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WHAT'S RACE GOT TO DO WITH IT?

PRESS COVERAGE OF THE LATINO ELECTORATE IN THE 2008 PRESIDENTIAL PRIMARY SEASON

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INTRODUCTION

The 2008 presidential election was perhaps the most significant in U.S. history for Latinos,¹ who have surpassed African Americans as the nation's largest minority group. By 2050, when non-Latino whites in the U.S. will be less than fifty percent of the nation's population, Latinos are projected to be thirty percent, double the estimated percentage of African Americans.²

The election was history-making for Latinos for at least three reasons. This was the first presidential election in which a Latino candidate sought the nomination of a major party. New Mexico Governor Bill Richardson was a viable candidate and competed in several Democratic caucuses and primaries before withdrawing from the presidential race.³ As several

* A.B., Harvard College; M.A., Ph.D., Sociology, Stanford University; J.D., Stanford. I am grateful to Esperanza Lujan and Kelly E. Sloane for research assistance with this article, as well as to the staff of the University of New Mexico School of Law Library. I acknowledge valuable feedback I received from presentations to St. John's Law School Symposium on the 2008 presidential election, the UNM School of Law Faculty Colloquium, the American Studies Association annual meeting, the Center for the Study of Race, Ethnicity and Politics at UCLA, and the UNM Department of American Studies Brown-Bag Speakers Series. I am grateful for editorial feedback on this article, as well as for my life-long interest in politics, to my father, Antonio J. Gómez.

¹ I use the terms "Latino" and "Hispanic" interchangeably to refer collectively to persons in the U.S. who trace their origins to Mexico, Puerto Rico, Cuba or other Spanish-speaking countries.

² Press Release, U.S. Census Bureau, An Older and More Diverse Nation by MidCentury (Aug. 14, 2008), available at <http://www.census.gov/Press-Release/www/releases/archives/population/012496.html> (projecting that the Hispanic population will triple from now until 2050, from 46.7 million to 132.8 million, while the black population will only increase from 41.1 million to 65.7 million).

³ See generally BILL RICHARDSON, BETWEEN WORLDS: THE MAKING OF AN AMERICAN LIFE (2005). Richardson's biography describes growing up bi-racial – the son of a white, American father and a Mexican mother who remained in Mexico City after his parents divorced. *Id.*

political scientists have noted, Richardson's candidacy focused early interest on the presidential election among Latino voters and signaled other candidates to step up their wooing of the Latino electorate early in the primary season.⁴

Richardson was the first presidential candidate to present a specific marketing plan to target Latino voters, invoking Spanish in naming the strategy "Mi Familia con Richardson" ("My Family is with Richardson").⁵ Richardson's effort to appeal to Latino voters was eventually more than matched by Senators Hillary Clinton and Barack Obama, when they became the leading contenders for the Democratic nomination. Clinton was widely seen as running the most vigorous Latino outreach campaign in presidential election history, which may have directly led to her carrying the Latino vote in most of the Democratic primaries.⁶ While Democratic presidential candidates had actively courted the Mexican American vote since at least John F. Kennedy's 1960 campaign for president (with his "Viva Kennedy" clubs), it has only been since 2000 that presidential candidates have engaged in substantial advertising via the Spanish-language media.⁷ The amount of Spanish-language advertising employed by candidates increased massively between 2004 and 2008.⁸

Finally, the Latino electorate played a decisive role in the election of Obama as the 44th President of the United States. There were a record number of Latino voters, estimated to have been between 9.6 and 11 million, or at least two million more than voted in the 2004 presidential

⁴ Matt A. Barreto et. al., "Should They Dance with the One Who Brung 'Em?" *Latinos and the 2008 Presidential Election*, PS: POL. SCI. & POL. 753, 754 (Oct. 2008), available at http://www.apsanet.org/imgtest/PSOct08BarretoFraga_etal.pdf. Richardson initially criticized other Democratic leaders for their traditional ways of attracting Latino voters, emphasizing that Democrats needed to appeal to Latinos as "mainstream Americans, and also as bilingual and bicultural Americans." *Id.*

⁵ *Id.* (noting that Richardson was the only presidential candidate who had a fully parallel Spanish-language website).

⁶ *Id.* at 755 (positing that Clinton carried the Latino vote due to name recognition and support for her husband, endorsements from prominent Latino officials, as well as vigorous outreach to the Latino community).

⁷ Matt A. Barreto, *¡Si Se Puede! Latino Candidates and the Mobilization of Latino Voters*, 101 AM. POL. SCI. REV. 425, 427 (2007), available at <http://www.apsanet.org/imgtest/APSRAug07Barreto.pdf> (observing that modern campaigns rely on Spanish-language targeted advertising to emphasize a particular candidate's connection to the Latino community).

⁸ FEDERICO A. SUBVERI-VÉLEZ, *THE MASS MEDIA AND LATINO POLITICS: STUDIES OF U.S. MEDIA CONTENT, CAMPAIGN STRATEGIES AND SURVEY RESEARCH: 1984-2004* 2 (Federico A. Subveri-Vélez, ed., 2008) [hereinafter *THE MASS MEDIA*]. In addition to the sheer demographic growth of the Latino electorate, the Spanish-language media has mushroomed and Latinos have been increasingly recognized as having substantial spending power. *Id.* In 2007, Latinos nation-wide spent more than \$960 billion, and advertisers have increasingly focused on them. *Id.*

election.⁹ Over the course of the last three presidential elections, the number of Latino voters has more than doubled.¹⁰ Latinos played a key role in flipping four key states from red in 2004 to blue in 2008: Colorado, Florida, Nevada and New Mexico.¹¹ The Republican Party had hoped a sufficient number of Latinos would remain in their column, since President George W. Bush had been re-elected in 2004 with the support of forty percent of Latinos.¹² But in 2008, two-thirds of Latinos backed Obama.¹³ Among first-time Latino voters and Latinos under age thirty, Obama captured seventy-six percent of the vote.¹⁴

This article looks back to a time period when it was far from clear whether President Obama would win the Latino vote and when many pundits predicted that anti-black racism would prevent Latinos from supporting an African-American presidential candidate. This article presents a critical analysis of press coverage of Latinos and the presidential election during the Democratic Primary, from January through June 2008.¹⁵ The foundation of this article is a content analysis of 408 articles published in four newspapers about Latinos and the presidential election during the primary season. The four newspapers – *The Los Angeles Times*, *The New York Times*, *The Chicago Tribune* and *The Dallas Morning News* – were selected because they are well respected as newspapers of record and because they represent diverse regions of the country (two from the northeast, two from the southwest). Each is a daily newspaper in a metropolitan area with a population ranging from twenty to forty-five percent Latino.¹⁶

⁹ Ivan Moreno, *In Key States, Latino Vote Fueled Obama's Victory*, USA TODAY, Nov. 10, 2008, http://www.usatoday.com/news/politics/2008-11-10-605364295_x.htm. This estimate was made one week after the election by the National Association of Latino Elected Officials (NALEO). *Id.*

¹⁰ See THE MASS MEDIA, *supra* note 8, at 4 (noting that in 1996, five million Latinos voted).

¹¹ Moreno, *supra* note 9 (quoting Denver's first Hispanic mayor and national co-chairman of the Obama campaign, Federico Peña as saying, "[w]ithout the Latino vote, we would not have won those states").

¹² *Id.* (illustrating the power of the Latino vote).

¹³ *Id.* (demonstrating the swing nature of the Latino demographic).

¹⁴ *Id.* See Barreto, *supra* note 4, at 755 (noting that President Bill Clinton won seventy-five percent of all Latinos in his 1992 re-election bid).

¹⁵ See THE MASS MEDIA, *supra* note 8, at 3, 195. This article contributes to scholarly research on Latino voters and the media, which is sorely lacking, as is analysis of media coverage of Latinos during presidential elections. *Id.*

¹⁶ AUDIT BUREAU OF CIRCULATIONS, Sept. 30, 2008. I do not argue that these four newspapers are in any sense representative of all newspapers, but selecting these four papers from diverse regions made for a feasible content analysis of press coverage. It is fair to ask whether including one or more Spanish-language newspapers would have yielded a different analysis. Compared to English-language dailies, Spanish-language newspapers reach a relatively small audience; compare Los Angeles's *La Opinion* with a 53,000 circulation to *The Los Angeles Times* with a circulation of one million. *Id.* See THE MASS MEDIA, *supra* note 8, at 56. At the same time, large segments of the Latino population are fully

The first section provides background and initial assumptions about a number of topics, including the diversity of the Latino population, the complexity of Latino racial identity and the media's role in the reproduction of racial ideology. The second section of the article describes the methodology and data in more detail and also presents an overview of the major findings. The third section delves deeply into the prevalence in the press of the black-brown divide as a major theme in coverage of the Latino electorate and the 2008 presidential election. I describe its origins early in the primary season, debunk it based on contemporary and historical evidence and analyze why the media was drawn to it as racial common sense. In the conclusion, I offer some speculations about the future role of Latinos in American politics and changing racial dynamics in the United States.

I. RACIAL COMMON SENSE AND OTHER GUIDING PREMISES

A. *How Ideas About Race Come to be Common Sense*

Legal scholar Ian Haney López has written about how racial ideas were taken for granted in the context of Mexican Americans within California's criminal justice system in the 1970s.¹⁷ His idea of racial common sense, however, applies more broadly across time, space and various racial contexts. Racial common sense refers to the fact that "ideas regarding racial characteristics, categories, and properties usually remain in the background, a body of knowledge so widely shared and so frequently depended upon that most people treat racial beliefs as timeless truths."¹⁸ Racial common sense is an important foundational assumption in this

bilingual or speak only English. *Id.* For example, fifty-five percent of Latinos in New York, thirty-four percent of Latinos in Chicago, and twenty-five percent of Latinos in Los Angeles are bilingual or speak only English, suggesting that they prefer English-language media. *Id.* at 196. A leading scholar of Latinos and the media also makes this point:

[Mainstream, English-language daily newspapers] are important for the political socialization of the population at large. This includes Latinos, especially those who speak (or read) only English or are bilingual and interested in a fuller spectrum of the political happenings in their respective communities. What and how they cover pertaining to the political life of this component of the population may potentially affect Latinos' knowledge about, involvement in and mobilization during elections and other civic matters.

Id.

¹⁷ See IAN F. HANEY LÓPEZ, *RACISM ON TRIAL: THE CHICANO FIGHT FOR JUSTICE* 3 (2008). See also MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES FROM THE 1960S TO THE 1990S* 3 (2d ed. 1994). Similarly, sociologists Michael Omi and Howard Winant invoked racial common sense in their landmark book, stating "[e]veryone 'knows' what race is, though everyone has a different opinion as to how many racial groups there are, what they are called, and who belongs in what specific racial categories." *Id.*

¹⁸ LÓPEZ, *supra* note 17, at 119.

article, in that it allows us to conceptualize the fact that both producers of the news about the Latino electorate (that is, reporters and editors) and the consumers of such news (readers with a variety of racial positions), operate within a realm where racial meanings are ubiquitous though largely unstated.

The notion of racial common sense takes on greater importance in the present moment because color-blind racism is the dominant racial ideology in the United States. Color-blind racism asserts that racial inequality persists because of decidedly *non-racial dynamics*, such as market forces, cultural values and individual choices.¹⁹ Sociologist Eduardo Bonilla-Silva argues that color-blind racism arose in the late 1960s (though it became entrenched later than that) as a way to explain ongoing racial inequality even in the face of the demise of formal racism, as evidenced by legal landmarks such as the Supreme Court's 1954 decision in *Brown v. Board of Education*, the enactment of the Civil Rights and Voting Rights Acts in 1964 and 1965, and the implementation of federal affirmative action and set-aside programs in the 1970s.²⁰ Color-blind racism should thus be understood as a central feature of racial common sense as we collectively know it today.

