

NEXO

The Official Newsletter of **The Julian Samora Research Institute**
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INSIDE

From The Director

Waiting for Comprehensive Immigration Reform - 2

Articles

Revitalizing Michigan's Economy Through Minority-Owned Small Businesses - 6

The Latino Electorate and U.S. Politics - 12

The Human Side of Deportation - 16

Framing Effects on End-of-Life Preferences among Latino Elders - 19

Book Review

NAFTA and the Politics of Labor Transnationalism - 4

Arizona Firestorm: Global Immigration Realities, National Media, and Provincial Politics - 5

Other

Staff Biographies - 18

MICHIGAN STATE
UNIVERSITY

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and Engagement
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REVITALIZING MICHIGAN'S ECONOMY

Through Minority-Owned Small Businesses

page 6



FRAMING EFFECTS ON END-OF-LIFE PREFERENCES AMONG LATINO ELDERS

page 19



NEXO

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JSRI at Michigan State University is committed to the generation, transmission, and application of knowledge as it relates to Latinos and Latino communities throughout the Midwest and the nation.

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Rubén O. Martínez

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WAITING FOR COMPREHENSIVE IMMIGRATION REFORM



Rubén O. Martínez, Director
Julian Samora Research Institute

Millions of people are waiting for the U.S. Congress to find the will to move forward with constructive and humane legislation on immigration reform. Yet, our congressional members, who receive minimum salaries of \$174,000 paid by taxpayers, are seemingly unable to arrive at a policy direction that will serve the citizenry and the

Public Good. The ideological intransigence of many legislators blinds them to the purpose and role that attend election to public office. One has but to recall the Preamble to the Constitution to regain a sense of what our government is about:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It is increasingly difficult to believe that most of our elected legislators keep this statement front and center as they set about their daily duties to represent the good of the nation. Reactionary ideologies and the complexities of social and economic change over the past several decades make it even more difficult for legislators to find their way through a maze of myriad policy challenges that confronts the nation. This is especially the case for those who adopt extremist

ideologies that provide facile solutions to contemporary challenges, such as immigration policy. In such a politically divided environment, one where increasingly money and not concern for the Public Good seems to matter most, legislators are continually posturing to gain media attention as they pursue their ideologically-driven objectives.

With the liberalization of international markets through “free trade” policies, such as the North American Free Trade Agreement (NAFTA), has come the displacement of millions of people across the globe. In our own country, the runaway plant phenomenon of the last quarter of the 20th century resulted in the decline of manufacturing and the return of low wages to what remains of the manufacturing sector. South of us, the impact of runaway plants and NAFTA on Mexico’s maquiladora industry and small farmers triggered displacement and migration across national boundaries. People without the wherewithal to earn a living were forced to seek out opportunities outside their home country, and in conditions of dire economic straits, they did not wait around for bureaucracies to provide the proper documents; they would have starved to death had they done so. Like the rest of us, displaced peoples have to make a living; they have to eat, secure shelter and stay healthy if they are to enjoy the short time that they have here on earth. Like us, this is their time on this earth—and they have a right to seek a livelihood, hopefully one beyond subsistence. Moreover, they are not islands—through remittances, their work here contributes to the livelihood of family members in their home countries, where communities have been devastated by economic change and outmigration.

The complexities of achieving a constructive and humane comprehensive immigrant policy that meets the exigencies of today are bound up with nativistic sentiments, racism, xenophobia, and ignorance. Too many people simply don’t understand that the current national economic structure has become obsolete; the realities of globalization have already transformed national interests and closing the border is akin to marching backwards into the future. Indeed, it may be that present day concepts of immigration are impractical at best (useless at worst) and that we may be better off talking about transnational labor and the policies required to secure the human, civil, and labor rights of workers crossing national boundaries. That is, workers who move about the globe following capital in its pursuit of production and market opportunities. If capital moves across the globe, it is only reasonable to believe that labor will follow. As

capital operates in a global economy, so too does labor. The challenge is to find ways to facilitate the movement of workers and to address human, labor and civil rights at a universal level. An important step in that direction is to begin to effectively address the issues associated with the 11 million persons who are in the United States without proper documentation.

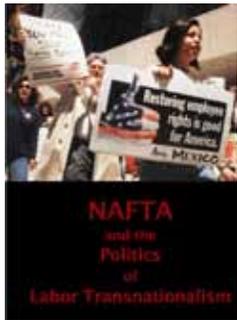
The way our legislators have responded to the needs of undocumented transnational workers has not only been a failure but also inhumane in its effects. We have separated families, traumatized and destroyed lives, criminalized and incarcerated men and women while building a system of private prisons for them, and have watched idly as human trafficking and misery have swelled in our society. And still, despite the widespread human misery their inaction has perpetuated, many legislators oppose a sensible, humane immigration policy—one that will have at its core two provisions: 1) provide a pathway to citizenship for the undocumented; and 2) reunite families. To stand for border enforcement as the core of immigration policy is to bow to the influence of private economic interests that profit at the expense of human misery. To stand for border enforcement is to separate families and trap the undocumented in exploitable situations here in this country, thereby lessening our civilized society as each day goes by without humane comprehensive immigration reform legislation. To stand for border enforcement is to continue to waste taxpayer monies beyond those wasted through the inaction of paid legislators. To stand for border enforcement as the core of immigration policy is to perpetuate human misery. Millions continue to wait as our paid legislators muddle their way through the demands of serving the nation and the Public Good.

Today the nation waits for immigration reform. Polls have shown over and over again that the majority of citizens favor a pathway to citizenship. They have shown that small business owners support a pathway to citizenship and keeping families together. Small business owners recognize and understand the importance of immigration for their businesses. And, with the focus on small business development as the main approach to rebuilding the nation’s economy, it would behoove legislators to listen to small business owners. Indeed, it would behoove them to listen to the citizenry, which is tired of the blind faith in free market fundamentalism exhibited by many legislators, and which calls for a return to a balanced and pragmatic approach to policymaking that keeps the Public Good front and center. 🇺🇸

NAFTA AND THE POLITICS OF LABOR TRANSNATIONALISM

By Tamara Kay.
Cambridge University Press. 2011.

*Reviewed by Rubén Martínez
Julian Samora Research Institute*



Passed in the fall of 1993, the North American Free Trade Agreement (NAFTA) went into effect on January 1, 1994. It superseded the Canada-United States Free Trade Agreement, which

had been in effect since 1988, and added Mexico as a partner. Both policy statements eliminated trade restrictions among the participating countries and promoted cross-border trade. In her book Tamara Kay argues that NAFTA led to transnational political opportunity structures that catalyzed labor transnationalism. In particular, as regional economic integration began to occur, labor unions and organizations responded by collaborating across national borders. According to Kay, NAFTA's implementation created transnational institutional fields (transnational-trade negotiations and legal fields) where emergent transnational labor actors can collaborate and create transnational labor movements. In brief, NAFTA and similar transnational trade policies give rise to new international and global governance structures that serve as mechanisms by which power is constituted and contested at the global level. Kay's focus is on how NAFTA spurred labor unions to collaborate across borders

as an example of how transnational institutional fields create the spaces in which transnational social movements are apt to emerge.

The book consists of eight chapters and three parts. It begins with an Introduction, followed by Part One, which consists of four chapters focusing on the emergence of transnationalism. Part Two is comprised of two chapters that examine variations in transnationalism, and Part Three contains the conclusion and is also the final chapter in the book. In short, Kay uses NAFTA as a case study for examining the rise of transnational governance structures and suggests that labor transnationalism "is a process of relationship and institution building" (p. 27).

The book is based on a mix of interviews with labor leaders, lawyers and activists and government officials in Mexico, Canada, and the United States, and contemporary historical documents that shed light on the processes surrounding the development, implementation, and impact of NAFTA on transnational labor collaboration. Kay focuses on the rise of labor transnationalism among union federations and large labor unions in communications, electronics manufacturing, automobile, trucking, steel, and garment industries in North America. Contrary to the view of those who opposed NAFTA on the grounds that it would intensify tensions among national labor unions and lead to isolation and greater racism, NAFTA has actually contributed to the emergence of collaboration among labor unions on a regional level and forced union leaders in the U.S. to think beyond the ideological borders of their unions, especially with regard to the myth of foreign labor. This myth is based on the racialized rhetoric of Americans and

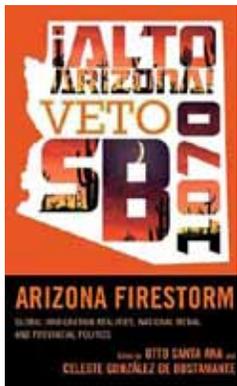
Canadians that presents foreign workers (namely, Mexicans) as producers of lower quality products who "steal" jobs from, and undercut domestic workers by accepting lower wages. Instead, labor leaders north of the U.S.-Mexico border began to recognize the commonalities experienced by workers across the continent—namely the effects of neoliberal policies on jobs, wages, and working conditions.

