

RACIAL CATEGORIZATION — IN THE 2010 CENSUS —



BRIEFING
REPORT



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U.S. Commission on Civil Rights

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Racial Categorization in the 2010 Census

A Briefing Before
The United States Commission on Civil Rights
Held in Washington, DC, April 7, 2006

Briefing Report

Table of Contents

Executive Summary	1
Summary of Proceedings	3
Charles Louis Kincannon.....	3
Sharon M. Lee.....	4
Kenneth Prewitt	6
Ward Connerly.....	7
Discussion.....	8
Statements.....	15
Charles Louis Kincannon.....	15
Slide Presentation of Charles Louis Kincannon	18
Sharon M. Lee.....	23
Kenneth Prewitt	27
Ward Connerly.....	32
State of Hawaii - Office of Hawaiian Affairs	34
Findings and Recommendations	37
Statements of Commissioners.....	43
Arlan Melendez and Michael Yaki.....	43
Speaker Biographies	49
Charles Louis Kincannon.....	49
Sharon M. Lee.....	49
Kenneth Prewitt	50
Ward Connerly.....	50

Executive Summary

On April 7, 2006, a panel of experts briefed members of the U.S. Commission on Civil Rights on racial categorization in the 2010 Census. Charles Louis Kincannon, Director, U.S. Census Bureau; Sharon M. Lee, Professor and Director of Graduate Studies, Department of Sociology, Portland State University; Kenneth Prewitt, Carnegie Professor of Public Affairs, Columbia University; and Ward Connerly, Chairman, American Civil Rights Institute, made presentations and offered their expertise on 1) the current racial categories in the 2010 Census; 2) proposed alternative racial categories in the 2010 Census; 3) the proposed elimination of racial categories in the 2010 Census; and 4) the legal and policy implications of Office of Management and Budget guidance to federal agencies on allocation of multiple responses. The briefing was held in Room 226 of the Dirksen Senate Office Building.

A transcript of this briefing is available on the Commission's Web site (www.usccr.gov), and by request from the Publications Office, U.S. Commission on Civil Rights, 624 Ninth Street, NW, Room 600, Washington, DC, 20425; (202) 376-8128; publications@usccr.gov.

Summary of Proceedings

Charles Louis Kincannon

Mr. Kincannon¹ began by describing the history of race classification as a lesson in American history.² He explained that from the beginning, the census implicitly recognized three race categories: white, black, and Indian.³ It was only following the passage of the 14th Amendment (requiring the counting of “the whole number of persons” rather than “free persons”) that the census became a true count of every person.⁴ Starting in the late nineteenth century and continuing through the twentieth century, race classification evolved to include Filipinos, Aleuts, and Hawaiians, among other categories. In 1970, a separate question on Hispanic origin was introduced as part of the long form sample (an extended census questionnaire obtained from approximately one in every six households). Since that time, this question has been used as part of the census short form (the census questions answered by every household). Another change that has been in place since 1970 is the reliance on self-identification, meaning that the indicated race reflects what individuals have chosen, rather than third party observations, as with earlier censuses.

Mr. Kincannon described the role that the Office of Management and Budget (OMB) has played in the development of statistical policy.⁵ In 1978, for the first time, OMB provided federal standards for the collection, tabulation, and presentation of race and ethnic data for government programs via Statistical Policy Directive No. 15. At that time, OMB identified four race categories: white; black; American Indian or Alaska Native; and Asian or Pacific Islander, as well as identifying Hispanic as an ethnicity. In 1997, OMB issued substantial revisions to Statistical Policy Directive No. 15, calling for five separate race categories: white; black or African American; American Indian and Alaska Native; Asian; and Native Hawaiian or Pacific Islander. He explained that Hispanic origin remained a separate category from race. According to Mr. Kincannon, the revisions allowed individuals to identify themselves as any combination of the five racial categories (for example, white and African American or white and American Indian), making hundreds of race/Hispanic origin combinations possible.

Evaluating Census 2000 and its results, Mr. Kincannon reported that an increasing number of people chose to identify as “some other race,” which is now the third largest race group in the United States according to census results.⁶ This presents a challenge because many federal programs do not include such a category in their data collection. He explained that the

¹ As noted above, at the time of the hearing, Mr. Kincannon was the Director of the U.S. Census Bureau. He subsequently resigned his position in November 2006.

² Charles Louis Kincannon, Testimony before the U.S. Commission on Civil Rights, briefing, Dirksen Senate Building, Room 226, Washington, DC, Apr. 7, 2006, transcript, pp. 11–13 (hereafter Kincannon Testimony, Briefing Transcript).

³ Kincannon Testimony, Briefing Transcript, p. 12.

⁴ *Ibid.*, pp. 12–13.

⁵ *Ibid.*, pp. 13–15.

⁶ *Ibid.*, pp. 15–16.

Census Bureau had intended to drop the “some other race” category for the 2010 Census, but will now include it in response to congressional mandate. In 2000, of those who identified themselves solely as “some other race,” 97 percent were Hispanic or Latino. In fact, 42 percent of Hispanics that identified their race selected “some other race.” Although 46 percent indicated they were white, many Hispanics did not answer the race question. The census did not capture the detailed Hispanic origin groups, such as Mexican, Puerto Rican or Cuban.

With these results in mind, the Census Bureau has worked to improve race/Hispanic origin questions for the 2010 Census.⁷ Test censuses have examined 1) the need for examples of Hispanic origin and race questions; 2) reducing the number of checkboxes for the major race categories; 3) providing simple yes/no responses for the Hispanic origin question; 4) including a separate tribal enrollment question for American Indians and Alaska Natives; and 5) including a modified ancestry question that would elicit specific race and Hispanic origin groups as well as other ancestries such as German, French, or Scotch-Irish.

Mr. Kincannon expected the results of this testing to be available later in 2006. He noted that the Census Bureau is also testing improvements in process, including the use of bilingual questionnaires in targeted areas.⁸ The Census Bureau is looking at what will work, and perhaps more importantly, what will not work, as they continue to adapt the census to the nation’s changing population.

Sharon M. Lee

Professor Lee also provided a brief history of the census. She emphasized that the census is both a collector and disseminator of racial statistics.⁹ In her view, racial statistics had historically functioned to maintain a social order and policies that excluded non-white groups from civil and political rights. The civil rights era dramatically changed this, and racial statistics are now used to document racial discrimination, leading to new laws and policies to redress systemic racial inequalities. Professor Lee stated that throughout the evolution of the collection and use of racial statistics, a constant has been that the census continues to categorize the population into distinct, separate, mutually exclusive racial groups.

Professor Lee noted that the U.S. population has changed dramatically since the first census of 1790, and that the manner in which the census is collected has changed accordingly.¹⁰ She stated that almost every census for the past two hundred years has collected racial data differently than the census before it—a fact that she says belies the arguments of critics who cite the importance of consistency in their arguments against changes in census racial categories.

⁷ Ibid., pp. 15–16.

⁸ Ibid., p. 13–15.

⁹ Sharon M. Lee, Testimony before the U.S. Commission on Civil Rights, briefing, Dirksen Senate Building, Room 226, Washington, DC, Apr. 7, 2006, transcript, p. 26 (hereafter Lee Testimony, Briefing Transcript).

¹⁰ Lee Testimony, Briefing Transcript, pp. 27–28.

Professor Lee emphasized two significant features of the 2000 Census.¹¹ The first was the change to allow Americans to report more than one race. The second was the addition of the “some other race” category. According to Professor Lee, these changes came about in response to the growing multiracial population and the disproportionate non-response rate among Hispanics. She believes that diversity will continue to grow, but also that, despite civil rights legislation and substantial progress in reducing racial inequalities in the United States, evidence of racial disparity will persist. She sees the growth of the Hispanic population as drawing further attention to racial gaps, and thus supports the continuation of federal efforts to collect racial statistics.

Professor Lee then focused on two specific aspects of racial categorization: redesigning the race question for the 2010 Census and the potential impact of the 2010 Census process on the quality of racial statistics.¹² She explained that a single re-designed census question on race and Hispanic origin would have several advantages over the two-question format used in the 2000 Census. She advocated including “Hispanic” as a race category, explaining that many researchers treat Hispanic as a co-equal racial category, and that such a categorization would more accurately reflect the way that Hispanics view themselves, particularly the largest Hispanic group, Mexican Hispanics, who rarely identify with the five official race categories. Adding Hispanic as a race category would eliminate the current distinction between race and ethnicity and end a process whereby the definition of ethnicity was limited to the question of whether one was Hispanic or not. Professor Lee agreed with the change allowing individuals to report more than one race. She also advocated continuation of the “some other race” category, noting that its use complies with legislation passed by Congress and offers an alternative choice for many groups, such as Mexicans, Puerto Ricans, North Africans and Brazilians, who do not identify with the current racial categories.¹³

Professor Lee praised both the use of self-identification in the census and the Census Bureau’s reliance on comprehensive testing prior to any census modifications.¹⁴ She urged the Census Bureau to continue testing its various modes of data collection, stating that race questions were particularly susceptible to situational and contextual errors and warning that the introduction of Internet census operations, which she advocates, needed careful testing and monitoring.

Professor Lee concluded by cautioning the Commission that any recommendation for redesigning the racial categories in the census would likely be controversial.¹⁵ The task of meeting scientific and statistical standards of data quality and coverage, fulfilling the legislative, programmatic, and administrative requirements of the federal government, and satisfying advocacy and interest groups is a difficult balancing act. Nevertheless, she felt strongly that, as long as the compelling reasons to collect racial data remain, the Census Bureau should continue its efforts to improve the manner in which racial data are collected.

¹¹ *Ibid.*, pp. 28–29.

¹² *Ibid.*, p. 29.

¹³ *Ibid.*, p. 30.

¹⁴ *Ibid.*, p. 32.

¹⁵ *Ibid.*, p. 33.

Kenneth Prewitt

Professor Prewitt began by declaring that the racial classification system used in the 2000 Census was not well designed to help our society address the public policy challenges of the next century. He referenced modifications he felt were necessary to improve the census, though he recognized that not all would be feasible given the time constraints under which the Census Bureau operates.¹⁶ He stated that race classification originally stemmed from racist ideologies that did not lose their influence until at least the late 1960s. Landmark legislation of the 1960s and 1970s utilized the same classification categories, this time to combat discrimination in education, health care access, employment, and political participation. He said that counting and classifying by race had always gone hand in hand with public policies.

As the present classification system evolved, Professor Prewitt explained, problematic features remained, making it difficult for the current system to inform coherent policies for the 21st century. Among the factors he identified as making the current system unstable: 1) the blurring of racial boundaries through inter-marriage; 2) the introduction of the multiple-race option in official statistics; 3) multi-culturalism as a way to describe the society; 4) the increased use of census categories in the quest to assert group identities; e) the rhetorical and legal references to diversity in education and employment; 5) the increase in demographic diversity resulting from recent immigration; 6) the growth of the Latino population, counted in many venues as a racial group but in others as an ethnic group; 7) recent studies of race as biologically significant; 8) DNA testing as a fashionable way to uncover individual ancestry; and 9) political efforts to eliminate race and ethnicity from the statistical system all together.¹⁷

Given the new conditions and the absence of a social norm defining race and racial identity, Professor Prewitt posed what he felt was a basic and essential question to the Commission: What purpose should guide official statistics on race and ethnicity?¹⁸ He attributed many of the problems with the present racial categories to failure to address this fundamental question. Professor Prewitt believes that the purpose is to track discrimination for civil rights enforcement, and stated strongly that he does not think that expression of identity is the proper function of the statistical system. He indicated that if others wanted identity expression as a purpose of gathering racial data, Congress would have to express that as a purpose. He stressed that the government cannot have multiple answers to the question of the purpose for collecting these data and still arrive at a coherent system for doing so.

According to Professor Prewitt, one of the more problematic categorization issues is the “some other race” option.¹⁹ Historically, multi-race individuals had chosen “some other race” to best express their heritage; however, Professor Prewitt argued that the inclusion of the “some other race” category after the multiple-race option was introduced in the 2000 Census

¹⁶ Kenneth Prewitt, Testimony before the U.S. Commission on Civil Rights, briefing, Dirksen Senate Building, Room 226, Washington, DC, Apr. 7, 2006, transcript, p. 33 (hereafter Prewitt Testimony, Briefing Transcript).

¹⁷ Prewitt Testimony, Briefing Transcript, pp. 34–35.

¹⁸ *Ibid.*, p. 35.

¹⁹ *Ibid.*, p. 35.

was unnecessary and misleading. He noted that the “some other race” category was useless data for any type of programmatic purpose, calling it bad statistics and bad public policy.