The concepts of race, racial difference and racial categories are socially constructed. Rather than having any inherent, fixed significance, race is historically contingent and given meaning in a given social context, via the interactions among persons, institutions, and social processes.²¹ Indeed, the idea that race is rooted in social meanings and interaction (that is, that race

¹⁹ EDUARDO BONILLA-SILVA, *RACISM WITHOUT RACISTS: COLOR-BLIND RACISM AND THE PERSISTENCE OF RACIAL INEQUALITY IN THE UNITED STATES* 3 (2d ed. 2006). Bonilla-Silva provides the example of residential segregation to illustrate color-blind racism:

[R]esidential segregation, which is almost as high today as it was in the past, is no longer accomplished through overtly discriminatory practices. Instead, covert behaviors such as not showing all the available units, steering minorities and whites into certain neighborhoods, quoting higher rents or prices to minority applicants, or not advertising units at all are the weapons of choice to maintain [racially] separate communities.

Id. In addition to the covert practices Bonilla-Silva identifies the continuing effects of historical practices, which are both overt and covert as well as private and government-sponsored, as an essential foundation for the continued success of maintaining the racial segregation of neighborhoods. *Id.*

²⁰ *Id.* at 3 (arguing that whites explain continuing inequality as a product of market forces).

²¹ LAURA E. GÓMEZ, *MANIFEST DESTINIES: THE MAKING OF THE MEXICAN AMERICAN RACE* 3 (2007). See OMI & WINANT, *supra* note 17, at vii. "[T]he enduring role race plays in the social structure—in organizing social inequalities of various sorts, in shaping the very geography of American life, in framing political initiatives and state action." *Id.* See also Laura E. Gómez, *A Tale of Two Genres: On the Real and Ideal Links Between Law and Society and Critical Race Theory*, in *THE BLACKWELL COMPANION TO LAW AND SOCIETY* 458 (Austin Sarat, ed., 2004). The notion that race is socially constructed initially developed in the sociological literature, but today it has been embraced well beyond that discipline (and even the social sciences), including in much legal scholarship (such as critical race theory). *Id.*

is socially constructed), rather than being a fixed biological or physical characteristic has buttressed the ideology of color-blind racism. For example, someone who subscribes to the color-blind approach could reason in the following way: If race is what we make of it, then we can *choose* to ignore race and then racial differences will disappear.²² Yet the idea that race is not “real” (and thus not a deserving basis for government policy) does not follow implicitly from the claim that race is socially constructed. Race as a feature of social reality governs our interactions at the micro level (face-to-face interactions among individuals), as well as at the macro level in the ways that social institutions and organizations are structured. It is in these ways that racial differences and racial categories remain meaningful in American society. Thus, race persists, both in terms of its historical legacy and its power in shaping reality today, as “the most powerful and persistent group boundary in American history, distinguishing, to varying degrees, the experiences of those classified as non-White from those classified as White, with often devastating consequences.”²³

A comment about the connections between the concepts of “race” and “ethnicity” is in order. The concept of “ethnicity” arose in the 1920s and 1930s as an alternative to an idea of race rooted in eugenics; where race was tied to biology (nature), ethnicity was viewed as rooted in culture (nurture).²⁴ This distinction, which persisted as ethnicity rose to become the dominant explanatory framework in sociology in the 1940s and 1950s, fueled the conception of ethnicity as a group identity that could be chosen by group members, as opposed to race as a group identity that was imposed on people by the dominant society.²⁵ Under the ethnicity paradigm, non-

²² *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 127 S. Ct. 2738, 2768 (2007). Chief Justice John Roberts made this type of argument in the Supreme Court’s majority opinion in the 2007 case involving the use of students’ race as one factor in school assignment. He said in the penultimate sentence of the majority opinion, “[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race.” *Id.* The idea that race is irrelevant to any meaningful differences among people, that race is socially constructed, is implicit in Chief Justice Roberts’ characterization, as it is in much of the Supreme Court’s jurisprudence on race in the post-Civil Rights Movement era.

²³ STEPHEN CORNELL & DOUGLAS HARTMANN, *ETHNICITY AND RACE: MAKING IDENTITIES IN A CHANGING WORLD* 25 (1998).

²⁴ OMI & WINANT, *supra* note 17, at 14-15 (revealing that the ethnicity paradigm that arose in the 1920s and 1940s was “an explicit challenge” to the prevailing racial views of the period).

²⁵ These ideas are described as assertion versus assignment in the sociological literature. See CORNELL & HARTMANN, *supra* note 23, at 25. Today many scholars view both race and ethnicity as having elements of assertion and assignment, even as they acknowledge that not all groups or all members of a group have the same ability to exercise choice. *Id.* For a study of Mexican Americans arguing that dynamics of assignment and assertion interacted to produce a racial group, see generally, GÓMEZ, *supra* note 21.

white groups such as African Americans, Puerto Ricans and Mexican Americans have been compared to European immigrant groups (so-called white ethnics). This assimilation model predicted that these groups either would eventually assimilate culturally and economically; or if they did not do so, argued that this result was due to non-racial reasons, such as market forces, cultural values and the like.²⁶ At times then, reliance on an ethnic framework has functioned to obscure the dynamics of systematic racial oppression in the United States, as well as the particular ways in which racial ideology plays a role in reproducing racial inequality.²⁷ As a result, in this article, I use the concept of race, rather than ethnicity, to refer to Latinos generally and to Latino sub-groups, such as Mexican Americans, specifically.²⁸

B. Latinos and the Census

An important factor in the formation of racial common sense in this nation is the census, as well as other government-sponsored data collection on race. The variation in how the census has defined and counted racial categories from decade to decade “both reflects and in turn shapes racial understanding and dynamics. It establishes often contradictory parameters of racial identity into which both individuals and groups must fit.”²⁹ This has been particularly true for Latinos, who, in the official census, are conceived of as an ethnic, rather than a racial, group. Historically, neither Latinos in general nor Mexican Americans specifically were separately counted in the census.³⁰

²⁶ KAREN BRODKIN, HOW JEWS BECAME WHITE FOLKS AND WHAT THAT SAYS ABOUT RACE IN AMERICA 144 (1998). Anthropologist Karen Brodtkin goes further in asserting that theories of ethnicity were invented in order to justify relative failures of blacks and other racial minorities to assimilate as their fault (rather than as due to structural and institutional dynamics). *Id.*

²⁷ For a recent longitudinal, quantitative analysis testing whether the ethnic or racial models most accurately describes the experiences of Mexican Americans (and concluding that the racial model wins out) see generally, EDWARD TELLES & VILMA ORTIZ, GENERATIONS OF EXCLUSION: MEXICAN AMERICANS, ASSIMILATION, AND RACE (2008).

²⁸ Omi and Winant similarly conclude that race trumps ethnicity in many contexts in terms of its explanatory power. See OMI & WINANT, *supra* note 17, at 20-23. For a provocative analysis of where U.S. race relations are headed in the 21st century and how some Latinos may become “honorary whites,” while others will move into the “collective black” category, see Eduardo Bonilla-Silva & Karen S. Glover, “*We are all Americans*”: *The Latin Americanization of Race Relations in the United States*, in THE CHANGING TERRAIN OF RACE AND ETHNICITY 150 (Maria Krysan & Amanda E. Lewis eds., 2006).

²⁹ OMI AND WINANT, *supra* note 17, at 3.

³⁰ An exception was the 1930 census. For a more extensive discussion, see GÓMEZ, *supra* note 21, at 150-60.

This changed in 1980, when the U.S. Census Bureau made a decision to treat Latinos as a specific ethnic group, but not as a racial group.³¹ In the past three decadal censuses, U.S. residents have been asked to identify themselves as members of a racial group and, in a separate question, as Hispanic or non-Hispanic. The race question asks, "What is this person's race?" and directs the person to mark one or more of several options, including white, black, American Indian, one of several Asian American categories, or "some other race." The Hispanic ethnicity question asks, "Is this person Spanish/Hispanic/Latino?" and provides choices including "no," "Mexican American," "Puerto Rican," "Cuban," and "other Spanish/Hispanic/Latino." As of 2007, fifteen percent of the U.S. population is Latino, and sixty-five percent of Latinos are Mexican Americans, dwarfing by far any other Latino sub-group.³² The next largest sub-group is Puerto Ricans at nine percent (including only mainland Puerto Ricans); six percent of Latinos trace their origins to the various Central American countries; and around three percent each are Cuban or Dominican.³³

One factor motivating the Census Bureau's decision to treat Latinos as an ethnic rather than as a racial group was the fact that Latinos can be of any race. For example, Cuban Americans variously identify as white or black; Mexican Americans variously identify as indigenous (American Indian under the census formulation) or white, and so on. In part, this is the result of the historical racial mixture that occurred with the Spanish colonization of the Americas in the 15th through the 19th centuries. For example in 1650, Mexico's population contained equal numbers of Spaniards and Africans (as both were identified by record-keeping officials, not according to self-identification), but ten times as many Indians and Spanish-Indian *mestizos* than either Spaniards or Africans.³⁴ Unlike the United States and many other European colonies, the Spanish did not legally ban sexual and marital unions across these racial groups (although they discouraged them and encouraged unions that would "whiten" the population at various times), and the population of Mexico rapidly became racially mixed, though predominantly indigenous. In fact,

³¹ On the role of Mexican American and other Latino civil rights organizations and activists in this outcome, see *id.*

³² U.S. CENSUS BUREAU, HISPANIC AMERICANS BY THE NUMBERS (2007), available at <http://www.infoplease.com/spot/hhmcensus1.html> (demonstrating the varying population differences in Hispanic sub-groups in the U.S. for 2007).

³³ See *id.* (giving statistics on Hispanic Americans and Hispanic sub-groups).

³⁴ GÓMEZ, *supra* note 21, at 51 (explaining that racial mixture present in Mexico in 1646 eventually resulted in an inevitable *mestizo* population).

one of the main tenets of the anti-Mexican racism, which fueled the U.S. war with Mexico in 1846 and was pervasively addressed in Congress and the press, was the “mongrelization” of Mexicans and their resulting racial inferiority.³⁵

Moreover, Latin American societies did not embrace the hypo-descent rule of black ancestry that has governed racial categorization in the U.S. since the early 20th century.³⁶ Over time and with increasing levels of racial mixing in the population, Mexico’s black population has become almost invisible largely because of anti-black racism. Although similar levels of mixing occurred in other Spanish colonies, the base populations with which they began varied. For example, in Puerto Rico, Cuba and the Dominican Republic, the indigenous populations were largely decimated, leading to the importation of massive numbers of African slaves and the later mixing between Spaniards and Africans.³⁷ Large numbers of U.S. residents who trace their ancestry to these countries may be identified by others as black, but the census results show that they do not self-identify as black in large proportions. In 2000, eleven percent of Dominicans identified themselves as black, seven percent of Puerto Ricans did so, and four percent of Cubans did so.³⁸

Yet Latinos’ racial identity is by no means only driven by white supremacy; if it were, we would expect virtually all Latinos to claim “white” racial status in the census. In fact, almost half of them refuse to identify themselves as white, black, Asian or Native American; instead, they select “some other race” on the census race question. This is particularly striking because only one percent of non-Latinos chose “some other race” (in other words, ninety-nine percent of non-Latinos select one of the listed options for race).³⁹ More importantly, there are tremendous

³⁵ *Id.* at 18-19 (discussing the role of racism in the U.S. declaration of war against Mexico).

³⁶ *Id.* at 144 (explaining that in the 1920s and 1930s, the hypo-descent rule became the American rule for defining black status). See VIRGINIA DOMINGUEZ, *WHITE BY DEFINITION: SOCIAL CLASSIFICATION IN CREOLE LOUISIANA* 8 (2d prtg. 1997) (stating that the explanation for ethnic boundaries is a combination of individual self-interest and manipulation of cultural attributes for personal ends); see also JOEL WILLIAMSON, *NEW PEOPLE: MISCEGENATION AND MULATTOES IN THE UNITED STATES* 134-36 (La. State Univ. Press 1994) (1980) (discussing a genesis of a new people with a new culture beginning in slavery that bore a fusion of Africa, Europe, and the New World).

