

**EXAMINING HISPANIC RIGHTS AND RECOGNITION:
TOWARDS SUCCESSFUL INTEGRATION**

José Enrique Idler
National Research Initiative Fellow

American Enterprise Institute for Public Policy Research

May 2006

SUMMARY

Hispanics are one of the minority groups benefiting from group-differential treatment in the form of special rights and recognition in American society. This paper focuses on three case studies illustrating how Hispanics are accorded group-specific rights and recognition, and raises the question of whether these group-specific policies, as currently implemented, are justified. Drawing on data from Census 2000 and the 2004 American Community Survey, the argument is made that Hispanics show significant differences among themselves, thus defying common categorization for group-benefit allocation purposes.

More specifically, the evidence shows that with regard to bilingual voting rights on the grounds of limited English proficiency, English is widespread among Hispanics, although notable deficiencies do remain. Additionally, whereas some subsets within the general Hispanic category show sharp deficiencies with regard to English proficiency and educational attainment, others do not. Thus not all Hispanics are disadvantaged with regard to the general population.

It is suggested that as part of modifying policies towards Hispanics in order to reflect more accurate conditions, policies designed to address deficiencies among Hispanics should center on raising the level of achievement for future generations. The focus on achievement, rather than special rights and recognition as such, makes it crucial to distinguish the subsets under the Hispanic rubric and determine whether the subset at stake does indeed need and would benefit from the integrative measures. The final goal of measures towards Hispanics is to design and implement policies and strategies that acknowledge the different circumstances of Hispanic individuals and subsets with an eye towards full integration and the possibility of achievement in American society.

1. HISPANIC RIGHTS AND RECOGNITION

- 1.a. Ethno-Racial Classification Policies and Hispanics
- 1.b. Voting Rights Act: Protecting Linguistic Minorities
- 1.c. Hispanic Centers of Excellence: Latino Students and Health Issues

2. HISPANIC CHARACTERIZATION AND PERFORMANCE

- 2.a. English Fluency among Potential Hispanic Voters
- 2.b. English Proficiency, Educational Attainment and Disadvantage

3. VIABILITY OF GROUP POLICIES AND THE NEED FOR INTEGRATION

- 3.a. Hispanic Group-Specific Rights and Recognition
- 3.b. Effective Integration: Focusing on Achievement

4. CONCLUSION AND RECOMMENDATIONS

A process of continued immigration since the sixties has generated a strong Hispanic presence in American society. Although people of Latin-American descent and with Latin-American ties have been in the U.S. for many generations—concentrated primarily in the Southwest—only the migratory wave of the last forty years has made the Hispanic group visible at the national level. Indeed, according to U.S. Census Bureau figures, Hispanics are now the largest minority group in American society. In the 2000 decennial census, the Hispanic population was approximately thirty five million people, representing twelve and a half percent of the population. According to the most recent Census 2000 population-growth estimates, the Hispanic population is currently almost forty three million and is the fastest-growing group nationwide.¹ In the 2000 census, the largest sub-group within the Hispanic category consisted of Mexicans, who represent roughly seven percent of the general U.S. population.²

The emergence of the Hispanic group is due primarily to the way the group is categorized by the U.S. federal government. A set of disparate sub-national groups are classified under the same category, giving rise to the notion that there is indeed a group with a set of common attributes. The Hispanic group, officially recognized by the federal government, is conceptualized as the kind of group that has a claim to rights and recognition. The status accorded to the group stems to a large extent from an effort to integrate effectively group members into the political, economic and social body. Among these rights, it is possible to count, for instance, protective measures such as the linguistic provisions in the 1965 Voting Rights Act and the presumed right to descriptive group representation that arises from ethnically gerrymandered districts. Other group measures that extend rights or recognition toward Hispanics include bilingual education, provisions for minority business owners, which have been reflected in various types of affirmative action policies, and a certain standing with regard to educational benefits such as diversity enhancement in a pedagogical setting.

This paper will examine some of the characteristic measures taking the form of group rights and recognition that aim to integrate Hispanics into American society. The suggestion will be made that these measures, as currently implemented, are not entirely viable and may not represent the most effective path for successful integration. Thus, it will also be suggested that it is crucial to reexamine the question of what sorts of policies need to be enacted in order to achieve the integration of immigrants, or descendants thereof, categorized under the Hispanic rubric.

1. HISPANIC RIGHTS AND RECOGNITION

The main question addressed in this paper is not whether the Hispanic group is or ought to be the beneficiary of group rights. This kind of matter has to do with whether groups in general, under some circumstances, ought to be accorded certain rights and recognition. Questions of this sort, which have received a lot of attention in recent years,

¹ See *Nation's Population One-Third Minority*. Retrieved on May 16, 2006, <<http://www.census.gov/Press-Release/www/releases/archives/population/006808.html>>.

² Roberto R. Ramirez, *We the People: Hispanics in the United States*. Census 2000 Special Reports (Washington D.C.: U.S. Census Bureau, 2004), p. 1.

are abstract in nature and belong to political philosophy.³ The answer can only be assessed by examining arguments for and against group rights. If the case for group rights is sound, it would also be necessary to enquire what types of groups and under what circumstances ought to be the proper beneficiaries of group-specific rights.

The questions addressed in this paper are more practical in nature and focus on the intended integrative outcome of what is taken to be a matter of fact, namely, that Hispanics are the beneficiaries of group rights and recognition. Hispanics are accorded certain measures with a given purpose. The objective of this paper is twofold: first, to assess the extent to which current measures towards Hispanics are viably justified; and second to examine briefly whether these policies represent the most effective measures in relation with the intended purpose. In order to address these matters, this section will begin by discussing how Hispanics are treated for public purposes. Three case-studies, ethno-racial classification, voting rights and educational grants in health-service professions, will illustrate the way in which Hispanics are conceptualized and how they are in fact the sort of group that is accorded group rights and recognition.

1.a. Ethno-Racial Classification Policies and Hispanics

Racial classification policies in the U.S. are markedly different now than they were before the Civil Rights Movement.⁴ For immediate purposes, it is not necessary to review the history of past policies, but rather to focus on how the current system is designed. Current ethno-racial classification policies find their origin in a variety of practices that were intended to address the problem of racial discrimination in American society.⁵ The first official formulation of the different categories that developed from anti-discrimination initiatives was issued in the 1977 Office of Management and Budget's Statistical Policy Directive No. 15. The 1977 standards were revised and changed in 1997 for a new and current set of Standards for the Classification of Federal Data on Race and Ethnicity.⁶

The standards were initially formulated in order to facilitate the task of data gathering and collection "to monitor equal access" in housing, education and employment "for populations that historically had experienced discrimination and differential treatment because of their race and ethnicity."⁷ As the standards were revised, another objective having to do with accurate representation of diverse populations was

³ See Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (New York: Oxford University Press, 1995); and *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (New York: Oxford University Press, 2001).

⁴ Melissa Nobles, *Shades of Citizenship: Race and the Census in Modern Politics* (Stanford: Stanford University Press, 2000), pp. 25-84.

⁵ For the history of these practices and the inclusion of groups other than African Americans, see John D. Skrentny, *The Minority Rights Revolution* (Cambridge, MA: Belknap Press, 2004).

⁶ For details about the review process, see "Recommendations from the Interagency Committee for the Review of the Racial and Ethnic Standards to the Office of Management and Budget Concerning Changes to the Standards for the Classification of Federal Data on Race and Ethnicity," *Federal Register*, Vol. 62, No. 131, Wednesday, July 9, 1997, Notices. See also Barry Edmonston, Joshua Goldstein and Juanita Tamayo Lott, *Spotlight on Heterogeneity: The Federal Standards for Racial and Ethnic Classification* (Washington D.C.: National Academy Press, 1996).

