FEDERAL MEASURES OF RACE AND ETHNICITY AND THE IMPLICATIONS FOR THE 2000 CENSUS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT MANAGEMENT, INFORMATION, AND TECHNOLOGY

OF THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

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FEDERAL MEASURES OF RACE AND ETHNICITY AND THE IMPLICATIONS FOR THE 2000 CENSUS

WEDNESDAY, APRIL 23, 1997

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2154, Rayburn House Office Building, Hon. Stephen Horn (chairman of the subcommittee) presiding.

Present: Representatives Horn, Maloney, and Davis of Illinois.

Staff present: J. Russell George, staff director; Joan McEnery and John Hynes, professional staff members; Andrea Miller, clerk; David McMillen and Mark Stephenson, minority professional staff members; and Ellen Rayner, minority chief clerk.

Mr. HORN. The Subcommittee on Government Management, Information, and Technology will come to order.

Since the founding of the Republic and the first census in 1790, every decennial census has included a question about race and, beginning in 1970, about ethnicity. The 1790 census classified individuals according to three categories: free white male, free white female, and slave.

Two hundred years later, the 1990 census offered six possible categories, five racial, and one ethnic: black, white, American Indian or Alaskan Native, Asian or Pacific Islander, and "Other" with a write-in response, as well as Hispanic ethnicity.

High rates of immigration and intermarriage between people of diverse racial backgrounds are rapidly changing the composition of our Nation's population. An increasing number of individuals feel uncomfortable putting themselves or their children into one of the current categories. Some people feel they fall outside these categories.

Other people fall between the current categories. An individual with parents from two different categories may not wish to choose one parental identity over the other. The children of two such individuals could conceivably belong to all of the current categories and feel that to choose just one is meaningless or offensive. It is difficult to resist pointing out the example of Tiger Woods here.

The questions on race and ethnicity currently in use have been designed in compliance with the provisions of the Office of Management and Budget's "Directive No. 15: Race and Ethnic Standards

for Federal Statistics and Administrative Reporting." This directive provides standard classifications for recordkeeping, collection, and presentation of data on race and ethnicity in Federal programs, administrative reporting, and statistical activities.

The race and ethnic classifications under Directive 15 are vital to the implementation of numerous Federal laws and regulations. Data on race and ethnicity are required by Federal statutes covering issues such as voting rights, lending practices, provision of health services, employment practices, and funding programs at historically black colleges. The data are also utilized by State and local governments for legislative redistricting and compliance with the Voting Rights Act, as amended.

The purpose of this hearing is to provide an informational overview of the measurement of race and ethnicity in the Federal Government and to review the proposed changes to Directive 15. This is the first of a series of hearings to examine this issue prior to the finalization of the use of race and ethnic questions on the 2000 census.

We want an overview of the issues, historical information, and actions taken in the current review process. We want to hear about the use of race and ethnic data by Federal agencies and the potential impact of proposed changes.

This is a difficult issue. It can be very personal and emotional at the same time that it has far-reaching implications for Federal law and for important statistical measures in our society. If one thing is clear, it is that this issue needs careful consideration. No changes should be made in the current categories, nor should the status quo be reaffirmed, without a full and open public debate about what is at stake.

We welcome our distinguished witnesses. Sally Katzen will represent the Office of Management and Budget. She is Administrator of OMB's Office of Information and Regulatory Affairs. Martha Farnsworth Riche, Director of the Bureau of the Census, will testify on the second panel. She is accompanied by Nancy Gordon, the Associate Director for Demographic Programs.

The third panel will give us more detail on the collection of race and ethnicity data at the State and local levels. Norma Cantu, Assistant Secretary for civil rights at the Department of Education, and Edward Sondik, Director of the National Center for Health Statistics at the Department of Health and Human Services, will each testify, providing a departmental perspective.

Some of the most important statistics organized by race and ethnicity are on education and health. Furthermore, along with the Bureau of the Census, these two departments are at the front lines of gathering the data. Perhaps the two most critical points for gathering data at the local level are when a child is born and when he or she is enrolled in school.

Also on the third panel is Bernard Ungar, Associate Director for Federal Management and Work Force Issues at the General Accounting Office. He will complement Norma Cantu and Edward Sondik by focusing on compiling data at the State and local level.

Our fourth panel will feature several distinguished Members of the House of Representatives: Thomas Petri, Republican of Wis-

consin; Thomas Sawyer, Democrat of Ohio; Carrie P. Meek, Democrat of Florida; and Maxine Waters, Democrat of California.

We welcome all of our witnesses and look forward to their testimony.

Without objection, I will include, after my opening remarks, a memorandum that was sent by me to members of the subcommittee, which provides background information and detail on Directive 15 and some of the categories since 1790.

[The prepared statement of Hon. Stephen Horn and the background memorandum follow:]

DAN BURTON, INDIANA
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

ONE HUNDRED FIFTH CONGRESS

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"Federal Measures of Race and Ethnicity and the Implications for Census 2000"

April 23, 1997

OPENING STATEMENT
REPRESENTATIVE STEPHEN HORN (R-CA)

Chairman, Subcommittee on Government Management, Information, and Technology

Since the founding of the Republic and the first census in 1790, every decennial census has included a question about race and beginning in 1970 about ethnicity. The 1790 census classified individuals according to three categories: Free White Male, Free White Female and Slave. Two hundred years later, the 1990 census offered six possible categories (five racial and one ethnic): Black, White, American Indian or Alaskan Native, Asian or Pacific Islander, and "Other" with a write-in response, as well as for Hispanic ethnicity.

High rates of immigration and intermarriage between people of diverse racial backgrounds are rapidly changing the composition of our Nation's population. An increasing number of individuals feel uncomfortable putting themselves or their children into one of the current categories. Some people feel they fall outside these categories.

Other people fall between the current categories. An individual with parents from two different categories may not wish to choose one parental identity over the other. The children of two such individuals could conceivably belong to all of the current categories and feel that to choose just one is meaningless or offensive. It is difficult to resist pointing out the example of Tiger Woods here.

The questions on race and ethnicity currently in use have been designed in compliance with the provisions of the Office of Management and Budget's *Directive 15 - Race and Ethnic Standards for Federal Statistics and Administrative Reporting*. This directive provides standard classifications for "record keeping, collection, and presentation of data on race and ethnicity in Federal programs administrative reporting and statistical activities."

The race and ethnic classifications under Directive 15 are vital to the implementation of numerous Federal laws and regulations. Data on race and ethnicity are required by Federal statutes covering issues such as voting rights, lending practices, provision of health services, employment practices and funding programs at historically Black colleges. The data are also utilized by State and local governments for legislative redistricting and compliance with the Voting Rights Act.

The purpose of this hearing is to provide an informational overview of the measurement of race and ethnicity in the Federal Government and to review the proposed changes to Directive 15. This is the first of a series of hearings to examine this issue prior to the finalization of the use of race and ethnic questions on the 2000 census and any proposed changes. We want an overview of the issues, historical information, and actions taken in the current review process. We want to hear about the use of race and ethnic data by Federal agencies and the potential impact of proposed changes.

This is a difficult issue. It can be very personal and emotional at the same time that it has far-reaching implications for Federal law and for important statistical measures in our society. If one thing is clear, it is that this issue needs careful consideration. No changes should be made to the current categories, nor should the status quo be reaffirmed, without a full and open public debate about what is at stake.

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We welcome all of our witnesses and look forward to their testimony.

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CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

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TO: MEMBERS OF THE SUBCOMMITTEE ON GOVERNMENT MANAGEMENT, INFORMATION AND TECHNOLOGY

FROM: STEPHEN HORN, CHAIRMAN

DATE: April 21, 1997

RE: **Census 2000: How Should the Federal Government Measure Race and Ethnicity?**

At 9:30 a.m. on Wednesday, April 23rd, the subcommittee will hold the first in a series of oversight hearings examining the Federal Government's measurement of race and ethnicity. This hearing will focus on the Government's current methods of measuring race and ethnicity and their implications for the year 2000 census. These methods are set forth in the Office of Management and Budget's Statistical Directive 15, which establishes standardized classification for the collection of data on race and ethnicity by all Federal departments and agencies, including the Census Bureau.

BACKGROUND

Since the founding of the Republic, every decennial census has included a question about race. The 1790 census classified individuals in one of three categories: Free White Male, Free White Female and Slave. The 1990 census offered four categories for race: Black, White, American Indian or Alaskan Native, and Asian or Pacific Islander, and an additional choice of "Other" which allowed a write-in response. In a separate question, the form asked whether the individual was Hispanic. This is the one question on ethnicity; it has been asked since 1970. Since the 1980 census, the questions on race and ethnicity have been designed in compliance with the provisions of Office of Management and Budget's *Directive 15 - Race and Ethnic Standards for Federal Statistics and Administrative Reporting* (Attachment A).

The four race and one ethnic categories on the 1990 census have been the subject of increasing criticism from those who believe that the present choices for racial and ethnic

categories do not reflect our nation's current composition. A growing number of individuals can claim multiple race and ethnicity or identify themselves with a race or ethnicity not included in these basic categories. In previous Congressional testimony, representatives of groups who identify themselves as multiracial have pointed out the difficulty of choosing one racial or ethnic identity for themselves or their child when two categories are equally applicable.

The most prominent proposal to address this concern is to add a multiracial designation. Two other proposals are to alter or expand the categories and to alter the order of questions on the census questionnaire. The desire for new or different categories must be balanced against the need for useful data that can be gathered in an affordable way. The value of continuing the current categories may outweigh the benefit of any changes when factoring in the associated costs. If not, the categories must be changed in a way that does not compromise data comparability.

Furthermore, changes to the census questions can be made without modification of Directive 15. These include the order of the questions, the combination of race and ethnicity into one question, the length of the questionnaire, and the length of the questions. However, many of the current proposals are for changes to Directive 15. It is worth emphasizing that these changes would affect not only the 2000 census, but all Federal program administrative reporting and statistical activities requiring data on race and ethnicity.

The race and ethnic classifications under Directive 15 are used throughout the government in policy making and are key to implementing numerous Federal laws. This collection of data is required by a large number of Federal statutes covering issues including voting rights, lending practices, provision of health services, employment practices and funding programs at historically Black colleges. The data are also utilized by State and local governments for legislative redistricting and compliance with the Voting Rights Act.

The following is a summary of the Census Bureau's compilation of the numerous statutes and programs that require utilization of race information. In many cases, the provisions specifically require that the data on race collected from the census be used.

Education	Title 20 (Provisions on Strengthening Historically Black Colleges)
	Grants for Basic Skills of Dropouts
EEOC	Federal Affirmative Action Plans
	Federal Affirmative Action Programs
	Education Employment Opportunity Act
Federal Reserve	Home Mortgage Disclosure Act of 1975
	Community Reinvestment Act of 1977
HHS	Older Americans Act
	Public Health Service Act

	Native American Programs Act
HUD	Mortgage Revenue Bonds Programs
	Low-Income Housing Tax Credits
	Housing Improvement Program (Synder Act)
Justice	Voting Rights Act - Bilingual Election Requirements
	Civil Rights Act
	Legislative Redistricting
Labor	Immigration Act of 1990
	Immigration Reform and Control Act of 1986
USDA	Food Stamp Act
VA	Veterans Benefits Program

(A more detailed list is included in Attachment B.)

The provisions of Directive 15 also require the collection of data on Hispanic origin, often referred to as the ethnicity question. These data are used to ensure enforcement of the bilingual election provisions of the Voting Rights Act. In addition, data are required by various statutory and regulatory provisions on issues including employment discrimination, bilingual education and voting rights.

Education	Bilingual Education Act
EEOC	Federal Affirmative Action Plans
	Federal Affirmative Action Programs
	Education Employment Opportunity Act
EPA	Regulatory Review [Executive Order 12866]
	Environmental Justice [Executive Order 12898]
	Resource Conservation and Recovery Act
	Comprehensive Environmental Response, Compensation and Liability Act
Federal Reserve	Community Reinvestment Act of 1977
HHS	Older Americans Act
	Public Health Service Act
Justice	Voting Rights Act - Bilingual Election Requirements
	Civil Rights Act
	Legislative Redistricting

(A more detailed list is included in Attachment C.)

The wide-ranging use of the race and ethnic data collection provisions of Directive 15 also means wide-ranging impact of any changes to the Directive that would alter or add to the basic categories. Any changes may require statutory revisions and an undetermined administrative burden to comply with the standards.

The impact of any changes would not be limited to government agencies in Washington, D.C. The standards are used throughout the country at various levels of government - from state houses to town halls, from major university systems to local elementary schools. These

standards are also used by the private sector to ensure compliance with governmental regulations.

OMB AND DIRECTIVE 15

The Office of Information and Regulatory Affairs in the Office of Management and Budget is currently reviewing the standard for classifying race and ethnicity. Directive 15 provides standard classifications for "record keeping, collection, and presentation of data on race and ethnicity in Federal programs administrative reporting and statistical activities.[1]"

In 1978, the Office of Management and Budget instituted Directive 15 in response to increasing legal requirements and programmatic demands for standardized methods of measuring race. Prior to that time, no consistent or standardized method was in use. The standard and the categories were derived from the 1975 Federal Interagency Committee on Education proposal for five categories: American Indian or Alaskan Native, Asian or Pacific Islander, Black/Negro, Caucasian/White and Hispanic. The standard reflected the general consensus of the minimum population groups and the vernacular of the time. The categories were adopted with some minor alterations by OMB.

There have been no further changes to Directive 15, although pressure has been mounting for OMB to review the categories. In 1993, the Subcommittee on Census, Statistics and Postal Personnel of the Committee on Post Office and Civil Service held a series of four hearings to review Federal measurement of race and ethnicity. That year OMB began a review of the categories with an eye towards possible revisions for the 2000 census. OMB formed an Interagency Committee for the Review of the Racial and Ethnic Standards.

In February 1994, the National Academy of Sciences' Committee on National Statistics held a workshop to develop the issues OMB should address. In June 1994, OMB issued its *Interim Notice of Review and Possible Revision* in the *Federal Register.* OMB also requested comments and held four public hearings around the country. The agency received over 800 responses to the notice and testimony from nearly 100 witnesses. In 1995, OMB issued a *Federal Register Notice* summarizing the responses and testimony. The notice indicated that, although there appeared to be numerous parties promoting changes to the Directive, no clear consensus had emerged on what those changes should be.

OMB is now evaluating the results of the 1996 National Content Survey[2] and awaiting the

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[1]Office of Management and Budget. Directive No. 15. Race and Ethnic Standards for Federal Statistics and Administrative Reporting. *Federal Register*, v. 43, May 4, 1978. P. 19269-19270.

[2] As part of the preparations for the census, the Census Bureau has released preliminary results of the 1996 National Content Survey (NCS) which tested a number of the proposed changes in the race and ethnic questions. The NCS was conducted from March through June 1996. The major findings included that, in surveys with a multiracial response category under race, about 1% of the persons reported as multiracial and that the presence of a multiracial

results of the Race and Ethnic Targeted Test[3] (also known as the 1996 Census Survey). This second survey tested proposed questions for the census and the results are scheduled for release by the Census Bureau in May. According to the Census Bureau, these test results will be considered by OMB and its Interagency Committee for the Review of Racial and Ethnic Standards when it makes its recommendations. On or about July 1, 1997, OMB will issue a report with its recommendations for a period of public comments. A final determination by OMB is anticipated by October of this year so that any changes can be incorporated into the 2000 census.

THE ADDITION OF A MULTIRACIAL CATEGORY

The addition of a multiracial category is the issue currently generating the most discussion. As the demographics of our nation change, the number of people who can identify themselves as multiracial is increasing. The addition of a multiracial category has been strongly advocated by groups representing these interests. These groups observe that the census categories require multiracial individuals to choose one race or to choose "Other." Proposed changes include adding a multiracial category, allowing a check-off of more than one race, establishing a separate multiracial question (similar to the Hispanic ethnicity question), and allowing a multiracial category with a write-in.

In the 1993 hearings, a number of groups and governmental entities opposed the inclusion of a multiracial category. Several groups representing persons in the current categories opposed the addition because it could affect the count of their categories. From a statistical standpoint, Government agencies argue it would be difficult to aggregate these individuals into the count of protected classes under civil rights and other programs.

The inclusion of a multiracial category in Directive 15 would, like many of the other changes, impact many of the States and localities using the categories in collecting data. To date, only five States (Georgia, Illinois, Indiana, Michigan, Ohio) have passed laws requiring multiracial/multiethnic designation on some State forms and only two of these have implemented the provisions. On the local level, a number of school districts collect this data. GAO has conducted a survey of States utilizing the multiracial category which will be released at the

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category did not have significant impact on the percentage of people reporting in the "Other" category. It also found that including a multiracial category in a race-followed -by-Hispanic origin question reduced the number of people reporting as "Other." In regard to the sequencing of the race and Hispanic origin question, placing the Hispanic origin question before the race questions (a reverse of what was done in 1990) significantly reduced the level of nonresponse to the Hispanic origin question.

[3] The principal test of questions on race and ethnicity for the census is the 1996 Race and Ethnic Targeted Test which is scheduled for release by the Census Bureau in May 1997. This survey focused exclusively on testing possible changes to race and ethnicity questions on the 2000 Census. The questions tested are included in Attachment D.

hearing.

It is anticipated that the multiracial issue will be significant in our future hearings. Additional information will be provided in preparation for those hearings.

MODIFICATION OR EXPANSION OF CATEGORIES

The proposed alteration of existing categories or expansion of categories can be broken down into three sub-groups:

a) adding additional categories (e.g., a category for Middle East origin)
b) altering the current definitions so as to recategorize races (e.g., Native Hawaiians reclassified from the Asian and Pacific Islander to the American Indian and Alaskan Native category
c) modifying the terms used to identify the categories (e.g., changing Black to African American)

These issues were examined during the 1993 hearings with testimony from several of the groups seeking reclassification or expansion of the categories. These examples typify the concerns raised with these changes. For example, Native Hawaiian groups have promoted their inclusion in the American Indian or Alaskan Native category contending that native Hawaiians are better suited in an indigenous category with American Indians and Alaskan Natives. However, this change has met with opposition from some who are currently categorized in the American Indian and Alaskan Native category. On the issue of category name modifications, it has been proposed that the term "Black" be changed to the now commonly used term of "African American." However, despite the fact that the definition in Directive 15 refers to racial groups in Africa, there are persons who are designated Black but are from non-African areas such as the Caribbean.

The Census Bureau does not need to wait for OMB's decision on Directive 15 to expand the number of categories. But any changes made by the Census Bureau must be able to be aggregated into one of the Directive 15 categories. However, such changes would incur additional costs. According to Census Bureau testing, they would also require a longer form and longer questions that would diminish response rates.

CHANGING THE QUESTION ORDER/COMBINING THE QUESTIONS

In the 1990 census, there were significant problems with responses to the race question by the Hispanic population. Specifically, responses to the race question were often incomplete or inconsistent when a person designated Hispanic on the ethnic question. Possible solutions to this problem include combining the race and ethnicity questions into one question or changing the order in which the questions are asked. National Content Survey tests have shown that placing the race question before the ethnicity question substantially increases the Hispanic response rate

to the race question. The Race and Ethnic Targeted Tests include both reordered and combined race and ethnic questions. For the purposes of the 2000 census, the decision of how and where to pose the ethnic question will be made by the Census Bureau.

HEARING OVERVIEW

The purpose of the hearing is to provide an informational overview of the measurement of race and ethnicity in the Federal Government and to review the proposed changes to Directive 15. This is the first of a series of hearings to examine this issue prior to the finalization of the race and ethnic questions on the 2000 Census. In the hearing, it is anticipated that OMB and the Census Bureau will provide an overview of the issues, historical information, and actions taken in the current review process. It is anticipated that the Department of Health and Human Services and the Department of Education will testify on their use of the race and ethnic data and the impact of proposed changes. The General Accounting Office will provide an overview of the use of the Directive standard by State and local governments and a review of States and localities currently utilizing a multiracial category in its data collection.

WITNESSES

Norma Cantu, Assistant Secretary for Civil Rights, Department of Education

Martha Farnsworth Riche, Director, Bureau of the Census

Nancy M. Gordon, Associate Director for Demographic Programs, Bureau of the Census

Sally Katzen, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President

Honorable Thomas E. Petri, U.S. Representative (D-WI)

Honorable Thomas C. Sawyer, U.S. Representative (D-OH)

Edward Sondik, Director, National Center for Health Statistics, Department of Health and Human Services

Bernard L. Ungar, Associate Director, Federal Management and Workforce Issues, General Accounting Office

STAFF CONTACT

For further information, contact Joan McEnery at 225-5147.
Attachments

ATTACHMENT A

Appendix I

OMB's Policy for Race and Ethnic Definitions

DIRECTIVE NO. 15 [a]

RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING

This Directive provides standard classifications for recordkeeping, collection, and presentation of data on race and ethnicity in Federal program administrative reporting and statistical activities. These classifications should not be interpreted as being scientific or anthropological in nature, nor should they be viewed as determinants of eligibility for participation in any Federal program. They have been developed in response to needs expressed by both the executive branch and the Congress to provide for the collection and use of compatible, nonduplicated, exchangeable racial and ethnic data by Federal agencies.

1. Definitions

The basic racial and ethnic categories for Federal statistics and program administrative reporting are defined as follows:

a. *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

b. *Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

c. *Black.* A person having origins in any of the black racial groups of Africa.

d. *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

e. *White.* A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

2. Utilization for Recordkeeping and Reporting

To provide flexibility, it is preferable to collect data on race and ethnicity separately. If separate race and ethnic categories are used, the minimum designations are:

a. *Race:*
- —American Indian or Alaskan Native
- —Asian or Pacific Islander
- —Black
- —White

b. *Ethnicity:*
- —Hispanic origin
- —Not of Hispanic origin

When race and ethnicity are collected separately, the number of White and Black persons who are Hispanic must be identifiable, and capable of being reported in that category.

If a combined format is used to collect racial and ethnic data, the minimum acceptable categories are:

American Indian or Alaskan Native
Asian or Pacific Islander
Black, not of Hispanic origin
Hispanic
White, not of Hispanic origin.

The category which most closely reflects the individual's recognition in his community should be used for purposes of reporting on persons who are of mixed racial and/or ethnic origins.

In no case should the provisions of this Directive be construed to limit the collection of data to the categories described above. However, any reporting required which uses more

[a] Directive No. 15 supersedes section 7(h) and Exhibit F of OMB Circular No. A-46 dated May 2, 1974 and as revised May 12, 1977.

detail shall be organized in such a way that the additional categories can be aggregated into these basic racial/ethnic categories.

The minimum standard collection categories shall be utilized for reporting as follows:

a. *Civil rights compliance reporting.* The categories specified above will be used by all agencies in either the separate or combined format for civil rights compliance reporting and equal employment reporting for both the public and private sectors and for all levels of government. Any variation requiring less detailed data or data which cannot be aggregated into the basic categories will have to be specifically approved by the Office of Federal Statistical Policy and Standards for executive agencies. More detailed reporting which can be aggregated to the basic categories may be used at the agencies' discretion.

b. *General program administrative and grant reporting.* Whenever an agency subject to this Directive issues new or revised administrative reporting or recordkeeping requirements which include racial or ethnic data, the agency will use the race/ethnic categories described above. A variance can be specifically requested from the Office of Federal Statistical Policy and Standards, but such a variance will be granted only if the agency can demonstrate that it is not reasonable for the primary reporter to determine the racial or ethnic background in terms of the specified categories, and that such determination is not critical to the administration of the program in question, or if the specific program is directed to only one or a limited number of race/ethnic groups, e.g., Indian tribal activities.

c. *Statistical reporting.* The categories described in this Directive will be used as a minimum for federally sponsored statistical data collection where race and/or ethnicity is required, except when: the collection involves a sample of such size that the data on the smaller categories would be unreliable, or when the collection effort focuses on a specific racial or ethnic group. A repetitive survey shall be deemed to have an adequate sample size if the racial and ethnic data can be reliably aggregated on a biennial basis. Any other variation will have to be specifically authorized by OMB through the reports clearance process (see OMB Circular No. A-40) In those cases where the data collection is not subject to the reports clearance process, a direct request for a variance should be made to the OFSPS.

3. Effective Date

The provisions of this Directive are effective immediately for all *new* and *revised* recordkeeping or reporting requirements containing racial and/or ethnic information. All *existing* recordkeeping or reporting requirements shall be made consistent with this Directive at the time they are submitted for extension, or not later than January 1, 1980.

4. Presentation of Race/Ethnic Data

Displays of racial and ethnic compliance and statistical data will use the category designations listed above. The designation "nonwhite" is not acceptable for use in the presentation of Federal Government data. It is not to be used in any publication of compliance or statistical data or in the text of any compliance or statistical report.

In cases where the above designations are considered inappropriate for presentation of statistical data on particular programs or for particular regional areas, the sponsoring agency may use:

(1) The designations "Black and Other Races" or "All Other Races," as collective descriptions of minority races when the most summary distinction between the majority and minority races is appropriate;

(2) The designations "White," "Black," and "All Other Races" when the distinction among the majority race, the principal minority race and other races is appropriate; or

(3) The designation of a particular minority race or races, and the inclusion of "Whites" with "All Other Races," if such a collective description is appropriate.

In displaying detailed information which represents a combination of race and ethnicity, the description of the data being displayed must clearly indicate that both bases of classification are being used.

When the primary focus of a statistical report is on two or more specific identifiable groups in the population, one or more of which is racial or ethnic, it is acceptable to display data for each of the particular groups separately and to describe data relating to the remainder of the population by an appropriate collective description.

PREPARING FOR CENSUS 2000

SUBJECTS PLANNED FOR CENSUS 2000

FEDERAL LEGISLATIVE
AND
PROGRAM USES

(Special Version With Excerpts from Statutes)

U.S. Department of Commerce
Economics and Statistics Administration
BUREAU OF THE CENSUS

Issued March 1997

RACE . . . . . *asked since 1790*

MEETING FEDERAL NEEDS

Race is key to implementing any number of Federal laws and is a critical factor in the basic research behind numerous policies. Race data are required by Federal programs that promote equal employment opportunity and are needed to assess racial disparities in health and environmental risks, among other uses. Under the Voting Rights Act, race is used in part to identify minority language groups that require voting materials in their own language. Racial classifications used by the Census Bureau and other Federal agencies meet the requirements of Federal Statistical Policy Directive No. 15, which sets standards for Federal statistics and administrative reporting on race and ethnicity.

COMMUNITY IMPACT

Education

- Under Title 20, race is used as part of the formula to fund programs that foster equal opportunity through post-secondary education for African Americans. This is achieved by funding programs at historically Black colleges and universities in professional and academic areas where African Americans are underrepresented in society.

Banking

- Racial data are necessary for the Community Reinvestment Act to determine whether financial institutions meet the credit needs of minorities in low- and moderate-income areas.

Social Services

- For the Public Health Service Act, race is a key factor in identifying segments of the population who may not be receiving needed medical services.

Employment

- Race, under the Civil Rights Act, is used to assess fairness of employment practices.

Government

- States require data about the racial make-up of the voting-age population to meet legislative redistricting requirements.

- Data about race are needed to monitor compliance with the Voting Rights Act by local jurisdictions.

RACE *(continued)* . . . . . *asked since 1790*

STATUTORY USES

- EDUCATION . . . . . Provisions on Strengthening Historically Black Colleges [20 U.S.C. 1060], Grants for Basic Skills of Dropouts [20 U.S.C. 3241]

- EEOC . . . . . Federal Affirmative Action Plans [5 U.S.C. 7201(a)(1)], Federal Affirmative Action Programs [42 U.S.C. 2000e-16(b)(1)], Equal Employment Opportunity Act [42 U.S.C. 2000e-2(a)(2)]

- FEDERAL RESERVE . . . . . Home Mortgage Disclosure Act of 1975 [12 U.S.C. 2809(a)], Community Reinvestment Act of 1977 [12 U.S.C. 2901]

- HHS . . . . . Older Americans Act [42 U.S.C. 3002, 3026(a)(1), 3027(a)(8)], Public Health Service Act [42 U.S.C. 254b(b)(3)(A) & (B), 254e(b) & (d) & 254f-1], Native American Programs Act [42 U.S.C. 2992]

- HUD . . . . . Mortgage Revenue Bonds Program [26 U.S.C. 143], Low-Income Housing Tax Credits [26 U.S.C. 42], Housing Improvement Program (Snyder Act) [25 U.S.C. 13]

- JUSTICE . . . . . Voting Rights Act-Bilingual Election Requirements [42 U.S.C. 1973aa-1a], Civil Rights Act [42 U.S.C. 1975c(a) & 2000c-2, d, f], Legislative Redistricting [13 U.S.C. 141(c)]

- LABOR . . . . . Employment Practices of Government Contractors [Executive Order 11246], Immigration Act of 1990 [8 U.S.C. 1182 note & 1182(a)(5)(A)], Immigration Reform and Control Act of 1986 [8 U.S.C. 1364]

- USDA . . . . . Food Stamp Act [7 U.S.C. 612c]

- VA . . . . . Veterans Benefits Program [38 U.S.C. 317]

EXCERPTS FROM STATUTES
(Emphasis Added)

42 U.S.C. 1973aa-1a(b)(2)(A) Voting Rights Act-Bilingual Election Requirements

. . . A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, **based on census data**, that--

(i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are **members of a single language minority** and are limited-English proficient;

(II) more than 10,000 of the citizens of voting age of such political subdivision are **members of a single language minority** and are limited-English proficient; or

(III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the **American Indian or Alaska Native** citizens of voting age within the Indian reservation are members of **a single language minority** and are limited-English proficient; and

(ii) the illiteracy rate of the citizens in the **language minority** as a group is higher than the national illiteracy rate.

42 U.S.C. 2000f Civil Rights Act

The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of **persons** of voting age **by race, color,** and national origin, and determination of the extent to which such persons are registered to vote, and have voted . . .
Such information shall also be collected and compiled in connection with the **Nineteenth Decennial Census, and at such other times as the Congress may prescribe**. . . .

42 U.S.C. 1975c(a) Civil Rights Act

Investigatory, etc., duties.

The Commission shall--

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their **color, race,** religion, sex, age, handicap, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) **study and collect information concerning legal developments constituting discrimination** or a denial of equal protection of the laws under the Constitution **because of race, color,** religion, sex, age, handicap, or national origin or in the administration of justice;

EXCERPTS FROM STATUTES *(continued)*
(Emphasis Added)

(3) appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of **race, color**, religion, sex, age, handicap, or national origin or the administration of justice;

(4) serve as national **clearinghouse for information in respect to discrimination** or denials of equal protection of the laws because of **race, color**, religion, sex, age, handicap, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice; and

(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of the Presidential electors, Members of the United States Senate, or the House of Representatives, as a result of any patterns or practice of fraud or **discrimination** in the conduct of such election.

Supreme Court Case: Wards Cove Packing Co. v. Antonio, 490 U.S. 642, 650-51 (1989)

"It is such a **[statistical] comparison**--between the **racial composition** of the qualified persons in the labor market and the persons holding at-issue jobs--that generally forms the proper basis for the initial inquiry in a disparate-impact case."

Supreme Court Case: City of Richmond v. J.A. Croson Co., 488 U.S. 469, 501-502 (1989)

"In the employment context, we have recognized that for certain entry level positions or positions requiring minimal training, **statistical comparisons of the racial composition** of an employer's work force to the **racial composition of the relevant population** may be probative of a pattern of discrimination. . . . But where special qualifications are necessary the relevant statistical pool for purposes of demonstrating discriminatory exclusion must be the number of minorities qualified to undertake the particular task."

12 U.S.C. 2809 — Home Mortgage Disclosure Act of 1975

(a) Commencement; scope of data and tables
Beginning with data for calendar year 1980, the Federal Financial Institutions Examinations Council shall compile each year, for each primary metropolitan statistical area, metropolitan statistical area, or consolidated metropolitan statistical area that is not comprised of designated primary metropolitan statistical areas, aggregate data by census tract for all depository institutions which are required to disclose data under section 2803 of this title or which are exempt pursuant to section 2805(b) of this title. The Council **shall also produce tables indicating**, for each primary metropolitan statistical area, metropolitan

EXCERPTS FROM STATUTES *(continued)*
(Emphasis Added)

statistical area, or consolidated metropolitan statistical area that is not comprised of designated primary metropolitan statistical areas, aggregate lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level, and **racial characteristics**.

5 U.S.C. 7201(a)(1) — Federal Affirmative Action Plans

"underrepresentation" means a situation in which the number of members of a **minority group designation** (determined by the Equal Employment Opportunity Commission in consultation with the Office of Personnel Management, on the basis of the policy set forth in subsection (b) of this section) within a category of civil service employment constitutes a lower percentage of the total number of employees within the employment category than the percentage that the **minority** constituted within the labor force of the United States, as determined under the **most recent decennial** or mid-decade census, or current population survey, under title 13 [13 USCS §§ 1 et seq.]. . . .