³⁷ For a discussion of how this played out in the Dominican Republic, see generally GINETTA E.B. CANDELARIO, *BLACK BEHIND THE EARS: DOMINICAN RACIAL IDENTITY FROM MUSEUMS TO BEAUTY SHOPS* 2 (2007).

³⁸ See GÓMEZ, *supra* note 21, at 156 (stating the numbers of national-origin subgroups which identify as black); see also Bonilla-Silva *supra* note 19, at 187 (presenting a table on a 2000 study of Racial Self-Classification by Selected Latin American Origin Latino Ethnic Groups); see generally CANDELARIO, *supra* note 37, at 2 (illustrating the complexities of Dominican racial identity in the U.S.).

³⁹ See GÓMEZ, *supra* note 21, at 153, 156 (noting variation among Latino subgroups).

differences among Latino sub-groups in how often they select “white” versus “some other race.”⁴⁰ For example in 2000, eighty-eight percent of Cuban Americans selected “white” and only eight percent selected “some other race.”⁴¹ But Mexican Americans were almost equally split between those who selected “white” and those who selected “some other race” (fifty and forty-seven percent, respectively).⁴² Among Mexican Americans, the proportion that has rejected white racial identification has increased over the last three decades,⁴³ and young people and immigrants are more likely to select “some other race.”⁴⁴ Among Puerto Ricans, fifty-two percent select white, seven percent select black, and thirty-nine percent select “some other race” (again, excluding Puerto Ricans on the island).⁴⁵ Fifty-nine percent of Dominicans select “some other race,” while twenty-eight percent say they are white, and eleven percent say they are black.⁴⁶ Thus, among the four Latino sub-groups, the percentage rejecting a white, black or Indian identity ranges from a low of seven percent (Cubans) to a high of fifty-nine percent (Dominicans).⁴⁷

The Census Bureau’s official policy is simply to fold those selecting “some other race” into the white category (hence the need for the “non-Hispanic white” nomenclature), but I submit that we should take Latinos’ racial self-identification seriously. Were we to do so, we might well conclude that close to half of all Latinos see Latino/Hispanic as a *racial* category that distinguishes Latinos from whites, African Americans, Asian Americans and American Indians. Moreover, I do not necessarily assume that Latinos who select “white” on the race question are “white-identified”

⁴⁰ *Id.* at 156-57. The selection of “some other race” does not appear to be a function of racial mixture or multi-racial self-identification among Latinos. For the first time, the 2000 census allowed respondents to identify in multiple racial groups, yet only 2.4% of Americans did so (although data on respondents’ children suggests this proportion is likely to increase in the future). See Reynolds Farley, *Identifying with Multiple Races: A Social Movement That Succeeded But Failed*, in *THE CHANGING TERRAIN OF RACE AND ETHNICITY* 123-48 (Maria Krysan & Amanda E. Lewis eds., 2006).

⁴¹ GÓMEZ, *supra* note 21, at 156-57.

⁴² *Id.*

⁴³ GÓMEZ, *supra* note 21, at 154 (stating data which indicates the proportion of Hispanics who reject white racial identification is rising).

⁴⁴ *Id.* at 154-55 (explaining possible explanations for why Hispanics divided their responses to the race question between “white” and “some other race”).

⁴⁵ See *id.*; see generally Jorge Duany, *Racializing Ethnicity in the Spanish-Speaking Caribbean*, in *HOW THE UNITED STATES RACIALIZES LATINOS: WHITE HEGEMONY AND ITS CONSEQUENCES* (Jose A. Cobas, Jorge Duany & Joë R. Feagin eds., forthcoming 2009) (noting that Puerto Ricans living in Puerto Rico self-identify as white at much higher rates, despite heavy African ancestry).

⁴⁶ GÓMEZ, *supra* note 21, at 157 (discussing the decisions by many Latinos to identify as something other than white).

⁴⁷ *Id.* at 156-57 (discussing which Hispanic subgroups are most likely and least likely to self-identify as white).

racially, as some scholars suggest.⁴⁸ Instead, I seek to interrogate the extent to which selecting “white” over options including “some other race” and “black,” might say more about “white” as a default category, rather than an affirmative racial identification. Considering that roughly half of all Latinos are selecting the racial category “some other race,” we can imagine that many more would do so if “Latino/Hispanic” were listed separately as an option on the race question.⁴⁹

C. Understanding Differences Among Latinos

A comprehensive discussion of the tremendous differences among Latinos is beyond the scope of this article, but I want to argue here that the media, policymakers, scholars and the general public all need to be wary of lumping together Latinos without sufficient attention to intra-Latino differences.⁵⁰ The above discussion of racial identification via the census provides some evidence of how important this is. Additionally, I suggest that we look to the unique historical experiences of each Latino sub-group as a corrective for the tendency to see all Latinos as an undifferentiated monolith. Here I briefly compare the very different historical trajectories of Cuban Americans and Mexican Americans as a way of illustrating the imperative for sub-group specificity.

Cubans initially came to the U.S. as voluntary immigrants (some would say as political refugees) fifty years ago. Most fled Cuba in the wake of the 1959 socialist revolution in “the silk stocking exodus,” a term which invokes the status of many Cuban immigrants to the U.S. as the most affluent members of Cuban society at the time.⁵¹ Cubans benefited by

⁴⁸ See Carleen Basler, Address at the Annual Meeting of the American Studies Association, Crema con Café: How Whiteness Affects Mexican American Identity (Oct. 16, 2008) (commenting on self identification as to race questions in public surveys).

⁴⁹ At least one study suggests that Latinos who selected “some other race” were more attached to that choice than Latinos who selected “white,” which further suggests that “white” may often be chosen as a default category rather than a true expression of racial self-identification. See Sonya Tafoya, SHADES OF BELONGING, 22, Pew Hispanic Center Report (Dec. 6, 2004), available at <http://pewhispanic.org/reports/report.php?ReportID=35>.

⁵⁰ Sociologist Eduardo Bonilla-Silva also has called for the breaking down of the Latino category in order to clarify the differences among what he terms light-skinned and dark-skinned Latinos, arguing that the former are part of an emerging middle racial category in the U.S. that he names “honorary whites,” while the latter will remain part of the broadening category at the bottom of the hierarchy that he dubs “collective black.” Bonilla-Silva & Glover, *supra* note 28, at 149-83. He places U.S. Latinos who are Cuban, Argentine, Chilean, and Costa Rican in the honorary whites category, whereas Mexican Americans and Puerto Ricans are placed in the category of collective black (although he does not always appear to be consistent on this point; at times he refers to light-skinned individuals who could be from any Latino sub-group and at other times referring to all Mexican Americans and Puerto Ricans as “dark-skinned.”). *Id.* See also BONILLA-SILVA, *supra* note 19, at 177-205.

⁵¹ MARK Q. SAWYER, RACIAL POLITICS IN POST-REVOLUTIONARY CUBA 155-57 (2006)

entering American society in the midst of the civil rights era, when the racial order was transitioning to formal equality, anti-discrimination laws and affirmative action policies. Unlike Mexican immigrants, Cubans benefited from a range of government assistance programs as refugees of a country disfavored by the U.S. In 1960, the federal government established the Cuban Refugee Program to help Cubans find jobs and housing, learn English and adjust to their new society, whereas no such efforts were made on behalf of Mexican immigrants (at that time or at any other time).⁵² Today, U.S.-born Cuban Americans have a higher median income than non-Hispanic whites.⁵³ Thus, when data on Cuban Americans is combined with data on Mexican Americans and other Latinos, the overall Latino data is substantially inflated; this is one reason we should sometimes speak of the various Latino sub-groups specifically, rather than lumping them together.

In contrast to Cubans, Mexican Americans initially became part of this society involuntarily, not as immigrants, but as a nation conquered in war. Mexican Americans sometimes say, “We didn’t cross the border, the border crossed us,” as a shorthand reference to the fact that the first Mexicans in the U.S. lived in the northern half of Mexico, which became part of U.S. territory only 162 years ago.⁵⁴ Today 85 million Americans live in this vast region, which extends from California to as far east as Texas, and from the current U.S.-Mexico border to as far north as Wyoming.⁵⁵ Elsewhere, I have described in detail the racial dimensions of the process of colonization and incorporation of Mexican Americans into the U.S. in the middle 19th century.⁵⁶ Here I want to briefly describe one aspect of that unique history that may distinguish Mexican Americans from

(discussing how the first wave of Cuban immigrants were affluent and how later immigrants were given financial assistance through the Cuban Refugee Program, which facilitated their assimilation to the U.S.).

⁵² See CORNELL & HARTMANN, *supra* note 23, at 157-58 (noting that greater governmental assistance was provided to Cuban emigrants than to Mexican emigrants in the United States).

⁵³ CUBANS IN THE UNITED STATES – FACT SHEET 4, Pew Hispanic Center Report (Aug. 25, 2006), available at <http://pewhispanic.org/factsheets/factsheet.php?FactsheetID=23> (providing a statistical analysis of Cubans in America, which included demographics, economic characteristics, and political views).

⁵⁴ GÓMEZ, *supra* note 21, at 2.

⁵⁵ Laura E. Gómez, *Opposite One-Drop Rules: Mexican Americans, African Americans and the Need to Re-Conceive Turn-of-the-20th-Century Race Relations*, in HOW THE UNITED STATES RACIALIZES LATINOS: WHITE HEGEMONY AND ITS CONSEQUENCES (Jose A. Cobas, Jorge Duany & Joe R. Feagin, eds., forthcoming 2009) (discussing the Treaty of Guadalupe Hidalgo and the Mexican Cession of 1804).

⁵⁶ See generally GÓMEZ, *supra* note 21 (analyzing the U.S. colonization of Northern Mexico and the racial status of Mexican Americans in the U.S.).

other Latinos and that should be embraced as an important part of our nation's racial history.

Mexican Americans were historically what I have called an “off-white” group, simultaneously positioned as racially subordinated (socially non-white), while allowed certain legal rights sometimes limited to whites (legally white, under limited circumstances). The earliest example of the second phenomenon occurred in 1848 when 115,000 Mexicans living in the vast region of northern Mexico became U.S. citizens overnight. Under the peace treaty that ended the U.S.-Mexico War (1846-1848), these Mexican citizens gained federal U.S. citizenship at a time when only white immigrants could become naturalized U.S. citizens. In one of its first major pieces of legislation, Congress in 1790 restricted the ability to become a naturalized U.S. citizen to “free white persons.”⁵⁷ The belief that Mexicans were “but little removed above the Negro” was widespread among both elite and average Americans at this time, yet Mexicans were granted citizenship at a time when immigrants from Asia, Africa and many other parts of the world could not, under any conditions, become citizens because they were not “free white persons.”⁵⁸ This illustrates the dynamic of Mexican Americans' in-between status in the American racial hierarchy, with whites above them and African Americans below them.

D. The Media's Role in Shaping Racial Common Sense

I began this section by describing how ideas about race take on the character of “common sense” that most of us take for granted. An important mechanism via which the racial common sense comes to exist – or becomes conventional wisdom – is the mainstream news media, including print journalism (newspapers, magazines), television journalism and radio. The media exert a powerful pull over the construction of social reality; in a sense, what we see and read *becomes* our social reality. The media help make the world intelligible by simplifying social reality, providing a kind of short-hand about extremely complex events and dynamics that recur in the news. This is especially true when consumers of media do not have direct contact with the subjects about whom they are reading or watching in the media. Thus, for many Americans who still do

⁵⁷ See IAN HANEY LÓPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* 31 (2006).