Of course, some degree of cross-border collaboration among labor unions occurred before NAFTA, but it occurred primarily within national, rather than regional economies. Kay recognizes and emphasizes the qualitative difference between international labor collaboration and transnational labor collaboration. For example, NAFTA gave rise to the North American Agreement on Labor Cooperation (NAFTA's labor side agreement), which established new rules and procedures for adjudicating complaints of labor rights violations. It is this distinction that provides grounds for her argument. Her book is theoretically engaging (though it is not unexpected that regional economic structures would give rise to concomitant labor structures), well-researched, and superbly written. It stands as a pioneering work on examining the rise of transnational labor structures in response to the liberalization of trade markets by neoliberal policies. Further studies should show that in the struggle between labor and capital, neoliberalism is wreaking havoc on labor unions, wages, and working conditions across the North American continent and across the globe. Moreover, scholars should attend to how these processes of regional economy integration, national identities, politics, labor unions and multinational organizations have shaped and will shape the new globalized market system. 🌐

ARIZONA FIRESTORM: GLOBAL IMMIGRATION REALITIES, NATIONAL MEDIA, AND PROVINCIAL POLITICS

By Otto Santa Ana and Celeste González de Bustamante (Eds.)
Rowman & Littlefield Publishers, Inc. (2012)

*Reviewed by: Rubén Martínez
Julian Samora Research Institute*



This edited volume consists of four parts and 14 chapters. Part I contains four chapters that provide the background to Arizona's anti-immigrant stance and its aggressive and controversial legislation aimed

at undocumented immigrants. Part II contains five chapters focusing on the firestorm surrounding SB 1070, signed into law in 2010, which was the strictest anti-undocumented immigration measure passed in recent history. The Support Our Law Enforcement and Safe Neighborhoods Act is the epitome of nativism by a state that has repeatedly spurred national and international controversy in recent decades on issues of race and immigration. In the 1980s it was one of a handful of states that refused to recognize the Martin Luther King, Jr. holiday, and it wasn't until 1992, when Arizonans passed a referendum establishing the MLK holiday, that this particular controversy ended. In the years leading to that vote, Arizona experienced economic boycotts by numerous organizations, including the National Football League, which pulled Super Bowl XXVII out of Tempe and moved it to Pasadena. While not experiencing similar high profile boycotts over SB 1070, Arizona once again became the target of numerous

boycotts, especially by Latino organizations.

Part III of this volume focuses on the role of the mass media in covering SB 1070. The focus is on elite U.S. newspapers, Spanish-language television, and Mexican newspaper coverage. Part IV, the final section of the book, contains two chapters focusing on the prospects of Arizona and the nation moving toward a more rational and humane approach to immigration in a globalizing world. Each of the chapters has its own list of references, and unlike many edited works, this book contains a useful index that will help readers find specific terms quickly.

The lead editor, Santa Ana, provides a useful introduction to the book that sets the stage for the many insightful chapters written by talented and experienced authors. He presents the two overarching theses of the book: 1) the parochial political actions taken in Arizona are ineffective and out of step with the global challenge of today; and 2) the news media have provided superficial framing and reporting on the conflictive issues surrounding immigration. In the final chapter, the editors return to these two theses by encouraging readers to frame demographic changes in terms of global migration rather than in terms of immigration to the U.S., and to inform themselves on the issues beyond the superficial framing and reporting by the media.

SB 1070's significance lies in its effort to create state-level immigration policy in an arena in which federal law takes precedence. Soon after, other states began passing similar laws only to find themselves in the nation's courts. Part of Arizona's "show me your papers" law was eventually overturned by the U.S. Supreme Court, which upheld section 2.B that requires law enforcement officials having made lawful contact to make a reasonable attempt to ascertain the legal status of a person suspected of being an "alien." This particular section of the law raised the specter of racial profiling and the potential violation of the civil rights of lawful citizens. The firestorm has since

subsided, particularly with the Supreme Court's decision, but the controversy has now moved to the U.S. Congress, where the debate over comprehensive immigration reform is now taking place.

This book provides important historical and contemporary analyses of the context in Arizona that gave rise to such a virulent and aggressive political environment against undocumented immigrants. Particularly important are the analyses of news media narratives and how this industry, irrespective of language, has failed to provide accurate and balanced reporting on the movement of peoples across national boundaries. Of course, this is not new. The media in this country long ago stopped providing meaningful reports on critical issues in society and moved to meaningless "sound bites" that are used to manipulate rather than inform the public. It is not an exaggeration to say that the media have failed to maintain an informed citizenry in a democratic society. Some of the critical issues that have been neglected include globalization and transnational labor. Rather, the issues raised by extreme conservatives and right-wing anarchists are given attention. These include politically-laden topics such as entitlements, immigrant-criminality, welfare dependents, and other emotional terms.

The editors have brought together pieces by different authors into a coherent whole that sheds light on the political context that gave rise to SB 1070 and other repressive legislation in Arizona and in other states. Overall, the book informs interested readers on the critical dimensions of the migration of families and workers from south of the border to this country. The editors emphasize the logic of global capitalism as a key feature behind global migration. To this end, they would have done well to have provided a chapter on the North American Free Trade Agreement and given more attention to the concept of transnational labor and the issues surrounding the phenomenon it denotes. Overall, this is an outstanding volume on one of the most important challenges facing the nation today. 🌟

A man in a dark suit, light blue shirt, and dark tie is looking upwards and to the right. He is standing in a modern building with large windows and a grid-like structure. The lighting is bright, suggesting an indoor or well-lit outdoor space.

REVITALIZING MICHIGAN'S ECONOMY THROUGH MINORITY-OWNED SMALL BUSINESSES

Melissa Morales

Law Student

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Our Nation's economic growth and ability to compete in the international marketplace depends on the full participation of *all members* [emphasis added] of our society. Minority business men and women have helped to expand our economy through innovation, hard work, by taking advantage of the opportunities available in our free market systems. These entrepreneurs have become an indispensable force in our economy and they will continue to play a key role in our efforts to expand America's share of world markets—George H. W. Bush, 1989

INTRODUCTION

The decline of the U.S. economy has been a source of concern and debate among many scholars, politicians and citizens. Many people have questions concerning the current state of our economy and the high levels of persistent unemployment. When did this happen? How did this happen? Who is to blame? What can be done to help spur economic growth?

The origin of the economic recession in the United

States remains a source of debate. Although the recession was officially recognized in December 2007, many, including some at the Federal Reserve Board, point to the last trimester of 2006 as its starting point, while others point to the start of that decade and the policies of the Bush Administration as leading to the recession (Salam, 2012). In reality, although it is impossible to pinpoint the exact point at which it all went wrong, the Center for American Progress examined the shift from a Federal budget surplus to a \$6 trillion deficit in 2011 and pointed to a nexus of causes, including the Bush Tax Cuts of 2001-2008, increased military spending, especially the funding of the wars in Iraq and Afghanistan, Medicare increases, domestic spending, and the stimulus package of the Obama administration (Center for American Progress, 2012).

These spending policies, however, were only one factor contributing to the "The Great Recession." Two other factors played a huge role in the economic downfall: the housing crisis and the credit crisis. In regards to the housing crisis, there has been a tendency to blame loans to minorities and low-income citizens:

1) The Community Reinvestment Act forced lenders into extending loans to low-income households and businesses which were unable to repay them and; 2) Lenders were forced into offering loans to minorities in order to increase home ownership by minorities. These arguments do not hold water, however. "According to the Federal Reserve Board, only 6% of high-cost subprime loans to low and moderate-income households were originated by banks subject to CRA regulation . . . and less than 10% of subprime loans were for first-time ownership" (Carr, 2010, p. xix). Whatever the causes of the housing and credit crises, the fact remains that minorities have been disproportionately affected by the recession. In June of 2009, unemployment was at a shocking 9.5% nationally; however, the rate was even higher for minorities: 15% for African Americans and almost 12% for Latinos (Carr, 2010).

In Michigan, the hardships stemming from the dip in the US economy have been even more marked. In 2009, when the unemployment rate was at 9.5% nationally, the unemployment rate in Michigan was at 14.1%. Recently, however, this rate has begun to drop as the automotive industry has experienced some recovery, contributing to the creation of 67,000 jobs in 2011. This, however, is not the entire story—another segment is based on the fact that the labor force in Michigan has dropped by 4.6% (Luhby, 2012). In this context, job creation in Michigan must continue to be a critical concern if economic growth is to persist. Furthermore, recognition of the racial diversity of the state and the disproportionate effects of economic hardships felt by minorities requires the development of targeted policies to address this problem.

RACE AND THE ECONOMY

Last year, Barack Obama was re-elected as President and became the first president in our history to be elected without a majority of the White vote (Kogan, 2012). Although many argue that as a society we have progressed past our racial history, institutional racism still exists within our system. As a society, we must not become complacent with our progress in race relations up to this point; rather, we must continue to strive to combat racism in institutional practices in order to achieve both social justice and racial justice within the United States (Powell & Reece, 2010, p. 19).

As indicated above, many economic and social problems faced by low-income communities are symptomatic of, and rooted in, disproportionately high levels of unemployment and underemployment.

According to the U.S. Bureau of Labor Statistics (2012a), the Hispanic unemployment rate was at 10% in October, 2012, which was well above the national average of 7.9%; Michigan, too, was above the national average, at 9.3% that month. Furthermore, labor statistics show that while unemployment rates for all racial and ethnic groups generally tend to be directly proportional to the GDP of the country, racial and ethnic minorities tend to have consistently higher unemployment rates than Whites. Although Latinos have begun to increase their employment rates, and in some places throughout the country have actually been either equal to or higher than those of Whites, racial disparity can be seen in the wage gap which continues to grow. In fact, data from the U.S. Bureau of Labor Statistics show that from 1973 to 2007, Whites had about a 40% wage advantage over Latinos and this wage gap has been increasing since 1989 (Foster-Bey, 2010).