⁷ "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity," *Federal Register*, Vol. 62, No. 210, Thursday, October 30, 1997, Notices, p. 58782.

articulated. Thus in line with this purpose, the idea is to “enhance the accuracy of the demographic information collected by the Federal Government by having categories for data on race and ethnicity that will enable the capture of information about the increasing diversity of our Nation’s population...”⁸

The categories and data-collection process go beyond simply monitoring the performance of different groups or reflecting demographic diversity. The categories and data have a very significant impact on policy. For instance, some of the legislative purposes for which the data is used include redistricting procedures under the Voting Rights Act. So the categories used in the standards and the data collected are not only a matter of generating accurate information; but also a matter of benefit allocations for minority groups—a situation that gives rise to discontent whenever undercounts or miscounts of minority groups are suspected.⁹

Under the current standards there are five racial categories and one ethnic category. The five racial categories, in alphabetical order, are American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Pacific Islander and White. The ethnic category is Hispanic or Latino. Although forms such as the Census questionnaire add to or refine these categories, they represent the minimal set of categories that needs to be used for any type of government-related reporting. Data collection in the private sector has also come to mirror these categories, and indeed the categories are widely used by the media and the public to describe cultural groups within American society.

Typically, the ethno-racial categories may be used in two different formats. The two-question format separates race and ethnicity, whereas the combined-question format merges all the categories in the same list. The two-question format asks the ethnic question first followed by the race question. The minimum designations of the categories to be checked by respondents are the following:¹⁰

Ethnicity:

- Hispanic or Latino
- Not Hispanic or Latino

Race:

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

Under the combined format, the Hispanic/Latino category is simply added to the list. After the 1997 revisions to the standards, it is possible to check more than one racial category. Previously, respondents were only allowed to check the ethnic category along with only one racial category; but multiple racial reporting is now possible.

⁸ “Revisions,” p. 58785.

⁹ See Peter Skerry, *Counting on the Census? Race, Group Identity and the Evasion of Politics* (Washington D.C.: The Brookings Institution, 2000), pp. 121-169.

¹⁰ “Revisions,” p. 58789.

Focusing now more specifically on the Hispanic category, the Standards for the Classification of Federal Data on Race and Ethnicity define the category in terms of “origin” or “heritage.” The definition is the following:

Hispanic or Latino: A person of Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race. The term, ‘Spanish origin,’ can be used in addition to ‘Hispanic or Latino.’¹¹

The category creates certain problems of exclusion due to the way in which it is defined. Brazilians, for instance, who represent a considerable population in places like Massachusetts, are not included. Positively defined, the category includes any group of Spanish origin, including Spaniards, according to their culture or heritage. It does not make any distinctions with regard to generations, so that a Mexican migrant who arrived a week ago may count just as much as any person who was born in the U.S. and whose family has lived in the U.S. for many generations. Who counts or not is based primarily on self-reporting, which introduces an element of subjectivity and self-perception into the category. The category is likely to have different meanings and associations for different people.

1.b. Voting Rights Act: Protecting Linguistic Minorities

The Voting Rights Act (VRA) was passed in 1965 in order to protect the voting rights of disenfranchised blacks, who although nominally eligible to vote had in fact been barred from voting.¹² The right to vote for blacks was made explicit with Constitutional amendments a few years after the end of the Civil War and the abolition of slavery. The Fourteenth Amendment, ratified in 1868, provided in § 1 that all “persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside” and entitled to the equal protection of the laws. In § 2 of the same Amendment it is provided that representatives are to be appointed according to the number of inhabitants who will count as “the whole number of persons in each State.” The clause is a reversal of the three-fifths compromise, referring to the prescription on how slaves were to be counted for apportionment purposes in Article 1 of the Constitution. The Fifteenth Amendment, ratified in 1870, lays out the right to vote more explicitly. According to this Amendment, “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”

Despite explicit provisions guaranteeing the right to vote for blacks, the historical fact is that by means of poll-taxes, literacy-tests and outright discrimination, blacks were hindered from exercising their right to vote. The situation, which was particularly problematic in the South, led to the passage of the VRA. The piece of legislation constitutes, along with the Civil Rights Act of 1964, one of the high watermarks of the Civil Rights Movement and an effective measure for ending discrimination by virtue of race or color.

¹¹ “Revisions,” p. 58789.

¹² For a history of the VRA and subsequent modifications, see Abigail Thernstrom, *Whose Votes Count? Affirmative Action and Minority Voting Rights* (Cambridge, MA: Harvard University Press, 1987).

Examining Hispanic Rights and Recognition: Towards Successful Integration

The two most important elements of the VRA are § 2 and § 5. § 2, as amended through 1992, mandates that “no voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color...”¹³ § 2, whose language resembles the Fifteenth Amendment, is a permanent provision and does not expire. § 5, in contrast, is one of the so called “emergency provisions,” which was initially enacted as a provisional measure in order to facilitate progress and prevent backlashes.¹⁴ § 5 consists of a “coverage” mechanism whereby jurisdictions and States that are covered are required to seek pre-clearance or authorization from the District Court of the District of Columbia or the Justice Department before making any changes to voting practices or procedures. The new “qualification, prerequisite, standard, practice or procedure” should not have the purpose or effect of “denying or abridging the right to vote on account of race or color...”¹⁵ The coverage mechanism functions as a preventive measure with the purpose of avoiding the implementation of subtle discriminatory practices in jurisdictions that have a history of voting discrimination.

The emergency provisions have been reauthorized three times—in 1970, 1975, and 1982—and each time the VRA has been amended to include additional or modified provisions. For purposes of this analysis, the most important modification happened in 1975 when the definition of “test” or “device” was expanded to include English ballots in jurisdictions with minority language speakers. This provision generated in fact a set of additional groups, alongside blacks, that came under the purview of the VRA on grounds of linguistic protection. The new groups were very similar to the ones enumerated in the Standards for the Classification of Federal Data on Race and Ethnicity. In the language of § 203, one of the provisions for linguistic minorities, these groups are “American Indian, Asian American, Alaskan Natives, or of Spanish heritage.”¹⁶

The rationale for § 203 is that “citizens of language minorities have been effectively excluded from participation in the electoral process.” Part of the reason for this situation is “directly related to the unequal educational opportunities afforded them, resulting in high illiteracy and low voting participation.” By way of remedial procedure then, the following two measures are prescribed. First, certain states and jurisdictions are to come under the purview of § 203 if “more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient” and “the illiteracy rate of the citizens in the language minority as a group is higher than the national illiteracy rate.” Second, once a State or jurisdiction comes under the purview of § 203, it will not be allowed to “provide voting materials only in the English language;”¹⁷ or put differently, it will be required to provide voting materials in multiple languages. States and jurisdictions such as Texas, which is liable to § 203, and also covered under § 5, are then required to provide multilingual voting materials.

¹³ 42 U.S.C.A. § 1973.

¹⁴ 42 U.S.C.A. § 1973c.

¹⁵ 42 U.S.C.A. § 1973c.

¹⁶ 42 U.S.C.A. § 1973aa-1a.

¹⁷ 42 U.S.C.A. § 1973aa-1a.

Note that for voting statutory purposes, Hispanics and other non-black minority groups are portrayed as groups which are defined by their languages. Nonetheless, Hispanics have come to be seen as a group entitled to protective measures due to its minority status as such, which is not always explicitly related to limited English proficiency. As an illustration, consider a case brought against a Florida legislative districting plan on the grounds that the Hispanic and black voting strength had been diluted. VRA-related cases tend to be complicated, partly because the application criteria as to what constitutes discrimination or effective voting have shifted over the last few decades. But beyond the legal intricacies, what is noteworthy about the case, *Johnson v. De Grandy*, is that the decision with regard to the status of Hispanics is reached without any reference to the linguistic criterion.¹⁸ The Supreme Court held that there was no voting dilution in the Florida plan despite the fact that the plan failed to maximize majority-minority Hispanic districts, hence potentially giving Hispanics a higher degree of political influence than what they would have under the redistricting plan. After considering whether Hispanics were sufficiently numerous and geographically compact for voting purposes, the Court found that the Florida districting plan did not dilute Hispanic voting and thus did not violate VRA statutes.¹⁹

As mentioned, the interesting point about this decision is that Hispanics are examined under standards of numbers and compactness, but not examined under the linguistic standard. So in other words, the population that counts as Hispanic is the one reflected in the Census figures of self-identified members of the group, which is not necessarily a group distinguished by the Spanish language or lack of English proficiency—since many Hispanics speak English and many do not speak Spanish. The shift that occurs is one in which the group initially characterized under the standard of limited English proficiency for statutory purposes is construed as a distinct minority group for districting and voting purposes, without any necessary reference to the linguistic criterion.

