In the face of growing racial and ethnic controversy, California has become the first state to take serious steps to eliminate preferential programs for particular minority groups. My central question in this essay is, why has the affirmative action debate been framed in black-white terms, especially in a state like California where Latinos represent the single largest racial or ethnic minority—one that is rapidly expanding? I argue that Latinos have been unrepresented in the controversy because their identity and entitlements have been undercut by two competing policy models: civil rights and immigration. I demonstrate how Latinos' immigration status has eroded their claims for civil rights protection and how fears stemming from their special treatment under civil rights law have undermined their demands for inclusion as immigrants. I conclude by describing the challenges that Latinos face in merging these models in ways that mutually reinforce the definition of their unique identity and history, rather than mutually destroy their life chances.

The nationwide debate over affirmative action is lively, but in California, the controversy has become particularly intense. On 20 July 1995, the Regents of the University of California voted to prohibit the use of “race, religion, sex, color, ethnicity, or national origin” in admissions, hiring, and contracting at the University's nine campuses. In adopting the resolutions, the Regents disregarded the opposition of the President of the University, the Council of Chancellors, the Academic Council, and the Student Association. Despite calls by faculty, students, and staff to reconsider the abolition of affirmative action policies, the Regents to date have steadfastly refused to revisit the issues.

Although the Regents' resolutions eliminate racial, ethnic, and gender preferences in admissions, hiring, and contracting, the new policy explicitly embraces outreach programs to increase the pool of qualified candidates from underrepresented groups. Even with aggressive outreach initiatives, however, it seems likely that the numbers of black and Latino students at the University of California will decline; moreover, the drop will be particularly striking at the most competitive campuses: Berkeley and Los Angeles. The Regents' resolution on admissions provides that admissions policies may take into account economic and social dis-
advantage, and as a result, some have argued that the resolution will not seriously undermine racial and ethnic diversity at the University. Projections for enrollment based on grade point average, standardized test scores, and income indicate, however, that blacks and Latinos would still suffer a significant drop in numbers at the campuses even if socioeconomic status were considered; in fact, the primary beneficiaries of an income-based approach appear to be Asian Americans, whose grades and test scores are higher than those of other racial and ethnic groups when socioeconomic status is held constant.

Measuring social disadvantage by other means, furthermore, remains an untested strategy. The University so far has provided only general guidance on how to implement this portion of the Regents’ policy. Campus efforts to evaluate social disadvantage are complicated by concern that the use of some factors, such as distinctive linguistic or cultural background, could be challenged on the ground that they are illicit proxies for race and ethnicity.

The flurry of activity in response to the Regents’ resolutions will seem modest in comparison to the adjustments in statewide operations that will be required if the California Civil Rights Initiative is placed on the November 1996 ballot and passes. Under the initiative, all institutions of higher education in California, including the California State University system, its community colleges, as well as the University of California, will be covered. Because the state universities and community colleges serve a large number of black and Latino students, these students’ access to higher education in California will be restricted by the initiative. Moreover, outreach programs that receive state funds will be prevented from remaining racially or ethnically specific and, arguably, an individual would even have the right to sue under the state constitution if a university program used proxies that allegedly tracked race or ethnicity too closely. The initiative thus would sweep far more broadly and deeply than do the Regents’ resolutions.

The Unrepresented: The Absence of Latinos from the Affirmative Action Debate

Most of the coverage of these changes in California’s affirmative action policy has been framed in black-white terms. For instance, when I am contacted by reporters, they typically ask whether the time to rectify past discrimination against blacks is over and whether affirmative action programs now engender more unfairness than they eliminate. Media representatives often highlight the dangers of reverse discrimination by questioning preferential treatment for the black bourgeoisie, wondering why the son of a black surgeon or black banker should get special consideration. Latinos are nearly completely omitted from the discussion. This oversight is particularly baffling in California, where Latinos will
constitute 36 percent of public high school graduates by the year 2000; this percentage is second only to whites at 41 percent and represents six times the number of blacks at 6 percent and slightly over twice the 17 percent of Asian Americans. Moreover, the salience of Latinos is growing nationwide: by 2010, Latinos are projected to become the largest minority group in the United States.7

In earlier skirmishes related to the demographic transformation of California, Latinos occupied a prominent place. For example, when Proposition 63, an initiative to make English the state’s official language, was placed on the ballot and passed by an overwhelming margin, commentators focused on the Spanish-speaking population and the prevailing sense that Latinos were not assimilating as earlier generations of immigrants had. When Proposition 187—designed to curtail illegal immigration by cutting off education, health, and social services to the undocumented—was adopted by a wide margin, the dominant images in the press were of Mexicans surreptitiously crossing the border at night or of pregnant Mexican women entering the country so that their American-born offspring could command the privileges of citizenship.