The fact that minorities have grown into powerful social and political groups cannot be ignored. It is generally noted that in 2012 minorities turned out to vote in record-breaking numbers, with 71% of voting Latinos having voted for Barack Obama. As the minority vote continues to grow, politicians cannot push the disproportionate effects of the current state of the economy on minorities to the background. Job creation and job growth must continue to be of utmost importance in order to provide a better quality of life for minorities across the nation and in Michigan (Mosbergen, 2012).

GROWTH THROUGH SMALL BUSINESS

Developing a workforce and creating jobs within a community can help address the unemployment problem. One way to promote job growth within Michigan is to provide more assistance to small businesses within the state. Small businesses are an important source of job growth, help strengthen the overall economy through innovation and flexibility, and contribute to the sustainability of community and neighborhood economic development (Lohrentz, 2010). The U.S. Small Business Administration has four qualifications for being recognized as a small business: 1) independently owned and operated; 2) for-profit organization status; 3) is not dominant in its field; and 4) is limited in size. In a context in which large-scale manufacturing declined through out-migration, in the period from 1996 through 2005, small businesses accounted for approximately 50% of private sector employees and from 60% to 80% of new jobs (Lohrentz, 2010).

The Advantages of Minority-Owned Small Businesses

Businesses owned by women and minorities are sources of job growth within a community. These businesses are more likely to hire other minorities and women (Lohrentz, 2010). As discussed above, minorities, on average, have higher unemployment rates than Whites. By promoting small businesses among minorities, who are more likely than others to hire more minorities, growth in the overall economy, reduction of the wage gap, and growth of the labor force can be perpetuated while lowering minority unemployment rates. Furthermore, minority-owned businesses promote investment and reinvestment in “vulnerable” communities and can provide a source of tax revenue for local governments (Lohrentz, 2010).

Barriers Faced by Small Businesses

In *Building Healthy Communities* (2010), Tim Lohrentz notes and analyzes many of the barriers which small businesses must overcome in order to be successful. These include: isolation within the economy; community barriers; limited owner education; licensing and regulation problems; health insurance costs; and lack of financing.

Many of these factors contain a racial bias. For example, it is commonly known that African American and Latino populations, on average, have lower education levels than Whites, with Latinos being the least likely to be college graduates. Furthermore, this lack of education leads to many difficulties in understanding and complying with the licensing and regulation requirements set forth by both the federal and state governments (Lohrentz, 2010).

Aside from race-based factors, small businesses are subjected to many costs which hinder their success. For example, transaction costs which are not cumbersome to large corporations and companies can be extremely cumbersome for a small business (Bushaw, 2001). Furthermore, large firms are able to rely on their reputations to attract business, and investors often require proof of the credibility of firms in which they are investing. This provides a problem for small businesses which are just starting up. Competing in a larger market is incredibly difficult for small businesses. “With high transaction costs, inadequate access to capital and product markets, deficient training, and insufficient infrastructure, one wonders how any small business is able to set up shop, much less survive or prosper” (Bushaw, 2001, p. 225).

Helping Minority-Owned Small Businesses Through Federal Means

Despite the many barriers to establishing and owning a successful small business, small businesses continue to grow as part of our economy. The Federal Government has recognized the importance of small businesses to the economy and has implemented several policies and legislation which have helped to increase the success of small businesses across the country. These include: the Small Business Jobs and Credit Act; the Community Reinvestment Act; the New Markets Tax Credit; and other programs. These programs work generally by providing financing to small businesses. For example, the Small Business Jobs and Credit Act of 2010 was enacted to help provide credit options for small businesses which had been drastically affected by the Great Recession (Gerwin, 2011). Signed into law by President Obama in 2010, this Act includes provisions for credit access, loans, tax incentives, and tax breaks.

AFFIRMATIVE ACTION AT THE NATIONAL LEVEL

Federal programs that are specifically designed to help minority-owned businesses have faced increasing roadblocks as threats to Affirmative Action policies have continued to increase. Affirmative Action policies are designed to provide opportunities for minority groups that historically have been the targets of discrimination. Affirmative Action policies have been implemented across the country since the 1960s. In the business sector they call for “set asides” for minority businesses. However, these programs have been increasingly attacked as violating the equal protection clause of the 14th Amendment. In regards to this argument, two views emerge:

The ABA [American Bar Association] maintains that “although equal opportunity is not yet a reality for many minorities and women, the significant gains that have been made during the past 30 years are clearly attributable in large part to effective affirmative action programs at both governmental and private levels” ...Congress claims that “affirmative action is no longer needed and that these programs have promoted women and minorities at the expense of more qualified Caucasian males” (DiLiberto, 1997, p. 2039, footnote 6).

Because of these concerns, many cases have been argued before the Supreme Court of the United States in order to determine where affirmative action fits into today’s society. Three leading cases on the matter

are *Fullilove v. Klutznick*, 448 U.S. 448 (1980), *City of Richmond v. J.A. Croson, Co.* 488 U.S. 469 (1989), and *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200 (1995). These cases establish a strict scrutiny standard for enacting Affirmative Action policies and programs at the federal level. The strict scrutiny test requires that a policy or program have a compelling state interest and be narrowly tailored to meet that interest.

***Fullilove v. Klutznick*, (1980)**

In this case, the U.S. Supreme Court examined the issue of set aside programs, specifically in regards to the Public Works Employment Act of 1977. The Act provided that minority contractors receive 10% of federal grant money designated to public construction projects (*Fullilove v. Klutznick*,1980). Suit was filed arguing that this was a violation of the Equal Protection Clause provided in the Fifth Amendment of the Constitution. In that case, the Court determined that the Act was constitutional by applying a two part test: 1) whether the purpose of the Act was within Congress's power; and 2) whether the purpose of the Act was implemented by constitutional means (*Fullilove v. Klutznick*,1980). The Court stated that the Act was implemented to rectify a history of discrimination and to provide for the general welfare, and that this was well within Congress's power to do (*Fullilove v. Klutznick*,1980).

***City of Richmond v. J. A. Croson Co.* (1989)**

Set aside provisions were further examined in this case in which the J. A. Croson Company bid on a plumbing job in the City of Richmond, Virginia, which at that time had implemented a "Minority Business Utilization Plan" in which all public construction contracts were required to subcontract 30% of the work to minority contractors. Croson was denied a waiver, lost the contract, and brought suit stating that the Minority Business Utilization Plan violated the 14th Amendment of the Constitution (*City of Richmond v. J. A. Croson Co.*, 1989). In this case, the Court implemented a strict scrutiny standard for all Affirmative Action programs, and stated that the Plan did not provide a "compelling government interest" and was not narrowly tailored. Further, the Court stated that a city cannot rely on societal discrimination as the basis for providing relief to historically disadvantaged groups, but rather must point to specific evidence of discrimination (*City of Richmond v. J. A. Croson Co.*, 1989).

***Adarand Constructs, Inc. v. Pena* (1995)**

In this case, the Supreme Court once again reviewed set aside and Affirmative Action programs in regard

to construction contracts and held that strict scrutiny is required for such federal programs. In *Adarand*, the Court reviewed a Department of Transportation policy which gave financial incentive bonuses to contractors who employed minority subcontractors. In this case, the Court held that strict scrutiny was the correct standard of review for affirmative action policies (*Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 1995).

AFFIRMATIVE ACTION AT THE STATE LEVEL

At the federal level, the cases summarized and described above provide a strict scrutiny standard that federal programs and policies must follow. However, what does this mean on a state level? What can be done on a state level in order to address the need for growth in the minority small business sector? "The workforce development system in most locations mirrors the federal system-it is a highly fragmented set of programs, policies, and institutions that are often ineffective at bringing labor supply and labor demand together" (Foster-Bey, 2010, p. 265). However, many states and cities have implemented policies and procedures meant to help spur job creation and growth through small businesses. By establishing programs at state and local levels, assistance to minority-owned and other small businesses can be tailored specifically to meet the needs of a local community. In addition, local communities and governments have the advantage of knowing specifically what a community needs, and what programs should be implemented in order to help small businesses. Furthermore, local initiatives are likely to be more successful at combating institutional racism within a community than are federal programs, which are sometimes aimed at recovery, but which are not likely to cover specific situations or loopholes which may be present at the community level. The following section outlines some of these programs and follows their progress up until this point.

STATE AND LOCAL POLICIES AND PROGRAMS

The Cincinnati Project

"Founded in the wake of Cincinnati's 2001 race-related riots, the Cincinnati Minority Business Accelerator (MBA) was initiated by the regional chamber of commerce to address major economic disparities in African American business and entrepreneurship" (Powell & Reece, 2010, p. 44). At that time, Cincinnati had a population which was approximately 40% African American, yet accounted for only 2% of the

local business and entrepreneurial revenue (Powell & Reece, 2010). The Cincinnati MBA prepares minority businesses to be competitive in the business market. The program partners with larger businesses in the area (including Fortune 500 companies) to encourage minority businesses, assisting them to develop business strategies, and promoting joint ventures. The pilot campaign program resulted in over \$200 million “in procurement commitments from 15 companies headquartered or operating in the Cincinnati region” (Powell & Reece, 2010, p. 44).

