

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Laura Boustani, Mutsuyo Okumura Unger,)
Chia-Min T. Chen, Mary Savas, Efty)
Simakis, Sophia Loizos, Paramjit Singh,)
Joseph Hajjar, Catherine Ma, Sagarika)
Nayak, Eduardo A. Romero, Karil)
Bialostosky, Dagmar Celeste, Ali AlHaddad)
MD, Sawsan Alhaddad MD, Gia Hoa Ryan,)
Margaret Wong, P.S. Murthy, Asian)
American Bar Association of Ohio, The)
Federation of India Community Association,)
Service Employees International Union)
District 1199, American-Arab Anti-) Civil Action No. 06-2065
Discrimination Committee, Greater Toledo)
Association of Arab Americans, Council on)
American-Islamic Relations Ohio,)
)
Plaintiffs,)
)
v.)
)
J. Kenneth Blackwell,)
)
Defendant.)

DECLARATION OF RODOLFO DE LA GARZA

AUG 15 2006

DECLARATION OF RODOLFO O. DE LA GARZA

I, Rodolfo O. de la Garza, being of legal age and sound mind, do hereby declare and state:

1. I am Eaton Professor of Administrative Law and Municipal Science Department of Political Science and Vice President of the Tomás Rivera Policy Institute at Columbia University (TRPI). TRPI is an independent non-partisan research institute that focuses on issues that especially affect the Latino community of the United States. Established over twenty years ago, it is recognized as the nation's foremost Hispanic think tank. Headquartered at the University of Southern California, it also has offices at Columbia University in New York and at the University of Texas at Austin. It is funded by national and local foundations and by major private sector corporations.

2. I am a Professor of Political Science, International Affairs, and Municipal Law and Administrative Science at Columbia, where I have taught since 2001. I have previously taught at Harvard University and the University of Texas-Austin, among other institutions. A true and correct copy of my curriculum vitae is attached as Exhibit A and incorporated by reference.

3. As my C.V. reflects, I am the author, co-author, or editor of 17 books, and more than 80 articles, book chapters and reports. Political participation (i.e., registering, voting, and engaging in other activities related to elections) and immigrant incorporation are among my principal areas of expertise. My work includes studies of why Latino voting rates are lower than those of non-Hispanic whites, of the political values and interests of immigrant and native born Latinos and of the institutional impediments that dampen Latino electoral engagement. I have also been the recipient of many research grants, including ones having to do with voting, and

have served as an expert witness in a number of voting rights cases. Most recently, in 2002, the Department of Justice contracted me to serve as a major expert witness in its lawsuit regarding Voting Rights Act violations against the city of Lawrence, MA,

4. I have devoted particular attention to the political participation of Latinos in the United States. Attached to this declaration as Exhibit B, and incorporated by reference, is a chapter that I recently wrote entitled "Reshaping the Tub: VRA Impacts on Latino Electoral Politics" from the forthcoming book *Beyond The VRA* to be published by the Russell Sage Foundation this year. As explained in this chapter, Latino electoral participation has not grown at a rate commensurate with the overall Latino population, partly due to barriers that still face Latinos in registering and voting. Chief among those are barriers to the naturalization of Latinos, which prevents them from becoming eligible to vote.

5. As a part of my research on citizenship and political participation, I examined the evidence regarding voting in United States elections by people who are not citizens of the U.S. I believe myself to be well-versed in the available research and literature on this question.

6. My research in this area leads me to conclude that it is extremely rare for noncitizens to attempt to vote in U.S. elections. I base this conclusion on several factors. First, surveys of non-citizens provide no evidence that they are engaged with U. S. elections. This reflects their lower socioeconomic status, their lack of familiarity and involvement with the electoral process (DeSipio, Louis, Harry Pachon, Rodolfo de la Garza, and Jongho Lee. "Immigrant Politics at Home and Abroad: How Latino Immigrants Engage the Politics of Their Home Communities and the United States." Claremont, CA: The Tomas Rivera Policy Institute, 2003.) and the limited extent to which parties and civic groups try to mobilize them (*Latino Voter Mobilization in 2000: Campaign Characteristics and Effectiveness. Report No. 4*rs: Rodolfo de la Garza, Carolyn

Dunlap, Jongho Lee, and Jaesung Ryu Tomas Rivera Policy Institute September 2002; Rodolfo O. de la Garza, Louis DeSipio, Martha Menchaca, 1994. *Barrio Ballots: Latinos and the 1990 Elections*. Boulder, CO: Westview Press.).

7. The only documented example of non-citizens voting with which I am familiar occurred in Orange County, California in 1996. In that election there is evidence that a small number of non-citizens voted, but the Democrat's victory was upheld because the evidence indicated that the small number of such voters did not affect the election's outcome. It is noteworthy that those who voted were well on their way to being naturalized, and they apparently assumed that this enabled them to vote. I should note that this incident was widely reported in the press but has not been the focus of academic analysis. Moreover, although there is a literature on the electoral participation of naturalized citizens, I know of no corpus of research on non-citizen voting. This suggests that it does not occur at a rate sufficient to warrant analysis or concern.

8. I have read and reviewed the joint study conducted by the League of Women Voters of Ohio and the Coalition on Housing and Homelessness in Ohio, as well as the declaration of Thomas Betti describing the research methodology for that study. This study showed a total of four reported instances of voting fraud, in the 2002 and 2004 elections, out of over nine million voters. This study confirms and corroborates the argument I have made regarding the virtual non-existence of such illegal voting as a problem affecting American elections.

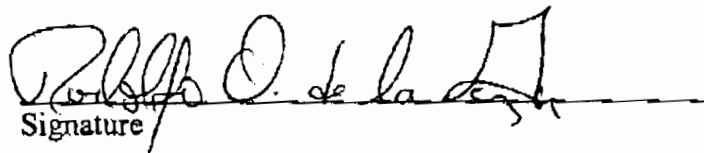
9. I have read and reviewed the revised version of 3505.20, as amended by Sub HB 3. Based on my research, I believe that this statute will discriminate against any citizen who does not fit the historic stereotype of a typical American, i.e., tall, fair skinned individual who speaks English with no trace of a foreign accent. Given that Latinos make up a disproportionate share of

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the nation's new citizens, this legislation cannot but result in creating an obstacle to their electoral involvement. Native born Hispanics will be required to carry proof of nativity in order to vote, a requirement that non-Hispanic whites will not have to meet. Additionally, Hispanic naturalized citizens will in all probability be required to prove their naturalization, a requirement that naturalized citizens such as those from English speaking Canada will not have to meet. Such practices closely resemble some that were used to embarrass, harass and discourage Latino voters in the Southwest prior to 1975 (Garcia, F. C. & R. de la Garza. 1977. *The Chicago Political Experience*. Duxbury Press: Belmont, CA.) In my judgment, this legislation will have an even more detrimental effect on Latino participation because it will reflect official government policy rather than the prejudices of local election officials. Moreover, the requirement is an example of how naturalization-related problems such as I describe in my forthcoming article on the VRA will be used to dampen Latino voting.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 31 day of July, 2006, in New York, New York.


Signature

Rodolfo O. de la Garza
Eaton Professor of Administrative Law and Municipal Science
Department of Political Science
Columbia University
and
Vice President of the Tomás Rivera Policy Institute
December 2004

Department of Political Science
Columbia University
1432 International Affairs Bldg.
420 W. 118th Street
New York, N.Y. 10027

Born: 17 August 1942

Education

1972	Ph.D., Government	University of Arizona
1971	Inter-University Consortium for Political Research (Summer)	University of Michigan
1967	M.A., Latin American Studies	University of Arizona
1965	B.F.T., International Marketing	American Institute for Foreign Trade
1964	B.S., Marketing	University of Arizona

Academic Positions

Columbia University

2004- Professor of International and Public Affairs

2003- Eaton Professor of Municipal Law
And Administrative Science

2001- Professor of Political Science

Harvard University

1991-92 Visiting Professor Government Department/JFK School

University of Texas - Austin

1991-2001 Mike Hogg Professor of Community Affairs

1986 Professor of Government University of Texas-Austin

1980-86 Associate Professor of Government University of Texas-Austin

Colorado College

1979-80 Associate Professor of Political Science

1974-79 Assistant Professor of Political Science
1977 Seminar Director, Southwest Studies Colorado College (Summer)
M.A.T. Institute

1977 Visiting Professor Associated Colleges of the Midwest
Costa Rican Program (Summer)

1974 Visiting Professor Portland State University
(Summer)

1973-74 Visiting Professor University of Arizona
Guadalajara, Mexico (Summer)

University of Texas-El Paso
1972-74 Assistant Professor of Political Science

1967-69 Instructor of English Universidad Mayor de San Simon, Bolivi

Administrative and Professional Experience

Deputy Chair, Department of International and Public Affairs, Columbia University, 2005-
Director, Master's on Public Administration, School of International Affairs, 2002, Columbia
University-

Director, Program on Race and Immigration, Institute for Social and Economic Research,
Columbia University, 2001-

Vice-President, The Tomas Rivera Policy Institute. 1993-

Co-Director, Public Policy Clinics, Department of Government, University of Texas Austin,
1995-2001

Director, Center for Mexican-American Studies, University of Texas at Austin, 1981-90

Executive Assistant to the Chancellor, University of Texas System, 1985-1986

Co-Founder & Co-Director, Inter-University Project Consortium (Included UCLA,
Stanford, CUNY-Hunter College and the University of Texas - Austin), 1985-90

Assistant Dean of the College, Colorado College, 1974-80

Director, Southwest Studies Program, Colorado College, 1978-80

Student Affairs Officer & Assistant Director of Binational Center, United States
Information Agency, Cochabamba, Bolivia, 1967-69

Professional Honors and Awards

Advisory Board member, General Social Survey, 2001-

Member, ICPSR Board, 2005-

Theodore Lowi Award for the best article published by Policy Studies Journal in 1999-2000, "Alive and Kicking Municipal Affirmative Action Policy in Ten Texas Cities."