⁵⁸ See GÓMEZ, *supra* note 21, at 59 (discussing the complexity of white Americans' attitudes towards Mexicans and where Mexican Americans fit in the American racial hierarchy at the turn of the 20th century).

not interact extensively with Latinos, what they read and see in the media is the extent of their social vision of Latinos.

The media accomplishes this by playing an agenda-setting role, by framing the way we think about aspects of our world (such as race),⁵⁹ and by providing justifications for the current racial order. An old adage about agenda-setting explains how it works: “the press ‘may not be successful much of the time in telling people what to think, but it is stunningly successful in telling its readers what to think *about*.’”⁶⁰ In the context of race, the media’s agenda-setting function includes defining the parameters of what counts as “race” (versus ethnic or class-based or other non-racial conflict, for example).

Framing occurs when media producers decide whether a story is newsworthy and decide how to present that story in a larger context. For example, during the Democratic primary season, newspapers had to decide whether the fact that Bill Richardson was Latino was newsworthy as the central focus of an article. If they decided to run such a story, they had to decide how to frame Richardson’s Latino status, *i.e.*, whether they would use an ethnic or a racial frame. The mainstream news media remains dominated by white reporters, editors and producers, with people of color still largely in roles as tokens within large, complex media outlets; among the four newspapers analyzed here, the smallest proportion of white reporters and editors was seventy-seven percent, while the percentage of minority reporters and editors ranged from fifteen percent at *The Dallas Morning News*, to twenty-three percent at *The Chicago Tribune*.⁶¹

We know little about the processes by which mostly white journalists (and editors) decide what is newsworthy about race-angle stories or about the processes by which their own racial experiences affect how they write about race.⁶² But we can surmise that their own racial identity and

⁵⁹ On the more narrow question of how the media frames race in elections involving non-white candidates, see Stephen M. Caliendo & Charlton D. McIlwain, *Minority Candidates, Media Framing, and Racial Cues in the 2004 Election*, 11 HARV. INT’L J. PRESS/POL. 45, 45-69 (2006).

⁶⁰ Maxwell E. McCombs & Donald L. Shaw, *The Agenda-Setting Function of Mass Media*, 36 PUB. OPINION Q. 176, 176-87 (1972) (quoting Bernard C. Cohen) (emphasis in original).

⁶¹ See Minority Percentages at Participating Newspapers, http://www.imdiversity.com/Villages/Careers/employment_trends/asne_newsroom_diversity_0407.asp (last visited Sept. 20, 2009) [hereinafter *Minority Percentages*]. The four newspapers analyzed here reported in 2007 minority journalists ranging from 15-23% of their staffs, meaning that 77-85% of their journalistic staffs are white. *Id.* According to the American Society of Newspaper Editors, minority journalists were 23% at the Chicago Tribune, 19% at the Los Angeles Times, 17% at the New York Times, and 15% at the Dallas Morning News. *Id.* Minorities were defined as Asian Americans, Hispanics, blacks or Native Americans.

⁶² See generally Meta G. Carstarphen, *Uncovering Race in 2008: Media, Politics and the Reporter’s Eye*, 24 ST. JOHN’S J. LEGAL COMMENT. 403 (2009) (interviewing 138 journalists about what “said race” to them).

experiences significantly influence their choices. We should therefore presume that the media's coverage of race reflects dominant ideas about race or how white elites in our society tend to view race. In this sense, the media generally reinforces, helps to reproduce and justifies the existing racial order. Given the pervasiveness of the color-blind racial ideology, the media should be seen as generally reinforcing that ideology, in which it is assumed that non-racial factors (market forces, cultural values, and so on) are responsible for continuing high rates of racial inequality in American society. The media also reinforces the dominant view of race in the U.S. as white versus black Americans, rather than as a multi-racial notion of race, although the latter is appearing with more frequency in the media.⁶³

II. OVERVIEW OF DATA, METHODOLOGY AND FINDINGS

This article is based on a content analysis of all articles dealing with Latinos and the presidential election that appeared in the four targeted newspapers during the Democratic primary season, January-June, 2008 – a total of more than 400 articles.⁶⁴ This period included the first primary event, the Iowa Caucus (Jan. 3) and the last Democratic primary contest, Puerto Rico (June 1), shortly after which Senator Clinton suspended her presidential campaign. Obama received the Democratic Party's nomination for president on July 28, 2008. The newspapers studied were *The New York Times*, *The Los Angeles Times*, *The Chicago Tribune* and *The Dallas Morning News*, which have a combined daily circulation of 3.8 million.⁶⁵

⁶³ Yet neither producers nor consumers of media are locked into dominant racial ideology (producers, of course, do not only produce, but also consume media). Stuart Hall has theorized about the relationship between how the media produces (or encodes, in his terminology) meaning and how the audience consumes (or decodes) meaning. Journalists and other producers of media offer up a common impression about the world in their work, and Hall has suggested that the audience responds in three possible ways. Some viewers respond by reproducing the dominant (hegemonic) position, usually presented in the mainstream media. Others respond by negotiating an intermediate position – they might agree with some aspects of the message, but disagree with others. A third audience response is to reject the dominant view (oppositional or counter-hegemonic). See generally Stuart Hall, *Encoding/Decoding*, in *MEDIA AND CULTURAL STUDIES KEYWORDS* 166-76 (Meenakshi Gigi Durham & Douglas M. Kellner, eds. 2001).

⁶⁴ A reasonable question is, why look at newspapers, when other media are more central in American society today? First, newspapers of record remain extremely important as a source of media, and this may be especially true for elites. A study of media coverage of elections showed that, between 1952 and 2000, 82% of Americans received their political news from television, while 69% received their news from newspapers. See William L. Benoit and Glenn J. Hansen, *The Changing Media Environment of Presidential Campaigns*, *Communication Research Reports*, 21 COMM. RES. REP. 164, 164-73 (2004). While this study did not take into account the new internet-based media, we can expect that newspapers are still an important source of news for many, if not most, Americans.

⁶⁵ AUDIT BUREAU OF CIRCULATIONS, *supra* note 16 (illustrating that *The New York Times* Sunday edition has a circulation of almost 1.5 million; the *Los Angeles Times* Sunday edition has a circulation of almost 1 million; *The Chicago Tribune* Sunday edition has a circulation of almost 865,000; and the

In addition to having solid journalistic reputations, these newspapers were selected because they are published in metropolitan areas and states with different types of Latino populations. For example, Chicago and New York have diverse Latino populations composed of Puerto Ricans, Mexican Americans and Latinos from many other sub-groups, while Dallas and Los Angeles have Latino populations that are predominantly Mexican American. While all four states have a large proportion of Latinos who are immigrants, California and Texas also have many deeply-rooted Mexican American families who can trace their family roots back many generations, including back to the 19th century.

In selecting these newspapers I was also influenced by the proportion of Latinos in the metropolitan areas where they were based, as well as the relative proportion of Latinos and African Americans. Los Angeles County has the largest Latino population of the four cities, at forty five percent, a population fifty percent larger than the white population and more than four times larger than the black population.⁶⁶ Dallas County has the second largest Latino population, at thirty percent. The county is forty-four percent white and twenty percent black, with its Latino population having tripled between 1980 and 2000.⁶⁷ New York City is eighteen percent Latino, but the larger metropolitan area is twenty-seven percent Latino (and probably a better match for the newspaper's home-base circulation). Metropolitan New York has the same proportion of blacks as Latinos (twenty-seven percent), and is forty-five percent white.⁶⁸ Cook County, Illinois is fifty-six percent white, twenty-six percent black and twenty percent Latino.⁶⁹

It is stunning to compare the racial make-up of the newspapers' metropolitan areas with that of each newspaper's journalism staff. While whites are thirty-one percent of the residents of Los Angeles County, they are eighty-one percent of the reporters at the *Los Angeles Times*. Whites are forty-four percent of the residents of Dallas County, but they are eighty-five percent of the reporters at the *Dallas Morning News*. They are forty-five percent of the metro New York population, but eighty-three percent of the reporters at the *New York Times*. Whites make-up fifty-six percent of

Dallas Morning News Sunday edition has a circulation of almost 484,000).

⁶⁶ U.S. CENSUS BUREAU, *supra* note 2.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

Cook County and seventy-seven percent of the reporting staff at *The Chicago Tribune*.⁷⁰

The computerized search of these newspapers yielded a database of 408 articles about Latinos and the election during the primary as follows: 126 in *The New York Times*, 115 in *The Los Angeles Times*, 85 in *The Chicago Tribune* and 82 in *The Dallas Morning News*. Interestingly, the dispersal of articles in these papers, with *The Chicago Tribune* and *The Dallas Morning News* at the low end with just over 80 articles on this subject, and with *The New York Times* (126) and *The Los Angeles Times* (115) at the high end, is somewhat different from an earlier study. A 1988 study reviewed headlines involving Latinos and politics in three of the same newspapers (it included *The San Antonio Express-News*, but not *The Dallas Morning News*). Researchers found that *The Los Angeles Times* ran almost three times as many headlines featuring Latinos than *The New York Times*.⁷¹ A decade later, this data may suggest that *The New York Times* has ramped up its coverage of Latinos and politics and that *The Los Angeles Times* no longer has the edge they might have taken for granted with a large, long-present Latino population. One explanation for the relative strength of *The New York Times* and *The Los Angeles Times* in their coverage of Latinos during the primary season may be their relative wealth, compared to *The Chicago Tribune* and *The Dallas Morning News*. Circulation rates are a reasonable proxy for wealth, and the former two newspapers may simply allocate greater resources to reporting on a wide range of topics.⁷²

In general, the 408 articles were disappointing for their lack of context and depth, revealed in their overly simplistic portrayals of Latino voters.⁷³ One hallmark of these newspapers' generally superficial reporting on Latinos and the election was the tendency to treat the Latino electorate as monolithic. Only a small proportion of the articles paid any attention to substantial divisions among Latinos along the lines of national origin, nativity, region, gender, education and social class, political ideology as liberal or conservative, or religion. Age was the only factor differentiating

⁷⁰ Minority Percentages, *supra* note 61 (noting the low numbers of minority participation on newspaper staffs).

⁷¹ THE MASS MEDIA, *supra* note 8, at 198 (referencing several studies about newspapers with Latino-related headlines).

⁷² See generally Shira Ovide, *Tribune Co. Files for Chapter 11 Protection*, WALL ST. J., Dec. 9, 2008, at B1. No effort was made to calculate the articles on Latinos and the presidential election as a proportion of the newspaper's total output during this six-month period.

⁷³ Such superficiality may well characterize the mainstream media's coverage of Latinos generally. See THE MASS MEDIA, *supra* note 8, at 77 ("Latinos have more often than not been ignored or covered in predominantly negative ways in general market media.").

Latinos that garnered some attention (it was addressed in twenty of the 408 articles). Articles discussing the generation gap among Latinos – whether they featured it or simply mentioned it – presented younger Latinos as supporting Obama, and older ones as supporting Clinton. These articles turned out to be correct, in that, just over two-thirds of all Latinos voted for Obama in the general election, whereas three-fourths of Latinos under age thirty did so.⁷⁴ If the press had been as attentive to other significant divisions among Latinos, besides age, it would have much more accurately predicted Obama's support among Latinos, rather than incorrectly predicting Latinos would not support him. In other words, attention to the diversity and complexity of the Latino electorate would have made for better journalism by anyone's standards.

Three thematic areas dominated the press coverage of the Latino electorate during the primary season.⁷⁵ Together, these three themes account for nearly three-quarters of all press coverage on the Latino electorate in these four newspapers. This suggests the extent to which press coverage of Latino voters was largely unimaginative and journalistically shallow.