Massachusetts’ Early Care and Education

Massachusetts created an agency to regulate what is known as “Early Care and Education Programs” (Powell & Reece, 2010, p. 45). These programs provide head start services and after-school care services for families in need. The goals of this agency are as follows:

- To develop a statewide system of professional development for the early education and care of out of school time workforce, a critical element in improving the quality of care provided to families in the Commonwealth; and
- To oversee the creation of a groundbreaking program of voluntary, universally accessible high quality early childhood education for all preschool-aged children in the Commonwealth (Wohl, 2010, p. 282).

One might ask what this has to do with job creation and small businesses. By providing childcare benefits to families in need, the workforce is freed up and parents have more time to create and operate small businesses. Furthermore, as noted earlier, one major barrier to minority-owned small businesses is a lack of adequate education. By providing these services, states are contributing to the ability of workforce members to return to school in order to gain higher levels of education, and thus, to better prepare them to be business owners.

The Tennessee Small Business Investment Company Credit Act

Another program aimed at helping small businesses succeed was enacted in Tennessee, in 2009. The Tennessee Small Business Investment Company Credit Act aims to help finance small businesses which are not able to secure financing in the traditional sense due to the economic downturn. The Tennessee General Assembly noted that loans to small businesses had decreased by 57% in some areas, and that “access to

capital is critical for business startups, expansions, and more importantly, to the health of state and local economies” (Krumm, 2010, p. 93).



Other Examples

Other individual companies are also helping to address the disadvantages faced by minority small business owners within states. For example, President Obama recently commended Rising Tide Capital, Inc., in New Jersey, which helps minorities, women and other disadvantaged groups start and maintain successful businesses within disadvantaged communities (risingtidecapital.org). According to the Association for Enterprise Opportunity, microenterprise is defined as “any type of small business that has fewer than five employees and is small enough to benefit from loans of under \$35,000” (Jones & Spratley, 2010, p. 380). Microenterprises can serve as a way for people to begin to gain control of their financial situation and gain a better life for themselves.

In Oregon, where there is a sizeable population of Native Americans, the Oregon Native American Business and Entrepreneurial Network (ONABEN) is “a publicly supported nongovernmental organization designed to encourage the growth of small businesses owned by American Indians” (Bushaw, 2001, p. 231). This organization acts as a liaison between federal and tribal governments and their resources, and also offers a network of programs, including training, information centers, financial counseling, and other business services” (Bushaw, 2001, p. 232). ONABEN recognizes that the culture of a community or of a certain group of people can engender barriers that make it difficult for those unfamiliar with the local community or culture to address effectively (Bushaw, 2001).

These policies and programs are just a few of the many ways by which states and local communities and businesses have taken control and are addressing the disadvantages that minority businesses face through institutional bias, poverty, education, and geographic disadvantages. In the future, these programs will likely continue to expand. Unlike federal programs aimed at federal contracts and small business growth of minority small businesses, privately owned businesses are not subject to the strict scrutiny standard employed by the Supreme Court. Moreover, many states including California, Nebraska, and Washington have bans on affirmative action policies, making them even more strict than federal standards (Lewin, 2011). These approaches require vision, will, and commitment on the part of local government and business leaders to address the development and incorporation of minority businesses into the economic mainstream.

MICHIGAN'S SUPPORT OF MINORITY BUSINESSES

So where is Michigan when it comes to supporting minority businesses? What legislative policies has Michigan implemented in order to address the institutional bias and high minority unemployment rate? Are these measures really necessary in Michigan? The answer to that question is "yes." According to data released by the Henry J. Kaiser Foundation (2011), Latinos account for approximately 5% of Michigan's total population. According to the U.S. Bureau of Labor Statistics (2012b), in October, 2012, the Latino unemployment rate was at 10%, which was well above the national average of 7.9%, and Michigan itself was above the national average at 9.3%. Job creation and job growth must continue to be of utmost importance in order to provide a better quality of life for minorities in Michigan.

The Michigan legislature has recognized the importance of small businesses within the economy and community, and has in recent years implemented public policies which promote small businesses and create jobs. According to Fowler:

The Small Business Association of Michigan believes that the state's restructuring is producing the intended results. At the top of the list is the Legislature's elimination of the Michigan Business Tax, which not only reduced the tax burden on small businesses, but also simplified the process by creating a flat rate of 6% for most corporate entities, minimizing costly and time consuming tax return preparation (Fowler, 2012).

Other policies recently implemented include reducing unemployment benefits (which were a burden on small businesses) and regulations on workers compensation (also borne by small businesses) (Fowler, 2012). However, although these changes have positively affected the small business sector, it is important to remember that sometimes changes like these can hurt the workers themselves and can also serve to promote the exploitation of the workforce. For these reasons, changes such as these are not always positive, and we must constantly remind ourselves that the need to promote small business growth must be balanced against the health and wellbeing of the workers employed within these small business entities.

Michigan and Affirmative Action

With regard to Michigan's stance on Affirmative Action policies, and whether or not such laws are allowed or are as restrictive as required by the Supreme Court in federal contract cases, in July of 2011, the Sixth Circuit overturned Michigan's ban on Affirmative Action passed in November of 2006. The Court held that Michigan's referendum, which amended Michigan's Constitution and "prohibited public institutions from giving 'preferential treatment to any individual or group on the basis of race, sex, color, ethnicity or national origin,' was unconstitutional with regard to governmental hiring and public university admissions" (Lewin, 2011).

In *Coalition to Defend Affirmative Action v. Regents of the University of Michigan*, 652 F.3d 607, 610-611 (6th Cir. Mich. 2011), the Sixth Circuit Court reviewed two Supreme Court cases [*Washington v. Seattle Sch. Dist. No. 1*, 458 U.S. 457, 102 S. Ct. 3187, 73 L. Ed. 2d 896 (1982); *Hunter v. Erickson*, 393 U.S. 385, 89 S. Ct. 557, 21 L. Ed. 2D 616 (1969)] in considering whether Proposal 2 (Michigan's ban on affirmative action in public universities and state government) was constitutional under the Fourteenth Amendment's Equal Protection Clause. The Court held that Proposal 2 was unconstitutional in that it "alters Michigan's political structure by impermissibly burdening racial minorities." This case effectively not only overturned the ban on affirmative action in Michigan, but is also "binding on Kentucky, Michigan, Ohio and Tennessee" (Lewin, 2011).

The Sixth Circuit Court's decision to overturn the ban on affirmative action in public universities and government hiring is important in that some of the initiatives outlined above which have been enacted in other states will no longer be burdened. Government

CONTINUED ON PAGE 14

THE LATINO ELECTORATE AND U.S. POLITICS

Rubén Martínez



When the results of Census 2000 were made public, Americans were shocked to learn of the rapid growth of the Latino population, which had increased from 22.4 million in 1990 to 35.5 million in 2000. This growth reflected an increase of 58.5%, while the nation's Non-Hispanic White population had increased by only 3.3% during the same period. By 2010, the Latino population had increased to 50.5 million, comprising 16.1% of the nation's total population. At the same time, Non-Hispanic Whites continued to increase very slowly (1.2%) and experienced relative decline in the overall population, decreasing from 69.1% to 63.7%. By the middle of this century Latinos are expected to comprise one of every three persons, and Non-Hispanic Whites will no longer constitute the majority of the nation's population. These shifts shocked the political consciousness of White Americans and set in motion efforts to retrench their political power through, among other things, gerrymandering and voter suppression tactics. The months leading up to General Election 2012 were filled with efforts by Republicans to erect voting barriers that would diminish the influence of Latinos and other minority groups, tactics with powerful racial overtones intended to divide the electorate along racial lines.

Despite voter suppression efforts, Latino voters turned out to exercise their right to vote on November 6, 2012 and their votes made a difference.

More than anything else, Latino voters made it clear that they are a growing political force that can no longer be taken lightly, and the Republican Party struggles today in developing an approach that will effectively persuade Latinos to join it and support its positions on political issues. Reagan's statement that "Latinos are Republicans; they just don't know it yet" was never accurate, and General Election 2012 showed just how wrong that perspective is when it comes to the Latino electorate.

Approximately two-thirds of Latinos registered to vote are affiliated with the Democratic Party. In November 2012, Latinos overwhelmingly voted (75%) for Barack Obama and demonstrated that Republicans cannot take their vote for granted. Moreover, as over 95% of Latino Democrats voted for Obama and over 90% of Latino Republicans voted for Mitt Romney, the figures show that there is only a relatively small percentage of "moveable Latino voters," perhaps 10% to 12%, that the parties can compete for when election time comes around. In particular, according to Latino Decisions, a Latino political opinion research firm, unaffiliated or independent Latino voters split their vote 60/34 in favor of Obama. The result was that an overwhelming majority of Latinos voted for Obama.