Professor Prewitt said conflicting answers to the basic question of the public purpose of racial classification have resulted in many of the problems with the present categories.²⁰ According to him, the primary purpose of the census is to inform the government and society of any population groups suffering from discrimination, and secondarily to provide a portrait of society to be used in the determination of whether we have in fact moved beyond a national legacy of racism. With these purposes in mind, he recommended a two-question format. First, he suggested discarding the distinction between race and ethnicity in favor of a single question asking the respondent’s race/ethnicity. This question would retain the current five groups: American Indian or Alaskan Native; Asian; Native Hawaiian/Pacific Islander; black/African American; and white, and would add Hispanic as a co-equal race/ethnic group. This would encompass the primary groups targeted for anti-discrimination policies, and would eliminate the implication that our nation consists of only two ethnic groups, as is suggested by the current census format asking whether the respondent is Hispanic or Non-Hispanic.²¹

In addition, Professor Prewitt stated that there should be an open-ended question asking respondents to identify their ancestry, nationality, ethnic origin, or tribal affiliation (although he suggested that this question not be used on the census short form). This would more truly reflect self-identification, and would provide increased detail, thus permitting better tracking of discrimination and more focused anti-discrimination efforts. He believes there remain strong reasons for official statistics to detect patterns of discrimination, but said that the classification scheme must catch up with the diversity of our national population. He concluded by urging the government to more clearly state the reasons and goals of measuring racial data, and to design the most relevant classifications feasible to meet those goals.²²

Ward Connerly

Mr. Connerly shared his perspective as Chairman of the American Civil Rights Institute.²³ He found the classification and subdivision of the American people into racial categories highly objectionable, and stated that, unless they have scientific validity, racial categories were repugnant and socially regressive. Accordingly, he stated that he would immediately purge all classification of Americans based on skin color or any other attribute currently used to define race. However, he acknowledged that his view was not yet ripe for implementation, and thus geared his remarks to a proposal that would, in his view, improve the existing system.

²⁰ Ibid., p. 35.

²¹ Ibid., pp. 36–38.

²² Ibid., p. 40.

²³ Ward Connerly Testimony before the U.S. Commission on Civil Rights, briefing, Dirksen Senate Building, Room 226, Washington, DC, Apr. 7, 2006, transcript, p. 41 (hereafter Connerly Testimony, Briefing Transcript).

Mr. Connerly emphasized that any system of government classification must be based on self-identification, and that the government's denial of an individual's right to identify himself/herself denied the principle of self-identification.²⁴ Mr. Connerly discussed OMB guidance on racial categories, and praised the choice of multiple racial categories. He criticized the guidance requiring agencies to condense data reflective of individual choice and place individuals in preset categories for the sole purpose of comporting with government civil rights enforcement objectives. He likened this approach to the historic "one-drop" rule, and asserted that to provide freedom of choice only to limit what one might choose, is no freedom at all.²⁵

Mr. Connerly criticized the presumption that only pure race individuals are confronted with discrimination in the work place. He stated that those who identify as multiracial are frequently subjected to discrimination, citing Tiger Woods as an example of one who had been subjected to mistreatment throughout his public life by those who saw him as black and nothing more.²⁶ He saw it as cruel for parents to contend with the agonies of separate racial identities for siblings who may not look related, and stated that similar attitudes reveal themselves in the course of everyday transactions for multirace individuals.²⁷

Mr. Connerly dismissed arguments that it is impractical to acknowledge multiracial identity until some critical mass of individuals embrace this identity, and averred that critical mass has already been reached. He concluded by stating that the time had come for the census to acknowledge the reality of multiracial identity and he urged the Commission to recommend the addition of a checkbox for the category "multiracial" to the 2010 Census.²⁸

Discussion

Vice Chairman Thernstrom opened the discussion by noting the consensus among the panel that something was very wrong with the current structure of the census questions. In particular, she pointed to the binary characterization of there being only two ethnicities in America—Hispanic and non-Hispanic.²⁹ She also acknowledged what she claimed was the ugly past from which the existing racial categorizations stem. After pausing briefly to note her puzzlement at the lack of a question regarding religion in the census, she turned to Professor Prewitt's proposed two-question change, asking whether there was a way to eliminate the existing group of racial categories and abandon a two-tiered approach. Professor Prewitt responded that were it not for the time and statutory constraints of the 2010 planning, he would recommend radical transformation for racial categorization. Instead of the current categories, he would advocate an open-ended question on ancestry and ethnicity.

²⁴ Connerly Testimony, Briefing Transcript, p. 42.

²⁵ *Ibid.*, p. 43.

²⁶ *Ibid.*, p. 43.

²⁷ *Ibid.*, p. 44.

²⁸ *Ibid.*, p. 45.

²⁹ U.S. Commission on Civil Rights, briefing on Racial Categorization in the 2010 Census, Dirksen Senate Building, Room 226, Washington, DC, Apr. 7, 2006, transcript, pp. 45–49 (hereafter 2010 Census, Briefing Transcript).

However, even if the Census Bureau could properly implement any proposed change, requirements under current civil rights laws would also need to be changed. Ultimately, he explained, the task for the census is to provide the statistics that allow the country to administer its policies.³⁰

Commissioner Kirsanow asked whether the breakdown of ethnicities into distinct categories was inherently arbitrary.³¹ If the purpose for collecting census data is recognizing and combating discrimination, he asked, does arbitrarily truncating the number of ethnicities make civil rights enforcement imprecise and inadequate? Professor Prewitt responded that all statistics-based decision-making is inherently arbitrary, creating sharp divisions where none exist. As to reliability, he stated that the census must be examined through the lens of the purpose for collecting the relevant data. He disputed that the expression of identity was an intended purpose of the census, stating that tracking discrimination was the primary purpose.³²

Commissioner Melendez asked Mr. Connerly how he would measure discrimination if racial categories were eliminated as he suggested.³³ Mr. Connerly responded that measuring discrimination was a low priority for most individuals responding to the census. He believes the primary motivating factor is expressing identity, and thus any framework for designating individuals must account for how those individuals see themselves. In his view, the question of identity trumps civil rights enforcement.³⁴ Commissioner Yaki disagreed with the idea that discrimination was a low priority and questioned whether many of the federal agencies that use racial and ethnic data regularly, would agree with Mr. Connerly's priorities. Commissioner Yaki stated that responding to the census is a civic duty and not a way for individuals to express who they are; it is to gather data to enable the government to make policy decisions.³⁵

Professor Lee shared her view that census data are used by many people for many reasons, and that some people do see checking census boxes as a form of self-identification. She disagreed with Mr. Connerly on the use of multiracial boxes, citing numerous problems stemming from the heterogeneous nature of that subgroup.³⁶ Professor Prewitt reminded the Commission that every question on the census form is put there for a programmatic purpose—regardless of why people think they are answering a question, it serves that programmatic purpose. As long as the statutes requiring the data exist, the census is obligated to ask the questions.³⁷

³⁰ Prewitt Testimony, Briefing Transcript, pp. 47–49.

³¹ 2010 Census, Briefing Transcript, pp. 49–51.

³² Prewitt Testimony, Briefing Transcript, pp. 50–52.

³³ 2010 Census, Briefing Transcript, pp. 53–43.

³⁴ Connerly Testimony, Briefing Transcript, pp. 54–56.

³⁵ 2010 Census, Briefing Transcript, pp. 55–57.

³⁶ Lee Testimony, Briefing Transcript, pp. 58–60.

³⁷ Prewitt Testimony, Briefing Transcript, pp. 60–62.

Commissioner Kirsanow asked panelists to identify programs that were actually informed by the gathering of racial and ethnic data, apart from the enforcement of civil rights law.³⁸ Vice Chairman Thernstrom asked for specific information on the programmatic or statutory purposes and what data they required.³⁹ Mr. Kincannon identified the red-lining of loans and discrimination in education.⁴⁰ Commissioner Yaki added that the Commission used statistics from the Census Bureau in *Federal Procurement After Adarand*, its report on the growth of minority small businesses. Additionally, the Community Reinvestment Act, Medicaid programs, and the Indian Housing Program rely on information gathered from the census.⁴¹ Mr. Connerly added the Community Block Grant Program to the list.⁴²

Mr. Connerly then asserted that allowing people the option of “multiracial” would simply add one more group to the equation and would not detract from the programmatic reasons for requiring racial data. He placed great importance on an individual’s right to self-expression and claimed that the failure to provide a multiracial box imposes categorization on individuals against their will.⁴³ Commissioner Yaki disagreed, providing an example of a mixed-race person being discriminated against because of one of their component races. He could foresee losing important statistical information by using “multiracial,” a category that provided more confusion than clarity. He saw a multiracial category as unscientific, amorphous, and one that would deprive the government of the means of tracking, identifying, and responding to current relevant issues.⁴⁴

Commissioner Kirsanow asked, if the census is in large part based on self-reporting, yet enforcement is contingent upon how others perceive individuals, would data suffer as a result? To properly enforce the civil rights laws, he questioned whether an enumerator should identify the individual because that is how a discriminator would make an identification. He also asked what specific lawful government function had been demonstrably improved by collecting racial data.⁴⁵ Mr. Kincannon told the Commission that, working directly with the Department of Justice, they already collect statistics based on race and ethnicity and other factors by state and by block, for purposes of the Voting Rights Act and related court decisions.⁴⁶

Commissioner Kirsanow asked about the inherent reliability problem, given that statistics show that people’s race seems to change over the course of their lifetime.⁴⁷ Professor Prewitt explained the reasons behind the reliability issues between the census and administrative records such as birth and death certificates. He attributed a portion of any error to the

³⁸ 2010 Census, Briefing Transcript, pp. 68–70.

³⁹ *Ibid.*, p. 72.

⁴⁰ Kincannon Testimony, Briefing Transcript, p. 72.

⁴¹ 2010 Census, Briefing Transcript, pp. 72–73.

⁴² Connerly Testimony, Briefing Transcript, p. 73.

⁴³ *Ibid.*, p. 62.

⁴⁴ 2010 Census, Briefing Transcript, pp. 57–58, 62–63, 65–66.

⁴⁵ *Ibid.*, p. 67.

⁴⁶ Kincannon Testimony, Briefing Transcript, pp. 70–71.

⁴⁷ 2010 Census, Briefing Transcript, pp. 73–73, 85.

divergence between self-identification and impartial third party reporting. He attributed other variations to the nature of the census as a statistical portrait of society at a given point in time. Professor Prewitt found irrelevant the fact that individuals change their perception of their own identity—census enumerations were accurate at the time they were made. He said that the government does not, as some mistakenly believe, give billions of dollars to particular racial groups based on census data. He also noted that Congress had neither described nor defined race, and that the only identified group in federal legislation is “Hispanic.” To Mr. Connerly’s comments in favor of self-expression, he replied that if there are no programmatic government reasons for asking a given question, that question will not be included, regardless of the subject matter.⁴⁸

Commissioner Kirsanow asked, if the primary purpose of gathering racial and ethnic statistics is to inform programmatic functions, how can racial data inform programs that do not have a racial component?⁴⁹ Professor Lee explained that many of her colleagues engage in research that makes extensive use of Census Bureau data to study different population groups. She was particularly experienced with data associated with access to health care and health status. From her research she concluded that even if one controlled for other variables, disparity among the races persists. Nonetheless, she explained that the current system of race and ethnic data gathering is cumbersome, and she recommended dramatic change.⁵⁰

Mr. Kincannon again noted that the census is a product of government and is guided by law. He declared that the census would not implement untested changes to the census questionnaire, and that because of the lead time required in testing, evaluating, seeking comment, and incorporating changes, the Census Bureau is almost out of time to change anything before 2010. He also remarked that he is not certain “race” is a useful word. He noted that in France it is against the law to ask questions about race, national origin, ancestry, or religion. Consequently, although there is discrimination in France, they are unable to measure its effects. Erasing the measurement of race does not eliminate the problems our society faces.⁵¹

Commissioner Kirsanow asked Mr. Kincannon if he perceived any problems from the growing number of categories used in the census and the increasing importance of self-identification.⁵² Mr. Kincannon explained that an evolving demographic would always cause problems in comparing census data. According to Mr. Kincannon, the Census Bureau lacked the necessary tools to determine the causes for change from one census to another. Any given change could represent real change, a change in perception, or an aberrancy of some kind.⁵³ Vice Chairman Thernstrom asked about the percentage of people who think of themselves as multiracial.⁵⁴ Professor Lee responded that in the 2000 Census, 2.4 percent of the population

⁴⁸ Prewitt Testimony, Briefing Transcript, pp. 75–78.

⁴⁹ 2010 Census, Briefing Transcript, p. 79.

⁵⁰ Lee Testimony, Briefing Transcript, p. 79.

⁵¹ Kincannon Testimony, Briefing Transcript, pp. 82–82.

⁵² 2010 Census, Briefing Transcript, pp. 85–85.

⁵³ Kincannon Testimony, Briefing Transcript, pp. 86–87.

⁵⁴ 2010 Census, Briefing Transcript, p. 92.

checked more than one race, with proportions much larger among people aged 18 years and younger.⁵⁵ Mr. Connerly questioned that data, and felt that if more people had been given the option to choose “multiracial,” they would have done so.⁵⁶ Commissioner Yaki asked whether Mr. Connerly thought people would check a “multiracial” box if they understood that, by checking that box, they would render the government unable to track data relating to discrimination, poverty, and other important factors.⁵⁷ Mr. Connerly though people would continue to check “multiracial,” and disputed the premise of the question.