Vice-President, American Political Science Association, 1997-1998

Career Achievement Award, Committee on the Status of Latinos in the Profession, American Political Science Association, 1993

Member, American Political Science Association Executive Committee, 1991-93

C.B. Smith Fellow in Latin American Studies - University of Texas at Austin, 1988-91

Dean's Award for Outstanding Classroom Performance - College of Liberal Arts of the University of Texas at Austin, 1987-88

Visiting Canterbury Fellow - University of Canterbury, Christ Church, New Zealand, Summer 1987

Omicron Delta Kappa, 1981

Blue Key Outstanding Faculty Award - Colorado College, 1980

Best Paper on Chicano Politics - Western Political Science Association, 1979

Best Paper - XVIII Congreso Nacional de Sociologia, Mexico, 1973

National Science Foundation Fellowship - University of Arizona, 1970-72

NDEA Title VI Fellowship - University of Arizona, 1966-67

Selected Professional and Civic Activities and Honors

100 Most Influential Hispanics, *Hispanic Magazine*, 2004

100 Most Influential Hispanics, *Hispanic Magazine*, 1998

Election Observer, Dominican Republic, 1998

Section Co-Chair, Public Opinion and Political Behavior, APSA Annual Meeting, 1997

Election Observer, Mexico, 1996

Panel Chair, Latino Political Behavior, APSA, 1995

Member, Advisory Board, Overseas Development Council / Stimson Foundation Board, "The New American Foreign Policy," 1995

Co-Chair, Stanley Foundation Conference, The Southwest and U.S. Foreign Policy, 1995

Member, Council on Foreign Relations, 1994-
Member, Board of Governors, United Nations Association of the United States of America, 1994-95
Advisory Council, Stanley Foundation New American Global Dialogue, 1993-98
Member, Overseas Development Council, 1991-2000
Distinguished Citizen Award - University of Arizona Alumni Association, 1990
Consultant to the Ford Foundation's Mexico Office of Developing Country Programs for the Bilateral Commission on the Future of United States-Mexican Relations, 1987-88
Chairman, American Political Science Association Committee on the Status of Chicanos in the Professions, 1987-89
Member, "Changing Relations Between Immigrants and Residents" Project Board, Sponsored by Ford Foundation, 1987-91
Chairman, Social Science Research Council/Inter-University Program Joint Committee on Latino Research, 1985-91
Chairman, Social Science Research Council/Inter-University Program Review & Awards Committee, Latino Policy Research Competition, 1985, 1988, 1991
Member, Western Political Science Association Executive Council, 1985-88
U. S. Embassy sponsored lecturer to PRI Executive Committee, Mexico City: Latino Views of U. S. Foreign Policy, 1985
Member, Hispanic Advisory Council, The Ford Foundation, 1983-85
Member, Ford Foundation Task Force on Latino Politics & Civic Identity, 1983-85
Chairman, Latin American Studies Association Hispanic Task Force, 1983-85
National Endowment for the Humanities Consultant to Universidad de Puerto Rico, Carolinas, 1981-82; San Jose State University, 1981-82; San Diego University 1982
Member, American Political Science Association Committee on the Status of Chicanos, 1973-75, 1984-86
Outside Reviewer, Chicano Studies Program, California State University, 1981
Member, American Political Science Association, Western Political Science Association, Latin American Studies Association, Southwest Social Science Association
Member, Overseas Development Council US-Mexico Project Border Areas Group, 1981-84

Member, Graduate Record Examination Board Committee on Minority Education; Consultant on GRE booklet, College Achievement Through Self-Help, 1979
Member, National Board of Consultants, National Endowment for the Humanities, 1977-80
Member, Board of Directors, Austin Mediation Center, 1985-87
Member, Texas Advisory Committee of the U.S. Commission on Civil Rights, 1985-87
Expert Witness, Voting Rights Litigation, Texas Rural Legal Aid, Florida National Association for the Advancement of Colored People, 1983-85, 1988
Member, United Way Planning Committee, Austin, 1983, 1988
Member, Colorado Humanities Council, 1978-80
Commissioner, Colorado Springs Urban Renewal Effort, 1974-77
Member of SER Board of Directors, Colorado Springs 1974-76; Chairman, 1976-77
Member, La Raza Unity Council, Colorado Springs, Colorado, 1974-77; Executive Council, 1976-77
USIA Lecturer in Central America, "Society and Technology," 1973

Expert Witness, Voting Rights Litigation

United States v. City of Lawrence, No. 12256 (D. Mass.).

Sanchez v Colorado, 97 F.3d 1303 (10th Cir. 1996).

Concerned Citizens of Hardee County vs. Hardee County Commission and Hardee County School Board, 906 F.2d 524 (11th Cir. 1990).

McCord et. al. vs. City of Ft. Lauderdale, Florida, 787 F.2d 1528 (11th Cir., 1986).

Walker v. City of Ft. Mead, Florida, Case No. 83-566-CIV-T-17 (M.D.Fla.) (Kovachevich, J.)

Sierra v. El Paso Independent School District, 1983

Garza vs. Beeville Independent. School District., 1982 (?)

Research Grants

Rodolfo O. de la Garza, Co-Principal Investigator and Research Director. Washington Post/Univision/Tomás Rivera Policy Institute pre-election polls Project, 2004.

Rodolfo O. de la Garza, Co-Principal Investigator and Research Director, California-Mexico Connection. Bank of America. 2004-05

Rodolfo O. de la Garza, Co-Principal Investigator and Research Director. Remittances and Economic Development. The Ford Foundation. 2003

Rodolfo O. de la Garza, Co-Principal Investigator and Research Director, Minority Access to Health Insurance in California. The California Endowment. 2000-2001

Rodolfo O. de la Garza. Co-Principal Investigator and Research Director. Latino Religiosity and Civic Engagement. Pew Charitable Trusts. 2000-2001.

Rodolfo O. de la Garza. Co-Principal Investigator and Research Co-Director. Inter-ethnic conflict and collaboration in California. Levi-Straus Foundation. 1999-2001.

Rodolfo O. de la Garza, Principal Investigator, Latino Voter Mobilization. Ford Foundation. 1999-2000.

Rodolfo O. de la Garza, Principal Investigator. Latino Chambers of Commerce as Agents of Latino Hemispheric Integration. 1999-2000. Ford Foundation.

Rodolfo O. de la Garza, Co-Principal Investigator, Latino Turnout in the 1996 Election. Ford Foundation. 1997

Rodolfo O. de la Garza, Co-Principal Investigator, Remittances & Economic Development. A Joint Project by TRPI and The Inter-American Dialogue. Ford Foundation. 1997

Rodolfo O. de la Garza, Co-Principal Investigator. 1996. Latinos and U.S. Foreign Policy, Ford Foundation.

Rodolfo O. de la Garza, Co-Principal Investigator. 1995. Latinos and U.S. Foreign Policy, The Mellon Foundation.

Rodolfo O. de la Garza, Co-Principal Investigator. 1995. The Impact of Affirmative Action on Latino Hiring and Contracting. The Ford Foundation.

Rodolfo O. de la Garza, Principal Investigator. 1992. Latinos and the 1992 Election, Ford Foundation.

Rodolfo O. de la Garza, Project Director. 1990-91. Latinos and the 1990 Election: A Political Ethnography, Ford Foundation.

Chancellor's Grant. 1990-91. Seminar on U.S. Politics at the Universidad Nacional Autonoma de Mexico.

Rodolfo O. de la Garza, Project Director. Latino National Political Survey, Ford Foundation (1988-89; 1989-92), Tinker Foundation (1989-92).

Rodolfo O. de la Garza, Project Director. 1989-92. Latino National Political Survey, Spencer Foundation.

Rockefeller Foundation. 1989-92. Latino National Political Survey.

Arthur P. Sloan Foundation. 1987. The Impact of the Immigration Reform and Control Act on Businesses Known to Have Economic with Undocumented Immigrants.

Ford Foundation. 1986. Management of Inter-University Program/Social Science Research Council Public Policy Research on Contemporary Hispanic Issues (Grant Awarded to Center for Mexican-American Studies, University of Texas at Austin)

Ford Foundation. 1986. Planning Grant, Latino Public Opinion.

University of Texas Research Institute. Summer 1985. Latino Political Behavior.

Ford Foundation. Fall 1985. Latino Public Opinion Conference Grant.

Ford & Carnegie Foundations. 1985. Inter-University Program on Latino Research Program Grant (Co-grantee as Director of Center for Mexican-American Studies & Co-Director of Inter-University Project).

University of Texas Research Institute. Summer 1984. Mexican American Political Behavior.

University of Texas Research Institute. Summer 1983. The Mexican American Electorate.

Ford, Tinker & Carnegie Foundations. 1983. Inter-University Program on Latino Research Development Grant (Co-grantee as Director of Center for Mexican-American Studies & Co-director of Inter-University Project).

University of Texas. Summer 1982. The Ethnic Enterprise.

Mexican American Legal Defense and Educational Fund. Fall 1981. The Impact of the Voting Rights Act in Uvalde County, Texas.

Rockefeller Foundation Fellowship. 1979-80. Hispanic Political Elites.

Colorado College Summer Research Grant. Summer 1978 and Summer 1979. Hispanic Political Elites.

Mexican American Legal Defense and Education Fund. 1978. Political Alternatives for Mexican Americans.

National Endowment for the Humanities Summer Stipend. 1976.

Colorado College Summer Research Grant. Summer. 1975. Politics of Public Housing in Mexico.

Books

Rodolfo O. de la Garza and Louis DeSipio, eds. 2004 *Muted Voices: Latinos and the 2000 Electio*. Boulder: Rowman and Littlefield.

Rodolfo O. de la Garza and Lindsay Lowell. 2002. *Sending Money Home*. Boulder: Rowman and Littlefield.

Rodolfo O. de la Garza and Harry Pachon, eds. 2000. *Latinos and U. S. Foreign Policy: Representing the Homelands?* Boulder: Rowman and Littlefield.

Rodolfo O. de la Garza and Louis DeSipio. 1998. *Awash in the Mainstream: Latinos and the 1996 Election*. Boulder: Westview: .