ATTACHMENT C

PREPARING FOR CENSUS 2000

SUBJECTS PLANNED FOR CENSUS 2000

FEDERAL LEGISLATIVE
AND
PROGRAM USES

(Special Version With Excerpts from Statutes)

U.S. Department of Commerce
Economics and Statistics Administration
BUREAU OF THE CENSUS

Issued March 1997

HISPANIC ORIGIN . . . . . *asked since 1970*

MEETING FEDERAL NEEDS

Hispanic origin is used in numerous programs and is vital in making policy decisions. These data are needed to determine compliance with provisions of anti-discrimination in employment and minority recruitment legislation. Under the Voting Rights Act, data about Hispanic origin are essential to ensure enforcement of bilingual election rules. The census classification of data about Hispanic origin meets the guidelines mandated in Federal Statistical Policy Directive No. 15, issued by the Office of Management and Budget. This directive sets standards for statistical reporting on race and ethnicity used by all Federal agencies.

COMMUNITY IMPACT

Social Services

- Under the Public Health Service Act, Hispanic origin is one of the factors used in identifying segments of the population who may not be getting needed medical services.

Banking

- For the Community Reinvestment Act, statistics about people of Hispanic origin are used to evaluate whether financial institutions are meeting credit needs of minority groups in low- and moderate-income communities.

Education

- Funds are distributed to school districts for bilingual services through the Bilingual Education Act.

Government

- The Voting Rights Act ensures equality in voting. Compliance of local jurisdictions is monitored using counts of the voting-age population by national origin.

Employment

- Data about Hispanic origin are used to monitor and enforce equal employment opportunities under the Civil Rights Act.

HISPANIC ORIGIN *(continued)* . . . . . *asked since 1970*

STATUTORY USES

- EDUCATION . . . . . Bilingual Education Act
  [20 U.S.C. 3291 (part a), 3301 (part b), 3321 (part c)]

- EEOC . . . . . Federal Affirmative Action Plans
  [5 U.S.C. 7201(a)(1)],
  Federal Affirmative Action Programs
  [42 U.S.C. 2000e-16(b)(1)],
  Equal Employment Opportunity Act
  [42 U.S.C. 2000e-2(a)(2)]

- EPA . . . . . Regulatory Review
  [Executive Order 12866, Oct. 1, 1993];
  Environmental Justice
  [Executive Order 12898, Feb. 11, 1994];
  Resource Conservation and Recovery Act
  [42 U.S.C. 6901 et seq.];
  Comprehensive Environmental Response, Compensation, and Liability Act
  [42 U.S.C. 9601 et seq.]

- FEDERAL RESERVE . . . . . Community Reinvestment Act of 1977
  [12 U.S.C. 2901]

- HHS . . . . . Older Americans Act
  [42 U.S.C. 3002, 3026(a)(1), 3027(a)(8)],
  Public Health Service Act
  [42 U.S.C. 254b(b)(3)(A) & (B), 254e(b) & (d), & 254f-1]

- JUSTICE . . . . . Voting Rights Act-Bilingual Election Requirements
  [42 U.S.C. 1973aa-1a],
  Civil Rights Act
  [42 U.S.C. 1975c(a) & 2000c-2, d, f],
  Legislative Redistricting
  [13 U.S.C. 141(c)]

HISPANIC ORIGIN *(continued)* . . . . . *asked since 1970*

EXCERPTS FROM STATUTES
(Emphasis Added)

13 U.S.C. 141 note — Estimates of Hispanic Origin Population

P.L. 94-311, Sec. 4, June 16, 1976: The Department of Commerce, in cooperation with appropriate Federal, State and local agencies and various population study groups and experts, shall immediately undertake a study to determine what steps would be necessary for developing creditable **estimates of undercounts of Americans of Spanish origin or descent in future censuses.**

42 U.S.C. 1973aa-1a(b)(2)(A) — Voting Rights Act-Bilingual Election Requirements

. . . A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, **based on census data**, that--

(i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are **members of a single language minority** and are limited-English proficient;

(II) more than 10,000 of the citizens of voting age of such political subdivision are **members of a single language minority** and are limited-English proficient; or

(III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and

(ii) the illiteracy rate of the citizens in the **language minority** as a group is higher than the national illiteracy rate.

42 U.S.C. 2000f — Civil Rights Act

The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of **persons of voting age by** race, color, and **national origin**, and determination of the extent to which such persons are registered to vote, and have voted . . . .
Such **information shall also be collected and compiled** in connection **with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe**. . . .

EXCERPTS FROM STATUTES *(continued)*
(Emphasis Added)

42 U.S.C. 1975c(a) — Civil Rights Act

Investigatory, etc., duties.

The Commission shall--

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex, age, handicap, or **national origin**; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) **study and collect information concerning legal developments constituting discrimination** or a denial of equal protection of the laws under the Constitution **because of** race, color, religion, sex, age, handicap, or **national origin** or in the administration of justice;

(3) appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or **national origin** or the administration of justice;

(4) serve as national **clearinghouse for information in respect to discrimination** or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or **national origin**, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice; and

(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of the Presidential electors, Members of the United States Senate, or the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election.

5 U.S.C. 7201(a)(1) — Federal Affirmative Action Plans

"underrepresentation" means a situation in which the number of members of a **minority group designation** (determined by the Equal Employment Opportunity Commission in consultation with the Office of Personnel Management, on the basis of the policy set forth in subsection (b) of this section) within a category of civil service employment constitutes a lower percentage of the total number of employees within the employment category than the percentage that the **minority** constituted within the labor force of the United States, as determined under the **most recent decennial** or mid-decade **census**, or current population survey, under title 13 [13 USCS §§ 1 et seq.]. . . .

HISPANIC ORIGIN *(continued)* . . . . . *asked since 1970*

EXCERPTS FROM STATUTES *(continued)*
(Emphasis Added)

13 U.S.C. 141(c) Legislative Redistricting

(c) The officers . . . having initial responsibility for the legislative apportionment or districting of each State may, not later than 3 years before the **decennial census** date, submit to the Secretary a plan identifying the geographic areas for which **specific tabulations of population** are desired. . . .

ATTACHMENT D

federal register

Friday
December 1, 1995

Part XII

Department of Commerce

Bureau of the Census

1996 Race and Ethnic Targeted Test; Notice

62010 Federal Register / Vol. 60, No. 231 / Friday, December 1, 1995 / Notices

DEPARTMENT OF COMMERCE

Bureau of the Census

1996 Race and Ethnic Targeted Test (RAETT) and Its Content Reinterview, Also Identified as the 1996 Census Survey

ACTION: Proposed Agency Information Collection Activity; Request for comments.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 30, 1996.

ADDRESSES: Direct all written comments to Gerald Taché, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Nampeo R. McKenney, Assistant Division Chief, Population Division, at the Bureau of the Census, Room 2011, FOB#3, Washington, D.C. 20233; or call (301) 457-2075.

SUPPLEMENTARY INFORMATION:

I. Abstract

The June 1996 Race and Ethnic Targeted Test (RAETT) is the principal vehicle for testing and evaluating several major proposed changes in, or alternatives to, the 1990 census race and ethnic questions. These include:

- A "Multiracial or biracial" category;
- A "Check more than one category" approach to reporting as multiracial;
- Alternative sequencing of the race and Hispanic origin items;
- A combined race, Hispanic origin and ancestry question;
- A combined "Indian (Amer.) or Alaska Native" category; and
- A "Native Hawaiian" category.

These proposals arose from:

- The Office of Management and Budget's (OMB) review of the Federal standards for racial and ethnic classification (Statistical Policy Directive No. 15), with particular attention to the research agenda developed by the Research Subcommittee of the OMB Interagency Committee for the Review of Racial and Ethnic Standards;
- Evaluation research on the 1990 census data, on early tests of alternative 2000 census forms (e.g., the Alternative Questionnaire Experiment and the Simplified Questionnaire Test), and on the Current Population Survey, May 1995 Supplement on Race and Ethnicity funded by the Bureau of Labor Statistics; and
- Consultations with the Census Advisory Committees and other data users, including a conference on undercounted ethnic populations, an international conference on the measurement of race and ethnicity, and recommendations in reports by the National Research Council and the General Accounting Office.

The RAETT is essential for evaluating how proposed changes to Directive No. 15, such as a multiracial classification and combined race and Hispanic origin questions, might affect the distribution and quality (e.g., reinterview consistency) of responses in the current race and Hispanic origin items. Substantial changes could affect the historical continuity of race and ethnic data and the usefulness of data for Federal agencies that monitor and enforce legislation (e.g., the Voting Rights Act). In addition, the RAETT is needed to determine whether alternative sequencing of the race and Hispanic origin items or combining the Indian (Amer.) and Alaska Native categories provide improvements over the 1990 census. The RAETT will also be used for evaluating the terminology of "Native Hawaiian."

The RAETT will target about 90,000 urban and rural households representing American Indians, Alaska Natives, Asians, Pacific Islanders, Hispanics, Blacks, White ethnic groups, and multiracial persons.

The RAETT will include a reinterview which will permit assessments of effects of changes on relatively smaller populations not reliably measured in national samples.

The test will also assess alternative approaches to household rostering, including special probes designed to improve coverage in undercounted minority households.

The RAETT will include six forms (one control and five experimental). We are only including the questions on race and ethnicity in this notice because they are pertinent to the survey. If you want to obtain a copy of the questionnaire in its entirety, you may write to Nampeo R. McKenney, Assistant Division Chief, Population Division, at the address listed above. The following is a list of the form numbers and précis of the race and ethnicity questions.

Form No.	Précis of race and ethnic questions on forms
DL-1A	Control.
DL-1B	Separate Hispanic origin and race questions; multiracial category; combined "Indian (Amer.) or Alaska Native" category.
DL-1C	Separate Hispanic origin and race questions; mark more than one race; combined "Indian (Amer.) or Alaska Native" category.
DL-1D	Race question followed by Hispanic origin question; combined "Indian (Amer.) or Alaska Native" category; "Native Hawaiian" category.
DL-1E	Combined race, Hispanic origin, and ancestry; multiracial category.
DL-1F	Combined race, Hispanic origin, and ancestry; mark more than one box.

Attachment A, "Proposed Race and Ethnic Questions for RAETT," is included to assist with the review of the race and ethnic questions. Attachment B contains the race and ethnic questions that will appear on forms DL-1A through DL-1F.

II. Method of Collection

The proposed information collection will be a one-time mailout-mailback census test needed for planning the 2000 census. The mailing operations for the proposed RAETT will be conducted through the U.S. Postal Service, using first-class postage rates for all pieces.

The RAETT will also include a Computer Assisted Telephone Interview (CATI) reinterview, which will compare individual responses collected on the self-enumeration forms to those collected in the CATI reinterview. Measures of response error will be generated from the reinterview to estimate the error associated with question wording.

Repeated callbacks will be made to each household to obtain a completed reinterview. The automatic call scheduler in the CATI instrument is designed to maximize response by optimizing the callback times based on prior call records for the household.

III. Data

OMB Number: Not Available

Form Number: DL-1A, DL-1B, DL-1C, DL-1D, DL-1E, and DL-1F.

Type of Review: Regular Submission.

Affected Public: Households and Individuals.

Estimated Number of Respondents: 90,000 Households.

Estimated Time Per Response: Mailout—10 minutes Reinterview—20 minutes.

Estimated Total Annual Burden Hours: Mailout—15,000 hours; Reinterview—15,000 hours.

Estimated Total Annual Cost: $2.2 Million.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 22, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

BILLING CODE 2510-07-P

ATTACHMENT A

11/9/95

PROPOSED RACE AND ETHNIC QUESTIONS FOR RAETT

CONTROL: Separate Race, Hispanic Origin	EXPERIMENTAL FORMS				
	Separate Race, Hispanic Origin			Combined Race, Hispanic Origin, Ancestry	
DL-1A	DL-1B	DL-1C	DL-1D	DL-1E	DL-1F
Modified 1990 Race Question	Separate w/ "multiracial or biracial" category	Separate w/ "Check more than one box"	Separate w/ "multiracial or biracial" category	Combined w/ "multiracial or biracial" category	Combined "Check more than one box"
Separate categories for: Indian (Amer.) Eskimo Aleut	Indian (Amer.) or Alaska Native category	Indian (Amer.) or Alaska Native category	Indian (Amer.) or Alaska Native category Native Hawaiian category		
Modified 1990 Hispanic origin Question	Separate	Separate	Separate		
1990 Census Sequence--Race followed by age, marital status, and then Hispanic origin	Hispanic origin first immediately followed by race	Hispanic origin first immediately followed by race	Race first immediately followed by Hispanic origin		

Note: Terminology for the Black and Hispanic Origin populations will be consistent across all panels.

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ATTACHMENT B

Form DL-1A

6. What is this person's race? Mark ☒ ONE box for the race that the person considers himself/herself to be.

- ☐ White
- ☐ Black, African Am., or Negro
- ☐ Indian (Amer.) – Print name of enrolled or principal tribe.
- ☐ Eskimo
- ☐ Aleut
- ☐ Chinese
- ☐ Filipino
- ☐ Hawaiian
- ☐ Korean
- ☐ Vietnamese
- ☐ Japanese
- ☐ Asian Indian
- ☐ Samoan
- ☐ Guamanian
- ☐ Other Asian or Pacific Islander – Print race, for example: Hmong, Fijian, Laotian, Thai, Tongan, Pakistani, Cambodian, and so on.
- ☐ Other race – Print race.

7. Is this person Spanish/Hispanic/Latino? Mark ☒ the "No" box if not Spanish/Hispanic/Latino.

- ☐ No, not Spanish/Hispanic/Latino
- ☐ Yes, Mexican, Mexican-Am., Chicano
- ☐ Yes, Puerto Rican
- ☐ Yes, Cuban
- ☐ Yes, other Spanish/Hispanic/Latino – Print one group, for example: Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.

Form DL-1B

Note: Please answer both Questions 5 and 6.

5. Is this person Spanish/Hispanic/Latino? Mark ☒ the "No" box if not Spanish/Hispanic/Latino.

- ☐ No, not Spanish/Hispanic/Latino
- ☐ Yes, Mexican, Mexican-Am., Chicano
- ☐ Yes, Puerto Rican
- ☐ Yes, Cuban
- ☐ Yes, other Spanish/Hispanic/Latino – Print one group.

6. What is this person's race? Mark ☒ ONE box for the race that the person considers himself/herself to be.

- ☐ White
- ☐ Black, African Am., or Negro
- ☐ Indian (Amer.) or Alaska Native (Print name of enrolled or principal tribe.)
- ☐ Chinese
- ☐ Filipino
- ☐ Hawaiian
- ☐ Korean
- ☐ Vietnamese
- ☐ Japanese
- ☐ Asian Indian
- ☐ Samoan
- ☐ Guamanian
- ☐ Other Asian or Pacific Islander – Print race.
- ☐ Some other race – Print race.
- ☐ Multiracial or biracial – Print races.

Form DL-1C

Note: Please answer both Questions 5 and 6.

5. Is this person Spanish/Hispanic/Latino? Mark ☒ the "No" box if not Spanish/Hispanic/Latino.

- ☐ No, not Spanish/Hispanic/Latino
- ☐ Yes, Mexican, Mexican-Am., Chicano
- ☐ Yes, Puerto Rican
- ☐ Yes, Cuban
- ☐ Yes, other Spanish/Hispanic/Latino – Print one group.

6. What is this person's race? Mark one or more races to indicate what this person considers himself/herself to be.

- ☐ White
- ☐ Black, African Am., or Negro
- ☐ Indian (Amer.) or Alaska Native (Print name of enrolled or principal tribe.)
- ☐ Chinese
- ☐ Filipino
- ☐ Hawaiian
- ☐ Korean
- ☐ Vietnamese
- ☐ Japanese
- ☐ Asian Indian
- ☐ Samoan
- ☐ Guamanian
- ☐ Other Asian or Pacific Islander – Print race.
- ☐ Some other race – Print race.

Form DL-1D

Note: Please answer both Questions 5 and 6.

5. What is this person's race? Mark ☒ ONE box for the race that the person considers himself/herself to be.

- ☐ White
- ☐ Black, African Am., or Negro
- ☐ Indian (Amer.) or Alaska Native (Print name of enrolled or principal tribe.)
- ☐ Native Hawaiian
- ☐ Chinese
- ☐ Filipino
- ☐ Korean
- ☐ Vietnamese
- ☐ Japanese
- ☐ Asian Indian
- ☐ Samoan
- ☐ Guamanian
- ☐ Other Asian or Pacific Islander – Print race.
- ☐ Some other race – Print race.
- ☐ Multiracial or biracial – Print races.

6. Is this person Spanish/Hispanic/Latino? Mark ☒ the "No" box if not Spanish/Hispanic/Latino.

- ☐ No, not Spanish/Hispanic/Latino
- ☐ Yes, Mexican, Mexican-Am., Chicano
- ☐ Yes, Puerto Rican
- ☐ Yes, Cuban
- ☐ Yes, other Spanish/Hispanic/Latino – Print one group.

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Form DL-1E

NOTE – Please answer both 4a and 4b.

4a. What is this person's race or origin? – Mark ☒ ONE box for the race or origin that this person considers himself/herself to be.

- ☐ White
- ☐ Black, African Am., or Negro
- ☐ Indian (Amer.) or Alaska Native (Print name of enrolled or principal tribe) ☞
- ☐ Asian or Pacific Islander
- ☐ Hispanic, Latino, or Spanish origin
- ☐ Multiracial or biracial
- ☐ Some other race

4b. What is this person's ancestry or ethnic group? For example, Italian, African Am., Mexican, Korean, Amer. Indian, Cape Verdean, Ecuadorian, Haitian, Lebanese, Nigerian, Polish, Samoan, Taiwanese, Ukrainian, or any other ancestry. ☞

Form DL-1F

NOTE – Please answer both 4a and 4b.

4a. What is this person's race or origin? – Mark one or more boxes to indicate what this person considers himself/herself to be.

- ☐ White
- ☐ Black, African Am., or Negro
- ☐ Indian (Amer.) or Alaska Native (Print name of enrolled or principal tribe) ☞
- ☐ Asian or Pacific Islander
- ☐ Hispanic, Latino, or Spanish origin
- ☐ Some other race

4b. What is this person's ancestry or ethnic group? For example, Italian, African Am., Mexican, Korean, Amer. Indian, Cape Verdean, Ecuadorian, Haitian, Lebanese, Nigerian, Polish, Samoan, Taiwanese, Ukrainian, or any other ancestry. ☞

[FR Doc. 95–29122 Filed 11–30–95; 8:45 a.m.]
BILLING CODE 3510–07–P

Mr. HORN. We are delighted to now welcome the ranking minority member for an opening statement. A quorum is present, and as others come in, we will ask them to make their statements before swearing in the witnesses.

Mrs. Maloney of New York.

Mrs. MALONEY. Thank you very much, Mr. Chairman, for holding this hearing on the census and how we measure race in the year 2000, the next century.

Today's Washington Post, in describing Tiger Woods, who made history winning the Master's, puts a personal identity on the issue before us today. He has been described as the first African-American to win the Master's. He, on the other hand, describes himself as having a mixed race identity. It is very difficult to ask a biracial couple to choose one race over another, but that is what is happening when we have to fill out the race question for their child.

At the same time, we live in a country where discrimination is a very real part of our world. We cannot do anything that makes it more difficult for our laws against discrimination to be enforced. I fully understand the difficulty facing the biracial couple when asked to choose "white" or "black" to identify their child. Such a choice flies in the face of the racial harmony their marriage symbolizes.

Today we will hear from many Members and experts on the issue. I particularly want to comment that Representatives Sawyer and Petri will be testifying, who worked very hard on this issue in the last Congress, and also Carrie Meek and Maxine Waters.

OMB Directive 15 provides the standards for the collection and presentation of data on race and ethnicity in all Federal programs and statistical activities. These categories are used for civil rights compliance, administrative reporting, and personal recordkeeping. The categories are also used in statistical reporting and surveys, like the current population survey, which provides employment and unemployment statistics.

If we look back to the record created by Representative Sawyer, it is clear that there are many people who are not happy with the race and ethnic categories we use today. Some question why "Hispanic" is not one of the race categories. Others question and want ethnicity left as a separate question, but want changes to the race category. The Hawaiian delegation wants Native Hawaiians counted as Native Americans and not as Asians. Some would have us drop the questions completely.

The record from the 103d Congress also shows that many people would prefer that the categories in Directive 15 be left unchanged. Some argue that the historical continuity is necessary for tracking progress in remedying discrimination. Others contend that all categories are arbitrary, and changing the categories would not solve anything. Others point out that the categories we use today are designed to be used in the enforcement of laws, like the civil rights law, the voting rights law, and that the proposed changes would make enforcing those laws impossible.

Whatever decision OMB makes, some people will be very unhappy with them. Part of the problem we are faced with is a riddle identified by Justice Harry Blackmon when he said, and I quote, "In order to get beyond racism, we must first take a count of race."

We must measure race in order to determine where and when discrimination exists.

We must measure race because discrimination still exists today. There are banks that continue to redline, insurance companies that continue to redline, and employers who refuse to hire or promote minorities. We read about it every day in the papers.

The task is made more difficult because there is no scientific basis for defining racial groups. Recent studies in genetics show that there is more variation within race groups than between them. If you pick two people at random within one of these groups, their genetic structure is more likely to be similar to someone in another racial group than to be like each other.

However as lawmakers, we are faced with the responsibility of making sure that our laws are enforced. Without clear, accurate, and consistent race categories, it is difficult, if not impossible, to prove that discrimination exists. Without data, it is impossible to provide a remedy.

I look forward to the panels today, and I thank the chairman for holding this hearing.

[The prepared statements of Hon. Carolyn B. Maloney and Hon. Danny K. Davis follow:]

Opening Statement of The Honorable Carolyn B. Maloney on Defining Race for Administrative and Statistical Purposes

April 23, 1997

Thank you, Mr. Chairman, for holding this important hearing on OMB Directive 15. I would like to thank Representatives Sawyer and Petri for coming to this hearing. The work they did in the 103rd Congress on this issue stands as an important milestone in the development of this issue. At that time, Rep. Sawyer was the Chairman of the Post Office and Civil Service Subcommittee on Census, Statistics, and Postal Personnel, and Rep. Petri was the Ranking Republican on the Subcommittee. If it had not been for the work they did, we would not be here today reviewing the possibility that OMB will change Directive 15.

OMB Directive 15 provides the standards for the collection and presentation of data on race and ethnicity in all Federal programs and statistical activities. These categories are used for civil rights compliance, administrative reporting, and general record keeping. The categories are also used in statistical reporting in surveys like the Current Population Survey which provides employment and unemployment statistics.

If we look back to the record created by Rep. Sawyer, it is clear that there many people are not happy with the race and ethnic categories we use today. Some question why Hispanic is not one of the race categories. Others want ethnicity left as a separate question, but want changes to the race category. The Hawaii delegation wants native Hawaiians counted as native Americans and not as Asians. Some would have us drop the questions completely.

The record from the 103rd Congress also shows that many people would prefer that the categories in Directive 15 be left unchanged. Some argue that the historical continuity is necessary for tracking progress in remedying discrimination. Others contend that all categories are arbitrary, and changing the categories would not solve anything. Still others point out that the categories we use today are designed to be used in the enforcement of laws like the Civil Rights law and the Voting Rights law, and that the proposed changes would make enforcing those laws impossible. Whatever decision OMB makes, some people will be very unhappy with them.

Part of the problem we are faced with is a conundrum identified by Justice Harry Blackmun who said "In order to get beyond racism, we must first take account of race." We must measure race in order to determine where and when discrimination exists. We must measure race, because discrimination still exists today. There are banks that continue to red line, and employers who refuse to hire or promote minorities.

The task is made more difficult because there is no scientific basis for defining racial groups. Recent studies in genetics show that there is more variation within "race" groups than between them. If you pick two people at random within one of these groups, their genetic structure is more likely to be similar to someone in another racial group, than to be like each other.

I fully understand the difficulty facing the biracial couple when asked to choose White or Black to identify their child. Such a choice flies in the face of the racial harmony their marriage symbolizes.

However, as law makers we are faced with the responsibility of making sure that our laws are enforced. Without clear, accurate, and consistent race categories, it is difficult, if not impossible, to prove that discrimination exists. Without those data, it is impossible to provide remedy.

We are awaiting the results from the Race and Ethnic Target Test, and we are awaiting OMB's decision on Directive 15. In the meantime, I would hope that we would explore ways that we could examine the interplay between race and ethnicity and ancestry in a more comprehensive fashion.

Congresswoman Morella has introduced H.Res. 38 which talks about the importance of collecting ancestry data in the census. I support that resolution and would urge each of you to cosponsor it. Perhaps in the context of asking ancestry on the long form, we can also ask a series of questions that help us understand the mix of race, ethnicity, and ancestry that constitute self identity for each of us.

Again, thank you Mr. Chairman for holding this hearing. I hope that in the future we will hear from the Administration on the results of the Race and Ethnic Targeted Test, and from the Department of Justice on how changes to Directive 15 would affect the enforcement of the Civil Rights Act, the Voting Rights Act, and the Equal Education Opportunity Act.

Committee on Government Reform and Management
Government Management, Information and Technology Subcommittee
Statement of Representative Danny K. Davis
April 23, 1997
Census 2000: How should the Federal Government
Measure Race and Ethnicity?

Good morning and thank you Mr. Chairman for allowing me this time to address some concerns. I would also like to thank all the panelists for coming here today and sharing your knowledge and expertise with us.

As some of you may know, I represent the 7th district in Illinois. Now that district is about 69% African American, 5% Latino, 5% Asian Pacific American and about 12% other. Thus, today's hearing is of particular importance to me.

It is my understanding that OMB will decide this summer whether or not to change the definitions of race used by the federal government. Thus, today's hearing is to focus on the possible change of directive 15 (which specifies the definitions of race and ethnicity for legal, administrative and statistical purposes). The possible change of this policy has many implications to it in that directive 15 is used throughout the government in policy making and is key to implementing numerous Federal laws.

Much of the discussion has been around whether to include a multiracial category. Although I understand the argument for the need to clarify the identity of multiracial individuals, I have concerns on how this process may boggle the issues of fairness and adherence to anti-discrimination and civil rights legislation.

Furthermore, there are other civil rights laws that would be almost impossible to administer should we change directive 15. For instance, the Voting Rights Act (VRA) which prohibits states from applying any standard for voting that will result in the abridgment of the right to vote "on account of race or color." Furthermore, Section 203 of the VRA which protects the language of minorities by requiring bilingual voting materials in certain areas could be difficult to enforce. This information determines which jurisdictions are required to provide bilingual voting assistance to Asian American, Latino, and Native American voters.

Information gathered on race is also used for

*Reviewing State and Local redistricting plans

*Establishing and evaluating Federal affirmative action plans and evaluating affirmative action and discrimination in the private sector

*Monitoring the access of minorities to home mortgage loans under the Home Mortgage Disclosure Act

*Enforcing the Equal Credit Opportunity Act

*Monitoring and enforcing desegregation plans in the public schools

*Assisting minority business under the minority business development programs

*Monitoring environmental degradation in minority communities

*Developing healthcare policies on issues such as childhood inoculation

Thus, I attest that there are many social implications to today's hearing in the need to recognize the role that race and/or racial classifications continue to play in the nation's social, political, cultural, legal and economic system .

Although I realize the personal nature of today's topic and also acknowledge the desire of those of multiracial heritage to be able to fully express themselves, I am worried about the adverse effects that the multiracial category may imbue. Since census information is used for civil rights enforcement and policy purposes and given that we, the federal government, do not currently have a method for ensuring accurate collection and analysis of results in a multiracial category, I am generally opposed to this issue being addressed in the Census 2000. Until a process to collect meaningful, accurate or specific racial and ethnic data that remedies past, current

and/or even prevent future discrimination is in place--- I feel that the multiracial category could jeopardize the civil rights of many minorities as well as provide inconsistent and damaging effects on overall racial counts.

I have concerns as to how the fusion of race and ethnicity would challenge the ability to administer and enforce civil rights laws against discrimination. I understand that a multiracial category may make sense for the first generation, but when you begin to look at it long term and those multiracial children marry others, their children are classified as multiracial.

Finally, there are significant numbers that say equality cannot be assured without measuring; yet, some contend that the very fact of measuring race fosters inequality. While there is no scientific basis for categorizing a person in one race or another, race as a social construct is very real.

Mr. HORN. As you know, we have a tradition on the Government Reform and Oversight Committee of swearing in all witnesses. I understand you are accompanied by Katherine Wallman. If you will identify her title, we will swear you both in. What is her title?

Ms. KATZEN. Chief Statistician of the United States.

Mr. HORN. Very good. If you would raise your right hands.

[Witnesses sworn.]

Mr. HORN. The clerk will note that both witnesses have affirmed.

The usual routine, as you know, Dr. Katzen, is to file your statement and then summarize it. Now, we're conscious of your time and that you have to leave at 10:30, so other opening statements of Members will be put in the record as if read, because we want to get to your testimony. So if you would summarize your statement in about 10 minutes or so, 15, then let's get to the questions.

STATEMENT OF SALLY KATZEN, ADMINISTRATOR, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, ACCOMPANIED BY KATHERINE WALLMAN, CHIEF STATISTICIAN OF THE UNITED STATES

Ms. KATZEN. Thank you very much, Mr. Chairman, and members of the subcommittee.

I, too, would like to thank you for holding this hearing on what I think is a very important and sensitive issue. I appreciate very much your inviting me to testify today about our review of OMB's Directive 15 on race and ethnic standards for Federal statistics and administrative reporting.

As you mentioned, accompanying me is Katherine Wallman, who serves as our Chief Statistician at OMB. And, again, I would like to thank you for accommodating my schedule so that I can appear at another hearing in this building later this morning.

As has been mentioned this morning, the standard in Directive 15 sets forth a minimum set of categories that are used across the Federal agencies for recordkeeping, collection, and presentation of data on race and ethnicity. As I outlined in my testimony to the House of Representatives in 1993, OMB adopted these categories in 1977, to facilitate, in some consistent fashion, the compilation of population data for statistical purposes, as well as for program administrative purposes.

The development of the categories at that time was largely influenced by legislative priorities of the 1960's and 1970's. In particular, the standard was designed to reflect the major population groups in this country that had historically experienced discrimination because of their race or ethnicity. The categories are thus a product of this Nation's political and social history, and they should not be viewed as having any anthropologic or scientific origin.

There are, as you mentioned, four categories for the collection of data on race: American Indian or Alaskan Native, Asian or Pacific Islander, black, and white. There are two categories for the collection of data on ethnicity: "Hispanic origin" and "Not of Hispanic origin."

While these categories represent the broad major population groups, the directive does not preclude the collection of more detailed data, as long as the additional information can be aggregated into the basic set of categories.

During the past 20 years, the common language provided by the categories has served the Federal agencies well, in terms of meeting their statistical, program, and more specialized needs for data on race and ethnicity in such areas as medical research. Yet, during the past 20 years, our country's population has become more racially and ethnically diverse, largely as a result of the growth in immigration and interracial marriages.

Consequently, the question has been raised as to whether the categories continue to produce useful information about our population. To answer that question, OMB committed, in 1993, to carrying out a comprehensive review of the categories, in cooperation with the Federal agencies that are the users and producers of data on race and ethnicity.

The review process has had two major parallel tracks: First, reflecting your view as well, the importance of public comment, we have had a process for obtaining public comment on the present standards, which has produced numerous suggestions for changing the standards; and second, research and testing related to assessing the possible effects of suggested changes on the quality and usefulness of the resulting data.

Our focus on research and testing should not obscure or detract from our clear understanding that this is a very sensitive subject. For some people, our directive does not simply represent a set of data categories for classifying characteristics of the population. The meaning and importance of the categories become very personal matters, when people provide data about their own or their family members' race and ethnicity on the decennial census or when registering their children for school.

Now, with respect to the first track, OMB has solicited public participation and comment by means of two Federal Register notices and four public hearings across the country, as well as many meetings and conferences. We also include in that category the hearings held by Congressman Sawyer in 1993 and would like to include these, as well, as contributing to our enlightenment.

This process, to date, has been very helpful in identifying more clearly several categories of concerns. The first, and the one that has received the most media attention, is the issue on how multiracial persons should be classified.

Currently, persons who are of mixed race and or racial origin are asked to select the category that most closely reflects the individual's recognition in his or her community. The one exception to this is, for the last decennial census, there was also the inclusion of the term "Other" for this purpose. That was designed to enable us to better understand those who previously had been nonresponsive on the question.

Public comment has included a request for a specific category called "Multiracial." Some want to specify the races and some do not, while others have requested an opportunity to identify one or more races, but not using a category called "Multiracial". In other words, an option to check several boxes but not have a separate "Multiracial" box.

Second, we have received a number of requests to expand the minimum set of categories by adding categories for population

groups such as Arabs or Middle Easterners, Cape Verdans, Creoles, European-Americans, and German-Americans.

Third, as you mentioned, the Native Hawaiians have indicated that they no longer want to be included in the Asian or Pacific Islander category. Some are asking that they be included in the same category as American Indians and Alaskan Natives, so that all indigenous peoples would be in the same category. Others have requested a separate category for Native Hawaiians alone. Based on the comments we have received, the American Indian and Alaskan Native organizations are opposed to the inclusion of Native Hawaiians in their category.

Fourth, we have received requests to eliminate the racial and ethnic categories from those who believe that the collection of such data serves to perpetuate an overemphasis on race in America and contributes to the fragmentation of our society.

