April 14, 2017

The Honorable Darren Soto
Chair, Civil Rights and Voting Rights Task Force
The Honorable Michelle Lujan Grisham
Chair, Congressional Hispanic Caucus
U.S. House of Representatives
Cannon HOB
Washington, D.C. 20515

Dear Congressman Soto, Congresswoman Lujan Grisham, Civil Rights and Voting Rights Taskforce and Hispanic Caucus Members:

The Census recently completed the 2015 National Content Test (attached) and they are recommending combining Hispanic origin and race into one question for the 2020 Census (See also the 2010 Alternative Questionnaire Experiment). The Office of Management and Budget is currently seeking comments on the proposed changes. I request your support for keeping the current two-part question on Hispanic origin and race as separate questions for the 2020 Census. Treating country of birth, national origin, ancestry, language, cultural and ethnic origin as equivalent to race (i.e., the social meanings assigned to an individual’s physical appearance such as skin color, hair texture, and facial feature, etc.) is a false equivalency that may compromise civil rights monitoring and enforcement and the allocation of resources to the most vulnerable communities. It may also contribute to undercounts of the racial and ethnic heterogeneity of Latinos and particularly the most vulnerable as the data will not be comparable to the previous social locations that we could discern with the two-question format (Saenz and Morales 2015; Emeka and Vallejo 2011).

The basic problem with the proposed changes is that the difference between Hispanic origin and race is real and require separate questions. The proposed combined question format tested by Census treats ethnic origin and race as if they were the same thing and did not evaluate the merits of one question format over the other in terms of a single social outcome, such as housing segregation. This
effectively e-races the racial heterogeneity of Latinos making it harder to provide a statistical evidence base for civil rights purposes such as documenting racial profiling at the voting booth, housing, education, employment, law enforcement and other civil rights policy areas. Moreover, the data collected under the 2010 Census two-question format will not be comparable to that collected under the proposed combined question format because more Hispanics will just check Hispanic as their race making the experiences of white Hispanics and those who would have ordinarily checked “some other race” as analytically equivalent categories of experience. Regardless of intent, this will undermining our efforts to map and interrupt inequality in important policy related areas by making it more difficult to detect differences in employment, health, criminal justice for Hispanics according to their racial status.

The National Census Test states that there is (2015) scant literature on the value added by combined and separate questions for doing research related to Latinos; however, this assertion may be misleading as there is a vast literature in the social sciences, law, health sciences and humanities that was not referenced. There are a plethora of scholarly studies pointing to the value added by keeping the current two-part question on Hispanic origin and race as separate for civil rights policy in fair housing, employment, voting rights, etc.:  

1. FAIR HOUSING: In documenting the contours of housing discrimination, the Urban Institute employed 8,000 testers in 28 cities across the country to detect if there was there was housing discrimination against racial and ethnic minorities at the stage of the phone call to inquire about housing or when people showed up at the door. They found little if any discrimination against racial and ethnic minorities at stage one, but when you showed up at the door and if you were “visible minority” you were told that there were no more apartments available or you were shown significantly less apartments than those racial and ethnic minorities who were may have been of the same national or ethnic origin but not seen as visible minorities. This means that people who are of Hispanic national origin may have very different experiences that are correlated with their race or what they look like, which is not the same as their ethnic or national origin.

Consider what would happen if three Latino/x men, Ricky Martin, a white-looking light-skinned Puerto Rican American singer, Sammy Sosa, a Black-looking dark-skinned Dominican American baseball player, and George López, a mestizo looking (indigenous and Spanish) dark-skinned Mexican American comedian, were not recognized as celebrities. Picture them standing in the same block near Ground Zero in Lower Manhattan, New York City. Even if they were wearing suits, who do you think would be able to catch a cab first or at all for that matter? What if they went looking to rent the same apartment? Applied for a mortgage? Interviewed for the same job? Who would be asked for ID when they went to go vote or drove through a border checkpoint and interacted with Immigrant Control and Enforcement (ICE)? What if they were
stopped by the police for a traffic violation? What if they ended up in medical gowns in the same emergency room presenting the same symptoms? The research evidence tells us that despite their potentially common multiethnic ethnic, cultural and geographic origins, Sammy, George and Ricky may experience very different treatment and experiences based on what they look like or race, which is not the same thing as their ethnic, national or geographic origin. The research evidence that relies on the two-part question suggests that even if they were all homeowners with the same level of education, income and wealth in the same city, Ricky, Sammy and George would most likely live in very different neighborhoods (Logan, 2003; Massey and Denton 1993). Because the proposed combined question format is asking about “origins” and “race” as if they were the same thing, our ability to use this data for civil rights enforcement would be severely comprised (Bonilla-Silva 2002). How would the conflation of race and national origin in the 2020 Census undermine our ability to produce evidence in civil rights cases that would document racial segregation and redistricting civil rights implications of conflating origins and race for the allocation of resources that are targeted to protect the most vulnerable communities?