Of particular importance are swing or battleground states where Latino populations are of sufficient size that they can greatly influence election results. In 2012, such states included Nevada, Colorado and Florida, and their votes in Virginia and Ohio also played key roles in the re-election of Obama. Interestingly, Alison Kopick and Will Irving, bloggers for *The New York Times*, did a simple analysis by subtracting the number of actual Latino votes from the total votes cast for all candidates in key states and argued that Obama would still have had a majority of the votes. In other words, Latino voters did not make a difference. However, this analysis is shortsighted. One would not want to advise political candidates in the future that they need not consider Latino voters in their campaigns for public office. Clearly, applying Kopick's and Irving's simple mathematical logic to every minority group would likely yield results similar to their findings. That is, for each group one could ask if Obama would have won the election if that minority group had not voted for him. In every such case, however, Latino votes would have become more critical for Obama's victory.

The Kopick and Irving analysis oversimplifies the impact of Latinos by its narrow and limited scope, and underestimates the actual impact of Latinos voters across the nation. Voting patterns are much more complex than

their simple exercise demonstrates. That is, voters may view themselves as part of a political movement that transcends any particular ethnic group. It is a broader collective sense of pursuing political outcomes that also contributes to election outcomes. Individuals do not vote independently of those broader movements in society. Rather, they vote consistent with the collective electoral pulse that they feel a part of; and, at another level, ethnic group voting patterns reflect the political sentiments shared with other groups with whom their members share a political affinity. This past November the votes went in favor of the candidate who articulated a set of values counter to the neoliberal policies of the past three decades, even if they did not use these terms. The fact of the matter is that the political influence of Latino voters is increasing and is expected to increase in the future. This is particularly the case given that their positions on specific political issues beyond that of immigration differ considerably from those of Whites.

For example, exit polls showed that a majority of Latino voters believe abortion and same-sex marriage should be legal, that the Affordable Care Act should be retained and/or expanded, and that government should do more to address the problems of individuals. By contrast, a minority of White voters indicated that they took positions favorable to these issues. Not only do these results show that Latinos are not as socially conservative as Republicans would like to believe, they demonstrate that the neoliberal and neoconservative stances of Whites do not resonate with the majority of Latino voters. In particular, they are not in agreement, as are White voters, with the notion of “small government” advocated by neoliberals and libertarians. They do, however, have in common with Whites the view that taxes should be raised, especially among higher earners and the wealthy, in order to reduce the federal deficit. To assume that Latino voters only care about immigration issues, as some conservatives argue, is simply wrong.

A poll of Latino voters taken on the eve of General Election 2012, by Latino Decisions, showed that job creation and fixing the economy were the primary issues that concerned them. Interestingly, a majority of them said that in the few months leading up to the election they had not been contacted to register to vote or to get out and vote by either of the political parties or community organizations. When it came to the presidential candidates, a majority of Latinos viewed Obama as truly caring about Latinos, while they viewed Romney as not caring too much about Latinos. In particular, when it came to immigration issues, a majority of Latinos indicated that President Obama’s announcement to stop the deportation of undocumented youth in college or the military made them more enthusiastic about

his candidacy. By contrast, a majority indicated that Romney’s statement that undocumented immigrants should not be allowed to work in this country made them feel less enthusiastic about his candidacy.

Today, the immigration debate is of particular concern to Latinos, and a recent poll by Latino Decisions shows that immigration reform is, at this time, the most important issue they want Congress and the President to address. A majority across Latino Democrats, Independents, and Republicans say that comprehensive immigration reform legislation should be passed this year. They reject the notion that comprehensive immigration reform should wait until after economic reforms are passed, and believe that Congress should address both immigration and economic reforms at the same time. Congress, however, seems incapable of addressing the broad range of significant issues facing the nation. This is particularly the case with regard to some legislators who tend to approach all issues from extremist ideological positions. On the other hand, the Obama administration is more inclined to define a path to citizenship for the undocumented. As such, political challenges remain as Latinos and other segments of the electorate demand comprehensive immigration reforms.

As the political influence of Latinos continues to increase, the gap between their views and those of neoliberal and neoconservative politicians is likely to increase as well. This is especially the case given that a critical feature of politics is the material conditions under which people live. Such conditions cannot be swept away through ideological propaganda. With income and wealth inequality increasing over the past 30 years both in this country and across the globe, it is likely that Latinos and others feeling the pain of increasing poverty will intensify their opposition to neoliberal policies that have produced that inequality. In this country, for example, according to a recent issue of *The Economist* (October 13, 2012), the share of national income going to the top 1%, which consists of three million people, has doubled from 10% to 20% since 1980. And, for the top 0.01%, which consists of 16,000 families with an average income of \$24 million, it has quadrupled to levels not seen since the turn of the 20th Century. At the same time, the poverty rate for Latinos (25.3%) is 2.6 times that of Non-Hispanic Whites (9.8%). Poverty in the daily lives of Latinos and other population segments will likely continue to frame the positions Latinos take on political issues. 🗳️

CONTINUED FROM PAGE 11

REVITALIZING MICHIGAN'S ECONOMY THROUGH MINORITY-OWNED SMALL BUSINESSES

procurements are one of the main strategies for helping grow small businesses which will no longer be burdened by the ban on affirmative action.

Although helping minority-owned small businesses is important, it is not enough to simply voice the goal of doing so. We must strive to perfect policies such as those enacted in other states (outlined above) and implement similar policies and programs in order to kick start Michigan's economy. Minorities have become a powerful force to be recognized, especially within Michigan. Detroit's population, for example, is at an estimated 706,000, and the U.S. Census Bureau (2012) reports that approximately 34% of that population is below the poverty level (U.S. Census Bureau, 2012). This number shows that initiative must be taken in order to promote prosperity, and even more so in large urban areas such as Detroit, where poverty is running rampant. In order to encourage the establishment and success of these businesses, Michigan needs to begin to consider implementing some of the policies which have been implemented by other states and private companies. Furthermore, there are other policies and procedures which can be followed or implemented in order to help grow Michigan's economy into a competitive market for small businesses.



IMPLEMENTING POLICIES WITHIN MICHIGAN

A. Financing

Michigan would do well to implement an agency within state government which oversees the financing

of small businesses and checks, especially, for discriminatory business practices within the state. "African American and Latino business owners are more likely to be rejected on a commercial loan application than white business owners are, even when controlling for considerable demographic and business variables" (Lohrentz, 2010, p. 363). These numbers compare to 18.5% of White male-owned businesses which, when starting a business, were able to gain access to the necessary financing, while less than 10% of minority owned businesses were able to do so (Lohrentz, 2010, p. 363). These numbers are exacerbated by situations such as "lower inherited assets and lower savings rates among people of color and lower rates of property value accumulation in communities of color" (Lohrentz, 2010, p. 364).

Implementing a process for procuring financing or an agency which oversees this process could help to make sure that minorities interested in business ownership have access to the capital that they need in order to establish their business and be successful. Virginia, for example, after spending less than 1% in those years at the turn of the century with minority-owned firms, implemented a voluntary program to help procurement within minority businesses. A similar program to assist minority owned firms could go a long way in helping minority-owned businesses access the capital needed to establish their business.

Loan programs within the federal government can also be a way to promote the access of small businesses to sufficient capital. "State and local agencies can help fill the gaps in the commercial lending environment or play a major role in times of financial crisis" (Lohrentz, 2010, p. 372).

B. Procurement Contracts

State and local labor contracts (procurements) can be a major source of revenues for new and start-up business (Lohrentz, 2010, p. 372). These are generally done on a gender and race-neutral basis, however, there are variations which are more affirmative-action based (Lohrentz, 2010, p. 372). "Contrary to the popular perception, affirmative procurement programs almost never involve set-asides where only minority or women-based enterprises are allowed to bid on certain contracts" (Lohrentz, 2010, p. 372).

Ensuring that government contracts in Michigan are directed or awarded to minority-owned small businesses can be a way for government to allow for greater success among minority-owned businesses in Michigan. This may also be implemented in regulating contractors to award

a certain amount of subcontracts to minority-owned businesses. In overturning the ban on Affirmative Action, the Sixth Circuit Court has paved the way for a program such as this in Michigan. As was seen in *Fullilove, City of Richmond, and Adarand*, these are subject to strict scrutiny at a federal level, however, the Sixth Circuit has not implemented such a standard.

Rather than providing set asides, these procurements are generally requirements that contractors utilize minority subcontractors, and that government reaches out to minority contractors to bid on government contracts (Lohrentz, 2010, p. 372).

In order to promote this, a plan must be undertaken based on an assessment of disparities, as has been done at the federal level, which requires that several steps be taken. Depending on the specifics of the affirmative procurement program, a public agency may need to undertake a disparity or availability study to demonstrate the number and size of minority owned businesses within a specific industry that are ready, willing, and able to provide the proposed good or service. Generally, state and local governments must provide a higher level of evidence of specific disparities by place and industry than does the federal government (Lohrentz, 2010, p. 364).

These steps must be taken carefully, however, as studies have shown that small businesses owned by minorities have a lower rate of success when they rely excessively on procurement programs provided by the state or local government and that they must diversify their revenue streams (Lohrentz, 2010, p. 364). As a way to promote affirmative practices without creating set aside programs it is important to promote incorporation through outreach, social interaction, and networks between small business owners within the Michigan business community.