The variety and range of suggestions for changing Directive 15 underscored to us the importance of having a set of general principles to govern the review process and to guide final decisions. The general principles that we are following are attached to my written testimony and include such items as emphasis on self-identification and respect for a person's dignity in the collection process; having concepts and terminology that are generally understood and accepted by the American people; having categories that are comprehensive in their coverage of the population; recognizing that there are burdens imposed on respondents and implementation costs, not only to the Federal agencies but also to State and local entities and to the private sector, from changes in the standards; and having a standard that is usable, not only for the decennial census, which is where we hear about this most frequently, but also for surveys and administrative records, including those data collections using observer identification.

With respect to the second track, several major national tests were developed, in cooperation with the Interagency Committee, to research and test a number of the suggested changes. Some of that research has been completed, and the highlights are discussed in my written testimony. You will be hearing from others testifying today about the issues that were addressed and what the results indicate about the possible impact on the population counts for the current categories.

We are awaiting a very important piece of research, the results of the Census Bureau's Race and Ethnic Targeted Test. When those findings become available, in early May, the research phase of the review will be completed. It will then be the task of the members of the Interagency Committee to take into account the substantial amount of public comment, evaluate that research results, and make recommendations to OMB that reflect their best professional and technical advice.

There will be one more opportunity for public input, because OMB will publish, for public comment, in the Federal Register the Interagency Committee's report and recommendations. This is targeted for early July 1997. We will then consider this round of public comment and announce our decision in mid-October 1997, so that changes, if any, in the racial and ethnic categories can be in-

cluded in the spring 1998 dress rehearsal for the year 2000 decennial census.

I would like to emphasize that we have made no interim decisions with respect to any of the requests or suggestions for changing how the Federal Government meets its needs for data on race and ethnicity. Further, the option remains open to retain the current minimum set of data categories, given that they have produced useful and consistent information for 20 years.

During the final phase of the review process, OMB, together with the Interagency Committee, will have to consider and assess how much of an improvement in the accuracy and relevance of the data may result from changes versus the impact of the changes on the historical comparability of data, the burden imposed on respondents, and the possible implementation cost to the Federal agencies, as well as to those at the State and local level, in the business community, and private sector organizations.

Finally, it is important to make clear what OMB is doing and not doing in carrying out our responsibilities under the Paperwork Reduction Act for standards and guidelines for classifying statistical data. OMB's role is not to define how an individual should identify himself or herself when providing data on race or ethnicity. Rather, we are trying to determine what categories for aggregating data on race and ethnicity facilitate the measuring and reporting of information on the social and economic conditions of our Nation's population groups, for use in formulating public policy.

In arriving at a decision, OMB will need to balance statistical issues that relate to the quality and utility of data, the Federal needs for data on race and ethnicity, including statutory requirements, and social concerns.

We truly welcome your interest in the review of the current set of categories. We appreciate having an opportunity to brief you on the events of the past 4 years, and we hope that we can count on your continuing interest and support as we arrive at a decision.

I would be happy to answer any questions you may have.

[The prepared statement of Ms. Katzen follows:]

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

STATEMENT OF SALLY KATZEN
ADMINISTRATOR
OFFICE OF INFORMATION AND REGULATORY AFFAIRS
OFFICE OF MANAGEMENT AND BUDGET
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
U.S. HOUSE OF REPRESENTATIVES

April 23, 1997

Mr. Chairman and members of the Subcommittee:

I appreciate your inviting me here today to discuss our comprehensive review of the Office of Management and Budget's (OMB) Statistical Policy Directive No. 15 on "Race and Ethnic Standards for Federal Statistics and Administrative Reporting." The standard in Directive No. 15 sets forth a minimum set of categories that are used governmentwide for recordkeeping, collection, and presentation of data on race and ethnicity. There are four categories for the collection of data on race that are defined in the current standard as follows:

- *American Indian or Alaskan Native* -- a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

- *Asian or Pacific Islander* -- a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

- *Black* -- a person having origins in any of the black racial groups of Africa.

- *White* -- a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

There are two categories for the collection of data on ethnicity -- *Hispanic origin* and *Not of Hispanic origin* -- that were included in the classification to implement the requirements of Public Law 94-311 of June 16, 1976, which called for the collection, analysis, and publication of economic and social statistics on persons of Spanish culture, origin, or descent. (See Appendix A for complete text of Directive No. 15.)

The categories represent a political-social construct designed to be used in the collection of racial and ethnic data about major broad population groups. The categories are a product of this Nation's political and social history and should not be interpreted as having anthropological or scientific origins. While it may be generally accepted that race is a socially constructed concept, there remains disagreement as to what the categories for collecting racial and ethnic data should be or should mean, especially in the context of the categories used in the decennial census. For some people, the meaning and the importance of the categories are very personal matters. For these individuals, our Directive is not simply a set of data categories for classifying characteristics of the population.

It is important to remember that new responsibilities to enforce civil rights laws were a major driving force for the development of the data standard in the 1970's. Data were needed to monitor equal access in areas such as housing, education, and employment opportunities, for population groups that historically had experienced discrimination and differential treatment because of their race or ethnicity. At the time the current categories were adopted by OMB in May 1977, they essentially reflected in many respects legislatively based priorities for data on particular population groups. Since their adoption, these categories have been used both for program administrative reporting in areas such as mortgage lending and access to health care services, and for statistical activities, such as the collection of demographic data in Federal surveys and the decennial census. The Directive explicitly states that the categories are not to be used for determining eligibility for participation in any Federal programs. Nevertheless, some Federal programs use the categories as a convenient way for identifying socially and economically disadvantaged groups.

1. Why Did OMB Undertake This Review?

During the past several years, Directive No. 15 has been criticized for not reflecting the increasing diversity of our Nation's population that has resulted primarily from growth in immigration and interracial marriages. In addition to acknowledging these demographic changes in our population, the review is timely in terms of implementing changes, *if any*, in the 2000 census. Lastly, since the 1977 standard has been in use for nearly 20 years, data users have had an opportunity to consider its utility for various analytic purposes.

When we last testified on the Directive in July 1993, OMB announced that it would undertake a comprehensive review of the categories in response to concerns about the adequacy of the standard. This review has been conducted over the last four years in collaboration with the Interagency Committee for the Review of the Racial and Ethnic Standards, which OMB established in March 1994 to facilitate the participation of the Federal agencies in the review. The members of the Committee, from more than 30 agencies, represent the many and diverse Federal needs for racial and ethnic data, including statutory requirements for such data.

The review process has had two major threads: (1) public comment on the present standards, which provided numerous suggestions for changing the standards; and (2) research and testing related to assessing the possible effects of suggested changes on the quality and usefulness of the resulting data.

2. How Has OMB Obtained Public Input?

Public input has been sought through a variety of means:

- During 1993, Congressman Thomas C. Sawyer, who at that time was Chairman of the House Subcommittee on Census, Statistics, and Postal Personnel, held four hearings

that included 27 witnesses, focusing particularly on the use of the categories in the 2000 census.

- At the request of OMB, the National Academy of Sciences' Committee on National Statistics conducted a workshop in February 1994, to articulate issues surrounding a review of the categories. The workshop included representatives of Federal agencies, academia, social science research institutions, interest groups, private industry, and a local school district.

- On June 9, 1994, OMB published a *Federal Register* (59 FR 29831-35) notice inviting public comment on the adequacy of the current categories; we received nearly 800 letters. As part of this comment period and to bring the review closer to the public, OMB also heard testimony from 94 witnesses at hearings held during July 1994 in Boston, Denver, San Francisco, and Honolulu.

- In an August 28, 1995, *Federal Register* (60 FR 44674-93) notice, OMB provided an interim report on the review process, including a summary of the public comments on the June 1994 *Federal Register* notice, and offered a final opportunity for public comment on the research to be conducted during 1996.

In addition to using the *Federal Register* to solicit public comment and to holding public hearings, I have made myself available for interviews with the media. My staff have also made themselves available to discuss the review process with various interested groups, have made presentations at a number of professional organization meetings, and have written several articles for *Chance* and *American Demographics*.

3. What Are the Most Controversial Issues?

We found the public comment letters and the hearings very helpful in identifying more

clearly four issues that are particularly controversial: These issues are:

- *Classification of Data on Multiracial Persons*. With respect to the classification of data on multiracial persons, some have requested a specific category called "multiracial" (some want to specify the races and some do not), while others have requested an opportunity to identify one or more races (but not using a category called "multiracial"). Currently, persons who are of mixed racial and/or ethnic origins are asked to select the category that most closely reflects the individual's recognition in his or her community.

- *Expansion of the Standard Categories*. Comments have included requests for additional categories for population groups such as Arabs/Middle Easterners, Cape Verdeans, Creoles, European Americans, and German Americans. (It should be noted that the current standard permits the collection of data on more detailed population groups as long as such detail is needed for programmatic purposes and can be aggregated to the broader categories.)

- *Classification of Data on Native Hawaiians*. Native Hawaiians have indicated that they no longer want to be included in the Asian or Pacific Islander category. Some support Senator Akaka's proposal to include the Native Hawaiians in the same category as the American Indians and Alaska Natives so that all indigenous peoples would be in the same category. Others support a separate category for the Native Hawaiians. In addition, the indigenous peoples of Guam and American Samoa want to be removed from the Asian and Pacific Islander category and reclassified along with Native Hawaiians. Based on the comments OMB received, American Indian and Alaskan Native organizations are opposed to the inclusion of Native Hawaiians in the American Indian or Alaskan Native category.

- *Elimination of Racial and Ethnic Categories*. Proponents of this view assert that the categories and the attendant data collections merely serve to perpetuate an over-emphasis on race in America and contribute to the fragmentation of our society. Opponents of this view express concerns about our ability to monitor social and economic objectives in the absence of regularly collected, comparable racial and ethnic data.

The variety and range of suggestions for changing Directive No. 15 proposed during the public comment period underscore the importance of having a set of general principles to govern the review process and to guide final decisions on future standards for classifying data on race and ethnicity. The General Principles for the Review of the Racial and Ethnic Categories presented in Appendix B to this statement were drafted by the Interagency Committee and were included in OMB's *Federal Register* notices for public comment. The agencies recognize that these principles may in some cases represent competing goals for the standards that will need to be reconciled during the decision making process. For example, having categories that are comprehensive in the coverage of our Nation's diverse population (Principle 4) and that would facilitate self-identification (Principle 2) may not be operationally feasible in terms of the burden that would be placed upon respondents and the public and private costs that would be associated with implementation (Principle 8).

4. What Research and Testing Have Been Done?

Because the categories are used not only to produce data on the demographic characteristics of the population, but also for civil rights enforcement and program administrative purposes, research to examine the possible effects of any proposed changes on the quality and comparability of the resulting data has been an essential component of the OMB review process. For that reason, the Interagency Committee's Research Working Group, which is co-chaired by the Bureau of the Census and the Bureau of Labor Statistics, reviewed the entire spectrum of criticisms and suggestions for changing the current categories.

Given that agency staff and funding for research and testing are very limited, the Research Working Group developed a research agenda for some of the more significant issues that have been identified. These issues included classifying data on persons of mixed racial heritage; combining race and Hispanic origin in one question or having separate questions on race and Hispanic origin; combining the concepts of race, ethnicity, and ancestry; changing the terminology used for particular categories; and adding new categories to the current minimum set. In addition, because the mode of data collection can have an effect on how a person responds, the research agenda addressed the issue of how a person responds when an interviewer collects the information (in an in-person interview or a telephone interview) versus how a person responds in a self-reporting situation, such as in the decennial census.

Cognitive research interviews were conducted to provide guidance on the wording of the questions and the instructions. For example, cognitive interviews were carried out with various groups, including rural Whites, urban and rural Blacks, Creoles, Asians, Hispanics, and American Indians. Individuals who have parents of different races also were interviewed. Among other things, it was important to obtain an estimate of the number of persons of mixed racial heritage who might choose a separate multiracial category; the presence of such a category could have an impact not only on the usefulness of the resulting data, but also on the population counts for groups specified in the current categories.

The research agenda included several major national tests during the last two years. In May 1995, the Bureau of Labor Statistics sponsored a Supplement on Race and Ethnicity to the Current Population Survey (CPS), the monthly survey better known for producing information on the employment situation. The Bureau of the Census, as part of its research for the 2000 census, tested alternative approaches to collecting data on race and ethnicity as part of the March 1996 National Content Survey (NCS). In June 1996, the Census Bureau conducted the Race and Ethnic Targeted Test (RAETT), which was designed to permit assessments of effects of possible changes on relatively smaller populations not reliably measured in national samples, including American Indians, Alaskan Natives, detailed Asian

and Pacific Islander groups (such as Chinese and Hawaiians) and detailed Hispanic groups (such as Puerto Ricans and Cubans). The Census Bureau is currently evaluating the RAETT results and expects to release a report on its findings in early May. The Census Bureau testimony will provide additional details about the NCS and the RAETT.

Thus far, from the results of the May 1995 CPS Supplement and the National Content Survey, we have learned that response to the Hispanic origin question (and hence the count of the Hispanic population) is improved when the Hispanic origin question is asked *before* the race question; that it is likely that approximately 1.0 to 1.5 percent of persons would identify as multiracial if given the opportunity to express their mixed-race heritage; that a multiracial response option is likely to reduce the proportion of the population reporting as American Indians and Alaskan Natives; and that since Asian and Pacific Islander responses were a substantial proportion of the write-ins to the multiracial category, we cannot rule out the possibility that a multiracial response option also may reduce the proportion of the population reporting as Asians and Pacific Islanders.

With respect to preferred terminology, test results indicate that the majority of Hispanic respondents chose "Hispanic"; a majority of Whites chose "White"; a large plurality of Blacks preferred the term "Black," but a substantial proportion chose "African-American"; about half of those identifying as American Indian preferred "American Indian," but over a third chose the more generic "Native American"; and almost 30 percent of those identifying as multiracial preferred the term "multiracial," but about as many had no preference.

The National Center for Education Statistics and the Office for Civil Rights in the Department of Education jointly conducted a survey of 1,000 public schools to determine how schools collect data on the race and ethnicity of their students and how the administrative records containing these data are maintained to meet statutory requirements for reporting aggregate information to the Federal Government. Public interest in the Federal uses of the categories has been heightened by parents of mixed-race children who do not like having to

choose only one of the standard categories to identify their children's race or ethnicity when registering them for school. Other than the self-reporting of data on race and ethnicity in the context of the decennial census, school registration is probably the second most personal encounter that individuals may have with the Federal Government's collection of data on race and ethnicity. The results of this national survey indicated that the majority of public schools use only the standard Federal categories to classify the race and ethnicity of students. It also indicated that a general "multiracial" category is being used by about 5 percent of schools to collect data on race and ethnicity, and that usually the central district office handles the task of aggregating these data and distributing them among the standard Federal categories before reporting the data to the Federal Government.

The research agenda has also included studies conducted by the National Center for Health Statistics, the Office of the Assistant Secretary for Health, and the Centers for Disease Control and Prevention to evaluate the procedures and the quality of the administrative records data on race and ethnicity as reported on birth certificates and recorded on death certificates. Since these data are used in studies of diseases and of the health and well being of the major population groups, it is important to be aware of the possible impact of the suggested changes on data needed for medical and health research.

5. When Will OMB Complete the Review?

Between now and mid-October, OMB, in cooperation with the Interagency Committee, will be bringing to a close the comprehensive review of the Federal categories used for classifying data on race and ethnicity. OMB's decision will take into account the substantial public comment we have received and the evaluations of the results from the May 1995 CPS supplement, the 1996 National Content Survey, the 1996 Race and Ethnic Targeted Test, and other related research. OMB is planning to publish for public comment a *Federal Register* notice containing the Interagency Committee's report and recommendations to OMB in early July 1997. Public comment on this notice will be considered in the decision making process.

OMB expects to announce its decision in mid-October 1997 so that changes, *if any*, in the racial and ethnic categories can be included in the Spring 1998 "dress rehearsal" for the 2000 census.

I would like to emphasize that we have made no interim decisions with respect to any of the requests and suggestions for changing how the Federal Government meets its needs for data on race and ethnicity. Further, the option remains to retain the current minimum set of data categories, given that they have produced useful information for 20 years. In July 1993, OMB agreed to undertake the sensitive and significant task of reviewing the current categories to determine if changes would be useful in the context of the Federal Government's many different needs for data on race and ethnicity, including statutory requirements. OMB, together with the Interagency Committee, will have to consider and assess how much of an improvement in the accuracy and relevance of the data may result from changes versus the impact of changes on the historical comparability of data, the burden imposed on respondents, and the possible implementation costs to the Federal agencies as well as to those at the State and local government levels, in the business community, and in private sector organizations.

Finally, it is important to make clear what OMB is doing and not doing in carrying out its responsibilities under the Paperwork Reduction Act for standards and guidelines for classifying statistical data. OMB's role is not to define how an individual should identify himself or herself when providing data on race and ethnicity. Rather, we are trying to determine what categories for aggregating data on race and ethnicity facilitate the measuring and reporting of information on the social and economic conditions of our Nation's population groups for use in formulating public policy. In arriving at a decision, OMB will need to balance statistical issues that relate to the quality and utility of data, the Federal needs for data on race and ethnicity including statutory requirements, and social concerns.

In summary, we welcome your interest in the review of the current set of categories. We appreciate having an opportunity to brief you on the events of the past four years,

particularly since we are approaching the completion of the review. We hope that we can count on your continuing support and interest as we arrive at a decision.

For the record, we are attaching to my statement the April 1975 *Report of the Ad Hoc Committee on Racial and Ethnic Definitions* of the Federal Interagency Committee on Education, and a copy of an article entitled, "Race and Ethnic Standards for Federal Statistics and Administrative Reporting," both of which provide background information and the context for the development of the current set of Federal categories (Appendix C).

I would be pleased to answer any questions that you may have.

Attachments

Additional Readings

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Wallman, Katherine K. And John Hodgdon. "Race and Ethnic Standards for Federal Statistics and Administrative Reporting," *Statistical Reporter*, July 1977, 00. 450-454.

APPENDIX A

DIRECTIVE NO. 15

RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING

(as adopted on May 12, 1977)

This Directive provides standard classifications for record keeping, collection, and presentation of data on race and ethnicity in Federal program administrative reporting and statistical activities. These classifications should not be interpreted as being scientific or anthropological in nature, nor should they be viewed as determinants of eligibility for participation in any Federal program. They have been developed in response to needs expressed by both the executive branch and the Congress to provide for the collection and use of compatible, nonduplicated, exchangeable racial and ethnic data by Federal agencies.

1. Definitions

The basic racial and ethnic categories for Federal statistics and program administrative reporting are defined as follows:

a. American Indian or Alaskan Native. A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliations or community recognition.

b. Asian or Pacific Islander. A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

c. Black. A person having origins in any of the black racial groups of Africa.

d. Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

e. White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

2. Utilization for Record keeping and Reporting

To provide flexibility, it is preferable to collect data on race and ethnicity separately. If separate race and ethnic categories are used, the minimum designations are:

a. Race:

- American Indian or Alaskan Native
- Asian or Pacific Islander
- Black
- White

b. Ethnicity:

- Hispanic origin
- Not of Hispanic origin

When race and ethnicity are collected separately, the number of White and Black persons who are Hispanic must be identifiable, and capable of being reported in that category.

If a combined format is used to collect racial and ethnic data, the minimum acceptable categories are:

American Indian or Alaskan Native
Asian or Pacific Islander
Black, not of Hispanic origin
Hispanic
White, not of Hispanic origin.

The category which most closely reflects the individual's recognition in his community should be used for purposes of reporting on persons who are of mixed racial and/or ethnic origins.

In no case should the provisions of this Directive be construed to limit the collection of data to the categories described above. However, any reporting required which uses more detail shall be organized in such a way that the additional categories can be aggregated into these basic racial/ethnic categories.

The minimum standard collection categories shall be utilized for reporting as follows:

a. Civil rights compliance reporting. The categories specified above will be used by all agencies in either the separate or combined format for civil rights compliance reporting and equal employment reporting for both the public and private sectors and for all levels of government. Any variation requiring less detailed data or data which cannot be aggregated into the basic categories will have to be specifically approved by the Office of Management and Budget (OMB) for executive agencies. More detailed reporting which can be aggregated to the basic categories may be used at the agencies' discretion.

b. General program administrative and grant reporting. Whenever an agency subject to this Directive issues new or revised administrative reporting or recordkeeping requirements which include racial or ethnic data, the agency will use the race/ethnic categories described above. A variance can be specifically requested from OMB, but such a variance will be granted only if the agency can demonstrate that it is not reasonable for the primary reporter to determine the racial or ethnic background in terms of the specified categories, and that such determination is not critical to the administration of the program in question, or if the specific program is directed to only one or a limited number of race/ethnic groups, e.g., Indian tribal activities.

c. Statistical reporting. The categories described in this Directive will be used at a minimum for federally sponsored statistical data collection where race and/or ethnicity is required, except when: the collection involves a sample of such size that the data on the smaller categories would be unreliable, or when the collection effort focuses on a specific racial or ethnic group. A repetitive survey shall be deemed to have an adequate sample size if the racial and ethnic data can be reliably aggregated on a biennial basis. Any other variation will have to be specifically authorized by OMB through the reports clearance process. In those cases where the data collection is not subject to the reports clearance process, a direct request for a variance should be made to OMB.

3. Effective Date

The provisions of this Directive are effective immediately for all new and revised recordkeeping or reporting requirements containing racial and/or ethnic information. All existing recordkeeping or reporting requirements shall be made consistent with this Directive at the time they are submitted for extension, or not later than January 1, 1980.

4. Presentation of Race/Ethnic Data

Displays of racial and ethnic compliance and statistical data will use the category designations listed above. The designation "nonwhite" is not acceptable for use in the presentation of Federal Government data. It is not to be used in any publication of compliance or statistical data or in the text of any compliance or statistical report.

In cases where the above designations are considered inappropriate for presentation of statistical data on particular programs or for particular regional areas, the sponsoring agency may use:

(1) The designations "Black and Other Races" or "All Other Races," as collective descriptions of minority races when the most summary distinction between the majority and minority races is appropriate;

(2) The designations "White," "Black,"and "All Other Races" when the distinction among the majority race, the principal minority race and other races is appropriate; or

(3) The designation of a particular minority race or races, and the inclusion of "Whites" with "All Other Races," if such a collective description is appropriate.

In displaying detailed information which represents a combination of race and ethnicity, the description of the data being displayed must clearly indicate that both bases of classification are being used.

When the primary focus of a statistical report is on two or more specific identifiable groups in the population, one or more of which is racial or ethnic, it is acceptable to display data for each of the particular groups separately and to describe data relating to the remainder of the population by an appropriate collective description.

Appendix B

General Principles for the Review of the Racial and Ethnic Categories

1. The racial and ethnic categories set forth in the standard should not be interpreted as being primarily biological or genetic in reference. Race and ethnicity may be thought of in terms of social and cultural characteristics as well as ancestry.

2. Respect for individual dignity should guide the processes and methods for collecting data on race and ethnicity; ideally, respondent self-identification should be facilitated to the greatest extent possible, recognizing that in some data collection systems observer identification is more practical.

3. To the extent practicable, the concepts and terminology should reflect clear and generally understood definitions that can achieve broad public acceptance. To assure they are reliable, meaningful, and understood by respondents and observers, the racial and ethnic categories set forth in the standard should be developed using appropriate scientific methodologies, including the social sciences.

4. The racial and ethnic categories should be comprehensive in coverage and produce compatible, nonduplicated, exchangeable data across Federal agencies.

5. Foremost consideration should be given to data aggregations by race and ethnicity that are useful for statistical analysis and program administration and assessment, bearing in mind that the standards are not intended to be used to establish eligibility for participation in any Federal program.

6. The standards should be developed to meet, at a minimum, Federal legislative and programmatic requirements. Consideration should also be given to needs at the State and local government levels, including American Indian tribal and Alaska Native village governments, as well as to general societal needs for these data.

7. The categories should set forth a minimum standard; additional categories should be permitted provided they can be aggregated to the standard categories. The number of standard categories should be kept to a manageable size, as determined by statistical concerns and data needs.

8. A revised set of categories should be operationally feasible in terms of burden placed upon respondents; public and private costs to implement the revisions should be a factor in the decision.

9. Any changes in the categories should be based on sound methodological research and should include evaluations of the impact of any changes not only on the usefulness of the resulting data but also on the comparability of any new categories with the existing ones.

10. Any revision to the categories should provide for a crosswalk at the time of adoption between the old and the new categories so that historical data series can be statistically adjusted and comparisons can be made.

11. Because of the many and varied needs and strong interdependence of Federal agencies for racial and ethnic data, any changes to the existing categories should be the product of an interagency collaborative effort.

12. Time will be allowed to phase in any new categories. Agencies will not be required to update historical records.

13. The new directive should be applicable throughout the U.S. Federal statistical system. The standard or standards must be usable for the decennial census, current surveys, and administrative records, including those using observer identification.

APPENDIX C

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

REPORT OF THE AD HOC COMMITTEE ON RACIAL AND ETHNIC DEFINITIONS

April 1975

Preface

The Federal Interagency Committee on Education (FICE) was created by Executive Order in 1964 and currently operates under an updated mandate, Executive Order 11761, issued in January 1974. FICE's functions are to improve coordination of the educational activities of Federal agencies, to identify the Nation's educational needs and goals, and to advise and make recommendations on educational policy to the Secretary of Health, Education, and Welfare and, through him, to heads of other agencies and the President.

More than 30 Federal agencies are either members of FICE or regular participants in its activities. Most of FICE's work is carried out through subcommittees which deal with specific areas such as graduate education, educational technology, educational consumer protection, environmental education, education and work, and minority education. At its monthly meetings, FICE reviews and acts upon recommendations from its subgroups and arranges for their implementation.

The Report of the Ad Hoc Committee on Racial and Ethnic Definitions represents the culmination of one of FICE's most important coordinating tasks. The Ad Hoc Committee has developed terms and definition for basic categories for Federal agencies to use when collecting, reporting, and maintaining data on race and ethnicity. The categories are the product of considerable discussion, disagreement, give-and-take, and compromise on the part of Ad Hoc Committee members. They are to be commended for their determined efforts in this very difficult area.

On April 23, 1975, the Federal Interagency Committee on Education endorsed the Ad Hoc Committee's recommendations. This report reflects the minor changes FICE made in the five basic racial/ethnic categories at that meeting.

Background

In April 1973, the FICE Subcommittee on Minority Education completed a report entitled, *Higher Education for Chicanos, Puerto Ricans, and American Indians*. FICE endorsed the report and its recommendations and forwarded them to HEW Secretary Caspar Weinberger for comment.

Secretary Weinberger showed particular interest in the portion of the report which deplored the lack of useful data on racial and ethnic groups. He encouraged implementation of the second recommendation to "... coordinate development of common definitions for racial and ethnic groups; (2) instruct the Federal agencies to collect racial and ethnic enrollment and other educational data on a compatible and nonduplicative basis." To undertake this effort, FICE, in June 1974, created an Ad Hoc Committee on Racial and Ethnic Definitions. Charles E. Johnson, Jr., Assistant Chief, Population Division, Bureau of the Census, was named Chairman. Federal agencies with major responsibilities for the collection or use of racial and ethnic data were invited to participate.

Although the report of the Subcommittee on Minority Education dealt only with people of Spanish and American Indian origins, the Ad Hoc Committee determined that useful racial and ethnic data collection would require reference to a broad range of race and ethnicity. It therefore took on the task of determining and describing the major groups to be identified by Federal agencies when collecting and reporting racial and ethnic data. Although

the Committee recognized that there frequently is a relationship between language and ethnicity, it made no attempt to develop a means of identifying persons on the basis of their primary language.

The Ad Hoc Committee developed what it views as an integrated scheme of terms and definitions, conceptually sound, which can be applied to cover major categories of race and ethnicity and be used by all agencies to help meet their particular data requirements. This is important in view of the interagency nature of the Ad Hoc Committee's mandate and the variety of data collection needs of Federal agencies.

Recommended categories are shown below, followed by a discussion of the factors considered in arriving at each heading and definition. Since the categories reflect the views of a majority, rather than a consensus, of the Ad Hoc Committee, minority views are included in the discussion.

Recommended Categories

1. **American Indian or Alaskan Native** -- ***A person having origins in any of the original peoples of North America.***

Some Ad Hoc Committee members felt that the definition should refer to "original peoples of the Western Hemisphere" to provide for the inclusion in this category of South American Indians. The Committee eventually agreed, however, that the number of the South American Indians in this country is small, and to include them might present data problems for agencies concerned with "Federal Indians," or those eligible for U.S. Government benefits.

Members agreed that the category may, at the option of the user, include a provision for responses indicating tribal affiliation of American Indians. In Alaska, the category may provide for identification of Aleuts and Eskimos as well as specific American Indian tribe.

2. **Asian or Pacific Islander** – ***A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Islands, and Samoa.***

This category presented a major problem to the Ad Hoc Committee in terms of where to draw the geographic line -- east or west of the Indian subcontinent. The decision was east, which limits this category to peoples with origins formerly called "Oriental" and to natives if the Pacific Islands.

3. **Black** -- ***A person having origins in any of the black racial groups of Africa.***

Midway through its deliberations, the Ad Hoc Committee agreed that the definition for this category should be "A person having origins in any of the black racial groups." The majority thinking eventually changed for two reasons: (1) The other racial categories are based on the premise that each race originated in a particular area of the world; to be compatible, this category should also specify an area; (2) Adding a reference to Africa in the definition was a compromise for dropping such a reference from the heading. Although some members felt an alternative heading such as "Afro-American" should be added for this category, most thought that headings should not reflect nationality.

4. **Caucasian/White** -- ***A person having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian subcontinent.***

The major problem associated with this category, as with the "Asian..." category (above) was how to deal with persons from the Indian subcontinent. The question at issue was whether to include them in the minority category "Asian..." because they come from Asia and some are victims of discrimination in this country, or to include

them in this category because they are Caucasians, though frequently of darker skin than other Caucasians. The final decision favored the latter. While evidence of discrimination against Asian Indians exists, it appears to be concentrated in specific geographical and occupational areas. Such persons can be identified in these areas through the use of a subcategory for their ethnic subgroup.

Many members feel that this category calls for use of the term "White" either in conjunction with or instead of "Caucasian" in the heading because it will be more readily understood by survey respondents and the general public than "Caucasian" alone.

A minority position, expressed by members working in the civil rights area, is that the other four categories are for the principal minority groups in the United States, so this category should be for all persons who are not members of those minority groups. Their view is that the heading should be "Persons not included in the other four categories."

5. Hispanic -- ***A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.***

Once members agreed that it would be inappropriate to refer to Spanish language or surname for purposes of identifying people to be counted in this category, they decided not to use the term "Spanish" in the heading at all. The term "Hispanic" was selected because it was thought to be descriptive of and generally acceptable to the groups to which it is intended to apply. Representatives of one agency, however, still prefer "Spanish" to "Hispanic."

The minority view concerning the "Hispanic' category concerns its relationship to all the other categories. Some Ad Hoc Committee members feel that the "Caucasian..." and "Black..." category headings should contain the modifier "not of Hispanic origin" to ensure that all Hispanics are reported in the "Hispanic" (ethnic) category rather than any other (racial) category. Since this is basically a procedural, rather than definitional, matter, it is discussed in the "Suggested Applications..." section below.

Observer vs. Self-Identification

The Ad Hoc Committee feels that whenever possible, it is preferable for an individual to identify his racial or ethnic background himself. There are instances, however, where this is not feasible, such as for the HEW Office for Civil Rights school compliance surveys. In such cases, an observer's determination of an individual's race or ethnic heritage must be accepted. If such information is to go into an individual's personal record to be kept on file, the self-identification method should always be used to obtain the data.

Suggested Applications and Procedures for Use of Categories

As stated in the opening paragraphs of this report, the charge to the Ad Hoc Committee directed it to develop term and definitions for collection of racial and ethnic data by Federal agencies "on a compatible and nonduplicative basis." This instruction conveys the responsibility for establishment of guidelines on how the proposed categories are to be applied in specific situations. Again, in the words of a member, the Ad Hoc Committee "... can perform a real service by assuring that whatever categories the different agencies use they can be aggregated, disaggregated, or otherwise combined so that the data developed by one agency can be used in conjunction with the data developed by another agency."

There are essentially two ways to collect the data and the categories suggested above can be used for either. Both are acceptable, but the Committee does not feel it can recommend the use of one over the other until both are field tested. The first alternative involves the use of five mutually exclusive categories. This format is particularly suitable for observer identification. Using the recommended terms and definitions (above), the array of categories

would be as follows:

Racial/Ethnic Information
Hispanic
American Indian or Alaskan Native
Asian or Pacific Islander
Black/Negro, not of Hispanic origin
Caucasian/White, not of Hispanic origin

The HEW Office for Civil Rights, Equal Employment Opportunity Commission, and Office of Federal Contract Compliance utilize this format because they need to be able to aggregate data on the minority groups with which they are concerned. There is no way of identifying or separating individuals of different races included in the Hispanic category; however, an Hispanic representative on Ad Hoc Committee points out that "Hispanics see themselves an one group ethnically and culturally despite the racial variety within the group."