Now Latinos face a new challenge to their sense of belonging in the California polity: the assault on affirmative action threatens to limit their upward mobility as English-speakers legally present in the state. Indeed, the size of the Latino population, its low levels of education and income, and its persistent underrepresentation in positions of leadership suggest that this group will be seriously affected by a declining commitment to affirmative action in California. Nevertheless, in describing the sequence of recent political events in California, one Los Angeles Times article began with and developed this observation by an attorney at the National Association for the Advancement of Colored People: “First the Latinos. Now the blacks. It is getting ugly.”8 This framing of the story suggests that, while earlier efforts to declare English the official language and cut off benefits to undocumented immigrants affected Latinos, the anti-affirmative action movement in California is “getting ugly” by undermining civil rights in a way that would primarily harm blacks. Like blacks, Latinos will be significantly affected by a retrenchment in affirmative action, but they have become “the disappeared” in this public policy debate.

The Paradigmatic Apostrophe: Why Latinos Find No Space in the Affirmative Action Debate

I believe that the presence of Latinos in the affirmative action debate has been elided because the two key models used to define their identity and entitlements have required them to conform to the experiences of other racial and ethnic groups. The mixed message of the civil rights paradigm, which is
rooted in the black experience, is that Latinos have been treated similarly to blacks, but in reality they are more like white ethnic immigrants. The second model, the immigration paradigm, undercuts Latinos’ claims to identity and entitlement because recent Latino immigrants are alleged to be different from earlier generations of ethnic immigrants. Latinos’ shortcomings in assimilating American values have been substantiated, ironically, by invoking the same history of exclusion that they themselves invoke under the civil rights model. Here, the shorthand message is that Latinos should assimilate as white ethnics do, but in reality they will remain isolated and unassimilable as have blacks.

Civil Rights: You’re Supposed to Be Black, But You’re Really White Immigrants. The civil rights model in the United States is clearly based on the African American experience. Modern civil rights protections arose primarily as a response to the persistence of a caste system rooted in slavery. The civil rights movement aimed to dismantle official segregative practices and to promote equal opportunity without regard to race. Early supporters of civil rights reform learned that individual antidiscrimination principles were insufficient to overcome a lengthy history of segregation and inequality. First, these individualized remedies placed the burden on victims to come forward to demand legal redress; yet, precisely because of their oppressed status, these individuals were often least able to muster the resources to advance their claims. Second, an individual rights model was ill equipped to address those systemic forms of discrimination without clearly identifiable victims. If, for example, an employer failed to recruit broadly and equitably for a job, those who never received word of the opening would be largely unaware of the harm they had suffered.

For these reasons, the federal government adopted proactive programs, like affirmative action, designed as temporary measures to undo the lingering effects of past discrimination. As the federal presence in the civil rights arena grew during the 1960s and 1970s, so did the number of groups (other than African Americans) that asserted an entitlement to special protection. Among those groups was the Latino population, which cited its own history of segregation and discrimination as a justification for inclusion in remedial programs including affirmative action. Eventually, Latinos gained recognition from Congress, the Supreme Court, and civil rights agencies as an ethnic group that should enjoy protections comparable to those available for blacks.9

Although Latinos earned formal recognition, informal doubts about the propriety of their inclusion in a civil rights model remained. First, Latinos are not a monolithic racial group: their ancestors may be white, black, or indigenous peoples. Indeed, because the U.S. Census requires respondents to identify themselves as a single race, Latinos often mark “other” and then must be reclassified. To accommodate the ambiguities surrounding Latinos’ racial identity, the Census identifies them separately as an ethnic group.10
This shift from a racial to an ethnic categorization calls into question Latinos' entitlements under a civil rights model. African American advocates of civil rights emphasize race as a central feature of disadvantage. Judges and legislators often lament that individuals are judged by the color of their skin rather than the content of their character; the Supreme Court has applied a stringent standard of review, "strict scrutiny," for racial classifications in part because it views race as an immutable characteristic.  