Louis DeSipio and Rodolfo O. 1998. *Making Americans, Remaking America: Immigration and Immigrant Policy*. Boulder: Westview

Rodolfo O. de la Garza and Jesus Velasco, eds. 1997. *Bridging the Border: Transforming Mexico-U.S. Relations*. Boulder, CO: Rowman & Littlefield Publishers.

Rodolfo O. de la Garza, Frank D. Bean, Bryan R. Roberts, Sidney Weintraub, eds. 1997. *At the Crossroads: Mexico and U.S. Immigration Policy*. Boulder, CO: Rowman & Littlefield Publishers, Inc.

Rodolfo O. de la Garza and Louis DeSipio, eds. 1996. *Ethnic Ironies: Latino Politics in the 1992 Elections*. Boulder, CO: Westview Press.

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Rodolfo O. de la Garza, L. DeSipio, F. C. Chris Garcia, J. Garcia, A. Falcon, 1992 *Latino Voices: Mexican, Puerto Rican and Cuban Perspectives on American Politics*. Boulder, CO: Westview Press.

Rodolfo O. de la Garza and Louis DeSipio, eds. 1992. *Latinos and the 1988 Elections*. Boulder, CO: Westview Press.

F. Chris Garcia, John A. Garcia, Rodolfo O. de la Garza, Angelo Falcon and Cara J. Abeyta, eds. 1991. *Latinos and Politics: A Select Research Bibliography*. Austin, TX: Center for Mexican American Studies, University of Texas at Austin.

Rodolfo O. de la Garza, ed. 1986. *Ignored Voices: Latinos and Public Opinion Polls in the United States*. Austin, TX: Center for Mexican American Studies, University of Texas at Austin.

Rodolfo O. de la Garza, Frank Bean, Charles Bonjean, Ricardo Romo and Rodolfo Alvarez, eds. 1985. *The Mexican American Experience: An Interdisciplinary Anthology* Austin, TX: UT Press.

Harley Browning and Rodolfo O. de la Garza, eds. 1986. *Mexican Immigrants and the Mexican American Community: An Evolving Relationship*. Austin, TX: Center for Mexican American Studies, University of Texas at Austin.

F. Chris Garcia and Rodolfo O. de la Garza, 1977. *The Chicano Political Experience: Three Perspectives*. North Scituate: Duxbury Press.

Rodolfo O. de la Garza, J. Anthony Kruszewski, Thomas Arciniega, eds. 1973. *Chicanos and Native Americans: The Territorial Minorities*. Prentice Hall.

Monographs

Co-Author: The California-Mexico Connection. 2005. Tomás Rivera Policy Institute

Co-author: *Patterns Of Latino Turnout: Study of the 1992-1998 General Elections, Harris County, Texas*. Tomas River Policy Institute.

Coauthor: *Latino Voter Mobilization in 2000: A Glimpse Into Latino Policy and Voting Preferences*. TRPI..

Coauthor: *Latino Voter Mobilization in 2000: Predictors of Latino Turnout*. TRPI..

Coauthor: *Latino Voter Mobilization in 2000: Campaign Characteristics and Effectiveness*. TRPI.

Coauthor: *Moving Forward, Looking Back: Latino Immigrant Associations*. TRPI.

Rodolfo de la Garza. 2002 *Numbers Count: Latinos and the New America*. Hispanic Association for Corporate Responsibility. Washington, D. C.

Rodolfo O. de la Garza, Daron Shaw, Harry Pachon. 1999. *Hispanic Voter Turnout in 1996: An Empirical Reassessment*. Tomas Rivera Policy Institute.

Rodolfo O. de la Garza and Steve Farkas. 1998. *Here to Stay: The Domestic and International Priorities of Latino Elites*. New York and Claremont, CA.: Public Agenda and the Tomas Rivera Policy Institute.

Rodolfo O. de la Garza, Miguel Baraona, Manuel Orozco, Harry P. Pachon and Adrian Pantoja. 1998. *Family Ties and Ethnic Lobbies: Latino Relations with Latin America*. Claremont: Tomás Rivera Policy Institute.

Rodolfo O. de la Garza, Claire Sheridan, Roger Framm, Gary Freeman. 1996. *Operation Jobs: An Evaluation of INS-Dallas*. Claremont. Tomas River Policy Institute.

Articles, Book Chapters and Reports

Cortina, Jerónimo, Rodolfo de la Garza & Enrique Ochoa-Reza. 2005. "Remesas: límites al Optimismo," in *Foreign Affairs en Español*. 5, #3. 27-36.

de la Garza, Rodolfo O. & Jerónimo Cortina. 2005. "Latinos as Foreign Policy Actors: Myth or Reality?" *Harvard Journal of Hispanic Policy*. 18.

de la Garza, Rodolfo. 2006. "Latino Immigrants, National Identity and the National Interest," in Fred R. Harris, *The Baby Bust: Who Will Do the Work, Who Will Pay the Taxes*. Rowman and Littlefield.

de la Garza, Rodolfo O. & Jerónimo Cortina. 2005. "LATINOS AS FOREIGN POLICY ACTORS: MYTH OR REALITY?" IN *HARVARD JOURNAL OF HISPANIC POLICY*. 18.

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de la Garza, Rodolfo et Jeronimo Cortina. 2004. "Les Latinos et la politique aus États-Unis," en James Cohen et Annick Tréger, *Les Latino des USA*. Paris: IHEAL Editions, 87-102.

de la Garza., Rodolfo. 2004. "Latino Politics," in *Annual Review of Political Science*, 91-123

de la Garza, Rodolfo & Muserref Yetim. "The Impact of Ethnicity and Democracy on Definitions of Democracy." *Mexican Studies* 19 (1) 2003.

de la Garza, Rodolfo O., Charles W. Haynes, and Jaesung Ryu. 2002. An Analysis of Latino Turnout Patterns in the 1992-1998 General Elections in Harris County, Texas. *Journal of Hispanic Policy*.

de la Garza, Rodolfo O., and Louis DeSipio. 2001. "A Satisfied Clientele Seeking More Diverse Services: Latinos and the Courts." *Behavioral Sciences and the Law*. 19 (2)237-248.

DeSipio, Louis, and Rodolfo O. de la Garza. Forthcoming. "Forever Seen as New: Latino Participation in American Elections." In Marcelo Suárez-Orozco and Mariela Paez, eds. *Latinos Remaking America*. Berkeley: University of California Press.

DeSipio, Louis, and Rodolfo O. de la Garza. Forthcoming. "Beyond Civil Rights? Immigration and the Shifting Foundation of Latino Politics." In García, Matt, and Angharad Valdivia, eds. *Geographies of Latinidad: Mapping Latina/o Studies for the Twenty-First Century*. Accepted for publication by Duke University Press. Scheduled publication date2002].

Harry P. Pachon, Louis DeSipio, Rodolfo O. de la Garza and Chon A. Noriega. 2000. "Missing in Action: Latinos in and Out of Hollywood," in Chon A. Noriega, *The Future of Latino Independent Media: A NALIP Sourcebook*. Los Angeles: UCLA Chicano Studies Research Center.

Rodolfo O. de la Garza. "Latinos and U. S. Foreign Policy: An overview," in Rodolfo O. de la Garza and Harry Pachon, eds. 2000. *Latinos and U. S. Foreign Policy: Representing the Homelands?* Boulder: Roman and Littlefield.

Rodolfo O. de la Garza, Manuel Orozco, Harry P. Pachon and Adrian Pantoja. "Family Ties and Ethnic Lobbies: Latino Relations with Latin America," in Rodolfo O. de la Garza and Harry Pachon, eds. 2000. *Latinos and U. S. Foreign Policy: Representing the Homelands?* Boulder: Roman and Littlefield.

Daron Shaw, Rodolfo O. de la Garza, Jongho Lee. 2000 "Examining Latino Turnout in 1996: A three State Validated Survey Approach." *American Journal of Political Science*, 44 (2).

Rodolfo O. de la Garza, Mark Setzler and Scott Graves. 1999. "Alive and Kicking: Municipal Affirmative Action Policy in Texas Cities, 1980s-1990's." *Policy Studies Journal*. Spring.

Rodolfo O. de la Garza and Louis DeSipio. 1998 "Interests not Passions: Mexican American Attitudes Toward Mexico and Issues Shaping U.S.-Mexico Relations." *International Migration Review*. V. 32, Summer.

Rodolfo O. de la Garza and Louis DeSipio. 1997. "Latinos and the 1996 Election." *Journal of Hispanic Policy*.

Rodolfo O. de la Garza, J. Hernandez, A. Falcon, F. Chris Garcia, J. Garcia. 1997. Mexican, Puerto Rican and Cuban Foreign Policy Perspectives," in F. Chris Garcia, ed. *Pursuing Power: Latinos and the Political System*. Notre Dame: University of Notre Dame Press.

Rodolfo O. de la Garza. 1997 "Foreign Policy Comes Home: The Domestic Consequences of the Program for Mexican Communities Living in Foreign Countries." *Bridging the Border: Transforming Mexico-U.S. Relations*.

Rodolfo O. de la Garza. 1999. ----- *Nuevos Senderos: Reflections on Hispanics and Philanthropy*. Diana Campoamor, William A. Diaz and Henry A. J. Ramos, eds. Arte Publico Press.

Rodolfo O. de la Garza and Gabriel Szekely. 1997 "Policy, Politics and Emigration: Reexamining the Mexican Experience," in F. Bean, R. de la Garza, B. Roberts and S. Weintraub, eds. *At the Crossroads: Mexican Migration and U.S. Policy*. Latham, MD: Rowman & Littlefield.

Rodolfo O. de la Garza and Louis DeSipio. 1996 "Juntos pero no revueltos: La opinion publica de los mexico-americanos y las relaciones Mexico-Estados Unidos." *Este pais*. no.65.

Rodolfo O. de la Garza and Louis DeSipio. 1996 "Interests not Passions: Mexican American Attitudes Toward Mexico and Issues Shaping U.S.-Mexico Relations." *International Migration Review*.