The first theme was that Latino voters would support Hillary Clinton, rather than Obama. Well over one-quarter of the articles addressed this theme (148 articles), with this topic prominent in all four newspapers. This theme was especially prominent in the Texas paper, where more than half the articles on Latino voters concerned this topic (forty-four articles). It was the subject of nearly one-third of the articles in the three other newspapers (forty-seven articles in *The New York Times*, thirty-two articles in *The Los Angeles Times*, and twenty-five articles in *The Chicago Tribune*). The idea that Latinos would be squarely in Clinton's camp reflected polling data at the time, but the extent of the press coverage of this fact as a proportion of its coverage of the Latino electorate suggests the press may have played a large role in perpetuating an overly-simplistic view of Latinos as loyal to the Clinton-brand, rather than as up-for-grabs like other Democratic voters. To some extent, this notion fed into a broader stereotype of Latino voters as driven by emotion (loyalty to the Clintons), rather than interests, as is presumed for other voters.

The second theme was somewhat of a contrast to the first theme, but in other senses complementary to it. These articles explored how both

⁷⁴ Moreno, *supra* note 9 (concluding that younger Latino voters helped to fuel Obama's victory).

⁷⁵ I categorized the 408 articles according to their primary theme, with notes made about secondary issues or themes they addressed. The numbers reported here in terms of themes relate only to the primary themes explored in the 408 articles.

Clinton and Obama were heavily vying for the Latino vote. This included articles that discussed how the leading candidates were seeking and obtaining endorsements from Latino politicians and celebrities, targeting Latinos in advertising (including Spanish-language advertising) and visiting heavily Latino neighborhoods, cities and states. The four newspapers collectively ran seventy-three articles on this theme (one-fifth of the total coverage of Latinos), with their distribution across the four varying considerably. *The Los Angeles Times* had about one-quarter of their articles on the Latino electorate on this theme (thirty articles), whereas it was less than ten percent of the coverage of *The New York Times* (twenty-two articles), *The Chicago Tribune* (twelve articles), and *The Dallas Morning News* (nine articles). These articles complement those in the first thematic category to the extent that the newspapers saw Obama's hard-scrabble fighting for the Latino vote as consistent with Latinos' support for Clinton (as well as her efforts to maintain her hold on their support).

The third most prominent theme among the articles on the Latino electorate was the black-brown divide and how it would keep Latinos from supporting Obama, were he to get the Democratic Party's nomination for president. Sixty-two articles, or just over one-sixth of the total number of articles, focused on the idea that Latino voters would not support an African-American candidate for president – almost as large of a proportion as the second theme. Coverage on this theme was more than one-quarter of *The Chicago Tribune's* total coverage of the Latino electorate (twenty of eighty-five articles), and it was more than one-fifth of the reporting by *The Dallas Morning News* (fifteen of eighty-two articles). As a proportion of stories, it was less prevalent in *The New York Times* (one-tenth or twelve articles) and *The Los Angeles Times* (one-seventh or fifteen articles).

Overall, then, the black-brown divide was an enduring and central part of the press coverage of the Latino electorate, and it likely had an effect on how both Latino and non-Latino readers viewed the presidential election and the larger question of relations between Latinos and African Americans. In this way, these newspapers came to shape the conventional wisdom that a rift between blacks and Latinos existed historically and in the present and that it would keep Latinos from supporting Obama, were he to win the Democratic nomination for president. When this theme is combined with the first theme that Latinos were throwing their support behind Clinton, together they constitute more than half the total articles on Latino voters (210 articles). This finding provides a strong sense of the media's power to set agendas (such as Obama's need to play catch-up with

Latino voters) and to shape core ideas that compose the common sense of race, like the idea that Latinos' conflict with African Americans was both natural and inevitable.

III. THE RISE AND FALL OF THE BLACK-BROWN DIVIDE

A. Origins of the Black-Brown Divide in the 2008 Election

The so-called black-brown divide surfaced in all four newspapers in mid-January 2008.⁷⁶ It coincided with comments by Sergio Bendixen, a Cuban American pollster hired as part of the Clinton campaign. Bendixen was quoted in *The New Yorker* as saying that Latinos were not willing to vote for Obama because he was black.

The *New Yorker* article was one of the first articles in the national media to report on "the Bradley effect," which we heard so much about during the 2008 presidential election. Reporter Ryan Lizza summed up "the Bradley effect" this way: "In both cases [Tom Bradley's run for California governor in 1982, and Douglas Wilder's 1989 run for governor in Virginia], white voters were more willing to tell pollsters that they supported the black candidate than they were to actually vote for him."⁷⁷ In an 18-paragraph article written after the Iowa (Jan. 3) and New Hampshire (Jan. 8) primaries and prior to the Nevada primary (Jan. 19), the Bradley effect was discussed in one-third of the paragraphs.⁷⁸

Lizza did not mention Hispanic voters until the last three paragraphs. When he did, he wrote:

Racial politics have been refreshingly absent from this campaign, partly because of the lack of diversity in the first two states and partly because Obama has never made his race central to his campaign.

⁷⁶ While a full-scale analysis of the national media's embrace of the black/brown divide certainly is beyond the scope of this article, my unsystematic review of the national press beyond these four newspapers, magazines and television news is that these elements of the media fully adopted the black/brown divide as conventional wisdom. MSNBC's Chris Matthews was characteristically blunt on his show on January 19, 2008 when he prodded his candidates to be more blunt about the black/brown divide:

Let me paint by numbers here. Hillary is white. Barack is black. That leaves brown. . . . I don't want to make it too complicated here. But if you're Hillary Clinton and you're going to try to win this against an African-American candidate, who may well be the pioneer of this coming century in terms of opportunity for African Americans in American politics, you've got to find some other field of play.

New Hampshire Primary Coverage for Jan. 8 – Hardball with Chris Matthews, MSNBC.COM, Jan. 9, 2008, <http://www.msnbc.msn.com/id/22574559/>.

⁷⁷ Ryan Lizza, *Minority Reports: After New Hampshire, a hint of racial politics*, THE NEW YORKER, Jan. 21, 2008, http://www.newyorker.com/reporting/2008/01/21/080121fa_fact_lizza.

⁷⁸ See *id.*

That's about to change, as Nevada, with its large Hispanic population, and South Carolina, with its large black population, prepare to vote. Obama has an interest in downplaying race in both states. *There are lingering tensions between the Hispanic and black communities which he doesn't want to inflame*, and some residual skepticism among black voters concerning Obama's electability among whites. . . . *[I]t was Hillary's aides who started talking privately about racial politics*. They argued that on February 5th, when twenty-two states vote [so-called Super Tuesday, when 50 percent of Democratic delegates would be up for grabs], Hillary's fire wall would be Hispanic voters in the largest states, such as California and New York.⁷⁹

In the next and final paragraph of the article, Lizza introduces Bendixen, whom we can assume is one of the Clinton aides referred to previously. Bendixen noted how important the Hispanic vote would be to Clinton on Super Tuesday. When the reporter asked him to describe Senator Clinton's sources of support among Hispanics, he emphasized what Lizza called Hispanics' "affinity for the Clinton era." "But," the reporter wrote, "he was also frank about the fact that the Clintons, long beloved in the black community, are now dependent on a less edifying political dynamic," and here, in the very last sentence of the article, Lizza quoted Bendixen as saying the following: "The Hispanic voter – and I want to say this very carefully – has not shown a lot of willingness or affinity to support black candidates."⁸⁰

The article does not quote Bendixen as offering any evidence to support his claim, and Lizza doesn't provide any evidence of his own. Instead, Bendixen's comment is supposed to stand on its own, as conventional wisdom that does not require supporting evidence. It is the culmination of the racial common sense the writer builds in the article. The writer sets-up Bendixen's remark by making three points about race. First, the reporter editorializes about the absence of overt talk about race in the campaign ("racial politics have been refreshingly absent from this campaign"). It is telling that, for this reporter, race is "absent" in states with small numbers of non-white voters (Iowa and New Hampshire) and "present" in states with large numbers of such voters (South Carolina and Nevada). In fact, race was arguably at play in "white" states like Iowa and New Hampshire, given that white voters had views on "racial issues" (however those would be defined) and that two non-white candidates were in the mix (Obama and Richardson). Next, Lizza plants the seed of the black-brown divide as a

⁷⁹ *Id.* (emphasis added).

⁸⁰ *Id.*

problem for the Obama campaign at this point without quoting Bendixen (“there are lingering tensions between the Hispanic and black communities which [Obama] doesn’t want to inflame”). He then implicates the Clinton campaign for playing the race card (“it was Hillary’s aides who started talking privately about racial politics”).⁸¹

Bendixen’s motive for making this comment is obvious. As a pollster for the Clinton campaign, he wanted to play up the fact that Latino animosity toward blacks might keep them from voting for Obama. Leading the media in this way was critical given Clinton’s loss to Obama in Iowa, and it provided a way for the Clinton campaign to spin both the upcoming Nevada primary and the Super Tuesday primaries when large numbers of Latinos would be voting. During the Nevada debates among the Democrats seeking the nomination, moderator Tim Russert asked Clinton whether she stood by Bendixen’s comment, and she responded in the affirmative, saying he was “making a historical statement”⁸² Although we do not know definitively, Clinton’s response suggests that Bendixen’s race-baiting strategy was not his alone, but owned by the broader leadership of the campaign.

Bendixen certainly would not be expected to lead with evidence supporting his claim, but we would expect a reporter to follow-up by asking Bendixen for examples or by doing additional fact checking. But why was the journalist so willing to uncritically accept Bendixen’s claim, what was his motive? Would it have been difficult to verify Latinos’ support of black candidates in past elections?⁸³ Even though Lizza invoked Bradley’s gubernatorial loss in California in 1982 in discussing “the Bradley effect” in the article, he apparently did not think to ask where Latinos stood in that election. In fact, seventy-five percent of Latino voters supported Bradley in 1982.⁸⁴ Lizza was writing in New York, so he might have explored Latino voters’ reactions to African-American David Dinkins,

⁸¹ See *id.*; see also Gregory Rodriguez, *The Black-Brown Divide*, TIME, Jan. 26, 2008, <http://www.time.com/time/printout/0,8816,1707221,00.html>. Syndicated columnist Gregory Rodriguez has a similar take on how Bendixen’s comment shaped the news. Writing on January 26, 2008 in *Time* magazine, he described Bendixen as starting “a firestorm of innuendo that has begun to shape how the media are covering the race for the Democratic presidential nomination in the heavily Western states.” In the same column, he described how “some journalists literally borrowed Bendixen’s analysis word for word before going on to speculate about Barack Obama’s political fortunes” in heavily-Hispanic states. *Id.*

⁸² Gregory Rodriguez, *Clinton’s Latino Spin*, L.A. TIMES, Jan. 28, 2008, at A15, available at <http://articles.latimes.com/2008/jan/28/opinion/oe-rodriguez28> (discussing Clinton’s response to comments made by pollster Sergio Bendixen).

⁸³ See, e.g., Rodriguez, *supra* note 82 (stating that Latino’s have shown an affinity to support black candidates).

⁸⁴ *Id.*

elected mayor of New York City in 1989 (the same year that Wilder lost in Virginia). Dinkins carried seventy-three percent of the Latino electorate.⁸⁵

In talking about this article in a variety of venues, audience members who have heard me often suggest that the best explanation for why the press did not support claims of the black-brown divide, was basic laziness; *i.e.*, journalists preferred an easy explanation over doing more thorough research under a tight deadline. I am less inclined to accept this answer, at least in part because I think well of journalists. Although I acknowledge that they work under challenging time constraints, I do not think most reporters are lazy. I find more persuasive the idea that the black-brown divide simply rang true to them, as conventional wisdom that did not need backing up with evidence. In particular, the black-brown divide would resonate with white reporters and editors, who are the vast majority of those working at these newspapers.

