

Harvard Kennedy School

JOURNAL OF HISPANIC POLICY

A Harvard Kennedy School student publication

Volume 32

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Editor's Note

We are at a critical inflection point in the history of the United States. In 2020, we will be conducting a nationwide census and electing a new president. The outcomes of these processes will influence the trajectory of this nation and the lives of millions of Latinxs.

According to the Pew Research Center, a growing share of Latinxs say that the community's situation worsened after 2016. Perhaps one of the most indicative manifestations that the growing concern is real came to pass in the summer of 2019. A young man shot and killed 22 individuals in the community of El Paso, Texas. Before the attack, the young man posted a document online that tied his attack to an effort to defend his country against the "[Latinx] invasion of Texas." Although the individual is being tried for a federal hate crime and is likely to be convicted, the event has made its imprint in the Latinx community, which has been the target of White supremacist rhetoric and policy in recent years. Despite being targeted, our community has not bowed its head. In fact, the same Pew Research Center study shows that Latinxs are becoming more politically engaged. At the journal, we believe in the power of civil society to change the course of history, especially at the critical juncture in which we find ourselves.

To foster conversation around this topic, we chose "Latinx Power and Representation" as the theme of our 32nd volume. This issue of the journal will highlight timely policy issues at the center of Latinx political power. The volume intends to offer a perspective on the challenges and opportunities facing different groups within the Latinx community to achieve, reclaim, and exercise power in today's context.

Among some of our pieces are Dr. Magdalena Martinez's piece, "The Unfolding of Latinx Political Power in Nevada," which is a must-read case study that will enable readers to better understand how demographic changes, especially within schools, have become a catalyst for Latinx political awakening. In an exclusive interview for the journal, California Secretary of State, Alex Padilla, shares his perspective of the political transformation that California experienced after Proposition 187 and gives us advice on how Latinxs can increase their representation in the political arena. In another featured article, the Congressional Hispanic Staff Association (CHSA) provides a critical take on the lack of diversity in Congress and offers concrete

policy proposals to improve the representation of Latinxs that staff legislative offices and powerful committees on Capitol Hill. Overall, we have carefully selected each piece to provide insightful commentary and research insights, and we hope that this volume fosters conversation on the opportunities and challenges facing the Latinx community.

We are thankful for the executive advisory board members for their continued dedication to the journal staff. A special thank you to Gail Smith, our board's chair, for her continued support and guidance to the journal's leadership team. We would also like to thank Martha Foley, assistant director of student services, and Professor Richard Parker, our faculty advisor, for their continued dedication to student-run policy journals at the John F. Kennedy School of Government at Harvard University.

Finally, we are also grateful for the support of our entire editorial team. You all have poured your hearts into this journal, and we are sincerely grateful for your strength and dedication in serving Latinx and Hispanic communities at Harvard University and beyond. Our experience leading the *Harvard Kennedy School Journal of Hispanic Policy* would not have been the same without all of you. Lastly, thank you to our dedicated readers: you sustain our hope about the future of our community.

Please find more information about the *Harvard Kennedy School Journal of Hispanic Policy* on our website: <http://hjhp.hkspublications.org/>

Con Fuerza,
Bryan Cortes & Rodrigo Dorador
Co-Editors in Chief, 2019-2020

Commentary

Why the Supreme Court's DACA Decision Will Determine Whether People like Me Matter



Antonio Arellano is the interim executive director of Jolt, the largest Latino progressive organization in Texas, focused on building the political power and influence of young Latinos. Antonio is a proven human rights advocate, whose efforts have resulted in the engagement and mobilization of thousands of young Latino voters in Texas. Named one of the most influential Latinos in the United States by Hispanicize, Antonio's social media accounts reach a combined 100 thousand millennial voters. He uses his voice and platforms to encourage young Latinos to make systemic change on racial, immigration, economic, environmental, and gender

Antonio Arellano

justice issues through leadership development and advocacy. Antonio's consistent innovation has garnered national attention, and he has been featured in MSNBC, the *Washington Post*, Huffpost, and *USA Today*. Discover more about Antonio here: www.antonioarellano.com.

The Supreme Court has an important decision to make this sitting: whether people like me matter. As a gay DACA recipient, the nine justices will determine what rights I deserve in the country I call home, the country that once protected me but is now willing to betray me because of who I love and where I come from.

The landmark decision legalizing gay marriage nationwide in the summer of 2015 gave me hope and reminded me of the brilliance of

our democratic experiment. This moment, which for so many, marked an advancement in humankind, was short lived. Almost immediately after this victory, it was eclipsed by relentless attempts to intimidate and strip LGBTQ people of our human rights.

Having to navigate a life of rejections, discrimination, and humiliation as a gay Latino in Texas was only compounded by my immigration status. This continuous battle seemed to temporarily improve with the implementation of the Deferred Action for Childhood Arrivals (DACA) program in June 2012.

When it was announced that the court would hear the cases to rescind DACA and LGBTQ discrimination within months of each other, I was spurred back into action, with the vivid images of our past protests for liberty still fresh on my mind. After years of making our demands for equality heard, we will be either silenced or affirmed by a potential 5-4 decision.

Our country deserves permanent solutions regarding DACA and LGBTQ discrimination. These Supreme Court cases are just the culmination of America's ongoing fight with its bigoted system. Marginalized communities have been taught to rely on the court to protect their rights and to protect them from being harmed by law enforcement officers in New York (Stonewall) and here in Texas (Rangers). We have been told to

rely on the court while lawmakers in Congress sit on bills like the Equality Act and Dream Act, which would deliver real solutions. America must reject discrimination and racism and embrace diversity and equality.

As the court hears the opening arguments in these cases, violent acts are on the rise against immigrants and hate crimes against transgender women. Over 20 transgender or gender non-conforming people have been fatally shot or killed by other means in 2019, and there is still a month left to go, according to the Human Rights Campaign. Among those killed is Johana "Joa" Medina, a 25 year old who died at a hospital in El Paso hours after she was released from ICE custody. She dreamed of working as a certified nurse in the United States after being unable to practice as a transgender woman in her home country. Fellow Latina, Layleen Polanco, is a 27 year old who was found dead in a cell at Rikers Island. She was described as a "sweet," "generous," and "amazing" person by those who knew her.

Coretta Scott King once said, "Struggle is a never-ending process. Freedom is never really won, you earn it and win it in every generation." Amidst the anti-Latino and anti-immigrant sentiment that has permeated the country, there has never been a more critical time to fight for our dignity, our rights, and our freedom.

Searing discrimination toward the LGBTQ community and unabashed racism against Latinos is as American as apple pie. The earliest cases of discrimination stem from early disputes over Spanish and Mexican territories, but LGBTQ Latinos are particularly vulnerable to workplace exploitation, immigration policies, and hate crimes. Despite continuous setbacks on the journey to equality, LGBTQ Latinos haven't shied away from making their voices heard. This marginalized subgroup has great role models in individuals like José Julio Sarria, the first openly gay candidate for public office in the United States; Sylvia Rivera, a bisexual and transgender rights activist credited with starting the Stonewall Riots; and Gloria Anzaldúa, a renowned Chicano history scholar and lesbian rights advocate. Despite insurmountable progress, work still lies ahead, and it is up to the new generation of LGBTQ advocates to continue the good fight.

Now, the future of young undocumented people with hopes and dreams of changing the lives of their families, their communities, and the country lies with the nine justices of the Supreme Court. By deciding who gets protection and who doesn't in this country, they will effectively decide what the future of this country will look like. America must propel humankind toward a future of inclusion where differences such as social status

and gender identity are set aside for the common good. We live in an increasingly divisive time, and this decision will be key in setting the stage on whether we will continue divided or will work toward unity and a common vision for the pursuit of life, liberty, and justice for all.

America must make amends with the past and recognize the progress of society. This starts by recognizing and appreciating the diversity and equality that makes us great. Our country's Constitution begins with the words "We the People." By upholding the rights of LGBTQ and undocumented people, the Supreme Court will finally make "We" more like me.

Be Counted in Our Democracy: 2020 Census and the Latinx Community



Teresa Acuña

Teresa Acuña is associate director of the Ash Center's Democratic Governance program at the John F. Kennedy School of Government at Harvard University, where she bridges practice, technology, and academia to build sustainable democracies.

For over ten years, Teresa has worked at the state and national levels in a variety of policy, political, and governance roles, most recently director of policy and leadership programs at the National Hispanic Leadership Agenda in Washington, DC, a premier coalition of the nation's 40 leading organizations advocating on behalf of Latinos in the United States. Teresa managed a national effort to increase diversity

in presidential appointments and in elected office.

She served as legislative director to Congressional Representative Gloria Negrete McLeod and as legislative director to California State Assemblymember Luis Alejo, where she managed a broad progressive policy agenda. A former California State Senate Fellow and legislative aide to California State Senator Gilbert Cedillo, she helped usher legislation that sought to diminish social and civil inequalities. She has also been involved in numerous electoral campaigns across the country.

Teresa graduated from the John F. Kennedy School of Government at

Harvard University with a master's in public administration and from San Diego State University with a bachelor's of arts in political science and Chicana/o studies. She sits on various nonprofits' boards, including New American Leaders.

The Census is a vital but often overlooked civic action in our democracy. For the Latinx community, participation in the upcoming Census will have long-term consequences. Their participation will determine how effectively they are represented in Congress and state legislatures and how services for their community are funded. Therefore, it is critically important that measures be taken to ensure Latinx households self-report in the Census and be counted.

Why Does the Census Matter?

Mandated in the United States Constitution, the founders enshrined the notion of counting every person living in the country for purposes of determining political representation. Since 1790, the Census has been held every ten years, requiring all persons that reside in the country, irrespective of citizenship or residency status, to participate.

The Census aims to create equal distribution of power and is used for reapportionment, a process that redistributes the number seats a state

receives in the House of Representatives. While each state is allotted two seats in the US Senate, the number of representative seats fluctuates based on the state's population. Predicated on the principle of one person, one vote, every congressional district must have equal population size for purposes of representation. The same principal holds for the apportionment of state legislative seats, requiring redistricting of congressional districts and state legislative districts to follow every decennial Census. An undercount of a population diminishes a community's influence in Congress, state legislatures, and other governmental bodies.

The Census provides us with greater insight into how individuals and communities perceive their identities. It produces one of the largest datasets reflecting the people living in the United States and its territories. Through the Census, policymakers, businesses, and academics are provided with wide-ranging data that help guide the allocation of federal aid, government services, and other resources. For example, in 2017, 316 federal spending programs relied on Census data to allocate \$1.5 trillion to state and local governments, nonprofits, businesses, and households.¹ These programs funded communal resources such as roads, fire stations, and schools as well as aid to individuals such as child care

and nutrition benefits. An accurate Census helps ensure that funding is properly allocated to communities that need it most.

Given that money and power are at stake, an accurate count of all people is necessary for fair allocation of resources and representation in our democracy.

Hard-to-Count Communities and Census Challenges

A challenging reality of the Census is that there are communities that are considered hard to count and are therefore underrepresented in the Census. Some of these communities have long been underrepresented in the Census, while others are just now experiencing real or perceived barriers to participation.² An individual's likelihood of responding to the Census can vary greatly depending on their race, ethnicity, immigration status, type of home dwelling, or income level, among other factors. Moreover, new collection methodologies can also impact response rates, and the Census Bureau has bolstered its efforts to collect data online.

To reach hard-to-count populations, the Census Bureau must deploy a variety of innovative methods. This means robust outreach, multiple mailers, and in-person enumerators to follow up with non-respondents. However, the federal government's underinvestment in the Census has been

a major concern for some state and local officials as well as for advocates of hard-to-count populations. Some states and local municipalities have responded to the federal government's lack of funding by investing their own funds to ensure a complete count.

California, which houses a high number of hard-to-count communities including a large Latinx population, will invest over \$150 million of state funding to ensure an accurate count.^{3,4} It is a modest and worthwhile investment given the federal dollars it risks losing through an undercount of its residents. However, 24 states will not make similar investments, including Texas, another state with a high number of Latinx residents.⁵

Undercounting the Latinx Community

In the 2020 Census, the Latinx community faces an acute risk of being undercounted, which risks further contributing toward the community's underrepresentation in the halls of power as well as depriving the Latinx community of critical federal investments it needs.

As of 2018, there were approximately 59.9 million members of the Latinx community living in the United States and its territories, which represents one the largest and fastest-growing demographic groups in the country.⁶ Yet, for the 2020 Census, the Latinx community makes up one

in every three hard-to-count census tracts, and when individuals are not counted, entire communities are impacted.

While there are a variety of factors contributing to the potential underrepresentation of the Latinx community in the 2020 Census, there are several factors that exacerbate the community's vulnerability to an undercount.

* High proportion of undercounted population: Latinx children. Historically, the Census struggles to capture the accurate number of children living in the United States. However, young Latinx children are more likely to go uncounted than their non-Hispanic counterparts.⁷ In the 2010 Census, Latinx children between the ages of 0 and 4 accounted for 30 percent of the undercounted group.⁸ As a result, states and local governments lost critical federal funding for the education, nutrition, and health care services meant for these children and their families. There are a variety of reasons this population is difficult to count. For example, some children may not be counted because they live in linguistically isolated households, nontraditional family settings, or with extended family such as grandparents or unrelated adults. Some forms of housing also impact the likelihood of being undercounted, as people living in rental properties or multi-family dwellings are more likely than single-family homes to

be undercounted.

* Language barriers preventing participation. Achieving an accurate count requires participants to understand the questions and messaging intended to encourage participation. While the online Census will offer materials in 13 different languages, the forms will only be available in English and Spanish. The usage of non-English materials will play a critical role in bolstering participation, as 30 percent of all Hispanics residing in the United States report they do not speak English "very well."⁹ Yet, while Census materials will be available in Spanish, there are language variances within the Latinx population, and lower levels of literacy among immigrant communities may require additional interventions.¹⁰

* Socioeconomic status and educational attainment. Communities with higher income levels and educational attainment are less likely to be undercounted in the Census. However, poverty within the Latinx community is pervasive—21 percent of the Latinx community lives in poverty, while over 60 percent of Latinx individuals only have a high school degree or never completed high school.¹¹

* Immigration status and political climate. When our founders mandated the federal government conduct a census, they did not restrict participation to citizens. In spite of the Trump administration's unsuccessful

attempt to add a citizenship question, it is essential that every single person residing in the United States have an opportunity to participate in the 2020 Census. However, for many undocumented immigrants living in fear of deportation, as well as those living in mixed-status homes, the fear of exposure may contribute toward a sense of apprehension in participating in a government-led survey. Within the US Latinx community, 34 percent of individuals are foreign born, and over 70 percent of undocumented immigrants are from Latin America.^{12,13} While the Census adheres to Title 13 of the United States Code, requiring strict confidentiality of respondents information, often these communities are not aware of the confidential nature of the surveys, and the current political climate may not quell the concerns and distrust felt by immigrant communities.¹⁴ The Trump administration's vocal hostility toward immigrant communities, as well as the potential for workplace raids, further increases fears among immigrants hesitant to participate in the Census.¹⁵

* Nontraditional living arrangements. The type of dwelling a person lives in also impacts their ability to participate in the Census. Within the Latinx community, there are various nontraditional living arrangements to consider, such as immigrants participating in migratory or seasonal

work.¹⁶ In addition, Latinx families are less likely to own homes and instead may live in nontraditional living arrangements or low-visibility housing. Those who rent may also be at risk of being undercounted as, according to the Census, renters are less likely to respond because they are more mobile.¹⁷

* The digital divide and lack of digital literacy among the Latinx community. As a cost-saving measure, the Census Bureau is encouraging participants to reply online. Yet, not all communities have access to broadband internet, nor do all individuals have the digital literacy needed to participate in the online Census. While one-third of Americans lack access to broadband services, approximately 53 percent of Latino households lack access or experience limited access to home broadband services.¹⁸ Yet, even if a Latinx household can afford broadband internet, they may live in a rural community that struggles to close the digital divide. Given the disparities in digital literacy among the Latinx community, substantial online participation in the Census may not be a realistic expectation. This may explain why, when compared to other groups, Latinx individuals are more likely to prefer completing the Census through traditional paper forms, with 75 percent of Latinx individuals saying they would prefer to respond to the Census on paper questionnaires.¹⁹

Complexities around the 2020 Census

The Census is continuously evolving. Leading up to the release of the 2020 Census, two proposed changes spurred debate for their potential impact on Latinx participation.

The Race & Ethnicity Question

The Census Bureau collects information on participants' race and ethnicity for purposes of enforcing race-based protections, such as anti-discrimination laws. But for many groups the racial and ethnic categories do not reflect their self-identities. The Census asks these questions in two parts: first, the participant is asked to self-identify their ethnicity, then the participant is asked to self-identify their race.

For the Latinx community, questions around race and ethnicity are complex and stem from differences in language, culture, generations, and histories rooted in colonization. The Latinx population is not a monolith, and each individual person views their self through a unique ethnocentric lens that may not be shared by the entire group.²⁰ For example, the same respondents who identify as Hispanic, Latino, or Spanish under the ethnic question may choose two different races. Some Latinx may identify with their European roots and choose White as their race, while others may identify with their African roots and choose Black as their race.

In the 2010 Census, the race question confounded the Latinx community, and nearly 50 percent chose “some other race or two or more races.” The Census Bureau reports that testing the combined race and ethnicity question led to higher accuracy and lower non-response to the race question.²¹ Despite the opportunity to improve the Census accuracy, the Trump administration denied requests to combine the race and ethnicity question, continuing the practice of offering two separate questions that lead to less-accurate identification and misrepresentation of the Latinx diaspora.