Commissioner Kirsanow asked whether there was any indication that a proliferation of categories might inadvertently result in a dilution of numbers in different political subdivisions for the purposes of Section 2 of the Voting Rights Act.⁵⁸ Mr. Kincannon explained that making it possible to report more than one race does not reduce the mention of every race involved. The Census Bureau presents statistics in such a way that it is possible for anyone to determine the total number of people who have indicated they are in a given demographic.⁵⁹

Commissioner Kirsanow asked whether there had been discussion related to the number of boxes on the census form and whether that may be contributing to racial problems.⁶⁰ Mr. Kincannon agreed with Commissioner Kirsanow’s suggestion that policy questions on racial categories should be addressed to Congress, and noted that the Census Bureau’s concerns would be operational.⁶¹

Commissioner Yaki asked Mr. Kincannon to elaborate on the efforts to rephrase the Latino/Hispanic question and whether the results would change the 2010 Census.⁶² Mr. Kincannon described two national content tests in which five different versions of the race and ethnicity question were tested. The Census Bureau is currently analyzing the results of these tests to determine which of the methods produce the most accurate results and the least confusion. He expects the dress rehearsal questionnaire of 2008 to implement these findings.⁶³

In light of the high percentage of Hispanics who checked “some other race,” Commissioner Yaki asked why Congress would have kept that category, particularly in consideration of anticipated changes regarding Hispanics.⁶⁴ Mr. Kincannon responded that Congress believed that Hispanic groups wished to have that question continue, and had supported it for that

⁵⁵ Lee Testimony, Briefing Transcript, p. 92.

⁵⁶ Connerly Testimony, Briefing Transcript, pp. 92–94.

⁵⁷ 2010 Census, Briefing Transcript, pp. 93–95.

⁵⁸ *Ibid.*, pp. 97–98.

⁵⁹ Kincannon Testimony, Briefing Transcript, pp. 98–100.

⁶⁰ 2010 Census, Briefing Transcript, pp. 99–100.

⁶¹ Kincannon Testimony, Briefing Transcript, pp. 100–01.

⁶² 2010 Census, Briefing Transcript, p. 104.

⁶³ Kincannon Testimony, Briefing Transcript, pp. 104–05.

⁶⁴ 2010 Census, Briefing Transcript, p. 105.

reason.⁶⁵ Professor Prewitt was highly critical of the “some other race” category and stated that the Census Bureau would prefer that it were not on the 2010 Census. His primary reason was that there was no programmatic purpose served by including “some other race.” He explained that in addition to having no purpose, this category acted to confuse the multi-race conversation. He called the use of “some other race” poor statistics and poor public policy.⁶⁶

Vice Chairman Thernstrom asked if there had been any consideration given in recent years to collecting data on religion.⁶⁷ Professor Prewitt responded that he would like to see a question on religion.⁶⁸ Professor Lee reported that the Canadian census includes a question on religion, and that it had never been controversial.⁶⁹ Mr. Kincannon said that he had no desire to see the Census Bureau involved in collecting data on religion, noting that current law forbids mandatory collection of religious data and that it is relevant only in narrow circumstances, such as behaviors or health conditions closely associated with religious practices.⁷⁰ Commissioner Yaki posited that the non-response rate would go up considerably if questions on religion were included in the census, and that religious beliefs are so intrinsically personal that problems would arise if people were forced to reply to such questions.⁷¹

Commissioner Melendez explained that some Native Americans were motivated to fill out census forms due to a perception that the census data are used in some type of formula for distributing or allocating resources to the community. Thus, respondents hope that if they identify themselves accurately, resources will be distributed properly. He also noted that disparity does not necessarily establish discrimination.⁷²

Commissioner Kirsanow observed that although Title VII prohibits discrimination on the basis of race, sex, age, color, national origin, or religion, the federal government gathers data on some of these characteristics but not others. Census forms, he noted, do not collect information on color or religion. He asked if there was a reason the census collects data selectively. He also asked whether it might be less coercive and more appropriate for private entities to conduct the census and what the cost would be to do so.⁷³ Mr. Kincannon responded that the lifecycle cost for the census is eleven billion dollars and that he did not believe that any private organization was capable of producing the same coverage or response that the Census Bureau produces. He noted that at least some of the success of the census derives from the coercive power of government: the census is a mandatory survey.⁷⁴

⁶⁵ Kincannon Testimony, Briefing transcript, p. 106.

⁶⁶ Prewitt Testimony, Briefing Transcript, pp. 106–09.

⁶⁷ 2010 Census, Briefing Transcript, p. 109.

⁶⁸ Prewitt Testimony, Briefing Transcript, pp. 109, 10.

⁶⁹ Lee Testimony, Briefing Transcript, pp. 110–11.

⁷⁰ Kincannon Testimony, Briefing Transcript, p. 12.

⁷¹ 2010 Census, Briefing Transcript, p. 119.

⁷² *Ibid.*, pp. 111–12.

⁷³ *Ibid.*, pp. 113–15.

⁷⁴ Kincannon Testimony, Briefing Transcript, pp. 115, 117.

Update⁷⁵: In November 2006, the Census Bureau issued a report, “Content Determination for the 2010 Decennial Census Program,” that proposed changes to, among other things, the questions related to Hispanic origin and race. After testing a number of alternative formulations, the Census Bureau proposed to use what they called “Alternative 6” for the 2010 Census Program. Alternative 6 is as follows:

Alternative 6: (Modified Census 2000-style with revised respondent note and race wording, reordered Hispanic origin identifiers, and Hispanic origin race examples)

Note: Please answer BOTH Question 8 about Hispanic origin and Question 9 about race. For this census, Hispanic origins are not races.

8. Person 1 of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin (print origin—example: Argentinean, Columbian, Dominican, Nicaraguan, Salvadoran, Spaniard, etc.).

9. What is Person 1’s race? Mark x in one or more boxes.

- White
 - Black, African Am., or Negro
 - American Indian or Alaska Native (print name of enrolled or principal tribe below.)
- | | | |
|--|---|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Asian Indian <input type="checkbox"/> Chinese <input type="checkbox"/> Filipino <input type="checkbox"/> Other Asian (print race—example: Hmong, Laotian, Thai, Pakistani, Cambodian, etc.). | <ul style="list-style-type: none"> <input type="checkbox"/> Japanese <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese | <ul style="list-style-type: none"> <input type="checkbox"/> Native Hawaiian <input type="checkbox"/> Guamanian or Chamorro <input type="checkbox"/> Samoan <input type="checkbox"/> Other Pacific Islander (print race—example: Fijian, Tongan, etc.). |
|--|---|--|
-
- Some other race (print race).
-

⁷⁵ “Content Determination for the 2010 Decennial Census Program,” Distributed for the November 30, 2006, Special Joint Meeting of the U.S. Census Bureau Advisory Committees, U.S. Census Bureau, <http://www.census.gov/cac/www/pdf/content-determination.pdf> (accessed Mar. 18, 2009).

Statements

[NOTE: Statements are unedited.]

Charles Louis Kincannon

Good morning and thank you for this opportunity to discuss the racial categorization in 2010 Census. Race is part of the American identity; it is part of our ongoing effort to describe ourselves as a nation and to achieve the promise made at the beginning when the Framers wrote “We the people.” The history of race classification is also an instructive lesson in American history, telling how we have become the most uniquely diverse nation in the world. Race classification reveals how we became the nation of immigrants we are today. The 2010 Census is another chapter in this history, and it is a part of our ongoing effort to describe ourselves.

The 2010 Census also reveals the evolution of race classification. Beginning in 1790, the census implicitly recognized three race categories, White, Black, and Indian. These categories reflected the political realities of slavery. It is worth noting that while this classification was originally used as a means of maintaining the parameters of the three-fifths compromise, by 1850 it revealed the expansion of our frontiers and exposed the truth that slavery had to end. With the 14th Amendment, the census clause was amended and the census became a true count of every person. By 1890 several new race classifications emerged, acknowledging the presence of Asian immigrants from China and Japan. Throughout the twentieth century race classification continued to evolve to include Filipino, Aleut, Hawaiian, and other categories. In 1970, a separate question for Hispanic origin was added to the questionnaire as part of the long-form sample (the extended questionnaire of population and housing obtained from approximately one of every six households). This question has been included ever since as part of the census short form (the questions answered by every household). Also, since 1970 the census has relied on self-identification in its procedures. Now race reflects what individuals have chosen, and not enumerator observations as with earlier censuses.

The present race and Hispanic origin categories options descended from the Office of Management and Budget (OMB) Statistical Policy Directive No. 15 issued in 1978. These are the federal standards that govern the collection, tabulation, and presentation of race/ethnic data for government programs. At that time, OMB identified four separate race categories, including White, Black, American Indian or Alaska Native, and Asian or Pacific Islander, as well as Hispanic as an ethnicity. Within each of these categories, the census has traditionally presented examples—checkboxes—within each category. For instance, the Asian category checkboxes have included Chinese, Japanese, Korean, and Vietnamese. In addition, the census also offers the option of “Some other race” as a category for the race question. This category does not exist for most federal programs, but it is increasingly popular, especially among the Latino community who do not identify with one of the traditional race categories.

In 1997, OMB issued substantial revisions to Statistical Policy Directive No 15. These changes were implemented with Census 2000, which is the parent of the present-day census

questions. The OMB revisions split the Asian/Pacific Islander category to identify five separate race categories: White; Black or African American; American Indian and Alaska Native; Asian; and Native Hawaiian or Pacific Islander. Hispanic origin remains a separate category and is asked with a separate question that precedes the race question. These revisions also allow for the collection of data on people with two or more races, meaning that someone can choose to identify as White and African American or American Indian and Asian, as well as any other combination. For the purposes of civil rights enforcement and monitoring, nine race groups were identified, including the five basic groups, as well as the four most frequently reported double race groups which include: White and Black or African American; White and American Indian and Alaska Native; White and Asian; and Black or African American and American Indian and Alaska Native. There are now hundreds of race/Hispanic origin combinations possible.

The Census Bureau implemented these changes in Census 2000 and the results of the census indicate the challenges of the 2010 Census. As previously mentioned, an increasing number of people chose to identify as “Some other race.” Both the number and the proportion of people reporting “Some other race” as a single race increased from approximately 7 million in 1980 to over 15 million in 2000. “Some other race” is the third largest race group in the United States according to the census results. This is a challenge because many federal programs do not include “Some other race,” neither do many household surveys conducted by the Census Bureau for other federal agencies. The Census Bureau initially intended to drop the “Some other race” category for 2010 Census, but we received congressional guidance as part of the 2005 appropriations that we must include this option for 2010.

In 2000, of those who identified “Some other race” alone, 97 percent were Hispanic or Latino. In fact, 42 percent of the Hispanic population that identified a race indicated “Some other race.” Forty six percent indicated they were White, but many Hispanics did not answer the race question. In Census 2000, the Census Bureau asked Hispanic origin before the race question in an effort to get better data for the Hispanic population. We did get higher reporting for Hispanics than in 1990, but we did not capture the detailed Hispanic origin groups, such as Mexican, Puerto Rican, or Cuban, as well as the 1990 Census.

With these results in mind, the Census Bureau has worked throughout the past several years to improve the race/Hispanic origin questions for the 2010 Census. The 2010 Census will be conducted using the 1997 official OMB guidance. We have conducted a series of tests starting with content tests in 2003 in an attempt to improve the questions. We conducted test censuses in 2004, and are conducting test censuses in Austin, Texas and the Cheyenne River Reservation in South Dakota this year. These tests are operationally focused, but they offer important opportunities to observe and evaluate content as well. An important content test was conducted in 2005 as part of the National Census Test, a test that included multiple panels. This test examined the need for examples for the Hispanic origin and race questions. We are currently evaluating the results, and these evaluations will be available later this year.

Throughout these tests we have been mindful of several emerging challenges, including increasing concerns about privacy and the confidentiality of the data, as well as the production of small-area data for certain population groups. These concerns must be

balanced with the increasing interest to obtain detailed information about the diversity of our country. The 2010 Census will also be the first “short-form only” census conducted in conjunction with the American Community Survey. We will have a limited amount of space on the actual form; we must carefully choose and test any wording or additional examples used on the form.

To that end, we have tested whether we can reduce the number of checkboxes for the major race categories on the forms, and provide simple Yes/No responses for the Hispanic origin question. We are also testing whether to include a separate tribal enrollment question for the American Indian and Alaska Native group. Finally, we are testing whether we should include a modified ancestry question to elicit specific race and Hispanic origin groups, as well as other ancestries such as German, French, or Scotch-Irish.

The results of the 2005 National Census Test will be available later this year, and this will be an opportunity for the Census Bureau and stakeholders to discuss the implications of question wording on the data. This opportunity is an important feature of the 2010 Census planning effort, a much more systematic, expanded effort than in the past. We have been fortunate throughout this decade to receive the necessary support to conduct these tests, as well as other research and planning activities. We have been given the opportunity to truly test different options, and this is not limited to the Hispanic origin and race questions. We are also testing other content issues, as well as other improvements such as a second-mailing, replacement questionnaire; the use of bilingual questionnaires in targeted areas; the use of mobile computing devices for field data collection; and long-sought coverage improvements.