1.c. Hispanic Centers of Excellence: Latino Students and Health Issues

One of the sections within title 42 of the U.S. Code describes the sets of rules and regulations under which the U.S. public health service system operates. Among other things, the long section contains provisions pertaining to the administration of the public health system, engagement in scientific research, and security enhancement with regard to public health threats.²⁰ In the section on Health Professions Education, the terms related to insured health education loans are outlined. One of the provisions stipulates that the Secretary of Health and Human Services may contribute grants to designated health profession schools with the specified purpose of supporting the education of underrepresented minorities through Centers of Excellence.²¹

¹⁸ 512 U.S. 997. There are only two references to linguistic or language minority groups—one in footnote six and another one at 1010. There is no reference to the “Spanish” language.

¹⁹ The underlying assumption is that Hispanics constitute a minority group. Hence the question is whether their vote is being diluted or not according to the Gingles factors—see *Thornburg v. Gingles* 478 U.S. 30 (1986).

²⁰ 42 U.S.C.A. §§ 201-238p; § 241; § 247d-3.

²¹ 42 U.S.C.A. § 293.

Examining Hispanic Rights and Recognition: Towards Successful Integration

Grant eligibility is based on agreeing to abide by objectives for improving the educational status of underrepresented minorities. The designated health professions school, for instance, must agree “to establish, strengthen, or expand programs to enhance the academic performance of under-represented minority students attending the school.”²² It must also agree “to carry out activities to improve the information resources, clinical education, curricula and cultural competence of the graduates of the school, as it relates to minority health issues.”²³ Additionally, the school must also “have a significant number of under-represented minority individuals enrolled in the school” and needs to have been “effective in assisting under-represented minority students of the school to complete the program of education and receive the degree involved.”²⁴

The provisions contemplate centers of excellence for blacks—or more precisely historically black colleges and universities—Hispanics, and Native Americans. With regard to Hispanics, the school receiving the grant is expected to create arrangements with “public or nonprofit community based Hispanic serving organizations,” or organizations with a significant number of Hispanics. The purpose of the arrangements is “to identify Hispanic students who are interested in a career in the health profession.”²⁵

Assumed in the program under consideration is that a certain group, consisting of individuals categorized as Hispanics, has a disadvantaged status with regard to the general population. Thus it is necessary to enact measures that would increase the number of these minority students in health professional schools and would also facilitate involvement of health professionals in the Hispanic community.

Various medical schools throughout the country have Hispanic centers of excellence, or centers of excellence for diversity groups that include Hispanic outreach efforts. For instance, a center of excellence in South Texas consists of a consortium between Baylor College of Medicine and University of Texas-Pan American—assisted by Rice University in the development of technological tools—which has the purpose of increasing the “number of Hispanic physicians working in Hispanic communities.”²⁶ Similarly, the University of Arizona College of Medicine has a center whose vision “is to be a national center of Hispanic health research and training, attracting the brightest and best Hispanic faculty and students.”²⁷

Although Hispanic centers of excellence are concentrated in the areas with historically large Hispanic populations, namely the Southwest and California, they also extend to other areas. The University of Illinois at Chicago College of Medicine offers a program through its Excellence Center aiming to attract and train pre-medicine Latino students. In addition to providing early exposure to a career in medicine, the stated purpose of the Medicina Program is to expose students to “Latino health care issues.”²⁸ Yeshiva University in New York also has a Hispanic Center of Excellence at its Albert

²² 42 U.S.C.A. § 293.

²³ 42 U.S.C.A. § 293.

²⁴ 42 U.S.C.A. § 293.

²⁵ 42 U.S.C.A. § 293.

²⁶ *Premedical Honors College Program: Baylor College of Medicine/University of Texas-Pan American*. Retrieved on April 7, 2006, <<http://www.rice.edu/projects/HispanicHealth/>>.

²⁷ *Arizona Hispanic Center of Excellence (College of Medicine)*. Retrieved on April 6, 2006, <<http://www.hispanichealth.arizona.edu/HCOEAbout.htm>>.

²⁸ *Medicina Scholars Program (University of Illinois at Chicago College of Medicine)*. Retrieved on April 6, 2006, <http://uic.edu/depts/mcam/hcoe/documents/MedicinaScholarsFlierFinal_001.pdf>.

Einstein College of Medicine.²⁹ More broadly, various other medical schools combine minority and diversity students and initiatives—including Hispanics—under one center.³⁰

Two features that emerge from a quick survey on the purpose and role of the Hispanic centers of excellence are: (a) Hispanic students are the target of efforts to increase their representation in the health care professions; and (b) there are presumably peculiar health needs and issues that characterize the Hispanic community. This second feature is confirmed, for instance, by the existence of organizations such as the National Alliance for Hispanic Health, which describes itself as the “nation’s action, advocacy, and research forum for Hispanic health and well being.”³¹

2. HISPANIC CHARACTERIZATION AND PERFORMANCE

As shown in the previous section, Hispanics are singled out as the sort of group that is entitled to special rights, as in voting, and recognition, shown in the cases of classification and preferential grants related to the health care profession. The rationale for these policies and procedures is not always clearly explained or articulated. It is sometimes associated with the notion that Hispanics share a common culture or identity. But it is commonly acknowledged that Hispanics are not a clearly distinguishable group in the way that other cultural groups are.³² Not all Hispanics speak Spanish or have the same national origin. They also have a variety of races and not always have the same cultural habits. Finally, some significant differences are attached to whether someone was born abroad or was born in the U.S. Hispanics show a mixture of attitudes correlated with whether they were born in a Latin-American country or in the U.S. Hispanics who were born in the U.S. tend to have attitudes that differ from Hispanics who were born abroad, and sometimes people from different Latin-American nations show differences with respect to one another.³³

The justification for the sorts of governmental actions directed towards the group as such is not entirely coherent because the group itself is not entirely coherent. Although arguments and justifications are not always explicit, this section will address two reasons that are implicitly adduced when justifying Hispanic rights and recognition. The two reasons that will be discussed below have to do with linguistic accommodation and disadvantage with regard to other groups. The general conclusion that will emerge in the discussion is that the evidence for justifying linguistic and remedial policies for

²⁹ Retrieved on April 6, 2006, <<http://www.aecom.yu.edu/home/ICCH/HCOE/>>.

³⁰ For some examples, see the *Center for Excellence in Diversity at Stanford University*, <<http://coe.stanford.edu/index.html>>; the *Center of Excellence for Multicultural Medicine* at Ohio University’s College of Osteopathic Medicine, <<http://www.oucom.ohiou.edu/coe-mm/>>; and the *Center of Excellence for Diversity in Health Education and Research* at the University of Pennsylvania Health System, <<http://www.coesupport.com/>>. All websites retrieved on April 6, 2006.

³¹ *The National Alliance for Hispanic Health: Mission and Programs*. Retrieved on April 6, 2006, <<http://www.hispanichealth.org/>>.

³² For a description of divergent cultural and national identities see, for instance, Alejandro Portes and Rubén Rumbaut, *Immigrant America: A Portrait*, sec. ed. (Berkeley and Los Angeles: University of California Press), p. 135.

³³ See, for instance, Hispanic attitudes on social values in Mollyann Brodie, Annie Steffenson, Jaime Valdez, Rebecca Levin and Roberto Suro, *2002 National Survey of Latinos* (Washington D.C.: Pew Hispanic Center and Kiser Family Foundation, 2002), pp. 47-50.

Hispanics, taken as a comprehensive group, is more limited than what is commonly assumed when enacting group policies.

