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BEFORE THE
SUBCOMMITTEE ON CENSUS, STATISTICS, AND POSTAL PERSONNEL
OF THE
COMMITTEE ON POST OFFICE AND CIVIL SERVICE
U.S. HOUSE OF REPRESENTATIVES

ON THE FEDERAL MEASUREMENT OF
RACE AND ETHNICITY

NOVEMBER 3, 1993

Mr. Chairman, Members of the Subcommittee, it is a pleasure to be here today to discuss the measurement of race and ethnicity in the collection of data by the Federal government, and in particular, the 2000 census.

Let me state at the outset that I am not here representing the Administration, but rather I am here representing the eight Commissioners of the U.S. Commission on Civil Rights. On their behalf, I wish to commend the Subcommittee and its staff for this series of hearings on census data collection. The comprehensiveness of your effort to collect the viewpoints of a wide variety of organizations is readily apparent and will undoubtedly contribute to well-conceived innovations in developing the 2000 census.

In my testimony, I am highlighting the general uses of census data in the civil rights arena and in the activities of the Civil Rights Commission in particular. It is in this general context that I would like to respond to each of the Subcommittee's proposed changes to the census questionnaire.

Since the decennial census is the only source providing close to a 100 percent count of the population of the United States, any improvements in its accuracy or comprehensiveness is very important. Nationwide applications of the data from the census include establishing voting districts, ensuring the equitable allocation of Federal monies, and enforcing existing civil rights laws in such areas as employment, housing, and education. The census also has proven valuable in signaling areas that need additional research. To illustrate, when we look at the employment patterns of certain minority groups, such as Asian Americans, we find evidence that these groups are underrepresented at the upper echelons in certain occupations and professions. Though not conclusive, such results can trigger additional research into this "Glass Ceiling" phenomenon. In numerous reports and hearings over the years, the Commission has drawn extensively from census data and other Federal data sources. Two of our recent reports, for example, used census data to examine the civil rights status of Asian Americans: Civil Rights Issues Facing Asian Americans in the 1990s (USCCR,

February 1992), and The Economic Status of Americans of Asian Descent: An Exploratory Investigation (USCCR, October 1988).

More recently, the Commission used census data in the preparation of our report on Racial and Ethnic Tensions in the Mt. Pleasant section of the District of Columbia (Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination-- Volume I: The Mount Pleasant Report; January 1993). This Report assessed the extent to which Latinos in the District are receiving city services such as health care, court services, and other significant community services such as education and police protection. We made numerous recommendations for improvements in these areas.

Mr. Chairman, as you know, racial and ethnic minorities have been seriously undercounted in previous censuses,[1] a fact which denies them full political representation and Federal funding in a variety of applications. This situation must be remedied in the next census to provide equity to those groups and to avoid expensive, time-consuming law suits by many cities and other groups challenging the census results.

In order to improve the overall accuracy of the 2000 census and other surveys, the Federal government must cut no corners in revising the means and methods used to collect data on race and ethnicity. Thorough testing must be conducted prior to making any changes in census questions or questionnaire formats. Proposed changes need to be fully analyzed to validate the need for the change, the uses of the data, and any new or revised questions so as to maximize response rates and to minimize any misinterpretation by the respondents. Furthermore, the government must make an all-out effort in its education and outreach programs prior to enumeration, and in its post-enumeration followup program to minimize the undercounting of racial and ethnic minorities.

Considering the nation's increasingly complex and dynamic population, mounting tensions and mistrust between racial and ethnic communities, and the intransigence of inequality, the 2000 census must be the best, most complete, and most detailed portrayal of racial and ethnic populations ever made. We appreciate the apparent care with which the Census Bureau is preparing for the 2000 census and the enormity of the task; however, we urge this Subcommittee to remain ever-vigilant for lapses in the Bureau's program. In particular, the Commission was distressed to learn that testing and research for the 2000

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[1]National Academy of Sciences, *The Bicentennial Census: New Directions for Methodology in 1990*, 1985.

census are behind schedule.[2] We trust that these delays can be overcome and will not cause any curtailment of the Bureau's development program or outreach efforts.

Mr. Chairman, I would now like to address each of the Subcommittee's questions individually.

1. Is your agency experiencing any difficulties with the current categories (in terms of data accuracy or public acceptance)?

