Scholars Strategy Network Research Brief # 1:
The Distinction Between Race and Ethnic Origin Is Real: Why We Need to Retain Hispanic Origin and Race as Separate Questions for the 2020 Census and Ethical Civil Rights Policy by Nancy López, PhD., <mark>Draft Last Updated 3/2/17, 10am</mark>MST

The distinction between race and ethnic or national origin is real. Although race and ethnicity are not genetic or biological realities, they are socially meaningful realities that shape how people are treated. The stakes of maintaining this difference have never been higher. The 2020 Census is considering asking race and ethnic origin in a "combined" question format. The Census argues that the new combined question format where ethnic or national origin and race are asked in one question is better than the current two-part question format, which first asks about Hispanic origin and then asks a separate question about race in a second question for the 2020 Census. The main reason given according to the Alternative Questionnaire Experiment 2010 and the 2016 National Content Test is that it reduces the number of Latinos that check "Some Other Race." Why should Hispanics have their own separate ethnic origin question on the Census, they argue; all origin groups should be treated equitably and they should all be able to "see themselves" reflected in the Census question. However, if the primary purpose of data collection on race, color, and ethnicity is Civil Rights policy, how can we strive toward ethical data collection for that recognizes that one's ethnic origin is not the same as your race or visa versa?

<mark>Imagine a conglomeration of people gathered for a 4th of July Parade along Fifth Avenue in midtown Manhattan, New York City Los Angeles, Albuquerque, Miami, San Antonio or any other part of the U.S. Any of the spectators could be of African origin, Hispanic origin, Canadian origin, South African origin, American origin, Native American origin, European origin, Asian origin, but depending on what they look like they may occupy very different racial statuses. The scholarly research evidence base tells us that regardless of one's ethnic or national origin, racial discrimination is based on unequal treatment of individuals based on the ways others react to their physical characteristics (e.g., skin color, hair texture, facial features, etc.). This means that people who are of Hispanic origin may have very different experiences that are correlated with what they look like, which is not the same as their ethnic or national origin.</mark>

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 to go vote? Went looking to rent the same apartment? Applied for a mortgage? Interview for the same job? Drove through a border checkpoint and interacted with Immigrant Control and Enforcement (ICE)? The Police? Ended up in medical gowns in the same emergency room presenting the same symptoms?

Research tells us that there are patterns of unequal treatment based on what you look like or race, which is not the same as their national origin, ethnicity, cultural background, language or even ancestry and distant genetic lineage. To be sure Ricky, Sammy and George could each take a genetic test and find that they have ancestral lineages from a melting pot of geographical origins, including indigenous, Native American, European, African and Asian. If they mark all that apply because the combined question 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 comprised. 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 not their national or geographic. The research evidence that relies on the two-part question suggests that Ricky, Sammy and George would suggest that even if they were all homeowners at the same level of income and wealth, they would most likely live in very different neighborhoods (Logan, 2003; Massey and Denton 1993). How would the conflation of race and national origin in the 2020 affect our ability to produce evidence in civil rights cases that would document racial segregation and redistricting civil rights implication of conflating origins and race for the allocation of resources that are targeted to communities for serving the most vulnerable in terms of schools and protection of voting rights (Estrada 2000).

There are a plethora of studies across a variety of social outcomes, pointing to the value added by keeping the current two-part question on Hispanic origin and race as separate for civil rights policy.

* The Urban Institute conducted a housing discrimination audit in 2012 where they employed 8,000 testers in 28 cities across the country. They found evidence that discrimination occurred on the diverse national origins that they represented but rather when testers showed up at the door to look at apartments. If you were "visible minority" you were told that there were no more apartments available or you were shown significantly less apartments than those who were not visible minorities.

* 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."

* Saenz and Morales (2015) use the 2011 American Community Survey and 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.

The 2010 Alternative Questionnaire experiment and the 2016 National Content Test found that if we go to the combined question format we virtually eliminate the number of people checking "Some Other Race." However, we do lose detailed Hispanic origin data.

The bottom line is that Hispanic origin refers to having a cultural, language or ethnic background that is related to Spanish ancestry or national origin; it is not that same as knowing someone's race. Knowing that someone marked Hispanic/Latino race and then marked Mexican/Puerto Rican/Cuban/Dominican, etc. tells you nothing about their race or what they look like. Call your representatives in congress and the senate and tell them that if we want to advance civil rights we must retain the current two-part question on Hispanic origin and race as separate measurements for civil rights. The distinction between race and ethnic or national origin is real.