2.a. English Fluency among Potential Hispanic Voters

As suggested in the previous discussion on voting rights, Hispanics are partly entitled to multilingual ballots—and other kinds of treatment related to electoral representation—on the grounds that the group is (a) characterized by a linguistic criterion; and (b) characterized by limited English proficiency. Although it is true, as indicated by the statute in § 203, that Hispanics generally have a lower level of educational attainment when compared with the general population, it is necessary to examine the point of English proficiency. At the end, low levels of educational attainment are not a sufficient reason for preferential treatment by way of multilingual ballots or other measures. The group consisting of people who have not finished high school, without any other distinguishing trait, is not the object of statutory protection as such or accommodation provisions for voting purposes. In fact, when § 203 speaks of educational attainment, it identifies the circumstance as a cause for limited English proficiency, and not the reason itself for providing multilingual ballots. This section will consider the level of English fluency among self-identified Hispanics who are eligible to vote.

The purpose of this section is not to determine whether under the current VRA statute counties with large Hispanic populations do indeed qualify for statutory protection. Clearly, some counties do meet the legislative criteria set out in § 203 of the VRA. The question is whether the legislative criteria reflect a group that, for the most part, does not have any knowledge of the English language. Under this circumstance, the group would be linguistically characterized and would be predominantly non-English speaking.

Although it is not possible to extract exact data for people who were registered to vote—or actually voted—in correlation with their English fluency, it is possible to observe fluency levels in the population that would be eligible to register and vote.³⁴ The decennial census contains items on both English ability and citizenship status. The universe for this population includes two criteria: those who are citizens and are at least eighteen years old. In short, the population at stake consists of Hispanics who meet the criteria for voting registration and actual voting.

According to data from the 2000 decennial census, Hispanics exhibit a relatively high degree of English fluency, since most people who identified themselves as Hispanics speak English at least “well.” The decision to count people who speak English well as English speakers differs from the current practice of the Director of the Census in determining the level of fluency for the voting-age population. For purposes of fluency determination, only people who speak English “very well” are counted by the Census Bureau as people who speak English well enough to be able to participate in the electoral process. So the actual data yielded by the census for legislative purposes would show a

³⁴ The Current Population Survey collects data every other year on voting and registration. Although its variables include questions on educational level, ethnic identification and native country of parents, the questionnaire does not include a question on English proficiency.

higher rate of Hispanics who do not have enough fluency for electoral participation purposes.³⁵

Although it is very hard to be precise and exact about what the degrees of fluency mean, and a deeper assessment may show variations among different respondents, some reasonable inferences can be made. To speak English “well” presumably entails enough fluency and command to be able to interact and carry out activities in the language. The degree of English proficiency could be construed to imply that the person can minimally conduct conversations and cope with daily situations and transactions that require some knowledge of the language. Situations of this kind may include, for instance, shopping, bank operations and using public transportation.

Table 1 shows different levels of proficiency for the Hispanic and non-Hispanic groups consisting of citizens who are eighteen and older. The group is also divided among those who acquired citizenship at birth, whether by birth in the U.S. or from U.S. citizens, and those who acquired citizenship through naturalization.

The first salient element in the data is that the overall percentage of U.S. citizens who do not speak English is low. A comparison, however, between Hispanics and non-Hispanics shows that the percentage of people with no knowledge of the English language among non-Hispanics is negligible. For Hispanics, while still a relatively low percentage within the group, the number of people who do not speak English is much higher. Eighty two percent of Hispanics speak English at a reasonable level, while almost eighteen percent of Hispanics have no knowledge of the English language. Roughly speaking, two in every ten Hispanics does not speak English.³⁶

Comparing the level of proficiency between two groups consisting of Hispanics who are citizens by birth and Hispanics who are naturalized citizens is also instructive. While eighty five percent of U.S.-born Hispanics speak English, only two thirds of naturalized citizens who are also Hispanics speak English. Put differently, one in every three Hispanics holding U.S. Citizenship through naturalization and who is eighteen years or older—and thus eligible to vote—does not speak English.

It was noted that Hispanics are less fluent in English than the general population, consisting of both U.S.-born and naturalized citizens. Nonetheless, putting the analysis in a larger perspective, despite lower degrees of fluency, most Hispanics, particularly those who were born in the U.S., speak English at least “well.” The fact that naturalized citizens are less fluent than U.S.-born citizens is predictable. Given that the universe under consideration consists of people who are eighteen years or older, it is reasonable to believe that while those who were born in the U.S. were exposed to the English language at a very young age, those who were not born in the U.S. had to learn the language as adults. Given the late point in life for learning English, along with the existence of support networks that function in languages other than English, the language-learning process is delayed or never completed.

³⁵ For various definitions and the way in which the census tabulates groups according to their level of fluency, see Hyon Shin and Rosalind Bruno, *Language Use and English-Speaking Ability: 2000*. Census 2000 Brief (Washington D.C.: U.S. Census Bureau, 2003).

³⁶ If the variables are recoded so that people who are English proficient are only those who speak “very well” and those who are not speak less than “very well,” the picture is modified somewhat. Whereas the level of proficiency of non-Hispanics descends to ninety eight percent, the level for Hispanics descends to sixty seven percent. So, recoded variables would show less proficiency for Hispanics than is reflected in this paper.

The point on increased fluency for people born in the U.S. can be seen by expanding the universe under consideration and also including children. An expanded set in Table 2 shows that although Hispanics are still less fluent than non-Hispanics, the degree of fluency among Hispanics increases when people under eighteen are included. Note, for instance, that while almost twenty percent of Hispanics eighteen and older speak no English, the figure declines to almost fourteen percent if the data includes minors. Also, for U.S.-born citizens of Hispanic origin the figure goes from eighty five percent to eighty eight percent.

It is possible to note that the figure including Hispanic children should perhaps be even higher than what it is, since children born in the U.S. should have a very high level of exposure to the English language. This exposure, for instance, results in the fact that ninety-nine percent of the non-Hispanic U.S.-born population speaks English. It would seem then that Hispanic children born in the U.S. do not learn English as quickly as would be expected for the second generation. The point is also true with regard to children who are naturalized citizens. In fact, including people under eighteen does not make much of a difference for English fluency purposes—the level of fluency remains almost unchanged whether minors are counted or not. It is then evident that the overall Hispanic population of U.S.-naturalized citizens, including minors, is less fluent than the general population.³⁷ For a universe of Hispanics who are naturalized citizens and eighteen years or older, the level of fluency is almost seventy-two percent, as opposed to eighty-nine percent of non-Hispanics who are also naturalized citizens. Expanding the set to include minors, the figure remains almost unchanged: seventy-two percent of Hispanic naturalized citizens speak English in contrast with roughly eighty-nine percent of non-Hispanic naturalized citizens.

On balance, two conclusions can be drawn from the previous analysis. First, the majority of Hispanics speaks English at least well, with U.S.-born citizens showing higher levels of proficiency than foreign-born naturalized citizens. Second, although a high percentage of Hispanics speaks some English, the group still lags behind when compared with the general population, including U.S.-born and naturalized citizens.

2.b. English Proficiency, Educational Attainment and Disadvantage

Hispanics constitute an ostensibly disadvantaged group with regard to the general population. The claim, however, although generally true when applied to some indicators such as language fluency and educational level, oversimplifies the status of Hispanics. The outcome that shows disadvantage is to a large extent determined by where the distinctions are drawn and how the different groups to be compared are calibrated.

Assuming that English fluency and educational attainment are two essential dimensions in predicting job skill level and the prospects of mobility in employment, it is possible to compare various subsets within the Hispanic category. Along these two

³⁷ Although some studies indicate that the pattern of English acquisition among Hispanic children does not differ significantly from other previous immigrant groups. By the third generation, for instance, children of Latin-American descent tend to be monolingual English speakers. So, linguistic assimilation, although retarded in some instances by certain factors such as proximity to the U.S.-Mexican border, is widespread among Hispanics. See Richard Alba and Victor Nee, *Remaking the American Mainstream: Assimilation and Contemporary Immigration* (Cambridge, MA: Harvard University Press, 2003), pp. 221-228.

dimensions, the results vary for single subsets compared with one another and other groups in the U.S. population.

The English fluency variable is relevant for the group that speaks a language other than English at home, which will presumably include many foreigners, naturalized citizens and to a lesser extent birth citizens who have not acquired English proficiency. The educational variable is relevant for the population that is eighteen and older, since naturally a large portion of the population consisting of those who are less than eighteen will not have finished high school. Educational attainment becomes a factor for assessing skill level and the quality of employment when applied to the population that is ready to join the labor force.