Whatever the rationale, reporters writing for *The New York Times*, *The Los Angeles Times*, *The Chicago Tribune* and *The Dallas Morning News* tended to make the same call. Newspaper articles highlighting the black-brown divide appeared as soon as the *New Yorker* article became available in mid-January. On January 15, in an article datelined from Las Vegas, *The New York Times* first mentioned the divide in the context of the presidential election, saying, “Mr. Obama confronts a history of often uneasy and competitive relations between blacks and Hispanics.”⁸⁶ The initial *New York Times* article, headlined “In Obama’s Pursuit of Latinos, Race Plays Role,” seemed to exert a powerful influence on the other newspapers surveyed here.⁸⁷

It is noteworthy among the articles on this theme because it was one of the most thoroughly reported of the articles touting the divide. It carried quotes or paraphrased comments from eight interviews about the black-brown divide – two from person-on-the-street interviews (both Spanish-surnamed), five from politicians (national and state level, three with Latino surnames), and one from a non-politician expert (a Stanford University professor who is Mexican American).⁸⁸ Perhaps because it was the first article in the mainstream press to link the black-brown divide to the

⁸⁵ *Id.*

⁸⁶ Adam Nagourney & Jennifer Seinhauer, *In Obama’s Pursuit of Latinos, Race Plays Role*, N.Y. TIMES, Jan. 15, 2008, http://www.nytimes.com/2008/01/15/us/politics/15hispanic.html?r=1&page_wanted=print.

⁸⁷ *See id.* In part, this may be due to the continuing role of *The New York Times* as the leading daily newspaper in the nation and the corresponding attention it is paid by reporters and editors of other newspapers. *Id.*

⁸⁸ *Id.*

presidential election, the 1,711-word article was more careful than typical articles (including fourteen later articles in *The New York Times*) to present both sides of the issue. For example, it included quotes from New Mexico Governor Bill Richardson and Los Angeles Mayor Antonio Villaraigosa to the effect that they did not think Clinton's deep support among Hispanics reflected their antipathy to African-American voters.⁸⁹ Alongside those comments, the article featured Rev. Al Sharpton's comment that the black-brown divide would be a problem for Obama.⁹⁰

In contrast to *The New York Times*' presentation of the black-brown divide, *The Chicago Tribune* first mentioned it only as a small part of its focus on the Nevada election, rather than in an article highlighting it. Indeed, the comment that "there often has been political tension among blacks and Hispanics" was almost buried in a 1,090-word article.⁹¹ But in a related article four days after *The New York Times* article on the black-brown divide, *The Chicago Tribune* framed the Nevada caucuses as "an initial litmus test on whether a black-Latino divide exists."⁹² The 1,067-word article positioned itself as questioning the black-brown divide (a sub-heading before the article's seventh paragraph read: "A 'black-brown' divide?"), and quoted expert Roberto Suro of the University of Southern California (and formerly of the Pew Hispanic Center) as follows: "There's no question that there is no automatic alliance, nor is there automatic enmity You can find examples of really bloody competition and really strong cooperation" across the country.⁹³ Despite this promising start, however, *The Chicago Tribune* was the most likely of the four newspapers reviewed to present the black-brown divide as a central theme in its coverage of Latino voters and the 2008 presidential election.

In 1,626 words of coverage (including side bars) on January 17, *The Los Angeles Times* carried an in-depth story on how Clinton and Obama were courting Latinos and in this context first mentioned the black-brown divide.⁹⁴ Under a sub-headline "Testing race relations," the article spoke of

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ See John McCormick & Michael Martinez, *Casinos Wild Card in Nevada Caucuses*, CHI. TRIB., Jan. 15, 2008, at C14.

⁹² Michael Martinez & John McCormick, *Latinos No Sure Bet in Nevada; Dem Rivals Fight for Key Minority's Vote*, CHI. TRIB., Jan. 19, 2008, at C1.

⁹³ See McCormick & Martinez, *supra* note 92, at C14. Both *Chicago Tribune* articles were reported by a reporter with a Spanish surname, Michael Martinez. *Id.*

⁹⁴ See Mark Z. Barabak & Robin Abcarian, *Campaign '08: Courting Voters, Democrats Go Deep to Court Latino Vote*, L.A. TIMES, Jan. 17, 2008, at A1 (discussing tensions between Latinos and African Americans); see also Robin Abcarian, *Clinton and Obama Court Gloria Molina*, L.A. TIMES, Jan. 17, 2008, at A1 (outlining Gloria Molina's influence on Latino voters).

“the sometimes fraught relations between Latinos and African Americans, a tension rooted in economic competition that has been an incendiary element of politics in cities as far-ranging as Los Angeles, Chicago, and New York.”⁹⁵ Yet the article failed to provide any evidence of that claim – no experts were quoted to support it and no evidence of Latinos’ electoral support or lack of it for black candidates in those cities was provided. Clinton pollster Sergio Bendixen may have been an unquoted source on this claim, since he was quoted for another proposition later in the article. The article quotes Bendixen as talking about how the candidates should try to raise excitement among Latino voters, saying: “Voters that were born in other [countries such as] Puerto Rico, Mexico, Central America – talk about elections being a party, with music, concerts, emotional speeches. . . . To get people out, you need to create that sort of atmosphere.”⁹⁶ After this first mention in *The Los Angeles Times*, there were fourteen additional articles with the black-brown divide as a primary theme in *The Los Angeles Times*, totaling one-seventh of the paper’s coverage of Latinos and the presidential election.

Although one-fifth of all *The Dallas Morning News*’ articles on the Latino electorate featured some analysis of the black-brown divide, that paper presented an unusual twist on the theme. For one thing, it first appeared in the context of staff editorials, rather than in the paper’s news coverage. *The Dallas Morning News* editorial board member Tod Robberson made the following comment on February 7: “I think racial factors are definitely coming into play. . . . One thing for sure: Obama has got to make inroads into the Hispanic community and allay whatever fears or concerns they have about him if he wants to carry their votes in Texas.”⁹⁷ Three days later in the newspaper’s editorial column, Robberson and the rest of the board expanded under the headline “Unity Despite Differences: Dems’ Race Highlights Urgency for Racial Accord”: “Unfortunately, the supposed ‘brown-black’ divide is surfacing as an issue in Texas . . . we shouldn’t ignore that real animosities and misunderstandings obstruct Hispanic and black unity.”⁹⁸ These editorials seemed to coincide with the newspaper’s coverage of Super Tuesday (Feb. 5), as well as Texas’ primary on March 4th. Despite the fact that the

⁹⁵ Barabak & Abcarian, *supra* note 94.

⁹⁶ *Id.*

⁹⁷ Tod Robberson, *Race and the Election*, Editorial, DALLAS MORNING NEWS, Feb. 7, 2008, at 15A.

⁹⁸ *Unity Despite Differences: Dems’ Race Highlights Urgency for Racial Accord*, DALLAS MORNING NEWS, Feb. 10, 2008, at 2P.

newspaper is based in a city where an African American was elected with substantial Latino support – Ron Kirk, who went on to capture the lion's share of the Latino electorate when he ran unsuccessfully for the U.S. Senate – *The Dallas Morning News* never explored how these electoral experiences might have challenged the conventional wisdom of the black-brown divide.

While there are interesting variations in how they did so, these four newspapers ultimately reported on the black-brown divide as if it was racial common sense – something known by everyone, a basic foundational fact we could all take for granted. Even when the black-brown divide was not taken for granted in the initial reporting of it (as with the coverage of *The Chicago Tribune*), it was repeated over and over again in all four papers, and in this way became enshrined as conventional wisdom that did not require evidence in the form of expert quotes, public opinion surveys, historical examples or man/woman-on-the-street interviews – the typical fodder for journalistic evidence. Contrast this with the energy the media spent investigating whether (and how many) whites would refuse to vote for Obama because he was black. While the fact that some whites were racists was presumed, it was never assumed (by the majority-white media) that all whites were racists or that the majority of whites were. Instead, the media spent countless dollars investigating how many whites were racist and what kinds of ideas might really constitute anti-black racism that might influence voting patterns.⁹⁹

B. Debunking the Black-brown Divide

Interestingly, as *The Chicago Tribune* and *The Los Angeles Times* were reporting for the first time on the black-brown divide's potential impact on the presidential election, nationally syndicated editorial columnists based at these two papers were among the few voices in the press to challenge

⁹⁹ See Gromer Jeffers, Jr., *Elections '08 President: Blacks Worry Obama Lead Too Good to be True: Some Wonder About 'Bradley Effect,' in Which Polls Don't Reflect Accurately How Whites Will Vote*, DALLAS MORNING NEWS, Oct. 26, 2008, at 1A (describing the uncertainty of polls because white voters may lie to questioners so as not to seem racist); see also Dave Michaels, *Swing State: Pennsylvania: Race is Still in Play in West Part of State, Some Just Won't Vote for a Black Candidate*, DALLAS MORNING NEWS, Nov. 4, 2008, at 10A (featuring quotes from an admitted racist who would not vote for Barack Obama, and a man who said he would, lending some credence to the region's reputation as racist); Clarence Page, *Obama Hurdle Called 'Bubba'*, CHI. TRIB., Sept. 24, 2008, at 27 (noting that a prominent Republican had recently called white, working-class voters the 'Bubba' vote, but that it is difficult to determine if people vote the way they do because of race); Kate Zernike, *Do Polls Lie About Race?*, N.Y. TIMES, Oct. 12, 2008, Week in Review, at 1 (admitting that it is unclear how much racism affects polls or voting, one reason being that there are so many variables to take into account).

Bendixen.¹⁰⁰ Gregory Rodriguez, a Mexican American columnist for *The Los Angeles Times*, called Bendixen's bluff in a January 28 editorial, providing numerous examples of Latino voters' support for black candidates in congressional and mayoral elections.¹⁰¹ *The Tribune's* Clarence Page, who is African American, wrote January 30 that Bendixen's remarks were calculated to be a "wedge that might be driven between Obama and Hispanic voters."¹⁰² Page foreshadowed the traction the black-brown divide would have in the media when he warned, "Obama faces an uphill fight as his campaign tries to prevent the talk of a black-Hispanic divide from becoming a self-fulfilling prophecy."¹⁰³

In this section, I assess whether the evidence supports a black-brown divide as an important factor in the 2008 presidential election. I look at three types of evidence: polling data after Obama won the Democratic nomination; data from Election Day; and data on Latino voting behavior in past elections involving African American candidates. While primary results in many states revealed Latinos' strong support for Clinton, the polling done after the primaries showed most of her supporters rapidly shifting their allegiance to Obama.¹⁰⁴ These poll results, available in July,

¹⁰⁰ In fact, we can reasonably ask why, after their own columnists challenged and refuted Bendixen's assertion of the black-brown divide, neither *The Los Angeles Times* nor *The Chicago Tribune* ran an item correcting its embrace of the myth. Nor did either newspaper stop routinely referring to the black-brown divide in their coverage of Latinos and the presidential election. See Maria L. La Ganga, *Campaign '08: Talking to Voters; Bridge Racial Gap Says Obama; At a town hall event in L.A., he talks about the 'black-brown divide.' He and Clinton are seeking Latino voters*, L.A. TIMES, Feb. 1, 2008, at A12. See also Michael Martinez, *Beyond red, blue states, it's black vs. brown votes*, CHI. TRIB., Feb. 3, 2008, at 12. One possible dynamic may have been that Rodriguez and Page were seen as "biased" because they were men of color, and therefore not seen as reliable sources whose claims warranted a correction by the papers.

¹⁰¹ See Rodriguez, *supra* note 83, at A15 (pointing to black politicians, such as former mayor of New York, David Dinkins, and Charles Rangel, U.S. Representative from Harlem, New York, who have received broad Latino support in winning elections).

¹⁰² Clarence Page, *Clinton's Hispanic edge over Obama; Any lead has more to do with coattails than race*, CHI. TRIB., Jan. 30, 2008, at 21.