Scholars Strategy Network Research Brief #2:

Cultivating Communities of Practice Around Ethical Accuracy for Civil Rights—

Not Aesthetic Accuracy for Compliance Only by Nancy López, PhD., Draft Last Updated 3/2/17, 10amMST

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. In keeping with the spirit of this landmark Civil Rights legislation we must strive for data that can shine a light on inequalities. "Ethical accuracy for civil rights" is the idea that accuracy should be assessed by how a particular question format sheds light on structural/systemic racism and other inequities in housing segregation, voting rights, employment, law enforcement, education and many other civil rights uses. "Ethical Accuracy for civil rights" is very different from "aesthetic accuracy for compliance only." Aesthetic accuracy is a decontextualized accuracy that is solely anchored in federal data compliance guidelines and mandates. An example of "aesthetic accuracy" would be ensuring that the "some other race" category disappears statistically without interrogating whether those Hispanics that check "White," "Some Other Race" or "Black" in the Census experience the same level of residential segregation, discrimination in employment, education, law enforcement.

Even at the voting booth, who is asked for identification is often dependent on what the voter looks like or what I have called "street-level race" or "street race" (If you were waking down the street, what race you think other Americans who do not personally know you would assume you were, based on what you look like?) Visible minorities may be immediately to produce documentation, while others may not. This is not to say that there aren't individuals who when they are walking down the street may be racialized as "Mexican" or Latino because they fit some stereotype of what a Mexican or Hispanic is supposed to look like (e.g., brown-skinned but not of discernible so-called African features; See Vargas et al., 2015; López et al. under review). However, to acknowledge that *some* people are racialized as Hispanic and discriminated against because they are seen as part of a Hispanic race does not mean that ALL people or even people in the same families occupy the same racial MASTER status.

Despite good intentions, the problem with the idea that ethnic origins and race are the same thing is that the purpose of the collection of race data is not about collecting identities. It is about collecting data that helps us discern if there is unequal treatment that is tied to Civil Rights policy. Racial discrimination and violations of civil rights has never been about how people "see themselves." Instead, racial discrimination based occurs when others in positions of power treat you differently based on what you look like. This happens when those who are "visible minorities" or otherwise seen as racial minorities are turned away when you they are exercising their right to vote, rent an apartment or apply for a mortgage, apply for employment or interact with law enforcement.

Race is not the same thing as your ethnic, language or cultural background. Race is not the same as your nationality or citizenship. Race is also not that same of your distant

genetic ancestry. The proposed combined format for the 2020 Census tried to ask for two distinct concepts in one question by giving examples of ethnic origins and nationalities that correspond to the so-called white race, black race, Hispanic race, Asian and Native American race; however, this assumption is very problematic. If nationalities could be correlated with races then what race would we place the "American" nationality under? What about Canadians, South Africans or Panamanians? Are all Canadians "White"? all Panamanians of the "Hispanic race"? All South Africans "Black"? I think not. You just can't kill two birds with one stone. You need two separate different questions to ask about ethnic origin and race. They are not the same thing.

It is true that both race and ethnicity are related social concepts that are not rooted in biology or genetics, but it is also true that they are distinct social constructions that have very different consequences. It's like comparing sculpture to painting; they exist as art but they are drastically different. Because people of Hispanic origin are the byproduct of Spanish settler colonialism in the form of the conquest, coerced assimilation and racial oppression of numerous indigenous nations, the enslavement of Africans and the migration of many different indentured and voluntary immigrant groups, including Asians, Europeans and other national origin groups, hierarchies based on race or what sociologists Omi and Winant (2015) describe as racialization have existed in Latin America and the Caribbean for centuries before the Unites States was a country. In a five country study of how race matters within Latin American countries, Telles (2014) finds that there is a white supremacist color line in Latin America and the Caribbean whereby those who are darker-skinned are subject to unequal outcomes in education, employment and other important civil rights outcomes. That is because racial discrimination and privilege occur as processes that sociologists Omi and Winant (2015) define as racialization. Racialization involves a visual, ocular dimension that is related to how meanings are assigned to physical characteristics. In a society with white supremacist logics those who are closer to whiteness in physical appearance and color experience better treatment than those who are considered darker skinned and less "European."

If we are interested in identifying and ameliorating racial and ethnic discrimination, we must not make national origin and race analytically equivalent by mixing two different concepts into one question. Treating country of birth, national origin, ancestry, language background or ethnicity as equivalent to race (e.g., the social meanings assigned to an individual's physical appearance such as skin color, hair texture, and facial feature, etc.) is a FALSE EQUIVALENCY. Race is different from ethnicity. Different concepts require different questions. This is what the federal Interagency Working Group (IWG) on Sex, Gender and Sexual Orientation has concluded. How could it be that two interagency committees are making the opposite recommendations to for the 2020 Census? While one committee is recommending the need to have separate questions on sex, gender identity and LGBTQ status because these are analytically distinct categories that cannot be captured in one question, the other committee is saying yes combine ethnic origins and race into one question. What would happen if all the interagency committees convened a meeting to talk about these proposed changes and paid attention to the civil rights use of this data?

The urgency of retaining the two question format on Hispanic origin and race could not be greater as currently federal data collection have entertained the possibility of eliminating the collection race data for federal housing policy (Senate Bill 103 and House Bill 482, introduced in 2017). In the meantime, we can each call our congressional representatives and senators and urge them to preserve the current Hispanic origin and race data two-part question format for advancing civil rights and a more perfect union for all. In an ideal situation we would build and improve, not tear done the data infrastructure for advancing Civil Rights policy for generations to come.

