Introduction

In recent political campaigns, candidates have adopted Spanish-language appeals in their efforts to woo the growing Latino vote. The reasons for such appeals are obvious: Latinos are the largest minority group in the United States, and the Pew Hispanic Center estimates that the Latino population will increase from 14 percent of the population in 2007 to nearly 30 percent of the population in 2050.[1] However, although the growth of Latinos in American legislative institutions has slowly increased in the past decade, Latinos remain underrepresented in Congress and state legislatures. Even though Congress has long been the focal point for studies of representation, a comparative analysis of Congress and state legislatures has yet to be done. This book is the first systematic examination of the election of Latinos to U.S. state legislatures and Congress.

This book argues that Latino representation is dependent on subethnic diversity, distinct political backgrounds even among Mexican Americans, and nascent political experience. The central argument is that Latino representation in U.S. legislative institutions is shaped not only by demographics, but also by legislative institutional design, as well as elite-driven methods, features of the electoral system, and the increasing mainstreaming of Latinos in American society. The election of Latino legislators in the United States is thus complex and varied.

Through specifying the political processes and mechanisms of Latino political incorporation, the central questions this book addresses are as follows: How do we explain the election of Latino candidates to Congress

[1] See the Pew Hispanic Center website for reports on the growing Latino population in the United States (http://www.pewhispanic.org).

and state legislatures? Do Latino candidates have unique obstacles being elected to legislative office? To what extent have Latinos benefited from the creation of majority-Latino districts in order to be elected? Are Latinos a special group or just another of the many ethnic groups in the American melting pot? Are Latino candidates as advantaged when they run in districts filled with citizens who share their ethnic heritage as other ethnic candidates have been throughout American history? Are they seriously disadvantaged when they run in heterogeneous districts? How do Latino representatives see themselves? What difference does it make whether Latino legislators represent Latinos? Do Latino representatives behave differently than non-Latino representatives? This book provides answers to all of these questions.

Why are these questions important in the first place? Especially since the Voting Rights Act of 1965, scholars, pundits, and political observers have debated issues regarding race, redistricting, and legislative representation. For example, the Supreme Court weighed in on the Voting Rights Act in a 2009 ruling that overturned a lower court's decision to require an Austin, Texas utility district to comply with Section 5 of the Act, which requires the Department of Justice to "preclear" any changes in voting procedures. Chief Justice John Roberts wrote that Section 5 "raises serious constitutional concerns" that can only be justified by "current needs" rather than the legacy of racial discrimination.[2] This book provides evidence to show how successful Latinos have been in winning state legislative and congressional districts in which they have no natural advantage. In particular, across seven diverse states and Congress, this book demonstrates the institutional and demographic determinants of Latino representation, as well as the extent to which Latino legislators see themselves as distinctive representatives.

These questions are also especially important as the number of Latinos in American society continues to grow every day. Latinos currently constitute 14 percent of American society, and this percentage is estimated to reach 18 percent by 2025.[3] Should we expect that the flow of Latino candidates into Congress and state legislatures will increase at comparable levels as Latino citizens increase in numbers and put down their

[2] Qtd. In *The Economist*, June 27, 2009.

[3] The number of Latinos in the United States reached 44.3 million on July 1, 2006, accounting for about one-half of people added to the nation's population since July 1, 2005. These estimates do not include the island of Puerto Rico (from U.S. Census American Fact Finder).

political roots? Or to what extent does the election of Latino candidates rest on governments drawing legislative districts that favor their election? Although these questions are important, they are not the ones scholars have investigated thoroughly.

