**Memorandum**

Confidential

To: Tribal Chief

From: Alexander Cervantes, Attorney at Law

RE: American Political and Legal Action Negatively Impacting the Latino Community

Date: 11/5/2013

**Issue Presented**

*How has the American Legal (Political) System and its laws negatively affected the Latino Community?*

**Brief Answer**

Today the Latino community is the largest and fastest growing minority group in the United States. This proud group is composed of a very diverse band of people who have had their hand in the American history and has greatly shaped its culture. This Latino presence and influence has not always been looked upon in the greatest light, however. The Latino history in the U.S. has been afflicted with various hardships and discriminations through American law and policies that has suppressed Latin-American success and growth. Ever since the United States and the Latino community initiated contact with one another there has been some form of tension shadowing their relationship. First off, the interaction between the two has primarily been defined by conquest and immigration (Delgado, et al., 2008). In these forms of interaction the U.S. holds the upper hand. The Latinos are now residing under United States law and rule. By implementing certain regulations, the U.S. can force their “Latino subjects” to do what it wants and to treat the ethnic group as it wishes. Throughout history Latinos have experienced racism, segregation, and a status inferior to Anglo-Americans. I will examine five cases, or issue areas, in the subsequent section pertaining to injustices dealing with citizen rights, property rights, language rights, and discrimination.

**Discussion**

**…**

A more recent and prevalent issue today is fair representation. This concerns whether the jury is composed of “your peers.” The case of *People v. Vincent Henry Sanchez* (2001): Sanchez, the defendant was indicted on seventy-five counts including murder in the first degree and multiple sex offenses. He claimed that the Grand Jury trying him was underrepresented in terms of young people, women, and Hispanics; he attempted to suppress the Grand Jury solely on “the formation and composition” (*Id.,* 2001). Sanchez claimed his rights were infringed upon based on three amendments: the 5th Amendment concerning the right of due processes and 14th Amendment which dealt with the equal protection and due processes applicable to states – this proved evidential to purposeful discrimination; the 6th Amendment which calls for the right to a speedy and public trial by an *impartial* jury allowed him to challenge the fair cross section drawings (*Id.,* 2001). This can be described as the defendant being tried by a jury that is “a representative cross section of the community” (*Id.,* 2001). In order to determine prima facie violation of fair cross section requirement one of the tests concerned absolute and comparative disparities; percentages of the group would be compared to the total or percent that actually performed (Sanger, 2009). This was only significant to women (*People v. Vincent Henry Sanchez*, 2001). The Grand Jury Indictment ended up being dismissed in favor of Sanchez. Though only women were underrepresented in the jury and not Hispanics, the case is still evidence of how the American legal system infringed on the rights of Latinos. Misrepresentation in the jury is still a wide issue and changes need to be made. What became a defining issue was how juries were impaneled. Under PC 896. Grand Juries are impaneled yearly and through interviews, the jurors are not random. The city of Ventura never adopted PC 904.6 calling for *petit*, or trial juries that serve shorter terms. This could be a possible solution.

Another example of the Latino community being negatively affected by U.S. legal policies can be seen in a case concerning language rights. The official English movement began in the 1980s and was dominated by nativist ideals. These nativists viewed anything foreign as a threat and believed a better country can be made if the status quo was kept and outside influences stamped out. These people sought to acquire an amendment to the Constitution that would make English the official language of the United States (Perea, 1992). This did not prevail in the whole country, but almost succeeded in Arizona. Arizonians for Official English (AOE) pushed a petition that would amend the state constitution to “designate English as the state’s official language and to require state and local governments in Arizona to conduct business only in English” (*Ruiz v. Hull*, 1998). Ten plaintiffs, bilingual officials and citizens, brought this issue to a superior court claiming the Amendment violated the 1st, 9th, and 14th Amendments (*Ruiz*, 1998). Not only did these plaintiffs state that it violated free speech and equal rights, but they also claimed it was very unnecessary and detrimental to the nation as a whole: it would disenfranchise citizens, keep public uniformed, and not contribute to national unity (Perea, 1992). The Amendment was ruled as unconstitutional. This is an example of how an American petition attempted to suppress the Latin American community, but fell short because of the actions of the bilingual plaintiffs.

**…**

**Conclusion**

The relationship between the United States and the Latino community has not always been a pleasant one. American laws and policies have continually attempted to bring this ethnic group down through various injustices and discriminations. This can be evidenced in the five cases presented in the previous section. These include unequal benefits concerning the Puerto Rican commonwealth, the denial of property rights for Mexicans in newly acquired American territory, jury misrepresentation in the Court System, the denial of the Spanish language, and racial stereotypes concerning young Chicanos. These prejudices have existed since early interactions between Latinos in the U.S. and are still somewhat prevalent today. Though the legal system has its flaws, it is the channel through which these faults can be fixed. It is civic duty to call out unjust policies and to challenge them. American political and legal action has negatively affected the Latino community, but strong voices that stand up to these injustices use the same system that has wronged them to amend these offenses and to strengthen and encourage the growth of their ethnic group.