¹⁰³ *Id.*

¹⁰⁴ For example, a national poll in July by the Pew Hispanic Center showed Latinos supporting Obama three to one over McCain. See MARK HUGO LOPEZ & SUSAN MINUSHKIN, 2008 NATIONAL SURVEY OF LATINOS: HISPANIC VOTER ATTITUDES 2, Pew Hispanic Center, (2008), available at <http://www.pewhispanic.org/files/reports/90.pdf>. A July field poll of California voters showed white support for Obama at forty-seven percent (thirty-seven percent for McCain) and Latino support for Obama at sixty-four percent (twenty-one percent for McCain); see also MARK DICAMILLO AND MERVIN FIELD, FIELD RESEARCH CORPORATION, OBAMA LEADING MCCAIN BY 24 POINTS IN CALIFORNIA. HIS BACKERS ARE MUCH MORE ENTHUSIASTIC THAN MCCAIN'S. CLINTON'S PRESENCE OR ABSENCE FROM DEMOCRATIC TICKET NOT A SIGNIFICANT ISSUE 4 (July 16, 2008), available at <http://www.field.com/fieldpollonline/subscribers/RIs2276.pdf>. One factor may have been the change in Latinos' support for the war between 2004, when forty percent of Latinos voted to re-elect Bush, see Julia Preston, *Poll Finds Hispanics Returning to Earlier Preference for Democrats*, N.Y. TIMES, Dec. 7, 2007, at 28. In 2008, one poll showed that nearly seventy percent of Latinos were against the war in Iraq, with almost fifty percent favoring an immediate withdrawal from Iraq, see LatinInsights poll, July 2008 (On File with Author). In late 2006, when one poll showed that sixty-six percent of Latinos

never prompted *The New York Times* or the other three newspapers to run corrections about their earlier black-brown divide claims, but they probably led (consciously or not) to the decreasing prominence of the black-brown divide as a theme in the papers' coverage of the Latino electorate.

Data on how Latinos voted on Election Day (and in early voting) directly refutes the claim that anti-black racism would keep Latinos from supporting an African-American candidate for president (or that it was such racism which led them to support Hillary Clinton during the primaries). According to *New York Times* exit polling data, there were striking differences among racial groups in their support of Obama – but not in ways that vindicated the black-brown divide: forty-three percent of whites voted for Obama, sixty-seven percent of Latinos did, along with sixty-two percent of Asian Americans, and ninety-five percent of African Americans.¹⁰⁵ If anything, these numbers suggest a black-white divide.

Latinos' voting behavior finally led to some recognition in the press that it was time to put the black-brown divide to rest. On November 10, an Associated Press article written by a Spanish-surnamed reporter concluded that the election results “shattered the myth of a black-Latino divide.”¹⁰⁶ *New York Times* columnist Frank Rich, who is white, had this to say about Bendixen five days after Obama was elected president:

In one of the more notorious observations of the campaign year, a Clinton pollster, Sergio Bendixen, told *The New Yorker* in January that ‘the Hispanic voter – and I want to say this very carefully – has not shown a lot of willingness or affinity to support black candidates.’ Let us say very carefully that a black presidential candidate won Latinos – the fastest-growing demographic in the electorate – 67 percent to 31 (up from Kerry's 53-to-44 edge and Gore's 62-to-35).¹⁰⁷

Likewise, Ruben Navarrette, a syndicated columnist based at *The San Diego Union-Tribune*, chided pundits for having “insisted that this brown-black feud would undoubtedly carry into the voting booth.”¹⁰⁸ On Election

wanted to bring troops home as soon as possible, while nineteen percent of Latinos preferred to keep troops in Iraq until the situation stabilized, see Pew Hispanic Center, *Latinos and the War in Iraq 2* (2007), available at <http://pewhispanic.org/files/factsheets/27.pdf>.

¹⁰⁵ See Marjorie Connelly, *Dissecting the Changing Electorate*, N.Y. TIMES, Nov. 9, 2008, Week in Review, at 5 (analyzing numbers based on exit polling of 17,836 voters at 300 polling places and phone interviews with 2,378 voters who voted early or absentee).

¹⁰⁶ Moreno, *supra* note 9 (noting the influence that Latino voters command when they unite for an election).

¹⁰⁷ Frank Rich, *It Still Felt Good the Morning After*, N.Y. TIMES, Nov. 9, 2008, at 9; see Rodriguez, *supra* note 82 (highlighting the impact of Sergio Bendixen's remarks in *The New Yorker*).

¹⁰⁸ Ruben Navarrette Jr., *Latinos Prove Pundits Wrong on Obama*, SAN DIEGO TRIB., Nov. 9,

Day, Navarrette proclaimed, Latinos “drove a stake through the heart of conventional wisdom” that they wouldn’t vote for an African American for president.¹⁰⁹

If reporters had bothered to check the facts (and if editors had insisted they do so), they would have known that, despite many reasons Latinos and African Americans might have for distrusting each other, Latinos had shown substantial support for black candidates in past elections. Consider that, according to editorial writer Gregory Rodriguez, at least eight current black members of Congress represent heavily Latino districts (mostly from California and New York).¹¹⁰ Political scientist Matt A. Barreto has compiled data on several mayoral elections in which African Americans were elected with more than seventy percent of the Latino vote: Harold Washington carried eighty percent of Latinos in Chicago in 1983; David Dinkins carried seventy-three percent of Latinos in New York City in 1989; Ron Kirk carried seventy-five percent of Latinos in Dallas in 2002 (and carried eighty percent of Latinos state-wide when he unsuccessfully ran for the U.S. Senate in 2006); Wellington Webb carried seventy percent of Latinos in Denver in 1991.¹¹¹ As noted previously, Tom Bradley had the votes of seventy-five percent of Latinos when he lost the California gubernatorial race in 1982.¹¹² It is all the more surprising that reporters for the four newspapers studied here did not explore Latinos’ actual support for black mayoral candidates in the past, given that each of the four cities has both a significant Latino population and has elected a black mayor in the past forty years.

The electoral numbers, in 2008 and in past elections, do not definitively prove there is not a black-brown divide; they only prove that, if there is one, it did not bleed into the voting booth. Some would diminish Latinos’ support for black candidates by attributing it to party loyalty. Depending on the level of the election and the Latino sub-group, Latinos are Democrats at rates ranging from sixty to eighty percent, compared to African Americans at eighty-five to ninety percent.¹¹³ Still, if we are

2008, <http://www.signonsandiego.com/news/op-ed/navarrette/20081109-9999-1z1e9navarre.html>.

¹⁰⁹ *Id.*

¹¹⁰ See Rodriguez, *supra* note 82.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ Luis R. Fraga & David Leal, *Race, Ethnicity, and National Party Politics*, in *BLACK AND LATINO/A POLITICS: ISSUES IN POLITICAL DEVELOPMENT IN THE UNITED STATES* 222 (William E. Nelson, Jr. & Jessica Lavariega Monforti eds., 2005) (citing data from various elections in 2000 and 2002); see Helena Alves Rodrigues & Gary M. Segura, *A Place at the Lunch Counter: Latinos, African Americans, and the Dynamics of American Race Politics*, in *LATINO POLITICS: IDENTITY, MOBILIZATION, AND REPRESENTATION* 143 (Rodolfo Espino, David L. Leal & Kenneth J. Meier eds.,

looking at the prospects for inter-racial coalition, whether behind particular candidates or entire parties, it is hard not to see the outlines of a black-brown coalition in Obama's election (given the gap between Latino [sixty-seven percent] and white [forty-two percent] support for Obama and the Democrats). Both the Democrats and the Republicans must be thinking about these facts as they look ahead to 2050, when Latinos will be thirty percent of the U.S. population and African Americans will be fifteen percent, and when the nation will be majority-minority.

The fact is that we scholars know far less than we should about whether, in the larger context beyond electoral behavior, there is a meaningful divide between Latinos and African Americans. The literature on the topic is surprisingly sparse,¹¹⁴ especially given the fact that Latinos and African Americans have lived in close proximity in many cities for generations (Los Angeles and Cook counties among them). At least in part, I think this stems from reluctance on the part of generally liberal researchers to ask questions about race that they might not want to hear the answers to. For some in the liberal academy, we would rather assume a different kind of conventional wisdom that emphasizes a black-brown coalition.

Yet those of us who would hope for a flourishing black-brown coalition do ourselves no favor by avoiding the subject. We need to begin asking the questions, and we need to do so with specificity, taking into account the many important differences among Latinos and African Americans (who themselves have substantial divisions according to nativity and ethnicity

2007) ("Latinos and African Americans are more Democratic in partisanship than nonminority Americans.").

¹¹⁴ See Sharon D. Wright Austin and Richard T. Middleton, IV, *The 2001 Los Angeles Mayoral Election: Implications for Deracialization and Biracial Coalition Theories*, in BLACK & LATINO/A POLITICS: ISSUES IN POLITICAL DEVELOPMENT IN THE UNITED STATES 169, 169 (William E. Nelson, Jr. & Jessica Lavariega Monforti eds., 2005) (stating large numbers of black voters favored the white mayoral candidate over the Latino candidate); Karen M. Kaufmann, *Divided We Stand: Mass Attitudes and the Prospects for Black-Latino Urban Political Coalitions*, in BLACK & LATINO/A POLITICS: ISSUES IN POLITICAL DEVELOPMENT IN THE UNITED STATES 158, 158 (William E. Nelson, Jr. & Jessica Lavariega Monforti eds., 2005) (noting that differences between blacks and Latinos prevent sustained electoral alliances); Byron D'Andra Orey and Jessica Lavariega Monforti, *Black and Brown Conflict? Interminority Group Attitudes and their Impact on Policy Preferences*, in BLACK & LATINO/A POLITICS: ISSUES IN POLITICAL DEVELOPMENT IN THE UNITED STATES 188, 188 (William E. Nelson, Jr. & Jessica Lavariega Monforti eds., 2005) (discussing lack of research on racial attitudes between minority groups); Adrian D. Pantoja, *Friends or Foes?: African American Attitudes Toward the Political and Economic Consequences of Immigration*, in BLACK & LATINO/A POLITICS: ISSUES IN POLITICAL DEVELOPMENT IN THE UNITED STATES 177, 177 (William E. Nelson, Jr. & Jessica Lavariega Monforti eds., 2005) (commenting that few studies exist showing attitudes of African Americans toward immigrants and immigration policies); Rodrigues & Segura, *supra* note 113, at 142 (arguing growth of Latinos has changed the construction of race dynamic). See generally NICOLÁS C. VACA, THE PRESUMED ALLIANCE: THE UNSPOKEN CONFLICT BETWEEN LATINOS AND BLACKS AND WHAT IT MEANS FOR AMERICA (2004) (suggesting the presumed political alliance between blacks and Latinos does not truly exist in modern America).

that are too often ignored by the media). We also need to provide an historical context for the inquiry about black-brown relations, which I have done elsewhere in writing about the necessity of understanding the connections between the U.S.-Mexico war and the colonization of Mexicans in the Southwest in the 1840s and 1850s and the Civil War and Reconstruction in the 1860s and 1870s.¹¹⁵

CONCLUSION

In this section I conclude by returning to the question of how racial common sense is reproduced via the media, asking what work the myth of the black-brown divide did to support the reigning ideology of color-blind racism. The media's narrative about the black-brown divide in the 2008 presidential primary played three important roles: (i) it displaced white racism by focusing on the racism of non-black people of color; (ii) it divided non-white minorities by facilitating race-baiting tactics; (iii) it buttressed the notion that race in the U.S. remains fundamentally a matter of whites versus blacks, rather than a multi-racial dynamic.