Rodolfo O. de la Garza. 1996 "El Cuento de los Numeros and other Latino Political Myths." in

- Anibal Yanez, ed. *Latino Politics in California*. San Diego: Center for U.S.-Mexican Studies, University of California-San Diego.
- Rodolfo O. de la Garza. May 1996 "Will the Real Americans Please Stand Up? Mexican American and Anglos Support for core American Values." *American Journal of Political Science*, vol. 40.
- Rodolfo O. de la Garza and Louis DeSipio, 1996 "Latinos and the 1992 Elections: A National Overview," in Rodolfo O. de la Garza and Louis DeSipio, eds. *Ethnic Ironies: Latino Politics in the 1992 Elections*. Boulder, CO: Westview Press.
- Rodolfo O. de la Garza. 1995 "The Effects of Ethnicity on Political Culture," in Paul E. Peterson, ed. *Classifying by Race*. Princeton, NJ: Princeton UP.
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Chapter 8

Reshaping the Tub: VRA Impacts on Latino Electoral Politics

Rodolfo O. de la Garza and Louis DeSipio

The extension of the Voting Rights Act (VRA) to Latinos¹ and other language minorities (Asian Americans, American Indians, and Alaskan Natives) in 1975 signals a major transformation in how the national political system responds to its nonwhite ethnic and racial populations. By extending the procedural guarantees and protections of the 1965 VRA to Latinos² and other language minorities, Congress broadened the nation's understanding of ethnic and racial electoral participation. Institutionally, extending these procedural guarantees and protections assured Latinos and the other covered language minorities that states and localities could not deny them access to the electoral process because of their ancestry or language use. Further, by 1982, the courts and Congress had established an affirmative responsibility for states and localities to draw electoral districts from which Latinos and other covered minorities could elect candidates of their choice when their populations were sufficiently numerous and concentrated. These candidates of choice were frequently, but not always, fellow Hispanics. With their voting rights guaranteed by the VRA, Latinos could turn to the Department of Justice (DOJ) and the federal courts to ensure that they would have meaningful access to the polls and be able to elect Hispanic candidates if they so desired. In sum, the 1975 and 1982 VRA extensions and the court decisions that explicated their meaning prohibited explicit practices that had historically disenfranchised Latinos and reduced the likelihood their votes would lead to the election of candidates of their choice.

Because the VRA has substantially reduced many of the racist obstacles that explicitly denied them access to the electoral system, Latinos today confront a political environment that includes fewer electoral impediments than did Latinos in 1975. Indeed, as evidenced in the 2004 presidential and congressional campaigns, both major parties now encourage Latinos to engage in conventional political activities such as voting, running for, and winning elective office. State and local parties are more inconsistent; some actively seek Latino participation others use their institutional powers to discourage it. Nonetheless, Latinos continue to confront impediments that prevent them from attaining the influence that their dramatically increased population predicts should be theirs.

The Future of the Voting Rights Act

EXPECTATIONS FOR MINORITY EMPOWERMENT

Congress extended VRA coverage to Latinos and three other language minority populations when the act was renewed in 1975. The 1975 extension provided the same procedural guarantees that had been guaranteed to African Americans in the South in 1965: registration and voting without intimidation and prohibitions on local jurisdictions changing voting rules or procedures without Justice Department approval. Congress also added one provision for language minorities in section 203—bilingual election materials.

Unlike the contentious hearings before Congress before the original passage of the VRA, our reading is that a majority in Congress was predisposed to extend the VRA and to add coverage of the language minorities in 1975, and that those members who opposed the VRA in 1975 opposed it in general terms rather than opposing the extension of VRA protections to Latinos (de la Garza and DeSipio 1993). Testimony in support of extending coverage to Latinos came primarily from Latino leaders, elected and civic, almost all of whom were Mexican American. Their testimony focused on similarities between the black and Latino experiences with exclusion and intimidation. This testimony was not inaccurate as it was incomplete. It focused congressional attention on the experiences of Mexican Americans in areas of high conflict between Mexican Americans and whites.

Testimony did not analyze the modal experience of Mexican Americans and Puerto Ricans, which involved both relatively high levels of participation and frequent manipulation of their votes. This modal experience was similar to what white ethnics experienced at the hands of political machines. What differentiated the Mexican American and Puerto Rican experiences with political manipulation, however, was that the “machine politics” lasted from the late nineteenth century to the 1960s and was only rarely controlled by Mexican Americans or Puerto Ricans. For white ethnics, machine control rarely lasted more than one generation (roughly twenty or thirty years) and often involved coethnics in leadership positions. Many white ethnic machines certainly lasted longer than thirty years, but the machines that survived did so because new immigrants replaced the previous generation as the base of the machine’s support.

Congress considered an amendment to extend coverage to all linguistic minorities, but rejected this proposal. Instead, the 1975 amendments only added Latinos, Asian Americans, American Indians, and Alaskan Natives—populations that had experienced multigenerational exclusion from electoral politics based on linguistic differences from the majority population—to VRA coverage.

“STRIKE IT DOWN WHEREVER IT MAY THRIVE AND PROSPER”

Testifying in support of the 1965 VRA, Representative Jeffrey Cohelan (D-CA) concluded his prepared testimony with this rather dramatic call to end disenfranchisement not just in the South, but “wherever it may thrive and prosper” (U.S. House

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Reshaping the Tub

1965, 762). Although we would not claim that most members of the House and Senate agreed with Representative Cohelan's goal for the VRA, he was not alone in supporting it. Quite the contrary. In both 1965 and 1975,³ many members of Congress expressed positions similar to those of Representative Cohelan (though perhaps not as ringingly). Still others—mostly members from the South, expressed fears that the VRA would be the first step in a steady expansion of federal regulation of voting. This understanding of the VRA, as the first step in the progressive expansion of voting protections and popular participation, has been lost in the years since 1975, with the debate focusing more and more on the specific legal guarantees provided in the act, its amendments, and judicial interpretations. As will be evident, our discussion of Latinos and the VRA focuses on what yet needs to be done. We make these proposals in light of this expansive understanding of the VRA as a bill that can strike disenfranchisement where it thrives, at least to the degree that this disenfranchisement focuses on blacks, Latinos, and the other covered language minorities.

Advocates of an expansive reading of the VRA and Congress's ability to nationalize voting rights did not take a single set of positions nor did they necessarily agree. Our goal in presenting these varied positions here, then, is to suggest that some in Congress saw the potential for further expansion of VRA protections (beyond, of course, section 203 and majority-minority districting provisions that Congress did enact). Representative Richard Schweiker (R-PA), for example, spoke of congressional action in 1965 in terms of a compact so that all citizens could vote. "This compact," he argued, "must deal directly not only with the present 'hard core' problem of massive discrimination, but also must be adequate to avoid the development of new devices and stratagems of oppression in the future" (U.S. House 1965, 713). Schweiker also noted that the requirements for coverage were inadequate. He sought legislation in which "even a handful of voters with a meritorious claim of voter discrimination would have their rights protected. The rights of all qualified persons to vote without further delay is our objective, not merely the elimination of a certain percentage of discrimination" (715). John Conyers (D-MI) amplified President Johnson's call for a federal guarantee for every American's right to vote and demanded that Congress "extend coverage of this bill to so that it will have some meaning to the thousands upon thousands of Americans who are not within the purview of the original administration bill formula" (724). Senator George McGovern (D-SC) noted that "The conscience of America now demands that action be taken to secure this precious right [voting] for all Americans" (984). Representative Abraham Multer (D-NY) made more specific who he felt was neglected by the bill:

Hundreds of thousands of Puerto Rican citizens are quite literate in Spanish but not in English. This should not be regarded as a disability with respect to exercising of the duties and rights of citizenship. Practically every newsstand in New York City carries newspapers printed in Spanish which give news and commentary on the affairs of government at every level. ... Since the Treaty of Paris is the law of the land, the right to conduct their public affairs in Spanish is a right of Puerto Ricans under United States law. (774-75)

The Future of the Voting Rights Act

Though somewhat more rare, similar positions were articulated in 1975 congressional debates over VRA extension.

Interestingly, opponents of the VRA expressed fears about a potentially expansive VRA that mirrored the hopes of their opponents. Senator John Sparkman (D-AL) feared the VRA could be read in such a way to end state control over voting regulation (U.S. Senate 1965, 627). Senator Sam Ervin (D-NC) criticized his fellow senators saying that his reading of the Fifteenth Amendment was more limited than theirs. "The only power to adopt appropriate legislation for the enforcement of the 15th Amendment is the power to prevent the State from doing what that Amendment prohibits it from doing and not the power to adopt a set of affirmative laws to take charge of State and local elections" (U.S. Senate 1965, 811). Ultimately, Ervin feared that the bill would "allow the registration of individuals who are not qualified to vote under any objective standard, regardless of race or color, in the guise of preventing discrimination solely because of race or color" (837). Senator Strom Thurmond (R-SC) spoke of the bill as overriding "provisions of the Constitution [Article 1, section 2 and the Seventeenth Amendment] and [to] substitute qualifications for voters established by the Federal Government" (832).

This is, at best, a selective presentation of statements for and against the VRA in 1965 and 1975, but we present it as part of our broader discussion of the VRA protections of Latinos to suggest that in its infancy many members of Congress saw the act as (or feared that the act would become) a starting point of a national debate on expanding citizen participation in politics. The many immediate successes of the bill tempered this debate over time. We, however, think that this debate needs to be reengaged. In the discussion that follows, we indicate that, while dramatic, increases in the number of Latino voters and gains in Latino representation have not kept up with the rapid growth of the Latino population. For Latinos to achieve participation comparable to other groups in U.S. society and representation more in balance with their numbers, this debate must begin anew.

THE VRA AND LATINO VOTING

The Latino population has expanded greatly since the 1970s. In 1973, Hispanics numbered 10,577,000 (U.S. Bureau of the Census 1974). By 2004, this number had grown to 41,322,070, an increase of 291 percent (2005a). The number of Latino officeholders in this same period increased by 279 percent (from 1,280 in six states—the only enumeration conducted prior to 1984—to 4,853). This pattern also appears even more dramatically in an examination of the period since 1984, the first year for which there was a national examination of Latino officeholding. In 1984, there were 16,533,000 Latinos and 3,128 Latino officeholders (U.S. Bureau of the Census 1988; NALEO Educational Fund 1984). By 2004, these numbers had grown to 41,322,070 and 4,853, respectively. So, Latino population increased by 150 percent and the number of Latino office holders grew by 55.1 percent. Juxtaposing these rates illustrates that the well-publicized growth in Latino

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Reshaping the Tub

officeholding in the period of VRA coverage has not kept up with Latino population growth in the same period.

