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DIVIDED AMERICA: Minorities missing in many legislatures

By DAVID A. LIEB June 16, 2016

As Virginia's only Latino state lawmaker, Alfonso Lopez made it his first order of business to push for a law granting in-state college tuition to immigrants living in the U.S. illegally since childhood.

The bill died in committee.

So Lopez tried again the next year. And the year after that.

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EDITOR'S NOTE — This story is part of Divided America, AP's ongoing exploration of the economic, social and political divisions in American society.

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Now, in his fifth year in office, Lopez is gearing up for one more attempt in 2017.

"If we had a more diverse (legislature) and more Latinos in the House of Delegates," he says, "I don't think it would be as difficult."

America's government is much whiter than America itself, and not just in

Virginia.

While minorities have made some political gains in recent decades, they remain significantly underrepresented in Congress and nearly every state legislature though they comprise a growing share of the U.S. population, according to an analysis of demographic data by The Associated Press. The disparity in elected representation is especially large for Hispanics, even though they are now the nation's largest ethnic minority.

A lack of political representation can carry real-life consequences, and not only on hot-button immigration issues. State spending for public schools, housing and social programs all can have big implications for minority communities. So can decisions on issues such as criminal justice reform, election laws or the printing of public documents in other languages besides English.

When the people elected don't look, think, talk or act like the people they represent, it can deepen divisions that naturally exist in the U.S.

Campaigning door-to-door in the heavily Latino neighborhoods of south Omaha, Nebraska, first-time legislative candidate Tony Vargas has talked with numerous people afraid to participate in democracy. Some felt shunned or confused when they once attempted to vote. Others have misconceptions about the legal requirements to do so. Some simply believe their vote doesn't matter.

"You can hear the fear in people's voices, and you can hear that they feel like less of a member of society, less of an American," says Vargas, whose parents came to the U.S. from Peru.

Though Hispanics now make up 10 percent of Nebraska's population, there is not a single Latino lawmaker in its Legislature.

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Racial minorities aren't the only ones underrepresented in legislatures. The percentage of state lawmakers who are women tripled from 8 percent in 1975 to a high of nearly 25 percent this year, yet that remains well short of their majority in the total population. Legislators also fail to mirror the people they represent in other ways: Statistics show lawmakers generally are older and more likely to have advanced college degrees than the public as a whole.

But the effects of underrepresentation are keenly felt by groups that have not

had a full share of the American dream.

The AP analyzed the most recent data from the U.S. Census Bureau, Congress and the National Conference of State Legislatures to determine the extent to which the nation's thousands of lawmakers match the demographics of its hundreds of millions of residents. The result: Non-Hispanic whites make up a little over 60 percent of the U.S. population, but still hold more than 80 percent of all congressional and state legislative seats.

Among major minority groups:

—Blacks are the least underrepresented but still face sizable gaps in some places. In Mississippi and Louisiana, about one-third of the population is black. Yet each state has a single black member of Congress and a disproportionately small number in their state legislatures.

—More than half the states still have no lawmakers with Asian or Pacific Islander heritage, and just four states have any in Congress. They represent about 5 percent of the U.S. population.

—Hispanics comprise more than 17 percent of the U.S. population, yet they are fewer than 7 percent in Congress and fewer than 4 percent of state legislators.

In Virginia, for example, the Hispanic population grew by 46 percent from 2007 to 2014 — nearly six times the rate of the state's overall growth. Yet the number of Latino lawmakers just rose to two this year.

"Even in Texas, New Mexico and California that have the largest delegations, we're still far short of parity with the population," says Arturo Vargas, executive director of the National Association of Latino Elected and Appointed Officials.

California's Latino population has surpassed that of whites, and Latinos now lead the state Senate and Assembly. Yet whites held three times as many legislative seats as Latinos last year, and the gap between the percentages of Hispanic residents and California lawmakers was the largest in the nation.

There are many reasons for the disparities.

The U.S. Hispanic population generally is younger and less likely to be eligible voters. And those who can vote often don't. Voter turnout among Hispanics (as well as Asian Americans) was just 27 percent in 2014, compared with 41 percent

for blacks and 46 percent for whites, according to the Pew Research Center.

That gap is evident in Oklahoma House District 89, where Latinos comprise two-thirds of the residents. The district has the fewest registered voters in the state, and even fewer bother to vote. In 2014, barely 650 of the nearly 4,000 registered Democrats voted in a primary runoff for an open seat where Latina community leader Mary Sosa was defeated by construction superintendent Shane Stone, who is white. Sosa was vying to become just the second Hispanic lawmaker in the state.

Ramiro Padilla, the owner of a Mexican bakery in the south Oklahoma City district, says Latinos in his area feel disconnected from local and state government.

“Really, I think we don’t have any voice,” Padilla said.

Low voter involvement can make it harder to recruit minority candidates, and less likely for minority communities to be targeted by campaigns.

“It becomes sort of self-fulfilling — they’re not likely voters, so you don’t talk to them, and because you don’t talk to them, they don’t become likely voters,” says political consultant Roger Salazar, whose clients include California’s legislative Latino caucus.

The power of incumbency also can work against minority representation. Decades of deeply ingrained name recognition have helped white lawmakers continue to get elected in numerous districts where population shifts have gradually made racial minorities the majority.

