of the loss of Mexican lands.

<sup>14</sup> Treaty of Peace between the United States of America and the Kingdom of Spain, Dec. 10, 1898, U.S.-Spain, art. IX, 30 Stat. 1754, 1759.

<sup>15</sup> This status was created in *Downes v. Bidwell*, 182 U.S. 244 (1901).

<sup>16</sup> *Supra* note 12.

ate director of the White House Initiative on Educational Excellence for Hispanic Americans. Mr. Chavarria also identifies education as a key issue for Latinos, and discusses the Bush administration's education policy, including the No Child Left Behind Act of 2001.<sup>17</sup>

The second panel addressed the issue of who represents the interests of the Latino community and how those interests can be addressed most effectively. The panel was moderated by Marshall Ganz, lecturer in public policy at Harvard's Kennedy School of Government. The following distinguished panelists participated. Professor Pedro Noguera is professor at the Harvard Graduate School of Education. Professor Noguera discusses the failure of politicians to address the educational and social welfare needs of the Latino community. Ricardo Anzaldúa is partner at the firm of Cleary, Gottlieb, Steen & Hamilton. Mr. Anzaldúa questions whether there is a single, coherent vision of Latino interests and urges the development of effective Latino leadership. Ms. Debra Joy Perez is currently doing doctoral work in health policy at Harvard. Ms. Perez describes troubling deficiencies in the quality of health care services and in the availability of health insurance for Latinos. Mr. Ralph Paniagua is chief executive officer of R. Paniagua, Inc. Mr. Paniagua discusses his personal history and offers his view that politicians are ineffective in representing Latino interests. Finally, Dr. Andres Torres is director of the Mauricio Gaston Institute for Latino Community Development and professor at the College of Public and Community Service at the University of Massachusetts, Boston. Dr. Torres discusses the national origin diversity within the Latino community and the need to develop a "pan-Latinism"—a sense of Latino identity that transcends specific national origins.

Several elements of a Latino national agenda were identified and discussed by the panels. The quality of education and access to higher education are issues of major concern. The quality of and access to health care, and the need for more research on the particular needs of Latinos are significant issues as well. Finally, the need for effective political leadership that reflects the interests of Latinos was discussed.

At the same time, the panelists identified some of the actual and potential fissures that may interfere with the development of a unified Latino agenda. The different national origins represented among Latinos sometimes lead to political differences. Exclusive focus on particular national origins, rather than issues of concern to the larger Latino community, may defeat unity and coherence. Lastly, the nature of American politics, which requires much compromise among different groups and politicians, will decrease the attention focused on issues of concern to minority groups. It is for this reason that the development of effective inter-group coalitions is so important. Through coalition building, we may increase our political power.

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<sup>17</sup> No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 (2002).

Possibilities for coalition exist. If we look at elements of a Latino national agenda—quality education, access to education, and quality health care—it is really an American agenda which we share with many groups, particularly our African American and Asian American colleagues. For the possibility of coalitions to exist, however, we must build trust and support our colleagues of all colors.

As discussed by our panelists, we must resist the temptation to divide our community along national origin lines. We must also resist the centrifugal forces of American race and racism that would push us away from each other because of our color. W. E. B. DuBois wrote that “The problem of the twentieth century is the problem of the Color Line.”<sup>18</sup> The color line remains, both within groups of Latinos and between many Latinos and persons of color of a darker hue. For example, two recent Cuban immigrants, Joel Ruiz and Achmed Valdés, were best friends throughout childhood. Ruiz is black and Valdés is white. In 1994, both fled Cuba separately and were detained at the American base at Guantanamo. Eventually they were freed and both moved to Miami. In Miami, Ruiz learned the hard way, through police harassment and discrimination, what it means to be black in America. Valdés, on the other hand, became a white Cuban American able to blend in seamlessly among other whites. Their experiences were completely different, so within a few months they had grown apart.<sup>19</sup>

Many of the future possibilities for Latinos depend on surmounting and accommodating differences of race, color, and national origin. Our challenge will be to develop enough unity and strength to articulate our agenda powerfully and persuasively. It will not be easy. It remains with us, among others, to diminish the power of the color line.

For those who wish to learn more about the possibilities for union and division among Latinos, read on.

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<sup>18</sup> W. E. B. DuBois, *The Color Line Belts the World*, in W. E. B. DuBois: A READER 42 (David Levering Lewis ed., 1995).

<sup>19</sup> See Mirta Ojito, *Best of Friends, Worlds Apart*, in CORRESPONDENTS OF THE NEW YORK TIMES, HOW RACE IS LIVED IN AMERICA: PULLING TOGETHER, PULLING APART 23–39 (2001).