There is no doubt that this is because local jurisdictions and non-Hispanic political elites have continued to find ways to mute Latino voices. In New York, for example, the Puerto Rican Legal Defense Fund (PRLDEF) unsuccessfully sued to have a state senate seat redistricted to favor Latinos. The district proposed by the legislature was made up of 53 percent Latinos, 8 percent African Americans, and 33.8 percent non-Hispanic whites. Many of these Latinos are noncitizens (a topic we return to later) and, consequently, ineligible to vote. The Latino citizens are less likely to vote than the white residents of the district because of demographic factors. As a result, the district is effectively controlled by the non-Hispanic whites because of their cohesive vote in the Democratic primary. PRLDEF proposed an alternative district composed of 61.2 percent Hispanics, 16.3 percent Blacks and 10.8 percent non-Hispanic whites that would have been much more likely to elect a Hispanic. Analysis indicated that Latino voters in the contested district would vote as a bloc, but their candidates of choice—the Hispanic candidates—could not win the primary election because nonminority voters also vote as a bloc to defeat the Latino candidates (de la Garza 2003). The court's rejection of PRLDEF's claim exemplifies the impact of *Shaw v. Reno* (509 U.S. 630) and subsequent rulings that have had the effect of reducing the incentive for jurisdictions to draw as many majority-minority districts as possible given the minority population size and concentration.

A more ominous example is evident in the recent history of Lawrence, Massachusetts. Lawrence is a community in which Latinos have the opportunity for electoral gains solely because of immigrant-driven population growth. The number of communities that, like Lawrence, will experience similar growth and have enough Hispanics to design Hispanic-majority districts will increase substantially in the coming years. Lawrence's response to its new demographic reality is significant, therefore, because it illustrates how such jurisdictions may respond to their new Latino residents.

Lawrence officials acknowledge their city has a history of being hostile to Hispanics.⁴ They also admit they provided no assistance, such as bilingual materials, to Latino citizens. Latino leaders attributed such reactions to a widespread fear that Hispanics were taking over the city. To delay or prevent this, city officials—all of who were non-Hispanic whites—in 1982 prohibited voter registration at Latino community celebrations until a Massachusetts superior court ordered the city to grant this right to Latinos. In 1984, Lawrence was officially informed that it had been designated a VRA-covered jurisdiction and was provided with materials explaining its obligations. Lawrence's response is suggested by the fact that additional letters reminding local officials of these obligations were sent in subsequent years. Nonetheless, in 1993, 1995, and 1997, Latinos protested the city's ongoing failure to implement VRA requirements, especially those related to bilingual and other types of electoral assistance.

Consequently, in November 1998, the Department of Justice took Lawrence to court, and by September 1999, a new agreement was reached which provided that

The Future of the Voting Rights Act

the city must have seventy-eight bilingual voters election official in each election. As of 2002, the city had failed to meet this requirement.

Another tactic used by city officials to disenfranchise Hispanics was the constant cleansing of voter registration rolls. Roll cleansing was implemented by an annual English-language census mailed without translation to all registered voters. Those who did not respond were taken off the active voter list. Spanish-dominant Latinos could not respond to the questionnaire, and many of those who knew some English were, according to Hispanic community leaders, uninformed regarding the importance of the document. This combination of Spanish dominance and lack of information helps explain why the Latino response rate was so low that 25 percent of Hispanic registered voters were placed on the inactive list in 2001.

Electoral campaigns also manifested the deep rift between Latinos and non-Hispanic whites. Anglo candidates have used racial appeals to mobilize their supporters and did not pursue Latino votes; indeed, non-Hispanic candidates never even visited Latino neighborhoods or organizations to meet and win supporters. Latino candidates, however, fruitlessly sought Anglo support. Indeed, Anglo opposition to Hispanic candidates was so rigid that in 2001, Democratic non-Hispanic white voters voted for the triumphant Republican candidate rather than for the Latina Democratic challenger. This shocked Hispanic leaders, as the following statement indicates: "What I was disappointed was that the Democratic white Anglo-Saxon community decided to support a Republican rather than vote through the Democratic party." These practices help explain why by the late 1990s, even though the majority of city residents were Hispanic, there was only one Latino on the seven-member school board and one on the nine-member city council. Thus, in 1998, the Justice Department invoked the VRA to sue the City of Lawrence. "Hispanic citizens in Lawrence have faced significant and numerous barriers in casting an effective vote," said Bill Lann Lee, acting assistant attorney general for civil rights. "Our lawsuit is a comprehensive enforcement effort designed to eliminate those barriers" (Overton 2005, 168).

In 1999, Lawrence city officials settled part of the lawsuit and agreed to provide bilingual voting information, ballots, and poll workers. The city also committed to disseminate election information through local Spanish-language media and community groups.

By 2001, the voting rights lawsuit, combined with grassroots registration drives and the federal motor voter law's easier voter registration requirements, helped increase Latino registration. Latinos had come to make up over 60 percent of Lawrence residents and 43.7 percent of the city's registered voters. The 2001 mayoral race featured a former mayor's brother, forty-four-year-old Republican city councilor Michael Sullivan, against Democrat Isabel Melendez, who was a sixty-three-year-old radio host. Sullivan reached out to Latinos, spent three times as much as Melendez, and won by 957 votes.

A few months later, Mayor Michael Sullivan's administration settled the remaining claims of the voting rights lawsuit by agreeing that six of the school committee members would be elected from districts rather than citywide and the mayor would serve as chair. The city would also appoint a bilingual member to

Reshaping the Tub

TABLE 8.1 / Latino Elected Officials

	Six States	Nationally
1973	1,280	—
1984	2,793	3,128
1996	3,447	3,622
2003	4,130	4,623
Change		
1973 to 2003	+228.0%	—
1984 to 2003	+47.9%	+47.8%

Sources: Authors' compilations; Lemus (1973); NALEO Educational Fund 1984–2004.

Notes: The first effort to collect data on Latino officeholders, conducted in 1973, focused only on six states—Arizona, California, Florida, New Mexico, New York, and Texas. The first national list was compiled in 1984.

These data exclude officials elected to local school councils in Chicago who are elected by parents in local school jurisdictions and not by all registered voters.

its board of registrars of voters and a full-time bilingual staff member to the city hall elections office (Overton 2005).

In our previous analysis of the VRA, we argued that many of the original barriers that provided the justification for Congress to extend VRA coverage to Latinos have diminished, if not disappeared (de la Garza and DeSipio 1993). The potential for violence that some Latinos, particularly Mexican Americans, faced prior to 1975 if they tried to exercise the franchise has disappeared and the arbitrary use of language and literacy requirements that appeared in jurisdictions with high concentrations of Latinos from California to New York have largely disappeared. Arbitrary changes of voting rules and voting locations have declined considerably. Yet, as the preliminary evidence we have presented should suggest, the VRA's federalization of voting protections for Latinos and the guarantee of bilingual voting material in areas of Latino concentration have not overcome the historical legacy of underrepresentation in Latino communities; in fact, underrepresentation has increased since the 1970s. Equally important, local jurisdictions that have experienced significant increases in their Latino populations are attempting to disenfranchise Hispanic voters by implementing or retaining practices such as those that justified extending the VRA to Latinos in 1975. This may occur more frequently in communities that historically had few Latino residents—jurisdictions not covered by section 5. It may also occur, however, in covered jurisdictions experiencing similar demographic transformations. Given that Lawrence's response may be replicated by other communities in similar circumstances, it is essential that the preventive protections available under section 5 should be retained for historically covered jurisdictions and that similar protections should be fashioned, either from an expansion of section 5 or a restructured section 2, to new jurisdictions, such as Lawrence, rather than to ignore the political changes that are likely to result from changing demographics. In effect, we are

The Future of the Voting Rights Act

calling for a dynamic analysis of the value of section 5 to the contemporary Latino population rather than a historically focused approach.

LATINO ELECTORAL PARTICIPATION SINCE 1975

The failure of Latino electoral participation to grow at a rate commensurate with overall Latino population growth reflects the VRA's failure to eliminate state-imposed barriers that reduce Latino voting. In raw numbers, Latino electoral participation has grown dramatically in the years since Congress extended the VRA to Latinos in 1975. In 1976, slightly more than 2 million Latinos went to the polls.⁵ In 2004, Hispanic voters numbered approximately 7.6 million (U.S. Bureau of the Census 2005b).⁶

Despite this dramatic increase in the number of Latino voters, the share of Latino adults voting declined. In 1976, 31.8 percent of Latino adults went to the polls. In 2004, just 28.0 percent voted. This decline in the share of Latinos turning out to vote exceeds the decline in the share of the population as a whole turning out in this period. So, while the number of Latinos going to the polls has increased dramatically, the number of Latino adults not going to the polls have increased even more rapidly (see table 8.2).

Among U.S. citizen Latino adults, the number of Latinos voting has increased somewhat more rapidly than the number not voting. Between 1976 and 2004, the number of voters increased by 262 percent while the number of citizen nonvoters has increased by 224 percent. Hispanic nonvoting citizens considerably outnumber Latino voters. In 2004, 8.5 million Latino adult citizens did not vote compared to 7.6 million Latino voters.

Most of the factors accounting for this decline in the share of Latinos going to the polls are not unique to the Latino community. Demographic differences between Latinos and non-Latinos including a higher share of younger, poorer, and less educated Latinos, and the absence of mobilization of Latino voters explain most of the differences between Latino and non-Latino voting at the individual level (Wolfinger and Rosenstone 1980; Calvo and Rosenstone 1989; DeSipio 1996a; Leighley 2001; Shaw, de la Garza, and Lee 2001). Although there is relatively limited comparative study of Latino and non-Latino electoral behavior, the available evidence suggests that much but not all of the gap between Latino and non-Hispanic white participation at the individual level can be accounted for by controlling for these characteristics.