These depictions of race emphasize its links to biological expression through phenotype. The only relevant social correlate of race in this model is subordination. Ethnic categories, on the other hand, turn on ancestry but are typically associated with malleable social traits, such as language and culture: one can learn a new language or adopt new cultural practices. Precisely because ethnic classifications appear more mutable than racial ones, policymakers often are tempted to conclude that Latinos can escape the strictures of ethnicity by assimilating to dominant norms but blacks are not similarly able to free themselves from racial prejudice. The perception that many Latinos have arrived in the United States as voluntary immigrants and, like earlier waves of newcomers, should be able to adapt themselves to an American way of life, has only reinforced this view.

The black civil rights movement was rooted in the hardships of slavery. The small numbers of African immigrants from Haiti, Jamaica, and African nations represent such a tiny portion of the African American population that their presence does not significantly dilute blacks' demands for corrective justice. By contrast, Latinos have diverse histories: some are the descendants of Mexicans or Puerto Ricans whose lands were conquered by the United States. Others from Mexico and Central or South America arrived as immigrants, both legal and illegal, searching for a brighter economic future than their home countries could offer. Finally, many Cubans and Central Americans came as refugees seeking asylum from repressive political regimes. Because Latinos reflect such a wide-ranging mix of experiences, policymakers question their treatment as a collective group entitled to rectification of past discrimination. Latinos often find, therefore, that current patterns of segregation and inequality are an insufficient basis for relief because they are not necessarily an artifact of past governmental discrimination.

A good example of the ambivalence about including Latinos in affirmative action programs under a compensatory justice rationale is the recent article by Paul Brest and Miranda Oshige entitled "Affirmative Action for Whom?" In the article, Brest and Oshige identify two broad justifications for affirmative action: (1) diversity in the educational enterprise, and (2) corrective and distributive justice in society at large. The diversity claim focuses on how the pedagogical process is enriched by the exchange of ideas among people from a wide array of backgrounds. According to Brest and Oshige, "What matters to an institution's intel-
lectual mission is not group membership or background as such, but a multiplicity of intellectual perspectives. But it is a fact that people's backgrounds affect the way they perceive and evaluate the world."

The corrective justice rationale "focuses on remedying the present effects of past discrimination." Brest and Oshige concede that the fit between beneficiaries and cost-bearers under affirmative action programs is imperfect. Candidates to whom compensatory relief is not granted are not necessarily wrongdoers, and those who enjoy the benefits of preferential treatment may not have suffered individual injury. The distributive justice rationale focuses on reducing inequality in income and power among individuals; to this end, it is appropriate to consider the group characteristic of race or ethnicity, "to the extent that the success of an individual depends on the success of other members of the groups to which she belongs."

Brest and Oshige describe several mechanisms that enhance affirmative action programs' capacity to advance the corrective and distributive justice goals. They argue that when members of a racial or ethnic group are closely connected with one another, the success of one individual due to affirmative action programs will have a multiplier effect, since others benefit materially from that person's improved access, information, and support. In addition, indirect benefits may accrue to the extent that the successful individual serves as a role model; again, the more strongly that group members identify with each other, the more powerful this effect will be. Finally, group members may benefit if the success of one individual mitigates negative stereotypes held by outsiders; the greater the tendency to label a group and evaluate it collectively, the more helpful the reduction in stereotypes will be to each member.

Using this framework, Brest and Oshige assess the propriety of including various racial and ethnic groups within affirmative action programs. After defining Latinos as "immigrants or the descendants of immigrants from Puerto Rico, Cuba, [Mexico,] and the many countries of Central and South America," the authors find that, while Latinos suffer from persistent and severe disadvantage, "some of the gap in socioeconomic status may be due to the fact that recent immigrants account for a large proportion of the total Latino population." Brest and Oshige also note that "Latinos were typically classified as 'white' by the Jim Crow laws that existed between the end of Reconstruction and the mid-1960s," but were nevertheless subjected to negative stereotypes and systematic discrimination. Brest and Oshige believe, however, that "the extent to which discrimination has contributed to the poverty of Latinos is open to dispute" because "some social scientists attribute much of the wage differential to Latino immigrants' lack of marketable job skills and English literacy."