This testing is crucial to the success of the census, because it will allow us to learn what can be accomplished successfully and what is operationally feasible—in short, what will work. Another equally important part of the testing program is to learn what will not work. In fact, this may, in the end, be even more important. Knowing what not to do means we can focus our efforts where we should and it means more accurate data. Accurate data is the ultimate goal of the census. Accurate data not only help tell the story of our people, but they ensure the promises of a nation can be kept.

Thank you for your patience, and I would be pleased to answer any questions.

Slide Presentation of Charles Louis Kincannon

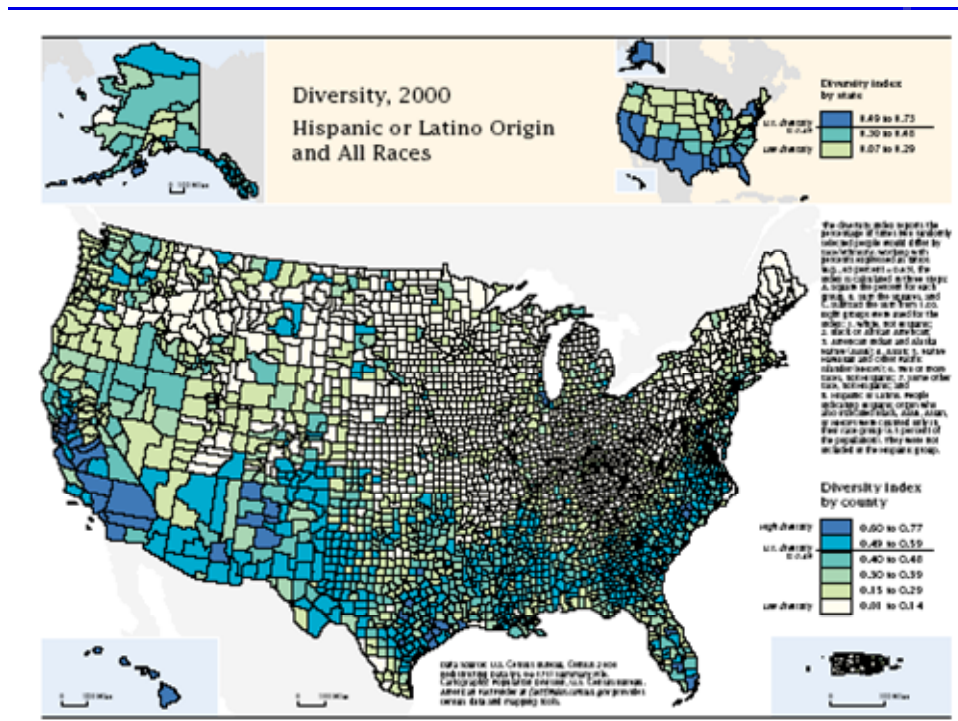
Race Categorization in the 2010 Census

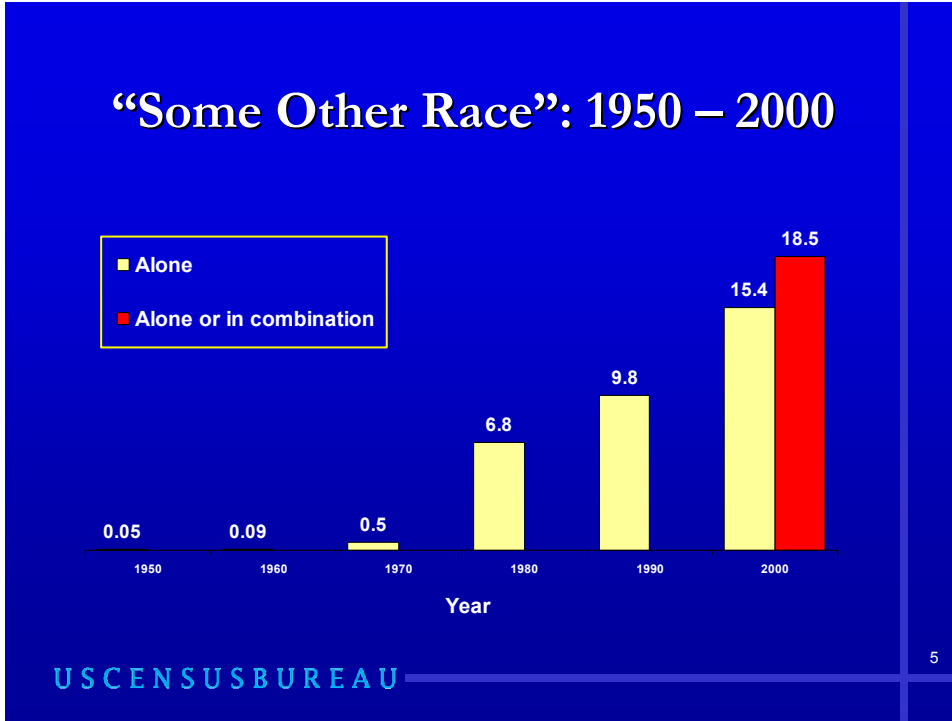
US Commission on Civil Rights
7 April 2006

Charles Louis Kincannon, Director
US Census Bureau

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1





Race/Hispanic Classification in the 2010 Census?: Tested Options from the 2005 National Census Test

8. Is Person 1 of Hispanic, Latino, or Spanish origin? For example, Mexican, Puerto Rican, Colombian, etc.
 Yes No

9. What is Person 1's race? Mark one or more races.
 White or Caucasian (French, Scottish, etc.)
 Black, African Am., or Negro (Ethiopian, West Indian, etc.)
 American Indian or Alaska Native (Navajo, Athabaskan, etc.)
 Asian (Asian Indian, Korean, etc.)
 Native Hawaiian or Other Pacific Islander (Fijian, Tongan, etc.)
 Some other race

10. What is Person 1's ancestry or tribe? For example, Italian, African American, Dominican, Aleut, Jamaican, Chinese, Pakistani, Salvadoran, Rosebud Sioux, Nigerian, Samoan, Russian, etc.
 Don't know

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6

Sharon M. Lee

Introduction

It is an honor and privilege to offer a presentation for the U.S. Commission on Civil Rights' briefing on "Racial Categorization in the 2010 Census." I have a long-standing interest in racial categories in the U.S. Census, having worked and published on this topic for over fifteen years. My comments reflect my perspective as a social demographer and sociologist who has used Census-based data extensively to study racial and ethnic issues in the United States, and my experience for the last six years as an adviser on the U.S. Census Bureau's Advisory Committee of Professional Associations.

Brief History of Racial Statistics and the Census

The United States has a long history of collecting racial statistics. In this history, the U.S. Census plays a key role as both collector and disseminator of racial statistics for the nation.

For much of this history, racial statistics functioned to maintain a social order and policies that excluded non-White groups from civil and political rights and anti-miscegenation laws extended race-based policies into the private personal sphere of marriage.

The era of civil rights dramatically changed the role of racial statistics. Racial statistics were used to document racial discrimination, leading to new laws and policies to redress systemic racial inequalities.

In their contrasting roles as maintainer or redresser of racial inequality, racial statistics shared a similar fundamental premise: that is, the population can be categorized into distinct, separate, mutually exclusive racial groups. The number and labels of these racial categories in the census may and do change from census to census, as I and others have noted, but the statistical protocol was constant: each resident of the U.S. was assigned to one race in the census—that is, until the 2000 Census.

The 2000 Census

The U.S. population has grown and changed dramatically since the first census of 1790. How the census categorizes and counts the U.S. population by race has also changed. Almost every census for the past two hundred years has collected racial data differently than the one before it. This is a key point to bear in mind, because the argument of consistent racial categories across censuses is not a valid argument against future changes in census racial categories.

There were two significant features of the 2000 Census that I believe are instructive for today's briefing.

The first was the change to allow Americans to report more than one race in the 2000 Census, in response to the growing population of multiracial Americans.

A second notable feature in the 2000 Census was the inclusion of the racial category “Some Other Race” on the census form with the Office of Management and Budget’s approval, even though OMB’s 1997 revised guidelines on race listed only five official races. This was intended to reduce non-response to the race question by Hispanics, particularly Hispanics of Mexican-origin, who are among the largest groups of immigrants in recent years, and who do not identify with existing racial categories.

Interracial unions and immigration have continued into the 21st century, with important consequences for the future racial composition of the U.S. population. In addition, despite civil rights legislation and substantial progress in reducing racial inequalities in the United States, evidence of racial disparities in many areas including health and health care, education, employment, and poverty persists. The growth of the Hispanic population has also highlighted gaps between some Hispanic groups and the non-Hispanic White majority on many of these indicators of social well-being.

There are therefore compelling reasons for the federal government to continue to collect racial statistics, and for the Census to continue with its key role in this process.

Looking Ahead: the 2010 Census

In the remainder of my comments, I focus on two specific aspects of this issue and their policy implications: (1) redesigning the race question for the 2010 Census; and (2) potential impacts of how the 2010 Census is conducted on the quality of racial statistics.

(i) Redesigning the Race Question and Racial Categories in the 2010 Census

A number of researchers, including myself, believe that a single redesigned census question on race and Hispanic origin has several advantages over the two-question format used in the 2000 Census (see Exhibit A).¹

¹ The specific format of the redesigned question cannot be addressed here and will need careful testing. Here, I simply offer Exhibit A to illustrate a possible redesigned question in terms of content.

EXHIBIT A

<p>Question: Is this person ____? Select <i>all</i> that apply.</p> <p><input type="checkbox"/> American Indian and Alaska Native ⇒ (Specify tribe _____)</p> <p><input type="checkbox"/> Asian ⇒</p> <p><input type="checkbox"/> Asian Indian; <input type="checkbox"/> Chinese; <input type="checkbox"/> Filipino; <input type="checkbox"/> Japanese; <input type="checkbox"/> Korean; <input type="checkbox"/> Vietnamese;</p> <p><input type="checkbox"/> Other Asian (Specify: _____)</p> <p><input type="checkbox"/> Black, African American</p> <p><input type="checkbox"/> Hispanic ⇒</p> <p><input type="checkbox"/> Cuban; <input type="checkbox"/> Mexican; <input type="checkbox"/> Puerto Rican; <input type="checkbox"/> Other Hispanic (Specify: _____)</p> <p><input type="checkbox"/> Native Hawaiian/Other Pacific Islander ⇒</p> <p><input type="checkbox"/> Native Hawaiian; <input type="checkbox"/> Guamanian or Chamorro; <input type="checkbox"/> Samoan;</p> <p><input type="checkbox"/> Other Pacific Islander (Specify: _____)</p> <p><input type="checkbox"/> White, Caucasian</p> <p><input type="checkbox"/> Some Other Race</p>
--

There are four main features of Exhibit A: (i) the race and Hispanic questions have been combined; (ii) the lead-in question does not specify race or ethnicity; (iii) it allows reporting of multiple responses; and (iv) it includes the category “Some Other Race.”

First, researchers commonly make “Hispanic” a co-equal category with racial categories such as White, Black, or Asian. Merging the race and Hispanic questions, and making “Hispanic” a co-equal category with the other categories, have additional advantages. It more accurately reflects how some Hispanics view themselves, particularly the largest Hispanic group, Mexican Hispanics, who do not identify with OMB’s five official racial categories. It may lower non-response rates. And, data from the single question will be just as, if not more, effective for civil rights compliance and monitoring.

Second, given the option of Hispanic as a co-equal category, the lead-in question need not refer to either race or Hispanic ethnicity. This question format is not new. For example, in the 1980 Census, the lead-in to the question on race did not refer to race and read: “Is this person...?” This question format has the additional advantage of eliminating the current distinction between race and ethnicity, where ethnicity is limited to Hispanic or non-Hispanic.

Third, the change to allow reporting more than one race in the 2000 Census was the right change in response to demographic and social reality. The 2010 Census should continue to allow more than one race reporting, and instruct respondents to select all that applies.

Finally, the inclusion of “Some Other Race” complies with legislation passed by Congress last November, and will offer an additional choice for many groups, such as Mexicans, Puerto Ricans, North Africans, Brazilians, and others, who do not identify with the current five official OMB races.

(ii) Potential Effects of Mode of Data Collection

The Census has been conducted in many ways. Prior to the 1970 Census, census enumerators visited each household and determined a person's race in a personal interview based on observation.

The 1970 Census form was designed to be completed by respondents rather than an enumerator, so respondents chose their race from the categories listed. Beginning with the 1980 Census, responses to the race question were based primarily on self-identification.

In step with new technologies, the 2010 Census may also be making use of the internet in its data collection, and households may be answering the census form via the internet or other media.

It is well-known that the mode of administering questionnaires can affect both response rate and content of responses. Many researchers have reported that responses to questions about race are particularly susceptible to such situational and contextual effects.