At the group level, moreover, Latinos are much more likely to have characteristics that predict nonparticipation and, consequently, they are less likely to turn out on election day. Although many of these individual-level barriers are also found in African American communities, the one that may be most significant—non-U.S. citizenship—is not. Its impact could easily have been anticipated and addressed in 1975 had Congress investigated more deeply the causes of low rates of Latino electoral participation. Because it was ignored, it has become an even greater barrier in the intervening years.

As is evident from table 8.2, non-U.S. citizen Latino adults have been the most-rapidly growing share of the Latino nonvote. The number of Latino adult non-U.S.

Reshaping the Tub

TABLE 8.2 / Voting Changes in Latino Population

	Latino Voters	Latino Adult Citizen Nonvoters	Latino Adult Non-U.S. Citizens
1976	2,098,000	2,620,000	1,876,000
1980	2,453,000	3,112,000	2,645,000
Percentage change 1976 to 1980	+16.9%	+18.8%	+41.0%
1984	3,092,000	3,622,000	3,027,000
Percentage change 1980 to 1984	+26.0%	+16.4%	+14.4%
1988	3,710,000	4,368,000	4,815,000
Percentage change 1984 to 1988	+20.0%	+20.6%	+59.1%
1992	4,238,000	4,540,000	5,910,000
Percentage change 1988 to 1992	+14.2%	+3.9%	+22.7%
1996	4,928,000	6,281,000	7,217,000
Percentage change 1992 to 1996	+16.3%	+38.3%	+22.1%
2000	5,934,000	7,224,000	8,440,000
Percentage change 1996 to 2000	+20.4%	+15.0%	+16.9%
2004	7,587,000	8,501,000	11,041,000
Percentage change 2000 to 2004	+27.9%	+17.7%	+30.8%
Percentage change 1976 to 2004	+261.6%	+224.4%	+488.5%

Sources: Authors compilations of census data.

Notes: Current Population Survey (CPS) voting data likely overreport turnout and the U.S. citizen population. Despite this overreporting, they are the only source that allows comparison of Latino turnout and non-participation across elections.

The CPS is based on a survey of approximately 80,000 individuals conducted in the weeks after the election. Small sample sizes for specific subsets of the Latino adult population, such as non-U.S. citizens, ensure that the reported voting, non-voting, and non-U.S. citizenship rates are estimates. We would encourage looking at trends, as opposed to specific year to year changes.

citizens increased from 2.6 million in 1976 to 11.0 million in 2004, an increase of nearly 489 percent. As we will indicate, many of these non-U.S. citizen Latinos are either recent legal permanent residents or longer term legal permanent residents who are interested in becoming U.S. citizens. Any strategy to increase Latino participation, then, must not only account for barriers presented by higher concentrations of poorer, less educated, younger, and less mobilized individuals, but also must target obstacles that slow naturalization rates and the pace at which naturalized citizens become voters.

Clearly, naturalization and its impact on Latino voting is an issue that could be addressed with amendments to either sections 2 or 5 of the VRA. It falls within section 5 because state structures impeded naturalization among Latino immigrants who are both statutorily eligible and interested in joining the American polity (Pachon and DeSipio 1994; DeSipio 1996a; DeSipio, Pachon, and Moellmer 2001). Section 2 could also be used to remedy the consequences of low Latino naturalization rates because antinaturalization practices and increasing requirements for naturalization could be conceptualized as post-1975 initiatives that limit

The Future of the Voting Rights Act

Latino voting and are, consequently, retrogressive. Finally, naturalization could have a place in a revised section 4. Jurisdictions seeking to bailout of section 5 coverage could use support for immigrant naturalization as evidence of their commitment to minority electoral empowerment.

We must also note that, as we have argued previously, the construction of majority-minority districts has the potential to diminish the competition for Latino votes and consequently the mobilization that leads to increased levels of Latino electoral participation (de la Garza and DeSipio 1993).⁷ The representational benefits resulting from such districts and their dampening effect on turnout produces a political tension that Latino elected officials and communities must resolve. The seriousness of this problem was evidenced in a legal challenge to California's post-2000 redistricting in which Latino incumbents (as well as the Democratic Party) and the Mexican American Legal Defense and Education Fund (MALDEF) found themselves on opposite sides of the issue. The state legislators and the Democratic Party won and fewer Latino legislative districts were created than could have been. Their victory may result in creating Latino districts that offer less incentive to increased Latino turnout than would more competitive districts that could come to be represented by a Latino over the course of the decade, with extensive district-wide mobilization.

REDUCING STATE BARRIERS AND CREATING NEW INCENTIVES

The failure of Latino representation or participation to grow at rates commensurate with Latino population growth highlights the dilemma we identify with the expansion of the Voting Rights Act to Latino communities. The VRA's design did not account for the unique characteristics of Latino communities and, as a result, failed to target specific obstacles affecting Hispanic turnout. The relative success of the legislation in removing major historical barriers to Latino voting has overshadowed the ultimately more democratic objective of removing all major obstacles to Latino participation.

The following section addresses four issues that, though they have not been explicitly designed to disenfranchise Hispanics, impede Hispanic voting. Two of these are easily conceptualized as falling within an expanded section 5. As we will show, an argument may be made that the others are within the purview of a reconceptualized section 2. However they are approached, there can be no doubt that Hispanic electoral engagement can not be maximized unless these barriers are eliminated.

UNINTENDED IMPEDIMENTS

The most significant explanation for nonvoting among Latino adults is noncitizenship. In the 1990s, approximately 40 percent of Latino adults were not U.S. citizens (see table 8.3). The comparable figure for non-Latino whites is 2 percent and for non-Latino blacks, 6 percent.

Reshaping the Tub

TABLE 83 / Non-U.S. Citizens as Share of Adult Latino Population

Year	Latino Adults	Non-U.S. Citizens	Percentage Non-U.S. Citizen
1976	6,594,000	1,876,000	28.5
1980	8,210,000	2,645,000	32.2
1984	9,471,000	3,027,000	32.0
1988	12,893,000	4,815,000	37.3
1992	14,688,000	5,910,000	40.2
1996	18,426,000	7,217,000	39.2
2000	21,598,000	8,439,000	39.1
2004	27,129,000	11,041,000	40.7

Sources: Authors compilations of census data.

These 11 million adult Latino noncitizens include both legal permanent residents and undocumented immigrants. Here we discuss a strategy for speeding the political incorporation of legal permanent residents eligible for naturalization. Later, we examine a strategy to extend the opportunity for electoral participation for legal permanent residents with less than the five years of residence required for most immigrants to naturalize as U.S. citizens. (Legal permanent residents married to U.S. citizens can naturalize after three years; members of the military also have expedited procedures for naturalization). Were these two strategies to be implemented, the eligible Latino electorate would increase by as much as one-half. For reasons we discuss later, the Latino electorate would probably grow by a smaller rate.

There is no exact figure available on the number of legal permanent residents in the United States at any moment. Although the federal government maintains data on new immigrants, it does not know what happens to them subsequently. Some immigrants subsequently emigrate and others die. Still others naturalize. It is only for the final outcome that there are reliable estimates. So, though we know that approximately 3.1 million Latinos immigrated to permanent residence in the 1980s and 3.8 million in the 1990s, we cannot say how many remain in permanent resident status.

Of the 11 million noncitizen Latino adults at the time of the 2004 election, at least 1.1 million had immigrated to permanent residence since late 1999 and were ineligible to naturalize. Others were undocumented, though the exact number is debated (U.S. Immigration and Naturalization Service 2003, table Q; Bean, Van Hook, and Woodrow-Lafield 2001; Bean et al. 2001; Passel 2005). A 2004 estimate finds that 4.2 million Latino legal permanent residents were eligible for naturalization, as were 3.5 million non-Latino legal permanent residents (NALEO Educational Fund 2004). They are supplemented by the between 300,000 and 350,000 Latino legal permanent resident adults who achieve eligibility for naturalization each year.

Clearly, not all immigrants who achieve five years of legal residence have an interest in U.S. citizenship or political participation. The evidence, however, is that

The Future of the Voting Rights Act

many more Latino legal permanent residents are interested in U.S. citizenship and have engaged in some behavioral act to pursue U.S. citizenship—such as taking classes to prepare for the exam or getting the application from the INS—than have successfully naturalized. A 1989 survey, found that the vast majority (more than 85 percent) of Latino immigrants eligible for naturalization planned to reside in the United States permanently, a finding confirmed by other studies that look at Latino adults more broadly (de la Garza et al. 1992; Pachon and DeSipio 1994; Farkas, Duffett, and Johnson 2003; DeSipio 2006). Despite this high interest in permanent residence in the United States, the survey found that approximately 41 percent of Latino immigrants eligible for naturalization had not done anything concrete to pursue naturalization, though some express an interest in doing so in the future. Of the remainder, approximately half had naturalized and half had begun to pursue naturalization, but had not succeeded in their objective (Pachon and DeSipio 1994, chap. 7). We would identify this group of “citizenship interested” Latino immigrants, particularly those who have done something concrete to naturalize, as a primary target for expanding electoral participation among Latinos. This population of Latino immigrants interested in citizenship numbers at least 2.3 million in 2005.

How does this relate to the Voting Rights Act? We would argue that there are two connections. First, state-sanctioned impediments to naturalization were well institutionalized in 1975. Thus, steadily increasing requirements for naturalization and bureaucratic barriers to naturalization over the past thirty years exacerbate an historical problem that, had the 1975 extension of the VRA addressed Latino non-participation explicitly, would have been eliminated or reduced by 2005. Making naturalization more accessible would have increased the Latino electorate substantially and created conditions that would have helped overcome low levels of electoral participation among Latinos. Given that obstacles to naturalization were institutionalized by 1975, the 2007 renewal debate offers a unique opportunity to eliminate them.