The following two-question format illustrates the second alternative:

1. What is your racial background?
   ___American Indian or Alaskan Native
   ___Asian or Pacific Islander
   ___Black/Negro
   ___Caucasian/White

2. Is your ethnic heritage Hispanic?
   ___Yes ___No

The Bureau of the Census collects its data roughly along these lines via self-identification. This alternative also provides the kind of data needed by an agency like the Indian Health Service, for example, which requires information on Hispanic American Indians who are eligible for assistance under its program. Certain other agencies need data on Black vs. Caucasian Hispanics. This system provides greater flexibility for interchange of data because figures can be tabulated a number of different ways without double counting. Concern was expressed that some agencies might attempt to use this format without either recognizing the need to eliminate duplication or developing the ability to do so. The avoidance of duplication is essential if the two-question format is used to collect data.

Summary data on the basic categories can be kept according to the following matrix. Subgroups consistent with these major categories may be added as necessary and/or appropriate (see following section on subgroups):

	Hispanic	Not Hispanic	Total
American Indian or Alaskan Native			
Asian or Pacific Islander			
Black/Negro			
Caucasian/White			
TOTAL			

Subgroups

The Ad Hoc Committee feels that agencies should be free to subdivide the five basic categories into particular ethnic groups as needed. One Committee member noted, "The fineness of any ethnic breakdown should be a function of the users' needs ... For small areas in which a user wants data on specified groups ... without a complete census ... there could be geographically restricted surveys with high sampling rates.... The impetus for such special surveys might come from complaints of discrimination filed with Federal, State, or local governments."

Although the Committee agreed not to try to identify all the possible ethnic subgroups in each category, a few examples follow. The "American Indian or Alaskan Native" category, as described above, could have an additional question asking for tribal affiliation or Alaskan Native group. The "Asian ..." category may be broken into subcategories "Chinese, Japanese, Korean, Filipino, Hawaiian, or Samoan." The "Caucasian ..." category may be divided into such subgroups as "Asian Indian, Italian, Polish, or Russian," while the "Hispanic" category may ask for specific data on "Mexican, Cuban, Puerto Rican," and the like. If the identified subgroups do not cover all possible subgroups of the major category, the final subgroup should be "Other (name of category)_____" or "Other (specify)_____," depending on the purpose of the survey.

It is important to remember that data within major categories may be combined as needed, but data from one major category may never be combined with data from any other major categories without loss of comparability.

Consideration of an "Other" Category

The Ad Hoc Committee considered the possibility of creating a category, "Other," principally for individuals of mixed racial backgrounds and those who want the option of specifically stating a unique identification. Most Committee members opposed the use of an "Other" category because it would complicate a survey and add to its costs. The Committee conceded, however, that the use of the "Other" category may be appropriate in instances where the self-identification method is used to collect data. When an "Other" category is used, the respondent must be required to specify the group with which he or she identifies. The Committee suggests that the number of legitimate responses in this category is likely to be small, particularly if the basic five categories are property drawn and used. The use of an "Other" category requires the ability to edit "Other" responses carefully. Those which belong in the basic categories should be removed from this one. The number of responses in an "Other" category must be kept as small as possible or the usefulness of the survey would be adversely affected.

The Committee took the position that an "Other" category is undesirable in instances where observer identification is used to collect data because of (1) the likelihood that the observer will over-use it, and (2) the complications and costs which the category would add to the survey. For a survey to be complete, an observer must always take a decision, based on his own perceptions, about the most appropriate category in which to report an individual.

Exchange of Data

Regardless of the method of collection, when data are exchanged among agencies, the collection instrument should be included as a means of informing users of the collection procedures and, hence, the degree of comparability with data from other sources.

Recommendations

The following recommendations of the Ad Hoc Committee on Racial and Ethnic Definitions were endorsed by the Federal Interagency Committee on Education on April 23, 1975:

1. FICE endorses the following five basic categories for collection and reporting of racial and ethnic data by all Federal agencies:

   a. ***American Indian or Alaskan Native*** -- A person having origins in any of the original peoples of North America
   b. ***Asian or Pacific Islander*** -- A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.
   c. ***Black/Negro*** -- A person having origins in any of the black racial groups of Africa.
   d. ***Caucasian/White*** -- A person having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian subcontinent.
   e. ***Hispanic*** -- A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

2. FICE will request the Bureau of the Census to develop and conduct a field test to validate the recommended five basic categories, using several different questionnaire formats and wordings, and including a review of OMB-approved Federal reports currently in use. (Note: The Committee further recommends that a representative group of Ad Hoc Committee members have input into development of the field test based on the needs and desires of the agencies represented on the Committee.)

3. Upon completion of the field test, the Ad Hoc Committee will reconvene to review the results and, if necessary, consider alternatives and revised recommendations to FICE. Such recommendations should include guidance on a common collection procedure to be used by all Federal agencies to maximize compatibility of racial and ethnic data.

4. After FICE endorses final recommendations of the Ad Hoc Committee, the Chairman will transmit the categories and procedures to the Director of the Office of Management and Budget with the recommendation that they be promulgated throughout the Federal Government as a standard to be used whenever an agency collects or reports data about race and/or ethnicity.

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Race and Ethnic Standards for Federal Statistics and Administrative Reporting

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On May 12, 1977, the Office of Management and Budget issued Revised Exhibit F to OMB Circular No. A-46. This exhibit sets forth standard race and ethnic categories and definitions for Federal statistics and administrative reporting. The issuance of the revised exhibit culminates a multiyear interagency effort to standardize the collection and publication of data on race and ethnicity by the Federal Government.

Background

More than 3 years ago, several Federal agencies responsible for the collection of information from education agencies and institutions recognized that their reporting requirements with respect to racial and ethnic data, while essentially similar, were marked by minor differences in categories and definitions. These variations resulted in increased burden on the respondents, who were forced to maintain separate records to meet each of a number of Federal agency requirements, as well as in noncomparability of data across Federal agencies. Under the auspices of the Federal Interagency Committee on Education (FICE), a task group was formed to develop a single set of racial and ethnic categories and definitions to be used in reporting from education agencies and institutions. In Spring 1975, agreement was reached by the Office of Management and Budget (OMB), the General Accounting Office (GAO), the DHEW Office for Civil Rights, and the Equal Employment Opportunity Commission to use the draft FICE categories for a trial period of at least 1 year. This trial was undertaken to test the new categories and definitions and to determine what problems, if any, would be encountered in their implementation.

At the end of the test period, OMB and GAO convened an *Ad Hoc* Committee on Racial/Ethnic Categories to review the experience of the agencies which had implemented the standard categories and definitions and to discuss any potential problems which might be encountered in extending the agreement to all Federal agencies. This Committee, which met in August 1976, included representatives of OMB, GAO, the Department of Justice, the Department of Labor, the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, the Bureau of the Census, and the Equal Employment Opportunity Commission. Based upon the discussion in that meeting, the Office of Management and Budget prepared minor revisions to the FICE definitions and circulated the proposed final draft for agency comment. These revised categories and definitions became effective in September 1976 for all compliance recordkeeping and reporting required by the Federal agencies represented on the *Ad Hoc* Committee. Because many of the affected agencies already had forms in the field, and because lead time was required for respondents to change their recordkeeping systems, it was agreed that the changes would be implemented when existing forms were submitted for extension, or when new or revised forms were submitted for clearance. Changes were not required on forms which had already been approved for use until such documents were revised or expired.

Revision of Exhibit F, Circular No. A–46

Based upon the interagency agreement, the Statistical Policy Division of the Office of Management and Budget initiated action to revise exhibit F to OMB Circular No. A–46 to formalize and extend the standardization of racial and ethnic data collection and presentation. The draft exhibit was distributed for review to participants in the *Ad Hoc* Committee, as well as to other agencies which had expressed interest in its contents. Following receipt of comments and incorporation of suggested modifications, the exhibit was prepared in final form. On May 12, 1977, the revised exhibit was signed by the Director of the Office of Management and Budget and issued to the heads of executive departments and establishments.

Revised exhibit F was prepared and issued to standardize racial and ethnic data which are collected and published by Federal agencies. The exhibit provides standard classifications for recordkeeping, collection, and presentation of data on race and ethnicity in Federal program administrative reporting and statistical activities. The following lists the highlights of revised exhibit F:

- Revised exhibit F provides, for the first time, standard categories and definitions for use at the Federal level in reporting on racial and ethnic groups.
- The provisions of revised exhibit F extend, in general, to all forms of Federal recordkeeping and reporting which involve the collection and presentation of racial and ethnic data.
- Revised exhibit F provides a minimum standard, which can be adapted by individual agencies which need more detailed data for specific purposes.
- The requirements of revised exhibit F extend beyond presentation of data to the recording and collection of information.
- Revised exhibit F is effective immediately for all new or revised recordkeeping and reporting. All existing data collections must be made consistent with the exhibit at the time they are submitted for renewal of clearance, or not later than January 1, 1980.

The full text of revised exhibit F is reprinted below.

REVISED EXHIBIT F
RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING

Purpose: This exhibit provides standard classifications for recordkeeping, collection, and presentation of data on race and ethnicity in Federal program administrative reporting and statistical activities. These classifications should not be interpreted as being scientific or anthropological in nature, nor should they be viewed as determinants of eligibility for participation in any Federal program. They have been developed in response to needs expressed by both the executive branch and the Congress to provide for the collection and use of compatible, nonduplicated, exchangeable racial and ethnic data by Federal agencies.

Definitions: The basic racial and ethnic categories for Federal statistics and program administrative reporting are defined as follows:

1. *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
2. *Asian or Pacific Islander.* A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.
3. *Black.* A person having origins in any of the black racial groups of Africa.
4. *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
5. *White.* A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Utilization for Recordkeeping and Reporting: To provide flexibility, it is preferable to collect data on race and ethnicity separately. If separate race and ethnic categories are used, the minimum designations are:

a. Race:
—American Indian or Alaskan Native
—Asian or Pacific Islander
—Black
—White

b. Ethnicity:
—Hispanic origin
—Not of Hispanic origin

When race and ethnicity are collected separately, the number of White and Black persons who are Hispanic must be identifiable, and capable of being reported in that category.

If a combined format is used to collect racial and ethnic data, the minimum acceptable categories are:

American Indian or Alaskan Native
Asian or Pacific Islander
Black, not of Hispanic origin
Hispanic
White, not of Hispanic origin.

The category which most closely reflects the individual's recognition in his community should be used for purposes of reporting on persons who are of mixed racial and/or ethnic origins.

In no case should the provisions of this exhibit be construed to limit the collection of data to the categories described above. However, any reporting required which uses more detail shall be organized in such a way that the additional categories can be aggregated into these basic racial/ethnic categories.

The minimum standard collection categories shall be utilized for reporting as follows:

Civil rights compliance reporting: The categories specified above will be used by all agencies in either the separate or combined format for civil rights compliance reporting and equal employment reporting for both the public and private sectors and for all levels of government. Any variation requiring less detailed data or data which cannot be aggregated into the basic categories will have to be specifically approved by the Statistical Policy Division of OMB for executive agencies. More detailed reporting which can be aggregated to the basic categories may be used at the agencies' discretion.

General program administrative and grant reporting: Whenever an agency subject to this circular issues new or revised administrative reporting or recordkeeping requirements which include racial or ethnic data, the agency will use the race/ethnic categories described above. A variance can be specifically requested from the Statistical Policy Division of OMB, but such a variance will be granted only if the agency can demonstrate that it is not reasonable for the primary reporter to determine the racial or ethnic background in terms of the specified categories, and that such determination is not critical to the administration of the program in question, or if the specific program is directed to only one or a limited number of race/ethnic groups, e.g., Indian tribal activities.

Statistical reporting: The categories described in this exhibit will be used as a minimum for federally sponsored statistical data collection where race and/or ethnicity is required, except when: the collection involves a sample of such size that the data on the smaller categories would be unreliable, or when the collection effort focuses on a specific racial or ethnic group. A repetitive survey shall be deemed to have an adequate sample size if the racial and ethnic data can be reliably aggregated on a biennial basis. Any other variation will have to be specifically authorized by OMB through the reports clearance process (see OMB Circular No. A–40). In those cases where the data collection is not subject to the reports clearance process, a direct request for a variance should be made to the Statistical Policy Division of OMB.

Effective date: The provisions of this exhibit will be effective immediately for all *new* and *revised* recordkeeping or reporting requirements containing racial and/or ethnic information. All *existing* recordkeeping or reporting requirements shall be made consistent with this exhibit at the time they are submitted for extension, or not later than January 1, 1980.

Presentation of Race/Ethnic Data:

1. Displays of racial and ethnic compliance and statistical data will use the category designations listed above. The designation "nonwhite" is not acceptable for use in the presentation of Federal Government data. It is not to be used in any publication of compliance or statistical data or in the text of any compliance or statistical report.
2. In cases where the above designations are considered inappropriate for presentation of statistical data on particular programs or for particular regional areas, the sponsoring agency may use:
   a. The designations "Black and Other Races" or "All Other Races," as collective descriptions of minority races when the most summary distinction between the

majority and minority races is appropriate;

b. The designations "White," "Black," and "All Other Races" when the distinction among the majority race, the principal minority race and other races is appropriate; or

c. The designation of a particular minority race or races, and the inclusion of "White" with "All Other Races," if such a collective description is appropriate.

3. In displaying detailed information which represents a combination of race and ethnicity, the description of the data being displayed must clearly indicate that both bases of classification are being used.

4. When the primary focus of a statistical report is on two or more specific identifiable groups in the population, one or more of which is racial or ethnic, it is acceptable to display data for each of the particular groups separately and to describe data relating to the remainder of the population by an appropriate collective description.

Limitations of Revised Exhibit F

Revised exhibit F represents the best efforts of the Federal agencies to develop a standard in an area where many differing views and concerns are evident; however, there are some limitations in the use of the recently issued exhibit. A number of these are discussed briefly below:

First, it should be noted that the categories and definitions were developed primarily on the basis of the geographic location of various countries. It is important to note, therefore, that the classifications which are presented should not be interpreted as being scientific or anthropological in nature.

Second, the purpose of Circular No. A-46, and its exhibits, is to set forth standards and guidelines for Federal statistics. Thus, the standardization of categories, and any reporting pursuant to that standard, should not be construed as determinants of eligibility for participation in any Federal program. The responsibility for such determinations continues to rest with the Federal program and compliance agencies.

Third, the definitions which are presented provide *examples* of areas or countries which are to be included in particular categories. These lists are not meant to be exhaustive. If a question arises with respect to the proper categorization of persons from a particular country, clarification may be obtained from the Statistical Policy Division, Office of Management and Budget. In response to agency requests, the Statistical Policy Division has already provided guidance on the following specific questions:

1. What countries are included within the Indian subcontinent?
   The Indian subcontinent includes: India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhutan.

2. Should persons from all Central and South American countries be reported in the category "Hispanic?"
   No. Only those persons from Central and South American countries who are of Spanish origin, descent, or culture should be included in the category Hispanic. Persons from Brazil, Guiana, Surinam, Trinidad, and Belize would be classified according to their race, and would not necessarily be included in the Hispanic category.

3. Does the Hispanic category include persons from Portugal?
   No. The Portuguese should be excluded from the category Hispanic, and should be classified according to their race.

Finally, problems may be encountered by agencies which find it necessary to employ respondent self-identification techniques rather than observer identification methods to determine individuals' racial and ethnic characteristics. Further discussion of this issue is presented below.

Use of Self-Identification to Obtain Racial and Ethnic Data

Federal agencies which have employed respondent self-identification to determine racial and ethnic characteristics, particularly for civil rights compliance purposes, have encountered two basic types of problems. The first has been a misunderstanding on the part of respondents concerning the purpose of obtaining the data and its subsequent use and protection. The second has been objection by respondents to placing themselves in one of five mutually exclusive categories, none of which appears appropriate. This objection has arisen particularly in cases

where persons have mixed racial or ethnic backgrounds.

In some situations, racial and ethnic data can be obtained more easily if a third party makes a determination for reporting purposes. There are situations, however, in which the subjects of the survey have no direct point of contact with the agency conducting the survey. In such cases, respondent self-identification may be the only feasible method for data collection. Where this is the case, and where respondent misunderstanding is anticipated, the organization responsible for the data collection should make every effort to minimize the misunderstandings which can arise from the collection of racial and ethnic data. Steps which can be taken for this purpose include the following:

- Agencies should include in the instrument used to obtain racial and ethnic data a discussion of why the data are being collected, how they will be used, and the steps which will be taken to prevent the use of data for discriminatory purposes.
- Agencies should include in the instrument an indication that the report is not attempting to develop an anthropologically precise description of the persons surveyed, but rather to obtain information on the number of persons in the study population who may be subject to discrimination because of the community's perception of their racial or ethnic heritage.
- The full wording of the categories and definitions which are to be used for respondent self-identification, as prescribed by revised exhibit F, should be included in the instrument in order to avoid the misunderstandings which abbreviations may cause.
- Agencies may include an "Other *(specify)*" category for self-identification by respondents who feel that none of the five categories adequately describe their heritage. This sixth category should be added, however, only when the data gathering agency is prepared to assign the persons choosing this response option to a standard category for purposes of presenting aggregated information. While the use of the "other" category is admittedly cumbersome, it appears preferable to allow its use in cases where such an option may serve to increase response rate and minimize respondent concern. It should be emphasized that the use of an "Other *(specify)*" category is permissible only in cases where respondent self-identification is used; this option is not to be used in reporting forms which collect racial and ethnic data through observer identification of such characteristics.

Conclusion

Revised exhibit F, and the suggestions in this article, have been provided with a view towards improving the collection and presentation of racial and ethnic data in Federal reporting. Questions concerning the exhibit and the implementation of its requirements may be directed to the Statistical Policy Division, Office of Management and Budget.

Mr. HORN. We thank you for that summary. We are going to have 10 minutes per Member here on questions, and then, if we have time for a second round, we will do that, too.

In your written testimony, you noted that additional categories of race and ethnicity, which could provide a more complete picture of the Nation's population, might also be burdensome and costly. Do you have any estimates as to the possible costs and burden? In addition, let me just go with the next question, because I think it relates to the first one: Is there a rule of thumb that you would care to articulate as to the size of a group in the population before an additional category would provide useful information?

I note that in your written testimony you stated the studies conducted, presumably by OMB or the Census Bureau, have led you to conclude that approximately 1 to 1.5 percent of the persons surveyed would identify themselves as "Multiracial," if given the chance. Is a total of less than 2 percent large enough to justify the costs associated with the new category? We think it's important to remember that adding new categories does not only impact the Federal Government but the States, localities, and individuals, too.

So I would just like to have a feel. I realize you don't know where you are yet; you have got more surveys to do but as far as a rule of thumb, statistically, perhaps your Chief Statistician would like to answer that also, as to when are we hitting pay dirt that's relevant, and thinking of the various laws that have triggers based on certain racial categories, whether it be historically black colleges, enrollment, and all the rest?

Ms. KATZEN. Well, I think that's a very important question, and I may seem to be rambling, but I will try to be responsive.

On costs and burdens, we know that there will be some additional direct and some indirect costs as a result of any changes that might be made. I'm speaking now, not only from the point of view of adding a question to a form, which is a cost to the respondents, but also the implementation costs that may be involved, not only for the Federal agencies, but for all who maintain records.

There are a number of partnerships between Federal agencies and State and local agencies. There are also private sector businesses and organizations which maintain records now. For them to change their current record system is not simply to add something; it's normally to retrain and refocus, and there are those costs.

There are also what I was referring to as indirect costs, which is a diminishment in the historical comparability of the data. This turns out to be something which, in some instances, may be easily accommodated through crosswalks, but we have a lot of different uses for this information, for very legitimate purposes of study, research, et cetera.

The ability to use existing data in the face of changed categories will require additional effort, that translates into time and resources for those who are using it. Many of the individual agencies from which you will have representatives testifying after me have actually looked at this for their particular programs and will be in a better position to comment on those kinds of costs.

The Interagency Committee will be pulling this material together in their report and recommendations. At this point, we do not have

a dollar figure or even a range of dollar figures, but we are aware that there are, indeed, costs.

With respect to the second part of that question, which is the threshold, we are not approaching this as if there is any magic number that will trigger one response different from another response. Part of that is, I think, a result of the perpetual balancing act that we always have under the Paperwork Reduction Act.

We are looking at the utility of the information in light of the burden, and obviously, one of the factors in the utility of the information is the size of the population that will be, in effect, enrolled or identified under that.

At the same time, as Mrs. Maloney noted, we're not talking about just now or even the year 2000. I would expect that decisions that we make will last at least for the two decades that our last set of standards survived. So it would be a matter of considering trends that are developing, and looking to see how we can best accommodate the American people in the next century.

Mr. HORN. What is the difficulty that OMB and the Bureau of the Census have really had with the current racial categories? Is there a lot of confusion when people self-identify here, based on, say, grandparents and parents? Some of them I find don't even know the particular race of their grandparents. It's just sort of a blur; no one ever talked about it. A lot of them can be part Native American and not realize it.

How do you handle that?

Ms. KATZEN. Well, you've touched on something which is a much broader question, and that's the whole issue of self-identification. It's actually easier, I think, for somebody on the census to put down what he or she thinks he or she is. They don't have to go back and trace for the objective is not to reflect if there is one drop of something. It's to identify what you believe you are.

The problem comes not from a lack of understanding or confusion. The problem—and I think this is most acute in the multiracial area—is for those who do not identify with a single category. As you said in your opening remarks, if a child is the child of two people of different racial backgrounds, to choose one box may be perceived by that child as denying the other parent. And that is asking them to choose between their parents.

One of the very first pieces of correspondence that I saw after I took office in 1993 was a letter from a woman that was very simple and straightforward: "Enclosed is a picture of my child. Why does she have to choose?" The picture was of a beautiful young girl who was very dark-skinned and had Asian features. And I remember looking at the picture and being affected by that. So it is not a matter of confusion, but rather the more personal aspect of the amount of choice that may be available to you in responding to these questions.

Now, it is compounded where it is not self-identification. For where you have a situation of someone else designating—and this happens most frequently in enrollment in schools, and I believe also on death certificates, et cetera—somebody else is saying what they think you are.

That is more complicated if there are multiracial characteristics or features and somebody else is designating a category for you.

That is why one of our principles was to elevate dignity, because for somebody to tell me what I am is, I think, very different from my saying who I think I am.

So those issues all get involved in this.

Mr. HORN. I noticed in your presentation that you listed several, Creole and so forth, that wanted their own identification. One of them happened to be German-Americans. Since I'm half German and half Irish, I always said I've got German humor and Irish efficiency, so there might be a subcategory under that. But I was curious, where were the Irish-Americans here? They are usually active in politics.

Ms. KATZEN. And we had a public hearing in Boston, too.

Mr. HORN. Are these simply categories you picked up in public hearings?

Ms. KATZEN. Most of these suggestions came out of either the first round of public comments or in the public hearings. Some of them, I believe, were motivated by perhaps a misunderstanding of either the basis for or significance of having categories, because in some of the public testimony the comments were made that, "We would like to be included so that we have our identity confirmed, validated." But some also said, "We might be able to qualify for benefits or protections," as though the inclusion of a category would drive the public policy consideration to either accord benefits or afford protection against discrimination.

In fact, it was sort of the reverse, in that OMB originally developed the categories to reflect legislative determinations of what groups warranted special protections or special benefits. We were simply using categories to track those groups to discern whether or not agencies were carrying out their responsibilities and citizens were carrying out their responsibilities.

Mr. HORN. What's the penalty if a person doesn't fill in the category? Are we compelled to fill in that category?

Ms. KATZEN. It depends on what kind of form and for what purposes. Again, some of the representatives from the agencies may be in a better position to respond, but my understanding is that, for example, in the field of education, the principal or some administrative person at the school will fill in the forms.

With respect to the census, as you know, when a respondent does not fill in the census and return the questionnaire, there is a followup which is quite costly and burdensome for the Census Bureau. I do not know whether, in some instances, for some programs, a benefit would be denied if the application included this and it did not have it, or on a monitoring form, this information was not included.

Mr. HORN. Well, if we just say it's none of the Census' business and it's none of Big Brother's business, is there a penalty?

Ms. KATZEN. I would direct that question to Marty Riche from the Census Bureau.

Mr. HORN. All right. Fine.

Ms. KATZEN. Because each of these surveys, each of these questionnaires is based on the laws and the regulations of the individual agency. Our directive is to ensure comparability across agencies so that they are all using the same categories. We do not set

the requirements, the sanctions, or any privileges that attach thereto.

Mr. HORN. The reason I ask is, at one point in our recent history—in the sense of my lifetime—we've had a President that was dead wrong and a general that was dead wrong, when Franklin Roosevelt and General Dewitt rounded up Japanese-Americans who were citizens and put them in relocation camps.

Now, they thought about rounding up German-Americans, in which case I would have joined Norm Manetta in a relocation camp, and also Italian-Americans. But there were just too many of us, so they decided that wasn't a good idea. In Hawaii, they never rounded up anybody. Japanese-Americans stayed in Hawaii all during the Second World War. Yet, in California, 2,500 miles further east, they round up people.

Now, I can see why some people would say, "Why should I give Big Brother any indication of what my ancestry is, should somebody go a little nutty next time." Got any feelings on that?

Ms. KATZEN. Well, as I think I mentioned earlier, there are a lot of different motivations, and certainly there is concern. People of different ancestry that have experienced oppression or harassment in their past—I'm in this country because my grandfather fled from Russia in the pogroms that were there.

Mr. HORN. Sure.

Ms. KATZEN. We all are, I think, quite nervous about revealing too much of ourselves under any circumstances. And I think that those are very legitimate concerns. One of the objectives that we have in undertaking this review is hopefully to reflect those concerns and dispel the sense that this is to define somebody or categorize someone. I keep emphasizing over and over again, this is for statistical purposes; this is for program administrative purposes; this is for enforcement of laws. But I am sure that there are many who listen to me and say, "Yeah. Been there; done that."

Mr. HORN. Sure; 11 minutes to Mrs. Maloney, since we ran over a little.

Mrs. MALONEY. Thank you, Mr. Chairman.

I would like to yield my time to Mr. Davis, because he has a conflict and has to leave the subcommittee. But I would like to ask one brief question that follows up on the point that you were raising.

I have been discussing with Mr. Davis, members of the subcommittee staff, and others—we've been looking at the possibility of using the census long form for further investigation into the interplay between race, ethnicity, and ancestry. I would like to note that Connie Morella has introduced a resolution, Resolution 38, which talks about the importance of collecting ancestry data on the census, and I certainly support that resolution and hope that other members of the committee will, likewise, support it.

Perhaps, in the context of asking ancestry on the long form, we could ask a series of questions that help us understand the mix of race, ethnicity, and ancestry that really make up the self-identity of many of us. I would just simply like to ask if OMB would be willing to work with us on a set of questions that would focus on the interplay of race, ethnicity, and ancestry—for the long form.

Ms. KATZEN. Mrs. Maloney, a lot of what we have learned in the past came from the long form. There's a lot of debate about what's

on the long form, what's on the short form. But a lot of what we have learned in the past has come from analysis of census data. We would be, I think, very willing, with our colleagues at the Census Bureau, to explore alternatives with you and the subcommittee on additions to the long form.

Mrs. MALONEY. Thank you. I yield to Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much. Let me, first of all, thank the ranking member, Mrs. Maloney, for yielding. I also want to thank you, Mr. Chairman, and it's certainly good to have the panel.

I have listened intently to your testimony, and I appreciate it. I'm trying to determine, does OMB have a position relative to the proposed change?

Ms. KATZEN. No. Our objective was to conduct an open, comprehensive review and to receive as much information as possible. I've learned that it's better to withhold judgment until you have all the information, and have a chance to analyze it and think it through, rather than reach a preliminary conclusion, only to be presented with different information. So we have assiduously avoided any predeterminations on these questions, notwithstanding a lot of people trying to convince us otherwise.

Mr. DAVIS OF ILLINOIS. So this is strictly being viewed by OMB as a management tool where one just sort of takes a position. It's time to review where we are and how we're doing certain things, so let's just take a look at it to see whether or not any changes or additions or directions might be beneficial?

Ms. KATZEN. I may have misunderstood your first question. Our decision to conduct the review, in the first instance, was the result of a number of questions that were raised, and we thought that 20 years after the setting of the first directive, it was timely to review it. But we went into it with the very clear conviction that it was a review and that one possible outcome of that review was that there would not be any changes, there would be no revisions, there would simply be a review and, in effect, a confirmation that these categories serve our needs.

Mr. DAVIS OF ILLINOIS. Were any of the questions based upon individuals' desires to be able to more directly pinpoint their heritage, individuals who wanted to say, "Well, let me just be as explicit as I can possibly be, in terms of the category in which I fit"?

Ms. KATZEN. Among the questions that were raised, there was sufficient concern that the data sets that we had are not truly representative and an accurate reflection of the American population and the broad population groups. That is a question that we hoped to explore.

There was no one that I'm aware of, in the White House, OMB, or in any of the agencies, who came into this with a hidden or not-so-hidden agenda to fix a problem. It was much more a matter of exploring the situation.

Mr. DAVIS OF ILLINOIS. No, I really meant public questions, not internal, but an expression from individuals in the public who may have made inquiries.

Ms. KATZEN. There are a number of individuals who have pursued a number of these areas. For example, there are several orga-

nized groups on the multiracial question that we have heard from with some frequency.

Mr. DAVIS OF ILLINOIS. Just in terms of that, the multiracial question, are there terms we are familiar with that could be used synonymously to describe the heritage of a group of individuals in a multiracial group, more than one term, that there might be three or four terms that could be used to describe those individuals pretty accurately?

Ms. KATZEN. I'm not sure I'm understanding your question, in terms of suggestions that have been made for additions or terms that are used in slang or in jargon?

Mr. DAVIS OF ILLINOIS. Well, I don't know if I'd say jargon perhaps, not so much slang, but a group that may be identified by more than one term.

Ms. KATZEN. I think what the test results have shown, from the two tests that have been conducted, is that there are various combinations of multiracial. You will hear more about this, I believe, from some of the other witnesses.

But one of the tests showed that if you added a multiracial category, there was no discernable change in the number of blacks or whites. There was a statistically significant change with respect to Native Americans and Alaskan Natives, and I believe, it also affected the incidence of people checking the "of Hispanic origin" box.

This led me to believe that the multiracial people are of a large number of combinations. You will have combinations of different components, and as the chairman said in his opening remarks, it is possible that a child today could qualify for all four of our racial categories, if he or she could choose to so identify with their heritage.

Mr. DAVIS OF ILLINOIS. And that would not alter our ability to know who they were, or where they fit, or where they came from? Would that be correct?

Ms. WALLMAN. Mr. Davis, I just would like to go back to the point that was made earlier. In some cases, we are talking about a category that might bring together all persons of multiple races in something called a single "multiracial" category. In other cases, we're talking about the ability to report one's multiple racial heritages.

I think, when we get to the second alternative, if you will, that there would be much more opportunity to have better historical comparability, and so on, in terms of the question that you raise.

Mr. DAVIS OF ILLINOIS. Do we find, sociologically, that there is any significant correlation between individuals of mixed heritage, notwithstanding who they are?

Ms. WALLMAN. Not to my personal knowledge. And I'm not sure if any of our colleagues from the agencies will have more light to shed on that question at this hearing this morning. If they have additional research that pertains to that, I'm sure they would be happy to share it with you.

Mr. DAVIS OF ILLINOIS. That's a question that just cropped up in my mind. I'm thinking that, if we had this one category, there may be some real differences in terms of the experiences of individuals, the needs of individuals, how the rest of society perceives those individuals, and what their experiences are in this country. I think

that, too, becomes one of the things that I think we would want to make sure that we were using the information for.

The other question—you mentioned the gathering of information for the purpose of having and the purpose of knowing, and also for management utilization. Now, we know that information is generated for lots of other reasons. Would one suspect that some of those reasons—for example, States use the information to review redistricting approaches and plans, or to evaluate affirmative action in some places and in some instances, or to monitor access to certain kinds of resources for certain groups, or to determine whether or not certain groups are being, let's say, redlined still in some areas and some communities.

Would this—and I know you may not be able to place a value judgment, in terms of where it might fit—but would this kind of information or this kind of utilization be as important as the management awareness or the management tool?

Ms. KATZEN. I think it is very important. In both my written and my oral statements I tried to emphasize that the Federal needs for data are what we are primarily focusing on. The directive, as I mentioned, came in 1977 on the heels of the civil rights legislation of the 1960's and early 1970's, and it is very important to be able to continue to monitor compliance with the law. That is a Federal need for data which is statutorily imposed and is something which drives much of this discussion and those needs are very real.

There are other kinds of needs that are less in the news, if you will. HHS and CDC do a lot of research, medical research, which is beneficial to identify certain racial or ethnic susceptibility to particular types of diseases, or responsiveness to certain types of treatments for different types of illnesses. That's also a very legitimate and current need.

It is for that reason that our process is being conducted through an Interagency Committee, which consists of many of the people you will hear after me this morning. Indeed, 30 Federal agencies are represented on the Interagency Committee, and they are asked to bring to the table their unique needs, their program needs, whether it be enforcement, monitoring, or research.

Federal needs take various forms, and all of these are to be part of the interagency discussion. That kind of information informs public policy in the broadest sense and is also of use, I believe, to the Congress in determining its priorities and its legislative preferences.

Mr. DAVIS OF ILLINOIS. Well, let me thank you very much. I don't want to jump the gun. I think it's going to be very interesting as we continue to try and flesh this out. But I may as well be up front, I've got some real concerns and reservations about what appear to be sort of the direction or the implications of possible changes and what those could, in fact, mean.