Trump Administration and the Citizenship Question

In 2018, the Trump administration formally announced its intention to add a citizenship question to the 2020 Census for the first time in over 50 years. This question was previously removed by the Census Bureau, as it was found to result in an inaccurate count that disproportionately affected people of color.²² The Department of Commerce Secretary Wilbur Ross maintained that the citizenship question was necessary to enforce the Voting Rights Act of 1965. However, in 2017, internal documents from Kansas Secretary of State Kris Kobach, a member of President Trump's now-defunct Voter Fraud Commission pointed to another motive, saying that “aliens .

... are still counted for congressional apportionment purposes.”²³ In light of the leaked documents, a likely motive for the citizenship questions was to purposely exclude noncitizens from the Census, impacting the population numbers from which redistricting lines are drawn and helping red-state legislatures draw districts that benefit Republicans.

Advocates and states with large hard-to-count populations were concerned that the citizenship question would suppress communities with large undocumented populations from completing the Census.

According to random controlled trials conducted at the John F. Kennedy School of Government at Harvard University, asking a citizenship question greatly suppressed participants of Hispanic origin.²⁴

They concluded:

[A]sking about citizenship status significantly increases the percent of questions skipped, with particularly strong effects among Hispanics, and makes respondents less likely to report having Hispanic household members. Aggregating this to the national level suggests that asking a citizenship question may lead to an undercounting of Hispanics of between 5,761,284 and 6,382,820 in the 2020 Census (based on 2010 figures).²⁵

Fearing the citizenship question would lead to an inaccurate count,

states took to the courts to stop the Trump administration from including it in the 2020 Census.

In 2019, the Supreme Court ruled in *Department of Commerce v. New York*, rejecting the Department of Commerce’s claim that the question would be used to enforce the Voting Rights Act of 1965.

While a citizenship question will not appear on the 2020 Census, a chilling effect remains among participants already distrustful of the survey. It is not clear what lasting damage the proposed question will have for the Latinx count, but for undocumented immigrants and households with a mixed immigration status, the fear of the Census continues.

What Is at Stake for the Latinx Community?

As a fast-growing population in the United States, the Latinx community is entitled to greater political representation and equitable funding. That is why the potential undercount of the Latinx community in the 2020 Census could have devastating long-term effects.

* **Loss of political power and representation.** Census data are used to form federal, state, and local district boundaries around an equal number of people for the purposes of political representation. This is to realize equal political power among every individual. If there is an undercount of

the Latinx population, their political power is diluted in a representative democracy.

An undercount of the Latinx population will impact federal funding for various programs the Latinx community relies on:

* **Food and Nutrition.** In 2016, Latinx households accounted for one-fifth of Supplemental Nutrition Assistance Program (SNAP) beneficiaries, resulting in approximately \$16 billion in funding.²⁶ In 2015, Latinxs accounted for 63 percent of participants enrolled in Special Supplemental Nutrition Program for Women, Infants and Children (WIC).²⁷ In 2005, Latinx children made up 24 percent of all National School Lunch Program (NSLP) participants.²⁸

* **Healthcare.** In 2013, Latinxs made up 25 percent of Federal Medical Assistance Program (Medicaid) recipients,²⁹ while in 2010, Latinx children accounted for 23 percent of enrollees in Medicaid/Children's Health Insurance Program (CHIP).³⁰

* **Education Funding.** In 2015, the Census helped determine \$14 billion in funding for Title I grants, \$11 billion for special education grants to states, and \$8 billion for Head Start, respectively. With one-third of the Latinx community under 18 years old, investments in educational programs like these have tremendous economic potential.³¹

How Do We Ensure Latinx Participation in the 2020 Census?

Improving quality of life within the Latinx community depends upon proportional representation in the 2020 Census. Below are recommendations that strive to ensure the 2020 Census accurately captures the size of the Latinx community.

* **Education on Census.** Education will be key to informing respondents of the benefits of completing the Census and allaying the fears around it. Doing so will require sharing information on how the Census informs political representation and federal funding. Moreover, education should focus on addressing the legitimate fear respondents feel around sharing their personal information. Respondents must know not only that their information will be kept confidential by the Census Bureau but also that there are a variety of methods available by which they can respond.

* **Outreach by trusted messengers.** Who is messaging and educating the Latinx community about the 2020 Census is equally important. Assuaging fears and creating excitement in responding are best conveyed by trusted messengers within hard-to-count communities. Family, community leaders, local governments, businesses, and community-based organizations are best suited to educate Latinx communities about the

Census and convey it in culturally competent ways.

* **Media leverage.** Creative and efficient use of media can help deliver important Census information to a large number of people. Investing in ethnic media to convey this information in culturally appropriate ways will help capture persons in non-English-speaking media markets. Creatively using social media to geotarget messaging may also raise awareness and enthusiasm within the Latinx community.³²

* **Full funding assurance.** Achieving a full count will require a variety of outreach methods to speak to hard-to-count populations. For that reason, federal and state governments must increase funding for the Census, which will help ensure there are sufficient funds for paid media and for part-time Census takers to follow up with residents who have not yet responded to the Census.

The 2020 Census will prove to be a pivotal moment for the Latinx community to define themselves as well as provide an opportunity for the Latinx community to secure equitable representation and resources. By being counted, Latinx people increase their visibility among power structures, forcing their needs and wants to be considered. The fate of this community's future rests on the actions it takes today.

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Feature

Still Unrepresented: A 10-Year Look at the Diversity Crisis on Capitol Hill

Congressional Hispanic
Staff Association

The Congressional Hispanic Staff Association (CHSA) is an official, nonpartisan, bicameral congressional staff organization, recognized by the Committee on House Administration, whose mission is to recruit, retain, and advance Hispanic staffers in the US Senate and US House of Representatives. For three decades, CHSA has served as a professional development catalyst, peer support system, and personal enrichment organization for numerous Latino congressional staffers. Today, CHSA continues to push for more diversity on Capitol Hill.

Editor's Note:

The *Harvard Kennedy School Journal of Hispanic Policy* published a report prepared by CHSA titled “Unrepresented: A Blueprint for Solving the Diversity Crisis on Capitol Hill” in Volume 22 in 2010. Ten years later, we partnered again with CHSA to update the report and publish it on our pages.

Abstract

A decade ago, the Congressional Hispanic Staff Association (CHSA) released a groundbreaking report, “Unrepresented: A Blueprint for Solving the Diversity Crisis on Capitol Hill.” The 2010 report found that Latinos were drastically underrepresented in the Senate and House of Representatives, especially among

senior positions. The report made several recommendations to improve diversity so that the halls of Congress would look more like the America it represents.

“There is a crisis afflicting Capitol Hill.” – 2010 CHSA Report

There have been some positive developments over the past decade, with Latinos making up a greater portion of congressional staff than ever before. In the House, Latinos have grown from making up 5.8 percent of all staff to 12.2 percent. There are now more Latinos in senior positions in the Senate, and more Latinos are being hired for entry-level positions.

However, the diversity crisis remains. Latinos, who make up nearly one in every five Americans, are still drastically underrepresented among senior positions and on key committees. There are no Latino staff directors in the Senate. There is almost no Democratic Latino staff on the three top Senate committees. In the House, the number of Latino chiefs of staff would have to increase more than five times to be representative of the nearly one in five Americans of Latino descent.

Unfortunately, looking at the newly elected members provides little optimism. Newly elected Senators hired

Latinos for only 3.7 percent of their top positions, and newly elected House members hired Latinos for only 6.5 percent of their senior staff.

There were several positive steps taken over the past decade to improve diversity on Capitol Hill. Senate Democrats have led the way with establishing a robust diversity office, and the result has been a significant increase in Latinos breaking into senior positions. Senate Democrats started collecting demographic data in 2017. The House of Representatives has followed suite, with House Democrats establishing a diversity office in 2017. In 2019, Democrats and Republicans in the House established the Office of Diversity and Inclusion to work for both parties and conducted a House-wide diversity compensation study.

The diversity offices are making a positive difference, but much more work remains to have a congressional staff makeup that embodies all Americans. Enacting CHSA’s recommendations in this report will help address the diversity crisis. Together, we can help Congress better reflect and serve America

Introduction

Policies impacting all Americans are decided in a Congress where Latinos are largely absent from top-level staff positions. Nearly one in every five Americans is Latino, but Congress

gets few Latino perspectives on critical decisions affecting our communities, our economy, and whether we are at war or peace.

Ten years ago, CHSA released the report “Unrepresented: A Blueprint for Solving the Diversity Crisis on Capitol Hill,” exposing the lack of Latinos on the Hill. Over the past decade, many positive steps were taken to ensure that congressional staffing is more reflective of the American public. Senate leaders like Senators Harry Reid and Chuck Schumer have led the way in establishing a Senate Diversity Initiative and in starting to track and publicize data. The Rooney Rule (diversity) principals have been encouraged amongst Senate Democrats and more recently in the House. The House has created a diversity office for both parties, and funding has been allocated to pay personal office interns in the House and the Senate. These efforts are commendable and should be applauded.

More Latinos than ever are on the Hill in entry-level and junior positions. However, the crisis remains. Latinos remain largely absent from top senior-level positions and key committee positions. The data are clear: Latinos are almost completely shut out from senior staff positions on Capitol Hill. This report focuses on Latinos, but other minorities are also being denied a seat at the table where key policy decisions are made.

Senate

Senate Personal Offices

There has been some progress in having more Latinos among top-level staff in Senate personal offices. In the Senate, there are now three Latino Senate Democratic chiefs of staff, three deputy chiefs of staff, four legislative directors, and three communications directors. While this is still far short of being equitable, it signals some progress from ten years ago, when Latinos were almost completely absent from these positions.

	2010	2015 ¹⁶	2020
Chiefs of Staff	1	3	3
Deputy Chief of Staff	0	1	3
Legislative Director	1	3	4 ¹⁷
Total	2	7	10

Senior Staffing among Senate offices, 2010-2020

In 2015, the 54-seat Republican majority had four senior staff who were Latino versus only three for Democrats. Five years later, Democrats now have ten senior staffers, a tripling of their 2015 mark. This suggests that Democratic efforts to increase diversity are paying off and should be adopted across the aisle.

While these gains warrant recognition, Latinos are still drastically underrepresented, and more work remains ahead of us. If staffing re-

flected the population of the American public, there would be 18 Latino chiefs of staff instead of only 3.

A 2015 study by the Joint Center for Political and Economic Studies (Joint Center) found that out of 336 top US Senate staffers (chiefs of staff, legislative directors, communications directors, and staff directors), only 7 were Latinos. This is only 2.1 percent of senior-level staff for a population that compromised 17.6 percent of the total US population at that time. Overall, only 24 of the top Senate staffers were people of color (POC).

Senate Democrats have collected and released general diversity data for personal offices in July of 2017, 2018, and 2019, but so far, we are not seeing much improvement. Out of the 43 Senate Democratic senators serving from 2017 through 2019, less than half have improved upon the percentage of Latinos in their office. In fact, 19 Senate offices have had a decrease in the percentage of staff that are Latino, while 4 offices maintained the same percentage, including two offices that had no Latinos in 2017, and still had no Latinos two years later. Unfortunately, Senate Republicans do not collect data on diversity, so we do not know whether they are improving.

Senate Committees

Committee staff play a critically important role in shaping policy. CHSA

did not collect committee data in its 2010 report. However, a 2015 Joint Center study found there was not a single Latino among the 39 Republican and Democratic committee staff directors. Five years later, nothing has changed. If representative of the nation’s Latino population, there should be at least 7 Latino staff directors, but not one of the 39 Republican and Democrat staff directors of full Senate committees was Latino at the start of 2020. Furthermore, there are also no African American staff directors.

	2015	2019
Latino Staff Directors	0	0

Senate Latino Committee Staff Directors, 2015-2020

The data collected and publicized by Senate Democrats showed only 2 out of 18 Democrat-staffed committees to have Latinos near or above the 18 percent that would reflect the Latino general population. The Senate Committee on Indian Affairs, led by Senator Tom Udall (D-NM), has a staff that is 29 percent Latino, and the Special Committee on Aging, led by Senator Bob Casey (D-PA), has a staff that is 20 percent Latino.

Five Senate committees have no Democrat Latino staff at all. These includes some of the most powerful committees: Agriculture, Armed Services, Banking, Finance, and Rules.¹ According to the Senate

Democratic survey, the Agriculture, Armed Services, Banking, and Rules committees have not had a Latino Democrat staffer for three consecutive years, since at least 30 June 2017. The Agriculture, Armed Services, and Rules committees also lacked a single Democrat staffer who was African American.

Senate Democrat Caucus rules designate three committees as “Super A” committees: Appropriations, Armed Services, and Finance.² But Latinos are largely absent from the three committees designated to be the most important by Democratic leaders. Between 30 June 2017 and 30 June 2019, Latinos have made up only 1 percent of staff of the top Super A committees.

Super A Committees	2017	2018	2019	Total (average)
Appropriations	0	0	5%	2%
Armed Services	0	0	0	0
Finance	4%	0	0	1%
Total	1%	0	2%	1%

Democratic Latino Staff on “Super A” Committees, 2017-2019

Looking at all the A committees, Latinos made up only 5.3 percent of these important policy positions, including a decline of nearly 1 percent from 2017 to 2019. Latinos are simply not in the room where policy decisions happen.

All “A” committees	2017	2018	2019	Total
Agriculture, Nutrition, and Forestry	0	0	0	0
Appropriations	0	0	5%	1.7%
Armed Services	0	0	0	0
Banking, Housing, and Urban Affairs	0	0	0	0
Commerce, Science, and Transportation	4%	4%	7%	5.0%
Energy and Natural Resources	27%	14%	11%	17.3%
Finance	4%	0	0	1.3%
Foreign Affairs	8%	7%	7%	7.3%
Health, Education, Labor and Pensions	11%	7%	14%	10.7%
Homeland Security and Governmental Affairs	4%	4%	3%	3.7%
Judiciary	12%	9%	13%	11.3%
Total	6.4%	4.1%	5.5%	5.3%

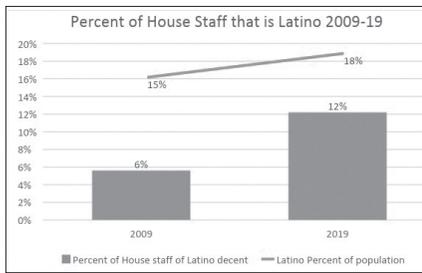
Democratic Latino Staff on Senate “A” Committees, 2017-2019

There is no substantive data collected on the Senate Republican committees, but anecdotal evidence suggests Republicans fair no better when it comes to hiring Latinos. On both sides of the aisle, the number of Latinos making policy on Senate committees is abysmally low. Put simply, Latinos are not proportionally

represented in the room where key policy decisions happen.

House of Representatives

According to the 2019 House Employment Survey, Latinos made up an estimated 12.2 percent of all House Staff.³ This more than doubles the 5.6 percent of House staff estimated to be Latino in the 2009 House employment survey.



Latino Staff in the House of Representatives, 2009-2019

CHSA’s 2010 report found that Latinos were drastically underrepresented in senior positions in the House. Out of the 440 elected congressional members, only 12 had Latino chief of staffs, and only 9 had legislative directors. If Latinos were hired in proportion to the population at the time, there would have been 67 Latino chiefs of staff and another 67 legislative directors.

The 2010 report was hopeful we could close the gap. There has been an increase in Latino chiefs of staff and legislative directors, but this has not even kept pace with the increase of Latinos in the general population.

If Latino staffing reflected the percentage of Latinos in America, there would be nearly 80 Latino chiefs of staff in the House.

	2009	2020
Chiefs of Staff	12	18
Legislative Director	9	19
If proportional to Latino percent of population	67	80

Democratic Latino Staff on Senate “A” Committees, 2017-2019

The Joint Center for Political and Economic Studies examined diversity among all chiefs of staff, legislative directors, and communications directors in September 2018 and found that only 45 Latinos among these top 1,100 positions, or 4.1 percent.⁴

However, the 2019 House Employment Survey found slightly larger numbers for these positions. They found that Latinos made 7.1 percent of all House chiefs of staff and deputy chiefs of staff, 8.3 percent of legislative directors, and 11.4 percent of communications directors.⁵ The survey also found that Latinos make up 6.6 percent of professional staff on House committees.⁶ Looking at staff directors and deputy staff directors, Latinos made up 4 percent.

The House has taken several important steps recently that could pay dividends over the coming years. In 2017, the House Democratic Caucus adopted a diversity initiative as part of

their Caucus rules, and they hired a diversity director in November of that year to start ramping up this effort. In 2019, a House Office of Diversity and Inclusion was created as part of the House rules package. Both Democratic and Republican staff were hired to focus on each party and with the intent to hire additional staff to focus on recruitment and leadership development on a bipartisan basis. This office helped conduct the 2019 House survey of offices, but delays have so far prevented efforts to fully staff up.

Similarly, the House Democratic Caucus has included a diversity rule in their rules but have yet to fully implement it. CHSA understands that it takes time to get offices set up and running to see the full impact. We applaud House Speaker Nancy Pelosi, House Leader Kevin McCarthy, and their House colleagues for setting up the House Office of Diversity and Inclusion and urge them to move forward as quickly as possible to fully implement and staff this important office.⁷

New Members

Newly elected members can serve as bellwethers for efforts to increase diversity. They must hire an entire office staff upon taking office, whereas returning members only hire periodically when positions open.