In gathering information on race and ethnicity, all Federal agencies, including the Bureau of the Census, are governed by the Office of Management and Budget's (OMB) Directive No. 15. Directive No. 15 establishes minimum race and ethnicity designations that agencies must supply in reporting any data they collect. These include four racial categories--American Indian/Alaskan Native, Asian or Pacific Islander, black, and white--and one ethnic category--Hispanic origin. The Directive also stipulates that a combined race and ethnic format will count black and white individuals who are not Hispanic, in addition to a separate count of persons of Hispanic origin, who may be of either race. The Directive does not, however, provide guidance for classifying persons of Hispanic origin who are not black or white. Tracking the prevalence over time of discrimination against members of an ethnic group because of skin color -- Hispanics, for instance, who often perceive themselves or are perceived as "brown" -- rather than their race, language or culture, is not made any easier by this lack of guidance.

The Directive makes clear that, although agencies may use more detailed classification schemes, all data must be capable of being reclassified into one of the prescribed categories. This position has been reinforced by OMB decisions on requests for exemptions under Directive 15. For example, although OMB has allowed the Bureau of the Census to add "other" as a race category, the Bureau must still be able to reclassify these individuals into the basic race categories.

The Commission does not recommend major revisions to the basic race and ethnicity categories in OMB Directive 15. As a minimum standard, the Directive properly distinguishes Hispanic (and non-Hispanic) origin from major racial groups. The history of prejudice and discrimination in the United States makes it clear that these are important and distinct classifications. We know that perceptions of a person's color or race, independent of linguistic or cultural roots, can be used to deny basic rights. Likewise, persons of cultural and linguistic minorities, independent of their race, can also find their civil rights

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[2]Testimony of William M. Hunt, U.S. General Accounting Office before the House Subcommittee on Census, Statistics, and Postal Personnel, April 14, 1993.

denied. Accordingly, civil rights enforcement must be directed to deal fully with each of these main areas--race and ethnicity.

Although the Commission does not call for major revisions in Directive 15 categories, we believe that the current categories are not adequate for most applications in the civil rights arena, such as civil rights enforcement, education, and outreach efforts. Civil rights enforcement cannot be fully effective unless agencies understand the constituent populations they are supposed to serve. The Commission's own research and factfinding, along with numerous other studies, clearly demonstrates that the broad race and ethnicity categories established by Directive 15 conceal extraordinary diversity in the characteristics and civil rights status of the distinct groups composing these categories. Within each of the major race categories and within the Hispanic population, there appear to be major differences in the nature and extent of discrimination as revealed by key socioeconomic outcomes. For example, when the Asian American population is separated into native- and foreign-born, and major subpopulations (e.g., Chinese, Japanese, Korean, Vietnamese) the Commission's studies of Asian Americans reveal a highly complex pattern of socioeconomic outcomes, access to government services, and underlying discrimination. In a like manner, the Commission's many studies on Hispanics over the years reveal wide differences in this demographic group in terms of socioeconomic outcomes and forms of discrimination experienced, depending on whether one focuses on those who are new arrivals to the U.S. mainland,, or on Mexican Americans or Puerto Ricans or Guatemalans, and whether they live in inner cities, rural areas, or the suburbs.

Discrimination can affect where people live, work, and go to school, how much education they receive, what jobs they hold, the wages they receive, and whether they have a vote, to mention a few areas. And in each of these respects, census data is a vital source of information. For example, census data can be used to identify specific geographic areas, industries, occupations, or subpopulations that may have particularly serious civil rights problems and warrant special educational, outreach, or enforcement efforts.

In conclusion, the Commission finds the race and ethnicity categories in Directive No. 15 to be satisfactory as minimum standards for data collection and reporting. In many instances, however, agencies should consider more detailed categories to ensure that important differences among subpopulations are captured. Similarly, in reporting data, tabulations and analyses by race and ethnic group should be made in as much detail as possible.

2. Addition of a category in federal data collection called "multiracial."

Effect on agency compliance monitoring. The growing numbers of citizens who identify themselves as multiracial is an important social phenomenon in America, and should be studied and understood by government policymakers and by the general public. However, the Commission believes that the addition of a new race category is likely to undermine efforts to enumerate and characterize racial groups, without necessarily yielding useful new information. The Commission is particularly concerned given the undercounting of minorities in recent censuses. These distortions undermine civil rights enforcement, and can deny racial and ethnic minorities full political representation and a fair share of federally funded programs.

In the 1990 census, roughly one percent (253,000)[3] of the population made entries under the "other" race category that indicated they were biracial or multiracial. Although this is a relatively small number of people, we believe many more people would indicate "multiracial" if this were an explicit choice. Thus, without other provisions to collect race information on these individuals, the addition of a "multiracial" category would be at the expense of enumerating the other racial categories. We speculate that a disproportionate share of the "multiracial" entries in the 1990 "other" race category were the children of interracial couples. A multiracial category, on the other hand, might be more likely to be selected by someone who identifies more than one race in earlier generations.