It appears to me that the discussions that I've been hearing sort of relate to the development of microscopic or micro groupings that may very well take away some of the changes that we've generated over the years. For example, I still find it difficult to find African-Americans who are elected to public office in political subdivisions that are not designated majority African-American, or to find large

numbers of Hispanic Americans or individuals of Spanish origin elected, again, in subdivisions.

We are making some breakthroughs, and I think we've come a long way, but I certainly don't think that we've come far enough to start toying too seriously with the way in which we've been designated in these categories over the years. So I thank you for your testimony.

Mr. Chairman, I would like to submit, for the record, a statement, and I'm sure that we'll be talking with you later.

Ms. KATZEN. Thank you very much.

Mr. HORN. The gentleman's opening statement will be put in the record following Mrs. Maloney's, at the beginning of the hearing, as if read, without objection.

We have about 10 more minutes. Let me just ask you, in testimony, you stated that the current standards issued by OMB do allow for the collection of more detailed information by population groups, which was part of that exchange. Does that mean the agencies could include questions about the person's multiracial, multiethnic background? For example, national origin is protected in some laws passed by Congress. The Civil Rights Commission, on which I served for 13 years, has that jurisdiction, among others, including women, race, and so forth. I remember the time we got a tongue-lashing from many national origin groups, particularly East European, Polish-Americans, Hungarian-Americans, and so forth, that we were doing all these things about everybody else in America, why weren't we paying attention to the discrimination that still exists against them?

So that leads me to the question as to, do we possess the ability to collect information on our citizens or noncitizens of multiethnic background, and to what laws is that still relevant? Is it either OMB or Census?

I would like one of you to get in the record a display that is up to date as to the various categories Congress has enacted, or some are constitutionally based, by which you look at discrimination, and put those in, and then ask ourselves the question, to what extent and to what generation do we need to know that information in order to enforce the law?

Ms. KATZEN. We would be happy to work with Census to provide the information for the record, in terms of legislative determinations already on the books.

Mr. HORN. And judicial. See, *Lau* v. *Nichols;* a judicial decision that was then followed by legislation. That's L-a-u, N-i-c-h-o-l-s, I believe. And that ought to be in the record at this point. Without objection, it will be.

[The information referred to follows:]

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B. Statutory Programs Which Do Not Explicitly Require the Use of Census Data, But Are Dependent on Census Data As The Only Source

Race and Hispanic origin data are also used to monitor and maintain compliance with the Civil Rights Act and with the Equal Employment Opportunity Act.

42 USC 1975c(a)
The Commission shall--

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex, age, handicap, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or in the administration of justice;

(3) appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or the administration of justice;

(4) serve as national clearinghouse for information in respect to discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;

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QUESTION 25: *Industry or Employer*
a: *For whom did this person work?*
b: *What kind of business or industry was this?*
c: *Is this mainly - [manufacturing, wholesale trade, retail trade, other]*
QUESTION 26: *Occupation*
a: *What kind of work was this person doing?*
b: *What were this person's most important activities or duties?*
QUESTION 27: *Was this person -- [class of worker]*

A. Use of Census Data Explicitly Required By Statute

No.

B. Statutory Programs Which Do Not Explicitly Require the Use of Census Data, But Are Dependent on Census Data As The Only Source

The Equal Employment Opportunity Commission uses this data to meet judicially mandated burdens of proof in enforcement cases under the Civil Rights Act of 1991.

> 42 USC 2000e-2(k)(1)(A)
> An unlawful employment practice based on disparate impact is established under this title only if-
>
> > (i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity;

The Secretary of HHS is required to calculate a health care geographic adjustment factor -- also known as the geographic health care practice cost index; and to review those indexes periodically. Decennial census data is the only reliable source of occupational income data available for all geographic areas of the United States. HHS calculates a physician proxy "work index" using 1-digit categories for six occupations and an index representing employee wages for administrative support personnel including clerical, registered nurses, licensed practical nurses, and health technicians.

> 42 USC 1395w-4(e)(1)
> (A) . . . [T]he Secretary [of HHS] shall establish--
>
> > (iii) an index which reflects 1/4 of the difference between the relative value of physicians' work effort in each of the different fee schedule areas and the national average of such work effort.

SUMMARY OF FEDERAL LEGISLATIVE USES OF DECENNIAL CENSUS DATA—Con.

U.S. Code citation	Uses of the data/program/agency
Subject: Ancestry (Q13)	
5 U.S.C. 7201	Establishment and evaluation of guidelines for Federal affirmative action plans under the Federal Equal Opportunity Recruitment Program (Equal Employment Opportunity Commission)
8 U.S.C. 1521-1523	Employment assessment of refugee population and compilation of secondary migration data on refugees under the Refugee Education Assistance Act of 1980, as amended (Office of Refugee Resettlement—Department of Health and Human Services)
15 U.S.C. 631	Assistance to minority businesses in low-income areas under the Minority Business Development Program (Minority Business Development Agency—Department of Commerce)
1691 *et seq.*	Monitor compliance of nondiscrimination requirements of creditors under the Equal Credit Opportunity Act (Civil Rights Division—Department of Justice)
30 Federal Register 12319 32 Federal Register 14303	Monitor and enforce nondiscrimination by government contractors (Department of Labor—responsible for administering Executive Order 11246, as amended, and Department of Justice—authority to enforce E.O.)
42 U.S.C. 242k	Collection of vital, social, and health statistics (National Center for Health Statistics—Department of Health and Human Services)
1310	Research conducted on welfare dependency and income and employment characteristics to reduce dependency rates in Social Security Act programs (Social Security Administration—Department of Health and Human Services)
1973aa-1a	Enforcement of bilingual election requirements of Voting Rights Act and Amendments of 1982 (Department of Justice)
1975c(4)	Commission on Civil Rights acts as clearinghouse for information on discrimination in housing, education, and employment under the Civil Rights Act of 1957, as amended
2000d	Monitor compliance with nondiscrimination requirements for variety of Federally-assisted programs under the Civil Rights Act of 1964, as amended (various Federal agencies)
2000e	Evaluation of affirmative action programs and discrimination in employment in the private sector (Equal Employment Opportunity Commission) and enforcement of nondiscrimination in employment by State and local governments (Department of Justice) under the Civil Rights Act of 1964, as amended
2000f	Research on voting and voter registration (Commission on Civil Rights)
3601 *et seq.*	Monitoring and enforcement of antidiscrimination provisions of Fair Housing Act of 1968, as amended (Department of Housing and Urban Development and Department of Justice)
3766c	Monitoring and enforcement of provisions of Omnibus Crime Control and Safe Streets Act of 1968, as amended, against discrimination by law enforcement agencies receiving Federal funds (Department of Justice)

Public Law 94-311
94th Congress, H. J. Res. 92
June 16, 1976

Joint Resolution

Relating to the publication of economic and social statistics for Americans of Spanish origin or descent.

Whereas more than twelve million Americans identify themselves as being of Spanish-speaking background and trace their origin or descent from Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish-speaking countries; and

Whereas these Americans of Spanish origin or descent have made significant contributions to enrich American society and have served their Nation well in time of war and peace; and

Whereas a large number of Americans of Spanish origin or descent suffer from racial, social, economic, and political discrimination and are denied the basic opportunities they deserve as American citizens and which would enable them to begin to lift themselves out of the poverty they now endure; and

Whereas improved evaluation of the economic and social status of Americans of Spanish origin or descent will assist State and Federal Governments and private organizations in the accurate determination of the urgent and special needs of Americans of Spanish origin or descent; and

Whereas the provision and commitment of State, Federal, and private resources can only occur when there is an accurate and precise assessment of need: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Department of Labor, in cooperation with the Department of Commerce, shall develop methods for improving and expanding the collection, analysis, and publication of unemployment data relating to Americans of Spanish origin or descent.

Spanish-Americans.
Economic and social statistics publication.
29 USC 8.
15 USC 1516a.

Sec. 2. The Department of Commerce, the Department of Labor, the Department of Health, Education, and Welfare, and the Department of Agriculture shall each collect, and publish regularly, statistics which indicate the social, health, and economic condition of Americans of Spanish origin or descent.

Sec. 3. The Director of the Office of Management and Budget, in cooperation with the Secretary of Commerce and with the heads of other data-gathering Federal agencies, shall develop a Government-wide program for the collection, analysis, and publication of data with respect to Americans of Spanish origin or descent.

15 USC 1516a note.

Sec. 4. The Department of Commerce, in cooperation with appropriate Federal, State and local agencies and various population study groups and experts, shall immediately undertake a study to determine what steps would be necessary for developing creditable estimates of undercounts of Americans of Spanish origin or descent in future censuses.

13 USC 141 note.

13 USC 141. note.

Sec. 5. The Secretary of Commerce shall ensure that, in the Bureau of the Census data-collection activities, the needs and concerns of the Spanish-origin population are given full recognition through the use of Spanish language questionnaires, bilingual enumerators, and other such methods as deemed appropriate by the Secretary.

Affirmative action program. Report to Congress. 13 USC 22 note.

Sec. 6. The Department of Commerce shall implement an affirmative action program within the Bureau of the Census for the employment of personnel of Spanish origin or descent and shall submit a report to Congress within one year of the enactment of this Act on the progress of such program.

Approved June 16, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-190 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-896 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD:
Vol. 121 (1975): Oct. 29, considered and passed House.
Vol. 122 (1976): May 21, considered and passed Senate, amended.
June 7, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:
Vol. 12, No. 25 (1976): June 16, Presidential statement.

GPO 57-139

PREPARING FOR CENSUS 2000

SUBJECTS PLANNED FOR CENSUS 2000

FEDERAL LEGISLATIVE
AND
PROGRAM USES

(Special Version With Excerpts from Statutes)

U.S. Department of Commerce
Economics and Statistics Administration
BUREAU OF THE CENSUS

Issued March 1997
Revised May 1, 1997

MANDATORY NEED

RACE . . . . . *asked since 1790*

MEETING FEDERAL NEEDS

Race is key to implementing any number of Federal laws and is a critical factor in the basic research behind numerous policies. Race data are required by Federal programs that promote equal employment opportunity and are needed to assess racial disparities in health and environmental risks, among other uses. Under the Voting Rights Act, race is used in part to identify minority language groups that require voting materials in their own language. Racial classifications used by the Census Bureau and other Federal agencies meet the requirements of Federal Statistical Policy Directive No. 15, which sets standards for Federal statistics and administrative reporting on race and ethnicity.

COMMUNITY IMPACT

Education

- Under Title 20, race is used as part of the formula to fund programs that foster equal opportunity through post-secondary education for African Americans. This is achieved by funding programs at historically Black colleges and universities in professional and academic areas where African Americans are underrepresented in society.

Banking

- Racial data are necessary for the Community Reinvestment Act to determine whether financial institutions meet the credit needs of minorities in low- and moderate-income areas.

Social Services

- For the Public Health Service Act, race is a key factor in identifying segments of the population who may not be receiving needed medical services.

Employment

- Race, under the Civil Rights Act, is used to assess fairness of employment practices.

Government

- States require data about the racial make-up of the voting-age population to meet legislative redistricting requirements.

- Data about race are needed to monitor compliance with the Voting Rights Act by local jurisdictions.

MANDATORY NEED

RACE *(continued)* . . . . . *asked since 1790*

STATUTORY USES

- COMMERCE . . . . . Legislative Redistricting--P [13 U.S.C. 141(c)]

- EDUCATION . . . . . Provisions on Strengthening Historically Black Colleges--P [20 U.S.C. 1060],
  Grants for Basic Skills of Dropouts--P [20 U.S.C. 7261-7268 (replaces 20 U.S.C. 3241)

- EEOC . . . . . Federal Affirmative Action Plans--M [5 U.S.C. 7201(a)(1)],
  Federal Affirmative Action Programs--R [42 U.S.C. 2000e-16(b)(1)],
  Equal Employment Opportunity Act--R [42 U.S.C. 2000e-2(a)(2)]

- FEDERAL RESERVE . . . . . Home Mortgage Disclosure Act of 1975--R [12 U.S.C. 2809(a)],
  Community Reinvestment Act of 1977--P [12 U.S.C. 2901]

- HHS . . . . . Older Americans Act--P [42 U.S.C. 3002, 3026(a)(1), 3027(a)(8)],
  Public Health Service Act--R [42 U.S.C. 254b(b)(3)(A) & (B), 254e(b) & (d) & 254f-1],
  Native American Programs Act--R [42 U.S.C. 2992],
  Adoption Assistance and Child Welfare Act of 1980--R [42 U.S.C. 628]

- HUD . . . . . Mortgage Revenue Bonds Program--P [26 U.S.C. 143],
  Low-Income Housing Tax Credits--P [26 U.S.C. 42],
  Housing Improvement Program (Snyder Act)--P [25 U.S.C. 13]

- JUSTICE . . . . . Voting Rights Act-Bilingual Election Requirements--M [42 U.S.C. 1973aa-1a],
  Civil Rights Act--R [42 U.S.C. 1975c(a) & 2000c-2, d, f],
  Legislative Redistricting--P [13 U.S.C. 141(c)]

- LABOR . . . . . Employment Practices of Government Contractors--P [Executive Order 11246],
  Immigration Act of 1990--P [8 U.S.C. 1182 note & 1182(a)(5)(A)],
  Immigration Reform and Control Act of 1986--P [8 U.S.C. 1364]

- USDA . . . . . Food Stamp Act--P [7 U.S.C. 612c]

- VA . . . . . Veterans Benefits Program--R [38 U.S.C. 317]

MANDATORY NEED

RACE *(continued)* . . . . . *asked since 1790*

EXCERPTS FROM STATUTES
(Emphasis Added)

42 U.S.C. 1973aa-1a(b)(2)(A) — Voting Rights Act-Bilingual Election Requirements

. . . A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, **based on census data**, that--

(i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are **members of a single language minority** and are limited-English proficient;

(II) more than 10,000 of the citizens of voting age of such political subdivision are **members of a single language minority** and are limited-English proficient; or

(III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the **American Indian or Alaska Native** citizens of voting age within the Indian reservation are members of a **single language minority** and are limited-English proficient; and

(ii) the illiteracy rate of the citizens in the **language minority** as a group is higher than the national illiteracy rate.

42 U.S.C. 2000f — Civil Rights Act

The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of **persons** of voting age **by race, color**, and national origin, and determination of the extent to which such persons are registered to vote, and have voted . . .
Such information shall also be collected and compiled in connection with the **Nineteenth Decennial Census, and at such other times as the Congress may prescribe**. . . .

42 U.S.C. 1975c(a) — Civil Rights Act

Investigatory, etc., duties.

The Commission shall--

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their **color, race**, religion, sex, age, handicap, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) **study and collect information concerning legal developments constituting discrimination** or a denial of equal protection of the laws under the Constitution **because of race, color**, religion,

EXCERPTS FROM STATUTES *(continued)*
(Emphasis Added)

sex, age, handicap, or national origin or in the administration of justice;

(3) appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of **race, color**, religion, sex, age, handicap, or national origin or the administration of justice;

(4) serve as national **clearinghouse for information in respect to discrimination** or denials of equal protection of the laws because of **race, color**, religion, sex, age, handicap, or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice; and

(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of the Presidential electors, Members of the United States Senate, or the House of Representatives, as a result of any patterns or practice of fraud or **discrimination** in the conduct of such election.

Supreme Court Case: Wards Cove Packing Co. v. Antonio, 490 U.S. 642, 650-51 (1989)

"It is such a **[statistical] comparison**--between the **racial composition** of the qualified persons in the labor market and the persons holding at-issue jobs--that generally forms the proper basis for the initial inquiry in a disparate-impact case."

Supreme Court Case: City of Richmond v. J.A. Croson Co., 488 U.S. 469, 501-502 (1989)

"In the employment context, we have recognized that for certain entry level positions or positions requiring minimal training, **statistical comparisons of the racial composition** of an employer's work force to the **racial composition of the relevant population** may be probative of a pattern of discrimination. . . . But where special qualifications are necessary the relevant statistical pool for purposes of demonstrating discriminatory exclusion must be the number of minorities qualified to undertake the particular task."

12 U.S.C. 2809(a) Home Mortgage Disclosure Act of 1975

(a) Commencement; scope of data and tables
Beginning with data for calendar year 1980, the Federal Financial Institutions Examinations Council shall compile each year, for each primary metropolitan statistical area, metropolitan statistical area, or consolidated metropolitan statistical area that is not comprised of designated primary metropolitan

EXCERPTS FROM STATUTES *(continued)*
(Emphasis Added)

statistical areas, aggregate data by census tract for all depository institutions which are required to disclose data under section 2803 of this title or which are exempt pursuant to section 2805(b) of this title. The Council **shall also produce tables indicating,** for each primary metropolitan statistical area, metropolitan statistical area, or consolidated metropolitan statistical area that is not comprised of designated primary metropolitan statistical areas, aggregate lending patterns for various categories of census tracts grouped according to location, age of housing stock, income level, and **racial characteristics.**

5 U.S.C. 7201(a)(1) — Federal Affirmative Action Plans

"underrepresentation" means a situation in which the number of members of a **minority group designation** (determined by the Equal Employment Opportunity Commission in consultation with the Office of Personnel Management, on the basis of the policy set forth in subsection (b) of this section) within a category of civil service employment constitutes a lower percentage of the total number of employees within the employment category than the percentage that the **minority** constituted within the labor force of the United States, as determined under the **most recent decennial** or mid-decade **census,** or current population survey, under title 13 [13 USCS §§ 1 et seq.]. . . .

MANDATORY NEED

HISPANIC ORIGIN . . . . . *asked since 1970*

MEETING FEDERAL NEEDS

Hispanic origin is used in numerous programs and is vital in making policy decisions. These data are needed to determine compliance with provisions of anti-discrimination in employment and minority recruitment legislation. Under the Voting Rights Act, data about Hispanic origin are essential to ensure enforcement of bilingual election rules. The census classification of data about Hispanic origin meets the guidelines mandated in Federal Statistical Policy Directive No. 15, issued by the Office of Management and Budget. This directive sets standards for statistical reporting on race and ethnicity used by all Federal agencies.

COMMUNITY IMPACT

Social Services

■ Under the Public Health Service Act, Hispanic origin is one of the factors used in identifying segments of the population who may not be getting needed medical services.

Banking

■ For the Community Reinvestment Act, statistics about people of Hispanic origin are used to evaluate whether financial institutions are meeting credit needs of minority groups in low- and moderate-income communities.

Education

■ Funds are distributed to school districts for bilingual services through the Bilingual Education Act.

Government

■ The Voting Rights Act ensures equality in voting. Compliance of local jurisdictions is monitored using counts of the voting-age population by national origin.

Employment

■ Data about Hispanic origin are used to monitor and enforce equal employment opportunities under the Civil Rights Act.

MANDATORY NEED

HISPANIC ORIGIN *(continued)* . . . . . *asked since 1970*

STATUTORY USES

- COMMERCE . . . . . Legislative Redistricting--P
  [13 U.S.C. 141(c)],
  Estimates of Hispanic Origin Population--M
  [13 U.S.C. 141 note (P.L. 94-311, H.J. Res. 92)]

- EDUCATION . . . . . Bilingual Education Act--P
  [20 U.S.C. 3291 (part a), 3301 (part b), 3321 (part c)]

- EEOC . . . . . Federal Affirmative Action Plans--M
  [5 U.S.C. 7201(a)(1)],
  Federal Affirmative Action Programs--P
  [42 U.S.C. 2000e-16(b)(1)],
  Equal Employment Opportunity Act--R
  [42 U.S.C. 2000e-2(a)(2)]

- EPA . . . . . Regulatory Review--P
  [Executive Order 12866, Oct. 1, 1993];
  Environmental Justice--P
  [Executive Order 12898, Feb. 11, 1994];
  Resource Conservation and Recovery Act--P
  [42 U.S.C. 6901 et seq.];
  Comprehensive Environmental Response, Compensation, and Liability Act--P
  [42 U.S.C. 9601 et seq.]

- FEDERAL RESERVE . . . . . Community Reinvestment Act of 1977--P
  [12 U.S.C. 2901]

- HHS . . . . . Older Americans Act--P
  [42 U.S.C. 3002, 3026(a)(1), 3027(a)(8)],
  Public Health Service Act--R
  [42 U.S.C. 254b(b)(3)(A) & (B), 254e(b) & (d), & 254f-1]

- JUSTICE . . . . . Voting Rights Act-Bilingual Election Requirements--M
  [42 U.S.C. 1973aa-1a],
  Civil Rights Act--R
  [42 U.S.C. 1975c(a) & 2000c-2, d, f]

MANDATORY NEED

HISPANIC ORIGIN *(continued)* . . . . . *asked since 1970*

EXCERPTS FROM STATUTES
(Emphasis Added)

13 U.S.C. 141 note — Estimates of Hispanic Origin Population

P.L. 94-311, Sec. 4, June 16, 1976: The Department of Commerce, in cooperation with appropriate Federal, State and local agencies and various population study groups and experts, shall immediately undertake a study to determine what steps would be necessary for developing creditable **estimates of undercounts of Americans of Spanish origin or descent in future censuses**.

42 U.S.C. 1973aa-1a(b)(2)(A) — Voting Rights Act-Bilingual Election Requirements

. . . A State or political subdivision is a covered State or political subdivision for the purposes of this subsection if the Director of the Census determines, **based on census data**, that--

(i)(I) more than 5 percent of the citizens of voting age of such State or political subdivision are **members of a single language minority** and are limited-English proficient;

(II) more than 10,000 of the citizens of voting age of such political subdivision are **members of a single language minority** and are limited-English proficient; or

(III) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5 percent of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and

(ii) the illiteracy rate of the citizens in the **language minority** as a group is higher than the national illiteracy rate.

42 U.S.C. 2000f — Civil Rights Act

The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of **persons of voting age by** race, color, and **national origin**, and determination of the extent to which such persons are registered to vote, and have voted . . . .
Such **information shall also be collected and compiled** in connection **with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe**. . . .

MANDATORY NEED

HISPANIC ORIGIN *(continued)* . . . . . *asked since 1970*

EXCERPTS FROM STATUTES *(continued)*
(Emphasis Added)

42 U.S.C. 1975c(a) Civil Rights Act

Investigatory, etc., duties.

The Commission shall--

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, sex, age, handicap, or **national origin**; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

(2) **study and collect information concerning legal developments constituting discrimination** or a denial of equal protection of the laws under the Constitution **because of** race, color, religion, sex, age, handicap, or **national origin** or in the administration of justice;

(3) appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or **national origin** or the administration of justice;

(4) serve as national **clearinghouse for information in respect to discrimination** or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or **national origin**, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice; and

(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of the Presidential electors, Members of the United States Senate, or the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election.

5 U.S.C. 7201(a)(1) Federal Affirmative Action Plans

"underrepresentation" means a situation in which the number of members of a **minority group designation** (determined by the Equal Employment Opportunity Commission in consultation with the Office of Personnel Management, on the basis of the policy set forth in subsection (b) of this section) within a category of civil service employment constitutes a lower percentage of the total number of employees within the employment category than the percentage that the **minority** constituted within the labor force of the United States, as determined under the **most recent decennial** or mid-decade **census**, or current population survey, under title 13 [13 USCS §§ 1 et seq.]. . . .

MANDATORY NEED

HISPANIC ORIGIN *(continued)* . . . . . *asked since 1970*

EXCERPTS FROM STATUTES *(continued)*
(Emphasis Added)

13 U.S.C. 141(c) Legislative Redistricting

(c) The officers . . . having initial responsibility for the legislative apportionment or districting of each State may, not later than 3 years before the **decennial census** date, submit to the Secretary a plan identifying the geographic areas for which **specific tabulations of population** are desired. . . .

REQUIRED NEED

ANCESTRY . . . . . *asked since 1980*

MEETING FEDERAL NEEDS

Ancestry identifies the ethnic origins of the population, and Federal agencies regard this information as essential for fulfilling many important needs. Ancestry is required to enforce provisions under the Civil Rights Act, which prohibits discrimination based upon race, sex, religion, and national origin. More generally, these data are needed to measure the social and economic characteristics of ethnic groups and to tailor services to accommodate cultural differences. The Department of Labor draws samples for surveys that provide employment statistics and other related information for ethnic groups using ancestry.

COMMUNITY IMPACT

Social Services

- Data about ancestry assist states and local agencies on aging to develop health care and other services tailored to meet the language and cultural diversity of the elderly in these groups.

- Under the Public Health Service Act, ancestry is one of the factors used in identifying segments of the population who may not be receiving needed medical services.

Employment

- Data about ancestry are used to evaluate the effectiveness of equal employment opportunity policies and programs for different ethnic groups under the Civil Rights Act.

REQUIRED NEED

ANCESTRY *(continued)* . . . . . *asked since 1980*

STATUTORY USES

- EEOC . . . . . National Origin Discrimination Guidelines--P
  [29 C.F.R. 1606],
  EEOC Compliance Manual--P
  [Volume II § 623, 6(a)],
  Civil Rights Act (Section 109 on Extra-territorial Employment)--P
  [P.L. 102-166, 105 Stat. 1077]

- HHS . . . . . Older Americans Act--P
  [42 U.S.C. 3003(2), 3026(a)(1), 3027(a)(8)],
  Refugee Education Assistance Act--P
  [8 U.S.C. 1521-1523],
  Public Health Service Act--P
  [42 U.S.C. 254b(b)(3)(A) & (B), 254e(b) & (d) & 254f-1]

- JUSTICE . . . . . Civil Rights Act--R
  [42 U.S.C. 2000e et seq.]

- LABOR . . . . . Immigration Act of 1990--P
  [8 U.S.C. 1182 note & 1182(a)(5)(A)],
  Immigration Reform and Control Act of 1986--P
  [8 U.S.C.1364]

EXCERPTS FROM STATUTES
(Emphasis Added)

42 U.S.C. 3003(2) — Older Americans Act

[G]ive full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the **greatest** economic and **social need**, ...

42 U.S.C. 254e(a)(1) — Public Health Service Act

For purposes of this subpart the term "health professional shortage area" means (A) an area in an urban or rural area (which need not conform to the geographic boundaries of a political subdivision and which is a rational area for the delivery of health services) which the Secretary determines has a health [professional] shortage, (B) **a population group** which the Secretary determines has such a shortage and which is not reasonably accessible to an adequate served area, or (C) a public or nonprofit private medical facility or other public facility which the Secretary determines has such a shortage. . . .

42 U.S.C. 2000e-2(k)(1)(A) — Civil Rights Act

An unlawful employment practice based on disparate impact is established under this title only if--

> (i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or **national origin** and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity;

LAU ET AL. v. NICHOLS ET AL.

No. 72-6520

SUPREME COURT OF THE UNITED STATES

414 U.S. 563; 94 S. Ct. 786; 1974 U.S. LEXIS 151; 39 L. Ed. 2d 1

January 21, 1974, Decided

PRIOR HISTORY: [***1]

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.

DISPOSITION: *483 F.2d 791,* reversed and remanded.

SYLLABUS: The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates § 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving Federal financial assistance," and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 565-569.

COUNSEL: Edward H. Steinman argued the cause for petitioners. With him on the briefs were Kenneth Hecht and David C. Moon.

Thomas M. O'Connor argued the cause for respondents. With him on the brief were George E. Krueger and Burk E. Delventhal.

Assistant Attorney General Pottinger argued the cause for the United States as amicus curiae urging reversal. With him on the brief were Solicitor General Bork, Deputy Solicitor General Wallace, Mark L. Evans, [***2] and Brian K. Landsberg. *

* Briefs of amici curiae urging reversal were filed by Stephen J. Pollak, Ralph J. Moore, Jr., David Rubin, and Peter T. Galiano for the National Education Assn. et al.; by W. Reece Bader and James R. Madison for the San Francisco Lawyers' Committee for Urban Affairs; by J. Harold Flannery for the Center for Law and Education, Harvard University; by Herbert Teitelbaum for the Puerto Rican Legal Defense and Education Fund, Inc.; by Mario G. Obledo, Sanford J. Rosen, Michael Mendelson, and Alan Exelrod for the Mexican American Legal Defense and Educational Fund et al.; by Samuel Rabinove, Joseph B. Robison, Arnold Forster, and Elliot C. Rothenberg for the American Jewish Committee et al.; by F. Raymond Marks for the Childhood and Government Project; by Martin Glick for Efrain Tostado et al.; and by the Chinese Consolidated Benevolent Assn. et al.

JUDGES: Douglas, J., delivered the opinion of the Court, in which Brennan, Marshall, Powell, and Rehnquist, JJ., joined. Stewart, J., filed an opinion concurring in the result, in which Burger, C. J., and Blackmun, J., joined, post, p. 569. White, J., concurred in the result. Blackmun, J., filed an opinion concurring [***3] in the result, in which Burger, C. J., joined, post, p. 571.

OPINIONBY: DOUGLAS

OPINION: [*564] [**787] MR. JUSTICE DOUGLAS delivered the opinion of the Court.

The San Francisco, California, school system was integrated in 1971 as a result of a federal court decree, *339 F.Supp. 1315.* See *Lee v. Johnson, 404 U.S. 1215.* The District Court found that there are 2,856 students of Chinese ancestry in the school system who do not speak English. Of those who have that language deficiency, about 1,000 are given supplemental courses in the English language. n1 About 1,800, however, do not receive that instruction.

n1 A report adopted by the Human Rights Commission of San Francisco and submitted to the Court by respondents after oral argument shows that, as of April 1973, there were 3,457 Chinese students in the school system who spoke little or no English. The document further showed 2,136 students enrolled in Chinese special instruction classes, but at least 429 of the enrollees were not Chinese but were included for ethnic balance. Thus, as of April 1973, no more than

1,707 of the 3,457 Chinese students needing special English instruction were receiving it.

[***4]

This class suit brought by non-English-speaking Chinese students against officials responsible for the operation of the San Francisco Unified School District seeks relief against the unequal educational opportunities, which are alleged to violate, inter alia, the Fourteenth Amendment. No specific remedy is urged upon us. [*565] Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioners ask only that the Board of Education be directed to apply its expertise to the problem and rectify the situation.

The District Court denied relief. The Court of Appeals affirmed, holding that there was no violation of the Equal Protection Clause of the Fourteenth Amendment or of § 601 of the Civil Rights Act of 1964, 78 Stat. 252, *42* *[**788]* *U. S. C. § 2000d,* which excludes from participation in federal financial assistance, recipients of aid which discriminate against racial groups, *483 F.2d 791.* One judge dissented. A hearing en banc was denied, two judges dissenting. *Id., at 805.*

We granted the petition for [***5] certiorari because of the public importance of the question presented, *412 U.S. 938.*

The Court of Appeals reasoned that "every student brings to the starting line of his educational career different advantages and disadvantages caused in part by social, economic and cultural background, created and continued completely apart from any contribution by the school system," *483 F.2d, at 797.* Yet in our view the case may not be so easily decided. This is a public school system of California and § 71 of the California Education Code states that "English shall be the basic language of instruction in all schools." That section permits a school district to determine "when and under what circumstances instruction may be given bilingually." That section also states as "the policy of the state" to insure "the mastery of English by all pupils in the schools." And bilingual instruction is authorized "to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language."

[*566] Moreover, § 8573 of the Education Code provides that no pupil shall receive a diploma of graduation from grade 12 who [***6] has not met the standards of proficiency in "English," as well as other prescribed subjects. Moreover, by § 12101 of the Education Code (Supp. 1973) children between the ages of six and 16 years are (with exceptions not material here) "subject to compulsory full-time education."

Under these state-imposed standards there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.

We do not reach the Equal Protection Clause argument which has been advanced but rely solely on § 601 of the Civil Rights Act of 1964, *42 U. S. C. § 2000d,* to reverse the Court of Appeals.

That section bans discrimination based "on [***7] the ground of race, color, or national origin," in "any program or activity receiving Federal financial assistance." The school district involved in this litigation receives large amounts of federal financial assistance. The Department of Health, Education, and Welfare (HEW), which has authority to promulgate regulations prohibiting discrimination in federally assisted school systems, *42 U. S. C. § 2000d-1,* in 1968 issued one guideline that "school systems are responsible for assuring that students of a particular race, color, or national origin are not denied the [*567] opportunity to obtain the education generally obtained by other students in the system." *33 Fed. Reg. 4956.* In 1970 HEW made the guidelines more specific, requiring school districts that were federally funded "to rectify the language deficiency in order to open" the instruction to students who had "linguistic deficiencies," *35 Fed. Reg. 11595.*

By § 602 of the Act HEW is authorized to issue rules, regulations, and orders n2 to make sure that recipients of [**789] federal aid under its jurisdiction conduct any federally financed projects consistently with § 601. HEW's [***8] regulations, 45 CFR § 80.3 (b)(1), specify that the recipients may not

"(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

. . . .

"(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program."

n2 Section 602 provides:

"Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. . . ." *42 U. S. C. § 2000d-1.*

[***9]

Discrimination among students on account of race or national origin that is prohibited includes "discrimination . . . in the availability or use of any academic . . . or [*568] other facilities of the grantee or other recipient." Id., § 80.5 (b).

Discrimination is barred which has that effect even though no purposeful design is present: a recipient "may not . . . utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination" or have "the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin." Id., § 80.3 (b)(2).