2. EMPLOYMENT: Saenz and Morales (2015) use the 2011 Census American Community Survey to explore the diversity of experiences and outcomes of the Latina/o/x community with social inequality. They find that Latino national origin groups that have the highest number of people identifying their race as White in the 2010 Census (e.g. 85% of Cubans and 66% of South Americans) had the lowest disparities in wages when compared to other groups that don’t have high number of people identifying as White (e.g., 30% of Dominicans, Guatemalans, etc.) even when they have the same levels of education (See also Rodriguez et al. 2011). If the combined question had been in place, this type of analysis could not have been completed. This means that our ability to discern if there are differences in wages among Latino groups most likely to identify and to be seen by others as racially white and have very different labor market experiences, would know be indistinguishable from other groups that have less percentages of people identifying as white, again compromising the evidence base for litigation related to pay equity based on the combination of race and ethnic origin. For example if Ricky, George and Sammy all worked for the same firm how would we know of the existence of pay inequities by race if national origin and race are conflated (Vidal-Ortiz, 2004)?

3. VOTING RIGHTS: A 2006 National Association of Latino Elected Official (NALEO) Report conducted by Tucker shows that poll workers often rely on visual cues that point to implicit bias among poll workers accessing the polls (see Also Gordon 2016 on implicit bias and discretion/in-group and out group). Again, if the national origin and race question were combined it would make it harder to detect unequal treatment because we would be unable to document unequal treatment based on what people look like. This means that people who may be from the same national or ethnic origin were treated
differently according their “street race” and “street race-gender” (If you were walking down the street, what race do you think other Americans who do not know you would assume you were based on what you look like?)

4. **HEALTH:** LaVeist-Ramos (2011:5) and colleagues used the National Health Interview Survey to disentangle whether Black Hispanics are more similar to their co-ethnics or to Black non-Hispanics. They found that co-ethnics shared similar health outcomes regardless of race; however, for health services outcomes “Black Hispanics visual similarly with non-Hispanic blacks may lead to similar social status and subject to similar levels of discrimination.” Research Cancer mortality outcomes in Hispanics vary between ethnic groups. Research and public health strategies should consider this heterogeneity (López et al., forthcoming. See also Peneihro 2017 for more on the value added of separate questions for targeting cancer interventions.

5. **RESIDENTIAL SEGREGATION:** Logan (2003) finds that Hispanics who mark that their race is white live in neighborhoods that are predominantly white when compared to Hispanics that mark “some other race,” or “Black.” Massey and Denton (1993) find a similar dynamic among Hispanics in terms of residential segregation. In short, voting rights and education and employment opportunities for Hispanics vary according to their race. If we go to a combined question format where race and national origin are treated as if they were the same thing, we lose the ability to document the very different experiences with voting rights, law enforcement and civil rights enforcement experienced by the most vulnerable groups.