The second reason that questions about Latino representation are important is that they reflect underlying questions about race and ethnicity broadly conceived. Some people assume that the story of Latino candidates parallels the story of African-American candidates. According to this view, the only way to increase the number of Latino legislators is to create districts with Latino majorities. Although majority-African-American districts were apparently necessary for the election of substantial numbers of African-American legislators, there are reasons to believe that the story might not be quite the same for Latino candidates. First, many Latinos have not suffered centuries of discrimination.[4] Whatever discrimination Latino citizens suffer is probably somewhere between that of other volunteer immigrants – for example, Irish, Italian, and Polish Americans – and the discrimination imposed on people brought to the country in chains (Erie 1988; Skerry 1993). Second, Latino citizens have more choices than do African-American citizens about whether to identify strongly with their heritage or to hide it by diving into the melting pot. Ethnic self-identity is often a choice; skin color is not. As Dawson (1994) and Pinderhughes (1987) show, African Americans have experienced difficulties regarding political incorporation precisely because of this history of American racism based on skin color. Likewise, Massey and Denton (1993) make clear that individuals with black skin color face more discrimination than Latinos and Asians. At the same time, there is no question that Latinos have experienced discrimination in many ways (Hero 1992; Montejano 1999).

This book goes beyond previous studies of Latino representation, which only focus on Congress. Such an analysis offers significant advantages. First, it expands the number of Latino politicians to be studied. Because only twenty-eight Latinos currently serve in Congress, focusing exclusively on how those politicians gained office does not provide much leverage on the central questions. Approximately 220 Latinos serve in the fifty state legislatures, which provides a larger pool of subjects. Second, broadening the study to include state legislators increases the variance

[4] This does not suggest that Latinos have not suffered discrimination. In particular, stories abound about discrimination in the Southwest and even South Florida where real estate signs compared Mexicans and Cubans to dogs.

in the explanatory variables. Some states have high concentrations of Latinos; most do not. Some states have been more aggressive than have others in creating majority-Latino districts. Some states elect two or more legislators from the same districts. This increased variance makes it easier to assess the impact of demographic patterns, districting arrangements, and electoral laws on the election of Latino candidates. Third, serving as a state legislator often provides a stepping-stone toward congressional election. Women were not elected to Congress in large numbers until they first succeeded in state legislatures. Examining Latino representation in state legislatures offers a window on the future of Latinos in Congress. Finally, state legislatures are themselves important. One cannot understand domestic policy making without appreciating the role of state governments and state legislatures.

Latinos in American Society

Latinos are the fastest-growing minority group in the United States and have surpassed African Americans as the largest minority group in the country. Latinos are also a diverse group. They differ markedly in their geographic origins, their length of residence, and their identification with being Latino. Many Mexican Americans, for example, have resided in the Southwest for hundreds of years. Their unique cultural history is part of the political culture in states such as Texas, California, or New Mexico. Most Puerto Rican and Cuban immigrants, however, have more recently immigrated to the mainland United States for economic and political reasons, respectively. For many years, the Census merely collected data on those with "Spanish surnames," but today, the Census collects data on country of origin. It was not until the 1960s that the number of Latino immigrants swelled, making the United States the fifth-largest Spanish-speaking country in the world.

Unlike African Americans, Latinos are less reliably tied to the Democrats. Although only 20 percent of Latinos nationwide are registered Republican, President George W. Bush received approximately 35 percent of the Latino vote in the 2000 election. Foreign-born Latinos, second-generation Latinos, and third-generation Latinos classify themselves somewhat differently. The longer a Latina is in the United States, the more likely she is to be a Democrat. Foreign-born Latinos are the most likely to identify themselves as Independent, which helps explain why political campaigns have used Spanish-language advertising

in many battleground states. Fourteen percent of third-generation Latinos call themselves Republicans, whereas a statistically indistinguishable 11 percent of foreign-born Latinos call themselves Republican. Since approximately 35 percent of Latinos are independent, both political parties have recently campaigned for their support. A closer look at the history of Mexican Americans, Puerto Rican Americans, and Cuban Americans illustrates the sociological and political diversity of Latinos.