There were nine newly elected senators sworn into office in 2019—seven

Republicans and two Democrats. The new senators represent states including Arizona (31.6 percent Latino⁸), Nevada (29 percent⁹), and Florida (26.1 percent¹⁰), where Latinos make up over a quarter of the general population. The Joint Center found that out of the nine offices, not a single chief of staff was Latino, not a single legislative director was Latino, and only one of the communications directors, hired by Nevada Democratic Senator Jacky Rosen, was Latino.¹¹ Overall, this means that Latinos made up just 3.7 percent of senior position hires for freshman Senate offices.

Position	Hires of Latino Decent	Total Hires	Latino Percentage of Hires
Chief of Staff	0	9	0.0%
Legislative Director	0	9	0.0%
Communications Director	1	9	11.1%
Total	1	27	3.7%

Senior Latino Hires Newly Elected Senate Offices, 2019

The House had 92 newly elected members, including 6 newly elected Latino members. Out of these 92 freshmen members, only four chief of staffs, seven legislative directors, and seven communications directors were hires of Latino decent. Only 4.3 percent of chiefs of staff for new members were Latino, and only 6.5 percent of all new senior hires were Latino.¹²

Position	Hires of Latino Decent	Total Hires	Latino Percentage of Hires
Chief of Staff	4	92	4.3%
Legislative Director	7	92	7.6%
Communications Director	7	92	7.6%
Total	18	276	6.5%

Senior Latino Hires Newly Elected House Offices, 2019

Latinos are still unrepresented in senior positions even with new offices. Latino senior staffers can aid these offices in their ability to understand Latino priorities and concerns. Yet, the stark lack of Latinos in key positions hinders Senate and House offices' efforts to represent the best interests of their constituents.

Recommendations

Recommendation 1: Diversity Offices Should Be Fully Funded, Staffed, and Supported

Senate Democrats have so far set the bar with their diversity office in operation for over a decade now. More positive results could be achieved if additional funding allowed Senate Democrats to amplify their efforts.

Republican Senate Leader Mitch McConnell should create a similar office for Senate Republicans. On the House side, the House Office of

Diversity and Inclusion was passed into law but has not yet been fully implemented. This office should be made permanent and fully funded.

Recommendation 2: Commit to Systematic Ongoing Demographic Data Collection

In 2017, Senate Democrats were the first to start collecting annual demographic data and making them public; the House conducted a bipartisan survey in 2019. This has provided useful information, but CHSA recommends committing to systematic and ongoing demographic data collection.

Rather than having surveys that require staff to respond annually, we recommend collecting demographic data when staffers are hired. This would increase the data accuracy, ensure access to the most up-to-date information, and save time for congressional staff by not requiring an annual survey.

The rest of the federal government collects data in this way, getting the demographic information when the individual is first hired and then keeping a running tally. This results in better, completely up-to-date information with much less effort. Congress should follow this example and collect demographic data upon hire.

Additionally, it is critical that data released include a breakdown for entry-level, mid-level, and senior staff. Surveys should differentiate between a

paid intern and a chief of staff. Ideally, this information would be broken down by position. At minimum, survey results should include at least three categories: senior staff, mid-level staff, and entry level/intern. This could be done through position title, or even through salary, which serves as a good proxy for seniority and influence in an office hierarchy.

***Recommendation 3:
Leadership Should Intervene to
Ensure Key Committees Have
Latino Representation***

The absence of Latinos on the most important committees is simply unacceptable. Party leaders should hold chairs and ranking members accountable for ensuring their committees reflect our country and should work with them to address this issue. Ultimately, party leaders should be prepared to remove the committee chairs/ranking members if they continue to lock out Latinos. CHSA does not take this recommendation lightly, but such a drastic step is necessary if committees continue shutting out minorities.

For example, the Senate Armed Services Committee has about 50 staff overall divided between Republicans and Democrats. It is unacceptable for either side of the aisle to lack a Latino voice on this committee, especially considering that Latinos make up 17 percent of active-duty enlisted service

members who put their lives at risk for this country.¹³ Committees serve the entire Caucus and should reflect the American public they serve. There is no excuse in the year 2020 for key committees to lock out Latinos and other minorities.

***Recommendation 4: Adopt a
More Rigorous Diversity Rule
Requiring the Consideration of
Candidates of Color for Open
Positions***

Senate Democrats have adopted the Rooney Rule, which requires at least one minority candidate to be interviewed for open positions. House Democrats have recently followed suite by enacting a similar rule for their Caucus. Democratic Leadership should be applauded for encouraging offices to interview qualified minority candidates for open positions. However, the rule lacks enforcement mechanisms that limit its effectiveness.

When CHSA released its 2010 report, it held a panel discussion that included a member of the Fritz Pollard Alliance (FPA), the nonprofit dedicated to increasing diversity among NFL coaches. The Rooney Rule came from the NFL, and the FPA worked to enforce it and make sure it was effective. Even good-intentioned rules will not be effective if they are not being followed. The alliance worked with the NFL to

strengthen the effectiveness of its rule by making three changes effective in December 2018.

The first change ensured the club's final decision maker, often the owner, was involved throughout the process, including in the interview with minority candidates. The second was to eliminate the "in-house end-around" loophole, so that a team was required to interview at least one candidate of color from a list of candidates developed with the FPA or outside of the organization. This prevented clubs from interviewing a low-level staff of color at their club merely to comply with the rule. Finally, the commissioner has been more involved in enforcing the rule and was given more power to penalize clubs that did not comply.

We recommend that Republicans adopt and implement the Rooney Rule or a similar diversity rule for open positions and that Democrats improve the implementation and oversight. We also encourage member offices and committee to utilize CHSA to promote vacancies and solicit resumes for openings in their offices.

Recommendation 5: Pay All Interns, Including Committee and District Interns

Many Hill staffers start out as interns. Requiring an unpaid internship in one of the most expensive places to live in the United States will limit

those opportunities to people of more privileged backgrounds. Latinos from working-class backgrounds are limited by unpaid internships and expensive school internship programs. Paying interns is critical to leveling the playing field and allowing more Latinos the chance to experience working on Capitol Hill.

In 2018, a group of bipartisan legislators created a \$14 million congressional fund to pay interns. This was a great first step, but the fund is currently only for personal offices—it should be expanded to include committees and district offices. Additionally, offices should be helped with improving their outreach to diverse communities. Including up-to-date information on their websites would be a good start. In 2019, Pay Our Interns (POI) conducted a review on how House offices were advertising their internships and found that only 9 percent of House offices advertised that they offer paid internships.

Recommendation 6: Increase the Budget Allocation to Legislative Branch Appropriations and Members' Representational Allowances

Legislative branch staffing has shrunk by about 20 percent since 1995, and spending on Congress has declined from 0.85 percent to 0.81 percent of all non-defense discretionary funding from

2012 to 2019.¹⁴ This not only means Congress is less equipped to analyze policy, make decisions, and conduct oversight but also that Congress can struggle to attract and retain minority candidates. It is time for Congress to stop starving itself of resources and to fully fund itself to ensure a diverse and highly qualified staff.

Recommendation 7: Offices Should Work with the Diversity Offices to Create Individual Diversity Plans

Nearly all businesses and federal agencies have trained staff dedicated to recruiting, screening, and hiring candidates, but most congressional offices conduct their hiring in a more ad hoc fashion. Many different employees could be involved who lack any training or experience on how to find a diverse range of quality candidates. Having offices work individually with the diversity offices on their hiring plans will allow them to think comprehensively about their hiring process and make improvements to help them make better hires.

Organizations Working to Bring More Latinos to the Hill
Congress does not have to solve this problem alone. There are many organizations working hard to end the Capitol Hill diversity crisis.

Congressional Hispanic Staff Association (CHSA)

Since releasing the 2010 report, CHSA has continued to advocate for the hiring and promotion of Latinos into more senior positions. The staff association has an email bulletin of available Hill jobs and an online resume bank and has conducted a series of networking events and skill-development workshops. In 2018, it launched a senior staff training program for Tri-Caucus members, which then evolved into the Staff Up Congress training initiative led by NALEO and the Joint Center. CHSA also has a placement committee that works individually with Latino candidates to help them get hired and promoted.

National Association of Latino Elected Officials (NALEO)

NALEO encompasses more than 6,700 Latino elected and appointed officials and includes Republicans, Democrats, and Independents. In November 2017, NALEO launched Staff Up Congress, a national initiative to build a representative congressional workforce by working to grow the pool of candidates of color for senior positions; develop candidates' skills and networks; build a sustainable pipeline of candidates from the entry level to the chief of staff; and urge hiring managers to actively consider, recruit, and hire

in an inclusive manner.

NALEO's Staff Up Academy is a professional-development program with three tracks: one for individuals seeking legislative director positions, one for those seeking top communications positions, and one for those seeking chief-of-staff positions. Each track consists of multiple sessions that bring together a bipartisan group of junior staff who are interested in pursuing top positions, with veteran staff who have expertise with respect to the skills, competencies, or issues being discussed at the sessions.

NALEO has created a guide of best practices for fostering a diverse and inclusive workplace in Congress and another guide to why every congressional office should cultivate staff diversity. Both guides can be found as attachments to this report.

The Joint Center for Political and Economic Studies

The Joint Center has played a leading role in pushing for greater diversity on the Hill. It has done numerous analyses and studies on the topic. This report used a lot of the Joint Center data in our analysis. The Joint Center helped launch the Staff Up Academy with NALEO. It has also advocated for several of these recommendations through meetings with members of Congress, and through penning articles and op-eds.

Congressional Hispanic Caucus Institute (CHCI)

For more than 40 years, CHCI has tried to develop the next generation of Latino leaders by providing leadership-development programs and educational services to students and young emerging Latino leaders. It has a spring, summer, and fall semester paid internship program with placements on the Hill, exposing hundreds of young Latinos to Congress every year. They also have a paid fellowship program for college undergraduate and graduate students. All their programs include a weekly training session. CHCI has been very successful in getting Latinos hired on the Hill. A total of 56 CHCI alumni are currently congressional staffers, including two chief of staffs and five legislative directors.¹⁵

Congressional Hispanic Leadership Institute (CHLI)

The Congressional Hispanic Leadership Institute (CHLI) was founded by members of Congress to advance the Hispanic community's economic progress. CHLI's focus is on global competitiveness and social responsibility. It leads a 15-week-long internship program for undergraduate students called the CHLI Global Leaders Fellowship. The fellows are placed in congressional and corporate legislative affairs offices in Washington, DC.

Pay Our Interns (POI)

Pay Our Interns (POI) was founded in 2016 by two Latinos who worked as unpaid interns on Capitol Hill. POI is focused on ensuring that all people, regardless of their background or location, have equitable access to professional career paths through the implementation of paid internships. It released a report in June 2017 entitled “Experience Doesn’t Pay the Bills,” providing a policy roadmap for Congress to address this issue. In 2018, POI convinced a group of bipartisan legislators to convene and approve \$14 million for a congressional fund. Since then, it has created a guideline targeting congressional offices on how to operationalize equitable internship programs and launched a public engagement campaign called Reflect Us. The goal of Reflect Us is to inform communities of color about this new funding and provide instructions on how to take advantage of it. Its work has led to the creation of over 5,000 paid internships.

POC Capitol Interns

In 2017, the Rocky Mountain Black Conservatives launched POC Capitol Interns to offer minority college students internships on Capitol Hill with Republican offices. POC Capitol Interns offers paid summer internships with placements in Congressional offices and think tanks. In addition to being paid, it offers a travel stipend

and housing at no cost. As part of the program, it offers series of trainings and multiple excursions, including tours of federal buildings and agencies and meetings with key staff and government officials.

Conclusion

The past decade has seen some positive steps forward to ensuring Latinos are better represented on Capitol Hill. But there is still a lack of diversity, especially among senior positions and on key committees. We applaud the leadership of the Senate Democrats and the recent bipartisan efforts in the House of Representatives. These efforts will make a positive difference over time but are not enough without additional actions. Adopting the recommendations of this report will help ensure this diversity crisis address in the next decade.

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Feature

FinTech: Means to Inclusive Economic Development?



Sharon Velasquez

Sharon Velasquez is the proud daughter of Mexican immigrants and a first-generation college graduate. She is passionate about advancing equitable economic development inclusive of communities of color as well as consumer and small business protections. A policy advocate, Sharon has extensive experience working with state and federal legislators, financial regulators, and the private sector on increasing investments in formerly redlined communities. In 2018, she was critical in passing California Senate Bill 1235, the nation's first truth-in-lending act for small businesses. Sharon has spoken about community reinvestment at numerous conferences across the country and has been published in platforms including *Shelterforce* and *Capitol Weekly*.

Sharon is currently pursuing her master in city planning at the Massachusetts Institute of Technology. She serves as board member for Latinas

Lead California, the state's first political action committee dedicated to helping Latinas run for office. Sharon obtained her BA in English literature and public affairs from UCLA and is an alumna of Hispanas Organized for Political Equality and New Leaders Council.

Abstract

Financial technology lenders, commonly known as FinTech, are nonbank institutions that have revolutionized our financial system. In this white paper, FinTech exclusively refers to online small business and mortgage lenders operating through digital platforms. This paper finds that FinTech provides the *possibility* of benefits including expedient loan decisions, alternative creditworthiness measures, and an expansion of credit to the unbanked and underbanked.¹ However, concerns including fair lending, algorithm use, and lack of

data collection may severely detract from the industry's ability to equitably serve borrowers of color. Absent a comprehensive regulatory framework, federal and state legislators, regulators, lenders, planners, and community organizations, must advance consumer safeguards to control for disparate impact. Given FinTech's increasing role in economic development, planners must play a critical role in ensuring the development of quality products that advance economic prosperity inclusive of communities of color.

Research Questions

- * What are assumed benefits and demonstrated challenges of FinTech lending to borrowers of color within the mortgage and commercial lending markets?
 - * What can urban planners do to advance racial equity and financial inclusion with the FinTech industry?
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Research Purpose and Methods

While the FinTech sector received much attention since its rise, it largely operates without an overarching regulatory framework. Moreover, analysis on the impacts and outcomes of FinTech lending have only recently begun.² This paper reviews available data to better understand the impact of FinTech lending on borrowers of color seeking small business and mortgage loans. Small business and mortgage

lending are specifically chosen given their significant economic development impacts. Homeownership is the main driver of wealth building in the United States, and small businesses are critical drivers of wealth building, local and regional economic growth, and employment. This paper reviews academic, government, and private industry publications on the following:

- * Barriers to credit for borrowers of color

- * Commercial and mortgage data

Four structured interviews were conducted with the following:

- * One former Consumer Financial Protection Bureau legal counsel and industry consultant
 - * Two economic development policy leaders
 - * One domestic bank CEO partnering with several FinTech firms
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Factors Creating FinTech Demand in Communities of Color and Servicing

Focus on Communities of Color

The relationship between the US financial system and people of color has been historically rife with race-based exploitation and exclusion. The origins of the US economy are derived from centuries of exploitation of First Nations people, the enslavement of Africans and their descendants, and colonial conquests. More recently,

race-based social phenomena like Jim Crow laws, housing covenants, mass incarceration, and redlining (the practice of denying financial services to neighborhoods of color) severely limited wealth-building opportunities for people of color. These actions have critical present-day implications, including the racial wealth gap and a legacy of poverty in formerly redlined communities.

Presently, a key driver of disparate wealth holdings are barriers to accessing basic financial services. According to the FDIC, relative to Whites, Blacks and Latinxs are more likely to be unbanked and underbanked.³ Being un- or underbanked is inconvenient and expensive, as consumers pay high usage fees for resorting to check cashing, money orders, and prepaid cards. Another key driver of disparate wealth is entrenched disparities in mortgage and small business lending.⁴ Research indicates deep disparities even when controlling for creditworthiness, suggesting discrimination.

These factors cannot be discarded as problems only those directly affected must grapple with. The United States reached record economic inequality in 2016, and studies determine that increasing inequality hinders strong national economic growth.⁵ Moreover, the United States is projected to become a majority-minority nation by 2045.⁶ It is clear that the nation's ability to thrive is increasingly contin-

gent on the economic circumstances of communities of color. To advance inclusive economic prosperity, public and private leaders must address racial inequality as a policy priority. It is both morally and economically imperative.

Inception of FinTech Industry and Outstanding Economic Development Needs in Communities of Color

The 2008 financial crisis and the subsequent large-scale mistrust of banks are believed to have been critical to the rise of FinTech. These phenomena, shifts in consumer mentality, and technological innovation created a demand for a different breed of financial services. FinTech leverages technology by collecting and basing lending decisions on nontraditional data and deploying algorithmic screenings to vet applicants for financial products. Initially, the rise of FinTech was described as “disruptive” to a traditional banking model anchored to bank branches and brick-and-mortar institutions, as it decentralized and democratized financial services from bank monopolies.⁷

In low- and moderate-income communities (LMIs), which are more likely to be populated by people of color, demand for FinTech was partially facilitated by bank branch closures after the 2008 financial crisis. According to the National

Community Reinvestment Coalition (NCRC), between 2008 and 2016, metropolitan areas across the United States lost 15–25 percent of their bank branches.⁸ NCRC emphasizes the disparity in economic impact for LMI neighborhoods and communities of color. NCRC’s findings align with a 2016 Federal Reserve study that found that residents of low-income census tracts are 80 percent more likely to live in a banking desert than residents of higher-income tracts. Moreover, bank closures create financial service voids that lead to an overreliance on expensive fringe lenders, such as check cashing firms, pawn shops, and payday lenders, by low-income and communities of color. These institutions do not offer mortgages and small business loans, which are critical to economic development.