I therefore urge the Census Bureau to conduct testing of the race question for the 2010 Census across modes of data collection to evaluate the potential effects on response rates and quality of data from different modes of data collection. The introduction of internet census operations is new, and needs careful testing and monitoring.

Conclusion

To conclude, I am mindful that any recommendation for redesigning the race question and racial categories in the census is likely to be controversial. It is a challenge to meet scientific and statistical standards of data quality and coverage, fulfill legislative, programmatic, and administrative requirements of the federal government, and satisfy other advocacy and interest groups. However, as long as there are compelling reasons to continue to collect racial data, there should be continued efforts to improve how the Census does this.

Thank you.

Kenneth Prewitt

Although I directed the Census Bureau during the 2000 decennial census, I claim no expertise in how census data are applied in the enforcement of civil rights statutes. However, I have written about racial classification and public policy more broadly and comment today from that vantage point.

The racial categorization used in the 2000 Census has deficiencies that make it poorly matched to the public policy challenges it should be helping our society to address. Modifications in question format for the 2010 Census that offer a better match are feasible and should be introduced.¹ (Were it not for the schedule and statutory constraints faced by the 2010 planning, I would recommend a more radical transformation for the nation's racial categorization.)

Before turning to recommendations, we might recall that in 1790, the nation's official race classification took its bearing from racist ideologies, most particularly the ideology that races were biologically different in ways that could rank population groups from superior to inferior. An 18th century racist science generated a counting and classification system suited to the discriminatory policies that prevailed from 1787 until the 1960's. The civil rights legislation of the 1960's and 1970's led to the application of the classification, little modified, on behalf of non-discriminatory policies—largely by leaning heavily on statistical proportionality as a measure of which racial groups in society were under-represented with respect to education, health access, employment, and political participation.

I repeat the obvious to emphasize that counting and classifying by race has always been tethered to public policies. The present classification, however, is so beset with ambiguities that it risks failing the nation as we grope toward coherent policies for the 21st century. These policies must be fashioned under vastly different conditions than those that prevailed in the 1960's, when the 18th century categories were fitted to 20th century policy goals.

An abbreviated list of new conditions include: a) blurring of racial boundaries through inter-marriage; b) introduction of the multiple-race option in official statistics; c) multi-culturalism as a way to describe the society and prescribe its proper future; d) the increased use of census categories in the quest to assert group identities; e) the rhetorical and even legal references to diversity as a goal in education and employment, displacing the vocabulary of social justice; f) the very real increase in demographic diversity resulting from a million or more new immigrants each year, coming from every region of the world; g) the growth of the Latino population, which in federal statistics is counted as an ethnic group (though in many other venues as a race group); h) the human genome project which, at least in health statistics, re-introduces the issue of whether 'race' is biologically real in ways that might have policy consequences; i) DNA testing as a fashionable way to uncover individual ancestry; j) political efforts to eliminate race and ethnicity from the statistical system altogether.

¹ At this stage in the 2010 decennial census planning cycle, it is not feasible to consider modifications that would involve re-examining the OMB Standards for the Classification of Data on Race and Ethnicity (Oct. 30, 1997). The recommendations made here are, I believe, consistent with those standards.

Hovering over these complicating conditions is the simple truth that in today's America there are no social norms or laws or common intellectual understandings that tell us what constitutes a race or racial identity. This puts before the Commission a basic question:

What purpose(s) should guide official race and ethnic statistics?

Many of the problems with the present categories emerge from a failure to address this prior question. This can be seen by comparing the rationale behind the two major ways in which racial categories were changed in the OMB Standards (1997) that prepared for the 2000 Census: a) separating the count of Native Hawaiian/Pacific Islanders from the broader Asian count; and, b) introducing the multiple-race option.

The first of these changes followed the line of reasoning that minorities historically discriminated against should be separately counted, in order to facilitate appropriate policy responses and to track the pace of their full incorporation into the political, social, and economic life of the nation. The justification for moving from four to five primary race groups was in line with the rationale motivating the OMB Standards that first codified racial categories in 1977.

The second change, however, reflected a different rationale. Advocates for a multirace category—which became the multiple-race option—put much more emphasis on the expressive function of census categories.² For others, including some members of Congress, the multiple-race option was viewed as a step toward the elimination of racial categories from federal statistics and an end to race-sensitive policies.

Further confusing matters was retaining the “some other race” option in the 2000 Census, which since 1910 had been included in the census as an option for multirace respondents. By this rationale, in the 2000 Census the “other” response category was unnecessary and even misleading. But by 2000, it had taken on another meaning. The ‘some other race’ category in the 1990 Census had emerged as a favored response category for millions of Hispanics who did not view their “race” as one of the fixed categories available. It served this purpose again in 2000, in effect creating a de facto sixth race category, though not one recognized in the OMB Standards. An effort by the Census Bureau to remove “some other race” before it fields

² In congressional testimony, Project Race argued that “multiracial children who wish to embrace all of their heritage should be allowed to do so.” The Association of MultiEthnic Americans, though recognizing that the multiple-race option would make it harder to enforce civil rights law, nevertheless insisted on “choice in the matter of who we are, just like any other community.” This testimony found it ironic that “our people are being asked to correct by virtue of how we define ourselves all of the past injustices of other groups of people.” In reply, traditional civil rights organizations insisted that the issue was past injustices, and that self-expression was a poor rationale for revising racial and ethnic categories. The NAACP, for example, testified that the racial categories were fashioned “to enhance the enforcement of anti-discrimination and civil rights law,” and argued that “the creation of a multiracial classification might disaggregate the apparent numbers of members of discrete minority groups, diluting benefits to which they are entitled as a protected class under civil rights laws and under the Constitution itself.” La Raza acknowledged that though concerns about self-expression were understandable, the purpose of racial classification is “to enforce and implement the law, and to inform lawmakers about the distinct needs of special historically disadvantaged populations.”

the 2010 Census has now been prevented by congressional legislation, and the rationale for this action was closer to an “identity” purpose than enforcement of civil rights laws.

Multiple and conflicting answers to the basic question of the public purpose to be served by racial classification complicates policy-making and clouds any effort to improve the classification. The improvements I recommend for the 2010 Census follow from an effort to answer the question about the purpose of official race and ethnic statistics.

Why collect ethnoracial statistics?

The primary purpose is to inform the government and the society if there are population groups that continue to suffer from past discrimination, or are today being discriminated against in ways that fall within the scope of anti-discrimination and civil rights policy—that is, are discriminated against in such areas as health, schooling, housing, employment, criminal justice, and political rights. The secondary purpose is to provide a portrait of the society in order to learn whether the nation is achieving its announced goal of moving beyond the dismal legacy of racism.

To sharpen my point: it is not the task of the federal government to collect statistics so that one population group can assert that it is larger than or growing more rapidly than another population group; it is not the task of the federal government to collect statistics so that population groups can embrace their identity; it is not the task of the federal government to collect statistics that measure “diversity” unless that term is subjected to an analytic rigor that is thus far absent in public discourse, and in Supreme Court rulings.³

The 2010 Census Questions

With the primary and secondary purposes in mind, I recommend a two-question format for the 2010 Census that differs in significant ways from the format used in 2000. The first step is to discard the distinction between race and ethnicity,⁴ and in the process move away from the term ‘race’ altogether, indicated by this question:

³ Although it is the task of the decennial census to collect population statistics that can be used as controls for calibrating the accuracy of sample surveys, a purpose to which race statistics are frequently and usefully applied, that purpose alone does not justify collecting race and ethnic statistics.

⁴ This testimony is not the place for technical discussion, and the exact wording of this reformed question would have to be field tested. Alphabetizing the list is, of course, deliberate, and would move away from current practice that lists White as the first option. The format also discards the many subcategories that appeared on the census form in 2000. It also leaves off the residual “Some other race” option, though, by congressional action in 2004, that is now a required category and eliminating it would require congressional action. Congress was acting in response to concerns of Hispanic advocacy organizations speaking for a constituency that resists being forced to select among the other five groups. Incorporating Hispanic into a merged ethnic and race question would relieve them of this forced choice and would eliminate the need for “some other race.”

What is this person's population group? Mark one or more of the groups to indicate what this person considers himself/herself to be.

- American Indian or Alaskan Native
- Asian
- Black/African American
- Native Hawaiian/Pacific Islander
- Spanish/Hispanic/Latino
- White

This merged question format jettisons the conceptually and methodologically flawed distinction between race and ethnicity.⁵ It also gets rid of the word 'race,' a term that reaches back to a thoroughly discredited eighteenth-century science that took physiological markers as indicative of moral worth and intellectual ability. The government does not have to use the term race (it did not appear in the 1980 question, but it is used six times in the 2000 question) anymore than it has to use the term ethnicity to count Hispanics (the term does not appear on the 2000 Census form).

If this wording is thought too radical, then consider as a second-best option the following:

What is this person's race or ethnic group?

- American Indian or Alaskan Native
- Asian
- Black/African American
- Native Hawaiian/Pacific Islander
- Spanish/Hispanic/Latino
- White

Either of these versions would minimally disrupt statistical series. "Mark one or more" is retained. The government can still enforce the Voting Rights Act and other civil rights laws that center on the 1977 classification. Data quality would be improved, especially for millions of Hispanic respondents who now select the (nearly meaningless) "some other race" category. The merged format eliminates the awkward "non-Hispanic White" category that now appears in the statistical record, government reports, the media, and academic research; and it would deny the nonsense that there are only two ethnic groups in America: Hispanic and non-Hispanic. It would reduce non-response to the race question.⁶

This question format would no doubt result in marginally different counts than would the 2000 question format (though in which direction is difficult to anticipate). But there is no statistical or scientific reason to assert that the 2000 format produces a more accurate enumeration of the nation's population groups than one produced by the format I have

⁵ In its discussion of the Standards for the Classification of Federal Data on Race and Ethnicity, the OMB notes that "There are no clear, unambiguous, objective, generally agreed-upon definitions of the terms 'race' and 'ethnicity.' Cognitive research shows that respondents are not always clear on the differences between race and ethnicity. There are differences in terminology, group boundaries, attributes, and dimensions of race and ethnicity." *Federal Register* 60 (166) (Aug. 28, 1995): 44680.

⁶ A question format that merged race and ethnicity was tested by the Census Bureau in 1996, and led to a higher response rate than any of several formats that used separate questions for race and ethnicity.

proposed for 2010. The merged question should be paired with a second, open-ended question, designed to allow respondents to describe themselves outside the forced choice of the six-category question.⁷

What is this person's ancestry, nationality, ethnic origin, or tribal affiliation?

Eventually this question or one similar to it should replace the question with prescribed categories, and thus truly reflect that these are matters of self-identification and not forced choices. But it is premature to discard the official categories now used to administer anti-discrimination laws. The open-ended question, however, does point us to the policy frontiers of the twenty-first century.

Detail of the sort provided by the open-ended question would permit tracking discrimination in ways not now possible, and permit more focused anti-discrimination policy when specific groups—some recent immigrant groups, for example—experience discriminatory barriers to jobs, schooling, or home ownership, barriers that a nation committed to a policy of inclusiveness is obliged to remove. There remain strong reasons for official statistics that can detect patterns of discrimination, and our classification scheme needs to catch up with the ways in which discrimination occurs across a very diverse population. Categories as broad as “Asian” do not capture the different life chances of, for example, Japanese-Americans and the Hmong of south-east Asia; or, with respect to the Hispanic category, the different life chances of Cuban-Americans and Mexican-Americans.

Many thoughtful Americans, myself included, wish that antidiscrimination laws were not necessary, wish that we lived in a society that is truly color-blind. But if we are to create such a society, we need to know what is happening to various population groups across the country. America endorses the goal of eliminating discrimination and will, I believe, continue to support statistics robust enough to determine whether groups historically excluded are overcoming the legacy of slavery and racist government policies (recommended question #1) and to indicate whether more recently arrived groups are being unfairly held back or penalized by virtue of their country of origin or related arbitrary group characteristics (recommended question #2).

More than two centuries after the Constitution started the nation down the road of racial classification, there remain compelling reasons to continue such measurement. It follows that the government should state clearly what those reasons are, and then design the most policy-relevant classification feasible. On moral and methodological grounds the categories used in Census 2000 should be improved for the 2010 Census.

⁷ This question is presently being field-tested by the Census Bureau and is designed with as many as nineteen illustrative categories, a slight increase over the sixteen used in the 2000 census ancestry question. Current data-capture technology can reliably record responses to such a question. Optical scanning and intelligent character recognition were very successfully used in the 2000 census, recording open-ended written responses at exceptionally high levels of accuracy. For reasons unrelated to the concerns of this Hearing, I believe that the open-ended question should appear only in the American Community Survey (the census ‘long form’), and not on the 2010 decennial census short-form. There is no statutory or program purpose for collecting ancestry, nationality, etc. information at the block-level.

Ward Connerly

Members of the Commission, I thank you for the opportunity to share the views of the American Civil Rights Institute (ACRI) with regard to the topic that is the subject of your briefing.