The pertinent data is then taken from the 2004 American Community Survey for the population that is eighteen and older and speaks a language other than English at home. The data is shown in Table 3. Here, as was done before, the level of fluency is recoded so that those who speak English encompass two kinds of fluency levels: “very well” and “well.” Those who do not speak English also encompass two kinds of fluency levels: “not well” and “not at all.”

Looking at the English-fluency variable first, over a third of the people that speak a language other than English at home do not speak English at least well. For the non-Hispanic population that speaks a language other than English at home, the share of non-English speakers is roughly fifteen percent. Turning now to the Hispanic group as a whole, we will see that the numbers vary—although, generally speaking, when compared to non-Hispanics, a higher share of Hispanics as a whole who speak another language at home are lacking in English proficiency. For example, turning to Mexicans, by far the largest Hispanic group, it is possible to observe that almost half of the group, five million out of thirteen million, does not speak English at least well. But, as will be highlighted below, other groups from South America show much higher levels of proficiency.

The causes for the lower level of English proficiency among Hispanics are not surprising, since Hispanics—or more specifically Mexicans—constitute the largest portion of immigrants and many of them have settled in areas with networks that function in Spanish; thus there is a weaker incentive to acquire or improve English skills. Other causes may include the level of educational attainment, which will be examined below, and the job sector and employment networks in which immigrants happen to be concentrated.

The observation about English proficiency among Hispanics, however, masks the significant point that not all Hispanics are alike. Comparing subsets within the Hispanic category, it is possible to observe that Mexicans have a disproportionate share of non-fluency. As mentioned, just below half of the group does not speak English. In general, Central Americans tend to have low levels of proficiency. For instance, the number of Salvadorians who do not speak English is higher than the number who does speak English. In general, many of these groups are in the thirty-fifty percent range for non-fluency. An interesting exception among Central Americans is Panamanians. The Panamanian population is 69,186, with the number of those who speak English at 66,766 and those who do not speak English at 2,420. More than ninety five percent of Panamanians then speak English, a measure that is much higher than other Hispanic subsets.

The proportion of non-proficiency among Mexicans and other Central Americans declines substantially when turning to groups such as Puerto Ricans, whose share of non-proficiency is roughly twenty percent. The share is also lower among other groups. For instance, over ninety percent of Argentines speak English and Colombians have a level of English proficiency roughly at eighty percent. Venezuelans also compare well: over ninety percent of the group speaks English. As a general tendency, South Americans have a higher degree of fluency than Central Americans. An interesting case is that of Spaniards, who are neither Central nor South Americans and who do not represent one of the groups often associated with the Hispanic category. Nonetheless, Spaniards, with a total population of 109,935—almost as large as Argentines and Venezuelans—are categorized as Hispanics and also exhibit a high level of English fluency.

The discussion so far shows that the proportion of those who do not speak English among South Americans is roughly comparable with the proportion of non-Hispanics who speak a language other than English at home. Additionally, differences also arise when comparing the level of educational attainment among groups and subsets. The figures in Table 3 reflect the fact that roughly seventeen percent of non-Hispanics who speak another language at home have less than a high school degree. Twenty one percent have finished high school. A similar number, twenty three percent, have some college and twenty two percent a Bachelors degree. As may be predicted, the majority of the people in this last group speak English.

Comparing the rates of Hispanic subsets, various significant differences arise. With regard to Mexicans, for instance, roughly half of the group has less than a high school degree and twenty six percent finished high school. Additionally, a very small minority has a Bachelors degree. The raw figure represents less than five percent of Mexicans. Although it is clear that Mexicans are less educated than the non-Hispanic population, some significant contrasts can be seen with regard to other Hispanic subsets. Cubans, for instance, proportionately exhibit higher degrees of education. Twenty five percent have not finished high school and almost fourteen percent have a Bachelor's degree. The figures are higher when compared with Mexicans, but are lower when compared with the non-Hispanic population.

Other Hispanic subsets, however, compare favorably with the non-Hispanic population. So, for instance, thirty one percent of Nicaraguans have finished high school, although only thirteen percent have a Bachelors degree. But turning to other South American groups, it is possible to see that in the two ends of the educational spectrum Venezuelans show comparable rates to non-Hispanics. Roughly ten percent of Venezuelans have not finished high school, which is substantially less than the non-Hispanic population, while almost thirty percent of Venezuelans have a Bachelors degree. Similarly, fifteen percent of Argentines have not graduated from high school and almost fifteen percent have a Bachelors degree. The figure for Bachelors degrees among Argentines is not quite as high as it is among non-Hispanics, but the difference may be mitigated by looking at the rate of people who have undertaken graduate studies. Fifteen percent of non-Hispanics have some graduate-level schooling, a percentage that is similar for the Argentinean population.

It is then the case that although non-Hispanics generally exhibit higher levels of education than Hispanics, Hispanics show some notable differences among themselves.³⁸ Further comparisons with the general American population also make this point. It is instructive to compare the levels of educational attainment of those who speak a language other than English at home with the general American population that is older than eighteen. Similar comparisons with regard to levels of fluency are irrelevant, since the general American population will naturally have a much higher degree of English fluency. Thus Table 4 drops the linguistic variable and shows the schooling level of those eighteen and older.

Just over ten percent of the general population has not finished high school, while seventeen percent has a Bachelors degree and almost ten percent has some graduate-level schooling. Clearly non-Hispanics who speak a language other than English at home are more educated at the higher end of the spectrum. In the new comparison, Central American groups generally still lag behind—with the notable exception of Costa Ricans, Nicaraguans and Panamanians. South Americans, however, generally compare well. For example, in terms of percentages, Colombians and Argentineans have very similar figures to the ones observed in the general population. Others, like Venezuelans and Chileans, actually excel at the two ends of the spectrum. Only ten percent of Venezuelans have not finished high school and fifteen percent have some graduate-level education. Likewise, roughly ten percent of Chileans have not finished high school and twelve percent have some graduate-level schooling.

The foregoing analysis shows that the general category of Hispanic masks significant differences. The level of English fluency and educational attainment varies for some of the subsets. While some of the subsets within the Hispanic category lag behind when compared to the standards of the general population, others do not. The largest subset within the Hispanic category, Mexicans, compares unfavorably with other subsets and the general population. Nonetheless, other subsets within the Hispanic category—for instance, Colombians, Costa Ricans, Argentineans and Venezuelans—compare very well with other groups that speak a language other than English at home and also with the general American population.

Assuming that English fluency and educational attainment are indicators of potential disadvantage, the conclusion is that since not all Hispanics are alike, the general statement that Hispanics are disadvantaged with regard to the general population conceals significant differences among Hispanics. Not all Hispanics are disadvantaged with regard to the general population.

3. VIABILITY OF GROUP POLICIES AND THE NEED FOR INTEGRATION

In the previous section, two justifications for Hispanic group rights and recognition, the need for linguistic accommodation and disadvantage with regard to other groups, were addressed. As was mentioned, Hispanics do not generally think of

³⁸ See Barbara Schneider, Sylvia Martinez and Ann Owens, “Barriers to Educational Opportunities for Hispanics in the United States,” in *Hispanics and the Future of America*, eds. Marta Tienda and Faith Mitchell (Washington D.C.: National Research Council, 2006), p. 180.

themselves as a homogeneous group with a common identity.³⁹ The group is indeed very diverse and defies common categorization. With regard to the need for linguistic accommodation, the majority of Hispanics speaks English, although the group as a whole still lags behind other non-English speakers. Additionally, the point on disadvantage shows disparities among Hispanic subsets. Some subsets, such as those who identify as having a Mexican origin, tend to be less educated and have lower levels of fluency than other groups, whereas other subsets—for instance, Colombians—tend to do quite well.