Brest and Oshige also worry that the internal diversity of the Latino population undercuts the extent to which the success of one member will benefit the larger group. Although some Latinos do identify themselves collectively to com-
bat common problems of discrimination (through organizations such as the National Council of La Raza and the League of United Latin American Citizens), these authors believe that national origin identification remains stronger than a pan-Latino identity. For this reason, Brest and Oshige conclude that the multiplier effect of affirmative action programs is diluted for Latinos. Interestingly, the authors focus heavily on the compensatory and distributive justice rationales and do not argue that the internal diversity of the Latino population enriches their capacity to contribute to the robust exchange of ideas within academic institutions.

Based on the foregoing analysis, the authors ultimately find that the case for a national commitment to affirmative action for Latinos is weaker than for groups such as blacks and Native Americans. Brest and Oshige therefore recommend that the decision to include Latinos should be made by each institution based on its program rationales and regional demography. Where Latinos constitute a large segment of the local population, the authors believe that:

Whatever uncertainties there may be about the causes and long-term intractability of the disadvantaged status of Latinos, the social salience of some groups—for example, Puerto Ricans in the East and Mexican Americans in the West—speaks to the importance of their presence to the educational mission of many law schools.20

The Brest and Oshige article aptly illustrates the ways in which Latinos' civil rights claims are undermined by their depiction as an immigrant population. Having cast Latinos as voluntary white ethnic immigrants, the authors easily conclude that they have not suffered the sort of historical injustices that blacks have suffered. No mention is made of the fact that the Puerto Rican and Mexican American populations singled out as intractably disadvantaged were not only immigrants but also the objects of conquest. What is significant about this history is not how many members of each group are the descendants of residents of annexed territories and how many are recent immigrants; rather, what matters is that officials found it necessary to create structures of subordination to subdue the seemingly untrustworthy, alien, and inferior former Mexican and Spanish citizens in their midst.

In recounting the history of Anglos and Mexicans in Texas, for example, David Montejano describes how, in the wake of the Mexican War, settlers who arrived carefully distinguished themselves as “white folks,” rather than Mexicans. Settlers often were surprised at Mexicans who asserted their rights. Frederick Law Olmsted reported that one newcomer to Texas during the 1850s expressed astonishment that a Mexican was carrying a revolver. When the settler asserted that Mexicans should not be permitted to bear arms, another Texan replied that there was little to be done because “they think themselves just as good as white men.”21 Settlers, in addition, frequently resented the treaty protections accorded to Mexicans. Over time, this initial relationship of distrust and racialization of Mexicans was perpetuated, and it resulted in pervasive systems of segregation and ineq...
ity. As Texas's agricultural economy expanded, Mexican immigrants often provided a source of cheap labor. Native-born Texans of Mexican origin often mediated between these laborers and their white employers, while newly arrived farmers expressed ambivalence about their reliance on Mexican laborers.

Scholars of the period noted the dilemma posed to Southwestern society by the Mexican population. University of Texas Professor William Leonard argued that:

Society in the Southwest cannot easily adapt itself to the handling of a second racial problem. . . . for Mexican immigrants, there is no congenial social group to welcome them. . . . They are not Negroes. . . . They are not accepted as white men, and between the two, the white and the black, there seems to be no midway position.\textsuperscript{22}

In a similar vein, Texas sociologist Max Handman wrote in 1930 that “American society has no social technique for handling partly colored races. We have a place for the Negro and a place for the white man: the Mexican is not a Negro, and the white man refuses him an equal status.”\textsuperscript{23} Both men predicted that Mexicans could cause trouble by destabilizing race relations in the state.\textsuperscript{24}

Because Brest and Oshige only perfunctorily acknowledge that Latinos have encountered systematic discrimination, the authors dismiss its impact by linking differences in socioeconomic status between Latinos and whites to the former's lack of English proficiency and inadequate job skills, characteristics that should change as immigrants and their progeny assimilate. In reaching this conclusion, the authors fail to address the ways in which pervasive prejudice blocks assimilation and forces newcomers to adapt themselves to existing structures of racial and ethnic inequality.\textsuperscript{25} By requiring Latinos to conform to a model of compensatory and distributive justice rooted in the African American experience, Brest and Oshige conclude that Latinos' entitlements to affirmative action protections are ambiguous, clouded by the suspicion that they are really white ethnic immigrants. At no point in the paper do Brest and Oshige examine the ways in which a recent history of immigration reinforces racism and heightens the need for civil rights protections.