It seems obvious that the Chinese-speaking minority receive fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program -- all earmarks of the discrimination banned by the regulations. n3 In 1970 HEW issued clarifying guidelines, *35 Fed. Reg. 11595,* which include the following:

n3 And see Report of the Human Rights Commission of San Francisco, Bilingual Education in the San Francisco Public Schools, Aug. 9, 1973.

[***10]

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

"Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational deadend or permanent track."

Respondent school district contractually agreed to "comply with title VI of the Civil Rights Act of 1964 . . . and all requirements imposed by or pursuant to the [*569] Regulation" of HEW (45 CFR pt. 80) which are "issued pursuant to that title . . ." and also immediately to "take any measures necessary to effectuate this agreement." The Federal Government has power to fix the terms on which its money allotments to the States shall be disbursed. *Oklahoma v. CSC, 330 U.S. 127, 142-143.* Whatever may be the limits of that [***11] power, Steward Machine Co. v. *Davis, 301 U.S. 548, 590* et seq., they have not been reached here. Senator Humphrey, during the floor debates on the Civil Rights Act of 1964, said: n4

n4 110 Cong. Rec. 6543 (Sen. Humphrey, quoting from President Kennedy's message to Congress, June 19, 1963).

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination."

We accordingly reverse the judgment of the Court of Appeals and remand the [**790] case for the fashioning of appropriate relief.

Reversed and remanded.

MR. JUSTICE WHITE concurs in the result.

CONCURBY: STEWART; BLACKMUN

CONCUR: MR. JUSTICE STEWART, with whom THE CHIEF JUSTICE and MR. JUSTICE BLACKMUN join, concurring in the result.

It is uncontested that more than 2,800 schoolchildren of Chinese ancestry attend school in the San Francisco Unified School District system even though they do not

speak, understand, read, [***12] or write the English language, and that as to some 1,800 of these pupils the respondent school authorities have taken no significant steps to deal with this language deficiency. The petitioners do not contend, however, that the respondents have affirmatively or intentionally contributed to this inadequacy, but only [*570] that they have failed to act in the face of changing social and linguistic patterns. Because of this laissez-faire attitude on the part of the school administrators, it is not entirely clear that § 601 of the Civil Rights Act of 1964, *42 U. S. C. § 2000d,* standing alone, would render illegal the expenditure of federal funds on these schools. For that section provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

On the other hand, the interpretive guidelines published by the Office for Civil Rights of the Department of Health, Education, and Welfare in 1970, *35 Fed. Reg. 11595,* clearly indicate that affirmative efforts to [***13] give special training for non-English-speaking pupils are required by Tit. VI as a condition to receipt of federal aid to public schools:

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." n1

n1 These guidelines were issued in further clarification of the Department's position as stated in its regulations issued to implement Tit. VI, 45 CFR pt. 80. The regulations provide in part that no recipient of federal financial assistance administered by HEW may

"Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; [or]

"Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program." 45 CFR § 80.3 (b)(1)(ii), (iv).

[***14]

[*571] The critical question is, therefore, whether the regulations and guidelines promulgated by HEW go beyond the authority of § 601. n2 Last Term, in *Mourning v. Family Publications Service, Inc., 411 U.S. 356, 369,* we held that the validity of a regulation promulgated under a general authorization provision such as § 602 of Tit. VI n3 "will be sustained so long as it is 'reasonably related to the [**791] purposes of the enabling legislation.' *Thorpe v. Housing Authority of the City of Durham, 393 U.S. 268, 280-281 (1969).*" I think the guidelines here fairly meet that test. Moreover, in assessing the purposes of remedial legislation we have found that departmental regulations and "consistent administrative construction" are "entitled to great weight." *Trafficante v. Metropolitan Life Insurance Co., 409 U.S. 205, 210; Griggs v. Duke Power Co., 401 U.S. 424, 433-434; Udall v. Tallman, 380 U.S. 1.* The Department has reasonably and consistently interpreted § 601 to require affirmative remedial efforts to give special attention to linguistically deprived children. [***15]

n2 The respondents do not contest the standing of the petitioners to sue as beneficiaries of the federal funding contract between the Department of Health, Education,and Welfare and the San Francisco Unified School District.

n3 Section 602, *42 U. S. C. § 2000d-1,* provides in pertinent part:

"Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. . . ."

The United States as amicus curiae asserts in its brief, and the respondents appear to concede, that the guidelines were issued pursuant to § 602.

For these reasons [***16] I concur in the result reached by the Court.

MR. JUSTICE BLACKMUN, with whom THE CHIEF JUSTICE joins, concurring in the result.

I join MR. JUSTICE STEWART'S opinion and thus I, too, concur in the result. Against the possibility that the Court's judgment may be interpreted too broadly, I [*572] stress the fact that the children with whom we are

concerned here number about 1,800. This is a very substantial group that is being deprived of any meaningful schooling because the children cannot understand the language of the classroom. We may only guess as to why they have had no exposure to English in their preschool years. Earlier generations of American ethnic groups have overcome the language barrier by earnest parental endeavor or by the hard fact of being pushed out of the family or community nest and into the realities of broader experience.

I merely wish to make plain that when, in another case, we are concerned with a very few youngsters, or with just a single child who speaks only German or Polish or Spanish or any language other than English, I would not regard today's decision, or the separate concurrence, as conclusive upon the issue whether the statute and [***17] the guidelines require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly.

Mr. HORN. So if you could do that, I would appreciate it. I think we need to narrow this down.

Ms. KATZEN. In response to the first part of the question, agencies can, on their surveys or forms, et cetera, assuming a legitimate purpose and a minimum burden on respondents, they can use disaggregated groups under the racial and ethnic categories, so long as they can be aggregated to the categories set forth in the directive.

With respect to national ancestry, that can be added as something which the agencies can do—again, if they can otherwise justify it—there would be no prohibition on that additional information being obtained.

Mr. HORN. Well, let's get in the record, at this point, then, an exhibit between OMB and Census as to how many of those questionnaires exist, what information are they asking of a racial, national origin, ancestral, however put, origin, to carry out some aspect of their program. Just so we know the extent of this, I think we need to get it in one place.

We also need to know the basis for the question. Let's not go back beyond the 1990 census. What questions in the 1990 census can you take and figure out the person's multiracial background, if any? Do we ask where their parents came from? Do we ask where their grandfathers and grandmothers came from? And so forth.

On the delay, due to, as I remember, the experiments you were having as to how people answered some of these categories, what is our time line? Is it May? I think I heard May is when some of these will be given?

Ms. KATZEN. Yes, we expect to have the results in early May. I think it's targeted for the end of the first week or the beginning of the second week. As with the other tests that have been conducted, the results will be made publicly available. At that point, then, our research phase will be completed and the very hard work of rolling up our sleeves and sifting through it all will begin. We hope to have the interagency report and recommendation to us in time for its publication in the Federal Register in early July.

Mr. HORN. Then that will wait for what, 60 days' comment?

Ms. KATZEN. Sixty-day public comment period.

Mr. HORN. And then what?

Ms. KATZEN. And then the final decision will be made at OMB, and will be publicly announced. Hopefully, if there are any changes, they will be able to be used in the dress rehearsal for the year 2000 census, which will be taking place in the spring of 1998.

Mr. HORN. If Congress doesn't like it, they can add a prohibition in your appropriations bill, I assume?

Ms. KATZEN. Congress has a variety of ways of making known its clear intent.

Mr. HORN. Thank you.

Ms. KATZEN. To which we are always respectful.

Mr. HORN. Mrs. Maloney, 5 minutes or so. We're trying to get Ms. Katzen over to Mr. McIntosh's subcommittee, where she has a lot of fun.

Mrs. MALONEY. Thank you.

First of all, you have repeatedly emphasized that the current categories are derived from the need to provide information for enforcing laws against discrimination; specifically, the Voting Rights Act of 1973, and the Civil Rights Act of 1964, I believe.

Would the addition of another category, such as a multiracial category, require changes to any of these laws; and if so, could you provide for the record, in writing, the kinds of changes that would be needed, if we added that category to the antidiscrimination laws?

Ms. KATZEN. I would be happy to work to try to provide that information. The answers reside in the agencies who have the responsibility for monitoring or enforcing those laws, rather than in OMB. Several of the witnesses that you will hear from after me may be able to more readily give you answers to those questions.

Not surprisingly, the laws are written with different words and different phrases, and have different intent. Therefore, there is no single answer that I could give you here. It would be program by program, law by law. We will be happy to try to work to get that information for you.

Mrs. MALONEY. I think that, as you mentioned, it's very fragmented. You have an interagency task force involving many agencies. You are the one that is pulling this together. I think it would be good if someone, specifically OMB, since you are spearheading this, could pull together that information of what the impact would be on existing laws.

Second, you have reported today and said many times through your testimony how it has evolved and changed over history, the categories on the forms. How do you balance the need for reflecting the changes in our society with the need for consistency, so that we can enforce our laws and track our success of lack thereof in our antidiscrimination laws?

Ms. KATZEN. That is a difficult process; again, unique to each of the inquiries that we may be presented with. It's inherent in almost every data collection request that we receive from an agency, whether it involves race and ethnicity questions or other questions.

It is a balance to be achieved between the utility of the information—the importance of that information or the use of that information, both within the Federal Government and in a more expanded area—and the burdens that are imposed. In effect, here it would be a potential detriment to the ability to carry out Federal responsibilities.

Again, this is one in which we have asked the agencies to explore their own programs and report back to us. I think it's comparable to the issue you mentioned earlier and one that we hope to get at in the interagency process.

Mrs. MALONEY. If we add a multiracial category, what do I say to my constituents who say to me, "You have made it impossible to enforce the laws against discrimination"?

Ms. KATZEN. As we explore the alternatives—and as we mentioned earlier, there are a variety of ways of addressing the multiracial question, some of which may have little, if any, effect on our ability to enforce—certainly we would not want to take any step that would preclude a Federal agency from being able to enforce the law.

Our objective here is to facilitate enforcement of the law, facilitate the implementation of programs, not to make either more difficult. Therefore, as we think about the ways of approaching this issue, I hope that we will provide you with an answer, so that you can say, "There will not be any diminution in our ability to do what we have to do."

Mrs. MALONEY. Likewise, if we do not add a multiracial category, what would you suggest that we say to our constituents, to a mother who says to me, "Please do not make my child choose between one race and another"?

Ms. KATZEN. That is the issue that I was presented with, that I found so compelling, and the reason why we are exploring the different ways of framing or asking the multiracial question.

Again, it is possible to consider a variety of approaches. One would be a simple multiracial line or box. Another is to ask respondents or enable respondents to check a series of boxes, so that no one would have to deny any part of his or her heritage. A third is a totally open-ended question in which people could identify themselves as they choose to, without restrictions.

Now, these all have tradeoffs. For some, agencies can more easily administer the collection of the data, and more easily—going back to your first point—enforce the law; others are more difficult in that context. And that is what it is that we will be struggling with.

I don't have the answers now. I'm not sure I even know all the questions right now, but I know for sure I don't have the answers.

Mrs. MALONEY. Well, helping us to get those answers are probably some of the target tests that you are doing?

Ms. KATZEN. Yes.

Mrs. MALONEY. How important will the race and ethnicity target test be in determining the final categories proposed by OMB, and when do you propose to finish with this target test?

Ms. KATZEN. Well, we think the target test is very important, because, unlike some of the other tests which used nationwide bases, this is specifically targeted to areas where we expect to see a large number of the different population groups and a large number of multiracial groups.

Those results are expected in the early part of May and will be made publicly available at that time. I think they will be very important. At this point, I have no idea how they are going to come out, so I can't tell you which way they will tip the scales, if at all. But we are awaiting the results of those tests so that we can have the benefit of them.

Mrs. MALONEY. Well, my time is up. Thank you very much, and I wish you luck. You're going to need it. You have a difficult task before you.

Ms. KATZEN. Thank you very much.

Mr. HORN. One last question just for the record: Under what circumstances do State and local governments have to follow OMB's Directive 15? Does that apply to State government collection at all?

Ms. KATZEN. Yes and no. There are some instances where the State governments can do their own thing, so to speak. But in areas where there is Federal-State partnership and cooperation, then the information would ordinarily be aggregated into the five categories before it is transmitted to the Federal Government.

In some instances, that's required; in some instances, it's simply encouraged, depending, again, upon the particular program involved, the particular statutory requirements that guide that program, and the regulations that implement it. Some of the witnesses who follow me actually work in these programs and can give you more precise information.

Mr. HORN. California has some more detailed categories than OMB. I want in the record, at this point, the California list on which they base public policy. Without objection, that will be put in, and we will pursue it with Census on the other.

[The information referred to follows:]

The State of California has no uniform standard for gathering and reporting data on race and ethnicity. The categories depend on use. Examples Follow:

California State employee racial/ethnic categories

- White
- Black/African American
- Hispanic
- Asian
- Filipino
- American Indian
- Pacific Islander
- Other

California Department of Education racial/ethnic categories

- Am Indian/Alaskan
- Asian
- Pacific Islander
- Filipino
- Hispanic
- Black
- White

1992 CALIFORNIA
BIRTH TAPE FILE DOCUMENTATION

FIELD NO.	RECORD POSITION(S)	NO. OF BYTES	ALPHA/ NUMERIC	FIELD NAME AND DESCRIPTION
58.	286	1	N	HISPANIC ORIGIN CODE OF MOTHER

1 = NOT SPANISH/HISPANIC
2 = MEXICAN/MEXICAN-AMERICAN/CHICANO
3 = PUERTO RICAN
4 = CUBAN
5 = CENTRAL/SO. AMERICAN
6 = OTHER SPANISH/HISPANIC (BORN OUTSIDE U.S.)
8 = OTHER SPANISH/HISPANIC (BORN IN THE U.S.)
9 = UNKNOWN OR UNREPORTED

21.	104-105	2	N	RACE-ETHNICITY OF MOTHER

10 = WHITE
20 = BLACK
30 = AMERICAN INDIAN
40 = ASIAN-UNSPECIFIED
41 = ASIAN-SPECIFIED
42 = ASIAN-CHINESE
43 = ASIAN-JAPANESE
44 = ASIAN-KOREAN
45 = ASIAN-VIETNAMESE
46 = ASIAN-CAMBODIAN
47 = ASIAN-THAI
48 = ASIAN-LAOTIAN
51 = OTHER-SPECIFIED
52 = INDIAN (EXCLUDES AMERICAN INDIAN, ALEUT & ESKIMO)
53 = FILIPINO
54 = HAWAIIAN
55 = GUAMANIAN
56 = SAMOAN
57 = ESKIMO
58 = ALEUT
59 = PACIFIC ISLANDER (EXCL. HAWAIIAN, GUAMANIAN, SAMOAN
98 = REFUSED TO STATE
99 = UNKNOWN

Data Analysis Unit
Estimates and Statistical Analysis Section
Offender Information Services Branch

Department of Corrections
State of California
August 1997

JULY 1997 MONTHLY REPORT

RACIAL-ETHNIC GROUPS

The racial-ethnic status of an inmate is obtained when he or she is first admitted to the department at a reception center. The groups include inmates who identify themselves as follows:

White	Caucasian Portuguese Spanish
Black	Negro African
Hispanic/(Mexican)	Mexican Chicano Mexican nationals Hispanic
Other	American Indian Cambodian Chinese Colombian Cuban Filipino Guamanian Guatemalan Hawaiian Indian (from India) Jamaican Japanese Korean Laotian Nicaraguan Other Asian Pacific Islander Puerto Rican Salvadorian Samoan Thai Vietnamese Other

In instances when an inmate is of mixed parentage, the inmate makes the designation of his or her racial-ethnic status.

Mr. HORN. Thank you very much for coming. We appreciate your testimony and wish you well in the next panel.

Ms. KATZEN. Thank you very much, Mr. Chairman, Mrs. Maloney.

Mr. HORN. If you would stand and raise your right hands, Ms. Riche, Ms. Gordon.

[Witnesses sworn.]

Mr. HORN. Both witnesses have affirmed, the clerk will note.

We are conscious of your time situation, Ms. Riche, and we would appreciate it, if you could summarize your statement, and then we will have a chance for questions.

STATEMENT OF MARTHA FARNSWORTH RICHE, DIRECTOR, BUREAU OF THE CENSUS, ACCOMPANIED BY NANCY M. GORDON, ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS

Ms. RICHE. Thank you very much, Mr. Chairman, for inviting the Census Bureau to testify on this important initiative of the Office of Management and Budget.

The Office of Management and Budget developed the schedule for this initiative to coincide with Census 2000. As you may know, our procedures for collecting data on race and ethnicity have been in compliance with the OMB directive since it was issued in 1977. We plan to continue this compliance with Census 2000. We believe it is essential that Federal agencies observe such standards to keep our data consistent and comparable across the Government.

I would like to thank both the chairman and the ranking member for their interest in and support of Census 2000. Today, however, we are here in a secondary role, and that is to share with you the research that we have done and continue to conduct for OMB, in relation to OMB Directive 15.

So, to that end, I would like to turn over the next part of the summarizing of our testimony to Dr. Nancy Gordon. She is the Associate Director for Demographic Programs in the Census Bureau. Dr. Gordon and her staff are responsible for our contribution to this important effort.

So we thank you very much, again, for the opportunity to testify. I'm sorry I have a prior commitment, but I'm going to put you in the hands of the expert.

Mr. HORN. Well, let me ask you, before you leave, then, what are the penalties if one does not answer the racial or ethnic questions?

Ms. RICHE. I would have to check into that to give you a definitive answer, but it is my belief that there are no penalties.

[The information referred to follows:]

Section 221 of Title 13 United States Code provides for a penalty of up to $100 for refusing to respond to questions in the decennial census.

Mr. HORN. Yes. Because I can see a lot of people saying, "I'm not going to tell Big Brother, looking down my shoulder, what I am."

Ms. RICHE. Yes. People don't always fill in all of the questionnaires, and some questions are more sensitive than others. This is probably one of them.

Mr. HORN. Do we know by analyzing the data from the 1990 census whether this question is ignored more than most? And if so, what accuracy do we have left with the census?

Ms. RICHE. The question actually that is ignored most is the question on income, and that stands out by far. I don't know if research has been done on how much this question was ignored, but if there is some, we would be happy to provide it for you.

Mr. HORN. I would like in the record, at this point, without objection, the data that is within the Census Bureau that shows the degree to which any question in the 1990 census was ignored. Income, you say, is No. 1. What is No. 2, No. 3, and No. 4?

Ms. RICHE. Very good. Thank you very much.

[The information referred to follows:]

During data collection operations for the 1990 census, questionnaires were reviewed by census clerks for omissions and inconsistencies. A telephone or personal visit followup was made to try to obtain missing information. After these field operations were completed, remaining incomplete or inconsistent information on the questionnaires was imputed using allocation procedures during the final automated edit of the collected data. Reports from the 1990 census include statistical tables that show data before allocation (i.e., after field followup) and after allocation in considerable detail. The highest allocation rates were for the following:

Income in 1989 for households—18.9
Weeks worked in 1989 for persons 16 years and over—14.9
Income in 1989 for persons 15 years and over—14.2
Origin (whether or not of Hispanic origin)—10.0
Occupation for employed persons 16 years and over—7.1
Industry for employed persons 16 years and over—5.9

Mr. HORN. What I'm interested in now is the question I last asked to Dr. Katzen on the degree to which the law that applies to the census also applies to the States, and how do you work that out in their data collection? She mentioned the joint partnership legislation. I just wondered, is this a problem?

Ms. RICHE. That's not something that I'm aware of. We basically follow the OMB's directive in our data collection, and I'm not sure how much leeway States have. I know they have some leeway.

Mr. HORN. OK. We will get an exhibit in the record, at this point, between counsel at OMB and counsel in Commerce and Census, as to what effect, if any, Directive 15 has on States and localities in data collection related to Federal programs or federally subsidized programs through State action.

[The information referred to follows:]

The Census Bureau/Commerce Department defers to the OMB on matters regarding interpretation of Directive 15.

Mr. HORN. Very good. We thank you, and we will count, then, on Ms. Gordon to explain the testimony.

Ms. RICHE. Thank you very much.

Ms. GORDON. Thank you very much, Mr. Chairman.

It has been mentioned before that the Census Bureau is undertaking two tests of alternative versions of questions relating to reporting race and Hispanic origin. The one that has been completed is a portion of the National Content Survey. There were four panels of that survey, each with approximately 6,000 households participating, that were focused particularly on analyzing options for reporting data on race and Hispanic origin.

That test was not designed to collect data for relatively small population groups such as American Indians and Alaskan Natives, or detailed Asian and Pacific Islander categories such as Chinese

and Vietnamese, or detailed Hispanic origin groups such as Puerto Ricans and Cubans.

Instead, the survey tested questions on race and Hispanic origin in order to examine two areas that some have proposed be changed: first, the addition of an option for multiracial classification; and second, the sequencing of the questions on race and Hispanic origin. The test also enabled us to look at the effects of combining both those changes.

There has been a considerable amount of discussion of the underlying reasons for raising the option of a multiracial classification. Let me just note why there is interest in reversing the sequencing of the race and Hispanic origin questions.

There have been two persistent problems identified in decennial census evaluations. First, some people see those two questions as asking for the same information, and thus they do not answer one of them. And second, research from the 1990 census has shown that some Hispanics view themselves racially as Hispanic and do not identify with one of the specific racial categories identified in Directive 15, or that they find the question about race to be confusing.

I would like to concentrate on the findings of the National Content Survey, looking first at the option for adding a category for people who view themselves as multiracial or biracial. First, about 1 percent of persons reported themselves as multiracial when given that opportunity. Second, the presence of the multiracial response category did not have statistically significant effects on the percentages of people who reported as white, as black, or as Asian and Pacific Islander.

But that last statement needs to be taken with some caution. Although the apparent decline in the proportion of persons who reported as Asian or Pacific Islander was not statistically significant, a substantial proportion of the write-in responses to the multiracial category included detailed categories of the Asian and Pacific Islander population. Consequently, we cannot rule out the possibility that adding a multiracial category would affect how this population reports race.

Finally, including a multiracial category reduced the percentage of people reporting in the "Other" race category of the race question.

The major findings on reversing the sequencing of the questions on race and Hispanic origin are two: first, placing the Hispanic origin question before the race question significantly reduced nonresponse to the Hispanic origin question. In other words, more people answered that question. Second, placing the Hispanic origin question first reduced the percentage of people reporting in the "Other" race category.

The second major test that we are conducting of questions on race and ethnicity is referred to as the Race and Ethnic Targeted Test. That test has a sample of about 112,000 housing units, drawn from census tracts with high concentrations of racial and ethnic populations, including American Indians, Alaskan Natives, Asian and Pacific Islanders, blacks, and Hispanics.

Because of the targeted design, this test is not representative of the total population. Instead, it is designed to detect differences in

responding to questionnaire variations among particular populations, including the American Indian and Alaskan Native populations, that could not be addressed by the National Content Survey.

Results from this test are currently being evaluated in order to address a number of issues: adding a multiracial or biracial category, using a "check one or more category" approach to reporting race, placing the Hispanic origin question before the race question, combining the questions on race and Hispanic origin and then asking about ancestry in the second part of that same question, and several variations in terminology and placement of some of the categories.

As has been noted a number of times, we plan to release the results from that study early in May.

Mr. Chairman, that concludes my testimony. I would be happy to answer any questions you may have.

[The prepared statement of Ms. Gordon follows:]

PREPARED STATEMENT OF

NANCY M. GORDON

ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS

U.S. BUREAU OF THE CENSUS

Before the Subcommittee on Government Management, Information and Technology

Committee on Government Reform and Oversight

U.S. House of Representatives

April 23, 1997

INTRODUCTION

Thank you, Mr. Chairman, for the opportunity to testify today on the research we are conducting on questions about race and ethnicity for Census 2000. Let me begin by saying that the Census Bureau will continue to comply, as we always have, with the government-wide guidance to all Federal agencies for collecting and reporting data on race and ethnicity that the OMB issues in Statistical Policy Directive No. 15.[1] Our procedures for collecting data on race and ethnicity have been in compliance with OMB guidance since it was issued in 1977. We believe it is essential that there be such standards for use by all Federal agencies to ensure that data are consistent and comparable.

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[1]Directive No. 15 states that data on race may be collected in more detail, but the collection must be organized in such a way that any additional categories can be aggregated into the following four categories: American Indian and Alaskan Native, Asian and Pacific Islander, Black, and White. The two categories for ethnicity are "of Hispanic origin" and "not of Hispanic origin".

The Census Bureau is one of the more than 30 Federal agencies serving on OMB's Federal Interagency Committee for the Review of Racial and Ethnic Standards. Our major role in this process has been to conduct research on race and ethnicity concepts and questions, consult with a wide variety of data users, and undertake two major tests that will help the Interagency Committee develop its recommendations to the OMB on Directive No. 15. These tests will also provide information on question wording and placement for use in Census 2000.

To collect these data in recent censuses, we have treated race and ethnicity as two separate concepts. This approach has met a wide variety of needs. In addition to race and Hispanic origin, we have asked a question on ancestry that gives every respondent the opportunity to identify his or her ancestry or ethnic group. This question provides data on a wide range of groups, such as English, Polish, Lebanese, and Jamaican.

As we notified the Congress on April 1 of this year, we again plan to ask questions on race and ethnicity in Census 2000 because these data have specific Federal legislative or legal justifications for use in implementing a wide array of programs. By law,.we are required to report to the Congress by April 1, 1998, on the specific wording of all the questions to be included in Census 2000.

In the 1990 census, we asked the race and Hispanic origin questions of all persons on both the short and long forms. In addition, the 1990 census long form, administered to a sample of about one in six households, included the ancestry question. We proposed the same arrangement in

our April 1 letter to the Congress, but with the caveat that the decision on OMB's Directive No. 15 could lead to combining the race, Hispanic origin, and ancestry questions to be asked of all persons.

Our objective for Census 2000 is to provide data on race and ethnicity that are:

- Consistent with the guidelines;
- Of high quality;
- Operationally feasible to collect;
- Appropriate for major governmental and nongovernmental needs; and
- Readily understood and generally accepted by the public.

The tests we are conducting to assist in the review of Directive No. 15 will also help determine how best to structure the more detailed questions for Census 2000 so that they meet the Government's need for data on race and ethnicity.

We began our research program for Census 2000 by evaluating the adequacy of data on race and ethnicity from the 1990 census. Although the evaluations indicated the data were of overall high quality, we identified several problems with the questions, mostly related to misreporting, nonresponse, and inconsistent reporting.

We consulted with a broad array of advisors and stakeholders, including members of our four census advisory committees on race and ethnicity; a census advisory committee of professional associations; the 2000 Census Advisory Committee; a diverse panel of experts on data about race

and ethnicity; representatives of Federal, state, and local governments; representatives of various groups with differing views on classifying data about race and ethnicity; and hundreds of data users to whom we have sent our plans for comment.

Over the last several years, we have also conducted cognitive research, focus groups, and classroom experiments that aided us in developing the questions being tested. Several of the proposals for testing came from the research agenda developed by the research subcommittee of the Interagency Committee. We also considered recommendations in previous reports by the National Research Council and the General Accounting Office.

NATIONAL CONTENT SURVEY

With that background, I will now describe the two main tests I mentioned earlier. The 1996 National Content Survey, which we conducted from March through June 1996, is the principal vehicle for testing and evaluating the full subject content for Census 2000. It included testing alternative versions of questions relating to race and Hispanic origin.

The National Content Survey sample consisted of thirteen panels spread over 94,500 households, but the analyses of options for categorizing data on race and Hispanic origin were based on four panels with about 6,000 households each. The test was not designed to collect data for relatively small population groups, such as American Indians and Alaska Natives, detailed Asian and Pacific Islander groups (such as Chinese or Vietnamese), or detailed Hispanic origin groups

(such as Puerto Ricans or Cubans). The National Content Survey testing of questions on race and Hispanic origin sought to examine two areas that some have proposed be changed:

- the addition of an option for multiracial classification; and
- the sequencing of questions on race and Hispanic origin.

The test also examined the effect of combining both of these changes.

Adding a Multiracial Classification

The number of children in interracial families grew from less than one-half million in 1970 to about two million in 1990, indicating a growing number of people who may choose not to identify with one single race. Currently, Statistical Policy Directive No. 15 does not provide a separate classification for such individuals, some of whom have expressed concerns about having either to identify with one race or to report in an "Other race" response category of the race question, such as that included in past decennial censuses. The inclusion of a multiracial classification was one of the issues identified for research and testing by the Interagency Committee. Thus, the race and Hispanic origin questions in the 1996 National Content Survey sought to determine the effect of adding a multiracial category in the race question on how people report their race and Hispanic origin.

Reversing the Sequence of the Questions on Race and Hispanic Origin

The research on reversing the sequence of the questions on race and Hispanic origin addresses two persistent concerns identified in decennial census evaluations. First, some people see these questions as asking for the same information twice, and thus do not answer one of the questions.

In the 1990 census, the Hispanic origin question was placed three questions after the race question in an attempt to indicate that Hispanic origin represented a different subject than race. Despite this, the nonresponse rate for the Hispanic origin question in the 1990 census was 10 percent. A study of reinterview data for the 1990 census found that most of the people who did not answer the Hispanic origin question were not Hispanic.

Second, research from the 1990 census and cognitive studies has shown that some Hispanics view themselves racially as Hispanic and do not identify with one of the specific racial categories, or they find the race question confusing. In 1990, about 40 percent of Hispanics reported in the "Other race" category. Thus, the Census Bureau sought to follow up on earlier research to evaluate whether reversing the sequence in which the questions were asked would reduce nonresponse to the Hispanic origin question and reduce reporting in the "Other Race" category of the race question.

Major Findings on Adding a Multiracial or Biracial Response Category

- About one percent of persons reported themselves as multiracial in the versions of the race question that included a multiracial or biracial response category.
- The presence of a multiracial response category in the race question did not have statistically significant effects on the percentages of persons who reported as White, Black, or Asian and Pacific Islander. This finding held regardless of the sequence of the race and Hispanic origin questions.

- An apparent decline in the proportion of persons who reported as Asian and Pacific Islander when a multiracial category was included was not statistically significant at the 90-percent confidence level. However, because a substantial proportion of the write-in responses to the multiracial category included Asian and Pacific Islander responses, one cannot rule out the possibility that adding a multiracial category would affect how this population reports race.
- Including a multiracial category reduced the percentage of persons reporting in the "Other race" category of the race question.

Major Findings on Reversing the Sequence of Questions on Race and Hispanic Origin

- Placing the Hispanic origin question before the race question significantly reduced nonresponse to the Hispanic origin question.
- Placing the Hispanic origin question before the race question reduced the percentage of persons reporting in the "Other race" category of the race question.

RACE AND ETHNIC TARGETED TEST

The Race and Ethnic Targeted Test is designed to evaluate possible changes to questions about race and ethnicity. Results from this test will help us improve the reporting of race and ethnicity in Census 2000 and also provide information for the OMB review of Statistical Policy Directive No. 15. Here, I will provide a brief summary of the design and content of the survey.

The test, conducted in the summer of 1996, had a sample of about 114,000 housing units drawn from census tracts with high concentrations of racial and ethnic populations including American Indians, Alaska Natives, Asians and Pacific Islanders, Blacks, and Hispanics. Because of the "targeted" design, the test is not representative of the total population; however, it is designed to detect differences in responding to questionnaire variations among particular populations—including American Indians and Alaska Natives, as well as among detailed groups of the Asian and Pacific Islander population (such as Chinese or Vietnamese) and of the Hispanic origin population (such as Puerto Ricans or Cubans).

Results from this test currently are being evaluated to address the effects of the following:

- Adding a "Multiracial or biracial" category to the race item;
- Using a "Check more than one category" approach to reporting race;
- Placing the Hispanic origin question before the question on race;
- Combining the questions on race and Hispanic origin, with ancestry asked in the second part of that question;
- Substituting a combined "Indian (Amer.) or Alaska Native" category for the separate categories of "Indian (Amer.)", "Eskimo," and "Aleut"; and
- Substituting the category "Native Hawaiian" for "Hawaiian" and placing it right after the "Indian (Amer.) or Alaska Native" category.

We plan to release results from the Race and Ethnic Targeted Test next month.

CENSUS 2000 DRESS REHEARSAL

The Census Bureau will conduct a dress rehearsal of Census 2000 operations in 1998. We plan to publish a Federal Register notice this July, shortly after the OMB publishes the recommendations of its Interagency Committee, that describes the proposed questions on race and ethnicity for the dress rehearsal. The questions will be consistent with the recommendations of the Interagency Committee. We will submit our dress rehearsal questionnaires to the OMB this October after they issue the final determinations on Statistical Policy Directive No. 15.

Mr. Chairman, that concludes my testimony. I would be happy to answer any questions.

Mr. HORN. Thank you very much.

Let me ask you about the Cambodian population. I happen to come from a city that has the largest number of Cambodians outside of Cambodia. Now, one of the problems here is, many of them came over along in their years, those that survived the murderous 1 million deaths of Pol Pot, who unfortunately is still alive. Some of them probably went to Cambodia in the 1890's, and were overseas Chinese and moved into Cambodia, but are now Cambodians.

We face the problem, with a lot of these who came here as refugees and or immigrants, as to how well they are served by some Federal programs. Now, how do we deal with a population like that, on the census? Do we ask for refugee status? Do we ask for country of origin, if they are immigrants to the United States? We did at one time; I don't know what your plans are for the year 2000.