6. **POVERTY:** For Poverty see Hogan (2017) “Reporting of Race Among Hispanics: Analysis of ACS Data” in D.A. Swanson (ed). The Frontiers of Applied Demography: Applied Demography Series 9. Using the 2008-2012 Census American Community Survey, Hogan asks does the separate question on race add statistical power for explaining social outcomes among Hispanics. He finds that among Hispanics reporting of race alone as White varies vary dramatically by national origin group, from a high of 88% of Cubans and 84% of South Americans to a low of 34% among Dominicans. It is telling that those Hispanics marking White race alone have the lowest levels of poverty than all other groups, regardless of national origin. All of this valuable data for poverty researchers would disappear with the combined question because less Hispanics will identify their race as White. This can have profound and negative consequences for equity-based policy making and the allocation of resources for the most vulnerable in our communities. It is surprising that the Census has not looked at a single social outcome like poverty or segregation in all of their testing of content. For the 2030 Census perhaps the Testing Promising Content for Measuring Social Outcomes for Civil Rights Policy to clarify the use of this data for advancing social justice for the most marginalized communities.
7. CRIMINAL JUSTICE: Steffenmeier and Demuth (2005) find that sentencing for Hispanic differs not by national origin but by race, whereby Black Hispanics are sentenced more harshly than white Hispanics, all things being equal.

The Civil Rights Act of 1964 ended de jure or legal segregation in public places and banned employment discrimination on the basis of race, color, religion, sex or national origin. Data collection on Hispanic origin and race are used by federal, state and local agencies to monitor discrimination in a variety of social outcomes including, housing and segregation (Fair Housing Act), labor market participation (Equal Employment Opportunity Commission), political participation (Voting Rights Act, Redistricting), educational attainment (Dept. of Education), health (Centers for Disease Control), and criminal Justice (Department of Justice).

If we have two separate questions on Hispanic origin and race today, why are we giving one up particularly when there are active efforts to bar racial data collection? S. Bill 106 and H.R. 482 are being considered in Congress to PROHIBIT race data collection for housing (memo pasted below). In addition, the Census is testing questionnaire formats that omit the word “race.” Regardless of intention, formats that eliminate the word “race” from their questionnaire would add to the confusion about what the question is asking for (e.g., Origin, race, ancestry?). At worst it may again undermine Civil Rights enforcement and pave the way for eventual dismantling of the statistical infrastructure for Civil Rights. For example, France does not collect racial data and may Latin American countries are just beginning to collect this type of data because they recognize that colorblind data collection may impede our ability to address inequalities (Telles 2014).

The Census argues that we need to eradicate the number of Latinos that mark some other race and write in their national origin; however, the reality is that the vast majority of Latinos do select one race whether white, some other race, black, etc. Latinos who write in "some other race" are still reclassified as Hispanic by the Office of Management and Budget for Civil Rights purposes so the idea that the combined question is needed because people are not answering the question is distracting from the reality that OMB does count these individuals as Hispanic. In addition, the reference in the National Content Test to the word “Chicano” as outdated, offensive and akin to the word “Negro” is inaccurate and problematic. We urge the Office of Management and Budget and the Census to keep the word Chicano/a/x.

Looking ahead to the 2030 Census we strongly encourage the Census to consider employing community based participatory research for the 2030 testing. This would ensure that the information and research project are co-constructed with scholars from many different
disciplinary traditions with expertise in Latina/o/x communities. It is not clear that the Census and OMB Interagency committees have considered engaging in co-constructing knowledge with scholars from a vast array of empirical, epistemological, ontological, communities. It is not clear that they consulted with the National Association of Chicana and Chicano Studies Association, the InterUniversity Program for Research on Latinos, The Latinos Studies Association, Latino Decisions, AfroLatino Forum and other scholars with a record of expertise on vast diversity and social inequalities in Latina/o/x communities across the disciplines. This is a missed opportunity and we hope that in the future tests of any question formats that will affect the most vulnerable there is due diligence in using the existing wide evidence base before making decisions that could undermine the ways in which we track social inequalities among Latinos and other marginalized communities. We fear that the combined question format e-races race among Latinos and will produce data that will not be comparable with previous Census. This could have a damaging and lasting effect on our ability to document the experiences of the most vulnerable groups in our society for many generations to come. The Interagency Committee on Sexual Orientation and Gender Identity (SOGI) has also come to the same conclusion.