According to an MIT study, after a bank branch closure, declines in small business lending are highly localized, persist after the entry of a new bank, and concentrate in low-income and high-minority neighborhoods.⁹ Following the financial crisis, the largest banks also largely retreated from small-dollar business loans, which entrepreneurs of color tend to pursue. Even the flagship 7A loan from the SBA is largely inaccessible to them. According to SBA disclosures, in 2019, 4 percent of loans went to Blacks, 7 percent to

Latinxs, and 1 percent to American Indians. Alternatively, 48 percent went to Whites. These allocations do not vary drastically year to year.

Access to mortgage lending fares no better for borrowers of color, as research demonstrates racial disparities in mortgage lending. Most recently, investigative journalism determined that Blacks, Latinxs, Asians, and Native Americans are more likely to be denied a conventional mortgage than Whites.¹⁰ Borrowers of color must also grapple with a home-purchase process compounded with discrimination and inequality.¹¹

These outstanding economic development needs in communities of color, their historically poor experience with banks, the expensive implications associated with opening and maintaining bank accounts, and the implosion of our financial system, among other factors, cultivated demand for FinTech services.

Expected Benefits and Documented Outcomes of Mortgage and Small Business FinTech Lending

FinTech casts itself as an expedient and accessible alternative for the underserved, including borrowers of color, the unbanked, and underbanked. The array of FinTech lending’s expected benefits include:

* Fast if not **immediate response** to loan requests

- * **Greater access to credit**
- * **Lower costs** to borrowers
- * **No bias** in lending

The following section reviews documented outcomes of FinTech small business and mortgage lending.

FinTech Mortgage Lending

Thanks to the Home Mortgage Disclosure Act, there is robust mortgage data collection. These data have shed light on nonbanks' significant impact on the mortgage market, including FinTech. Research indicates nonbanks play an increasing role in mortgage markets. For instance, in Q4 of 2017, FinTech Quicken Loans made \$25 billion in mortgages, surpassing Wells Fargo's \$23 billion over the same period.¹² As of 2018, Quicken became the nation's largest residential lender.

In California, a majority-minority state, nonbanks have grown to dominate certain regional markets, such as home-purchase mortgage markets in Fresno and Long Beach. Both cities' populations are majority people of color. In California 2015, five of the top ten home-purchase lenders were nonbanks, and in Oakland and Long Beach, six of the top ten home-purchase lenders were nonbanks. In Fresno, nine of the top 10 home purchase lenders were nonbanks.¹³ Data indicate that nonbanks are extending more loans to LMI borrowers and borrowers of color compared to traditional banks.

However, this market expansion raises concerns. A 2019 study determined that online firms discriminate 40 percent less than face-to-face loan officers in mortgage-application approval and denial rates.¹⁴ The same study finds that, conditional on receiving a mortgage, discriminatory loan pricing follows: Black and Latinx borrowers pay \$765 million in extra interest per year.

FinTech Small Business Lending

It is extremely challenging to obtain small business lending data due to the lack of implementation of Section 1071 of the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act. Limited available datasets are used to approximate FinTech lending to borrowers of color: the Federal Reserve 2019 Employer Small Business Credit Survey and 2017 Report on Minority-Owned Firms and congressman Cleaver's 2018 *FinTech Investigative Report*.

2019 Federal Reserve Small Business Credit Survey (SBCS)

The SBCS tracks the financial needs and borrowing experiences of small businesses but *does not* disaggregate data by race. In general, the 2019 SBCS finds that the share of small businesses who seek FinTech products has risen significantly and finds a high level of dissatisfaction with

online lenders:

* 32 percent of firms applied to FinTech, compared to 19 percent in 2016 and 24 percent in 2017

* 54 percent of medium- and high-risk entrepreneurs applied to FinTech lenders, as opposed to 19 percent of low-risk applicants

* FinTech attraction: 63 percent, speed of decision/funding; 61 percent, probability of being funded; 45 percent, no collateral required; 13 percent, cost or interest rate

* 93 percent of high-risk and 72 percent of low-risk applicants received financing from FinTech

Despite high FinTech approvals, 63 percent of applicants were dissatisfied with high interest rates. Satisfaction with FinTech (33 percent, down from 39 percent in 2017) was the lowest across financing sources, including large (55 percent) and small banks (73 percent).

2017 Federal Reserve Report on Minority-Owned Firms

The once-published 2017 Report on Minority-Owned Firms finds the following:

* Black and Latinx firms tend to apply for higher-cost products and are more likely to apply to online lenders compared to White-owned firms

* Black firms apply to online lenders 33 percent of the time and Latinx firms 36 percent of the time

* Latinx and Black firms report their

highest approval rates with online lenders. Almost 70 percent of Latinx and 51 percent of Black firms report financing approvals by FinTech lenders. Comparatively, 30 percent of Black and 51 percent of Latinx firms received financing from large banks

Despite high approval rates, borrowers of color were least satisfied with FinTech firms, relative to small and large banks, due to lack of transparency and high interest rates.

Congressman Cleaver's FinTech Investigative Report

Congressman Emanuel Cleaver's report studies the methods small business lenders use to prevent discrimination.¹⁵ While the report determines that FinTech provides a unique opportunity for historically underserved communities to start businesses and participate in the American Dream, it advocates for congressional action to ensure that innovation does not unfairly target the financially marginalized. The report's findings:

* FinTech loans are more likely to be used by minority-owned companies

* Action is needed to limit unfair lending practices

* Firms are aware that the majority of their loans go to people of color, claim algorithms protect against discrimination, but "have generally provided little evidence into how they are utilized to do so"

Takeaways

The available mortgage data suggest that FinTech is increasing its reach to consumers, including those of color, and even dominating certain regional markets. While FinTech appears to discriminate less than banks during the application uptake process, discriminatory pricing follows. More research on the risk of discrimination in the FinTech application uptake and pricing processes is necessary.

A lack of small business lending data makes it challenging to analyze FinTech's lending to borrowers of color. However, available research paints an insightful picture. Minority ownership tends to decrease a small business's prospects of receiving bank financing, and online borrowers have characteristics that make them similar to businesses that are denied bank credit.¹⁶ The data imply that borrowers may resort to FinTech because they cannot secure financing elsewhere. High dissatisfaction rates due to high interest rates suggests that increased access to credit does not mean lower costs to consumers, as assumed.

Challenges of FinTech Servicing

While FinTech seems to be a viable alternative for borrowers of color, studies and consumer advocates identify challenges in FinTech's servicing of this underserved demographic.

* **Lack of algorithmic transparency:**

Algorithms are proprietary, remain undisclosed, and are black boxes using up to 500 data points to determine creditworthiness, raising questions on whether FinTech lenders can control algorithms from using proxies for race.

* **Use of Big Data:** Regulation has not kept up with the use of big data or privacy vulnerabilities. Concerns include use of inaccurate big data variables, consumers' inability to correct alternative credit profiles, privacy infringement, use of proxies for race, and transaction and identity fraud.

* **Lack of comprehensive data collection/transparency:** General data collection, small business included, is critical given the industry's claim of overwhelmingly serving the financially underserved.

* **Lack of CRA obligations for FinTech:** There is no tool that advocates can leverage to engage FinTech firms to comprehensively discuss community credit needs and gaps in servicing.

* **No comprehensive regulatory framework for FinTech:** This creates regulatory uncertainty.

Takeaways

The data indicate concerning findings regarding FinTech's ability to equitably serve borrowers of color, underscoring the need for a regulatory framework that addresses these concerns. In the case of problematic lending practices, inaction could

translate into financial harm to borrowers of color.

Recommendations

To advance inclusive economic development, planners must play a key role in ensuring FinTech's advancement of products that help communities of color build wealth and economic self-determination. Planners can achieve this by incorporating the following in their policy advocacy.

Encourage the CFPB to

- * preserve the disparate impact standard and continue fair lending enforcement;
- * reinstall its Fair Lending Office its enforcement powers; and
- * implement Section 1071 of the 2010 Dodd–Frank Wall Street Reform and Consumer Protection Act.

Encourage prudential regulators to

- * strengthen CRA and extend its requirements to the FinTech industry; and
- * embed robust community engagement in rulemaking processes.

Encourage FinTech lenders to

- * pursue CFDI certification, as lenders are held to higher standards of social performance, transparency, and economic development accountability; and
- * commit to “do-no-harm” policies and business practices, such as algorithm audits.

Encourage state/federal legislators to

- * Implement a consumer-oriented

FinTech regulatory framework; and
* pass stronger consumer protections.

Conclusion

This paper demonstrates why urban planners must respond to FinTech's growing role in economic development. The FinTech industry, policymakers, planners, and community members must mobilize to understand the racial equity implications of FinTech lending. However, preliminary research indicates that while FinTech delivers on fast response rates relative to brick-and-mortar lenders, thereby offering ease of access to credit, it is not with a lower cost to borrowers and that it may in fact be replicating patterns of discriminatory lending through algorithm and big data use. This raises the question of whether FinTech has the potential not only to offer increased access to credit in a quantifiable sense but also, in terms of quality, to support wealth building for its borrowers of color. Research and the lack of a federal regulatory framework suggest that more must be done to ensure responsible innovation and inclusive economic prosperity to ensure quantity *and* quality in credit. This will ultimately determine FinTech's promised potential: expanding access to credit and inclusive economic development.

Endnotes

- 1 Per the FDIC, the unbanked “have rarely, if ever, held a checking account . . . or other type of transaction or check cashing account at an insured depository institution.” The underbanked have “an account at an insured institution but . . . obtained financial products or services outside of the banking system.”
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- 15 *Fintech Investigative Report* (Office of Congressman Emanuel Cleaver II, 2018) [PDF file], available at: https://cleaver.house.gov/sites/cleaver.house.gov/files/Fintech_Report_1.pdf.
- 16 Schweitzer and Barkley, “Is ‘Fintech’ Good for Small Business Borrowers?”

Latinx Political Leadership — An Interview with California Secretary of State Alex Padilla



Natalia Chavez and Bryan Cortes

Natalia is a graduate student at the John F. Kennedy School of Government at Harvard University, where she is focusing on housing, community, and economic development. Prior to graduate school, Natalia worked as a research and policy analyst at Covered California, the health insurance marketplace under the Affordable Care Act. She also worked as a press aide for the California State Assembly, where she supported members' communication strategy and outreach. She serves as the executive director of the *Harvard Kennedy School Journal of Hispanic Policy* and as a board member of Urbanability, a nonprofit

consultancy that strives to improve neighborhoods from an urban-planning perspective. She holds a master's in city planning from Boston University and a bachelor of science in commerce from Santa Clara University.



Bryan is a graduate student at the John F. Kennedy School of Government at Harvard University and the MIT Sloan School of Management. His focus is on economic justice and economic development issues. Prior to

graduate school, Bryan worked in financial services in New York City. He serves as co-editor-in-chief of the HKS *Journal of Hispanic Policy* and as co-lead of the MIT Fintech Conference. He holds a BS in economics from California Polytechnic, San Luis Obispo.



Alex Padilla is the first Latino sworn in as California secretary of state and has dedicated his career to public service. Padilla grew up in the working-class community of Pacoima, California, where he went on to graduate with a bachelor's degree in mechanical engineering from the Massachusetts Institute of Technology. At the age of 26, Padilla was elected to the Los Angeles City Council to represent the east San Fernando Valley community where he grew up. Two years later, his colleagues elected him to the first of three terms as council president, becoming the

youngest member and the first Latino to serve in this capacity. In 2006, Padilla was elected to the California State Senate and was reelected in 2010. Padilla previously served as president of the League of California Cities and president of the National Association of Latino Elected and Appointed Officials (NALEO).

You are one of the most prominent Latinx leaders in the country, especially in California. What does that mean to you?

The two terms that immediately come to mind are pride and responsibility. I have the honor of being the first Latino elected to serve as the California secretary of state. And I think my election and re-election represent progress in terms of increasing our community's political participation and serving in leadership positions at all levels of government. The responsibility, though, is making sure it's not just about achieving the office or winning the election. But rather what we do with this opportunity to serve and making sure that we do the job in a way that not only improves the quality of life for Latinos but for everybody. We take the oath of office to uphold the Constitution and represent everybody and serve everybody.

What were the most significant challenges in your political career? From being elected to the Los Angeles City Council at 26, to the California State Senate, to now the California secretary of state? And what would be your advice to young Latinx folks who want to run for office but do not have a lot of role models in elected office?

Well, there are a lot more role models today than there were 25 years ago and a lot more than there were 50 years ago. My advice would be to think big, be bold, and do the work.

When I think back to my first run for city council a little bit over 20 years ago, I heard it all. I heard “You’ve got great potential, but you’re too young,” or “You’re smart and you’re going to be great someday but not yet.” I guess I’m glad I didn’t take “no” for an answer. I knew what I wanted to do in terms of trying to uplift and represent my community. So, I kept at it. I asked for all those votes in that very first campaign and appreciated the voters for taking a chance on me at such a young age.

And there were a lot of things I was up against. First, there was the age thing, where I was very young compared to other candidates and compared to the other members of the city council that I served with. The fact that I was Latino presented a different layer of challenges to overcome. Not so much in the community where I

grew up, but in the political world and in other communities throughout the City of Los Angeles. Remember, this was Los Angeles circa 1998. It was very different than it is today. Today, people look at California and places like Los Angeles as very progressive. It’s the land of the resistance. When I announced my candidacy in 1998, it was still just a couple of years after the passage of Proposition 187 in California. Before the era of Trump, before SB 4 in Texas, before SB 1070 in Arizona, there was Proposition 187—a Latino and immigrant scapegoating measure that people rallied around politically for their gain and on the backs of our community.

Running for office in the second-largest city in America at both a young age and as a young Latino didn’t come without its challenges. I had to overcome perceptions, misperceptions, judgements, threats to political institutions and political power. But I did it from the bottom up. I did it by doing the work—campaigning, going door to door every day for nine months and asking my friends and neighbors for the chance to represent our community.

And they gave me that chance. And then given that chance, I was not just content with celebrating the milestones of having been elected but doing the work once in office and earning respect amongst my colleagues and the broader public. It has

been more than 20 years. We've left a mark along the way, improving things at the city level when I was on city council and at the state level when I was in the state legislature and now statewide in this capacity.

Twenty-five years ago, Proposition 187 was passed by California voters, which was one of the harshest anti-immigration measures. It was ultimately blocked by the courts, but it sparked grassroots organizing and civic engagement within the California Latinx community. Are you seeing any rise in civic engagement within the Latinx community in California and nationally? If not, what can be done to spark a similar rise in civic engagement?

Yeah, I certainly see a lot of signs of it. I think that's one of the valuable lessons of the Proposition 187 experience in California. Generally speaking, our community had a choice to make. Do we put our head down and try to wait it out and just go about our business, while trying not to ruffle any feathers? Or do we stand up for ourselves and say "no, we're not going to take it, we're not going to stand for it anymore and try to change things through engagement"? You had hundreds of thousands, if not millions of people like my parents who had been here for many years as Democrats with no urgency to become citizens, for example. They

finally took the steps to do so, not just to protect their status but so that they could register to vote. And so, they did. They've never missed an election since becoming citizens.

And you certainly have the younger generation, like myself at the time, who are a couple of years out of college or recently out of college deciding "you know what, that engineering degree from MIT sure looks good, but I need to do my part in the political process." And I've stayed focused all those years in office on why I entered public service to begin with: for fairness and equality of all types.

And just in California, you may determine that we've made a tremendous amount of progress and think those days are behind us. And lo and behold, 2016 brings us not only the candidacy of Donald Trump but the last several years of both policy and the political environment that has been created. So, I not only look to places like Arizona, Colorado, and Texas, for example, but places like Alabama, Georgia, and North Carolina, with relatively smaller but significantly growing Latino populations. And I do see organizing taking place. It makes me hopeful that not only those regions have a better future ahead but that nationally we'll see the trend that we saw here in California.

Some people argue that demographics are going in that direction so it's going to happen. Not true. Maybe

in time it'll happen, or maybe we can accelerate those political transitions, but it's through engagement that we do so. In California, we've demonstrated what it could mean. Less than 25 years after the voters of California passed Proposition 187, California became a sanctuary state legislatively because of Latino legislators authoring the measure and voting for the measure. And we created a political climate where a California governor would sign that into law. We changed the political landscape through engagement. And I think that was the biggest lesson that we offered to people in other states.

Some states, like California, are pouring in a lot of money to get everyone counted, while other states are not. Why is California putting in a lot of effort into getting all the communities counted? And what is California doing to target hard-to-reach populations?

Thankfully, the legislature and the governor have made unprecedented investments in Census outreach and assistance. Why? Because of the stakes. Anybody who knows anything about the Census knows it determines our federal funding levels for the next ten years for important things that we care about, such as education, health care, housing, transportation, safety, etc. It's in our self-interest to want to make sure that every Californian is counted, and we get the federal

funding that we deserve. But it's also a political exercise. Census data drive reapportionment. Our voice in Congress is at stake as it drives redistricting after the census. Fundamental voting rights and representation are at stake, so we know it's important. We know that every ten years it's a tough enough exercise to count every person in the state.

Nothing would please Trump more than to have an undercount in California, costing us money and our political voice, especially to discourage participation in immigrant communities. The threat of the citizenship question was completely about that. So thankfully the Supreme Court at least got that decision right and we don't have to contend with it on the ballot, but the threat of it had its impact that we have to overcome. They're also changing how they ask folks to submit their information. Yes, filling out a form is still going to be an option, but they're encouraging first and foremost digital participation when there is still a digital divide in America, both from an internet access standpoint as well as digital literacy. There are also concerns about things like cybersecurity.