Mexican Americans

Mexican Americans are the largest and oldest Latino group in the United States and comprise the majority of Latino legislators. More than two-thirds of Latinos living in the United States are Mexican American. Much of the Southwest was part of Mexico until the Treaty of Guadalupe Hidalgo in 1848 (Gann and Duignan 1986: 17). This treaty ceded territory that eventually became eight states. Many Mexicans lived on this land and remained even after control switched from Mexico to the United States. Once non-Latino Americans settled in these territories, racial friction and prejudice emerged. Many Americans viewed Mexicans as "cowardly, ignorant, lazy, and addicted to gambling and alcohol" (Gann and Duignan 1986: 14).

Mexican Americans currently represent one-quarter of the electorate in such crucial states as Texas and California. Mexican Americans have traditionally been loyal members of the Democratic Party, although in places like New Mexico, Republicans have long worked to incorporate Latinos into their fold. In New Mexico, approximately 16 percent of Latinos are registered Republicans. The number of "not so strong Democrats" nationwide is nearly 30 percent for Mexican Americans, more so than any other Latino group. Mexican Americans are more likely to vote for Democratic candidates than Republicans but are not as strong in their support of the Democratic Party as Cuban Americans are of the Republican Party.[5]

Not only are Mexican Americans the oldest and most established Latino group in the United States, but they are also the fastest-growing Latino group. Whereas most Mexican Americans originally settled in California and the Southwest, recent waves of Mexican immigrants have settled all across the United States, especially in the Midwest and South. In fact, the Tomás Rivera Policy Institute reports that nine of the top

[5] See Latino National Survey (2008) for further details on Latino voter attitudes.

ten fastest-growing Latino counties in the United States are in the states of Arkansas, Georgia, and North Carolina.[6] The growth of Mexican migrant workers is not limited to the South, either. Even industrial areas in the Midwest have experienced a rapid growth of Mexican workers in recent years.

Puerto Rican Americans

Puerto Ricans are unique among Latinos. They are United States citizens whether they reside in Puerto Rico or settle in any of the fifty states. Unlike other Latinos, they are never "illegal" immigrants. Puerto Ricans comprise about 9 percent of the United States Latino population, and most of them have traditionally settled in New York City. Puerto Ricans first migrated to New York following the Spanish American War. It was not until after World War II that Puerto Ricans migrated en masse to New York (Gann and Duignan 1986: 78). Puerto Rican immigration to the United States has been attributed to "the economic policies of the United States and the island's government, which have encouraged industrialization and capitalist investment" (Hero 1992: 39). Like today's Mexican immigrants, Puerto Ricans have come to the mainland United States for economic improvement and prosperity. More recently, however, Puerto Ricans have increasingly chosen central Florida as a preferred destination. According to the Puerto Rican Federal Affairs Administration, nearly 650,000 Puerto Ricans reside in Florida. In 2002, then-Governor Jeb Bush won 55 percent of the non-Cuban Latino vote (which includes a large portion of Puerto Ricans), according to Democratic pollster Sergio Bendixen.

Despite the more partisan split in Florida among Puerto Ricans, most have nonetheless been strong supporters of the Democratic Party, and major Puerto Rican members of Congress have been strong Democrats. Approximately 50 percent of Puerto Ricans are registered Democrats.[7] Puerto Ricans tend to support increased government support for the poor and see the Democratic Party as more willing to care and implement programs designed to help the economically disadvantaged. In recent elections, Puerto Ricans have supported Democratic candidates in large numbers. In 1996, former President Clinton captured 93 percent of the Puerto Rican vote. Nevertheless, some Republican candidates have found

[6] See Tomás Rivera Policy Institute website for precise numbers (http://www.trpi.org).
[7] See Pew Hispanic Center/Kaiser Foundation National Survey of Latinos: The Latino Electorate, 2002 (http://www.pewhispanic.org/site/docs/pdf/latino_chartpack_092002.pdf).