\textit{Immigration: You’re Supposed to Assimilate Like Whites But You’ll End Up a Minority Like Blacks.} The immigration model is rooted in the white ethnic experience. The traditional recounting of the immigrant experience is arguably a nostalgic exercise that omits the harsher aspects of newcomers' treatment.\textsuperscript{26} Whatever the historical inaccuracies,\textsuperscript{27} this account holds considerable sway over popular perceptions of current immigrants and the legitimacy of their demands for inclusion in the American polity.

According to the traditional immigration story, immigrants arrive in the United States by invitation only. Immigrants who accept the invitation are expected to make a permanent commitment to their new country; most become citizens through the naturalization process. By undergoing naturalization, im-
migrants forswear allegiance to their homelands and ally themselves exclusively
with the United States. Through this commitment, newcomers can expect to tra-
verse a steady path of upward mobility; whatever sacrifices they make will re-
dound to the benefit of their children and grandchildren.28

This story is seriously incomplete, particularly insofar as it omits the instances
of racial intolerance that have marred immigration policy. Due to concerns that
some newcomers would be incapable of assimilating to an American way of life,
the federal government has at various times restricted immigration from partic-
ular areas of the world. The Chinese Exclusion Act of 1882, for instance, prohib-
ited Chinese from emigrating to the United States and becoming citizens.29 In
addition, state governments often adopted Americanization programs in public
schools to ensure that immigrant populations assimilated to dominant norms and
values. These federal and state initiatives punished certain newcomers for their
perceived inability to conform to dominant norms.30

Latinos have similarly faced doubts about whether they legitimately belong
to the American polity, especially since their experience does not jibe with that of
earlier white ethnic immigrants. First, the terms of the invitation to come to the
United States sometimes have been ambiguous. In contrast to an offer to join the
polity on a permanent basis, Latinos have regularly received quite different sig-
als: they have been offered the opportunity to work on a temporary basis with
every expectation that they will return to their home countries. Sometimes this
approach has been formalized through bracero programs. At other times, the ap-
proach has been informal; the federal government is lax in policing its borders
against illegal immigration so long as low-wage jobs are plentiful in the United
States. In either case, these sojourners can be promptly dispatched to their coun-
tries of origin through termination of temporary work programs or deportation
when labor cycles change.

Second, the close proximity of many Latinos to their homelands has made it
more difficult to sever ties to their original language and culture than may have
been true for earlier generations of immigrants. The steady influx of new immi-
grants, the continuing ties with friends and relatives in other countries, and the
rise of transnational communities that challenge the neat lines drawn by official
borders—all of these contribute to a sense that Latinos are not assimilating on the
same terms as earlier generations of immigrants. Indeed, dual loyalties to the
home country and the United States are proffered as the reason for low rates of
naturalization among Latino immigrants.31

Finally, Latino immigrants have found the path to upward mobility for their
children and grandchildren rocky and unsure. Although numerous commenta-
tors have suggested that Latinos will pursue the same patterns of success as earlier
immigrants, others have argued that racial stratification and subordination will
impede Latinos’ access to educational and economic opportunities. In the field
of public health, for instance, recent studies suggest that second- and third-

Unrepresented 147
generation Latinos have poorer health than do first-generation Latinos. Analysts have hypothesized that, among other things, blocked acculturation has damaging effects on the progeny of immigrants. In particular, first-generation Latinos compare their standing to that of others in the home country and consider themselves successful; by contrast, their children and grandchildren compare themselves to others in the United States and conclude that they are less successful than their peers. Moreover, second- and third-generation Latinos may doubt that they can overcome systemic prejudice and therefore turn to self-destructive, risk-taking behaviors like drug use and unsafe sex.32

Just as Latinos’ claims to civil rights protections are undercut by referring to their immigrant status, their status as immigrants is undermined by alluding to their potential claims under a civil rights model. The immigration model requires Latinos to conform to the experience of white ethnics, but they cannot; in fact, Latinos’ difficulties stem to a substantial extent from a fear that they are unassimilable because of their distinctive ethnic identity. In brief, Latinos are expected to acculturate as white ethnics do, but at the same time there is a strong suspicion that, like blacks, they will constitute a permanent minority.