While I have focused on the experiences of Latinos, the analytical distinction between race and ethnicity is also important for many other groups in the U.S., particularly other vulnerable groups that have experienced historic and on-going discrimination, including Native Americans, Blacks, Asians and Middle Eastern communities, etc. (See Huyser et al. 2009). Federal guidelines on the collection of Hispanic origin and race set the tone for a numerous agencies that monitor civil rights. No proposed change in question format should undermine our ability to track Civil Rights outcomes for Asian, Pacific Islander and Native American communities. If there concern about “equity” because other groups may not see their ancestry in the census, we already have a question that asks about ancestry in the American Community Survey (ACS) that could easily be added to the 2020 decennial census as a separate question. In fact research that provides support for the idea that if we wanted to get a more accurate count of the heterogeneity of the Latino community, in addition to the two separate questions (e.g., Hispanic origin and race) we would also included a third ancestry question on the decennial. For example, there are some individuals that eschew identifying as Hispanic origin in the American Community Survey, but they will readily identify themselves as having a Spanish-origin ancestry on the ancestry question as a separate question and tend to have very different social outcomes than those who readily identify as Hispanic (Emeka and Vallejo 2011).

Thank you for your attention to this important matter. The comment period to the Office of Management and Budget (OMB) regarding the race and ethnicity question formats on the Census 2020 ends April 30, 2017. Comments can emailed to Dr. Jennifer Park (Senior Advisor to the U.S. Chief Statistician, U.S. Office of Management and Budget) at Race-Ethnicity@omb.eop.gov. It is our understanding that the OMB will be making their decision by Summer 2017. These decisions will impact the federal standards for Hispanic origin and race data collection and it will affect the level of resources that are targeted for
the most vulnerable in our community today and for generations to come. Please do not hesitate to contact Dr. Nancy López, Director and Co-founder of the Institute for the Study of “Race” & Social Justice at the University of New Mexico (nlopez@unm.edu) if you have any questions about this issue (nlopez@unm.edu).

Sincerely,

Nancy López
Associate Professor, Sociology
Director & Co-Founder, Institute For The Study of “Race” and Social Justice
University of New Mexico
Is combining two separate aspects of identity and social status, namely Hispanic origin and race into one question, ethical for civil rights purposes in housing, employment, education and voting rights? Hispanic origin is about having geographic, ethnic, national, ancestral cultural and geographic origins in Spanish speaking cultures, which is not the same as your race. Racial discrimination is about how others in positions of power treat you based on what you look like or your race (See studies in Latin America Tellez 2014; Sue 2014; Candelario 2007; also see studies in the U.S. on housing and segregation Turner 2012; Massey and Denton 20013); Health Access (LaVeist-Ramos et al 2011; Pinheiro 2017); Employment and Education (Saenz and Morales 2015) and voting rights (Estrada 2000; Gordon and Rosenberg 2015; Tucker 2006); Criminal Justice (Steffensmeier and Demuth 2000); Employment (Rodriguez et al. 2011) and education (Murguia and Telles 1996). Even Poverty rates among Latinos vary by race regardless of ethnic origin (Hogan 2017).

We cannot use lay definitions to make civil rights policy. If people are confused about the difference between Hispanic origin and race, do we have an ethical responsibility to do outreach to explain the difference between gender and sexual orientation? I believe that is our ethical responsibility. We should explain that the reason this data are collected is for Civil Rights purposes. We can detail how Hispanic origin is about having an ethnic, cultural, geographic, ancestral background or origin that is part of Latin America and the Spanish speaking Caribbean and former Spanish territories in the U.S, which is not the same as race or what you look like. Why did the Census test question formats that eliminated the word race? Right now S. bill 106 and H.R. 482 is being considered in Congress to PROHIBIT race data collection for housing. E-racing race among Latinos and testing question format that eliminate the word race will only make civil rights legislation harder to enforce. If we have two separate questions today, why are we giving one up? Why is the Census testing question formats that eliminate the word race? Could this be the beginning of the dismantling of data infrastructure for informing Civil Rights Policy? The combined question e-races race among Latinos and it will make it harder for us to serve the most vulnerable communities affected by racial profiling at the polls, in housing, education, employment and law enforcement. The Census argues that we have to reduce the number of people who check "some other race" and write in their national origin; however this is a fetish and a distraction. The reality is that the vast majority of Latinos do select one race whether white, some other race or black. Those Latinos who write in "some other race" are still reclassified as Hispanic by the Office of Management and Budget (OMB) for Civil Rights purposes. High Quality Data should be defined in terms of ethical accuracy for Civil Rights Policy Use. Like the difference between gender and sexual orientation, the difference between Hispanic origin and race is real and we need
two separate questions for civil rights policy making and serving the most vulnerable. How can we create a community of practice committed to ethical accuracy for Civil Rights not aesthetic accuracy for compliance only that does not include any testing related to ethical considerations for civil rights? Please call your congressional representatives and tell them that we need to retain the two-question format on Hispanic origin and race separate for serving the most vulnerable in our community. The comment period for the Office of Management and Budget (OMB) and Census plans for Census 2020 ends April 30, 2017. Ultimately the OMB will be making the decision by Summer 2017. These decisions will impact the federal standards for Hispanic origin and race data collection and it will affect our community today and for generations to come. Please contact your congressional representatives today and voice your support for keeping the two-part question, Hispanic origin and race, as separate questions. The difference between Hispanic origin and race is real and consequential for advancing civil rights protections, policy and practice.