There's a lot to overcome, but we know the stakes. And we're making significant investments in California because I think California as a state has the most at stake. We have the largest population of any state in the

nation, the most diverse state of any state in the nation, and by far the largest hard-to-count population of any state in the nation. So, it really makes sense to invest. Why other states are not doing so is beyond me. I think it's malpractice for any state to not want to invest in making sure they're getting as much of a complete count as possible. All we can do is try to lead by example and do the work internally.

So as a state, how are we investing? The state dollars are separate and apart from what the US Census Bureau will do from their outreach and promotion. It's separate and apart from what some foundations and philanthropic groups will invest in Census outreach and assistance. Through the state, there's both statewide and some regional and local initiatives happening. Tremendous grants that had been awarded regionally across California to lead our organization that under them have these big coalitions of community-based organizations that will work with local outreach strategies on how to get the word out, whether it's phone banks, whether it's community events or knocking on doors or whatever works for particular communities with the local trusted voices to get the word out in Census. That's what we're investing in.

What does that look like? It's going to be different region by region because what works in a big city like

Los Angeles is very different than what will work in rural agricultural towns in the Central Valley. And that's different from San Francisco, which is different than Northern California that has been impacted by wildfires, which is different from the Inland Empire. We want to make sure that our strategies reflect what's best locally. But some of the statewide initiatives are going to be some of the branding, some of the media, including social media. It's going to be a good comprehensive plan at the end of the day.

There's an increase in Latinx folks doing the work and getting elected to local and state offices that have been involved in activism, but there doesn't seem to be a breakthrough at the federal level. The Senate only has four Latinx senators. There's only one Latinx Hispanic governor across the states. We had a presidential candidate this cycle who ultimately didn't get traction into the top tier. What do you think needs to change? And do you see 2020 as a turning point to gain more representation from Latinx folks at the national level in political office?

I think it is changing. I think we're on the verge of a lot of significant progress in the next couple of election cycles because each day, each week, each month, each year, our community continues to grow. And it's one thing to grow in population, but it's

more than just that. We're growing in what is known as the citizen voting-age population—people who are eligible to register to vote. And that means that slowly but surely, the number of us registered to vote continues to grow.

It happens in some states more quickly than others. That's why in California, in my secretary of state capacity, we're going full-speed ahead on automatic registration, online registration, same-day registration, and preregistration to get as many people eligible on the rolls as possible. We're doing everything we can do to make it easy for people to cast their ballot. So, as our community is an increasing part of the electorate, we have a bigger stake in the outcome of elections, not just on issues but on who the representatives are.

But I think we also need to pay attention to the candidate side of the equation. We do need to encourage more people to run, but also to be ever more prepared to run. There are candidates of all types. There are first-time candidates for office, maybe for school board, city council, or even Congress. And that's great. But for most people to run for statewide office, whether it's for the lieutenant governor, governor, or US Senate, politically speaking, it usually takes more than just *ganas* to run and to win.

We do need some experience. We do need some of that relationship. We

need some of that track record that comes with having done the work for a bit. It shouldn't take 50 years, but it usually takes more than just 1 or 2 years of political involvement to be elected into one of the more significant offices like that. So I think as time goes on and we collectively have more people running, more people serving, more people doing the work, we're going to have a lot more people in very viable or even stronger positions to make runs for higher office and winning in the coming years!

Feature

Chilling Effects and Grumbling Stomachs: The Impact of Public Charge Rule Changes on Nutrition-Assistance Access among Children in Immigrant Families



Allyson Rose Pérez

Allyson Rose Pérez is currently the 2019–2020 CHCI-PepsiCo Foundation Nutritional Health Graduate Fellow placed in the office of Representative Kim Schrier, MD (WA-08).

Allyson was born in Miami, Florida, and raised in Texas, Virginia, and North Carolina. She is a proud Cuban American and fourth-generation food worker. She earned a bachelor of arts in social studies from Harvard College ('17) and a master's in food in the world: cultures and mobility from the University of Gastronomic Sciences in Pollenzo, Italy

(UNISG), thanks to the Fulbright Casten Family Foundation Award. She is passionate about exploring the intersections of food, identity, migration, and politics. Additionally, she is interested in how we can create equitable and culturally conscious foodways for marginalized communities. Allyson's passion for food was born from watching her father and grandmother cook delicious meals. She was inspired to study food academically after taking a course in her first year at Harvard tying cooking to broader societal issues. As an undergraduate, she led an independent research project on

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Abstract

In August 2019, the Trump administration published its final changes to the public charge rule. Unlike the previous public charge rule, legal immigrants who utilize nutrition-assistance programs would be potentially classified as “public charges,” thus making their pathway to legal permanent residence and citizenship more difficult. The rule has resulted in a “chilling effect” among Latinx immigrant communities, where immigrant families will unenroll from nutrition-assistance programs

regardless of immigration status. This disproportionately affects US-born children who are entitled to these programs, which may lead to negative health and educational outcomes in the long term. Regardless of the success of court injunctions on the rule, the “chilling effect” has still affected families and children, needlessly sowing seeds of fear among families for taking advantage of benefits their children are entitled to as US citizens. An information campaign targeted at immigrant communities underscoring US-born children’s eligibility for nutrition-assistance programs regardless of their parents’ status could mitigate this fear and misunderstanding by assuring families that their children’s participation in these programs will not affect their status.

Background on Public Charge

In January 2017, the Trump administration drafted proposed changes to the public charge rules governing application for legal permanent residence among documented immigrants. The final version of this rule was published on 12 August 2019, and was scheduled to go into effect on 15 October 2019.¹ The rule has been challenged in the courts by ongoing litigation, and an injunction introduced on 11 October 2019, had stopped it from being implemented in the meantime.² An appellate court upheld this injunction on 8 January

2020,³ but it was ultimately struck down by the Supreme Court in a decision made public on 27 January 2020. This allows the rule to be enacted while the courts litigate the rule's fate.⁴ As a result, the rule will go into effect on 24 February 2020.⁵

The first public charge rule was introduced in 1999 under the Clinton administration, after the passage of the Illegal Immigration Reform and Immigrant Responsibility Act in 1996, to prevent legal immigrants from utilizing social safety net programs. The initial rule defined a public charge as anyone who was “primarily dependent on the government for subsistence, as demonstrated by either (i) the receipt of public cash assistance for income maintenance or (ii) institutionalization for long-term care at government expense.”⁶

The initial public charge rule included cash-assistance programs as being subject to scrutiny, but not other welfare benefit programs. According to US Citizenship and Immigration Services,

[T]he [initial] rule also reaffirmed that [the Immigration and Naturalization Service] would consider the “totality of circumstances” when considering [Likely Public Charges] for Lawful Permanent Resident (LPR) applicants. In addition, the INS stated [that at the time] it would not consider healthcare benefits, food

programs, and other non-cash granting public benefits when determining LPC status for admission. However, the INS could consider use of cash welfare, such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), and state General Assistance; as well as long term institutionalization at the government's expense, when making LPC determinations.⁷

In addition to the programs included in the original public charge rule, the Trump administration's updated rule classifies the use of previously excluded programs, such as the Supplemental Nutrition Assistance Program (SNAP), Medicaid, and housing subsidies, as included in designating a person a potential “public charge.” Legal immigrants who utilize these programs who apply for permanent residence after the finalization and implementation of this rule thus have weakened chances of acceptance.⁸

The updated rule was scheduled to go into effect on 15 October 2019; however, due to lawsuits filed by multiple parties and an injunction from the courts, the rule was not implemented until the Supreme Court ruled the injunction be lifted on 27 January 2020.⁹

The Chilling Effect and Its Impact on Children

While the public charge rule is aimed

at immigrants, a secondary consequence of the rule is its impact on US-citizen children of legal immigrants through what is known as a “chilling effect.”

As defined by the Migration Policy Institute, a chilling effect refers to a sharp decline in program utilization among a given population as a result of the introduction of a policy due to confusion and fear surrounding the policy and whom it directly affects.¹⁰

While the rule only applies to those applying for admission to the United States or for a change of legal status, including legal permanent residence, fear and confusion around whose utilization of these programs would affect immigration applications will have a wide impact within immigrant communities. This fear and confusion will result in families unenrolling from any and all social-benefit programs, regardless of the legal status of individual family members. Particularly hard hit by the chilling effect are Latinx immigrant communities, and among them, US-born children.¹¹

The population of US-citizen children who are children of immigrants is significant; if their families meet federal or state income requirements, these children are eligible for nutrition-assistance programs such as SNAP or the Special Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC). Between 1990 and 2017, the popula-

tion of children in the United States with at least one immigrant parent grew from 13.4 percent to 26 percent; 88 percent of children in immigrant families in 2017 were born in the United States.¹² 7.6 million of these children live in families where at least one person receives cash or non-cash benefits, which means that 7.6 million children stand to be affected by this chilling effect.¹³ It is also important to note that, by the USDA’s calculations, Latinx families see some of the highest utilization rates among eligible persons of the WIC program, with utilization at 60 percent among Latinx women, infants, and children.¹⁴

These children’s eligibility for and utilization of SNAP and WIC benefits is not under direct consideration by immigration officials as they process their family members’ immigration applications under the new public charge rule. However, even if a child’s eligibility is not affected by their parents’ immigration status, many parents worry about the consequences of sharing information with government officials on their own status. One news outlet reports that, as a result, SNAP and WIC program administrators in at least 18 states have noticed declines in utilization among immigrant populations up to 20 percent.¹⁵

Policy Implications

The implications of this chilling ef-

fect on children's overall health and educational outcomes are serious. As discussed by the Kaiser Family Foundation, declining participation rates in nutrition programs can negatively impact the growth and healthy development of children in immigrant families, leading to greater health problems in the future.¹⁶ This can manifest itself directly through a family's lack of resources, previously provided through SNAP, to purchase healthy food affordably and also indirectly through other tangentially related programs. For example, children enrolled in SNAP are automatically registered for free school meals. Upon losing these SNAP benefits, these children are not only losing out on food at home but also on nutritious meals they could be receiving at school.¹⁷ While it is true that many of these students will qualify for free or reduced meals without receiving SNAP, the bureaucracy that families must navigate in order to sign up is an added obstacle to accessing nutritious food.

Regardless of the courts' rulings on public charge, it is the fear of the rule manifested through this chilling effect that affects children in immigrant families most. A climate of fear can have a negative impact on children's overall health and educational outcomes. Fear disrupts family routines, causing families to isolate themselves in their homes, which

can negatively impact their children's access to education.¹⁸ Fear around immigration enforcement can also negatively impact children's performance in school, increasing Latinx students' likelihood of repeating a grade by 14 percent and increasing the likelihood of dropping out of high school by 18 percent.¹⁹

Conclusion and Recommendation

Even as court injunctions presented the administration with roadblocks to implementing its final public charge rule, the damage was already done in many immigrant communities, where families have unenrolled from nutrition-assistance programs their children could and should benefit from.

However, there is still work government can do to combat the chilling effect and its impact on children in immigrant families. As the Kaiser Family Foundation points out, the chilling effect has occurred mainly due to misinformation—thus, outreach and education efforts to immigrant communities about their families' eligibility for nutrition-assistance programs should be an important component of mitigating the effects of the final rule.²⁰ State SNAP agencies, who already are responsible for enrolling individuals and families in SNAP and know the communities they serve best, can take a leading role in the information campaign effort. They can place posters and

informational pamphlets in multiple languages detailing the eligibility of US-citizen children for nutrition-assistance programs in agency offices, community centers, and public places frequented by immigrant populations. By enumerating who is eligible for these programs, and how they may or may not affect family members' applications for changed status, we can bring clarity to immigrant communities.

This is not to say that an information campaign does not bring with it challenges or drawbacks. Potential challenges include identifying affected populations, determining optimal outreach methods, and covering the cost of such a campaign. Especially considering that this issue affects only a subset of the immigrant population, these challenges, while not insurmountable, are important to consider.

Regardless of the ultimate fate of the final public charge rule, or the success of a potential informational campaign, children born in the United States are entitled to the same nutrition-assistance benefits of any other US citizen. This is true no matter the immigration status of their parents. It is the duty of government to ensure that all its citizens are treated and protected equally under the law, a duty it neglects when failing to consider the potential chilling effects of a policy like the updated public charge rule. The integrity of these programs depends on ensuring that

all those eligible are served, including the US-born children of immigrants.

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The Unfolding of Latinx Political Power in Nevada: Doubling Down on Urban-Education Policy



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Abstract

While the geographic lens on Latinx politics has focused on regions with a history of Latinx population, there is less analysis on states that are on the tipping point of Latinx political coalition building and incorporation. Recent changes in urban-education politics in Las Vegas, Nevada, offered an example of the unfolding of Latinx political power and representation. Las Vegas is a majority-minority metropolis, and its 2.2 million residents make up 75 percent of Nevada residents. By 2013, a new cohort of urban Latinx legislators entered politics and shifted the narrative of who was deemed worthy of policy and public investment. The progressive legislators, primarily from low- or working-income and immigrant backgrounds, brought with them critical perspectives to policymaking and drew from their

lived experiences and their urban communities' experiences to inform how they coalesced with other groups, the bills they championed, and how they shaped an education policy agenda. In less than a decade, urban Latinx legislators and their allies introduced, lobbied, and passed \$425 million of new public education investments to benefit English language learners (ELLs) and high-poverty students.

As the Latinx population continues to grow in urban regions and school districts, there are several reasons to study their experiences and participation in education policy and politics. Navarro and Rosales argued that it is necessary to understand how Latinx political power unfolds in the largest urban regions to see the possibilities and limitations of coalition building, agenda setting, and the evolution of the Latinx presence at a national level.¹ Navarro and Rosales suggested that because Latinx groups do not have an overarching historical identity such as the Black/White experience, the Latinx population has been one of political invisibility and exclusion. Moreover, Latinx groups have experienced different political formations, strategies, and political outcomes in different urban settings.

Building on frameworks that center race in the study of urban politics, policy, and coalition building^{2,3} and incorporating Latinx critical race theory,^{4,5} the purpose of this case study

analysis was to examine the growing presence of Latinxs in one urban region and to analyze how they reshaped education politics and policy agendas and organized coalitions to counter deficit education narratives. By centering race, I examine how Latinx advocacy for education evolved over a three-decade period, the motives for Latinx political involvement, and the key components that contributed to the development of a Latinx political advocacy infrastructure in the Las Vegas region.

Latinx Participation and Influence on Education Politics and Policy

Latinxs have long been on the front-line of education politics, policy, and coalition building within and across multiple communities. For instance, in 1921, San Antonio's Orden Hijos de América [Order of the Sons of America] organized Latinx workers to advocate for fair wages, education, and housing; a few years later (1929), several Latinx organizations merged to form the League of United Latin American Citizens (LULAC) with a focus on desegregating public education for Latinx children.⁶ A decade and a half later in Santa Ana and El Monte, California, LULAC chapters—along with local parents and other Latinx organizations—organized efforts to persuade local and state policymakers to repeal discriminatory

education policies.⁷ These efforts led to the historical 1945 landmark case *Mendez v. Westminster School District Orange County*, which was a precursor of the *Brown v. Board of Education* case.⁸ Today, US education policies continue to be byproducts of the political process at the state, local, and national levels.

Entry into elected political positions typically occurs at the local education levels for Latinxs; in 2017, 37 percent of all elected Latinxs served on local school boards.⁹ Once in office, Latinx representation results in greater support for ELL education programs,¹⁰ hiring of Latinx administrators and teachers,^{11,12} advocacy for immigrant students, an increase in students of color attending college, and accountability of the school district to meet community needs.¹³ Their policy preferences differ from their White counterparts', and their board participation influences the type of policy programs the school district is likely to pursue.¹⁴ In the absence of Latinx board participation, education policy priorities that are likely to benefit Latinx children may be absent or minimal.¹⁵

Urban Politics and the Role of Race

Politics and policymaking are about power. Who has the power to shape, influence, and decide is central to understanding the political process

and policy outcomes. This study was shaped by urban regime theory and critical race theory (CRT), with a focus on Latinx. From a political economy perspective, Stone argued that neither pluralist assumptions (wherein governmental authorities make and carry out policies) nor structuralist assumptions (economic forces determine policy) could adequately explain the various actors that collectively mobilize their interests in urban politics and policy.¹⁶ Urban regime theory focuses on the interplay between both assumptions, with a focus on collaborations between local public and private actors to mobilize, shape, and influence politics and policy outcomes. Stone proposed that urban actors' policy interests and political power are manifested through "such phenomena as agenda feasibility, coalition formation, resource mobilization, and the ways in which modes of cooperation are worked out."¹⁷

Consequently, social and economic inequities operate against an open and penetrable form of politics, and Stone acknowledged that for marginalized groups, the experience of urban politics may be distinct and rest on differing entry points to break into the politics of investments and political power:

For groups with a history of political, social, and economic marginality, having a political

impact calls for much more than simply becoming active around a few issues of immediate concern. It calls for breaking into the "politics of investment" and becoming part of a locality's governing arrangements. Reaching such a position rests on several interrelated factors, and at the heart of them are the abilities to contribute significantly to a widely desired outcome and to enlist allies.¹⁸

In her review of urban regime theory, Seamster argued that the study of urban politics "has moved away from critically addressing race, limiting the field's potential to explain the profound fractures and inequalities in urban space."¹⁹ Seamster proposed new directions for a reinvigorated study of race in urban politics and urged scholars to build on recent developments in CRT. For instance, in his study of Black municipal leaders, Reed found that Black politicians acted in the interests of a small Black elite while allying with Whites in power.²⁰ While Black political leadership was heralded as a progressive achievement, their political power was partial because the "dynamics that make possible the empowerment of Black regimes are the same as those that produce the deepening marginalization and dis-possession of a substantial segment of the urban Black population."²¹ From

Reed's perspective on Black political representation, such arrangements potentially perpetuated institutional racism, even when Blacks were at the helm of politics and policy agenda setting.