ways to appeal to Puerto Rican voters. Former Mayor Rudolph Giuliani (R-New York) captured 37 percent of the Puerto Rican vote in his successful mayoral re-election campaign. Mayor Michael R. Bloomberg (I-New York) won his 2001 race with strong support from New York City's Latino community, which is mostly Puerto Rican and Dominican. Dominicans have consistently supported the mayor at higher levels than Puerto Ricans, though. Bloomberg was also perceptive in appealing to Dominicans, who are the fastest-growing immigrant group in parts of New York City (e.g., The Bronx). One could argue that these numbers merely indicate the failure of the Republicans at the national level and the success of Giuliani and Bloomberg at the local level. The better lesson is that Puerto Ricans are not "Yellow Dog" Democrats: They respond to candidate appeals, not only to party loyalty.

Cuban Americans

Most Cuban Americans came to the United States following Fidel Castro's revolution of 1959. Cuban Americans comprise only 4 percent of the United States Latino population, and the largest number settled in the Miami area. Cuban Americans came to the United States more for political refuge than for economic opportunities. Gann and Duignan note that "when many Mexican or Puerto Rican intellectuals turned to anti-establishment politics in the United States, most Cubans looked upon the United States as a refuge against tyranny" (1986, 110).

This distinction is crucial when determining why most Cuban Americans vote Republican and why most Cuban members of Congress and state legislators are also Republican. Traditionally, the Republican Party has been more supportive than the Democratic Party of tightening the trade embargo on Cuba. In addition, many Cuban Americans perceived the Republican Party as more anticommunist during the Cold War. More than two-thirds of Cuban Americans oppose U.S. relations with Cuba. Forty-eight percent of Cubans surveyed classified themselves as strong Republicans. This figure exceeds the number of Puerto Ricans and Mexican Americans who claim to be strong Democrats by approximately ten percentage points and sixteen percentage points, respectively.[8] In addition, Cuban Americans born in Cuba during the Castro years are less likely to be Republican because they were not subjected to the discourse of "el exilio" in heavily Republican Miami. Cuban Americans who

[8] See Pew Hispanic Center/Kaiser Foundation National Survey of Latinos: The Latino Electorate, 2002 (http://www.pewhispanic.org/site/docs/pdf/latino_chartpack_092002.pdf).

speak at least some Spanish are more likely to be Republican, especially those who were born in Cuba. This has to do with the large number of Cuban-born exiles who left Cuba in 1980 during the Mariel boatlift, whose political attitudes are not as hardline as those who left immediately following the revolution. It appears then that immigrants who left Cuba after 1959 but before the Mariel boatlift in 1980 are more likely to identify as partisan Republicans.

In 2000, the Elián González controversy ignited the passions of many Cuban Americans and their congressional representatives who believed that the Clinton Administration's Department of Justice, headed by Janet Reno, improperly sent the young boy back to an oppressive tyrannical regime. Many Cuban Americans who themselves left behind mothers, fathers, and siblings in Cuba in the early 1960s saw this incident as an affront to the principle that the ability to live in freedom easily outweighs the rights of a father. Al Gore broke with President Clinton and believed that the boy should have been allowed to stay in the United States. Despite this position, Gore received fewer Cuban American votes in Florida in 2000 than did Clinton in 1996, thus costing him Florida's crucial electoral votes. In 2004, President Bush won the state of Florida in the general election by a comfortable margin. The presence of a Cuban American, Mel Martínez, in the U.S. Senate race had a reverse coattail effect by which Cuban American voters turned out in large numbers for the Republican ticket. Overall, Bush received 54 percent of the Latino vote, whereas Martínez received 59 percent of the Latino vote in Florida. Among Cuban Americans, Bush and Martínez enjoyed over 80 percent of the vote, according to CNN exit polls. In Florida, Cuban Americans are an influential voting bloc, even though other Latino groups comprise the majority of the Latino population.[9]

This brief history is by no means exhaustive, but when I refer to "subethnic" differences throughout the book, I am referring to differences among the three major Latino groups. Because Mexican Americans, Puerto Ricans, and Cuban Americans are often lumped together as "Latinos," it behooves us to think carefully about context, region, skin color, and historical background within and across the group.