A good example of how restrictionist immigration arguments and concerns about affirmative action can intersect appears in Peter Brimelow’s recent best-selling book Alien Nation.33 Concerned about rising numbers of Latino immigrants, he points out that “no matter how new, all immigrants from the right ‘protected classes’—black, Hispanic, Asian—are eligible for preferential hiring and promotion. They are counted toward government quota requirements that were allegedly imposed on employers to help native-born minority Americans.” Based on the availability of these programs, Brimelow believes that Hispanics “are much less encouraged to ‘Americanize’ than anything seen in the previous Great Wave [of immigration during the late 1800s and early 1900s]” because “they are being issued with a new, artificial ‘Hispanic’ identity.”34

Characterizing affirmative action as “government-mandated discrimination against white Americans,”35 Brimelow decries the decision to treat “Hispanics” as a homogeneous protected class. He contends that their favored treatment is “a result of ethnic lobbying in Washington” rather than of a genuine claim to compensatory justice. Moreover, their illegitimate political demands and rising numbers threaten opportunities for whites. Citing the prospects of his white son, Brimelow argues that “the sheer size of the so-called ‘protected classes’ that are now politically favored, such as Hispanics, will be a matter of vital importance as long as he lives. And their size is basically determined by immigration.”36

Brimelow concludes that the confluence of race-conscious civil rights policy and liberal immigration threatens American traditions:

Race is destiny in American politics. Its importance has only been intensified by the supposedly color-blind civil rights legislation of the 1960s—which paradoxically has turned out to mean elaborate race-conscious affirmative action programs. Any change in the racial
balance must obviously be fraught with consequences for the survival and success of the American nation.37

Having questioned the legitimacy of Latinos’ civil rights claims, Brimelow in turn argues that these claims undercut the authenticity of Latinos’ expressed desire to immigrate to the United States. He says that Americans should be asking themselves, “if the ‘protected classes’ are so oppressed in the United States that they must be rescued by this unprecedented government intervention, how can it be right to allow any more members of the ‘protected classes’ to immigrate into this oppression?”38 In stark form, Brimelow’s arguments demonstrate that not only have civil rights entitlements been called into question because of the immigrant status of Latinos, but their petitions to immigrate have been portrayed as dangerous because of their status as beneficiaries under civil rights law.

The Latino Challenge

Because Latinos are asked to conform to a black experience under the civil rights model and a white experience under the immigration model, they never succeed in fully establishing the legitimacy of their claims under either approach. The first step that Latinos must take to avoid being whipsawed by civil rights and immigration models is to establish the ways in which each paradigm accentuates the need for a heightened commitment to fairness and equity under the other. Under the civil rights model, it is essential that Latinos demonstrate that the recent influx of immigrants increases, rather than diminishes, the likelihood of discriminatory treatment. The growing visibility of Latino immigrant populations may reinforce stereotypical beliefs that Latinos are foreign and unwilling to assimilate. These stereotypes in turn are rooted in those historical practices that degraded Latinos out of fear that they would be less trustworthy Americans than other groups.

Under the immigration model, it is key that Latino advocates demonstrate that the failure to regularize the inevitable flow of cheap labor across a semipermeable border creates vulnerable populations trapped in poverty and ignorance. As the Supreme Court wrote in Plyler v. Doe:

Sheer incapability or lax enforcement of the laws barring entry into this country, coupled with the failure to establish an effective bar to employment of undocumented aliens, has resulted in the creation of a substantial “shadow population” of illegal immigrants—numbering in the millions—within our borders. This situation raises the specter of a permanent caste of undocumented resident aliens, encouraged by some to remain here as a source of cheap labor, but nevertheless denied the benefits that our society makes available to citizens and lawful residents. The existence of such an underclass presents most difficult problems for a nation that prides itself on adherence to principles of equality under law.39
Recent proposals to eliminate benefits not only for undocumented persons but also for permanent resident aliens aggravate the dangers of creating hierarchical tiers of belonging and entitlement in a society committed to civil rights for all. The destruction of the dignity and humanity of one segment of the population cannot easily be confined; tolerating the creation of a permanent underclass and then of a class of semilegitimate resident aliens makes it all too easy to retreat wholesale from a general commitment to equal treatment. Latinos must make clear that intelligent and humane immigration policy is integrally related to preserving the civil rights of all Americans.