A critical race lens questions how dominant structures and discourse perpetuate racial inequities and how racism unfolds in local politics and continues to privilege dominant White ideologies. A critical race approach also extends our understanding of how historically marginalized actors engage in urban politics, the resources they bring to bear on the process, and what issues ignite their agency and collective voice. Seamster advocated for a race-conscious analysis of how Whiteness is embedded in our urban politics analysis: "urban politics has granted even less attention to other racial minorities, in particular Latinos and the ways that issue of representation, access, and citizenship intersects with the study of urban politics."²² In turn, my own analysis was informed by CRT and Latinx critical race theory (LatCrit). CRT scholars center their research on the intersection of race, class, and power and challenge claims of meritocracy, colorblindness, race neutrality, and equal opportunity.^{23, 24} LatCrit similarly asserts that any analysis of the experiences of Latinx communities must consider not only the realities of racism but also the intersections of other forms of

subordination such as discrimination based on language, immigration, and phenotype.^{25, 26} LatCrit approaches have been adopted in educational research to challenge dominant ideologies and bring attention to education laws and policy as experienced by communities of color, their students, and schools,^{27, 28} but have yet to be applied to urban-education politics and policy.

Data Sources

This case study covers key changes that shaped Latinx political advocacy and coalition building in Las Vegas, Nevada, from the late 1970s to 2016. Data for this case study involved multiple sources. From 2013 to 2019, I conducted close to 60 formal and informal interviews with individuals who were involved in Latinx politics and policy in Las Vegas, Nevada. These included former and current politicians, heads of Latinx organizations, business individuals, and community activists. Another source of data included three local news outlets (*Las Vegas Review-Journal*, *Las Vegas Sun*, and the *Nevada Independent*) and news stories that focused on Latinx politicians and urban education. The stories provided additional evidence to my interview data or contextualized specific incidents or key transition periods. Finally, another source of data was first-person observations I recorded through fieldnotes and

memos. As a 20-year resident of Las Vegas and Latina community member of the Las Vegas region, I was privy to many individuals, sources, organizations, and meetings throughout the study period. In some years I was an active participant in the Latino Youth Leadership Program, and in other years I was an observer of the process, including legislative hearings and debates. In instances where I was not present (the 1970s to mid-1990s), I relied on secondary sources, such as archival research and interviews (e.g., *Latinx Voices of Southern Nevada*)²⁹.

Reshaping Narratives of Urban-Education Politics and Policies

Three shifts contributed to Latinx actors' motivation and their ability to accelerate education policy change in Las Vegas: (1) the seismic growth of the Latinx population, (2) a predominantly White urban-education governance structure that was not reflective or responsive to the Latinx policy needs, and (3) the maturation of a Latinx political advocacy infrastructure. The shifts were exemplified in a pivotal education policy example in 2013 that addressed state funding for ELLs and high-poverty students. For the first time in its history, Nevada lawmakers made one of the most significant investments in public education (outside of the per-pupil funding) as a direct result of advocacy and lobbying by Latinx legislators and

activists and their allies in business, education, and community groups from the Las Vegas region.

The Seismic Growth of Latinxs in Las Vegas

A catalyst for regional changes in Las Vegas was evident in the dramatic shift of the region's racial and ethnic demographics beginning in the 1990s. The Latinx population increase during this time was seismic and reverberated across the state. From 1990 to 2000, there was a 264 percent increase in the Latinx population growth, compared to an 83 percent national median for counties.³⁰ Among the Mountain West and the Southeast states, moreover, Las Vegas experienced some of the largest Latinx growth (586 percent), leading demography experts to suggest the region represented the new America of the future.³¹

By 2010, Latinxs comprised the largest minority group (29 percent), and during the same period, the White population share decreased from 81 percent in 1990 to 60 percent. In the same year, Latinx students in Las Vegas were 43 percent of the entire school population. The school-aged population of Whites was 30 percent, half of the overall White population,³² creating the third-largest cultural generation gap among major metropolitan areas in the nation.³³ The cultural generation gap is shorthand measure for the difference between

the percentage of seniors who are White and the percentage of children who are White.³⁴ The manifestation of this gap was observed in voter preferences, priorities, and turnout among Latinxs and Whites in Las Vegas.^{35, 36} Latinx voters supported major government interventions such as education, health care, and immigration, while White voters favored fewer government programs (except Social Security) and limited taxes. The growth of the 1990s was a watershed moment for the Las Vegas region. The seismic changes also meant that the school board trustees were unprepared to meet the financial, academic, and curricular demands of its increasingly diverse student population.³⁷

Exposing Cracks in Urban-Education Policymaking

Prior to 1956, the Las Vegas region had 14 school districts, with 20,000 students among them. On the heels of the national school consolidation movement, Nevada legislators restructured school districts statewide by county boundaries, resulting in 17 school governing boards, one for each county in the state.³⁸ Two drivers for the consolidation were access to quality education at all grades (particularly for rural counties) and economies of scale. As part of the consolidation, an elected seven-trustee model was created. The first Las Vegas district superintendent, R. Guild Gray, stated

before a trustee meeting that the new school district would be the largest political subdivision of the state and warned it would employ more than the state highway department, which at the time included 1,300 employees and operated an annual budget of \$7.2 million.³⁹ By 1980, Gray's prediction rang true, as the region quadrupled in size and the school district student population soared to almost 100,000 students.

As the population continued to grow in the Las Vegas area, the school district boundaries developed in the 1950s remained untouched. This included the maintenance of the seven-trustee governing structure. By 2010, the Las Vegas area had swelled to almost two million residents, and the school district had grown to serve over 300,000 students and over 37,000 full- and part-time employees.⁴⁰ In the same year, over 40 percent of the district's student population was Latinx, and it had one of the highest ELL and poverty rates in the nation.⁴¹ With an increasingly racially diverse student population, the predominantly White school trustees struggled with the alignment of education policies to student outcomes, particularly the district's persistently low high school graduation rates. In 2010, the district graduation rate (68 percent) fell below the national average (79 percent), with rates for Latinx (60 percent) and Black (58 percent) students below

rates for White students (76 percent).⁴² Historically, dominant regional narratives had perpetuated beliefs that Latinx students and families were culturally deficit and uninterested in education.⁴³

As a White trustee who represented the largest Latinx area exclaimed in a public conversation, “I love my Hispanic kids, but their mothers are always pregnant and are not interested in their kids’ education.” The deficit narrative contradicted studies that confirmed Latinx students’ college aspirations.^{44,45} Since the mid-1970s, moreover, local Latinx activists had consistently vocalized their concerns about the high dropout rates of Latinx students, underrepresentation on decision-making education bodies, and parity in teaching and administrative positions.^{46,47}

As the size of the region grew, the elected school board model began to show cracks and presented two significant challenges. First, as the region added more Latinx residents and students, school boundaries grew exponentially. The trustee-to-student ratio increased to one representative for every 45,513 students, stretching elected trustees to represent an ever-increasing and racially diverse constituency. Another concern was the composition of the elected school trustees. Despite the new racial diversity of the Las Vegas regional population, school board representatives did

not reflect the changing demographics.⁴⁸ The first Latinx school board trustee for the Las Vegas-Clark County School District (CCSD) was Larry Mason. Elected in 1994 and serving until 2010, Mason remained the sole Latinx representative throughout his tenure, and it was not until 2018 that three Latina trustees were elected.⁴⁹ The absence of Latinx representation meant that education policy priorities that benefited Latinx children were absent or minimal.^{50,51}

Latinx Political Exclusion: 1970s to 2000s

Across the country, local school board elections are an important entry to politics for communities of color. However, since the creation of the county-based school district in Las Vegas, it was more likely for a representative of color to be elected to a state-level position than to the school board. By 2000, only a handful of Black, one Latinx, and no Asian or Native American trustees had ever been elected to the Las Vegas-CCSD Trustee Board. At the state level in the same year, Latinx representation was minimal, with two Latinx state legislators from Las Vegas (James Robert Coffin, elected in 1982, and Dario Herrera, elected in 1997). The minuscule Latinx political representation at the state level and at the local Las Vegas level meant that Latinx policy preferences went

unheard and unacknowledged at all levels of the agenda-setting and policy-making process.

Since the mid-1970s, Las Vegas Latinx activists had advocated for Latinx student policy priorities and resources with some success, but most efforts resulted in symbolic wins such as the hiring of the first Latinx superintendent in 2000. This was a result of the advocacy of the first Latinx school trustee, who nominated the superintendent when the top-choice candidate (a White male) withdrew his application.⁵² Many argued that the hiring of a Latinx superintendent resulted in more attention to Latinx student issues by the superintendent's office, yet the district leadership was largely beholden to the state, and not the local community, for its financial resources and accountability outcomes.

On the heels of the Las Vegas racial demographic transformation, the 2007 recession brought the state to a screeching halt. The dependency on tourism and construction sectors for Las Vegas's economic growth resulted in unprecedented reductions of state revenues, loss of jobs, and one of the highest property-foreclosure rates in the nation.^{53,54} The economic shock recoiled education and social-services budgets across the state, leaving the state's largest school district staggering to meet the educational needs of a large, urban,

and racially diverse student population, which led to massive layoffs of teachers^{55, 56} and slashed budgets for ELL programs.⁵⁷ Already facing one of the lowest per-pupil funding levels in the nation and often at the bottom of national student outcomes, the Las Vegas residents and school-district leadership braced themselves for financial challenges well beyond the recession years.^{58,59} The economic downturn and its impact on public education punctuated Latinx activists' frustration with education policy; in response, they looked to new ways to influence urban-education policy and resource allocations. Additionally, the lack of Latinx political representation from 1970 to 2000 prompted Latinx organizations to coalesce and collaborate to challenge dominant ideology about the public narrative of Latinx students, education policy, and public investments in Latinx communities. These efforts laid the foundation to build a Latinx political advocacy infrastructure with a focus on grooming the next cohort of progressive Latinx policy and political actors.

Latinx Political Advocacy Infrastructure

Latinx-based organizations had been a part of the Las Vegas politics and policy landscape since the 1970s and included business, social services, and education groups.^{60,61,62} A key turning point occurred in the mid-1970s, when

the Nevada Association of Latin Americans in Las Vegas filed a complaint against the Economic Opportunity Board and alleged the Latinx population was receiving unequal social services and resources. Eight other Latinx organizations coalesced to address social, employment, housing, and education policy inequities. At the time, the weak civic capacity⁶³ limited the coalition's reach, and the group was dismantled after two years. Recognizing a void, Latinx elite business leaders, mostly of Cuban descent, came together and created the Latin Chamber of Commerce (LCC). The founders identified the lack of representation and "oppressive actions against the Hispanic community" as key motivators to create the organization:

The formation of the Latin Chamber of Commerce was an outgrowth of politically oppressive actions and measures being taken against the Hispanic population in the late '60s and early '70s mainly at the national level, but also, to a lesser but more noticeable degree, at the local level.⁶⁴

Since the 1970s, many Latinx organizations were created and folded. The LCC remained one of the most widely recognized Latinx organizations in the Las Vegas region and state because of its support from business elites (Latinxs and non-Latinxs) and its moderate-leaning policy views.

Urban-education activists, mostly of Mexican descent, sensitive to this reality worked closely with LCC members, first to create career awareness programs for urban Latinx students and then college-access programs. By the mid-1990s, all education programs were housed under the LCC Community Foundation. One specific program, the Latino Youth Leadership Conference,⁶⁵ initiated in 1994, created a Latinx political leadership pipeline, with a focus on policies that centered the experiences of low- and working-class Latinx populations.

Through public and private partnerships, the LYLC organizers invited 11th and 12th graders who were the first to attend college in their families, typically from low- or working-class, and from immigrant backgrounds. The program took them to their local university, where they attended workshops focused on the college application and financial-aid processes. A mentoring component by local prominent Latinx members helped participants develop a critical consciousness of the Latinx experience in the United States, the role of policy on underrepresented communities, and the importance of civic engagement. An outgrowth of the LYLC program was an independent alumni chapter organized and led by previous LYLC graduates. As part of the initiative, Latinx youth built intergenerational networks and relationships with

near-peer and seasoned mentors who emphasized the importance of civic engagement and political participation. The Latinx political leadership vacuum from the mid-1970s to the early 2000s reverberated with many of the young LYLC graduates, the majority of whom went on to become professionals in the community and run for elected office. One prominent female LYLC graduate who was elected to the state legislature noted:

Honestly, without the conference I would have never known a Latino that had run for office. I really think that it was a result of the connections and the network that I made at the conference that I was able to get to where I am today. I really credit the conference to giving me this network and support system. Even though I wasn't necessarily really involved when I was in high school when I left and I was a college student, everybody I met along the way that I was making connections with was a conference alum. It was really interesting because I feel like in young Latino circles today we ask each other, "Did you go to the conference?" . . . Almost all my friends are related or connected to the conference in some way.⁶⁶

Concurrently, in the mid-1990s, the Nevada legislature passed term limits,⁶⁷ which dramatically altered

the political landscape of the state. Although research is mixed as to whether term limits help diversify state legislatures, studies have found that limits aid Latinxs.⁶⁸ In Las Vegas, term limits opened political pathways to historically underrepresented groups.

Additional factors contributed to Nevada politics, key among them its citizen legislature (biennial for 120 days), dependence on staff and lobbyists, and the physical location of the capital city (over 430 miles from Las Vegas). Even though southern Nevada legislators, beginning in the 1980s, represented at least half of the state's population and the region was the primary economic engine of state revenues, a handful of northern Nevada legislators, majority White males, held the political power statewide prior to the term limits. Term limits prompted diverse entrants and shifted political power from rural northern Nevada policymakers to urban Las Vegas legislators. The new generation of Latinxs, many of whom had graduated from LYLC or were activists in their local communities, seized the opportunity to run for office. Nevada's term limits allowed for ideas to bubble to the top in state-policy agenda setting, regardless of seniority.⁶⁹ Coupled with redistricting, term limits increased opportunities for Latinx representation and paved the way for Las Vegas legislators to assume leadership roles. At the same time, then-US Senate

Majority Leader Harry Reid proved to be an important ally in recruiting and mentoring Latinx talent in Las Vegas. The Latinx community returned the favor by ensuring voter turnout for Reid during his 2010 reelection, one of the toughest campaigns of his political career.⁷⁰

Reid saw the Latinx community as an important coalition partner. Even though Latinxs were not a part of a major governing coalition or the locality's institutions, Reid's connection to the Las Vegas Latinx community extended back to the mid-1970s, when he was elected Lieutenant Governor of Nevada. Because Latinxs were a small portion of the electorate, Reid was criticized at the time for spending campaign resources and time with Latinx constituents, to which he would reply, "Just you wait."⁷¹ Throughout his political career, Reid maintained strong ties with Latinx business elites through the LCC and cultivated new cohorts of Latinx millennials by becoming one of the most vocal politicians for the DREAM Act, a federal policy that sought to create legal pathways for undocumented youth. Nationally, the "Reid machine" helped create a network of pro-immigrant organizations, and locally, it created one of the strongest voter-registration initiatives in the nation, with an emphasis on Latinx voters, and financially ensured progressive Latinxs and other local

Democrats had the resources they needed to get elected.⁷² Las Vegas Latinx millennials referred to Reid as their *abuelito* [grandfather], signaling their respect for him.⁷³

By 2008, the fruits of the Las Vegas Latinx political-advocacy infrastructure began to take hold, as the region was immersed in one of the worst economic downturns in its history. State legislators cut capital spending for education by 82 percent, increased class sizes, and reduced per-pupil funding for pre-K by almost 40 percent.⁷⁴ Latinxs in Las Vegas experienced one of the highest unemployment rates of any group.⁷⁵ At the same time, Latinx activists and union organizations came together to form the LLC with the sole purpose to advocate for Latinx-focused policies that helped ELL students, funded high-poverty schools, and protected undocumented populations. Simultaneously, at least ten cohorts of the LYLC program matured economically and politically. Seeing limited opportunities to impact local policy or politics, Las Vegas Latinxs concerned about urban education ran for the state legislature. Of the Las Vegas Latinx state legislators elected in 2010, 70 percent were either graduates or mentors of the LYLC program, had strong support from the LCC, and were mentored by Reid. In the same year across the nation, Latinxs in state legislatures represented 4 percent of

representatives; in Nevada, it climbed to 11 percent. The new cohort of Latinx legislators more than doubled the Nevada Hispanic Legislative Caucus.

Term limits opened tightly held legislative seats, and Latinx legislators joined a cohort of progressive urban legislators from Las Vegas, mostly comprised of Democrats. The state also elected its first Latinx governor, Brian Sandoval, from Reno. A conservative Republican early in his political career, Sandoval's anti-immigrant policy positions drew backlash from the Las Vegas Latinx community. The longest-serving Spanish newspaper, *El Mundo*, criticized then-candidate Sandoval and opted to support then-candidate Rory Reid, Harry Reid's son.⁷⁶ Once elected, Sandoval softened his anti-immigrant position as he contended with a progressive-leaning legislature. His popularity increased among urban legislatures and Latinxs in his second term, when he supported a \$1.1-billion tax increase to pay for public education, stating "I'm as conservative as anybody, but it's not conservative to have bad schools."⁷⁷ The change in his policy positions underscored the shifting political landscape in the state originating from the Latinx community and the urban core of Las Vegas.