The gap between interest in naturalization and successful naturalization can be explained largely by difficulties applicants have with the administrative requirements for naturalization particularly the naturalization application form (DeSipio 1996a; DeSipio, Pachon, and Moellmer 2001). Although these barriers have existed in some form since the first knowledge requirements for naturalization were implemented in 1906, they have increased in recent years as more specific requirements have been imposed.⁸ The application forms now total ten pages, with six additional pages of instructions. In addition to steadily added complexity, the INS began to increase the naturalization application fee in the early 1990s and has raised the fee several times since. It now costs \$390 to apply for naturalization, including the required charge for “biometrics” (fingerprinting). To the extent that these administrative requirements and costs have increased in the period since the VRA was extended to Latinos, these increases violate the principle that governs section 5. This is especially urgent because the barriers to naturalization have become particularly stringent in the wake of September 11, 2001.

A more important consideration as the VRA is reexamined prior to 2007 is how the unfulfilled demand for naturalization among Latino immigrants can

Reshaping the Tub

be channeled into districting strategies. We would propose that commitments by state and local government agencies to financially support naturalization classes and naturalization assistance centers be recognized as components of districting strategies in areas with large numbers of noncitizen Latinos, particularly noncitizen Latinos with lengthy residences in the United States. Support for naturalization promotion could also be built into revisions to section 4 bailout procedures. To the extent that state assistance allows immigrants interested in U.S. citizenship to become U.S. citizens, a major barrier to engagement will be reduced. This will increase Latino participation and, in some cases, Latino officeholding. Although some might argue that the state should not play a role in promoting naturalization, we would argue that these efforts should be understood as removing obstacles to participation that prevent a significant segment of the Latino community from voting.

No strategy to improve Latino electoral participation can succeed without addressing the problem of non-U.S. citizenship. If the VRA addresses Latino participation directly, naturalization must be a part of this discussion. Our proposals here suggest how to raise the likelihood that citizenship-eligible immigrants who are interested in naturalization could achieve their goal.

NONCITIZEN VOTING AS PATH TO CITIZENSHIP

Even if procedures for naturalization were reformed to facilitate the incorporation of immigrants interested in pursuing U.S. citizenship, and the additional bureaucratic requirements and costs for naturalization that have been imposed were reversed, noncitizenship would continue dampening Latino voting. Although the numbers vary from year to year, between 300,000 and 350,000 Latinos immigrate and become permanent legal residents each year (and are joined by approximately 550,000 non-Latinos). Most of these new immigrants remain ineligible to naturalize and, consequently, to vote in national and most local elections for at least five years. To ensure that this population of legal permanent residents have access to the ballot box, we would repeat a proposal we made in 1993 that all new legal immigrants be given a one-time five-year, nonrenewable voter registration eligibility at the time of immigration (de la Garza and DeSipio 1993, 1522). Those immigrants who exercise this privilege on a regular basis during the eligibility period would receive citizenship. We would argue that this exercise of good citizenship is as important as the knowledge-based measures that the current naturalization law requires.

We should acknowledge two things about this proposal. First, we would expect relatively few immigrants to take advantage of this voting privilege and opportunity for a behaviorally earned naturalization. Immigrants are generally younger and less educated and have lower incomes than the U.S. born, and thus experience the demographic barriers to participation at even higher rates. As important, they are new to the United States and have not been socialized to U.S. politics, nor are they part of networks that provide political information and encouragement

The Future of the Voting Rights Act

to participate. Research in the period since we originally made this proposal has demonstrated that naturalized citizens are less likely to vote than comparably situated U.S.-born coethnics (DeSipio 1996b; Levitt and Olson 1996; Minnite, Holdaway, and Hayduk 1999; Shaw, de la Garza, and Lee 2001; Mollenkopf, Olson, and Ross 2001). We would expect that this gap would be even greater among new immigrants. We note, however, that an exception to this pattern may have appeared in California beginning in the mid-1990s (Pantoja, Ramírez, and Segura 2001).

Second, we do not agree on the scope of permanent resident voting that should be allowed. DeSipio would make the voting privilege the same as citizen-voters in the jurisdiction where the immigrant resides. Anything short of a full voting right would create too many administrative requirements for already overburdened local election officials and would diminish the already low odds that immigrants would take advantage of the opportunity (since the presidential race is usually the one that generates the most interest). De la Garza would limit the immigrant voting privilege to state and local races. He is concerned that nonnaturalized immigrants should not have the opportunity to select leaders who could have influence over U.S. policy toward their countries of origin.

Even with these concerns in mind, the broad objective of this proposal is to expand the potential electorate to include what will continue to be a large share of the Latino and Asian American electorates. Although some would address this population, and the legal permanent residents eligible for naturalization discussed previously, by extending the vote to noncitizens, we see a value in connecting this vote more directly to naturalization. For recent legal immigrants who want to participate in U.S. politics, we would like to offer the reward of a more direct path to U.S. citizenship that would potentially create more civically engaged U.S. citizens than does the current set of requirements.

SAME-DAY REGISTRATION AND VOTING

A third strategy is to reduce the barriers associated with voter registration, most notably requirements that require registration in advance of election day (Teixeira 1992; Alvarez and Ansolabehere 2002). A reform such as this would increase electoral participation among all electoral groups, but its impact would be particularly large among Latinos who experience a larger-than-average turnout-depressing effect of registration requirements.

Registration requirements have a very checkered history when it comes to immigrant-ethnic groups. They were first imposed on a large scale during the previous era of large-scale immigration (the late nineteenth and early twentieth century) in part to control the political influence of the new immigrant and second generation participants in electoral politics who came to shape the urban politics of the era (Keyssar 2000). This, of course, was not the only reason. Concerns about fraud and multiple votes by the same voter also drove their imposition. Whatever the reason for their implementation, however, their cost was almost immediately

Reshaping the Tub

felt. The first wave of advanced voter registration requirements often required registration months in advance of the election and at times when many working people could not register. Turnout declined dramatically in jurisdictions that imposed advance registration requirements.

Over time, these initial onerous registration requirements have been replaced. Today, no state requires registration more than thirty days before an election. All states also have multiple means of registration, including the mail. Nevertheless, the costs of advance registration requirements remain and are paid disproportionately by newer, more mobile, less educated, and younger voters (Teixeira 1992; Mitchell and Wlezien 1995; Highton 1997; Briens and Grofman 1999). Registration requirements also shape campaign strategies in that certain types of issues are not raised until after the registration deadline has passed. Michael Alvarez and Stephen Ansolabehere (2002, 13) estimate that if California were to adopt election day registration, Latino turnout would increase by 11 percent and African American turnout would jump by 7.1 percent. They acknowledge that California, because of the composition of the adult nonvoting citizen population, might see more of a positive impact on turnout from election day registration than would other states. The Committee for the Study of the American Electorate (2005, 5) finds that the six states with election day registration saw an increase in 2004 turnout of 7.5 percent over 2000 levels. The other states saw increases of only 5.4 percent.

For election day registration to be implemented, concerns about the potential for increased fraud would have to be addressed. In states that have election day registration or no registration requirements (Minnesota, North Dakota, and Wisconsin and Wyoming, New Hampshire, and Idaho, respectively), there is little evidence of fraud, but it should also be noted that they have no history of deeply imbedded electoral corruption.

These states do offer models, however, for how fraud can be limited in states with same-day voter registration (Alvarez and Ansolabehere 2002; Toabas and Callahan 2002). In both Wisconsin and Minnesota, electoral fraud is a felony and these statutes are enforced. Both states also require that voters registering at the polls have a current form of identification or signed affidavit certifying their identity that is countersigned by someone registered in the same precinct. After the election, the states require counties to validate all of the new registrants and to ensure that none is registered more than once. All counties rely on the same computer network, so this verification is relatively easy. Alvarez and Ansolabehere argue that, because of these requirements and the greater attention paid by local elected officials to the potential for electoral fraud, that fraud may actually be less likely with election day voter registration than with traditional electoral rules.

Is this within the scope of the VRA? Certainly, but not as the act is currently understood. Registration requirements predate the VRA and thus could come under section 5 in the originally covered jurisdictions to the extent that it can be demonstrated that they have been used as a device to reduce minority voting. Even though they have generally been relaxed over time, their effect is to dampen participation and particularly participation among more politically marginal segments of the adult citizen population. More than other racial and ethnic populations in

The Future of the Voting Rights Act

the United States, a disproportionate share of the Latino adult U.S. citizen population has the characteristics that predict nonparticipation and would benefit from election day registration. Recasting the VRA to address specific Latino obstacles could justify such a change.

VOTING RIGHTS FOR RESIDENTS OF PUERTO RICO

Our proposal for eliminating the final obstacle is perhaps the most controversial, but we think it can be argued that it is encompassed by a broad conceptualization of the VRA as initially extended to Latinos in 1975. Also, at a more fundamental level we see extending presidential voting (and electoral college representation) to the people of Puerto Rico as a way to both recognize the national responsibility to make the grant of U.S. citizenship to Puerto Ricans in the Jones Act real, and to equalize the treatment of all Puerto Ricans, regardless of where they live.⁹ The model for this new voting and representation right is found in the extension of presidential voting rights to the residents of the District of Columbia in the Twenty-third Amendment (1961):

Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Under current law, a Puerto Rican adult's right to decide who will be president is a function of residence. Those living in Puerto Rico cannot, for the most part, vote in presidential elections. Some, those recently resident in a state or the District of Columbia, may vote absentee if they meet state rules for absentee voting. Those living in one of the states or the District of Columbia, on the other hand, have full voting rights as long as they meet the state's registration requirements.

Some in Puerto Rico have sued to change this bifurcated treatment. In a legal struggle that began in 1991 and continues today, Puerto Rican residents of Puerto Rico have sued in federal court to obtain the presidential vote for residents of Puerto Rico. In 2000, a federal district court in Puerto Rico ruled that voting was a fundamental right of citizenship and, consequently, Puerto Ricans residing in Puerto Rico were entitled to vote in presidential elections (*de la Rosa et al. v. The United States of America*, 2000 U.S. Dist. Lexis 13553). This ruling was quickly reversed by the circuit court, which held that the U.S. Constitution limits the election of the president to the District of Columbia and states with representation in

Reshaping the Tub

the electoral college. As a result, the circuit court ruled, residents of Puerto Rico could earn the presidential vote only by constitutional amendment or if Puerto Rico were to become a state (*de la Rosa et al. v. The United States of America* 2000, 25499).¹⁰ The claim was raised again in Boston in 2005.