One reason the black-brown divide was embraced by the predominantly white national media was that it functions to displace white racism.¹¹⁶ Writing five days after the election, San Diego-based columnist Ruben Navarrette said, "[o]f course, the slander about not supporting an African-American was never really about Latinos. The experts were simply projecting onto this ethnic group the anxieties, fears and prejudices being expressed by white voters Now that America's largest minority has proved the experts wrong, where does it go to get its reputation back?"¹¹⁷

Asian Americans, sixty-two percent of whom voted for Obama, might ask the same question.¹¹⁸ Although it was not as prominently featured as the black-brown divide, the national media also put forward a black-Asian divide. In February 2008, *Time* carried an article headlined, "Does Obama Have an Asian Problem?" which asked whether Asian Americans' robust support for Clinton (she garnered seventy-five percent of the Asian vote in

¹¹⁵ GÓMEZ, *supra* note 21, at 131-47 (exploring the links between the war with Mexico and the Civil War, and the subsequent development of different racial ideas about Mexican Americans and African Americans).

¹¹⁶ See generally Nancy Wang Yuen, *The Asian American Vote: Media Representations of Race Relations in the 2008 Democratic Primaries*, 24 ST. JOHN'S J. LEGAL COMMENT. 421 (2009). Sociologist Nancy Wang Yuen reaches similar conclusions about the black-Asian divide in the electorate. *Id.*

¹¹⁷ Navarrette, Jr., *supra* note 108.

¹¹⁸ Connelly, *supra* note 105, at 5 (explaining results are based on exit polling of 17,836 voters at 300 polling places and phone interviews with 2,378 voters who voted early or absentee).

the California primary) was due to racism: “[C]ould some Asian-Americans not be voting for Obama simply because he’s black?”¹¹⁹ When they hear about a black-brown divide and a black-Asian divide, whites can feel less guilty about their own collective racism.¹²⁰ In a sense, they can say, “well, those other minorities are anti-black too, so we are not so bad.” The displacement of white racism also serves to distract all of us from thinking about white privilege and institutional racism, which are not measurable via public opinion polls or individual-level survey data.

A second function of the black-brown divide is to split people of color via race-baiting. If the first function targeted a white audience, this second function targets Latinos and African Americans. In essence, the black-brown divide says to Latinos, “come on, you know you don’t like blacks, and they don’t like you.” It says to African Americans, “Latinos don’t like you (and your candidate), so you shouldn’t like them.” Legal scholar Richard Ford, the author of *The Race Card: How Bluffing About Bias Makes Race Relations Worse*, reacted to Bendixen’s comments in *The New Yorker*.¹²¹ “These kinds of statements generate interracial tension . . . [they] could make black voters more hostile to Latinos. And Latinos who hear it might think that they somehow ought to be at odds with blacks.”¹²²

Just as we should not simplistically lump all Latinos together in a monolith, we must recognize that race-baiting tactics do not come in “one size fits all” (which was part of the problem with Bendixen’s comment – if he had been historically and regionally specific, he may have been better able to make his case). A vivid example of targeted black-brown race-baiting occurred in Albuquerque, New Mexico in September 2008. Fernando de Baca, the head of the Republican Party in New Mexico’s most populous county, was quoted by the BBC as saying, “[t]he truth is that Hispanics came here as conquerors. African-Americans came here as slaves . . . Hispanics won’t vote for a black president.”¹²³ This comment attempted to use notions of heritage fairly specific to Mexican Americans in New Mexico, which I describe elsewhere as being the site of double-

¹¹⁹ Lisa Takeuchi Cullen, *Does Obama Have an Asian Problem?*, TIME, Feb. 18, 2008, <http://www.time.com/time/politics/article/0,8599,1714292,00.html>.

¹²⁰ See Yuen, *supra* note 116, at 423-24.

¹²¹ See RICHARD THOMPSON FORD, *THE RACE CARD: HOW BLUFFING ABOUT BIAS MAKES RACE RELATIONS WORSE* 31-36 (2008) (arguing race relations are undermined by playing up racial stereotypes and tensions).

¹²² Rodriguez, *supra* note 82, at A15.

¹²³ *Republican Quits in Hispanic Row*, BBC NEWS, Sept. 27, 2008, <http://news.bbc.co.uk/2/hi/americas/7639111.stm>.

colonization, the first by Spain and the second by the U.S.¹²⁴ It also attempts to summon a kind of racial pride that would displace both blacks (explicitly) and Native Americans (implicitly, by invoking the Spanish conquest of the regions indigenous people).¹²⁵

As with the general black-brown divide, the notion of a black-Hispanic conflict – rooted in a centuries-old rivalry in New Mexico – was not borne out on Election Day. Despite Clinton's narrow victory in New Mexico's February 5 primary (although she won Latinos by a larger margin), New Mexico was securely in Obama's column in November with its thirty-seven percent Latino electorate (more than any other state). In nine of thirty-three New Mexico counties where Hispanics are a majority of the population, Obama beat McCain in percentages ranging from fifty-one to eighty percent.¹²⁶ In all nine of these majority-Hispanic New Mexico counties, Obama outperformed 2004 Democratic nominee John Kerry by seven to twelve percentage points.¹²⁷ Obama did especially well in two heavily-Hispanic, rural counties where either he or Michelle Obama visited in the weeks before Nov. 4 – in San Miguel (eighty percent) and Rio Arriba (seventy-five percent) counties.¹²⁸

Despite seeming to envision a multi-racial tapestry, the black-brown divide reinforced the notion that race remains fundamentally a matter of the black-white dichotomy. Positioning Latinos (and Asian Americans) as anti-black has the effect of moving them closer to the white side of the white-black divide (or non-black-black divide). In fact, this positioning of non-black, non-white groups may further entrench the white-black divide, even as it seems to take account of groups like Latinos. After all, if Latinos are more like whites in their antipathy to blacks, then the white-black

¹²⁴ See generally GÓMEZ, *supra* note 21, at 1-2 (discussing the double colonization of New Mexico).

¹²⁵ Laura E. Gómez, *It's Time to Dispel Conquistador Myth*, ALBUQUERQUE J., Sept. 28, 2008, available at http://www.abqjournal.com/opinion/guest_columns/2810253opinion09-28-08.htm (describing the mythology surrounding the influence of Spanish colonization in the Americas).

¹²⁶ U.S. CENSUS BUREAU, NEW MEXICO BY COUNTY, http://factfinder.census.gov/servlet/GCTTable?_bm=n&_lang=en&mt_name=DEC_2000_PL_U_GCTPL_ST2&format=ST-2&_box_head_nbr=GCT-PL&ds_name=DEC_2000_PL_U&geo_id=04000US35 (last visited Feb. 9, 2009) (showing that the nine majority-Hispanic counties in New Mexico, according to 2004 data from the U.S. Census, are as follows: Bernalillo, Doña Ana, Guadalupe, Hidalgo, Luna, Mora, Rio Arriba, San Miguel and Taos); see *State of Change*, ALBUQUERQUE J., Nov. 23, 2008, at B7 (Journal staff report) (containing data on the electorate's support for Obama)

¹²⁷ *State of Change*, *supra* note 126, at B7.

¹²⁸ *Persistent poverty and the 2008 rural vote (Part II): The Hispanic vote*, Nov. 22, 2008, http://legalruralism.blogspot.com/2008/11/persistent-poverty-and-2008-rural-vote_22.html; *Michelle Obama to Hold Rally in NM on Tuesday*, <http://haussamen.blogspot.com/2008/10/michelle-obama-to-hold-rally-in-nm-on.html> (last visited Sept. 20, 2009) (mentioning Michelle Obama visited Las Vegas, New Mexico, county seat of San Miguel, on October 28, 2008).

binary could persist, with simply some adjustment to encompass a larger, more diverse “white” category. In this narrative, blacks are the “real” minorities, and Latinos are merely posers. Latinos are positioned as a wedge group, dividing whites and blacks. It is not unusual for Mexican Americans to be positioned as a wedge group in American society. In their more than 150-year history in this country, Mexican Americans frequently were positioned in the national racial order as a wedge group below whites and above African Americans.¹²⁹

As *Los Angeles Times* columnist Gregory Rodriguez has noted, the media’s trumpeting of a black-brown divide played into the Clinton campaign’s efforts to undermine Obama’s central claim that he was a candidate who could unite Americans of all racial backgrounds.¹³⁰ Consider the press reaction to Obama’s race speech in Philadelphia, which was an attempt to address the crisis over Rev. Wright’s comments.¹³¹ Obama worked hard in certain parts of the speech to present the U.S. as a multi-racial society – to explicitly breakdown the idea that race in this nation involves only whites and blacks. “At this moment, in this election, we can come together and say, ‘Not this time.’ This time, we want to talk about the crumbling schools that are stealing the future of black children and white children and Asian children and Hispanic children and Native-American children.”¹³²

Yet Obama himself illustrated the pull of the white-black notion of race, going back and forth in presenting race as black and white vs. as multi-racial.¹³³ In part, Obama’s dilemma was how to respond to the Wright scandal, and the fact that Wright’s comments themselves were framed in black and white terms. At other points in the speech, Obama invoked the historical context of slavery, the Civil War and Reconstruction, and he

¹²⁹ See generally GÓMEZ, *supra* note 21. In the context of New Mexico specifically, Mexican Americans were positioned as a wedge group with whites above them and Pueblo Indians below them. *Id.* In the New Mexico context, it was to whites’ advantage to separate these two large groups which both were present as “native” groups when the Americans invaded Mexico in 1846; Mexican Americans were allowed many rights and privileges associated with white status, while Pueblo Indians were excluded from them. *Id.*

¹³⁰ See Rodriguez, *supra* note 82, at A15 (claiming that Clinton’s efforts may ultimately be self-fulfilling prophecies that generate more interracial tension).

¹³¹ See Senator Barack Obama, A More Perfect Union in Philadelphia, PA (Mar. 18, 2008), available at <http://my.barackobama.com/page/content/hisownwords/>. Barack Obama gives a response to the controversial and divisive comments made by Reverend Wright five days earlier. *Id.* See also Brian Ross & Rehab El-Buri, *Obama’s Pastor: God Damn America, U.S. to Blame for 9/11*, ABC NEWS, Mar. 12, 2008, <http://abcnews.go.com/blotter/Story?id=4443788&page=1>. The Wright scandal was first reported on March 13, 2008. *Id.*

¹³² *Id.*

¹³³ See *id.* (revealing that Obama used the word “black” and “white” repeatedly throughout his speech, but at no point used the word “multi-racial”).

would be hard-pressed to do so without speaking in white-black terms. Overall, Obama's Philadelphia speech alternated between invoking American history in black-white terms, and an American present in multi-racial terms.

But press coverage of the speech overwhelmingly cast race as white versus black, ignoring Obama's nods to a multi-racial view of race. For example, in a March 20 article on reactions to the speech, *The New York Times* spoke of "both races," an audience for the speech "of black and white supporters," and ongoing "divisions between blacks and whites."¹³⁴ A March 23 article in *The Los Angeles Times* told of "a black America and a white America" and purported to represent opposing, black and white views on Obama's speech.¹³⁵ In the 1,800-word article, the reporter intentionally interviewed only self-identified whites and blacks from two small towns (blacks in Lithonia, Georgia and whites in Franktown, Colorado), never explaining why these locales were chosen. She quoted ten non-experts about their attitudes toward the speech.¹³⁶ In terms of the coverage of the Philadelphia speech by the mainstream press, Obama's calls for a multi-racial understanding of the nation were pretty much ignored.

Contemporary racial dynamics are as fraught with complexity and competing interpretations as race was historically in the U.S. The significance of this article on press coverage of the Latino electorate may be that it provides a wake-up call. It is time the media acknowledged the nation's truly multi-racial character and began reporting in a more complex way on a more complex nation, Latinos, in their myriad diversity, included.

¹³⁴ Jeff Zeleny, *Obama Works to Shift Campaign Back to Domestic Issues*, N.Y. TIMES, Mar. 20, 2008, at A21.

¹³⁵ Stephanie Simon & Richard Fausset, *Talking About Race: Um, You First; Obama's Speech Called for a Conversation That Not Everyone Wants*, L.A. TIMES, Mar. 23, 2008, at A1 (interviewing black and white citizens ranging from the ages of 36-65 years old).

¹³⁶ *Id.*