Breaking into the Politics of Investment

The new wave of Las Vegas legislators

gave way to a realignment of policy priorities, new narratives of who was worthy of public investments, and adjustment of state allocations. By 2010, the state had its first African American Democratic majority leader, Steven Horsford, from Las Vegas; in 2012, Moises Denis assumed the position and became the first Latinx majority leader in the history of the state. Post-recession, the focus was on education policy, specifically fixing the unequal, geographic per-pupil funding model. The Nevada Plan, established in 1967, had long been described as a convoluted approach to student funding. Under the Nevada Plan, the Education Law Center found that high-poverty districts received on average of 71 cents for each dollar received by their wealthier counterparts, perpetuating inequities between Whites and communities of color.⁷⁸ In addition to the dismal student outcomes, Nevada received an "F" in funding distribution.⁷⁹ The majority of Las Vegas residents, unfamiliar with the funding formula, assumed a portion of their property taxes were reinvested in their local schools. However, the reality of how the state redistributed property taxes, based on a guaranteed student funding model, left the Las Vegas school district with the lowest per-pupil funding level in the state, despite the region's significant contribution to state revenues.

In the 2011 legislative session, under the Senate Education chairmanship of Denis, a new cohort of Las Vegas legislators along with the Las Vegas-CCSD urged policymakers to reassess the state's education funding scheme via Senate Bill 11. The focus was to move to a more equitable formula that differentiated funding based on student needs, rather than the geography of the state. During the initial hearing of the bill, the public affairs representative for the Las Vegas-CCSD noted:

In 1967, when the [Nevada] Plan was adopted, there were about 100,000 students in the State of Nevada. Ninety-five percent of these students were white. At the time, the census only indicated whether a student was white, black or "other." Legislators could not have anticipated the changes that would occur in the State demographically. . . . These are demographics that are not considered by funding allocation in the Nevada Plan.⁸⁰

SB11 was ultimately passed as an interim study group, and it would take an additional four years to build consensus to adopt an updated, student-weighted funding model.⁸¹ Although a new blueprint had been agreed upon, the Las Vegas urban schools still needed to fill the gap in funding for its most vulnerable populations, ELL and high-poverty students.

In the same year, there was a failed attempt to pass additional ELL funding (SB216) sponsored by State Senator Moises Denis. In 2013, during the following legislative session, a similar ELL funding bill (Assembly Bill 222) was conceived by Assemblywoman Olivia Diaz, who was also a schoolteacher and an LYLC graduate. She would later agree to have her bill merged with an omnibus (SB504) sponsored by senator Denis. As part of the omnibus bill, assemblywoman Diaz redefined how ELL policy issues were prioritized and for whom. She leveraged her teaching experiences to create a statewide ELL council, the first of its kind for the state, that identified a quality framework for teaching ELL students. More importantly, the bill compelled lawmakers, school districts, and state-education organizations to acknowledge the reality of the state: its largest student population, Latinx students, required additional resources to create parity and equity in student outcomes.

From 1998 to 2008, Nevada experienced a 200 percent increase in the number of ELL students, the majority of whom were Latinx. By 2010, the state's largest school district served less than half of the 95,000 students identified as ELL, 80 percent of whom were US born and over 70 percent of whom were Spanish speaking; moreover Nevada did not have English language devel-

opment standards and remained one of eight states that did not fund ELL education.⁸² This was not the first attempt state legislators had made to address ELL policy. Prior to 2013, the majority of policy efforts had resulted in one-time pilot programs, unfunded programmatic mandates, and accountability measures.⁸³ The groundwork for the 2013 SB504 was laid as early as 2008, when coalitions from Las Vegas—Latinx education activists, university researchers, and practitioners—took notice of the lack of educational funding and dismal outcomes for ELL students in the Las Vegas region. By 2013, the coalition united with the wave of new Latinx freshmen legislators from Las Vegas who then began, through media outlets and their networks, to advocate and champion ELL policies.⁸⁴ A Latina education activist recalled how eventually the conservative Latinx governor responded to the Latinx legislators:

[The governor] was actively courting the southern Nevada Latino community. I believe he was motivated to champion education and ELL. Also, he had a critical mass of Latino legislators who couldn't be ignored. Even before that, the [Las Vegas] Latino Leadership Council started to get other non-profits involved as well as teacher unions. Legislators began to say "ELL [policy] needs

to happen." There was a critical mass of individuals advocating for ELL policy.⁸⁵

The critical mass of individuals consisted of Las Vegas coalitions, including private and public groups, who lobbied the Nevada Hispanic Legislative Caucus, legislators, and the governor. At the same time, Latinx groups in partnership with the LLC organized the first Latino Lobby Day, where they collectively lobbied at the state's capitol and focused on education, health care, and immigration policies. The efforts resulted in Nevada lawmakers appropriating \$50 million over the biennium for ELL funding (three times what had been proposed by the governor) and created a statewide council, the English Mastery Council, to serve as a statewide advisory board on issues related to standards, policies, and school district plans aimed at serving ELL students.⁸⁶

By 2015, the policy efforts initiated by a new cohort of Las Vegas Latinx legislators continued when bipartisan and multi-racial groups lobbied to double down on the state's ELL investment by increasing ELL funding to \$100 million and introducing an additional \$50 million in state funding for high-poverty schools. Of the investments, 80 percent benefited the Las Vegas public schools.⁸⁷ Recognizing the influence of education rankings on economic development,

notable business groups also entered the fray and lobbied for redirecting state resources to the neediest populations. The business groups went a step further and formally created education committees as a way to gauge their organization members' concerns related to urban-education issues and to advocate for urban-education resources and policies.

During the same period, local cities began to enter the education-policy dialog, first by voicing concern about their city's student outcomes for majority-minority schools and its connection to city economic development and then by questioning whether cities should have a greater role in local education policy issues, if only for the schools within their city limits.⁸⁸ The concerns manifested in the creation of education committees that included local education activists. By 2017, two cities in the Las Vegas region formalized structures into city departments or boards; the City of Las Vegas created the Education Innovations and Department of Youth Development & Social Innovation,⁸⁹ and the City of Henderson formalized the Community Education Advisory Board.⁹⁰ While there was no Latinx representation between 1975 and 2010 in any of the cities located in the Las Vegas region, by 2011, residents elected the first Latinx council member to the City of Las Vegas Council (James Robert Coffin, formally the

first Las Vegas Latinx legislator). Two years later, Isaac Barron was elected to serve on the Council of the City of North Las Vegas, and by 2019, two Latinas joined Coffin on the City of Las Vegas Council (Olivia Diaz and Victoria Seaman, both previously state legislators). It remains to be seen how Latinx council members will shape local policy and whether they will pursue greater urban-education autonomy for city municipalities. If Las Vegas Latinx legislators' state-level involvement is any indication, it is likely that urban education will rise to the top of the policy agenda for city councils in the near future.

Conclusion

The Latinx representation in the Nevada state legislature did not meet a critical mass. Yet, Latinx legislators and activists brought about significant ELL policy and political changes. As described in this case study, political power unfolded because of three shifts. First, the state experienced one of the most dramatic population increases in the nation. In Las Vegas, the Latinx population led the growth in the state. Second, although there was not a Latinx critical mass in policy-making settings or local governing structures, the Latinx population explosion at the K–12 levels exposed racial inequities in student outcomes and school funding and highlighted how the education

governance structure did not reflect the racial demographics and policy priorities of the region. Priorities for the low- and working-income Latinx communities went unacknowledged, and because of the antiquated and highly centralized governance structure, Latinx residents found it difficult to shape or influence urban-education policies. Third, Latinx groups, seeing closed political pathways to influence local urban education, came together through private and public partnerships and created multiple leadership and policy advocacy outlets.

Through intentional efforts by a collective of Latinx and non-Latinx private and public groups (businesses, private citizens, foundations, political elites), youth and civic programs focused on the role of race, public policy, and civic duty and instilled a critical consciousness among the next cohort of Latinxs. The collective experience of political exclusion in urban-education policymaking led the coalition of Latinx groups to a congruence in policy priorities, as exemplified in the changes to ELL policy. With few Latinx political actors, consensus building and agreeing on a common policy agenda were uncomplicated. It remains to be seen how consensus building and agenda setting will evolve as Latinx policy interests and priorities depart and converge with the next generation of Latinx, many of whom may be more

educated, affluent, and removed from the immigrant experience.

In Nevada, elected Latinx state representatives took on policy issues that affected working- and low-income Latinx communities such as ELL education, public school funding, and civil rights for undocumented individuals. Like Reed's findings on Black political elites,⁹¹ new Latinx politicians aligned with businesses and political elites but remained focused on Latinx policies that affected their underserved constituents. As they pursue other political positions, it remains to be seen whether they will align their policy priorities with elite groups more often than their less-affluent constituents, as Reed found in his study of Black urban regimes. Reed argued that municipal Black political elites filled the role of racial custodianship and primarily served the interest of White elites by allying with business pro-growth interests. As neo-liberal, pro-business education agendas continue to sweep statehouses,⁹² will Latinx politicians align with elite business interests and policy agendas to expand charter schools, promote school choice, and weaken education unions? Will this result in Latinxs holding only partial power and with elite Whites claiming the right to shape and influence policy, as suggested by Reed?⁹³ In the case study presented here, the first wave of Latinx politicians were intentional

about calling out deficit-oriented education policy, countering Latinx deficit narratives, and redefining who is worthy of public investment. Will the next wave of Latinx politicians, as a collective, remain focused on these issues?

Finally, using a LatCrit lens exposed how dominant perceptions of Latinx groups in Las Vegas were filtered through the lens of their economic value. Latinxs were initially welcomed as inexpensive labor, but when state resources declined during the recession, Latinx groups were blamed for draining public resources, and some feared they would create underclass neighborhoods. On the heels of the economic downturn, Latinx state legislators understood their constituents' experiences as immigrants or children of immigrants and first-generation college students, and the goal of moving from working- or low-income to middle-income status shaped their policy priorities. Pipeline programs, such as the Latin Chamber of Commerce, the Latino Youth Leadership Conference, and mentoring from Reid, would eventually be the foundation of a political-advocacy infrastructure that shaped critical views on the role of race, policy, and political priorities. In a state where education funding was anemic, Latinx legislators and their visibility altered the order of social relationships among policymakers

in places unaccustomed to culturally diverse groups. The surge in Latinx legislators brought to the fore debates about immigration, social services, and educational resources. Future research drawing on a LatCrit lens can examine how legislators of color draw from their experiences, how political structures perpetuate racial inequities, and how dominant policy discourse at the state level is used to maintain a hegemony of whiteness.

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The War on Immigration in the Age of Big Data and Artificial Intelligence



Thomas Franco

Thomas is a first-year master in public policy student at the John F. Kennedy School of Government at Harvard University. He is a first-generation student and the proud son of a Mexican immigrant. A native of San Angelo, Texas, Thomas has participated as a vocalist, guitarist, and violinist in professional mariachi groups since a young age and has competed at the national level. Before coming to Cambridge, Thomas taught sixth-grade math in San Jose, California, for two years as a Teach for America corps member. As an educator, Thomas worked primarily with English language learners and founded a speech and debate team to empower his students' critical-

thinking skills. At the Kennedy School, Thomas serves as a co-chair of the US Latinx Caucus and as a leader for the Harvard Latinx Leadership Initiative.

He currently works as a policy communications associate at Opportunity Insights, a Harvard-based anti-poverty research institute that uses big data to inform policymakers about economic mobility gaps. Thomas's policy interests include the governance of emerging technologies and their impacts on vulnerable populations. He holds a bachelor of arts in cognitive science from Case Western Reserve University, where his senior capstone focused on Latinx civic engagement in

Ohio during the 2016 presidential elections. Thomas also holds a secondary teaching credential in urban education from Loyola Marymount University and is an alumnus of the Congressional Hispanic Caucus Institute internship program.

Over the latter half of the last decade, the Latinx community and its allies have banded together to denounce what many have argued are unethical practices employed by the Department of Homeland Security (DHS). In that time, a wave of debates both on national political stages and in local spheres have put the US Latinx community front and center and spurred public discourse on a critical question: how will we protect our undocumented community members?

In this pivotal moment, we find ourselves fronting an entirely new battle than that of previous generations. From technological advancements made in surveillance capabilities to greater access to large sets of personal data, the evolution of location and deportation tactics requires that we reconsider how we defend our civil liberties in the age of big data and artificial intelligence. We must also acknowledge the capitalistic market forces that have developed out of a lack of regulatory policies and that have empowered such practices. In

advocating for immigrants' rights, we must ultimately judge our efficacy in light of the emerging digital era.

Sanctuary Laws Alone Won't Suffice

In ten states and dozens of cities and counties across the country, allies in positions of power — from governors to mayors — have demonstrated an unwillingness to fall complicit in the wave of deportations driven by the Trump administration by declaring their cities as sanctuaries.¹ These sanctuaries have largely been defined in their refusal to allow ICE to gain physical access to places like courtrooms and jails and have barred law enforcement agencies from assisting ICE in its efforts to detain and deport undocumented immigrants.²

Yet, despite the progress seen here, ICE has operated through digital channels. Since the Obama administration, ICE's reliance on sourcing data digitally through commercial and state contracts, for instance, has circumvented physical barriers to accessing vital information needed to make arrests. By leveraging government data sharing and third-party contracts, ICE has retained its ability to use the state as a means of assistance.³

In Washington, a sanctuary state, ICE was able to determine the type of passport or birth certificate used by drivers when they applied for a

license.⁴ If these documents were from another country, for instance, ICE made assumptions that not only allowed it to target individuals but strengthened its cases against defendants in court by supplying evidence to use against them.

As more states, counties, and cities rally to protect their undocumented communities, they must consider what laws will actually undercut ICE's efforts. This type of strategic mapping requires consideration of how data can be used as a cross-reference tool, even data that have theoretically been anonymized. Sanctuary laws must be strategic in deterring immigration officials from using data in malicious ways. That is, policymakers must see the protective measures through the eyes of the hacker, as cybersecurity professionals would with any other type of security effort.⁵ This type of proactive framework has been seen in states such as California, where the redaction of certain types of data on licenses has served to hide information that might reveal whether or not a person is undocumented.

Yet, even in California's attempt to outmaneuver ICE, the redaction itself potentially indicated that the information was not available because the individual was undocumented.⁶ And with the emerging REAL ID state-to-state data-sharing system, it is unclear whether information about

those with non-REAL IDs will also be shared.⁷ While drivers' license information has been under the spotlight, there exists a larger question about how states cooperate with federal entities and what they are willing to risk by failing to share the data ICE seeks. One thing is certain: failure to meet a critical standard of user privacy and mandating its codification through legislation reflects a lack of serious commitment to safeguarding immigrants' rights.

The Weaponization of ICE

But data troves go beyond local and state agencies. The rise of tech giants including Facebook and Amazon has catapulted both the reach of data mining and the power for private firms to establish their own guidelines. This has largely gone unchecked, as the United States is one of the few countries without any formal legislation to protect data privacy beyond specific types of information like medical records or educational history. Indeed, this lack of data governance has drawn academics and legal practitioners from various universities and privacy advocacy organizations to propose different models of governance and key principles to guide the framework for drafting policy.⁸ Yet there has been little movement at the federal level, even in instances where legislation has been formally introduced.

The Commercialization of Personal Data

While the American public has drawn a critical eye to how their data are collected, stored, and sold by private entities, there has yet to be a consensus on where this line is drawn. In the absence of this clarity, companies including Facebook are granted the grounds to use and share these data as they see fit, and in some instances, the law has even *required* that they share it in certain circumstances like criminal investigations. In its latest transparency report, Facebook cited that in the first half of 2019, there were over 6,000 requests by US government agencies and law enforcement agents for specific types of information like IP addresses of users and far more for cases where warrants or court orders were granted.⁹ In the wake of this level of sharing, it is important to ask whether the country should be comfortable with allowing the government to reach into the private lives of individuals at this scale.

But even where social media fail to provide the necessary information to locate and deport undocumented immigrants, ICE has found an abundant supply of other data providers.

Palantir Technologies, a firm co-founded by entrepreneur and venture capitalist Peter Thiel (who also co-founded Paypal), has been one of the main sources of data mining and data-management software for ICE.

Though the company maintains that it does not work with the enforcement division of DHS, internal documents have revealed that its platform has been used to build profiles of and track migrants and their family members.¹⁰ DHS asserts that these types of profiles are not restricted to undocumented immigrants but extend to those with authorized presence as well. The tool scrapes data from state and federal entities and supplies agents with information including immigrant history, family relationships, addresses, phone numbers, and biometric data.¹¹ By leveraging this critical information, ICE is able to target individuals and their families.

The tool is hosted on cloud services offered by Amazon, a company whose actions have raised vocal opposition by company employees and advocacy groups.¹²

Growing Use of Facial Recognition

While Amazon's cloud services have indirectly supported ICE, it has also sought formal partnerships by pitching its own facial recognition tool in a vie for lucrative contracts born out of the agency's \$592 million IT budget.^{13,14}

¹⁰ In cases like this, it is important to ask whether the public should continue to support companies that seek to enable ICE's mounting attacks. Yet, where public outcry may persist and might ultimately lead to large

companies ending these harmful partnerships, there may always be smaller companies capable of offering similar services.