The Commission believes that a multiracial category would hamper the investigation of discrimination charges (including individual, systemic, and pattern and practice cases), the enforcement of affirmative action requirements (e.g., E.O. 11246) and the implementation of various Federal set-aside programs. In each of these cases, the government is legally bound, if appropriate, to identify a person's specific race or ethnicity as the basis for government action. Therefore, investigations and other compliance activities will often require similarly categorized population counts and other sources of information such as data on bank lending, high school drop out rates, home sales, etc.

Also, it is unclear whether meaningful interpretations can be made of counts of multiracial persons, or their residential patterns, relative socioeconomic status, etc. As I have noted, the existing racial and ethnic groups are extremely diverse. A multiracial category would be even more so: its members would represent the full spectrum of races, and would include individuals who are biracial and individuals who are of a single race but for a distant relative who was "_____."

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[3]Testimony of Harry A. Scarr, Bureau of the Census before the House Subcommittee on the Census, Statistics, and Postal Personnel, April 14, 1993.

Therefore, the Commission recommends that a "multiracial" category not be added to Directive No. 15 and, specifically, that the 2000 census not include such a category in its race question.

Availability of component groups. Information on race components could mitigate the adverse effects of a multiracial category. For example, survey instruments could include a write-in space, similar to that provided in the 1990 census for American Indian or Alaskan Native, Asian or Pacific Islander, and "other" race. However, such a question would be costly to encode, would make an already confusing question even more confusing, and would be of little use if many people declined to write in their component races. Even if entries are made, such as "White-Chinese," it is unclear whether the Bureau's current procedure of allocating persons according to order (e.g., in this example, "white") is more than a coin toss.

Let me emphasize, however, that the Bureau's current procedures for allocating individuals to race categories and any other approaches to recording race components should be thoroughly validated to ensure that they do not interfere with obtaining precise and detailed enumeration of the nation's racial and ethnic groups.

Use of component group information and policy and/or technical questions raised by a new category. Information on component races could be used in research on the effects of discrimination on socioeconomic outcomes. For example, income and employment differences among demographic groups can be linked to labor market discrimination (and, indirectly, to past discrimination in housing, education, bank lending, etc.) through well-established statistical techniques. Using such techniques would not require aggregation or reallocation of the component groups: the separate and, possibly, interactive relationships between individual race components and other characteristics (e.g., earnings), can be measured given sufficient data.

The Commission would also be interested in knowing how many people classify themselves as white under the present system, but because they are multiracial, may nevertheless encounter discrimination because others identify them as minorities. In other words, do the counts of protected racial and ethnic classes overlook people who, when faced with a single choice, elect to be counted as white? Similarly, we would be interested in getting a more complete enumeration of people who trace their roots to each of the race groups.

As we contemplate ways to use such information directly in civil rights enforcement, redistricting, affirmative action programs, and set-aside programs, we see some potential benefits, but we also see some potential problems. Civil rights laws that prohibit discrimination on the basis of race, color, and national origin were enacted to protect all Americans, but policies that implement them must reflect the fact that certain groups, and any person who is considered by others to be a member of those

groups, have suffered disproportionately from discrimination and barriers to equal opportunity. In terms of conducting and assessing enforcement programs, affirmative and equal opportunity programs, and the equity of federally funded programs, Federal agencies need information on racial and ethnic populations that reflects how individuals are likely to be classified and, thus, how they may be treated by other members of society. For the overwhelming majority of the American population, we believe these two perspectives are congruent, even when people are required to report only one race. Nevertheless, information on race components may give agencies a more accurate measure of the populations that warrant programmatic emphasis.

Clearly, the value of race component information is directly tied to the degree to which surveys, such as the 2000 census, undercount the protected classes. We suspect that the undercount associated with asking for only one race is relatively small. Nevertheless, this question merits closer examination through field testing.

Other suggestions for using race component data include creating a new "minority group" category, and allocating fractions to existing groups. As I have argued above, a new "minority group" would be of little value because it would have no relevance to civil rights policies, or any other realm of government interest that we can determine. Allocating parts of people is feasible only if quantitative information on a person's racial mix can be ascertained reliably and economically. We are skeptical on both counts.

3. Additional Proposed Changes.

Adding a category called "Middle Easterner". In principle, the Commission supports the enumeration of the Middle Eastern population in the 2000 census. Although probably less than one percent of the U.S. population, Middle Easterners are a growing and vulnerable segment of our society. They have been the targets of numerous hate crimes, they have been vilified and degraded by the media, and undoubtedly they suffer considerable discrimination in employment, housing, etc. as members of ethnic and religious minorities. Although we do not believe that a new race category should be created for Middle Easterners, we urge consideration of a separate question to capture this information. Again, careful testing must be conducted. Further, we recommend against adding "Middle Easterners" as a separate race or ethnic category in Directive No. 15. In most applications, the size of this population will be too small to make it practical to collect and report the information.