CONCLUSION

Michigan's economy is already on the road to recovery. Recent efforts aimed at helping small businesses to progress have already contributed to revitalizing the economy. By focusing more on small businesses, Michigan can improve its economy even more. The policies and programs discussed in this article are just a few of the many ways that states and local communities and businesses have taken to address the many barriers that disadvantage minority businesses. In the future, these approaches should continue to expand. Employing practices which help promote the success of minorities will help close the wage gap and help minorities in small businesses avoid the institutional biases which are so deeply embedded in our system. 🌱

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THE HUMAN SIDE OF DEPORTATION

By Pilar Horner

The 2012 presidential election helped convince political parties that Latinos in the United States carry political influence and gave strength to renewed efforts for legislative immigration reform. Few political or social leaders would argue that U.S. immigration policies currently facilitate needed employment, social, security and economic needs. However, parties disagree on how to approach the issue. The Council on Foreign Relations issued its 2009 U.S. Immigration Policy report and noted that not only does the current legal immigration effort need attention and streamlining, but that for the 12 million illegal immigrants currently in the country, pathways to legal residency should be explored. Still, other political pundits decry such efforts. In early March 2013, for example, former presidential candidate Mitt Romney stated that individuals who come illegally to the United States should not be given a special pathway to permanent residency or citizenship.

Despite the contentious political debate and social uneasiness about how to approach the issues surrounding immigration, often forgotten or largely misunderstood are the human costs. Current enforcement efforts and policies have created a hostile environment for Hispanics in the United States. Legislation in Arizona, including both SB 1070 and HB 2162, have prompted outcries of discriminatory policies and sanctioned racial profiling practices. Increased raids by the Immigration and Customs Enforcement (ICE) agency further agitate affected communities and isolate whole communities. Families directly affected by the threat of deportation, especially those with children in their households, navigate lives of considerable stress and anxiety.

Immigrants to the United States have shaped and transformed this country into the world leader that it has become. Worldwide population changes over the past century, reflected through migrations of populations from rural to urban areas and from one country to another, have led to an increased need to better understand the migratory experiences and the health and mental health needs of these populations. Nowhere is this more critical than in the experiences of Hispanics in the United States, where millions of immigrant family members have experienced forced separation. Children of undocumented parents, who themselves may or may not be documented, have often been overlooked or casually addressed without substantive policy enforcement to protect their best interests.



The rising numbers of Hispanic families in the U.S. bring to light the detrimental effects of the forced family separation issue to the forefront, especially with 5 million children having at least one undocumented parent (Capps, Castaneda, Chaudry, & Santos, 2007). Second, Hispanics are known for their strong family values and interdependent family structures, and these structures value the worth of the young as children and the old as elders; both are seen to play vital roles in the Hispanic family and community. When family structures are disrupted by forced separation, women and children can be put in especially vulnerable positions. If the male head of the household is deported, women may struggle to find extra employment, manage the household, ensure the safety of their children, and meet the demands of family life. The stress of these new roles, along with the inevitable isolation from being undocumented, can result in high levels of stress for the caregivers and especially for their children. Children are forced to grow up faster and assume caregiving roles to make up for the deported parent. Youth may opt to drop out of school to take extra work or help out at home, while the remaining parents must take extra work to make ends meet. Important activities such as school, extra-curricular activities, and simply having fun with friends become privileges rather than expectations. In addition, children must manage their own stress and confusion as they navigate new family arrangements created by deportation.

Although pursuing the "American Dream," these migrating populations face a host of health and mental health challenges throughout the migration process. In



particular, the complex experience of family separation due to migration stresses parents, children, and extended family members (Suarez-Orozco, Todorova, & Louie, 2002). Most research to date, however, has focused on the mental health issues of immigrant parents separated from their children, rather than on the issues facing children. Less research has paid attention to the health and mental health issues for children who face being separated from their parents (Kupersmidt & Martin, 1997). There are many reasons why children become separated from their parents during the migration process. The “push and pull” dynamics of economic necessity, for example, has long been known to influence families and communities in their decisions to separate (Lee, 1966), where the “push” factors are usually economic forces that force migration away from the home countries and the “pull” factors attract migrants to the new country. Parents at times must leave their families in their home countries in order to meet the pecuniary needs of themselves and their families. For others, children are expected to go abroad and work in order to secure remittances for the family back home.

Hispanic children who live with the fear of being separated from their parents, either through forced deportation or as a result of being detained, tend to face serious mental health problems. Clearly, children fearing detention of their parents or whose parents have actually been detained are likely to face severe mental health distress, including trauma, depression, stress, and anxiety. Also, children face long-term problematic mental health outcomes beyond the initial stress (Capps et al., 2007).

These children are at risk for poor educational outcomes, poverty, and mental health distress. In addition, they lose faith in the very institutions that are supposed to help and protect them. Law enforcement and child welfare officials become structures of oppression and fear rather than safety. They begin to understand that their families are targets for bigotry and hatred and that these sentiments are solidified in the very structures of society. These vital issues are exacerbated by the difficulty in estimating the number of children who have been affected due to ICE’s practice of not recording the number of children of detained parents. The number of children affected is most certainly underestimated and destined to continue to grow.

For children who are deported to Mexico, some of whom have grown up in the United States and who may or may not speak Spanish, a new form of alienation exists. In addition to barriers faced in the United States, children who end up being deported with their parents are at risk for continued discrimination in their parents’ country of origin. This can be seen when children try to reintegrate into the social structures of the origin country, such as the public school systems. For example, children born in the United States who “returned” to their parents’ country of origin are at risk of being classified as “international” students and face increased dues and fines in schools. Families who already suffer from economic deficiencies may find it impossible to afford to send their children to school. If children then cannot afford to attend school due to their international status as foreigners, they may become idle and at-risk for a host of dangers, including gang recruitment, drugs, and alcohol abuse.

As the Hispanic population continues to grow in size, the health and mental health and well-being of this population, especially immigrants impacted by deportations and separation, is an area of vital concern. Considering accurate numbers are unavailable, the number of children experiencing separation trauma is very likely highly underreported. For this reason, immigration reform to address family unity is desperately needed, for the sake of the coming generations and the health of the nation. 🇺🇸

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SHARONDA CHANEY

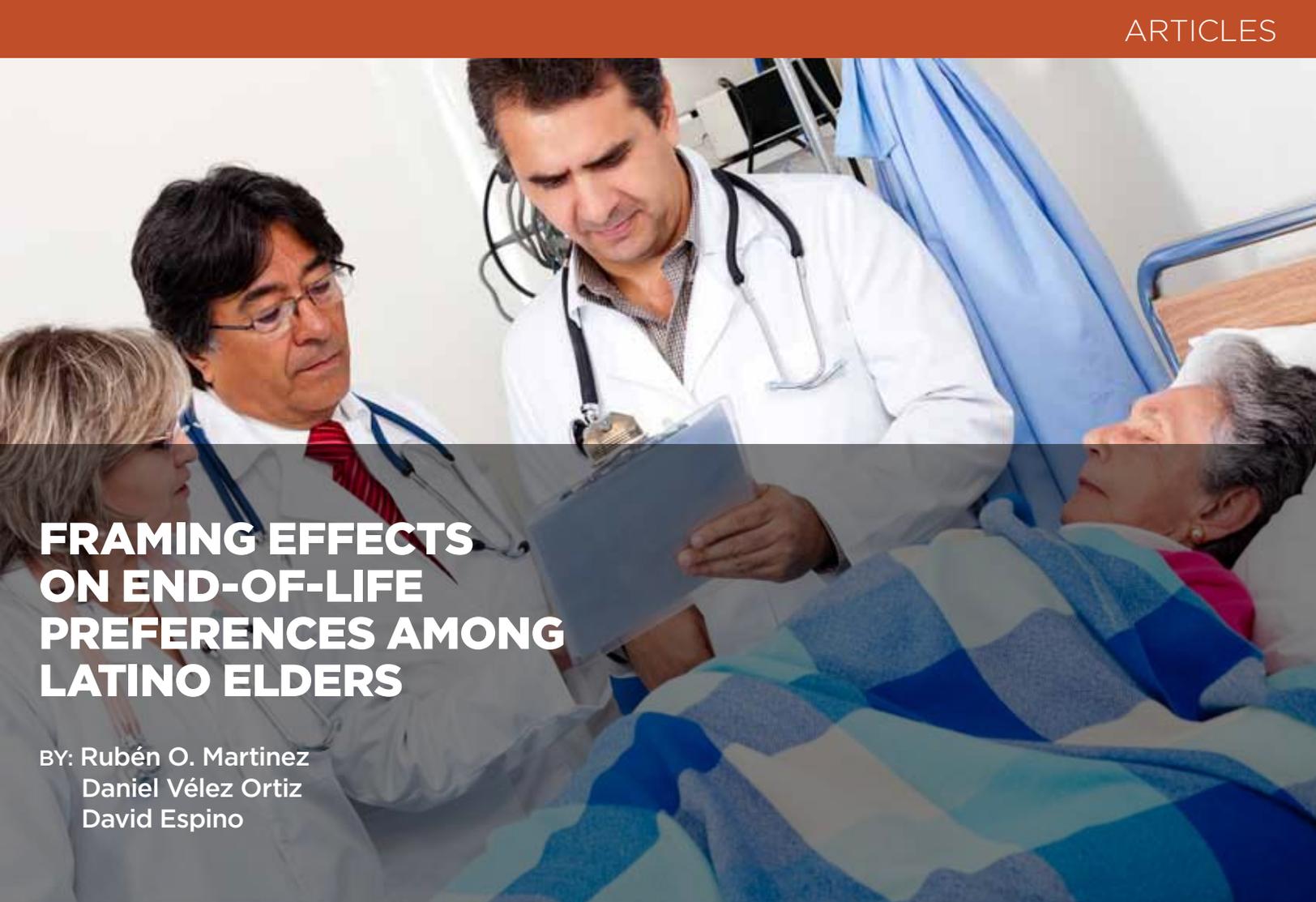
Sharonda Chaney recently joined the Julian Samora Research Institute (JSRI) in the capacity of a student aide. She is a freshman at Michigan State University, majoring in Social Work. Sharonda was born and raised in Flint, MI, but went to high school in Bay City, MI, where she graduated from Bay City Central High School in 2012 with high honors. She enjoys volunteering and has volunteered at places such as the MSU Food Bank, Habitat for Humanity, and Relay for Life. On campus, Sharonda is involved in Holden Hall's Black Caucus and is also a part of a FAME program that helps foster children adjust to life on campus. Sharonda is very excited to be working at JSRI and enjoys working with the other students, faculty and staff.