In Berks County, Pennsylvania, about 100 miles west of New York City, the Hispanic population has risen 850 percent since 1980 — from about 9,000 to 77,000 in the most recent Census Bureau estimate. The 127th House District in Reading has been held that whole time by Democratic Rep. Thomas Caltagirone, who is white, even though his district is now 59 percent Hispanic.

Of the 253 seats in the Pennsylvania General Assembly, just two are held by Latinos.

Some local Hispanics say Caltagirone has striven to serve a diverse district that includes Puerto Ricans, Dominicans, Mexicans and Salvadorans. He has several Hispanic staff members. Abraham Cepeda, a Dominican-American immigration

attorney in Reading, Pennsylvania, says having lawmakers who connect with their minority constituents is as critical as having minorities elected.

“The person is more important than the race or ethnicity,” says Cepeda, a local school board member.

Karl Kurtz, a retired NCSL employee who has analyzed the demographics of legislatures, agrees.

“It’s desirable to have our legislators look like America, but you kind of have to draw lines with that,” he says. “The task is not whether or not you look like your constituents, it’s whether you fairly represent them, whether you listen to them and pay attention to their views.”

But others say that’s not enough.

“I’m not saying a non-Hispanic lawmaker cannot represent a majority community of Hispanics, but any elected body, be it a state legislature or Congress, needs to include those who have lived through the Hispanic experience,” says Bernardo Carbajal, a Mexican-American lawyer and school board member in Reading.

“If Hispanics don’t see themselves being represented, they see that they aren’t part of the community,” Carbajal adds.

Another factor is the way legislative districts have been drawn — gerrymandered, in some cases, to protect those people or political parties already in power. Racial gerrymandering can occur either when minority communities are divided among multiple districts to dilute their voting strength or when they are packed heavily into a single district to diminish the likelihood of minorities winning multiple seats.

Federal judges ruled recently that lawmakers illegally packed large numbers of black voters into congressional districts in North Carolina and Virginia. Lawsuits alleging racial gerrymandering from the last redistricting also are pending in several other states.

In some states, most minority lawmakers also are members of the minority political party, which further diminishes their influence. Nationwide, 98 percent of black state lawmakers are Democrats, and 70 percent of them are in states where Democrats are in the minority, according to figures from the National

Black Caucus of State Legislators. The disparity in racial political power is particularly pronounced in the 11 Southern states that once formed the Confederacy, all of which now have Republican-controlled legislatures. The National Black Caucus of State Legislators listed 347 black lawmakers in those states — 343 Democrats and just four Republicans.

The role of minority caucuses in Southern states used to be to compel Democratic leaders to listen to their issues, says Georgia House Minority Leader Stacey Abrams, who is black.

But the Black Caucus and Democratic Caucus now are effectively the same. Of Georgia's 78 Democratic lawmakers, 60 are black.

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In states that have elected a critical mass of minority legislators, they've claimed some successes.

In California, a new law expands the state's Medi-Cal health care program for low-income residents to immigrant children, regardless of their legal status. The state budget includes $15 million for nonprofits to help immigrants gain U.S. citizenship or remain in the country. And a law that kicked in last year provided drivers' licenses to more than 600,000 people living in the country illegally.

The Texas Legislature, which is more than one-fifth Hispanic, in 2013 restored most of the $5.4 billion of cuts that had been made to public schools just two years earlier — a move that particularly benefited Hispanics because they now comprise a majority of the state's public school students.

"It would not have happened without the members of our caucus raising those objections," says Rep. Trey Martinez Fischer, chairman of the Mexican American Legislative Caucus.

But again and again, minority legislators in other states told the AP that their priorities have been stymied partly due to a lack of others like them.

For 22 years, Delaware state Sen. Margaret Rose Henry has been the only black senator in a state where African-Americans comprise more than one-fifth of all residents. Henry says she has long sought to improve the educational opportunities for black children bused under a Wilmington desegregation plan to suburban schools. But recommendations from multiple studies have gone

nowhere over the years.

Now, a new commission has recommended realigning Wilmington area school districts and revising the state funding formula to direct more money to schools with larger numbers of students who are low-income, learning English or at high risk of not completing school. Henry fears the plan will again be difficult to pass.

“If there were more black elected officials, we would have a better chance to get something done,” she says.

Washington state Rep. Sharon Tomiko Santos tells a similar story.

In 2004, Santos introduced legislation that would have required state agencies to provide public health, safety and welfare notices in other languages if at least 5 percent of the people in an affected area spoke something other than English.

The bill hadn’t passed by December 2006, when scores of people — most of whom didn’t speak English as their primary language —suffered carbon-monoxide poisoning from bringing barbecue grills or portable generators into their homes after a severe windstorm knocked out power. An after-the-fact report by the state Military Department cited the need to translate public safety messages into more languages.

Yet almost 10 years later — and a dozen years after Santos first filed her bill — it still hasn’t passed, partly because of concerns it could cost hundreds of thousands of dollars to implement.

Santos, chairwoman of the National Asian Pacific American Caucus of State Legislators, believes the measure would have fared better if Washington’s legislature — which is more than 90 percent white — more closely resembled its 30 percent minority population.

When lawmakers and policymakers better understand “the way policies are experienced in communities of color,” she says, “I think it changes the type of policies we adopt.”

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