The perspective I share is also informed by a twelve-year sentence as a member of the Board of Regents of the University of California—an experience that happily and mercifully ended roughly a year ago.

Classifying and subdividing the American people into what amounts to five food groups—Asian, Black, Hispanic, Native-American and White—is a process that I find to be highly objectionable. Unless these “racial” categories within our existing classification system have scientific validity—something that is very much in dispute—I find them to be repugnant, “inhuman” to use the characterization of Nelson Mandela, and socially regressive for a nation that proclaims as its creed “one nation, indivisible.”

Were I empowered to do so, I would purge immediately from the public arena all classification of Americans based on skin color, texture of hair, nose width, lip size and slant of eyes—all attributes that serve to define “race.”

I recognize, however, that my view is an ideal that is not yet ready, if ever, for implementation in a society in which “race” seems to seep out of every pore of the public domain. Therefore, it would be an act of utter futility for me to propose that there be no racial categories on the Census 2010. Instead, I will accept that which is and offer a proposal that would, at least, improve the existing system.

While I see no compelling need for classifying individuals on the basis of their “race,” if we must have a system of government classification, it is obvious for a variety of reasons that the system must be based on self-identification. I believe the overwhelming majority of Americans and interest groups involved with issues of “race” accept this premise without much disagreement. However, this generally universal view crumbles when government agencies deny individuals the right to identify themselves as “multiracial.”

As you know, OMB “guidance” to federal agencies and, indeed, all agencies that seek to be in conformance with federal guidelines, allows agencies to permit individuals to select any or as many “race boxes” as they wish. That system forbids agencies, however, from allowing the category of “multiracial.” Instead, those who select one or more boxes are collapsed into a category that comports with so-called government civil rights enforcement objectives.

The centerpiece of this approach is the odious “one-drop” rule that has guided America’s struggle throughout our nation’s history. It is the root of all evil in our country with regard to the realm of “race.”

To provide “freedom of choice” and then to limit what one might choose is not freedom of choice at all. When the government refuses to acknowledge the existence of “multiracial”

identity, it is affecting, I would suggest, the “civil rights” of those who choose this identity for themselves.

The presumption is that only “pure” race individuals are confronted with issues of discrimination in the work place by those from other “races.” White against black, for example. In reality, those who identify as “multiracial” may be subject to discrimination from those of all “races,” especially from those most visibly linked to a “multiracial” individual. For example, Tiger Woods has been battered throughout his public life by those who see him as “black” and nothing more than that. He has borne the brunt of cruel and tasteless jokes on BET comedy shows by those who refuse to acknowledge the fullness of his identify. These attitudes reveal themselves in the course of everyday transactions for “multiracial” individuals.

Some say that it is impractical to acknowledge “multiracial” identity until a greater critical mass of individuals embrace this identity. In truth, that critical mass has already been reached. In a study conducted two years ago at the University of California, those who would select “multiracial” as their identity greatly exceeded the combined total of those who identify as “black” and Native American. This phenomenon is in evidence at many universities throughout the nation.

“Multiracial” identity is a matter of choice for many families and individuals that want to blend their respective “races” into an identity that all members of the family can share. It is cruel for parents to have to contend with the agonies of separate racial identities for siblings who may not look related in families in which the parents are “interracial.”

For this and other reasons, I believe the time has come for the Census to acknowledge the obvious reality of “multiracial” identity and to offer this as a choice on Census 2010. Your Commission could provide critical leadership if it were to so recommend.

Thank you for allowing me to share my views with you.

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May 2, 2006

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Commissioner Jennifer C. Braceras
Commissioner Peter N. Kirsanow
Commissioner Arlan D. Melendez
Commissioner Ashley L. Taylor, Jr.
Commissioner Michael Yaki
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624 Ninth Street, NW
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RE: April 7, 2006 USCCR Briefing on Racial Categorization and the 2010 Census

Aloha and mahalo nui loa (thank you very much) for the opportunity to comment on "Racial Categorization in the 2010 Census," a briefing held during the April 7, 2006 meeting of the U.S. Commission on Civil Rights. My name is Haunani Apoliona, and I am Chairperson of the Board of Trustees for the Office of Hawaiian Affairs. The Office of Hawaiian Affairs (OHA) operates similar to a forth branch of government in the State of Hawai'i, constitutionally and statutorily responsible for working toward the betterment of Native Hawaiians, Hawai'i's indigenous people. The Native Hawaiian people, are an indigenous people, and are like all Americans, affected by matters of racial classification. As a private citizen and public servant, I share the committee's sentiment that this issue merits attention, as racial classification is directly connected to civil rights.

In my professional work as a social worker, President and CEO of a non-profit dedicated to assisting Native Hawaiians in their efforts to achieve social and economic self-sufficiency and as a public servant, I have been reminded time and time again that good decisions require due diligence and good base-line information. I have also had the privilege of playing a role in how the government, and particularly the U.S. Census Bureau, gathers information, first as a member of the U.S. Census Asian and Pacific Islander Populations Race Ethnicity Advisory Committee and then as the first chairperson of the U.S. Census Bureau's (REAC) Native Hawaiian and Other Pacific Islander Race Ethnicity Advisory Committee. I also served as member of the President's Advisory Commission on Asian Americans and Pacific Islanders.

Page 2

Through these roles, and in my role as Chairperson of the Office of Hawaiian Affairs, it has become apparent to me that Census data collection on race and ethnicity affects the people of every State of the Union; especially the indigenous people of the fiftieth state. Seemingly inconsequential changes can have a tremendous impact on data quality. Poor data quality holds back government and grassroots efforts to solve community problems, including those of Native Hawaiians. For that reason, after reviewing the testimony given on the topic, I have decided to offer my input on this issue.

In general, it was encouraging to see that precious time was being given to this topic, and that various panelists came to share their perspectives on how to improve racial categorization in the next census. However, I was concerned by the testimony requesting that a "multiracial" category be added to the 2010 Census. I have several concerns about the addition of a multiracial category, which I would like to share at this time.

Adding a multiracial category would ignore the recommendations of the Interagency Committee for the Review of Racial and Ethnic Standards (whose members represented over 30 agencies), who conducted the last review of federal racial and ethnic data collection policy.¹ Also, it would also ignore the Office of Management and Budget's decision that in federal data collection "when a list of races is provided to respondents, the list should not contain a "multiracial" category."² As the panelist advocated for a multiracial category admits, federal policy on racial categorization (OMB Directive 15) does not permit the addition of a multiracial category.³ I am puzzled as to why the panelist would request that the federal government violate its own policy.⁴

The addition of a multiracial category, were it to occur, would produce numerous problems. For example, in adding a multiracial category, would respondents still have the option of identifying with more than one race, or would multiracial respondents only have the choice of identifying with the multiracial category? Were it the former, the multiracial category could produce serious confusion among respondents. Were it the latter, serious data collection problems could follow, especially among populations with higher intermarriage rates like Native Hawaiian and Other Pacific Islanders, American Indians and Alaska Natives, and Asians, if multiracial members of those communities were not counted among their single race peers. Also, because OMB Directive 15 ensures respondents the option of identifying as more than one race, eliminating that option in favor of the multiracial category would also, it appears, violate this federal policy a second way.⁵ Either way, the addition of a multiracial category risks jeopardizing the quality of the data the census produces, which is essential to protect (among other things) the civil rights of the American people, especially the most vulnerable among us.

In preparation for the 2000 Census, the 1996 Race and Ethnic Targeted Test (RETT) studied, among other things, how adding a multiracial category would affect reporting on race in general. Included in their findings was the decision that of the racial classification options they reviewed, letting respondents identify with more than one race was the "...least likely to affect the historical continuity of data on race and ethnicity that some federal agencies use to monitor

Page 3

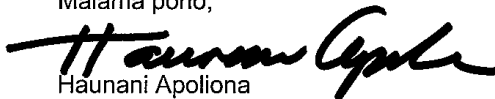
and enforce civil rights.”⁶ I cannot help but think that the fact that the “more than one race” system appeared to be the best option for civil rights purposes guided their decision against allowing a multiracial category instead.

Changes to the 2010 Census that would make multiracial people “invisible” within any of their respective races would negatively affect smaller, more multiracial groups, and be a misuse of the billions spent on the decennial census.⁷ Changes in racial classification regarding multiracial Americans is especially relevant to Native Hawaiians, more than half of whom identified with more than one race in the 2000 Census.⁸ If Native Hawaiians identifying as more than one race were classified as multiracial and not as Native Hawaiians, government and community organizations could no longer rely on Census data to accurately understand the needs of the Native Hawaiian community.

I hope that when coming to any conclusions on this serious issue, you will consider the role accurate Census data plays in helping Native Hawaiians help themselves. And that the founding principles of the United States of America that recognize the honored place of indigenous, native people, that celebrate the strength of diversity and the multi-cultural contributions to the American way of life will prevail.

Mahalo (thank you) for this opportunity to give my input.

Malama pono,



Haunani Apoliona
Chairperson of the Board of Trustees
Office of Hawaiian Affairs
State of Hawai'i

¹ U.S. Census Bureau, *Findings on Questions on Race and Hispanic Origin Tested in the 1996 National Content Survey*,

² <http://www.whitehouse.gov/omb/fedreg/ombdir15.html>

³ Testimony of Ward Connerly, To the United States Commission on Civil Rights, April 7, 2006: “As you know, OMB “guidance” to federal agencies and, indeed, all agencies that seek to be in conformance with federal guidelines, allows agencies to permit individuals to select any or as many “race boxes” as they wish. That system forbids agencies, however, from allowing the category of “multiracial.””

⁴ Ibid: “For this and other reasons, I believe the time has come for the Census to acknowledge the obvious reality of “multiracial” identity and to offer this as a choice on Census 2010.”

⁵ <http://www.whitehouse.gov/omb/fedreg/ombdir15.html>: Directive 15 states the following: “Respondents shall be offered the option of selecting one or more racial designations.”

⁶ U.S. Census Bureau, *Results of the 1996 Race and Ethnic Targeted Test*,
<http://www.census.gov/population/www/documentation/twps0018/section-1.html>

⁷ The 2000 Census, for example, cost \$6.5 billion, according to the United States General Accounting Office, *2000 Census: Significant Increase in Cost Per Housing Unit Compared to 1990 Census* (December 2001) p. 8

⁸ U.S. Census Bureau, Elizabeth M. Grieco, *The Native Hawaiian and Other Pacific Islander Population: 2000 Census Brief* <http://www.census.gov/prod/2001pubs/c2kbr01-14.pdf>, p.9

Findings and Recommendations

Findings

1. The Census Bureau develops its questions on race, ethnicity and ancestry in compliance with Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, 62 Fed. Reg. 58,782 (October 30, 1997). Those standards provide a minimum standard for maintaining, collecting and presenting data for all federal reporting purposes.¹

Among other things, the standards provide:

- a. The minimum categories for data on race and ethnicity for federal statistics, program administrative reporting, and civil rights compliance are defined as follows: (i) American Indian or Alaska Native; (ii) Asian; (iii) Black or African American; (iv) Hispanic or Latino; (v) Native Hawaiian or Other Pacific Islander; and (vi) White.²
- b. Respondents shall be offered the option of selecting one or more racial categories.³
- c. Wherever feasible, a two-question format for reporting race and ethnicity shall be used. When this is done, the question on ethnicity should come first and must contain at a minimum the following categories: (i) Hispanic or Latino; and (ii) Not Hispanic or Latino. Under these circumstances, the race questions should include at a minimum: (i) American Indian or Alaska Native; (ii) Asian; (iii) Black or African American; (iv) Native Hawaiian or other Pacific Islander; and (v) White.⁴

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano, Heriot and Kirsanow voted in favor; Commissioners Melendez and Yaki abstained; Commissioner Taylor was not present.]

2. In the 2000 Census, the Census Bureau included the five categories mandated by the Office of Management and Budget and, in addition, provided a checkbox for "Some Other Race." The "Some Other Race" category has been controversial, and the Census Bureau considered discontinuing its use in the 2010 Census. The question on Hispanic origin was separate. Respondents were permitted to check as many categories as they thought applied to them.⁵

¹ Kincannon Testimony, Briefing Transcript, p. 13. *See also*, Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, 62 Fed. Reg. 58, 782-58, 790 (Oct. 30, 1997) (hereafter "OMB Standards").

² Kincannon Testimony, Briefing Transcript, p. 13. *See also* OMB Standards.

³ Kincannon Testimony, Briefing Transcript, p. 13.

⁴ OMB Standards, E.2.(a) at 58,789.

⁵ Kincannon Testimony, Briefing Transcript, pp. 12-13.

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki voted in opposition; Commissioners Kirsanow and Taylor were not present.]

3. For the 2010 Census, the Census Bureau has developed questions on race and ethnicity, which will be used in the 2008 Dress Rehearsal.⁶ The questions on race, ethnicity and ancestry from the 2008 American Community Survey, which replaces the “long-form” census questionnaire, is also administered by the Census Bureau.⁷ Because a massive undertaking like the census takes years of preparation, it would probably not be feasible to alter these questions at this point except for extraordinary cause.⁸

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki abstained; Commissioners Kirsanow and Taylor were not present.]