Summarizing so far, the following general conclusions can be drawn from the previous discussion:

- English is widespread among voting-eligible Hispanics, although notable deficiencies do remain
- Some subsets within the general Hispanic category show sharp deficiencies with regard to English proficiency and educational attainment, whereas others do not
- More generally, not all Hispanics are alike; so significant distinctions need to be made

On the basis of these three points, two questions then arise. The first question, which is the primary focus of this paper, has to do generally with the viability of Hispanic group rights and recognition as currently conceived and applied. The second addresses the point of whether group rights and recognition are the most effective means of integration.

3.a. Hispanic Group-Specific Rights and Recognition

As mentioned, one of the points emerging in the previous analysis is that not all groups contemplated under the Hispanic rubric are alike. Nonetheless, when enacting group policies towards Hispanics the operational assumption is that all Hispanics share relevant characteristics. Although it may be formally acknowledged that Hispanics are indeed a diverse group, the operational assumption for policy purposes is that they may be classified together.⁴⁰

The line of reasoning that justifies the assumption just mentioned has a certain pattern. There is presumably a group called “Hispanic” that has the following characteristics:

- a) It is cognizable and identifiable
- b) It has a certain status
- c) On grounds of (a) and (b), it is or ought to be accorded group-specific rights and recognition

³⁹ Some studies have found that due to certain political factors and circumstances, incorporation into American society creates incentives for people with a Latin-American background to identify as Hispanics or Latinos. See, for instance, Jose Itzigsohn and Carlos Dore-Cabral, “Competing Identities? Race, Ethnicity and Panethnicity among Dominicans in the United States,” *Sociological Forum*, 15, 2 (2000): 225-247. But although the process for consolidating a common identity is underway, it is far from clear whether there are relevant attributes that would allow for the individuation of Hispanics as a group with a common identity for public policy purposes.

⁴⁰ The belief also assumes that Hispanics share relevant characteristics with one another. For an in-depth discussion of Hispanic characterization and the criteria for the prospects of having a common identity, see Jorge J.E. Gracia, *Hispanic/Latino Identity: A Philosophical Perspective* (Oxford: Blackwell, 2000).

The evidence discussed in previous sections shows the limitations for each of these characteristics and presuppositions. With regard to the identification of the group, it was pointed out that, despite a common category, many of the people under the category have a variety of national origins, cultures and find themselves in different circumstances. Although it may be thought that Hispanics are characterized by the general lack of English proficiency, the evidence points to the fact that Hispanics do have high levels of English fluency, although as it has been continually pointed out, significant deficiencies do remain. The high level of proficiency among potential voters suggests, for instance, that the Hispanic voting population cannot be characterized or identified as a Limited English Proficiency population across the board. This fact in and of itself does not necessarily put into question the application of voting provisions towards Hispanics or the current standards for coverage under § 203 of the VRA.⁴¹ But it does challenge what seems to be one of the underlying assumptions for multilingual voting: that Hispanics are a linguistic group in need of linguistic provisions due to widespread proficiency limitations.

A considerable portion of Hispanics do not speak English, but the vast majority within the group does. Additionally, the rate of English-proficiency increases among those who are born in the U.S., as opposed to those who became naturalized citizens.

The question of English proficiency is also related to the second characteristic presupposition that is associated with Hispanics, namely status. Some Hispanics indeed have English-proficiency limitations, but not all or even the majority of Hispanics do. When it comes to the educational indicator, it was pointed out that people categorized under the Hispanic category show significant differences. While some subsets lag behind the general population, others do not. From this point, it may be concluded that some Hispanics have a disadvantaged status whereas others do not. The point may be put differently by saying that not all Hispanics share a common status.

The operational assumption behind the sets of policies and general approach towards the Hispanic group paints with a very broad brush. But if significant differences among subsets and members of the Hispanic group are taken into account, the picture of common deficiencies and homogeneity looks blurrier. The evidence indicates that, at one level, the English deficiency perception does not apply to the majority of Hispanics, while, at another level, significant differences and variations are characteristic of the group. It is then hard to point to a set of relevant characteristics that all Hispanics have in common in order to turn such a set of characteristics into the justification for a comprehensive group-policy approach.

The point of departure for any set of policies towards Hispanics needs to take these traits into account. Otherwise, by using a catch-all category, the group will be approached with the wrong operational assumptions. This general approach also runs the risk of masking the true deficiencies within the category. Not all Hispanics have a disadvantaged status, but a significant portion of them do. For those who do, it is necessary to assess the deficiency level, without the distortion of other Hispanics who are

⁴¹ Other objections made against § 203 of the VRA include the fact that multilingual ballots are costly. For an analysis of the costs incurred due to multilingual provisions, see *Bilingual Voting Assistance: Assistance Provided and Costs*. Report to the Honorable John Edward Porter, House of Representatives (Washington D.C.: General Accounting Office, 1997).

better off, and design policies to tackle the matters that need to be addressed. Some of the elements in need of attention include English proficiency and higher levels of education.⁴² To be more effective, the set of policies towards Hispanics with these goals in mind may have to be refined and retailored.

3.b. Effective Integration: Focusing on Achievement

It has been pointed out that current group policies do not do justice to the variety of groups within the Hispanic category. Thus these policies, in the form of group rights and public recognition, may presumably have to be narrowed down or diversified in order to target the group or set of groups at stake. Part of the targeting effort includes collecting data that would help to assess and create intervention strategies for different groups in multiple circumstances.⁴³ Taking those differences into account, the fact is that since some groups identified under the Hispanic rubric exhibit strong indications of underperformance, integrative measures are indeed necessary for individuals in those groups.⁴⁴

The question also arises whether simply narrowing down or diversifying the current group-rights and recognition strategy would be an effective means towards integrating immigrants. Although it is possible to ascertain that certain Hispanic groups show deficits with regard to education and fluency, a full assessment of potential integrative strategies would require a diagnosis for the causes of underperformance. Causes with regard to the lack of English proficiency may include pervasive networks in which a certain language, such as Spanish, is commonly used and proximity to the homeland, Mexico. In relation to the educational situation, causes may include the parent's educational culture, lack of English fluency, which then shows underperformance in standardized tests conducted in English, and lack of access to quality education. Suggesting and evaluating integrative strategies would also require a more precise diagnosis of who is to be integrated. Groups that show lack of English fluency, for instance, may be composed of large numbers of people who have no intention of remaining in the U.S. Given their intention, seasonal or guest workers would not then be the object of integrative measures. Workers of this kind raise questions such as whether and how guest-worker programs should be implemented. These questions, however, do not pertain to the matter of integration as such.

Exploring the causes for the current state of affairs and diagnosing more exactly the immigrant population to be integrated is beyond the scope of this paper. The purpose of this section, based on general assumptions, is simply to address the fact that given the deficits among certain subsets within the Hispanic category, integrative measures are necessary. To this effect, the suggestion will be made that an effective strategy of

⁴² A recent report on the Hispanic population emphasizes the need to invest in the educational attainment of Hispanics. *Multiple Origins, Uncertain Destinies: Hispanics and the American Future* (Washington D.C.: The National Academies Press, 2006), p. 14.

⁴³ "Barriers to Educational Opportunities," p. 195.

⁴⁴ Although the group, taken also as a whole, is giving indications of performing very well in some respects. According to a recent report by the U.S. Census, "the number of Hispanic-owned businesses grew 31 percent between 1997 and 2002—three times the national average for all businesses...." *Growth of Hispanic-Owned Businesses Triples the National Average*. Retrieved on March 23, 2006, <http://www.census.gov/Press-Release/www/releases/archives/business_ownership/006577.html>.

integration would have to focus not so much on group rights and public recognition as such, but rather on raising the level of achievement among immigrants and their children.⁴⁵

Some of the groups that were mentioned before clearly lag behind the general population. So, for instance, Mexicans have lower levels of English fluency than the rest of the population and other Hispanic subsets.⁴⁶ Assuming that many of the members of this category, namely Mexican, will remain in the U.S. as an immigrant population, it becomes paramount to focus on the sorts of policies that will close the achievement gap for future generations. The matter then is whether group rights and recognition represent the most effective means for achieving successful integration.