RECOMMENDED QUESTION FORMAT FOR CIVIL RIGHTS POLICY

It is important that the Census define race and ethnic and national origin as analytically distinct measures. They could include an explanation about race as related to the social meanings related to physical appearance and clarify that ethnicity as refers to the culture and language background of individuals. It is imperative that the Census remind everyone that purpose of this data collection is for eliminating discrimination in housing, employment, education, law enforcement and voting. It should be clear to those filling out the Census that the purpose of the collection of race and ethnic data is advancing Civil Rights and creating a more perfect union for all.

While at minimum we should keep the current two-question format for Hispanic origin and race, below are the potential questions that would help us capture the analytical distinctions that may shed light on Civil Rights. These suggestions depart from the insights of intersectionality or the idea that we all occupy very distinct social location and that this is important for understanding our relationships to systems of power privilege, oppression (Crenshaw, 1993; Collins, 2009; Collins and Bilge 2016; Lopez and Gadsden 2016). Our analytical goal should be to engage in analysis that capture distinct experiences related to our simultaneous race, gender, class, sexual orientation, ethnicity and other social locations (Collins 2008). This means that when we look at data by examining race alone, gender alone, class alone or sexual orientation alone, etc., we get a partial picture of the diversity of experiences between and across groups. To develop an intersectional lens we much always bee attentive to our own intersecting social locations in terms of race, gender, class, ethnicity, sexual orientation, etc. (See Figure 3). Always consider how your identity, values and social locations and lifelong cumulative experiences within systems of privilege and oppression are shaped by the ways your have experience race, gender, class, sexual orientation shape your cognition, positionality and civil rights and social justice practice.

If you work with a local, state or federal data collection unit, you can ask the questions anyway you want as long as you can aggregate them to the standard federal categories. Although the Census is considering employing formats that omit the words "race" or "ethnicity" this would add to the confusion about what the question is asking for and may again undermine Civil Rights enforcement. We also believe that idea that in the spirit of transparency clear definitions of race as a social construction based on social meanings

associated with skin color and other characteristics and ethnicity as different type of social constructions related to cultural background, national origin should be included. Just because race and ethnicity are not genetically or biologically real does not mean that they are not socially real phenomenon. Like sculpture and painting are both related products that we can classify as art, but they are radically different types of art.

[TEXT BOX BEGINS HERE]

*****QUESTION 1 : HISPANIC ORIGIN (Note: Ethnic or National origin refers to your cultural ethnic background. This is distinct from race, which is related to what you look like.)

1. Are you Hispanic or Latina(o) (Check all that apply:

No, Not Hispanic, Latina(o)

Yes, Mexican, Mexican American, Chicana(o)

Yes, Puerto Rican

Yes, Cuban

Yes, Dominican

Yes, Some other Hispanic or Latino Write In_____ (e.g., Colombian, Honduran, Panamanian, Salvadoran, Spaniard, etc.)

****QUESTION 2 CENSUS: RACE. (Note: Race is race not the same as your cultural, ethnic or ancestry background. We collect this information to inform Civil Rights Policy, such as fair housing and voting rights. When we are talking about racial discrimination we are referring to discrimination that is related to what you look like.)

2. What is your race (Check all that apply)?

o White, non-Hispanic

o Black, non-Hispanic

o White Hispanic/Latina(o)

o AfroLatina (o)/Black Hispanic/Latina(o)

o Mestiza(o) Hispanic/Latina(o)

o Indígena / Indigenous Pueblo of Latin America Hispanic/Latina(o)

o American Indian

o Alaska Native

o Asian

o Native Hawaiian

o Pacific Islander

o Middle Eastern / Arab

o Other:_____

****QUESTION 3: ANCESTRY (Note: Ancestry refers to your distinct geographical origins or lineage. This is not the same as your race, which is related to the social meanings assigned to your physical appearance or what you look like).

3. What is your ethnic origin, enrolled tribe or ancestry? (please specify all backgrounds; e.g., Mexican, African American, Jamaican, Chinese, Haitian, Polish, Irish, Acoma Pueblo, Maya, Chicana, Guyanese, Kenyan, Haitian, Middle Eastern, Guatemalan, Arab American, Vietnamese, Korean, South African, Garifuna, Samoan, German, Italian, Polish, Kenyan, Aymara, etc.)

1._____

2._____

3._____

TEXBOX ENDS HERE
INSERT FIGURE 2 HERE Intersectionality: An Invitation to Reflect on your Life

Intersectionality a way of understanding the complex ways in which each of our experiences may differ according to the simultaneity of all our social positions in terms of race, gender, sexual orientation, ethnicity, class origins, etc. (Collins & Bilge 2016). See diagram below as an example of how you can measure each of these differences. Each measurement requires a separate question. You can't measure two concepts in one question.

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; Par
Wealth; Household Net Worth;
Social Networks; Social Honor/
Esteem, etc.)