4. The separate question for Hispanic origin has been part of the census since 1970, when it was added to the long form. In 1980 it became part of the short form as well.⁹

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano, Heriot and Yaki voted in favor; Commissioner Melendez abstained; Commissioners Kirsanow and Taylor were not present.]

5. Even though Title VII of the Civil Rights Act of 1964, 42 U.S.C. sec. 2000e, prohibits discrimination on the basis of religion in employment, neither the census nor the American Community Survey (ACS) collects data on religious identification or practice.¹⁰ Under 13 U.S.C. sec. 221(c), even if the Census Bureau were to include such questions, respondents could not be penalized for failure to answer.

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki abstained; Commissioners Kirsanow and Taylor were not present.]

⁶ Prepared Testimony of Sharon Lee, 2010 Census, Briefing Report, pp. 23–24, Exhibit A.

⁷ The American Community Survey, U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau, p. 4, questions 5 and 6, <http://www.census.gov/acs/www/Downloads/SQuest08.pdf> (accessed Mar. 18, 2009).

⁸ Prepared Testimony of Dr. Kenneth Prewitt, 2010 Census, Briefing Report, p. 27, footnote 1 (“At this stage in the 2010 decennial census planning cycle it is not feasible to consider modifications that would involve re-examining the OMB Standards for the Classification of Data on Race and Ethnicity (Oct. 30, 1997). The recommendations made here are, I believe, consistent with those Standards.”)

⁹ Kincannon Testimony, Briefing Transcript, pp. 11–12.

¹⁰ Commissioner Kirsanow raised this point during the census briefing in his discussion of the fact that while civil rights enforcement is an important reason for collecting race and ethnic data, it was apparently not a sufficient reason for collecting religion data. 2010 Census, Briefing Transcript, p. 113. *See also* 2010 Census Briefing Report, p. 12.

6. Some Americans regard their race, ethnicity and ancestry to be a private matter.¹¹ Nevertheless, under current law, they are required by law to respond to a census questionnaire and do so truthfully. 13 U.S.C. sec. 221.

[Chairman Reynolds, Vice Chair Thornstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioner Yaki voted in opposition; Commissioner Melendez abstained; Commissioners Kirsanow and Taylor were not present.]

Recommendations

1. Given that the terms “race,” “ethnicity,” and “ancestry” have no fixed and agreed upon meaning in the public mind, we recommend that the Census Bureau avoid using them as separate terms in the next census. For example, some people regard “Hispanic” as a race and some do not. Some may refer to a particular individual’s Hispanic background as his “ethnicity” and others may reject the term on the ground that it implies something untrue about the individual’s cultural traits (as opposed to his ancestors’ cultural traits). Such persons may prefer the term “ancestry.” We urge that questions about race, ethnicity or ancestry be phrased in such a way as to include all three concepts, such as: “What is your race, ethnicity or ancestry?”

[Chairman Reynolds, Vice Chair Thornstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki voted in opposition; Commissioners Kirsanow and Taylor were not present.]

2. The opportunity to select multiple responses to race, ethnicity, and ancestry questions will tend to inflate the number of responses in each category relative to what would have been if respondents had been permitted to select only one. We nevertheless believe that the opportunity for multiple responses is necessary for an accurate portrait of our nation’s complex racial, ethnic, and ancestral heritage. We therefore recommend that the Office of Management and Budget’s standards on this issue be retained.

[Chairman Reynolds, Vice Chair Thornstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki voted in opposition; Commissioners Kirsanow and Taylor were not present.]

3. The current separate question on Hispanic or Latino ethnicity on the census and the American Community Survey no longer serves the purpose it once did. Moreover, it may cause harm (i) by suggesting that the Hispanic/Latino ethnicity is somehow uniquely significant; and (ii) by distorting the number of respondents who report that they are Hispanic/Latino relative to the number who would have responded that way if Hispanic/Latino had simply been one among many racial/ethnic/ancestral choices before them. In 1970, when respondents were required to choose only one box, some argued that Hispanics/Latinos could be of any race and that a single question would force Hispanics/Latinos to choose between their race and their Hispanic/Latino ethnicity or ancestry. Since respondents may now select as many responses as they wish, this is no longer a problem. We therefore recommend that the Office of

¹¹ See Connerly Testimony, Briefing Transcript, pp. 40–44.

Management and Budget's standards be amended to discontinue the two-question format and that instead (i) "Hispanic/Latino" be added to the responses to the general question on race and (ii) the question on race be re-named a question on "race, ethnicity or ancestry."

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki voted in opposition; Commissioners Kirsanow and Taylor were not present.]

4. Although attempts have been made to abolish the "other race" category, we recommend that it be retained by the Census Bureau as an "other race, ethnicity or ancestry" category. Given that respondents are currently required by law to answer all questions accurately to the best of their knowledge and that even without that law most respondents strive for accuracy, we believe that it would place an unfair burden on them to require that they give an answer they believe to be inaccurate.

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki voted in opposition; Commissioners Kirsanow and Taylor were not present.]

5. The current questions on the census give respondents who identify themselves as (i) American Indian or Alaska Native; (ii) Asian; (iii) Native Hawaiian or Other Pacific Islander or (iv) Hispanic or Latino, the opportunity to specify any specific sub-group to which they belong. By denying this opportunity to those who identify themselves as "Black, African American or Negro" and to those who identify themselves as "White," some may be left with the impression that sub-groups, ethnicities and ancestries within these categories are less important, less worthy of attention or unlikely to suffer from discrimination on account of national origin. These are not impressions that the Census Bureau should wish to leave. We therefore recommend that the Census Bureau give those who check the boxes for "Black, African American or Negro" or "White" analogous opportunities to register a subgroup, ethnicity or ancestry within those categories. Possible subgroups for the former might include "Ethiopian," "Haitian," "Dominican," "Other Caribbean." Possible subgroups for the latter might include "Irish," "Swedish," or "Arab." All groups should be given an open-ended "other" subgroup category in which respondents can write in their subgroup, ethnicity or ancestry.

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki voted in opposition; Commissioners Kirsanow and Taylor were not present.]

6. Because many people regard their race, ethnicity, or ancestry as a private matter, we believe that those who do not wish to disclose such personal information to the Census Bureau should be treated with dignity and respect. Current law states that "no person shall be compelled to disclose information relative to his religious beliefs or to membership in a religious body." 13 U.S.C. § 221(c). We recommend that Congress amend subsection 221(c) to add the same protection against compelled disclosure of information on race, ethnicity, or ancestry. Currently, the Census Bureau has opted not to ask a question on religion, but there is nothing in the 13 U.S.C. § 221(c) that

prevents it from doing so, and under the amendment we recommend, nothing would prevent it from asking a question on race, ethnicity, or ancestry provided that no penalty would attach to the failure to respond. No person should be penalized for acting on his belief that race, religion, ethnicity, and ancestry are private matters and should be of no consequence to the federal government.

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki voted in opposition; Commissioners Kirsanow and Taylor were not present.]

7. Two cautions are necessary.

- a. First, census data are not always the only source of reliable information. Census Bureau estimates of high school dropout rates, for example, have been questioned by investigators using alternative data.
- b. Second, there are common methodological errors in employing the census data—errors of which social scientists are well aware but attorneys, judges, and journalists far less predictably so. And thus we recommend caution in, for instance, drawing conclusions about voter discrimination -- specifically, the under-representation of groups in elected office—without taking into account the age structure, citizenship rates, educational and income levels of the ethnic or racial group in question.

Likewise, conclusions about employment discrimination often rest on causal assumptions that are, in reality, simply correlations reflecting a host of factors that make for group differences in the labor pool for particular occupations. Moreover, social scientists understand that comparing census data with other data sets that have employed different data collection methodologies is itself problematic. For example, a data set in which respondents were permitted to select only one racial or ethnic group will not be easily comparable to census or other data in which multiple responses are explicitly permitted.

[Chairman Reynolds, Vice Chair Thernstrom, and Commissioners Gaziano and Heriot voted in favor; Commissioners Melendez and Yaki voted in opposition; Commissioners Kirsanow and Taylor were not present.]

Statements of Commissioners

Arlan Melendez and Michael Yaki

We are again compelled to write that the Commission's process for assembling this and other such "briefing reports" is fundamentally broken. Hard fact-finding has been replaced by either a repetition of well-worn problems and solutions, or else—as is the case here—wildly speculative, unsupported policy proposals.

As further described below, the Commission majority's recommendations are not only untested, but potentially quite dangerous were they to be taken seriously. Broad changes to how census data on race and ethnicity is collected have the potential to wreck civil rights enforcement. For opponents of provisions in the Voting Rights Act and other current laws, this outcome might not seem bad. But most Americans would demand that any major changes to the census form questions be thoroughly tested to see whether they would skew reporting. Amazingly, since the agency's briefing on this topic was held in April 2006, the Commission hasn't reviewed results of the many tests the U.S. Census Bureau has been conducting on its ethnic and racial categories. This report is outdated on arrival, bypassed by more serious research.

Major changes to the census form should be developed not only in close connection with statisticians and testing experts, but with representatives of those diverse racial and ethnic communities the census tracks. How do those groups want to identify themselves and how can their wishes be accommodated by the governmental need for categorized information? Unfortunately, the assembly of this report did not involve significant input from affected minority groups either. Before her term ended, the Commission's one Hispanic member noted this and pointedly objected to the proposed elimination of the census bureau's separate question on Hispanic ethnicity. But, since her departure the Commission majority has proceeded to recommend to Congress and the President elimination of that question without conferring with Latino groups or testing to see the impact of that recommendation. Staff even admitted to "losing" public comments that were received, (fortunately, one public comment was resubmitted and included in the report.) This report ignores the input of those who it would most affect.

We repeatedly have advocated changing the agency's process for producing these so-called "briefing reports" in the hopes of ensuring quality and consensus. Our efforts have been of no avail. The six Republican-appointed Commissioners and Staff Director have actually done the reverse, lowering standards for these reports. In reports such as this, where the majority's recommendations lack a solid basis in fact-finding, research, or input by affected communities, we can only warn readers: please look to how this report was created, its basis, and do not assume it deserves greater weight because it trades on the past reputation and great aspirations embodied in the creation of the U.S. Commission on Civil Rights. Unfortunately, the Commission as currently constituted does not and cannot live up to those standards.

The Danger behind These Findings and Recommendations

The preparation and execution the 2010 Census (and the more detailed American Community Survey (ACS) that will be sent to a smaller percentage of the population) is a rigorous, multi-year, multi-billion dollar endeavor that involves thousands of employees. Years in advance, the Census Bureau consults with federal agencies on their data needs so that resources are spent only for necessary data not collectible by other means. The federal Office of Management and Budget (OMB) is deeply involved in this process, checking that proposed questions meet federal regulatory standards. A channel of communication is maintained throughout the census design process via the Census Bureau's Race and Ethnic Advisory Committees (REAC) that give a voice to African American, American Indian and Alaska Native, Asian, and Native Hawaiian and Other Pacific Islander communities.¹ With the input of all these administration entities, the Census Bureau submits its questions for the 2010 Census and ACS (including its design for questions on race and ethnicity) to Congress—that happened months ago in March 2008.² The 2008 Dress Rehearsal, a dry-run administration of the census in a few target communities, is already well underway this summer.

Testing of census questions is constant and has included the major 2005 National Census Test (NCT) which specifically looked at possible changes to race and ethnicity questions. Such tests seek to improve the accuracy and cost-effectiveness of the census by determining what phrasing and categories optimize response rates, resources, and data quality. The results of the 2005 NCT race and ethnicity study were published after the Commission held the briefing that is the supposed basis of this report, and were not considered by the Commission in preparing this report.³ The 2005 NCT test asked about “ancestry” and different ways of asking about Hispanic origin and race, topics about which the Commission majority now opines. Census Bureau statisticians and social scientists used the 2000 (short-form) Census format as a control in their study and observed that many people gave different responses when presented with even slight variations in how questions on race and ethnicity (or ancestry) are asked. Some wordings of the questions resulted in citizens giving more specific information on their origin (e.g. Puerto Rican) while other phrasing apparently discouraged these responses. The full results of the 2005 NCT are quite detailed, but the bottom line is that even small changes in how census questions are asked can result in significant changes in responses, but careful testing can ensure questions maximize citizens' self-reporting.

It is irresponsible to recommend tampering with the 2010 Census and ACS at the eleventh hour as the Commission majority does. To suggest radically redesigning not only the next census but the 2020 Census offhandedly, without any testing or consultation with the affected federal agencies or minority groups, is also reckless. As described below, the Commission majority's process for assembling this report was unprecedented and defective. Why, then, did the majority insist on issuing the recommendations in this report?

¹ For more information on the work of the Census Bureau's Race and Ethnic Advisory Committees, *see* http://www.census.gov/cac/www/race_ethnic_advisory_committees/index.html (accessed Mar. 18, 2009).