MARIZEL DÁVILA FIGUEROA

Dr. Marizel S. Dávila Figueroa joined JSRI as a research associate working on a funded project focusing on dairy farms. Her areas of research interest include: minorities in the United States; culture and diversity; cultural competency, particularly as it relates to minorities; community programs development; hegemony and effects on the agency of disenfranchised and marginalized populations; health; disenfranchised populations; social capital; and the capabilities approach.

Dr. Dávila Figueroa is from Puerto Rico. She graduated from Purdue University, where she earned two bachelor degrees: one in Hospitality Management and the other in Sociology with a focus on Law and Society. She earned her Ph.D. in Recreation, Sports and Tourism from the University of Illinois at Urbana-Champaign, as well as her Master's degree in Leisure Studies. Dr. Dávila Figueroa is involved with several local community organizations such as the Lansing Latino Health Alliance and the Capital Area Health Alliance.



FRAMING EFFECTS ON END-OF-LIFE PREFERENCES AMONG LATINO ELDERS

BY: Rubén O. Martínez
Daniel Vélez Ortiz
David Espino

Making end-of-life (EOL) decisions is often a difficult and painful experience. How information relating to end-of-life decisions is presented and framed is likely to impact the choices that individuals and families need to make in real life situations. Such situations create pressures to make a decision, and choice is likely to be understood in terms of risk of dying or living. Further, attitudes about end-of-life issues are embedded in the cultural backgrounds of individuals and tend to influence their choices regarding treatment. Latinos are the largest ethnic minority group in the United States, and they are projected to continue to experience rapid growth in the coming decades. Very little is known about the views of Latino seniors and their treatment preferences at the end of life despite their population size and length of time in this country. This gap in knowledge brings with it ethical, social, and economic imperatives to better understand and respect their perspectives about critical issues at the end of life.

Although increasing numbers of Latino patients are dying at home, the majority of deaths tend to occur in hospitals, where patients may be subjected to aggressive life-sustaining therapies they may not have chosen had they understood the range of options available to them.

Although there are limited research findings about Latino elders and end-of-life perspectives, the few found in the literature point to highly complex relationships among several factors. Most critical, of course, is to identify those factors that influence the decision-making process among Latino elders and their families in relation to life support treatment and resuscitation at the end of life.

A useful framework for understanding how individuals make decisions is provided by prospect theory, which originated in cognitive psychology and is used in economics research. Research using prospect theory suggests that individuals make decisions not only on the basis of perceived outcomes but also based on how choices are framed, that is, whether choices are presented as gains or losses. Prospect theory holds that people treat risks concerning perceived gains differently from those concerning perceived losses (Kahneman & Tversky, 1979). Applied in the medical arena, prospect theory suggests that the ways by which social workers, nurses, and physicians “frame” or present the choices that individuals have at the end of life influence their decisions. For example, when a medical professional presents various probabilities for different EOL outcomes the

patient or the family has to make a choice based on their weighing of the choices as presented. Typically, in such contexts, patients are likely to feel that they did not have many choices at the time of making decisions.

Viewing the framing of choices and the decision preferences of Latino elders toward EOL treatment options is important for understanding the delivery of healthcare at this critical point in life. EOL choices can be seen as partly a function of the evaluation (positive or negative) of the potential gains or losses associated with particular outcomes. While cultural competence is a central component in addressing the healthcare needs of Latinos and other minority populations, the prospect framework brings out a new dimension in the dynamics of communication between health providers and patients at the end of life. Using prospect theory, this study examined the preferences of Latino older adults when presented with EOL scenarios which framed outcomes in terms of gains and losses.

PROSPECT THEORY

Prospect theory has appeared in literature on medical decision-making to show that individuals treat risks concerning perceived gains differently from risks concerning perceived losses. According to Kahneman and Tversky (1979), who developed prospect theory, its principal ideas are:

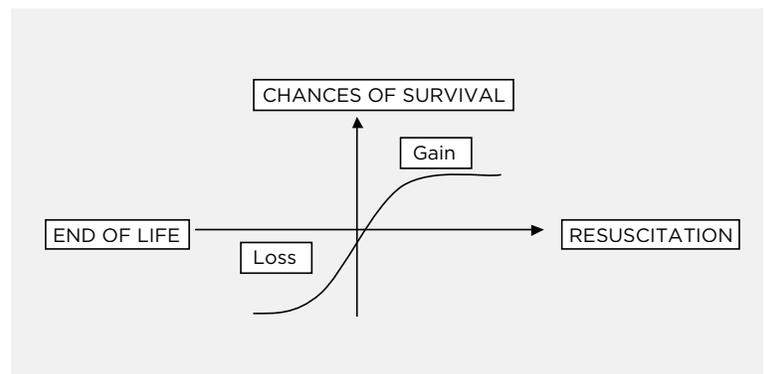
1. People evaluate the risks of rewards and losses as a consequence of a choice relative to a neutral reference point. This means that the framing of an EOL scenario has the potential to influence the choices made by individuals within a common reference point.
2. Potential outcomes are expressed as gains or losses relative to this fixed neutral reference point. This means that the framing can be presented as a positive outcome (i.e., 80% chance of survival) or negative outcome (i.e., 20% chance of mortality). Depending on which frame is used the decision can be to accept life-sustaining procedures or reject them.
3. People make decisions in terms of a point of reference, which may shift according to the perception of risks and losses. This shift may result in a decision that seeks to eliminate risk or pursue risk, depending on how losses are perceived. For example, an individual who has experienced losses may seek to “gamble” or take risk when such behavior would normally be unacceptable. In our case, a 20% chance of mortality may be perceived as a high loss and lead to behavior that seeks to reduce that probability. The theory posits that losses in these situations are perceived with a lower threshold of tolerance.

In short, prospect theory says that the way in which the problem is “framed” or presented can potentially influence the final choices that are made. This theory is relevant to the study of end-of-life decisions because health professionals frame the choices people face at

the end of life by presenting information about choices in probabilistic scenarios. Previous research shows that Latino families tend not to have advance directives and, as a result, are likely to make EOL decisions when need arises; this could mean making a decision based on the probability frames presented to them by a healthcare professional.

Previous research on EOL framing and decision-making points to significant gaps in our understanding of Latino elders’ attitudes toward the use of life-sustaining therapies, their views about making their therapeutic wishes known in advance, and their perceptions of communicating preferences on life sustaining therapies, given a set of choices. Using prospect theory we examined how the framing of choices might influence participants’ preferences given a resuscitation scenario. We hypothesized that the framing of end-of-life choices would influence the responses of Latino older adults provided with a resuscitation scenario, with respondents more likely to prefer prospects for resuscitation framed in terms of gains rather than losses (Figure 1 below).

FIGURE 1. PROSPECT THEORY MODEL OF EOL PREFERENCES



Adapted from Kahneman, D., & Tversky, A. (1979). Prospect theory: An analysis of decision under risk. *Econometrica*, 47, 263-91.

METHODS

The convenience sampling approach in this cross-sectional study involved the recruitment of older adults (≥ 60 years old) from four community-based outpatient care sites in the metropolitan area of San Antonio, Texas. The total sample consisted of 222 participants, of which 100 were Latinos. This particular analysis focused on the framing effects of prospect theory on EOL scenarios with only the Latino older adult sample. Due to a minor discrepancy in the Spanish translation of the outcome variable, only those Latinos interviewed in English ($n=88$) were included in the analysis.

Participation was voluntary and no incentives were provided to participants. Although not by design, the

outpatient clinic sites tended to reflect the socioeconomic (SES) and demographic composition of San Antonio. Two sites are located in the downtown area and primarily serve low to moderate income patients; another is located in the city's medical center area and serves a mix of patients from all SES backgrounds; and the fourth is located in a mostly affluent area of the city.

MEASURES

Socio-demographic Variables

Several factors that might be associated with older adults' preferences with regard to resuscitation were assessed during the face-to-face interviews. They included socio-demographic characteristics such as gender, income, education, and marital status. Self-rated physical health was measured by a single statement asking participants to rate their physical health at the current time using the response categories of poor, fair, good, or excellent.