The relationship between United States and Puerto Rico is long and troubled, but not our focus here (Trias Monge 1997; Cabán 2000; Aleinikoff 2002). Instead, we see the question of presidential voting rights for residents of Puerto Rico in terms of the broader objective of expanding electoral participation in Latino communities and eliminating historical barriers to voting. There has long been a discrepancy noted in Puerto Rican political participation. Elections on the island see high voter turnouts. In the 2003 legislative elections, for example, 82.6 percent of registered voters and 74.4 percent of the adult population voted (Center for Voting and Democracy 2003). Puerto Ricans on the mainland, on the other hand, turn out at low rates, even when compared to other Latinos (Wolfinger and Rosenstone 1980, 91–93; Falcón 1999). Explanations for the low mainland rates include institutional (Goris and Pedraza 1994) and partisan (Falcón 2004) factors that would not change if residents of Puerto Rico were granted a presidential vote. Issues, however, also come into play that would potentially have spillover effects that would raise Puerto Rican voting more generally. Specifically, high turnout in Puerto Rico is driven by the centrality of a single issue—status. Were residents of Puerto Rico empowered to vote in presidential elections, national candidates and parties would have to enter this debate to win votes.

With the passage of the Twenty-third Amendment in 1961, presidential voting was decoupled from statehood. Congress recognized the fundamental inequity of denying the then 700,000 residents of the District of Columbia a voice in presidential selection. The amendment also decoupled the award of electoral college delegates from statehood, granting the District of Columbia a minimum (and effectively a maximum) of three delegates. This reform should be understood as part of the general expansion and federalization of voting rights in the early 1960s—reflected in the testimony of members of Congress discussed earlier—which included the Twenty-fourth Amendment to the Constitution prohibiting poll taxes and the Voting Rights Act and as part of a desire to empower African Americans who made up a large share of the new presidential voters in the District of Columbia.

We are convinced that section 5 could be understood to encompass Puerto Rican voting. A state structure excluded from the franchise a significant share of the Latino electorate. Even if that argument is discounted, we see no particular reason why an amendment like the Twenty-third should be not drafted for residents of Puerto Rico. That said, the limit imposed on presidential electors for the District of Columbia of having no more electors than the smallest state would be fundamentally inappropriate for a territory of 3.8 million people (more than six times the District's current population). Instead, we would propose that Puerto Rico be given the number of electors equivalent to what it would receive if it were a state, between seven and eight under current apportionment rules. Note that we are not here seeking to impose a resolution on the question of Puerto Rican status, which

The Future of the Voting Rights Act

must be resolved by Puerto Rico. Instead, we are proposing that the connection between citizenship and the ability to select the president affirmed in the Twenty-Third Amendment should also apply to U.S. citizen residents of Puerto Rico.

The consequence of this change on Latino empowerment would be threefold. The most obvious would be to provide electoral access to Puerto Ricans in keeping with the VRA's intent. Second, it would create an added incentive for presidential candidates to address issues of relevance to Puerto Rico and Puerto Ricans in their campaigns. Third, the high rates of participation that have characterized electoral participation in Puerto Rico may well spread to Puerto Ricans on the mainland. Although some of the explanation for the current gap is institutional, a large part results from the centrality of the status issue to political organization in Puerto Rico. If status and other issues relevant to Puerto Rico become more "national" and candidates have an added incentive to mobilize Puerto Ricans, then Puerto Rican electoral participation in the states may more closely resemble Puerto Rican electoral participation in Puerto Rico.

CONCLUSIONS

The core of our argument illustrates the centrality the VRA has for future Latino electoral engagement. We think that each of the electoral strategies we identified reflects a logical extension of the central goals of the VRA—to reduce state barriers to participation that disproportionately shape the likelihood that Hispanics will be able to vote and elect the candidates of their choice.

Although our efforts to identify Latino-specific remedies to low rates or participation reflect the continuation of or a logical extension to the VRA, they also illuminate a debate that Congress has not previously engaged. As we demonstrated in our earlier work (de la Garza and DeSipio 1993), Congress invested little effort in 1970 or 1975 to understand why Latinos did not vote or how their experience of electoral barriers differed from those of African Americans. In the limited congressional testimony from Latino leaders before the 1975 extension, there was little effort to dissuade Congress of its gut instinct that the barriers to Latino participation were the same as those to black participation. As we have shown here, there certainly are commonalities between Latinos and other racial-ethnic populations' patterns of participation—a shared experience with the class-based barriers of voting. There are also, however, distinct Latino experiences that need to be addressed if the VRA is to ensure maximum participation in all covered populations. Most notable of these is that Latinos have a huge number of adult noncitizens who are barred from most electoral participation.

Obstacles constructed in communities such as Lawrence, Massachusetts, where Hispanics did not historically live resemble those used in Texas and across the Southwest to disenfranchise Latinos before 1975. Section 2 type remedies must be readily available to prevent their institutionalization. Election day voter registration will enhance participation among all groups, but will have a particular benefit in populations such as Latinos with more marginal and less mobilized adult

Reshaping the Tub

U.S. citizens. The proposals to speed the electoral incorporation of legal permanent residents—reduced bureaucratic barriers to naturalization, state support for naturalization assistance as a component of districting strategies in areas covered by the VRA, and a new behavioral route to naturalization—will address the single largest and fastest growing cause of nonvoting among Latino adults, and would also assist in enhancing electoral participation among Asian Americans. Finally, granting residents of Puerto Rico a presidential vote and representation in the electoral college would ensure that the 3.8 million U.S. citizen residents of Puerto Rico would no longer be disenfranchised based solely on the happenstance of residence. Combined, these proposals would ensure that Latino participation could begin to grow at rates comparable to Latino population growth and that the levels of Hispanic underrepresentation which have grown slightly over the VRA era would begin to diminish. To make that potential a reality, Latinos would also have to find ways to mobilize voters, develop coalitions with other voters, and develop a forward looking leadership. In sum, the Voting Rights Act will remain central to Latino electoral influence, which will create the foundation for Latinos to exercise the political role that their numbers predict and their status as citizens guarantee.

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NOTES

1. We use the terms Latino and Hispanic interchangeably refer to individuals who trace their origin or ancestry to the Spanish speaking nations of Latin America and the Caribbean.
2. Although the 1975 VRA revision expanded the act to include Asian Americans, Native Americans, and Alaskan natives as protected groups in addition to Latinos, our analysis focuses exclusively on the continued significance of the VRA on Latino electoral behavior. Latinos will continue to be the largest of the groups incorporated by the 1975 amendments, and the combination of linguistic and other demographic characteristics, continued ethnic discrimination, and unique land claims strongly support the argument that whatever VRA-related claims Latinos can make are also relevant to Asian Americans, American Indians, and Alaskan natives. By focusing on Latinos, then, we are not only providing support for VRA claims made by other groups, but we are also providing a detailed insight into the VRA’s relevance for Latinos, which because of their size, demographic characteristics, and history, should best illustrate the extent to which the VRA can influence minority group electoral access and overall political well being.

The Future of the Voting Rights Act

3. We have not reviewed the 1970 VRA renewal hearings to assess whether these positions were also articulated in congressional debates of that year.
4. The description of political practices in Lawrence is taken from Rodolfo de la Garza and Lee Valentine (2002) submitted to the Department of Justice in Department of Justice v. City of Lawrence. The final report, which is an edited version of the draft, was not completed because the case was settled out of court.
5. We focus here on presidential elections. Like other racial and ethnic populations, Latinos participate in state and local races at lower rates than in presidential races. There is some tentative evidence that in Los Angeles County and in several large cities nationwide, Latino participation may exceed turnout among non-Hispanic populations when a Latino candidate is at the top of the ballot or an issue of particular importance to the Latino community is on the ballot.
6. These data, and Census Bureau estimates of Latino voting in earlier years, are based on self-reporting of citizenship, registration, and voting in the weeks after the election. It is quite likely that they overstate registration and voting, though we can not estimate the levels of over-reporting. We would also expect that some respondents misreport citizenship status.
7. Matt Barreto, Gary Segura, and Nathan Woods (2004) find different results in a study of southern California, but this could be a function of legacy of the mobilizing effects of the ballot propositions of the mid-1990s and the political nature of some the naturalization that followed (see Pantoja, Ramirez, and Segura 2001; Pantoja and Segura 2003).
8. The knowledge-based requirements to demonstrate good citizenship are a twentieth-century invention. Beginning in 1906, Congress added specific skills to the length of residence, good moral character, and oath of political loyalty requirements that had characterized U.S. naturalization requirements from the nation's first days (~~de la Garza and DeSipio 1998, chap. 3~~). In 1906, Congress required that naturalizing citizens be able to speak English. In 1950, Congress added reading and writing English to the speaking requirement and added a requirement that naturalizing citizens demonstrate knowledge and understanding of the fundamentals and principles of American government (civics). Although unstated in law or regulation, the twentieth century has seen an added skill become necessary for immigrants seeking naturalization—bureaucratic competence to negotiate a complicated application form and a bureaucracy that makes no effort to promote naturalization among immigrants (Duarte 1985; DeSipio, Pachon, and Moellmer 2001).
9. A reading of the 1965 Voting Rights Act hearings demonstrates that the voting rights of Puerto Ricans were very much on the minds of some members of Congress when the VRA was first considered. The Puerto Ricans mentioned in congressional statements in 1965, however, were Puerto Ricans resident in New York who faced disenfranchisement because of their lack of English skills (see, for example, statements of Senator Stennis [U.S. Senate 1965, 817], Representative Adam Clayton Powell [U.S. House 1965, 373], Representative Abraham Multer [U.S. House 1965, 774–75] among others).
10. During the month and a half that the district court's ruling was on appeal, the possibility of a Puerto Rican vote peripherally entered the 2000 presidential campaign.

and de la Garza

Correct citation was DeSipio and Pachon 2001

Reshaping the Tub

Puerto Rico quickly passed enabling legislation to hold a popular vote on the same day as the rest of the country and George Bush promised to campaign for its votes. Few expected the district court's ruling to stand, however, and neither campaign dedicated resources to win Puerto Rico's votes (DeSipio and de la Garza 2004).

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