I would like to hear a little elaboration on how we pinpoint that type of a population to see the degree to which they are served by relevant Federal programs.

Ms. GORDON. The general approach the Census Bureau is taking to designing the questionnaire for Census 2000 is to ask questions that are required by law or by judicial decisions. That includes questions on ancestry, race, and Hispanic origin, as we have discussed before.

I think the question, in terms of the data that will be collected, really gets back to how those people view themselves. If they view themselves as Cambodian, that would determine how they would respond to the questionnaire. If they viewed themselves as Chinese, then they would answer in that way.

One of the alternatives that is being tested, namely to add a multiracial category, then recognizes the need for additional detailed information in a number of circumstances. The respondent is asked to write in the categories that the respondent identifies with. That's a somewhat different approach from the other alternative that is being tested, which is to mark one or more boxes.

Mr. HORN. How many industrial countries, such as we, Japan, Germany, France, Italy, Great Britain, use similar racial and ethnic questions in any census they might make?

Ms. GORDON. I must confess, I really am not informed on that topic, but I could get you some information for the record.

Mr. HORN. Could we put an exhibit in the record? I remember, when I was in the Department of Labor many years ago, our International Labor Bureau used to know all this, as to what labor laws were in other countries, and I assume somewhere in the Census Bureau there's an expert on that buried.

Ms. GORDON. I must confess, that although those experts are actually in my portion of the Census Bureau, they know so much more than I do.

Mr. HORN. Fine. Let's get a little exhibit that notes these categories for the United States, and what are the categories of both race and ethnicity advanced industrial countries ask, and how often do they ask them?

[The information referred to follows:]

Based on a few censuses taken around 1990, industrialized countries outside the United States have not included a question on race, but sometimes have included

a question on ethnicity. Japan, Germany, France, and Italy did not include either item.

Great Britain included a question on ethnic group. The categories included Black-Caribbean, Black-African, and Black-Other, and the instruction mentions ethnic or racial group; in other words, the question on ethnic group includes a racial component.

Canada included a question on ethnic origin. In addition, the following question was asked: "Is this person a registered Indian as defined by the Indian Act of Canada?"

Mr. HORN. This question was asked earlier, but I want to ask you, since you are here on behalf of the director: Is there a rule of thumb that you would care to articulate as to the size of a group in the population before an additional category would provide useful information?

I note that, in your written testimony, you stated that studies conducted, presumably by OMB or the Census Bureau, have led you to conclude that approximately 1 percent to 1.5 percent of persons surveyed would identify themselves as multiracial if given a chance. Is a total of less than 2 percent large enough to justify the costs associated with imposing a new category?

Ms. GORDON. To the best of my knowledge, there is no rule of thumb to answer your question. That is one of the issues that the Interagency Committee and the OMB will have to wrestle with.

Mr. HORN. Then, of course, the question was the degree to which census data collection policies, presumably reflected in OMB Directive 15 or vice-versa, the degree to which they apply to State data collection on relevant Federal programs, where there is a partnership between State and Federal Governments. What is your reaction on that?

Ms. GORDON. We will be happy to work with your staff, and probably a number of other agencies within the Government, to try to identify that information for you.

[The information referred to follows:]

The Census Bureau, being a federal statistical agency, is not directly involved in data collection by states. The data that the Census Bureau collects on race and ethnicity in censuses and surveys, which are used by state and local governments as well as by the federal government, are consistent with the guidelines in Directive No. 15 from OMB.

Mr. HORN. In a footnote to your written testimony, you noted, as Sally Katzen did, in response to an earlier question, that Directive 15 already allows data on race to be collected in more detail than the five categories. Why has not the Census used this ability to address the issue of adding a multiracial category?

Ms. GORDON. Under the current version of Directive 15, one is required to be able to aggregate the answers to more detailed categories into the categories that are specified by OMB. For example, in the Asian and Pacific Islander population, we have a very large list of different possibilities, but those can be aggregated back.

If someone were to check a multiracial box, that might not be possible. For example, suppose that the person checked "multiracial" and wrote-in two categories, both of which were on the list of the four major categories from OMB. We would not know which category into which to place the data about that person, so, in that sense, we would not be able to aggregate to the OMB categories.

Mr. HORN. On country of origin, I assume that's a separate question somewhere in the census; is that checked?

Ms. GORDON. Yes, that's correct.

Mr. HORN. Is that checked against what they have checked in these categories?

Ms. GORDON. I would have to check to see if we currently are planning to ask country of origin. I know that ancestry is being asked. That's a closely related concept but not quite identical.

Mr. HORN. Well, we have, for example, a large Samoan population in California. If there is a question on where were they born, Samoa would show up. And if there's a question on various categories, you could list Micronesian, Macronesian, Hawaiian, whatever. There are all sorts of different groups in the Pacific that want to be identified one way or the other. Filipinos do not want to be called Pacific Islanders. Under California law, I believe there is a separate collection for Filipinos.

So what is your thinking on that?

Ms. GORDON. Again, I think I will have to supplement my answer for the record. When we are asking about ancestry, I believe that it is the person who is responding who gets to make the decisions about what information to provide. There is an opportunity for that person to write in an answer.

[The information referred to follows:]

In addition to the question on ancestry, there is a question on place of birth in which the respondent is asked to report U.S. state of birth or foreign country of birth.

Mr. HORN. The last question I have is, how will the delay in OMB's decision on Directive 15 impact the Census Bureau's dress rehearsal in 1998? Is there a gap as a result of the late decision in OMB?

Ms. GORDON. I must confess that it would be difficult for me to say that OMB is late, considering that it's our analysis of the Race and Ethnic Targeted Test that is an integral part of their decision-making process, and we have not yet completed it. But to the best of my knowledge, assuming we stay on the timetable that we have worked out with the people doing the dress rehearsal, the OMB, and the Interagency Committee, there will not be a problem.

Mr. HORN. OK.

Mrs. Maloney, 10 minutes.

Mrs. MALONEY. Thank you very much.

There appears to be some confusion about what the Census Bureau can do or cannot do in adding categories before they run afoul of OMB directives. I would just like to specifically and just clearly ask, could the Census Bureau add a multiracial category? Could the Census Bureau, on your own, change the way that the Bureau classifies Native Hawaiians?

Ms. GORDON. I believe those are two separate questions. To the former, I believe not; to follow Directive 15, we could not.

Mrs. MALONEY. You could not add multiracial on your own?

Ms. GORDON. I believe that to be true. Again, I do want to check all of these answers for the record, to make sure that they are correct. I am not clear on whether we are directed, in terms of the phrasing of the question on Hawaiians. I know we are testing it, and it may be that those decisions are ones that are to be made by the Director of the Census Bureau.

[The information referred to follows:]

The answer given during the hearing is correct.

With regard to classifying data on the Hawaiian (or Native Hawaiian) population into one of the OMB racial categories, the Census Bureau follows Directive No. 15, which includes persons "having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands" in the Asian or Pacific Islander category.

Mrs. MALONEY. Well, as you mentioned, you are conducting several tests. Have you tested a question similar to the one that is done in Canada, where race, ethnicity, and ancestry are intermixed? Have you tested that?

Ms. GORDON. Yes. In the Racial and Ethnic Targeted Test, there is a question which has two parts to it. In the first part, race and Hispanic origin are asked together, so that one can choose to mark, for example, only Hispanic, or one can choose to mark Hispanic and black. One has a multitude of options there, but Hispanic is in the list of races that are given in the first part of the question.

In the second part of the question, we ask for information about ancestry, and that is provided by the respondent as a write-in. So it's not a list where they check it off, but they write in what their choices are.

Mrs. MALONEY. Could a question like that be included on the long form?

Ms. GORDON. I think that if the Office of Management and Budget were to direct that that was the way that racial and ethnic data were to be collected, we would have to use it on the short form. At the moment, race and Hispanic origin are asked on the short form, and ancestry is asked only on the long form.

Mrs. MALONEY. In some of your earlier testing, the inclusion of a multiracial category, your results showed that only about 1 percent chose that category. So I would just like to know, if we include, based on your research, if we include a multiracial category in our surveys, will it provide data that we can use, since the response was only 1 percent in your test?

Ms. GORDON. If the OMB were to make that decision, there would be information provided in the larger of the surveys. For example, the Bureau of Labor Statistics tested this option using the Current Population Survey. But, the Federal Government does conduct a number of different surveys, and in some of them, the sample size would probably be quite small, just because the survey itself is so small.

Mrs. MALONEY. Some people have suggested that the controversy over the race question will increase the undercount of minorities. Is there any evidence to support this position?

Ms. GORDON. I'm not aware of any evidence to support that position. I know that the Census Bureau is putting a great deal of effort into devising a variety of approaches to encourage everyone to participate in the census. I'm sure you've heard many times about the importance of getting people to mail back their questionnaires, in terms of keeping costs down.

Mrs. MALONEY. I have a number of other technical questions, Mr. Chairman. I would like to present them to Ms. Gordon in writing so that she could get back to us in writing. In the interest of time—I see Congressman Sawyer here and other Members of Congress who wish to testify, and I know their time is valuable—I would like

to really yield back the balance of my time and submit the remainder of my questions in writing.

Mr. HORN. Without objection, they will be submitted by staff to the director for the answer and to coordinate within census.

Two last questions: Discussion has focused a lot on OMB Directive 15 and the 1980 and 1990 census. As the directive is only 20 years old, the subcommittee is curious: How did the Census Bureau measure race and ethnicity prior to 1980? Do we have any data? I think one of the earlier questions suggested by members of the panel was the degree to which you can get consistency in a series when the question is changed, and how does the census adapt for that?

Ms. GORDON. My own personal expertise is not as a historian, but I had some advance notice of the subcommittee's interest in this topic. Your staff has a table that was prepared by the National Research Council that goes back only to 1850, but that gives you a flavor of some of the different ways that the question on race has been asked.

Mr. HORN. Because we were interested, and we will put these in the record. If you could make sure that it relates to that chart. How were the categories decided? Were the questions consistent with those posed today, for example, in terms of the census language?

Then, notwithstanding the current debate about Directive 15, what changes do you foresee the Census Bureau to the form it will use in the 2000 census? Are we going to change these questions substantially, do we know that yet, or do we all have everything up in the air until these field hearings and all the rest are over?

Ms. GORDON. The specific questions will be submitted to the Congress by April 1 of next year, and those questions will track with the directives that we have from OMB.

Mr. HORN. Very good. Without objection, we are going to put in the chart, "Modernizing the U.S. Census," and this is Table 7.1, Census Race Categories, 1850 to 1990.

[The information referred to follows:]

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Modernizing the U.S. Census

Barry Edmonston and Charles Schultze, Editors

Panel on Census Requirements in the Year 2000 and Beyond

Committee on National Statistics

Commission on Behavioral and Social Sciences and Education

National Research Council

NATIONAL ACADEMY PRESS

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TABLE 7.1 Census Race Categories, 1850-1990

Year	White	Black/Negro	Native Peoples	Chinese	Japanese	Other Asian or Pacific Islander	Other
1850[a]		Black, mulatto					
1860[a]		Black, mulatto	Indian[b]				
1870	White	Black, mulatto	Indian	Chinese			
1880	White	Black, mulatto	Indian	Chinese			
1890	White	Black, mulatto, quadroon, octoroon	Indian	Chinese	Japanese		
1900	White	Black	Indian	Chinese	Japanese		
1910	White	Black, mulatto	Indian	Chinese	Japanese		Other (+ write in)
1920	White	Black, mulatto	Indian	Chinese	Japanese	Filipino, Hindu, Korean	Other (+ write in)
1930[c]	White	Negro	Indian	Chinese	Japanese	Filipino, Hindu, Korean	Other races, spell out in full)
1940	White	Negro	Indian	Chinese	Japanese	Filipino, Hindu, Korean	(Other races, spell out in full)
1950	White	Negro	American Indian	Chinese	Japanese	Filipino	(Other race-spell out)
1960	White	Negro	American Indian	Chinese	Japanese	Filipino, Hawaiian, part Hawaiian, etc.	
1970[d]	White	Negro or black	Indian (American)	Chinese	Japanese	Filipino, Hawaiian, Korean	Other (print race)
1980	White	Black or Negro	Indian (American), Eskimo, Aleut	Chinese	Japanese	Filipino, Korean, Vietnamese, Asian Indian, Hawaiian, Guamanian, Samoan	Other (specify)
1990	White	Black or Negro	Indian (American), Eskimo, Aleut	Chinese	Japanese	Filipino, Hawaiian, Korean, Vietnamese, Asian Indian, Samoan, Guamanian, other Asian or Pacific Islander	Other race

[a]In 1850 and 1860, free persons were enumerated on the form for "free inhabitants"; slaves were enumerated on the form designated for "slave inhabitants." For the free schedule, the instructions told the enumerators: "In all cases where the person is white leave the space blank in the column marked 'Color.'" For the slave schedule, the listed categories were black (B) or mulatto (M).

[b]Although this category was not listed on the census form, the instructions read:

5. Indians.—Indians not taxed are not to be enumerated. The families of Indians who have renounced tribal rule, and who under State or Territorial laws exercise the rights of citizens, are to be enumerated. In all such cases write "Ind." opposite their names, in column 6, under heading "Color."

9. Color.— Under heading 6, entitled "Color," in all cases where the person is white leave the space blank; in all cases where the person is black without admixture insert the letter "B;" if a mulatto, or of mixed blood, write "M;" if an Indian, write "Ind." It is very desirable to have these directions carefully observed.

[c]In 1930, the census questionnaires included "Mexican" as a race category.

[d]In 1970, on questionnaires used in Alaska, the categories "Aleut" and "Eskimo" were substituted for "Hawaiian" and "Korean."

Mr. HORN. Well, we thank you very much for coming, Ms. Gordon. You've got a tough job, and you've handled the questions very well.

Ms. GORDON. Thank you very much for including us.

Mr. HORN. Now I would like to ask the gentleman from Ohio, Mr. Sawyer, do you wish to testify now, or would you like to wait till your other colleagues arrive—what is your pleasure?

Mr. SAWYER. I'm happy to do whatever serves the subcommittee.

Mr. HORN. It's whatever you would like.

Mr. SAWYER. Why don't we hang here for a few minutes.

Mr. HORN. Fine. OK.

We now have the next panel, which is panel III: Norma Cantu, Edward Sondik, Bernard Ungar. Please come forward.

Ms. Cantu and gentlemen, if you would stand and raise your right hands.

[Witnesses sworn.]

Mr. HORN. All three witnesses have affirmed, the clerk will note.

We will begin with you. Norma Cantu is the Assistant Secretary for Civil Rights, U.S. Department of Education. We are glad to have you here, Ms. Cantu.

STATEMENTS OF NORMA CANTU, ASSISTANT SECRETARY FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION; EDWARD J. SONDIK, NATIONAL CENTER FOR HEALTH STATISTICS, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND BERNARD L. UNGAR, ASSOCIATE DIRECTOR, FEDERAL MANAGEMENT AND WORK FORCE ISSUES, U.S. GENERAL ACCOUNTING OFFICE

Ms. CANTU. Thank you. Good morning, Mr. Chairman, members of the subcommittee.

I am pleased to be with you today representing the Secretary of Education. I welcome this opportunity to be with you today because we all realize the timeliness of the OMB responsibility to review the status of racial and ethnic categories used throughout Government. Certainly, the shape and configuration of our country is different from 20 years ago, when the last changes were made to racial and ethnic categories for use across the breadth of our Government.

Today you have heard from the Office of Management and Budget regarding the work during the last 4 years in studying the many complex and interrelated issues regarding racial and ethnic categories, and you understand the administrative process OMB is using to develop recommendations for revising these categories. Accordingly, the Department of Education feels it is premature to comment one way or the other until definitive recommendations are released by OMB for public comment.

While reconsideration of racial and ethnic categories is certainly appropriate in 1997, it is necessary to consider carefully how specific changes may affect accuracy of reporting, facilitate implementation of any changes that may be adopted by OMB, and preserve the reliability of longitudinal trend data.

Careful consideration of these three factors, accuracy, implementation, and trends, is critical, not only for Federal agencies, but for our local and State partners who work with the Department of

Education to collect these data and use the data to evaluate the condition of their communities and their programs. While, in this context, I am talking about education matters, I know that many other Federal agencies and programs have very well developed partnerships with a wide range of local government and State government programs and services.

In this testimony, I would like to briefly discuss with you the three factors I identified above and to discuss with you the results of a study conducted in 1995 by the National Center for Education Statistics, in consultation with our Office for Civil Rights.

So let me begin with the three factors: first, accuracy. In the Office for Civil Rights, we need the most accurate data possible on race and ethnicity, so that our continuing evaluations of past discriminatory practices are appropriate, our current and future investigations of alleged discriminatory practices are focused, and our ongoing work to identify emerging civil rights concerns and issues is relevant.

Of course, we need to provide parents and guardians appropriate racial and ethnic categories, so, when requested, they may make appropriate decisions, decisions which may be regarding multiracial children. It is of interest to note that census data tells us that the number of children in interracial families grew from less than one-half million in 1970 to about 2 million children in this country in 1990. Even if there are questions about the accuracy of these numbers, no one can contest the significant growth of interracial families as we reach the end of the 20th century.

Second, implementation. First, careful consideration should be given to the possible effect that revisions will have to racial and ethnic categories across a variety of programs in the Department of Education. For example, a thorough review should be made in all department programs regarding the possible effect of revised categories where the result might be that the number of students in one or more present categories might decrease.

Second, we need to carefully consider the effects of any revisions to racial and ethnic categories on existing civil rights settlement agreements and on our ongoing monitoring of those agreements.

Third, we need to ensure that our partners at local education and State education agencies are, wherever possible, using the same categories we use.

Fourth, we need to consider any increased reporting burden and the implementation cost of adding new or revised racial and ethnic categories. The question we ask is the question you all have asked: Is the increased burden justified relative to new information we would expect to gain?

Our third concern is trend data. Integrity in longitudinal trend information is a critical component in all programs in the Department of Education, including the Office for Civil Rights. If and when any changes are implemented and put into effect, there needs to be a bridge. And we agree with OMB on the principle that there need to be bridge studies to determine that data continuity is ensured.

Now I want to address the NCES study, and that is a 1995 study conducted by the National Center for Education Statistics, in consultation with our Office for Civil Rights. This was part of the re-

search that you heard described by OMB's review of Directive 15. I understand that copies of the study have already been submitted to your subcommittee.

The study asked what methods schools used to classify race and ethnicity, what categories they used, and how they reported that information to the Federal Government. This study used a stratified sampling design of 500 public elementary schools and 500 public secondary schools across the country.

Let me summarize the main results: 55 percent of all public schools that the students' race and ethnicity is collected when students initially register for schools in the district. Another 17 percent collect this information at initial registration and whenever the students change schools within the district, and about a quarter of public schools collect data on an annual basis.

About 41 percent of public schools reported there are students in their districts for which the five categories were not accurately descriptive for them, and 83 percent of the schools reported that this represents 5 percent of their students who are affected by a lack of accuracy in the current five categories.

The majority of public schools, that 73 percent, reported that they use only the five standard categories the Federal Government uses. Additional categories, such as Filipino, are being used by 7 percent of all schools, and this is predominantly in the western States and also in urban districts.

Public schools typically ask their parents to identify the race of the children, and about half of the information comes in from parents. But it is interesting to note that we also have a good section of identification that is done by the teachers. About 22 percent responded that the teachers or administrators observed the race or ethnicity of the students. A majority of the respondents said that the current categories are not a problem, that they were not a problem at all or a very minor issue to them.

To close, I want to offer a written statement by Dr. Forgione, the Commissioner of NCES, which further explains the study in greater detail. And I ask that that statement be made a part of the record of this hearing.

Thank you for the opportunity to make this presentation. I would be pleased to answer any questions.

Mr. HORN. Without objection, it will be put in at this point in the record.

[The prepared statements of Ms. Cantu and Mr. Forgione follow:]

STATEMENT OF NORMA CANTU
ASSISTANT SECRETARY
OFFICE FOR CIVIL RIGHTS
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

U.S. HOUSE OF REPRESENTATIVES
APRIL 23, 1997

Mr. Chairman and members of the Subcommittee, I am pleased to be with you today representing the Secretary of Education.

I welcome this opportunity to be with you today because we all realize the timeliness of the Office of Management and Budgets' (OMB) responsibility to review the status of racial and ethnic categories used throughout Government. Certainly, the shape and configuration of our country is different from twenty years ago when the last changes were made to racial and ethnic categories for use across the breadth of our Government.

Today, you have heard from the Office of Management and Budget regarding work during the last four years in studying the many complex and inter-related issues regarding racial and ethnic categories, and you understand the administrative process the Office of Management and Budget is using to develop recommendations for revising racial and ethnic categories. Accordingly, the Department feels it is premature to comment one way or the other until definitive recommendations are released by OMB for public comment.

While reconsideration of racial and ethnic categories is certainly appropriate in 1997, it is necessary to consider carefully how specific changes may affect accuracy of reporting, facilitate implementation of any changes that may be adopted by the Office of Management and Budget, and preserve the reliability of longitudinal trend data.

Careful consideration of these three factors: reporting accuracy, implementation strategies, and preservation of longitudinal trend data, is critical, not only for Federal agencies, but our local and state partners who work with the Department of Education to collect these data and use the information to evaluate the condition of their communities and programs. While, in this context, I am talking about education matters, I know that many Federal agencies and programs have well developed partnerships with a wide range of local government and state government programs and services.

I would like to briefly discuss with you the three factors I identified above, and to discuss with you the results of a study conducted in 1995 by the National Center for Education Statistics in consultation with the Office for Civil Rights.

ACCURACY of reported racial and ethnic categories is, of course, an essential ingredient in the consideration of making any changes to the current standards.

> In the Office for Civil Rights, we need the most accurate data possible on race and ethnicity so our continuing evaluations of past discriminatory practices are appropriate, our current and future investigations of alleged discriminatory practices are focused, and our ongoing work to identify emerging civil rights concerns and issues is relevant.

And, of course, we need to provide parents and guardians appropriate racial and ethnic categories, so when requested, they may make appropriate decisions -- decisions which may be regarding multi-racial children. It is of interest to note that Census data tells us the number of children in interracial families grew from less than one-half million in 1970 to about two million children in 1990. Even if there are questions about the accuracy of these numbers, no one can contest the significant growth of interracial families as we reach the end of the twentieth century.

EFFICIENT IMPLEMENTATION in the event of any changes to the racial and ethnic categories is critical for a variety of reasons.

First, careful consideration should be given to the possible effect that revisions will have to racial and ethnic categories across a wide variety of programs in the Department of Education. For example, a thorough review should be made in all Department programs regarding the possible effect of revised categories where the result might be that the number of students in one or more of the present categories might decrease.

Second, we need to consider carefully the effect of any revisions to racial and ethnic categories on existing civil rights settlement agreements and ongoing monitoring of those agreements.

Third, we need to ensure that our partners at local education and state education agencies are, wherever possible, using the same categories.

Fourth, we need to consider any increased reporting burden and the implementation cost of adding new or revised racial and ethnic categories. Is the increased burden justified relative to new information we would expect to gain?

Integrity in longitudinal TREND INFORMATION is a critical component in all programs in the Department of Education, including the Office for Civil Rights. If and when any changes are implemented and put into effect there will be a need for bridging studies to determine that data continuity is ensured.

Before closing, I do want to briefly review with you some of the results of a 1995 study conducted by the National Center for Education Statistics in consultation with the Office for Civil Rights as part of the research associated with OMB's review of Directive No. 15. I understand copies of the Study have been submitted to your Subcommittee. The study dealt with racial and ethnic classifications used in public schools. This study used a stratified sampling design of 500 public elementary schools and 500 public secondary schools across the country. The following results were obtained:

- Fifty-five percent of all public schools report that the student's race and ethnicity is collected when students initially register for school in the district. Another 17% collect this information at initial student registration and whenever students change schools within the district. And one-quarter of public schools collect racial and ethnic data on an annual basis.

- A sizable number of public school districts (41%) reported that there are students in their schools for whom the five standard Federal categories were not accurately descriptive. And, eighty-three percent of the schools reported that it is 5% or less or their students who are affected.

- The majority of public schools (73%) reported that they use only the five standard Federal categories to classify the race and ethnicity of students.

- Additional racial and ethnic categories, such as "Filipino," are being used by 7% of all schools. Use of these additional categories appears to be primarily limited to schools in the western states, those in cities and urban fringe areas, and those with 20% or more minority enrollments.

- Public schools typically ask parents or guardians to identify the race and ethnicity of their children. Almost half (55%) of all schools ask parents to select one of the five standard Federal categories. A much smaller percentage (17%) ask parents to select from a set of categories used by the school district. In 12% of schools, parents may write in their own specifications when identifying the race or ethnicity of their children.

- Approximately one-quarter (22%) of public schools assign students to racial and ethnic classifications based on observation by teachers or administrators. In the Northeast, the percentage is double that of the national average.

- And, in general, most respondents to this study reported that various suggested revisions to the five standard Federal categories were not a problem or were only a minor issue in terms of their applicability to students enrolled in their schools.

I want to thank you for giving me the opportunity today to discuss these issues with you today. I would be pleased to respond to any questions you may have.

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DEPARTMENT OF EDUCATION

Statement by

Pascal D. Forgione
Commissioner of Education Statistics
National Center for Education Statistics
Department of Education

on

Impact of Possible Changes to OMB Guidelines on the Measurement of Race and Ethnicity in NCES Data Collections

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to present the perspective of the National Center for Education Statistics (NCES) on the implications of possible changes in OMB guidelines for collecting data on race and ethnicity. My comments to you today are based on NCES' data needs and those of our data users and on the capacity of our respondents to provide necessary information to meet Federal reporting requirements. I believe the Department of Education has the largest administrative record data collections – from schools, school districts and the states – of any federal agency. The source of much of the public pressure for a review of the current OMB race and ethnicity classifications has been the education sector – primarily parents of multiracial children concerned about the classification of their children.

Over the last few years we have been happy to be able to participate actively in OMB's review of the race and ethnicity categories used for federal data collections. As part of our involvement, we conducted a study in consultation with the Office for Civil Rights of how schools collect data on race and ethnicity from their students. The OMB-led review of the federal categories for data on race and ethnicity is nearing its conclusion; OMB is scheduled to announce its decision this fall. While federal agencies have been an essential component of the research and review of the

issues, the final decision about these data classifications is OMB's. Because no decisions about specific changes have been made, this statement reflects on the need for data on race and ethnicity; discusses problems being experienced with the current classifications in light of our ever more diverse society; and, finally, raises the considerations that NCES strongly believes need to be addressed with respect to any changes to the standard.

BACKGROUND.

Education Policy and Race and Ethnicity Data. Race and ethnicity are important descriptive characteristics of persons that enable us to examine whether equal educational opportunity exists in terms of access and educational outcomes. The educational performance of increasing numbers of minority students is one of the most pervasive challenges of the United States' education system.

In addition, race and ethnicity have been frequently used in data analyses as a proxy for a number of factors thought to affect educational performance and economic outcomes. The proxy is used because it is much more difficult to measure the combinations of characteristics that make up these factors, such as socioeconomic status (SES)(i.e., parental education, family income, and parental occupation). Such characteristics typically are not available on school records, and young students cannot report the information reliably. Since children are not able to report this information well, in previous large-scale survey efforts information on the components of SES was asked of parents in conjunction with a survey of young students, such as in the National Education Longitudinal Survey of 1988 (NELS:88). This practice has increased the public burden, complexity, and cost of surveys.

Now, however, the need for race and ethnicity data as a substitute for information about socioeconomic status is changing. In 1996, for the first time, we were able to disentangle the

effects of race/ethnicity and one part of SES, family income (measured more reliably using school reports of school lunch participation), on achievement in the National Assessment of Educational Progress (NAEP). Previous research has shown that when analysts are able to control for SES, educational differences by race and ethnicity are significantly narrowed. We had similar findings with the NAEP data in which we reported (in the *NAEP 1996 Math Report Card*) on race/ethnicity and this measure of SES: achievement gaps are significantly reduced but not eliminated. Other unmeasured factors closely related to race and ethnicity play a role in the remaining differences. These would include such factors as language, community characteristics, immigration, health status, and housing conditions. In the Federal statistical system, the statistical agencies are working together to improve our data collections and to coordinate between agencies to develop the most useful databases for policy research to account for these types of differences.

There continues to be a need for the collection of data on race and ethnicity. Aggregate data on students in the American Indian or Alaskan Native, Asian or Pacific Islander, and Black categories still indicate that students in these groups tend to have lower assessment scores, higher school dropout rates, and lower college and graduate school enrollment and completion rates as shown by the aggregate data on students in the White category. Racial and ethnic attributes have been identified in education legislation as primary categories into which the United States population is grouped for programmatic administrative purposes. Another major use of these data is for determination of civil rights compliance status. When there are disparities between the data aggregated by the minimum set of racial and ethnic categories, it can be a signal that there may be problems with equal access to educational opportunities

DATA COLLECTION PERSPECTIVES.

NCES collects data on race and ethnicity of persons in two ways:

< From individuals who are identified as respondents as part of household or institutional samples and who report on their own race and ethnicity or that of other household members.

< In the aggregate, from institutions, States, school districts, schools, and postsecondary institutions, who report summary data collected about their students and faculty.

According to the guidelines in Statistical Policy Directive No. 15, federal agencies have been able to collect more detailed information about race and ethnicity (as long as they can demonstrate a need for the data), but the agencies must be able to collapse the information they collect into five reporting categories: Hispanic; Black, Non-Hispanic; White, Non-Hispanic; American Indian or Alaskan Native; Asian or Pacific Islander. As a practical matter, most NCES surveys have limited the data collection on race and ethnicity to the five reporting categories. Only in a few NCES surveys of individuals, for example the High School and Beyond Survey and the NELS:88, have we collected more detailed self-reported information about specific Hispanic subgroups, e.g., Cuban, Mexican, Puerto Rican, and about specific Asian or Pacific Islander groups, e.g., Chinese, Korean, Filipino.

In terms of individuals reporting, most individuals are able to classify themselves using the current minimum set of categories. Surveys at the elementary and secondary levels, such as the National Educational Longitudinal Survey of 1988 (NELS:88) and the National Assessment of Educational Progress (NAEP), obtain one percent or less nonresponse on the race/ethnicity questions. The postsecondary education survey, National Postsecondary Student Aid Study (NPSAS), also obtains less than one percent refusal on this question but about three percent of the respondents identify themselves as "other" even though they are only given the five race/ethnic categories as response choices.

Problems have arisen for persons who do not understand the categories, which were developed more on the basis of geographic or cultural origin than on a scientific or biological definition of race, and hence may unintentionally misreport. For example, persons of North African and Afghan origin are considered "white" but persons from Pakistan and India are considered Asians or Pacific Islanders. In some cases, geographic origin may not be linked to race and ethnicity; for example a person from a Caribbean nation may identify as Hispanic, black, white or American Indian. The broad set of minimum categories does group together persons of diverse origins; for example, the "Asian or Pacific Islander" category may mask differences among the nationalities within that category.

Directive 15 allows two formats for the collection of racial and ethnic data – a combined question on race and ethnicity or separate questions on race and ethnicity – which produce inconsistent data. For example, the combined format does not collect data on race for Hispanics who are "Asian or Pacific Islander" or "American Indian or Alaskan Native." According to a recent population projection report prepared by the Census Bureau (P25-1092, Population Projections of the United States, by Age, Sex, Race, and Hispanic Origin: 1992 to 2050), 12.9 percent of American Indians or Alaska Natives and 6.1 percent of Asian or Pacific Islanders are of Hispanic origin, while 3.3 percent of Hispanics are either American Indian or Alaska Native, or Asian or Pacific Islander. Although Directive 15 provided no instructions for tabulating data on these individuals, it is specific that Hispanic whites and blacks should be tabulated separately from non-Hispanic whites and blacks. Without guidance on how to categorize and tabulate data on individuals who overlap categories, different agencies, indeed different data collections, have provided inconsistent data.

The categorization of individuals of mixed race or ethnicity is one of the more controversial issues of the current review. Under the current guidelines, these persons are asked to select the

category that "most closely reflects the individual's recognition in his community. As you know, the proportion of persons of mixed race or ethnicity is growing. As one measure of the mixed race population, one can look at the number of interracial marriages. According to the Census Bureau, 2 percent of all married couples in the United States were interracial in 1970; 4.5 percent were in 1992. With an increasing number of interracial marriages, the question is being asked: "How should these children be classified?" And a related question: is it appropriate for the Federal government to ask persons to put themselves into one of the basic categories when they may not otherwise consider themselves as one race or another?

When our surveys collect aggregate data, there has been another set of problems related to reporting data on race and ethnicity. I would like to present perspectives on two types of data we collect in the aggregate: first, from the elementary and secondary education perspective and, second, from postsecondary institutions.

Elementary and Secondary Data. A growing number of parents, school, school districts, and States have contacted NCES because they are concerned about how to report racial and ethnic data for multiracial children. In the past, States have been able to collapse their more detailed designations into the five approved categories, but there is no way to collapse a "mixed race" category into the approved categories. Consequently, several States have reported to NCES that they anticipate they will soon have trouble reporting to NCES using the current five categories because their legislatures have mandated the use of a multiracial category.