Control Variables

Acculturation was used as a control variable. It was measured using the Modified Cuellar Acculturation Scale (Cuellar, Arnold, & Maldonado, 1995). Daily living functioning was also a control variable and was measured using the Instrumental Activities of Daily Living (IADLs) instrument (Lawton & Brody, 1969). Among other things, it assesses whether or not a person can do the following: use the telephone; shop; prepare food; housekeeping; laundry; transportation; medication; and manage their finances.

Resuscitation Preferences

Rating preference on a resuscitation statement was the outcome variable for this study. Participants were presented with one statement based on an item from the Life-Support Preferences Questionnaire (Beland & Froman, 1995), which asks about a person's agreement with resuscitation in the event of heart failure. Responses were Likert-type with four choices ranging from strongly disagree to strongly agree. The statement was read to participants face-to-face.

Framing of the Resuscitation Outcomes

Using the resuscitation statement, the predictor variable was created by using two scenarios framing the outcomes. One scenario was contained in *Form A* and the other in *Form B*. In keeping with prospect theory, the scenarios, which presented different probabilities for survival (gain versus loss), were alternated between study participants, resulting in two groups. In *Form A* the resuscitation statement began with the clause "if there was a chance of survival" (this wording implied a probability of survival or a gain). This statement was followed by a statement containing the clause "even

if there was a slight chance of survival" (this wording implied a lower probability of survival or a loss). In *Form B* the order is reversed, with the conditional clause "even if there was a slight chance of survival" mentioned first, followed by the clause containing "if there was a chance of survival" (Figure 2 below).

FIGURE 2. FRAMING ON FORM A AND FORM B QUESTIONS

Resuscitation statement in both forms:

There are a number of things a doctor can do to try to help someone whose heart has stopped beating, which usually includes trying to start the heart and helping the patient breathe with the help of a machine.

FORM A*

- Mention of end of life treatment outcomes (chance, then slight chance)
- 3) If your heart stopped beating, would you want to be revived and kept on a breathing machine if there was a chance of survival?
- 4) If your heart stopped beating, would you want to be revived and kept on a breathing machine even if there was only a slight chance of survival?

FORM B

- No prior mention of end of life treatment outcomes (slight chance, then chance)
- 2) If your heart stopped beating, would you want to be revived and kept on a breathing machine even if there was only a slight chance of survival?
- 3) If your heart stopped beating, would you want to be revived and kept on a breathing machine if there was a chance of survival?

*Numbering is according to the numbering in the section of the questionnaire.

STATISTICAL ANALYSIS

Data were first analyzed using different univariate statistics to ensure they were adequate for advanced statistical analyses. Each of the variables was assessed for outliers and skewness. We dichotomized the life support statement, income, education, and marital status variables. Building upon analysis of the descriptive data, a logistic regression model was constructed. The variables included in the model were selected based upon significant interactions among the variables. A logistic regression model was constructed with a dichotomized statement on resuscitation as the dependent variable and FORM as the main predictor variable. In addition, age, acculturation, IADL, marital status, education, income, and gender were included in the model as controls.

RESULTS

The demographic characteristics of the sample (n=88) are shown in Table 1. In terms of age, the sample included

participants in the 60-89 years of age range with a mean age of 70. A majority in the sample was female (60%). Income was above \$20,000 per year. The most common category for marital status across the total sample was married (59%), followed by widowed (23%). A majority of participants indicated they had achieved a level higher than the 10th grade. A majority of respondents (60%) declined resuscitation if in distress and the remaining (40%) indicated they desired resuscitation (see Table 1 on next page).

TABLE 1. DESCRIPTIVE VARIABLES

VARIABLES	LATINO (n=88)
Age Mean (SD)	69.97 (7.93)
Gender Male Female	40% 60%
Educational Level ≤ Grade 10 > Grade 10	36% 64%
Income < \$20,000 ≥ \$20,000	58% 42%
Marital Status Married Widowed Divorced or Separated Never Married	59% 23% 13% 5%
Functional Status Assessment Scale IADL (range 0 to 7), mean (SD)	0.25 (0.44)
Acculturation Level (range 7 to 35), mean (SD)	22.68 (6.08)
Questionnaire Form Form A Form B	48% 52%
Resuscitation Preference SA SD	40% 60%

FORM (framing presentation of resuscitation scenarios) was statistically significant for the resuscitation outcome

(OR= .362). The significant model indicates that participants were more likely to strongly disagree with resuscitation (about a third of the time) when “a slight chance of survival” was presented last (Form B). Age was another predictor in the model (see Table 2 below), with older Latino participants tending to disagree with resuscitation (OR= .931). Instrumental Activities of Daily Living, acculturation, and demographic variables, except age, were not statistically significant in the sample.

TABLE 2. LOGISTIC REGRESSION OF FORM AND RESUSCITATION PREFERENCE

RESUSCITATION PREFERENCE MODEL		
Variables		
<i>Independent</i>	B	OR and 95% CI
Form	-1.017	.362*(.141-.925)
<i>Control</i>		
Age	-.072	.931*(.877-.988)

Note: Controls are age, acculturation, income, marital status, IADL, education, and gender (non significant interactions were omitted from the Table). Significant *p<.05.

DISCUSSION

This study utilized prospect theory to examine the effects of choice framing on EOL resuscitation preferences among older Latinos. The framing juxtaposes each statement to contrast the relative chances of survival, thereby making the possibility of gains (survival) more or less plausible based on the wording and order of each statement. The results show that the decision-framing principles of prospect theory held together when applied to an end-of-life scenario presented to the Latino elders. We found that the framing order of choices in terms of the conditional clauses, “a slight chance of survival” versus “a chance of survival,” significantly influenced Latino participants’ willingness to accept resuscitation.

While other research studies have found that Latinos want physicians to keep them alive at all costs, our study found that Latinos’ preferences toward resuscitation are not constant when conditional clauses frame the order of statements. In accordance with prospect theory, when presented with a more positive scenario first, our older Latino sample was more likely to accept resuscitation. These results point to a more complex interplay of factors

related to EOL decision-making. The framing presentation of treatment options at the end of life constitutes one of the key factors in the decision making dynamic.

In sum, we found that Latinos had greater odds of rejecting resuscitation when the statement was framed with the conditional clause “a slight chance of survival” presented first. Conversely, they had greater odds of indicating they would accept resuscitation when it was framed with the beginning conditional clause “a chance of survival.” Further, along the principles of prospect theory, we found that older Latinos are susceptible to framing that is presented in terms of losses. When presented with a scenario that increases losses (slight chance of survival), older Latinos had significantly greater odds of rejecting taking the risk of resuscitation. However, when presented with a scenario that framed equivalent information in terms of a positive frame or gains (chance of survival), older Latinos had significantly greater odds of accepting resuscitation.

In terms of practical application, this type of framing could occur in written (advance directives) or oral communications between a healthcare professional and a patient or their family at a time when making a decision can have both emotional and final consequences. Taking into account the framing effects found in this study, word-choice and order of alternatives may place undue influence on the preferences toward resuscitation and other treatment choices at the end of life for Latino families. In turn, the framing presented may drive the ensuing decision about the actions taken at an end-of-life situation. This could apply to advance directives as well as to in-hospital end-of-life crises.

It is important to note that Latinos may not be knowledgeable about end-of-life options and that, culturally, they are not used to discussing end-of-life issues, which may influence their decisions when presented with options they had not considered previously. As a result, they may not be able to communicate the treatment that they want at the end of life as an advance directive.

Additionally, although its effect was relatively mild, age was a second significant factor in the willingness to accept resuscitation. Older age was significantly associated with disagreement about resuscitation while those in the relatively younger or less-old group (65-74) were more likely to be in agreement with resuscitation. Though the effect was mild, this difference may be due to a perception among those in the older ages of having lived long enough and they may not see added value to extending their lives beyond a fatal episode. In contrast, those in the less-old group may perceive they still have

vital years remaining and have not reached an age where death is accepted. In terms of prospect theory, this finding may mean that Latinos very advanced in age may be more susceptible to framing effects. Further, this finding may be related to the level of knowledge and education of the participants, and suggests a need for future research to generate greater knowledge of intra-group differences in treatment choices at the end of life based on age among older Latinos.

Because this study used convenience sampling, the generalizability of the findings is limited. Further, the sample included in the analysis was English-speaking, which may reflect mostly the views of acculturated Latinos. And, because the relatively small sample size does not allow for a power analysis, studies with larger samples should be conducted to see if the findings can be replicated.

CONCLUSION

The rapid increase in the Latino older adult population is attended by the ethical imperative to better understand and respect their perspectives about end-of-life issues. A major implication from our findings is that health professionals need to be aware that the way they present EOL options are likely to affect the choices of Latino seniors. The systematic study of EOL decisions among Latino older adults can improve communications to achieve decision-making at the end of life that reflects the wishes of older adults among this population group. Further research is needed to investigate in greater depth the cultural factors associated with understanding of end-of-life choices in this population and its subgroups. Education and training of health professionals should also be the focus for future research in this area. With the rapid growth in the Latino older adult population in the United States comes an ethical imperative to better understand and respect their perspectives about end-of-life issues. 🌱

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