***NOTE: BELOW IS THE LETTER THAT WAS SENT RE: S. bill 106 and H.R. 482 THESE ARE NOT SIGNATORIES ON THE LETTER ABOVE***

February 21, 2017

The Honorable Mike Lee
U.S. Senate
361A Russell SOB
Washington, D.C. 20510
The Honorable Paul Gosar
U.S. House of Representatives
504 Cannon HOB
Washington, D.C. 20515

Dear Senator Lee and Congressman Gosar,

The undersigned organizations are writing with regard to S. 103 and H.R. 482, legislation you recently introduced regarding Department of Housing and Urban Development regulations.

As you know, this bill provides that “...no Federal funds may be used to design, build, maintain, utilize, or provide access to a Federal
database of geospatial information on community racial disparities or disparities in access to affordable housing,” in addition to nullifying the Affirmatively Furthering Fair Housing regulation.

It is our belief that this legislation could foster racial discrimination and have far-reaching consequences on federally-sponsored research on racial disparities, as well as on federal human health programs; census issues; education programs, including services for children; federal housing programs; Department of Justice programs; and other critical programs. Our association members often conduct research or provide services – some of which is federally funded – using geospatial information related to racial and other disparities, and we fear that the enactment of this legislation could have a damaging effect on a wide range of Americans and their communities.

Thank you for your attention to this important matter. Please do not hesitate to contact John Wertman at the American Association of Geographers at jwertman@aag.org or (202) 234-1450 if you have any questions about this issue or
would like to set up a meeting with representatives from our organizations to discuss the policy implications of these restrictions to the use of and access to geospatial data and racial disparities information.

Sincerely,

American Association of Geographers
American Anthropological Association
American Educational Research Association
American Geographical Society
American Geosciences Institute
American Psychological Association
American Sociological Association
Association of Research Libraries
Cartography and Geographic Information Society
Center for Global Policy Solutions
ChangeLab Solutions
Consortium of Social Science Associations
Economic Policy Institute Policy Center
Global Alliance for Behavioral Health and Social Justice
Institute for the Study of "Race" & Social Justice
Midwest Political Science Association
NAACP
National Coalition for Asian Pacific American Community Development
National Collaborative for Health Equity
National Latino Farmers & Ranchers Trade Association
National States Geographic Information Council
North American Regional Science Council
Poverty and Race Research Action Council
Rural Sociological Society
Society for Research in Child Development
The City Project
Figure 2: CONCEPTUALIZING INTERSECTIONALITY

AN INVITATION TO SELF-REFLEXIVITY ABOUT THE SIMULTANEITY OF RACE, GENDER, CLASS, ETC. CONSIDER HOW YOUR IDENTITY, VALUES, SOCIAL LOCATION AND LIFELONG CUMULATIVE EXPERIENCES WITHIN SYSTEMS OF POWER, PRIVILEGE AND DISADVANTAGE SHAPE YOUR COGNITION, POSITIONALITY AND PRACTICE.