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Including Hispanic as a racial designation. The Commission recommends against reclassifying Hispanics as a race group. They are not. The Latino/Hispanic population is a complex community of races, bound by common cultural, linguistic and geographic origins.

From a civil rights perspective, notwithstanding some difficult problems, we believe that it is essential to collect and report information separately on racial and ethnic groups. As I noted above, the basis of discrimination can be race, Hispanic origin, the perception of racial or ethnic background or all three, which means that we need to understand the population from each of these perspectives.

Concern has been raised about retaining separate Hispanic and race questions as on previous censuses. In part, this is because many Hispanic persons will not identify a specific race group, often identifying themselves as Hispanic in the "other" race category. Some of this apparent confusion is attributable to the fact that many Latinos/Hispanics are immigrants and may not understand the differences made in the United States between race and ethnicity, or the distinctions we make between racial categories. On the other hand, the "other" race category captures the fact that many Latinos trace their roots to one of the Indian races of Latin America. It is understandable that many Latinos would not classify themselves as "white," which may be equated with meaning "Anglo." Therefore, it is unreasonable to expect all Latinos to identify with one of the specific race categories.

We urge the Census Bureau to continue their efforts to improve the census questionnaire format and to provide better education for immigrant populations who may have greater difficulty understanding the race and ethnicity questions. We believe these avenues offer the best hope of improving accuracy and resolving other reporting problems.

Including Hawaiian as a separate category or as part of the "Native American" category, rather than as part of the "Asian/Pacific Islander" category. The Commission strongly supports the reclassification of Native Hawaiians as "Native Americans." Native Hawaiians are the indigenous, aboriginal people of Hawaii, and should be distinguished from other "Hawaiians" who may be classified as Asian or Pacific Islander. Directive 15 defines the racial category of American Indian or Alaskan Native as "a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition." Except for the apparent geographic limitation, we believe this definition applies to Native Hawaiians.

In its December 1991 report, A Broken Trust: The Hawaiian Homelands Program: Seventy Years of Failure of the Federal and State Governments to Protect the Civil Rights of Native Hawaiians, the Hawaii State Advisory Committee to the U.S. Commission on Civil Rights recommended the following (p. 44):

> The Congress should promptly enact legislation enabling Native Hawaiians to develop a political relationship with the Federal Government comparable to that enjoyed by other native peoples in the Nation. Such legislation would

encourage the realization of sovereignty and self-determination for Native Hawaiians, a goal that this Advisory Committee strongly endorses.

The legislation should also explicitly confer eligibility to Native Hawaiian beneficiaries for participation in Federal programs designed to assist Native Americans, Alaska Natives, and other protected groups who have suffered from historical discrimination.

Clearly, the reclassification of Native Hawaiians is a necessary step toward realizing these goals.

4. Replacing existing census questions with an open ended question to collect information on race and ethnicity.

The Commission believes that a true open ended question on race and ethnicity would be a serious mistake. First, as I have stated before, we believe that it is important from the perspective of civil rights enforcement to collect data separately on racial and ethnic groups: an open ended question would further obscure these two bases. Second, we believe that such an approach would erode the informational content and accuracy of survey data. A number of the witnesses before this Subcommittee have documented the apparent confusion among respondents in distinguishing between and among race and ethnic categories. However, the census questions provide at least a reasonable structure to guide respondents. We fear that confusion would be even greater if this structure is eliminated by using an open ended question. Furthermore, encoding write-in answers to an open ended question would be more costly and error-prone than processing the answers to the categorical type of question such as that used in the 1990 census. Again, we call for extensive field testing of any alternative forms of the questions used on the 1990 census before they are adopted.

5. Intertemporal comparisons of survey data.

Direct comparisons of survey results (e.g. census data) can be valuable for a number of reasons, such as assessing the impact of civil rights policies over time, and for studying important social and demographic trends that may influence civil rights enforcement efforts, race relations, etc. Therefore, comparability is a desirable feature in designing census surveys and other data collection instruments that may be used to support civil rights policies and programs. This does not mean, however, that the way we identify and classify people by race, ethnicity, etc. must be invariant over time. With America's rapidly changing demographic and cultural makeup, we need to continually reassess how best to collect such information. In this regard, the Commission notes the painstaking attention this Subcommittee has given to preparations for the 2000 census and, generally, to

Federal data collection on race and ethnicity. Your recent hearings have produced a extensive body of very enlightening testimony.

This completes my prepared remarks, Mr. Chairman. I will be pleased to answer any questions that you or members of the Subcommittee may have.