² Public copies of the Census Bureau's questions for the 2010 Census are available online at <http://www.census.gov/2010census/pdf/2010ACSnotebook.pdf> (accessed Mar. 18, 2009).

³ Public copies of the results of the 2005 National Census Test's Analysis of the Race and Ethnicity Questions is available online at <http://www.census.gov/cac/www/pdf/race-ethnicity.pdf> (accessed Mar. 18, 2009).

One possible reason for issuing the findings and recommendations in this report suggested by one of the Commission majority and a briefing speaker is hostility to provisions of the Voting Rights Act (VRA) and implementation of other civil rights legislation and government action dependent on reliable census data. It bears recollecting that the Commission majority did not join the overwhelming bipartisan support (on votes of 390–33 in the House and 98–0 in the Senate) to reauthorize the temporary provisions of the VRA. On the contrary, the Commission majority considered but declined to support the legislation. In early 2006, about the same time as the briefing on the Census, the Commission issued a report that urged Congress to consider watering-down the VRA. The majority urged “amendments to Section 5 regarding the formula for determining coverage, the stringency of the standards by which states can be released from coverage, the range of state and local procedures subject to preclearance, and the length of the extension term.”⁴

Vice-Chair Thernstrom who presided over this briefing on the census in April 2006 herself noted the connection between the decennial census and state and federal efforts to comply with the VRA (and conduct Congressional redistricting more generally) and said that she was “very sympathetic” to her friend Ward Connerly’s “unstated goal...to make these government statutes unenforceable.”⁵ In response, Mr. Connerly said merely, “I plead guilty.”⁶ Perhaps it is not surprising, then, to see the recommendations of this report are largely in tune with Mr. Connerly’s suggestions, notwithstanding the potentially disastrous impact these recommendations could have on enforcement of the VRA and other civil rights legislation.

The Commission’s Flawed Project Reporting Process

Readers should understand that the Commission’s new process for generating this and other briefing reports does not ensure quality, objectivity, or comprehensiveness. It is no surprise that our reports sometimes are inadequately supported, incomplete, or biased given the way reports are assembled. The findings and recommendations in these briefing reports do not involve new, independent fact-finding and do not necessarily reflect even the consensus view on known facts. We suggest anyone using this or other agency briefing reports seriously consider whether the Commission’s means of producing Presidential and Congressional findings and recommendations, described below, deserve the same weight as compared to reputable investigative bodies like the General Accountability Office (GAO) or the National Academy of Sciences (NAS):

⁴ See Chairman Reynolds’ Letter of Transmittal in the USCCR Briefing Report, Reauthorization of the Temporary Provisions of the Voting Rights Act (April 2006).

⁵ U.S. Commission on Civil Rights, briefing on Racial Categorization in the 2010 Census, Dirksen Senate Building, Room 226, Washington, DC, Apr. 7, 2006, transcript, pp. 88–90 (Commissioner Thernstrom: “And this last comment, I mean, it does seem to me—and this is directed also to Mr. Connerly—that your unstated goal here—and I am very sympathetic to it, as you know. I mean, I have been very torn on this whole issue because, again, I am a social scientist. Your unstated goal is really to make these government statutes unenforceable. And the reason I am very sympathetic to it is there have been a couple of mentions, for instance, of the Voting Rights Act.”)

⁶ *Ibid.*, p. 90.

- Topics of agency briefings are selected by their general interest to Commissioners and, almost without exception, are not based on specific complaints of discrimination received by the agency. Preparation for briefings involves staff (career and political) selection of speakers in a manner that is intended to provide numerically “balanced” representation of different viewpoints, regardless of prevailing expert or public opinion on the matter. Staff preparation also includes producing a “briefing book” for Commissioners that is distributed a few days before the briefing with a range of publicly available materials on the topic.
- Briefings themselves consist of a morning discussion between attending Commissioners and three to eight invited speakers who are willing and able to appear for free. The agency has not subpoenaed witnesses or records in over four years, and only once in that time have Commissioners met outside Washington DC. Speakers invited to the briefing share their prepared testimony then answer questions.
- Commission staff (career and political) next prepare a draft report with findings and recommendations based on the meeting record and their expectation of what the majority of Commissioners will approve. There are some subsequent quality checks on draft briefing reports. However a recent decision by the Commission majority reduced the quality reviews required for draft briefing reports below what is required for other agency publications. Commissioners and their personal staff (for those few Commissioners allotted personal staff) review the final draft they are presented and, relying on their experiences and background, vote out the final report language.
- At no point in this process is there investigation to follow-up on claims made by briefing speakers. There is no consultation with the briefing speakers, experts, or other government agencies about proposed findings or recommendations. There is no external (let alone peer) review required for the substance of briefing report findings or recommendations, and no current guidelines for internal editorial reviews. Unlike other reports there is no requirement that invited briefing speakers, as a whole, have expertise sufficient to offer a full inquiry into the topic.

In our opinion such a report process at best repeats common wisdom or publicly amplifies the expertise and viewpoints of the few invited speakers, staff, and Commissioners. But, the information provided to the Commission is not necessarily representative of expert or public views. At worse, the process lets the unbalanced views of only a few speakers and Commissioners through, with inadequate checks on quality. This is not to say that the Commission’s briefing reports do not have some benefit, but their value is greatly constrained by the agency’s lack of new, independent fact-finding, few contributors, and abbreviated quality review process. Unfortunately, the Commission majority continues to rely almost exclusively on briefing reports such as this one to fulfill its statutory mandate to collect, study, and disperse information about civil rights violations.

This briefing report on Racial Categorization in the 2010 Census is no exception to this flawed process, as the inputs to this report show. The experiences of members of the public, civil rights groups, and Hispanic and Latino groups were not sought out or heard. In fact, at least one group that learned of the briefing and timely submitted comments on the report—the State of Hawaii’s Office of Hawaiian Affairs—suffered the indignity of the Commission

losing those comments and not distributing them to Commissioners before the report first came up for a vote. It is unknown how many others might have submitted written comments that remain lost. As is typical, the agency here did no systematic or new, independent research to determine the frequency or extent of problems with the current census categories on race and ethnicity. Results of the 2005 National Census Test and other research that became available between April 2006 and July 2008 was not researched, distributed to Commissioners, or made part of the record. Instead Commissioners heard only from an unrepresentative panel of four invited speakers who all (except for the Census director who could not weigh in on the issue) called the current census categorization unacceptable. Federal and state agencies that routinely rely upon racial and ethnic information in the census (e.g. the Justice Department, Equal Employment Opportunity Commission, and other agencies that rely on census data for civil rights enforcement and electoral redistricting) were never consulted.

Perhaps the most striking failure of process in this report is that the findings and recommendations prepared by staff (a mix of career of and political employees) were entirely stripped out and replaced by language introduced by the Commission Chairman. While the staff's suggestions were not without problems, such a wholesale dismissal of their work is unprecedented and raises further questions about whether the agency's report process is broken.

There can be little comparison between the scope and grounding of our agency's "briefing report" and the much more comprehensive analysis done by the Census bureau, its network of Race and Ethnic Advisory Committees, and other nonprofits and government agencies. Unfortunately, the result of all the Commission's procedural skips and missteps is an incomplete, wildly speculative set of recommendations to Congress and the President by the members of the Commission majority.

The importance of the Census to document the rich, changing diversity of our nation cannot be overstated. Census data help determine voting districts, allocate school funding, track successes (and failures) in civil rights enforcement, research distribution and need for medical services, and are the basis for a long list of other governmental and private actions. In issuing this report the Commission did no significant fact-finding, outreach, or testing to determine what changes to the Census' racial categorizations might be helpful or realistic. The current categories are not perfect and we hope the Commission may one day grapple with this issue of Census categories in a serious manner. Our country can and should continue to improve the form and implementation of the decennial census so that it better captures our proud diversity.

Speaker Biographies

Charles Louis Kincannon

President George W. Bush nominated Mr. Kincannon as Director of the Census Bureau on July 27, 2001 and the Senate confirmed him unanimously on March 13, 2002.

Mr. Kincannon began his career as a statistician at the U.S. Census Bureau in 1963 after graduating from the University of Texas at Austin. He held positions of increasing responsibility in the economic, demographic, and administrative areas of the Census Bureau, before leaving in September 1975, during the Ford administration, to join the staff of the Office of Management and Budget. At OMB, he worked on statistical and regulatory policy. He also served as the statistical liaison to Vice President Nelson Rockefeller's office and provided administrative leadership that supported the successful implementation of the first Paperwork Reduction Act of 1980.

Mr. Kincannon returned to the Census Bureau in September 1981. He was appointed Deputy Director and Chief Operating Officer in January 1982. He served as Deputy Director to John G. Keane in the Reagan administration and Barbara Everitt Bryant in the George H. W. Bush administration. He also served as acting director from July 1983 to March 1984 and again from January to December 1989, directing the final preparations for the 1990 Census. Throughout his tenure with the federal government, Mr. Kincannon received several awards recognizing his contributions, including the Presidential Rank Award of Meritorious Service and the Department of Commerce Gold Medal.

In October 1992, Mr. Kincannon was appointed as the first chief statistician in the Organization for Economic Co-operation and Development (OECD) in Paris. He coordinated the organization's statistical programs and advised the OECD Secretary General on statistical policy. He left this post in June 2000 to return to the United States.

Sharon M. Lee

Ms. Lee is Professor and Director of Graduate Studies in the Department of Sociology, Portland State University. Her research focuses on social demography, immigration, immigrant experiences, race and ethnicity, Asian Americans, intermarriage, language and cultural diversity, and healthcare.

Ms. Lee recently completed a study of the effects of interpreter services on limited English proficient patients and health care use, and is currently studying how cultural differences influence foreign-born Chinese, Filipino, and Vietnamese women's health attitudes, police behaviors and experiences. She has published many books, chapters, and articles, including: "Using the New Racial Categories in the 2000 Census," The Annie E. Casey Foundation and Population Reference Bureau (2001); "Asian and Pacific Islander Population," The Encyclopedia of the U.S. Census, Margo Anderson, ed., Congressional Quarterly Press (2000); and "Asian Americans: Diverse and Growing," Population Bulletin, vol. 53, no. 2, Population Reference Bureau (1998).

Ms. Lee is a Population Association of America Advisor for the Census Advisory Committee of Professional Associations and is a member of the American Sociological Association.

Kenneth Prewitt

Dr. Kenneth Prewitt is Carnegie Professor of Public Affairs at Columbia University. His research includes the use of ethnoracial classification in national statistics and the recent changes this classification has undergone. He serves on many professional committees and is currently most active on the Committee on National Statistics of the National Research Council.

Dr. Prewitt became Director of the United States Census Bureau on October 21, 1998. Nominated by the President, he was unanimously confirmed by the U.S. Senate. He came to government service from a career in higher education and private philanthropy. From 1995 to 1998, he served as the President of the Social Science Research Council, a position he also held from 1979 to 1985. For ten years he was Senior Vice President of the Rockefeller Foundation, where he directed the international Science-Based Development program involving activities in Asia, Africa and Latin America. He served for five years as the Director of the National Opinion Research Center, based at the University of Chicago. He taught for fifteen years at the University of Chicago, and for shorter periods, taught at Stanford University, Columbia University, Washington University, the University of Nairobi, and Makerere University (Uganda).

Dr. Prewitt is the author or co-author of a dozen books and more than 50 contributions to professional journals and edited collections. Among his awards are a Guggenheim Fellowship, an honorary degree from Southern Methodist University, a Distinguished Service Award from the New School for Social Research, and The Officer's Cross of the Order of Merit from the Federal Republic of Germany. He has been a Fellow of the American Academy of Arts & Sciences, the Center for Advanced Study in the Behavioral Sciences, and the American Association for the Advancement of Science, and has been an officer or served on the Board of each of these organizations. He has also served on advisory boards to the World Bank, the World Health Organization, and UNESCO.

Ward Connerly

Author of the autobiography, *Creating Equal: My Fight Against Race Preferences*, Mr. Connerly is founder and Chairman of the American Civil Rights Institute, a national, not-for-profit organization aimed at educating the public about the need to move beyond race and gender preferences.

As a member of the University of California Board of Regents, Mr. Connerly focused the attention of the nation on the university's race-based system of preferences in its admissions policy. On July 20, 1995, following Mr. Connerly's lead, a majority of the regents voted to end the university's use of race as a means for admissions.

In 1995, Mr. Connerly accepted chairmanship of the California Civil Rights Initiative (Proposition 209) campaign. Under his leadership, the campaign successfully obtained more

than one million signatures and qualified for the November 1996 ballot. California voters passed Proposition 209 by a 55 percent to 45 percent margin. Mr. Connerly also led the efforts to pass similar initiatives in Washington and Michigan requiring equal treatment under the law for all residents in public education, public employment, and public contracting.

Mr. Connerly is President and Chief Executive Officer of Connerly & Associates, Inc., a Sacramento-based association management and land development consulting firm founded in 1973. He has been inducted as a lifetime member into the California Building Industry Hall of Fame. Mr. Connerly is a member of the Rotary Club of Sacramento.

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