- Tribal Status
- Race
- Ethnicity
- Language
- Nationality
- Ancestry
- Legal Status
- Religion

- Gender
- Sexual Orientation
- Sex Assigned at Birth

- Age
- Disability Status
- Body / Embodiment

- Socioeconomic Status
  (Parents Educational Attainment; Parents Occupation; Parents Income; Parents Wealth; Individual Educational Attainment; Individual Occupation; Individual Income; Individual Wealth; Partner Educational Attainment; Partner Occupation; Partner Income; Partner Wealth; Household Net Worth; Social Networks; Social Honor/Esteem, etc.)
KEEP CURRENT TWO-QUESTION FORMAT

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

8. Is 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, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.

9. What is Person 1’s race? Mark X one or more boxes.
   - White
   - Black, African Am., or Negro
   - American Indian or Alaska Native — Print name of enrolled or principal tribe.
   - Asian Indian
   - Chinese
   - Filipino
   - Other Asian — Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.
   - Japanese
   - Korean
   - Vietnamese
   - Native Hawaiian
   - Guamanian or Chamorro
   - Samoan
   - Other Pacific Islander — Print race, for example, Fijian, Tongan, and so on.
   - Some other race — Print race.

If more people were counted in Question 1, continue with Person 2.
COMBINED QUESTION FORMAT UNDERMINES CIVIL RIGHTS POLICY

8. What is Person 1's race or origin? Mark one or more boxes AND write in the specific race(s) or origin(s).

- White — Print origin(s), for example, German, Irish, Lebanese, Egyptian, and so on.

- Black, African Am., or Negro — Print origin(s), for example, African American, Haitian, Nigerian, and so on.

- Hispanic, Latino, or Spanish origin — Print origin(s), for example, Mexican, Mexican Am., Puerto Rican, Cuban, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.

- American Indian or Alaska Native — Print name of enrolled or principal tribe(s), for example, Navajo, Mayan, Tlingit, and so on.

- Asian — Print origin(s), for example, Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.

- Native Hawaiian or Other Pacific Islander — Print origin(s), for example, Native Hawaiian, Guamanian or Chamorro, Samoan, Fijian, Tongan, and so on.

- Some other race or origin — Print race(s) or origin(s).
ANCESTRY QUESTION ALREADY EXISTS ON THE AMERICAN COMMUNITY SURVEY. NOTICE THAT NONE OF THESE ANCESTRIES ARE PEGGED TO A PREDETERMINED RACE. THE CENSUS 2010 ALTERNATIVE QUESTIONNAIRE FORMAT AND THE 2015 NATIONAL CONTENT TEST CLAIMS THAT THE COMBINED QUESTION FORMAT IS BETTER BECAUSE IT ALLOWS EQUITY BY LETTING EVERYONE WRITE IN AN ANCESTRY; HOWEVER, THEY NEGLECT THE FACT THAT THIS EQUITY IS ALREADY POSSIBLE BY JUST ADDING THE CURRENT ANCESTRY QUESTION USED IN THE AMERICAN COMMUNITY SURVEY TO THE DECENNIAL CENSUS. IF YOU WANT GRANULARITY YOU CAN JUST MAKE THE CURRENT ANCESTRY QUESTION AVAILABLE FOR THE DECENNIAL QUESTION AND LIST ALL THE COUNTRIES THAT YOU WOULD LIKE. AGAIN ANCESTRY, NATIONAL ORIGIN, ETHNICITY IS NOT THE SAME AS RACE, WHICH REFERS TO WHAT YOU LOOK LIKE. WE NEED THREE SEPARATE QUESTIONS ON: 1.) HISPANIC ORIGIN; 2.) RACE; AND, 3.) ANCESTRY.

2010 AMERICAN COMMUNITY SURVEY QUESTION FORMAT

What is this person’s ancestry or ethnic origin?

(For example: Italian, Jamaican, African Am., Cambodian, Cape Verdean, Norwegian, Dominican, French Canadian, Haitian, Korean, Lebanese, Polish, Nigerian, Mexican, Taiwanese, Ukrainian, and so on.)

REFERENCES


Pinheiro, P. et al. 2017. Cancer and Mortality in Hispanic groups. Cancer Epidemiology and Biomarkers Prevention, 26(3); 376–82.