Although I think that it is critical in the short run to contest the application of the civil rights and immigration models to Latinos, in the long run I hope that the Latino experience will challenge scholars and policymakers to reconsider the conventional parameters of each paradigm. The civil rights model is rooted in a black-white experience, but with the growth of Latino and Asian populations, this bilateral approach to race relations must be reconsidered. As was true in the 1930s, Latinos today do not fit either a black or a white typology, but instead of forcing them into a procrustean bed, it may be useful to analyze how this black-white vision has blinkered America’s understanding of race. Perhaps race has been cast in excessively biological terms, when its correlation to social characteristics, such as religion, language, and culture, is critical; race may be wrongly treated as monolithic when race mixing has been a long-standing, if largely un-discussed, feature of American life. As Latinos gain prominence, their experience may facilitate a thorough reexamination of America’s outmoded conceptualization of race.

Similarly, the Latino experience could alert us to the limitations of traditional accounts of immigration. The rise of transnational communities may be the first harbinger of the global economy’s impact on personal and national identity. As labor and capital flow across international borders, traditional boundaries may be less effective in marking and preserving an American way of life. Although the rise of immigrant populations is the most immediate and concrete evidence of these changes, the restructuring of the United States economy may have other serious long-term implications for traditional conceptions of American customs and values. As capital is exported abroad to draw on cheap labor supplies, Americans confront a growing inequality of opportunity between the highly skilled on the one hand and the semiskilled or unskilled on the other. Many Americans now find that, instead of high-wage manufacturing jobs with benefits, they must settle for part-time work without benefits or security of employment in the service sector.

At some point, this rise in economic inequality may threaten the predicates of political equality so critical to the democratic process. The well-to-do will increasingly require that the political process insulate them from the discomfort and dangers associated with a class of unfortunates with little hope for personal
advancement. By demonstrating how global flows of labor and capital affect a range of domestic traditions, scholarship on Latinos may alert the United States to the perils of failing to place immigration policy in the context of larger international economic imperatives. At a minimum, this work is likely to demonstrate that cracking down on immigration is by no means a complete answer to the larger challenges facing this country—now part of an international community with a range of political, social, and economic traditions.42

The transformation of popular thinking about civil rights and immigration is a tall order for Latinos. To accomplish this goal, government officials, foundations, think tanks, and universities must support scholarly work on the burgeoning Latino population. Generating a substantial body of research on this group is a first step, but these findings then must reach policymakers and the media in accessible forms. To facilitate this dissemination, at least some Latinos must assume the role of public intellectuals, providing commentary for newspapers, magazines, and television. Only in this manner can the conventional wisdom about Latinos be challenged. To maximize the impact of these commentators, Latinos should organize media watchdogs to ensure fairness, accuracy, and balance in the coverage of Latino concerns.43

Latinos need to show how the civil rights and immigration models interact in forming their identity and forging their life chances. Ultimately, though, the greatest contribution that Latinos may make is to alert Americans to the ways in which each paradigm has become obsolete. Latinos may not fit the models because the models just don’t fit the complications of a multiracial, multiethnic, multicultural, multilingual America.

Notes

5. Pamela Burdman, “UC Officials Roll Out Plans on Preferences,” San Francisco Chronicle, 14 December 1995, A19. When the President of the University of California asked for additional time to implement the resolution on student admissions, he met with a stinging rebuke from the Regents. “University’s Leaders Are Torn by Affirmative-


14. Ibid., 863. 15. Ibid., 867. 16. Ibid.

17. Ibid., 883–84, 886. 18. Ibid., 888.


21. Frederick Law Olmsted, *A Journey Through Texas; or, a Saddle-Trip on the Southwestern


27. Assimilation was not a straightforward proposition for earlier generations of immigrants. According to David Hollinger, of those immigrants who came to the United States during the great migration of 1880 to 1924, about one-third returned to their country of origin. David A. Hollinger, *Postethnic America: Beyond Multiculturalism* (New York, 1995).


31. See Johnson, “Los Olvidados,” 1223 (the naturalization rate for Latinos was less than half the average for all immigrants); see also Sam Dillon, “Mexico Woos U.S. Mexicans, Proposing Dual Nationality,” *New York Times*, 10 December 1995, A10.


34. Ibid., 218. 35. Ibid. 36. Ibid., 11.

37. Ibid., 264. 38. Ibid., 263–64.


41. There is evidence that these developments are already unfolding. See Luis Angel Toro,