[9] According to the U.S. Census, Cuban Americans account for 5 percent of the population in Florida. Latinos as a whole comprise 16 percent of the population. Other Latino groups comprise 6 percent of the entire state population, whereas Puerto Ricans comprise 3 percent and Mexican Americans 2 percent.

Latino Political Incorporation

What is the best theoretical way to understand Latino political incorporation? Moreover, at what point does a mainstream entrance into the political process replace ethnic-based politics? Early scholars such as Dahl (1961) argued that ethnic minorities initially are bound together by common characteristics and coalesce for political action, often by party elites eager to bring in more voters. In New Haven, the newer Italian American immigrants were courted by the Republican Party in opposition to the Irish-controlled Democratic Party. In a similar way, some Republicans have tried to court Latinos away from the Democratic Party, which has been the party most Latinos identify with.

In the past several presidential elections, both political parties began appealing to Latino voters through Spanish-language media and targeted outreach efforts. As a result, more and more Latinos feel empowered to the point of having a stake in the political process (Rogers 2006). The questions then become: Are Latinos beginning to shed their ethnic loyalties and think of themselves as American? And do non-Latinos begin to see Latinos as American? As this transformation develops, we will presumably begin to see more Latinos elected to office from districts with non-Latino majorities.

The process of assimilation often develops over the course of two generations, as many sociologists have observed (Alba and Nee 2003). To what extent will Latinos follow the path of Europe's ethnic immigrants or the more difficult incorporation of African Americans? As Dawson (1994) has shown, the pluralist model does not account for racial discrimination and prejudice. African Americans still suffer disproportionately from poverty and other social ailments, just as many Latino groups do. Accordingly, Hero (1992) articulated a theory of "two-tiered pluralism" to explain the Latino experience in America, which acknowledges the history of discrimination and subordination but contends that pluralism best explains Latino political incorporation (although not as successful as for white ethnics). As we will see with many of the Latino legislators elected to non-Latino majority districts, a "Latino" identity is often not acknowledged or made known to voters. Many of these Latino representatives see themselves as regular Americans representing their districts. Before turning to a more in-depth discussion of Latino representation, it might be useful to review how political scientists have understood the concept.

The Concept of Representation

Empirical scholars in political science have generally allowed normative theorists to conceptualize key concepts such as democracy, accountability, and representation (Collier and Adcock 1999; Pitkin 1967). For some empiricists, taking the time to revisit the very concepts they are purportedly measuring and testing seems at best too philosophical, and hence out of their domain, although Goertz (2006) offers a comprehensive treatment of social science concepts. Consequently, the empirical literature on representation has focused too heavily on statistical roll call analyses, which to a certain degree can help us ascertain the extent to which legislators represent their constituents in legislatures and Congress. Substantive representation, however, involves much more than how legislators vote. In order for political scientists to understand why, we must think carefully about what representation involves in terms of concepts, typologies, and case selection.

Normative Conceptions of Representation

Starting with Pitkin (1967), political scientists have regarded representation as either descriptive or substantive. Descriptive representation refers to citizens being represented by legislators who share particular demographic characteristics (race, gender, or ethnicity), whereas substantive representation involves legislators representing citizens' interests or particular preferences. Scholars of black representation have debated the merits of which type of representation is most effective, with Swain (1993) arguing that substantive representation is what really counts whereas Mansbridge (1999) places more value on descriptive representation. Mansbridge, however, is a normative theorist who has argued that descriptive representation is essential for advancement of minorities and women in the American political system. Pitkin's analysis did not really deal with minority representation, but the concept she presented has been extended to such studies. To date, no work on racial representation has challenged Pitkin's conceptual framework or analyzed the concept of representation using more recent empirical research on methods.[10]

[10] This is not the case regarding gender representation. See Celis (2008) for a thorough review of representation from a women's studies perspective.