The topic of group rights and recognition has been extremely sensitive since measures of this kind were first enacted through provisions having to do with statutory protection, public recognition, affirmative action and bilingual education. Beyond the controversies created by these measures and the arguments favoring or detracting them, often lost in the debate are the reasons why measures of this kind are necessary.

Although some believe, with some justification, that the primary rationale for measures towards Hispanics has to do with civil rights, such a view does not take into account significant differences between groups that were historically disenfranchised and immigrants. A full discussion of civil rights applied to Hispanics needs more space than can be allotted in this context, but it is possible to point out a significant difference between the driving group behind the Civil Rights Movement, African Americans—and to a lesser extent the population of Hispanic origin in the Southwest—and Hispanics as a group consisting of many immigrants.⁴⁷

A set of circumstances in the Southwest towards the middle of the XX century made the discussion of civil rights towards Hispanics necessary. This necessity is evinced by the Supreme Court decision *Hernandez v. Texas*, which was handed down the same year as *Brown v. Board of Education*, namely 1954.⁴⁸

Nonetheless, the ensuing and growing Hispanic population that has generated a strong presence over the last four decades does not necessarily descend from the group of “Hispanos” in the Southwest.⁴⁹ Other groups, such as Cubans, follow from several migratory waves that began in the sixties and occurred under slightly different circumstances, such as the wave of people fleeing from the Castro regime in the sixties,

⁴⁵ It is necessary not to lose sight of the fact that Hispanics constitute to a very large extent an immigrant group. Roughly forty percent of the group is foreign-born. See Roberto R. Ramirez and G. Patricia de la Cruz *Hispanic Population in the United States: March 2002*. Population Characteristics (Washington D.C.: U.S. Census Bureau, 2003), p. 3.

⁴⁶ The situation is aggravated by the fact that Mexicans represent the largest portion of the Hispanic population. According to the 2000 Census, Mexicans constitute sixty percent of Hispanics. See Roberto R. Ramirez, *We the People: Hispanics in the United States*. Census 2000 Special Reports (Washington D.C.: U.S. Census, 2004), p. 3.

⁴⁷ For a discussion on group differences, see Nathan Glazer, *We Are All Multiculturalists Now* (Cambridge, MA: Harvard University Press, 1997), pp. 90-95.

⁴⁸ The references are respectively: 348 U.S. 886 (1954) and 347 U.S. 475 (1954).

⁴⁹ “Hispanos” in the Southwest, consisting of the descendants of Spanish settlers in the Rio Grande Valley, is the population described by the Truman commission report on civil rights released in 1947. See *To Secure These Rights: The Report of President Harry S. Truman’s Committee on Civil Rights* (Boston, MA: Bedford/St. Martins, 2004), p. 57. The report also describes the state of discrimination towards people of Latin-American background in Texas that led to a case such as *Hernandez v. Texas*, p. 69.

and the Marielito boatlift in the eighties.⁵⁰ Other groups are even more recent, Salvadorians, Colombians and Dominicans. It is also necessary to consider that some people sharing the same national origin have generational gaps. People of Mexican origin, for instance, may have been in the U.S. for several generations, but this population is different from posterior waves of Mexican migrants, some of whom crossed the border without authorization or overstayed their visas and became illegal migrants. Due to the growth of the Hispanic population by way of migration, the population as such consists of many immigrants. The application of the civil rights model to Hispanics is not always clear. Hispanics should be seen as a primarily immigrant group. As such, the group should be approached through the lens of integrative policies that are often necessary for immigrant groups.⁵¹

If Hispanics should be seen, to a large extent, as an immigrant group, it is also necessary to focus on the primary goal of policies towards immigrants. The goal is integration. More specifically, with regard to Hispanics, the purpose of integrative policies is to raise the level of achievement among underperforming members.⁵² Raising the level of achievement that leads to access to greater educational opportunities and living standards is one of the motivations behind preferential treatment towards groups by way of grants and group-specific policies.

It is, however, necessary not to lose sight of the paramount goal for underperforming individuals and even groups. The primary objective is *achievement*. To this effect, the question of whether groups, and which ones, are effectively entitled to rights and recognition becomes secondary. Rights and recognition, when applicable, are instrumental channels that should lead to what is the primary propeller of integrative policies, namely, achievement. This focus on how subsequent generations of Hispanic immigrants ought to be performing should then be tested by questions such as:

- Are immigrant's children becoming more educated?
- Are they acquiring the necessary English skills for becoming competitive in the workplace?

Given the point of departure, the viability of group rights and recognition towards Hispanics, should then be evaluated not only by whether the measures reflect a group accurately, which as has been pointed out is not the case with regard to Hispanics. Group rights and recognition should also be assessed by their ultimate purpose, which is the integration of Hispanics, understood as increased levels of achievement for the children of Hispanic immigrants.

⁵⁰ For a succinct reference on migratory waves from Cuba, see Rolando García Quiñones, *International Migrations in Cuba: Persisting Trends and Changes*, Sistema Economico Latinoamericano y del Caribe (SELA). Retrieved on May 8, 2006, <http://www.sela.org/public_html/AA2K2/eng/docs/coop/migra/spsmirdi12-02/spsmirdi12--02-0.htm>.

⁵¹ When thinking of Hispanics it is then necessary to raise questions having to do with both immigration and immigrant policies. For background on the two kinds of policies, see Louis DeSipio and Rodolfo O. de la Garza, *Making Americans, Remaking America: Immigration and Immigrant Policy* (Boulder: Westview Press, 1998).

⁵² The underperformance of Hispanics presents a parallel with another previous immigrant group, Italians, who were also at one point in time characterized by underperformance. Abigail Thernstrom and Stephan Thernstrom, *No Excuses: Closing the Racial Gap in Learning* (New York: Simon & Schuster, 2004), pp. 100-102.

4. CONCLUSION AND RECOMMENDATIONS

After surveying various ways in which group rights and recognition are extended to the Hispanic group, the question was raised whether such a group-specific approach was justified with regard to Hispanics. It was concluded that the operational assumptions for the group-specific approach are more limited than is commonly assumed.

Although still showing some deficiencies in relation to the English language, the majority of voting-eligible Hispanics speaks English. With the specific application of linguistic provisions for voting purposes, the notion that Hispanics are a linguistic group with widespread deficiencies and limitations is not entirely accurate. Despite deficiencies, the group of potential Hispanic voters is largely English-speaking.

Additionally, not all Hispanics share the same status. The group of Hispanics with limited English proficiency is primarily confined to certain subsets within the Hispanic category—for instance, Mexicans. Not all Hispanics, or subsets within the general category, show deficiencies with respect to English proficiency. The same condition of variation applies to Hispanics and their educational level.

It was further pointed out that, given the evidence, the catch-all Hispanic category and group-policy approach, as currently conceptualized, fails to make important distinctions and thus may not be the most effective way of addressing authentic deficiencies within the Hispanic group. Finally, it was suggested that policies designed to address deficiencies among subsequent Hispanic generations should focus on their primary integrative propeller, namely achievement.

By way of summary and conclusion, three interrelated recommendations are made. It is crucial to:

- Keep sight of the fact that the ultimate goal of policies towards Hispanics is economic, social and political integration by way of achievement
- Distinguish the subsets under the Hispanic rubric and determine whether the group, or set of groups, at stake would need and derive benefits from certain measures
- Explore alternative approaches of integration to the current one consisting of comprehensive and catch-all group rights and recognition

The final goal is to design and implement policies and strategies that acknowledge the different circumstances of Hispanic individuals and subsets with an eye towards full integration and the possibility of achievement in American society.