One such company, known as Clearview AI, has carved out the opportunity to serve the growing demand by law enforcement officials for more efficient tech tools. By scanning public data on social media and the internet, Clearview has grown a database capable of identifying individuals from a simple photo or video clip.¹⁵ While the company's contracts have thus far been with police forces, there rests an indirect connection with ICE. In cities and states where sanctuary laws don't exist, or where they go unenforced by officers, a simple request by ICE means indirect access to the software and the ability to instantly identify someone with the click of a button.

Mobile Location Services

But ICE has not stopped at the ability to know *who* they are looking for—they've virtually guaranteed that they know *where* to look. Background location services on mobile devices have enabled the agency to locate targeted individuals in real time using ordinary mobile apps including games as a source for geolocation.¹⁶ In real-time monitoring of immigrants, there exists an incentive to stop using mobile devices entirely. And with that precautionary measure, the undocumented community is driven

to abandon a tool that has become a growing necessity in today's society, both for the ability it provides immigrants to rise to high-wage jobs and to help them reach their community in cases of emergency.

With Access Comes Power

As ICE increases its ability to track an individual's every move, to identify them in a matter of seconds, and to learn every detail of their lives, the entire community's ability to simply live and exist becomes threatened. How does one function in life when they must avoid all locations with cameras, including schools or grocery stores? The exacerbation of such surveillance and data-driven tools has created a systemic promotion of fear. And in that fear, in that suppression of mobility—both physically and economically—ICE will have won and the people will have lost, for the very undocumented immigrants who have upheld our economy, provided pools of talent and knowledge, and passionately embraced public service will have been forced into the shadows at an unprecedented scale.

What Can We Do?

Support Advocacy Groups

In light of this growing reality, several organizations have answered the call to dismantle ICE's growing technological capabilities. Organizations

including Mijente, the Immigrant Defense Project, and the National Immigration Project have tracked and published reports on ICE's use of data and technology.¹⁷ They have united to form a front that has called on companies like Palantir and Amazon to cut ties with ICE and, in doing so, sent a clear message that personal data are not for sale. It is important to support these types of organizations, to take up the mantle and join them in their fight by holding companies and state agencies accountable for their enablement of the targeting and removal of our community members.

Establish Data Oversight

It is increasingly clear that sanctuary laws alone will not safeguard how data are shared and whom they serve. Even in cases where the direct sharing of data will be outlawed, there will always be third-party contracts or loopholes that will grant access indirectly to ICE. Truly blocking access to personal data requires that the United States enact privacy laws that extend beyond the outdated and highly specific policies currently in place. Such frameworks already exist in many countries, modeled after the EU's General Data Protection Regulation (GDPR).¹⁸ Though the United States must adapt any principles to its unique needs, it must begin the crucial steps of ensuring data privacy, and it's time for our

community to join the fight for this reform.¹⁹

Ban the Use of Facial Recognition

Additionally, cities like San Francisco, California, and Somerville, Massachusetts, have made critical progress by banning government use of facial recognition unless approved by city officials.^{20,21} Other cities, counties, and states can cripple ICE's efforts by taking similar preventative measures. Likewise, it is important to advocate for federal legislation such as the Commercial Facial Recognition Privacy Act of 2019, which seeks to prevent commercial actors from using facial recognition software without the consent of end users. Though the proposed legislation does not include governments and law enforcement agencies among those barred from using facial-recognition technology, it stifles the ability for commercial vendors who have already developed these tools to work with ICE. By creating this barrier, ICE is forced to depend on slower, less-effective tools for surveillance.

Final Thoughts

In the dawn of our digital era, we face increasingly complex methods of surveillance and data collection. Yet, the efforts we have made thus far for protecting undocumented immigrants fail to account for this new reality. In

order to protect the undocumented community and ensure the ability to not only exist in society but thrive in achieving power and representation, it is important to push for data privacy, dismantle the commercialization of personal data, and cripple malicious use of facial recognition. These efforts will meet headfirst the challenges presented by the 21st-century tactics used to suppress and disenfranchise

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The Housing Choice Voucher Program and Upward Mobility: Through a Latino Lens



Mayra Vazquez

Mayra was born and raised in National City, California, a low-income, predominantly Latino community located 12 miles north of the US–Mexico border. As the daughter of a middle-school educated, single mother, she learned early on the importance of resiliency and the value of earning an education for a more prosperous future. Mayra grew up receiving housing assistance through HUD’s Housing Choice Voucher program, and she is passionate about providing access and opportunities for upward mobility and economic empowerment to all, especially communities like her own.

She began her career at the San Diego City Council, where she led

community- and business-outreach efforts and advised on economic development policy. She later joined the San Diego Regional Chamber of Commerce—the largest chamber on the West Coast—where she worked with businesses, all levels of government, nonprofits, and academia on trade, education, and workforce-development policies that spurred economic growth in the cross-border region. During her tenure, she co-authored an agreement with the Mexico Senate, revamped a policy committee, and co-developed a bimonthly binational forum.

In 2018, Mayra led the first Deferred Action for Childhood

Arrivals (DACA) advocacy efforts for Girls Inc. out of their national Office of Public Policy in Washington, DC. She then went to the US Department of Housing and Urban Development and the US House Committee on Appropriations as the Congressional Hispanic Caucus Institute's Housing Graduate Fellow. During her placements, she contributed to policy program improvements and legislation on housing and upward mobility. Mayra earned her master's degree in public administration, as a National Urban Fellow, from the Marx School of Public and International Affairs at Baruch College and was inducted into the MPA Honor Society, Pi Alpha Alpha. She earned her bachelor of arts in international studies from California State University, Long Beach, and is an alumna of the Hispanas Organized for Political Equality (HOPE) Leadership Institute.

Abstract

The US Department of Housing and Urban Development's (HUD) Hous-

ing Choice Voucher (HCV) program helps low-income families afford safe and decent housing through tenant-based rental assistance. Of the currently estimated 2.2-million voucher holders, 18 percent are Hispanic.¹

Low-income families benefitting from assisted rental housing, such as the HCV program, often have limited skills and education.² In the United States, over 12 million Hispanics live below the poverty level, and only about 40 percent of Hispanic adults have an educational attainment higher than a high school diploma.³ When compared with other immigrant communities, Hispanic immigrant families fare worse in college completion and on the lower end of median earned income.⁴ Greater access to educational opportunities and workforce training can lead to reduced poverty, higher wages, and higher levels of education attainment.

By making education and workforce-development resources a permanent component of the HCV program, this could propel upward mobility for *all* working age, nondisabled voucher holders. This is possible through extensive collaboration among federal agencies, such as an interagency agreement between HUD, the US Department of Education, and the US Department of Labor. Such agreement would provide an opportunity to make a greater intergenerational socioeconomic impact for Latino and

all voucher holders.

Overview

Rental assistance, such as the Housing Choice Voucher (HCV) program, helps impoverished families access decent housing. However, the program is missing an enormous opportunity to propel upward mobility for all program participants who are able to work—that is, voucher recipients who are under 62 years old and do not have a disability that prevents them from being employed.

Families enrolled in rental-assistance programs usually face multiple barriers to better employment, such as limited skills and education.⁵ Part of HUD’s current strategic plan priority goals is to “promote economic opportunity” of assisted households.⁶ By not pairing housing-voucher assistance directly with education and workforce-development resources/services, the HCV program can prevent families from climbing the socioeconomic ladder to eventually become independent of the housing assistance.

Under the current government system of disconnected services and funding for housing, education, and workforce development, voucher holders are at risk of prolonged and/or intergenerational poverty, potentially resulting in permanent dependence on HUD-assisted housing.

HUD’s Family Self-Sufficiency

(FSS) program focuses on increasing earned income for HCV households.⁷

FSS is administered through Public Housing Authorities (PHAs), which facilitate services such as education, job training, and employment counseling.⁸ Although FSS promotes increased earned income through education and workforce development, the program has its limitations. For example, approximately less than half (723) of all PHAs offer the program.⁹ PHAs need to compete for limited funds intended for FSS coordinators, and HCV households must go through a selection process to secure one of the limited FSS slots offered.

What Is HCV?

The Section 8 HCV program was permanently established as a form of tenant-based rental assistance in 1987, and since has become the major form of federal rental housing assistance in the United States, serving approximately 2.2 million households.¹⁰ Funded by HUD and administered by more than 2,000 local PHAs, the program makes housing accessible and affordable for low- and very-low-income families.¹¹ PHAs pay a large portion of rental payments directly to landlords while easing the voucher holder’s contribution, typically 30 percent or less of their household income. In 2018, 63 percent of program participants reported an annual income less than \$15,000, and the

median length of voucher use for nonelderly and nondisabled recipients is approximately four years.¹²

As of December 2018, 18 percent of HCV heads of household are Hispanic.¹³ PHAs in eight states (Arizona, California, Colorado, Connecticut, New Mexico, North Carolina, Pennsylvania, and Texas) report that 50 percent or more of their HCV beneficiaries are Latino.¹⁴ Furthermore, Hispanic households tend to use their vouchers for longer periods of time when compared to White non-Hispanic voucher holders and Latinos in project-based assisted housing.¹⁵

HCV and Upward Mobility Are Not Mutually Exclusive

If HUD intends to advance economic opportunity of assisted households, there should be a greater commitment to move beneficiaries up the socioeconomic ladder and out of HUD-assisted housing.¹⁶

In the United States, the American Dream is often associated with upward mobility, or the opportunity to transition to a higher social and/or economic class.¹⁷ Upward mobility is fostered through various factors including education and employment attainment. However, for many Latinos in the United States, poverty and low levels of education are barriers to advancing the socioeconomic ladder.

In the last year, over 12 million His-

panics lived below the poverty level, and only about 40 percent (ages 25 years and older) have an educational attainment higher than a high school diploma or GED (Table 1).¹⁸

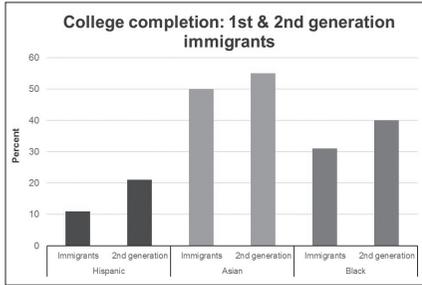
	Estimates (male and female)	Total Percentage
Less than 9th grade	6 million	18%
9th-12th grade, no high school diploma	4.3 million	13%
High school diploma/GED	9.4 million	28%
Some college and above	13.5 million	40%
Total	33.4 million	100%

Educational Attainment for the Population 25 Years and Over (Hispanic or Latino)

As of 2017, 38 percent of Hispanics in the United States were born outside of the country.¹⁹ Particularly for poor Hispanic immigrant families, higher education and higher incomes are harder to achieve. When it comes to college attainment, first- and second-generation Hispanic immigrants fare worse compared with Black and Asian immigrants (Chart A). Research also reveals that first-generation Hispanic immigrants have a median income of about \$30,000—approximately \$10,000 less than Black immigrants and almost \$30,000 less than their Asian counterparts.²⁰

We have an opportunity to improve the HCV program by integrating

education and workforce-development resources for upward mobility and eventual exit of the program.



College Completion: First- and Second-Generation Immigrants

Recommendations

The following two recommendations are evaluated through effectiveness, equity, and political feasibility.

Pair Vouchers with Resources from the Department of Education and the Department of Labor

HUD should better serve HCV households by pairing vouchers with permanent education and workforce-development support rather than temporary and limited efforts through agency demonstrations such as FSS and Jobs Plus. However, HUD alone should not take on this responsibility. The Department of Labor (DOL) and the Department of Education (DOE) are dedicated agencies in these fields that are fully capable of contributing through a permanent interagency agreement. This concept would be modeled after the HUD-Veterans

Affairs Supportive Housing (HUD-VASH) program, which pairs HUD housing vouchers and case management and services with the Department of Veterans Affairs (VA) for homeless veterans.²¹ The agreement should connect DOE and DOL resources and services with PHAs to provide program funding, capacity, and professional expertise to voucher recipients.

*Approximately 42 percent of HUD-VASH participants exited the program after leasing their own housing, and in 2016, a 47-percent reduction of veteran homelessness was attributed to HUD-VASH.*²²

This proposal is very cost effective because it would seek to maximize the use of existing federal funds. Currently, \$17 billion are already spent on workforce development.²³ Through stronger collaboration with the DOL, we would be more effective at equipping some of the poorest families in our country with workforce-development tools for a better chance to climb the socio-economic ladder. Given the diverse educational needs among HCV households, the DOE's current programs ranging from K-12 to adult and higher education can also be beneficial.²⁴ It is critical that our federal government be more effective in domestic

spending while streamlining resources that foster long-term educational and economic achievement, especially to communities that need it the most.

Through this proposal we also address inequities related to (1) the earning potential of HUD-assisted households and (2) access to current HUD resources. For example, employed HUD-assisted individuals rarely “earn more than minimum wage,” and many of those who are employed have part-time jobs rather than full time.²⁵ This shows a disparity in earning potential for HUD-assisted families and the need to prepare them through “high-quality training” to level out the playing field and aim for higher-wage employment.²⁶ The DOL has prioritized workforce training for higher-paying jobs and apprenticeship programs.²⁷ On average, apprenticeship programs have a starting salary of \$15 per hour and are usually a “learn-on-the-job approach,” which would benefit voucher holders by having a job through which they quickly embark on a long-term increased-earning path.²⁸ In regards to HUD’s current resources, the Jobs Plus demonstration provides employment support that has been attributed to higher earned income among participants.²⁹ Jobs Plus completely disregards additional earned income, whereas FSS requires the additional income be contributed to an escrow account. However, this program is specifically for public-hous-

ing families and excludes those who receive housing vouchers. On the education front, HUD and the DOE collaborate through Project SOAR, which promotes the completion of the Free Application for Federal Student Aid (FAFSA) form.³⁰ The program has been deemed successful and often has been the primary source of college guidance for very-low-income, first-generation Latino college students.³¹ Nevertheless, Project SOAR targets youth in public housing. Through the proposed interagency agreement, Project SOAR should be made permanent and inclusive of youth in HCV households. Whether or not a student in HUD-assisted housing will receive FAFSA support, to afford and attend college, should not be determined by their housing assistance type.

*“There were a lot of things I didn’t know about college before meeting Project SOAR.” – Stephanie Sanchez, CSULB, kinesiology major, Project SOAR participant at the Housing Authority City of Los Angeles (HACLA)*³²

A more educated and self-sufficient society, lower unemployment rates, a strong economy, and meeting the needs of our most vulnerable communities are a few potential outcomes that

make this proposal politically feasible. Policy decision makers across our country, regardless of party affiliation or level of government, support the mission to foster education, ensure equal access, and improve employment opportunities and wages.³³ It would also fulfill the objectives of all three agencies—without requesting additional funding—while making a big push to alleviate poverty among HCV households.

Enhance HUD Goals and Metrics

Considering HUD’s current goal of advancing economic opportunity for HUD-assisted households and “positive exit” metrics, additional factors should be considered.³⁴ A “successful exit” should mean eliminating the need that brought people into the program in the first place and provide households with the foundation for sustainable economic independence. To meet this goal, performance metrics should be used to keep HUD and PHAs accountable of their contribution to the upward mobility of HCV households. The Section 8 Management Assessment Program (SEMAP) should include an indicator on PHA-provided (or facilitated) wraparound programs to HCV household based on their needs including, but not limited to, education and workforce development. Of the 14 current SEMAP indicators, most are administrative related to eligibil-

ity, rent payment, and inspections.³⁵ FSS is the only program-enrollment indicator based on the computed mandatory slots, but it does not consider program completion rate or race of participants.³⁶

While it is common to request additional funding for more vouchers, this proposal would ensure that the HCV program effectively equips families with the resources they need for a strong foundation and successful HUD assistance exit, while making vouchers available for more of those in need. In the United States, only one of four eligible households receives federal housing assistance, and approximately three million HCV-eligible families remain on waiting lists.³⁷ It is clear that the demand is much greater than the supply. Just as the Housing First program is a wraparound HUD-assistance entry model, the HCV program should have an equivalent path for program exits.³⁸

Housing First is a HUD wraparound model for homeless families that provides stability by connecting individuals to a home as the first step in their recovery process. Services offered focus on housing stability and individual well-being.

This approach would address inequities by including enrollee outcomes and a participant's race in the SEMAP data reporting. It is vital that we know, on a regular basis, who is faring better or worse to make needed adjustments for equitable program exits. Race may be a critical factor in developing equitable opportunities to move up the socioeconomic ladder, and it is currently not reported through programs that promote increased earned income such as Jobs Plus and FFS.

This is a politically feasible proposal because it helps mitigate risk of intergenerational poverty for HCV households. It is to our country's benefit that we equip HCV households with resources and tools for fruitful and long-lasting program exits. At the same time, program exit goals will alleviate the HCV waiting lists while providing access to an affordable and safe home for more people in need.

Conclusion

By increasing collaboration and establishing an interagency agreement with the DOE and DOL to make education and workforce-development resources a permanent component of the HCV program—rather than temporary or voluntary—there is an opportunity to actually “deliver services more effectively.”³⁹

This is the most feasible proposal to quickly propel upward mobility for HCV households, through existing

resources and guided by stronger interagency collaboration. By doing this, we would ignite upward-mobility paths for all working-age voucher holders. Since Latinos are the second-fastest-growing ethnic group in the United States, we have a greater opportunity to make significant generational changes when it comes to HCV Latino households.⁴⁰

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The *Harvard Journal of Hispanic Policy* (ISSN 0892-6115) is funded entirely through subscriptions and contributions. Donations provided in support of the journal are tax deductible as a nonprofit gift under Harvard University's IRS 501(c)(3) status