Examining Hispanic Rights and Recognition: Towards Successful Integration

Table 1

English Proficiency Level of U.S. Citizens Eighteen and Older of Hispanic Origin*

	TOTAL	%	English**	%	No English***	%
Citizen TOTAL	194,468,083	100	190,186,855	97.8	4,281,228	2.2
Hispanic	15,543,331	100	12,770,479	82.2	2,772,852	17.8
Non-Hispanic	178,924,752	100	177,416,376	99.2	1,508,376	0.8
Birth Citizen****	182,440,721	100	180,149,566	98.7	2,291,155	1.3
Hispanic	11,776,939	100	10,073,251	85.5	1,703,688	14.5
Non-Hispanic	170,663,782	100	170,076,315	99.7	587,467	0.3
Naturalized Citizen	12,027,362	100	10,037,289	83.5	1,990,073	16.5
Hispanic	3,766,392	100	2,697,228	71.6	1,069,164	28.4
Non-Hispanic	8,260,970	100	7,340,061	88.9	920,909	11.1

Source: Decennial Census, Public Use Microdata Sample 5%

Table 2

English Proficiency Level of all U.S. Citizens of Hispanic Origin⁺

	TOTAL	%	English ⁺⁺	%	No English ⁺⁺⁺	%
Citizen TOTAL	264,723,196	100	259,110,497	97.9	5,612,699	2.1
Hispanic	27,092,185	100	23,315,785	86.1	3,776,400	13.9
Non-Hispanic	237,631,011	100	235,794,712	99.2	1,836,299	0.8
Birth Citizen ⁺⁺⁺⁺	252,144,080	100	248,558,031	98.6	3,586,049	1.4
Hispanic	23,132,855	100	20,450,103	88.4	2,862,752	11.6
Non-Hispanic	229,011,225	100	228,107,928	99.6	903,297	0.4
Naturalized Citizen	12,579,116	100	10,552,466	83.9	2,026,650	16.1
Hispanic	3,959,330	100	2,865,682	72.4	1,093,648	27.6
Non-Hispanic	8,619,786	100	7,686,784	89.2	933,002	10.8

Source: Decennial Census, Public Use Microdata Sample 5%

* Does not include Puerto Ricans.

** Includes native English speakers and those who speak English “very well” and “well.”

*** Includes those who speak English “not well” and “not at all.”

**** Includes people who were born in the U.S. and those born abroad from American parents.

⁺ Does not include Puerto Ricans.

⁺⁺ Includes native English speakers and those who speak English “very well” and “well.”

⁺⁺⁺ Includes those who speak English “not well” and “not at all.”

⁺⁺⁺⁺ Includes people who were born in the U.S. and those born abroad from American parents.

Examining Hispanic Rights and Recognition: Towards Successful Integration

Table 3

Educational Attainment and English Proficiency (1000s) for Hispanic Population Eighteen and Older that Speaks a Language other than English at Home

	TOTAL	%	No HS Degree	%	HS Degree	%	Some College	%	BA Degree	%	Grad	%
TOTAL	39,659	100	12,585	32	9,688	24	8,440	21	5,476	14	3,469	9
English*	28,383	100	5,838	21	7,128	25	7,387	26	4,816	17	3,212	11
No English**	11,277	100	6,747	60	2,560	23	1,053	9	660	6	257	2
Not Spanish/Hispanic/Latino	18,225	100	3,110	17	3,924	21	4,348	24	4,039	22	2,804	15
English	14,940	100	1,848	12	2,994	20	3,859	26	3,616	24	2,623	18
No English	3,285	100	1,263	38	929	28	489	15	422	13	181	6
Mexican	13,183	100	6,811	52	3,425	26	2,143	16	578	4	226	2
English	7,693	100	2,742	36	2,443	32	1,831	24	476	6	202	3
No English	5,489	100	4,068	74	982	18	313	6	102	2	24	0
Puerto Rican	1,949	100	618	32	601	31	476	24	169	9	85	4
English	1,638	100	423	26	523	32	450	28	159	10	83	5
No English	310	100	194	63	78	25	26	8	10	3	2	1
Cuban	1,018	100	259	26	274	27	255	25	140	14	90	9
English	632	100	78	12	164	26	208	33	107	17	75	12
No English	385	100	181	47	110	29	47	12	33	9	15	4
Dominican	680	100	262	39	187	28	150	22	58	9	23	3
English	394	100	93	24	117	30	118	30	50	13	17	4
No English	285	100	169	59	70	25	32	11	7	2	7	2
Costa Rican	78	100	14	19	24	31	21	26	15	19	4	5
English	58	100	9	15	14	25	18	30	13	23	4	7
No English	20	100	6	29	10	50	3	14	1	7	0	0
Other Central American***	1,874	100	909	49	489	26	329	18	110	6	38	2
English	988	100	286	29	315	32	273	28	82	8	32	3
No English	886	100	623	70	174	20	56	6	27	3	6	1
Argentinean	125	100	19	15	39	31	32	25	18	14	17	14
English	93	100	9	10	23	25	27	29	17	19	16	18
No English	31	100	10	31	16	50	4	13	0.8	2	1	4
Colombian	456	100	67	15	147	32	128	28	73	16	42	9
English	328	100	32	10	92	28	107	33	61	19	36	11
No English	129	100	35	27	55	43	21	16	12	9	6	5
Venezuelan	117	100	11	10	24	21	31	27	32	27	19	16
English	91	100	6	7	13	14	28	31	26	29	18	19
No English	25	100	5	18	11	45	3	11	5	22	1	5
Spaniard	110	100	18	16	29	27	32	29	19	17	12	11
English	103	100	17	16	25	24	32	31	17	17	12	12
No English	7	100	1	15	4	59	0.8	11	1	16	0	0
Other South American****	779	100	149	19	225	29	223	29	127	16	54	7
English	531	100	60	11	139	26	186	35	100	19	46	9
No English	248	100	89	36	86	35	38	15	27	11	8	3
All other Hispanic	1,066	100	339	32	300	28	272	26	100	9	55	5
English	891	100	236	27	266	30	250	28	89	10	49	6
No English	175	100	103	59	34	20	22	13	11	6	5	3

Source: 2004 American Community Survey, Public Use Microdata Sample

* Includes those who speak English “very well” and “well.”

** Includes those who speak English “not well” and “not at all.”

*** Includes Guatemalan, Honduran, Nicaraguan, Panamanian, Salvadoran and Other Central American.

**** Includes Bolivian, Chilean, Peruvian, Uruguayan and Other South American.

Examining Hispanic Rights and Recognition: Towards Successful Integration

Table 4

Educational Attainment (1000s) for Hispanic Population Eighteen and Older

	TOTAL	%	No HS Degree	%	HS Degree	%	Some College	%	BA Degree	%	Grad	%
TOTAL	212,796	100	35,240	17	63,893	30	60,767	29	34,275	16	18,531	9
Not Spanish/Hispanic/Latino	186,236	100	24,775	13	56,592	30	54,982	30	32,244	17	17,643	10
Mexican	16,394	100	7,488	46	4,495	27	3,187	19	897	6	326	2
Puerto Rican	2,579	100	733	28	793	31	687	27	247	10	120	5
Cuban	1,140	100	277	24	305	27	291	26	164	14	103	9
Dominican	720	100	269	37	196	27	163	23	65	9	27	4
Costa Rican	91	100	16	18	26	29	24	26	19	21	6	6
Guatemalan	503	100	252	50	136	27	81	16	24	5	10	2
Honduran	276	100	130	47	72	26	50	18	17	6	5	2
Nicaraguan	180	100	42	23	56	31	49	27	23	13	10	5
Panamanian	89	100	9	11	25	28	31	34	18	20	6	7
Salvadoran	856	100	471	55	205	24	132	15	39	5	9	1
Other Central American	80	100	25	31	22	28	22	28	5	7	5	7
Argentinean	140	100	20	14	42	30	38	27	21	15	19	14
Bolivian	70	100	10	15	10	15	29	42	15	21	6	8
Chilean	81	100	9	11	22	28	26	32	14	17	10	12
Colombian	511	100	71	14	163	32	143	28	87	17	47	9
Ecuadorian	332	100	90	27	90	27	97	29	39	12	16	5
Peruvian	305	100	36	12	97	32	86	28	62	20	25	8
Uruguayan	33	100	9	28	11	34	6	19	5	15	1	4
Venezuelan	123	100	11	9	26	21	33	27	34	27	19	16
Other South American	53	100	5	10	14	26	16	31	12	22	6	11
Spaniard	275	100	35	13	80	29	92	34	45	16	22	8
All other Hispanic	1,730	100	455	26	504	29	502	29	180	10	89	5

Source: 2004 American Community Survey, Public Use Microdata Sample