In 1995, NCES in consultation with OCR conducted a survey of public schools to determine how they collect and report data on race and ethnicity for students and the extent to which the public schools are experiencing difficulty using the current classification system. I would like to

summarize the findings of the survey as they relate to the topic of these hearings and the implications if the current OMB guidelines are changed.

- A little over half (55 percent) of all public schools collect data about students' race and ethnicity only when students initially register for school in the district. Therefore, any changes to the way race/ethnicity is collected could require up to 13 years to fully implement as students initially enroll, or would require massive student surveys to collect consistent information for all students at one point in time.
- About 41 percent of schools reported that there were students in their schools for whom the five standard race/ethnicity categories were not accurately descriptive. While many schools reported that they had some students who didn't fit the current categories, these students tended to make up a very small proportion of the student population (of the schools that could provide an estimate of how many students would be affected, over 80 percent said it was less than 5 percent).
- About three-quarters of the schools reported that they use only the five standard categories to classify data on the race and ethnicity of their students. Of the remaining schools, 15 percent reported that they use an "other" or "undesignated" category, and 5 percent of schools reported that they already use a general "multiracial" category.
- The five standard categories seem to work the best in very small schools, those in rural areas, and in schools with less than 5 percent minority enrollment. They work least well for students in schools with over 300 students, and in schools with 20 to 49 percent minority enrollment. Schools with smaller or larger percentages of minority students may have less difficulty classifying the race and ethnicity of students because their populations are more racially homogeneous.
- For federal statistical agencies, there has been a long-standing goal of self-reporting race and ethnicity, rather than having a third party ascribe it to an individual. In order to meet Federal reporting requirements, public schools typically ask parents or guardians to identify the race

and ethnicity of their children. Almost half (44 percent) of all schools ask parents to select one of the five standard federal categories. A much smaller percentage (17 percent) ask parents to select from a set of categories that is different from the federal categories, and in 12 percent of schools, parents write in their own specification to identify their children. However, almost one quarter of schools assign students to racial and ethnic classifications based upon observation by teachers or administrators – in the Northeast, this percentage is double that of the national average (44 percent). Thus, if changes are made to the classification system, they must take into account that in schools, while classification is done primarily by someone who is likely to be able to provide an accurate identification, it is not uncommon for the data to be collected by third party observation.

Postsecondary Institutional Data. Our current postsecondary institutional data collection program, the Integrated Postsecondary Education Data System (IPEDS), collects data on race/ethnicity and sex on the Fall Enrollment and on the Completions Surveys. This data collection is authorized by Department of Education regulations implementing Title VI of the Civil Rights Act of 1964 (34 CFR 100.6). When justified, there has been some flexibility in the classification system; in 1990, OMB approved an NCES request to add two additional categories to the standard five race/ethnicity categories in the IPEDS data collections: 1) "non-resident alien" and 2) "race/ethnicity unknown." The first category was added to be responsive to policy needs for data on the participation of non-resident aliens in postsecondary education. Clearly, however, it does not permit disaggregation of this non-resident alien category into its constituent race or ethnic groups. The second category, "race/ethnicity unknown", cannot be avoided because of the way the data are obtained. Students are not required to report their race/ethnicity to the institutions they attend, but these institutions are required to report aggregate data on the race/ethnic composition of their student bodies to NCES. As a result, institutions do not always have in their records adequate information, and they must use the "race/ethnicity unknown"

category.[1] Without such a category institutions were left in limbo about how to classify those students who did not respond – and the result was many different ways of reporting them, or not reporting at all.

Still, the IPEDS would benefit from an expansion of the current racial/ethnic categories. According to administrators of institutions, these seven categories are not sufficient: many students do not report themselves into one of the six specific categories. However, they do report a specific race/ethnicity; hence they are not "race/ethnicity unknown." At the time of the 1992 IPEDS clearance submission to OMB, discussions were held among staff of the offices of the Education Department. Representatives of those offices concluded during those discussions that the race/ethnicity categories as currently approved in OMB Directive No. 15 did not cover all persons. For example, students of mixed race/ethnicity may not feel they can identify with just one of the broad categories.

Therefore, at that time, we proposed the additional category, "other race/ethnicity," to be used in our postsecondary institutional data collections. In definitions that would be provided to the institutions, this category would be used only when a person's "...race/ethnicity is known but does not fit into any of the aforementioned categories. This includes persons of mixed parentage when the person associates with the race/ethnicity of both parents." OMB requested that we put this proposal "on hold" until the federal government-wide policy could be reviewed.

Overall, institutions of higher education reported to NCES about 3 percent of total 1991 fall enrollment as race/ethnicity unknown (468,000 out of 14,361,000 students) and this number of students of "unknown" race/ethnicity has been growing in recent data collections. This suggests

[1] Other data collections by other agencies have received similar exceptions. For example, the decennial census in its race question has a category "Other (specify)." In publications from the decennial census the Census Bureau has a race category called "Other" which it describes as the remainder after it has imputed a specific race to most of the persons who reported "Other."

the number of students who might classify themselves as "Other race/ethnicity." Their numbers are biased downward because some institutions may allocate their race/ethnicity unknown students to other categories. However, even if there were an "other" category, some students might still prefer to have their race/ethnicity unknown.

To summarize, there are several general issues in the area of race and ethnicity data collection that NCES has experienced: How should students of multiracial background be counted? How should data on Hispanics be collected, and how does the category Hispanic relate to other racial/ethnic groups in the classification system? How can we best reflect the growing diversity of the United States population while maintaining the ability to track historical trends? For example, should data on persons from the Middle East, persons of American Indian race from South America and Central America, and specific Asian and Pacific Islander subgroups be collected as separate categories? From the perspective of a Federal statistical agency, changes if any to the classification system should take into account the following considerations.

Considerations in the Implementation of Possible Changes to the Race and Ethnicity Data Classification System

NCES is not bound by Federal education law to collect or report race and ethnicity according to a specific classification system. Rather we are bound by the OMB statistical directive on the collection of data on race and ethnicity. We do, however, need to be able to work with other government agencies – federal, state, and local – as well as private institutions that provide data to NCES or with which we share our data. Implementation of changes would be necessary for all of the NCES data collections from administrative records (e.g., institutional records) as well as for NCES surveys that go to individuals.

1. Changes need to be implemented in a manner that would allow for all participants in a data collection to be able to build the changes into their systems. For example, as mentioned above, schools typically collect information about race and ethnicity only upon a student's initial registration in the school. There are several issues that would need to be addressed here:

- Would the implementation require schools to collect the information from all their students or only from those initially registering in the school?
- Another consideration is how the timing of the implementation will affect the samples for surveys, that use characteristics of schools as reflected in administrative records data systems. Racial composition of a school is usually one of the characteristics used in the selection process – depending on the schedule of implementation of any changes we may end up working with two different systems of race and ethnicity data classification.

2. Any changes to the classification system need to be clear for all users and data providers. Definitions need to be disseminated widely. Currently, schools typically do not have the definitions of the federal categories at hand, and some types of errors appear to be widespread – for example, persons from the Middle East are frequently classified as Asian rather than White.

3. It is desirable that any changes to the classification system should work toward a more comprehensive and (publicly) comprehensible system. Thus, inconsistencies currently in the system would be cleared up – for example, South American Indians would have a specific category in which to respond, as would Hispanics who are Asian or Pacific Islanders or Hispanics who are American Indian or Alaskan Natives.

4. Any changes should take into account difficulty and cost of implementation for all data collectors and providers. The implementation schedule should allow sufficient time for states, school districts, schools, and postsecondary institutions to plan, implement and collect the first round of data.

5. Finally, one of NCES' most important concerns is the maintenance of trend data. We are pleased that one of the OMB principles governing this review is the provisions of a crosswalk between old and new categories, if any so that historical data series can be maintained. I want to emphasize the need for standardization because agencies across the federal government and, for NCES, education agencies at every level, are using this classification system, and there is a need for data to be comparable across all the agencies. Part of this effort should include ongoing "bridging studies" to track how race and ethnicity reporting change over time and between the old and the new systems.

NCES appreciates the opportunity to submit this statement. We feel that this is an important and ongoing issue for federal agencies and for all users of demographic of statistics about the population. We look forward to participating actively in this final phase of the review. Thank you.

Mr. HORN. We thank you. That's very helpful information, and we will pursue a lot of that in the question period.

Next is Edward Sondik, Director, National Center for Health Statistics, U.S. Department of Health and Human Services.

Dr. Sondik.

Mr. SONDIK. Thank you very much, Mr. Chairman.

I am very pleased to be here. I also serve as the senior advisor to the Secretary on health statistics, providing technical and policy advice on statistical and health information.

I am very pleased to be here. We have taken a great interest in the OMB process to review the adequacy and usefulness of Directive 15. My specific focus today will be on the use of race and ethnicity in health research and statistics, and a necessarily brief discussion of the impact of a few of the changes that have been discussed.

Let me turn first to the use of race and ethnicity in health research and statistics. Collecting data on health status, on our use of health services, on the relationship between risk factors and disease, are all crucial components of the National Center for Health Statistics' mission and that of many of the other department components, including the NIH, especially as applied to vulnerable or disadvantaged population groups.

Directive 15 has proven very valuable in fostering data comparability across these different sources. For example, we work closely with the census to assure that their population data can be used with our national vital statistics system to calculate death rates.

Although the directive does not require the collection of race and ethnicity data, our health statistics data systems, and virtually all of those of the department as a whole, do collect such data. Nearly all of our data systems follow the standards established in Directive 15, and many collect substantially more detail, as has already been mentioned in this hearing, than called for. Equally important, many State, local, and nongovernmental entities have voluntarily followed this standard.

A strong health data system is essential to identify health problems and find ways to maximize the health status of all Americans. Indeed, over the last decade, we have devoted considerable attention to improving the level of health information about specific racial and ethnic populations.

It is important, however, that we maintain a clear focus on the limitations of race and ethnicity data, because these designations often conceal more than they reveal. Although data show that groups do differ in health status and the use of health services, such as, for example, the use of mammography, these differences depend, in a very complex way, on many factors.

For example, education, occupation, income, community environment, culture, and individual behaviors and values, as well as discrimination and racism, all of these may play a role in effecting differences. In short, race and ethnicity are important analytic tools, but are only part of the picture.

Reconsideration of Directive 15 is a key issue to the health and statistical agencies, and also to the human services and civil rights components throughout Health and Human Services. We in health

statistics, along with many of our colleagues elsewhere in HHS, have appreciated the opportunity to be actively involved in the open and very participatory process that OMB has established.

Our involvement has included considering the impact of the proposed changes across the Department's various programs and providing formal comments in response to the initial Federal Register notice. We also have attended public hearings and encouraged and facilitated input into the process from many of our partners in the States and in nongovernmental organizations.

Making changes as fundamental as those under consideration can be difficult and potentially disruptive. We appreciate the priority that OMB and the statistic community have placed on sound research as a basis for these decisions.

Let me turn to a few of the proposed revisions to illustrate a health research and statistics perspective. Let's consider first one of the most challenging methodological issues, multiracial identification. We recognize the need to capture information on the full range of cultural and racial diversity in our Nation's population. However, we do not routinely have information that identifies individuals of multiple races, and this limits our ability to take a more complex view of race into account in our analyses and research. However, establishing a new category presents several practical and methodological challenges, and we will not have a sound basis for reaching definitive conclusions until research now underway, that you have already heard about, is completed and fully analyzed.

If the category "multiracial" is to be included as one of the new response categories, there are important considerations in how this would be done. These include the need for understanding changes in trends and preserving the rich detail on multiple individual race groups with which a person may associate. Losing the detail to a single category could be a threat to our ability to monitor and protect the health of communities at risk.

One way to maintain continuity and comparability is to augment a multiracial category with information about the multiple individual races that a person would report. Another possibility is to not use the multiracial category itself, but simply allow the individual to associate themselves with more than one racial group, which allows a number of options for followup questions, coding, and analysis.

We believe that such potentially major changes should be made only after careful research. We have conducted one of several studies carried out by statistical agencies to explore the impact of certain approaches to collecting this data, and I have included a summary of the findings in my written statement.

I would also like to mention the issue with respect to Native Hawaiians and to point out that redefining the category "Hawaiian" as Native Hawaiians, and suggestions that have been made to shift this newly defined Native Hawaiian category to either a new or separate category or a Native American category, would very likely disrupt our ability to monitor trends in these populations. Again, research is very important to understanding this.

With respect to Hispanic origin, there is a question of whether Hispanic origin should continue to be maintained as a separate

ethnic category or included as one of the race categories. We in health statistics have collected race and Hispanic origin separately, and many have found this useful for analytic purposes. We recognize, however, that many respondents have difficulty distinguishing these two concepts and, therefore, difficulty in responding to separate questions.

Some studies have shown that changing our current practice, that is, moving away from separate race and ethnic questions toward a single question that includes both, will result in a smaller number of persons who report that they are Hispanic. Moreover, when individuals report themselves as Hispanic without the additional option of designating a race, studies have shown that there are unpredictable shifts in the estimates of the other racial categories. Further research, again, is important to understanding these shifts and to maintaining continuity between the current and any new standard.

I see my time has expired. Let me just summarize and say that not only are we concerned with interview surveys where the questions are answered directly, we also have to be concerned with records and form-based systems, administrative record systems, and systems designed to collect data to protect against discrimination.

In conclusion, we at the National Center for Health Statistics and the Department of Health and Human Services recognize the need to carefully consider these changes, and have worked with OMB, and will do that in the future. We have a very strong partnership with States and other governmental organizations, and we intend to work with them to assure an orderly transition for both our data sources and our data users.

I, too, will be happy to answer any additional questions.

[The prepared statement of Mr. Sondik follows:]

Mr. Chairman and members of the Subcommittee, I am Dr. Edward Sondik, Director of the National Center for Health Statistics (NCHS), of the Centers for Disease Control and Prevention (CDC). I am also the Senior Advisor to the Secretary on Health Statistics, and in that capacity I provide technical and policy advice on statistical and health information issues that affect the Department of Health and Human Services (HHS).

I am pleased to participate in today's discussion of the collection of data on race and ethnicity. I would like to focus primarily on my perspectives on the use of race and ethnicity in health research and statistics, and briefly note the important implication of such information for human services and civil rights compliance purposes. Further, I will discuss the importance of a careful, research-based process for considering changes to the way we collect such data, and finally will outline several issues related to the changes that are currently under consideration.

Obtaining accurate data to monitor changes in health status, measure the use of health services, and identify relationships between risk factors and disease is a crucial component of the mission of NCHS and many other HHS components - particularly as applied to vulnerable or disadvantaged population groups. As such, we have made the collection and continual improvement of statistics on racial and ethnic minorities a priority. Accordingly, NCHS and the Department as a whole have had a keen interest in the process undertaken by the Office of Management and Budget (OMB) to review the adequacy and usefulness of its Statistical Policy Directive No. 15, the "Race and Ethnic Standards for Federal Statistics and Administrative Reporting."

The Importance of Having a Race/Ethnicity Standard

The current Directive No. 15 has proven very valuable in that it has provided government-wide guidance on record-keeping, collection, and presentation of data on race and ethnicity in Federal statistical activities and in program administrative reporting, including reporting for civil rights compliance purposes. Over time, many State, local, and non-governmental entities have voluntarily followed this standard. This standard classification is essential in order to provide for collection and use of comparable data across different sources.

Data on race and ethnicity collected by the Census Bureau, a primary focus of the Subcommittee's attention today, are used in various ways by many Federal agencies. All statistical agencies rely on population data provided by the Bureau of the Census, making Year 2000 Census decisions of particular importance. A specific example is in the calculation of death rates, which combines data from death certificates (provided to NCHS by the States) with population estimates (provided by the Bureau of the Census). NCHS and the Bureau of the Census have worked closely together so that data produced from these different sources apply consistent definitions that can be readily used by each agency.

Using Race and Ethnicity in Health Research and Statistics

Although Directive No. 15 does not <u>require</u> the collection of race and ethnicity data, the data systems of NCHS -- and nearly all of those of the Department as a whole -- <u>do</u> collect such data. NCHS collects, analyzes, and reports racial and ethnic data in all of its national surveys using standards established in Directive No. 15, as do most of the data systems in HHS as a

whole. In fact, many of our data systems collect substantially more detail than called for in the Directive.

For several decades, the data generated through NCHS systems have been used to highlight the health of racial and ethnic populations in the United States, and these data have called attention to the significant gaps that exist among various population groups. These differences are now standard features of analyses of health data, and are a significant component of the Secretary's annual report to the Congress on the Nation's health, Health, United States. These differences provide valuable clues as to how health status can be improved, and illuminate potential directions in biomedical research, health services research, and behavioral research.

As the interest of policy makers has focused on these differences in health status and turned toward research and the design of interventions, the need for improving existing data systems has increased. For this reason, we have concentrated on improving the level of detail available from our national surveys. For example, NCHS has expanded the racial and ethnic categories in the National Health Interview Survey (NHIS) - the largest population survey on health - to include nine distinct Asian and Pacific Islander (API) subpopulations. We routinely include disproportionately large numbers of blacks and Hispanics in the NHIS and other surveys to improve the precision of our statistics for these populations. Similarly, we have expanded the detail available on Hispanic and API subgroups through the National Vital Statistics System, and have instituted a Minority Health Statistics Grants Program to improve methods of data collection, as well as to conduct studies and analyses of minority statistics. Finally, in our

National Health and Nutrition Examination Survey (NHANES) - the next round of which is scheduled to begin in 1998 - we will make a special effort to include a large enough sample of blacks and Hispanics to allow us to describe accurately a variety of biomedical dimensions of health for these groups.

It is important, however, to maintain a clear focus on the limitations of race and ethnicity data in the health arena, as these designations often conceal more than they reveal. These groups do differ in health status and in use of health services, but in highly complex ways that depend on many factors besides race and ethnicity - education, occupation, income, community environment, culture, and individual behaviors and values, as well as discrimination and racism. Directive No. 15 itself clearly notes that there is no scientific or anthropological basis for the race and ethnic categories used for statistical purposes. While we recognize the clear need for race and ethnicity information as an analytic tool, for many health-related analyses these measures provide only part of the picture.

It is also important to caution the Subcommittee that there are things that the classification standard alone will not accomplish. A standard classification system assures comparability, but does not assure that data collected in accordance with the classification will actually meet user needs. The usefulness of data for analysis of health differences depends, in large part, on having adequate sample sizes in surveys, and in being able to present data for smaller groups in a way that does not jeopardize the confidentiality of respondents. It is possible, therefore, to have an appropriately detailed classification system and still not be able to produce statistics

on all the groups that are included in the classification. This is particularly true given the need to analyze the populations by other factors such as age and sex, as well as the increasing demands being made for data provided in greater geographic detail.

The Process for Revising Directive No. 15

Reconsideration of Directive No. 15 is a key issue to health and statistical agencies, and also to human services and civil rights components throughout HHS. NCHS, along with many of our colleagues elsewhere in HHS, has appreciated the opportunity to be actively involved in the open, participatory process that OMB has established. Several components within the Department have participated in this process on an ongoing basis, and the Secretary's statutorily mandated advisory committee on statistics (the National Committee on Vital and Health Statistics) has also provided guidance. HHS involvement has included considering the impact of the proposed changes across the Department's various programs, and providing formal comments in response to the initial Federal Register notice. We have attended public hearings, and encouraged and facilitated input into the process from many of our partners in the States and in non-governmental organizations. HHS has also sponsored research on the implications of various proposed changes to the classification system, and participated in the OMB-led interagency committee formed to assist with the review process.

Making changes as fundamental as those under consideration can be difficult and potentially disruptive. We appreciate the priority that OMB and the statistical community have placed on

sound research as the basis for these decisions. Later in my statement I will describe the research project that NCHS conducted related to one of the changes under review.

Proposed Revisions to Directive No. 15: Perspectives from Health Research and Statistics

I would now like to discuss selected revisions to the classification system under consideration, in order to illustrate our perspectives on these issues. I will focus primarily on considerations for health research and statistics; as noted previously, there are also important human services and civil rights compliance. My discussion starts with one of the most challenging methodological issues - multiracial identification.

Multiracial identification. At this time, our data collection, coding, and analytical approaches usually do not capture information about individuals with multiple races, limiting the ability of analyses to take into account mixed race. We recognize, however, the need to capture information that reveals the full range of cultural and racial diversity in our Nation's population. While the statistical agencies tend to focus on this information as a tool for statistical analysis, we respect the fact that it represents an important reflection of our social and cultural identity. We also recognize that knowing more about persons who do not identify with only one racial group may enhance the analytic potential of this variable.

Establishing a new category presents several practical and methodological challenges, however, and we will not have a sound basis for reaching definitive conclusions until research now underway is completed. If "multiracial" is to be included as one of the new response

categories in an update of Directive No. 15, there are important considerations in how this would be done. These include: first, the need for continuity in measurement; and second, the importance of maintaining our current detail on individual race groups a person may associate with, even if aggregated to a multiracial category.

Several proposals under discussion present particular problems. For example, a category such as "multiracial" with no further explanation would make it impossible to obtain detail on specific components of this category. Since there would be no way to link data collected under the old standard with the new one, we would be unable to characterize differences in health status by race over time. This would be a major threat to our ability to monitor and protect the health of communities at risk.

Similarly, in order to maintain continuity and comparability with the current standard, it would be necessary to obtain as much detail as possible on race and ethnic identification. One way to do this is to augment a multiracial category with detailed information about the multiple individual races that a person would report. Maintaining continuity would require that information obtained in a new, multi-dimensional approach be translated into categories comparable to the current classification system. The more exhaustive the list, the more complicated the translation process would need to be. A variety of data providers and users would need to follow the same detailed translation steps in order for this data to remain comparable.

It is not necessary to include a specific "multiracial" category in the new standard in order to allow for individuals to associate themselves with more than one racial group. This goal could be accomplished by obtaining detailed information about each of the specific races the individual identifies with. If there is more than one, the person could be classified as multiracial; alternately, the person might be asked to identify the group with which they most strongly identify.

As noted above, we feel that such potentially major changes should be made only after careful research. NCHS has conducted one of several studies carried out by statistical agencies to explore the impact of certain approaches to collecting racial and ethnic data. Our study, conducted in collaboration with the HHS Office of Public Health and Science, addressed whether different formats of the race reporting item on birth certificates affected the ways in which race was reported by mothers. We studied a sample of women who had given birth within the three years prior to the study, including births where the parents were of different combinations of race and/or Hispanic origin. The study looked at the cognitive processes used to answer race questions by these women in an attempt to determine which factors influenced their selection of one or more races.

The study revealed several things of interest:

- First, we found that the format of questions influences the extent to which multiracial and Hispanic women report more than one specific race, or write in "multiracial."

From this, we learned that subtle changes in format and wording can be used to encourage more complete responses.

Second, we found that a majority of the study respondents preferred to write-in or mark specific combinations of races, rather than write-in a term like multiracial. Write-in responses of a term like multiracial were most common among women with one Hispanic parent and one non-Hispanic parent.

- Third, findings also supported the notion that multiracial and Hispanic women do have difficulty answering race questions. In addition to the format of the question, factors that influenced their choice included the context of the survey situation and the strength of identification with a particular race group or groups. When strength of identification was low, respondents provided inconsistent answers to race questions depending, in part, on their perception of how the race information would be used. When strength of identification was high, responses to race questions were more consistent.

These findings, along with the results of related tests being conducted by the Census Bureau, the Bureau of Labor Statistics, the Department of Education (Office of Educational Research and Improvement), and others will be used to help inform OMB in addressing the need for changes in Directive No. 15. A more detailed description of the NCHS study is attached.

Native Hawaiians. Another issue under consideration is how Hawaiians will be classified. Changes under consideration include 1) redefining the category Hawaiian (currently a subcategory of Asian and Pacific Islander) as "Native Hawaiian;" and 2) shifting this newly

defined Native Hawaiian category to either a new, separate category, or to a Native American category that would also include American Indians and Alaska Natives. We are concerned that either of these shifts would seriously disrupt our ability to monitor trends in these populations.

Hispanic Origin. Finally, there is the question of whether Hispanic origin should continue to be maintained as a separate ethnic category or included as one of the race categories. NCHS has collected race and Hispanic origin separately and many have found this useful for analytic purposes. We do recognize, however, that many respondents have difficulty distinguishing these two concepts, and therefore difficulty in responding to separate questions.

We expect that any change in how Hispanic ethnicity is classified will result in multiple and unknown shifts, and we are therefore concerned about losing the ability to track trends in this important and growing population. For example, studies have shown that changing this practice (i.e., combining race and ethnicity into a single question) results in a smaller number of persons who report that they are Hispanic. Moreover, when individuals report themselves as Hispanic without the additional option of designating a race, studies have shown that there are unpredictable shifts in the estimates of the other racial categories. Further research is important to understanding these shifts, and to maintaining continuity between the current and any new standard.

Applying Directive No. 15 in Multiple Settings. In considering changes to Directive No. 15, it is important to keep in mind that data are collected in a variety of ways and used for a

variety of purposes. The classification system for race and ethnic categories is not just for interview surveys like the Census where, for example, the respondent answers questions directly. The standard also needs to apply to administrative records and forms-based systems (such as NCHS' National Vital Statistics System and studies that rely on abstracting medical records); to administrative records systems; and to systems designed to collect data to protect against discrimination in the provision of health and human services. Protocols that might be possible in an interview setting -- for example, additional questions if an individual selects a multiracial category -- may not be possible when relying on forms or records that were created for administrative or other purposes.

Finally, Directive No. 15 applies to Federal agencies, but many Federal agencies obtain a great deal of data from secondary sources (e.g., State governments, hospitals and other provider organizations). We cannot assume that the issuance of a substantially different Federal standard will result in immediate changes in all of the data we obtain. We will need to plan carefully for transitional periods, and make provisions for differences between data sources during this transitional period.

Conclusion

As you can see, Mr. Chairman, my comments on possible revisions to the standards reflect a common theme. NCHS, and HHS as a whole, recognizes the need to consider carefully changes in Directive No. 15, and has worked with OMB and other agencies in conducting research and evaluating different options. My primary concern in any revision is that we not

compromise our ability to conduct analysis of health and human service trends so that we can continue to monitor and develop strategies to improve continually the health of all Americans and, in particular, those at greatest risk. We are hopeful that any changes would allow for continuity between the old and the new standard, and that appropriate steps can be taken to ensure an orderly transition for both our data sources and our data users.

Finally, it is clear that any change in the standards will have an impact on the work of NCHS and others within HHS and the health community. For example, data collection instruments, computer programs for processing of administrative records, and training for survey field staff may be required for a sizeable number of HHS systems. Similarly, there will be impacts on HHS partners and grantees, who may need to change data systems to comply with HHS implementation of any new standards.

Until specific recommendations for any changes become available, it is not possible to assess more clearly the possible cost or impact at this time. Each of the potential individual changes may well have significant effects on HHS research, public health, human services and civil rights programs. Predicting possible impacts is difficult, since we have not completed or fully assessed all of the relevant research, and multiple and interrelated changes might be recommended.

I can assure the Subcommittee, however, that we will work closely with OMB and other agencies, and will make every effort to conform to any potential new standard as quickly as

possible. We also will work with our partners in the States and the community more generally to encourage adherence to the standard, whether or not it is changed, and with partners within HHS to implement the standard across the Department's systems.

I would be happy to answer any questions you may have.

NCHS Research on Race/Ethnicity Classification

As part of the overall research plan to assess changes in Directive No. 15, the National Center for Health Statistics conducted a study to determine if different formats of the race item affected the ways in which race was self-reported. This research was based on the way in which race was reported on birth certificates.

Background: Birth Registration System. NCHS collects data on vital events - primarily births and deaths - in the United States through the State-operated Vital Registration System. NCHS cooperates with the States to develop and recommend standard forms for data collection and model procedures to ensure uniform registration of these vital events.

Detailed information on the births of infants is obtained from the birth certificate filed in State vital statistics offices. The U.S. Standard Certificate of Live Birth gives States guidance for the collection of this information. This certificate contains an item which provides information on the race of the infant's parents and also an item which provides information on the Hispanic origin of the parents. For each of these two items, the standard birth certificate uses an open-ended format, which allows the respondent, usually the mother, to provide whatever she prefers as her self-perceived designation of race and Hispanic origin. Examples of what the respondent could provide are included as prompts in each of the two items on the certificate. The examples of possible write-in responses for race are: *American Indian, Black, White, etc.*

The examples of possible write-in responses for Hispanic origin are: *Cuban, Mexican, Puerto Rican, etc.*

Study Design. NCHS, in conjunction with HHS' Office of Public Health and Science, conducted a study to determine if different formats of the race item affected the ways in which race was self-reported. A major purpose of this study was to determine whether the inclusion of the term multiracial among the examples given in the race item influenced the response provided. A secondary purpose of the study was to determine whether a race question containing a list of races with a mark all that apply instruction influenced the response given. Furthermore, the study examined the cognitive processes used to answer race questions by multiracial and Hispanic women in an attempt to determine what factors influenced the selection of one or more races.

Although more than 700 women from nine states and the District of Columbia volunteered to participate in this study, the study was not designed to be representative of all women in the United States. Each participant was paid an incentive of $20 and participated in both a mail and telephone follow-up survey. The study purposefully included women who were 18 years old and over, who had a baby within the three years prior to beginning the study, and whose parents were of different races, or who had one parent who was of Hispanic origin but the other was not, or women whose parents were both Hispanic and/or of the same race. This particular selection of women enabled the researchers to examine the cognitive processes these

women used when answering race questions and to explore the relationship these women saw between race and Hispanic origin survey questions.

Respondents were mailed one of three mock birth certificates. The first version was mailed to a third of all respondents. It was the control version and contained the same race question as currently used on the U.S. Standard Certificate of Live Birth. This control version had an open-ended answer block which had printed at the top:

RACE - American Indian, Black, White, etc. (Specify below)

Another third of all respondents received an experimental version that contained the exact same block as described above except that the term multiracial was used in the example listing. The block read:

RACE - American Indian, Black, White, Multiracial, etc. (Specify below).

The remaining third received an experimental version that listed races and included a mark all that apply instruction. The block read:

RACE? (Mark all that apply)

followed by a listing of specific race groups as well as an Other category.

Findings

- First, we found that question format influences the extent to which multiracial and Hispanic women report more than one specific race, or write in "multiracial." From

this, we learned that subtle changes in format and wording can be used to encourage more complete responses.

Second, we found that a majority of the study respondents preferred to write-in or mark specific combinations of races, rather than write-in a term like multiracial. Write-in responses of a term like multiracial were most common among women with one Hispanic parent and one non-Hispanic parent.

Third, findings also supported the notion that multiracial and Hispanic women do have difficulty answering race questions. In addition to the format of the question, factors that influence their choice include the context of the survey situation and the strength of identification with a particular race group or groups. When strength of identification was low, respondents provided different answers to race questions depending, in part, on their perception of how the race information would be used. When strength of identification was high, responses to race questions were more consistent.

Mr. HORN. Well, we appreciate that very much. That's a very thorough presentation, and I'm sure we have a lot of questions.

Our last panelist on panel III is Bernard L. Ungar, the Associate Director for Federal Management and Workforce Issues, U.S. General Accounting Office, which is part of the legislative branch. We look forward to your testimony. Please proceed.

Mr. UNGAR. Thank you, Mr. Chairman, and Mrs. Maloney. I am pleased to be here today.

I would like to focus my summary statement on two topics: one is GAO's prior work in the area of collection of data, federally, on race and ethnicity, including the decennial census; and the second is the collection of data at the State and local areas on health and education.

I would first like to point out or just highlight the pervasiveness of OMB Directive 15. If it is changed, it would certainly suggest there would need to be a change in the way data is collected throughout the country, and that would include probably many State agencies, many local agencies, all the schools in the country, and probably all of the employers in the country. So a change in Directive 15 could certainly have a wide implication.

In terms of Federal data collection, in 1992 we did a survey of eight Federal agencies to determine the extent to which they were complying with the standards in OMB Directive 15. Fortunately, we found that they all were using the directive for the operations that we reviewed.

We also looked, in the early 1990's, at issues concerning how the 1990 census was conducted, and there were really two issues we focused on. First, was the extent to which the Census Bureau was able to achieve a consensus on the race and ethnicity questions, and then, too, as now, it was quite controversial. The second issue related to the accuracy of the data.

In the 1990 census, the major issue was the formatting of the question on Asian and Pacific Islander populations. Unfortunately, the Bureau had a late start in addressing that issue and, at least partly due to that late start, was not able to achieve a consensus. It therefore ended up using a question that it did not feel was quite as accurate or would produce as accurate a result as its preferred route.

Fortunately, for the 2000 census, the Bureau and OMB did get an earlier start on their planning and involvement of advisory committees. However, with the controversy, I'm not so sure that that's going to help a great deal in the end.

In terms of an accuracy problem that the Census Bureau experienced with the 1990 census, as was indicated, many folks, particularly of Hispanic origin, had a problem answering the question on ethnicity and race. As a result, the Bureau ended up with inconsistent answers. Of course, that is one of the issues that it has been testing for the 2000 census.

In terms of State collection of data, I would like to start with a little context. That is, there are at least five States that do have laws that pertain to the collection of race and ethnicity data that specifically identify the multiracial category as one that should be used. Now, these five States don't all have the same type of legisla-

tion. They don't all cover the same agencies, and they all have not been implemented.

I would like to start with the health area. What we focused on in the health area was the collection of data on births and deaths. This data is collected by the States and sent to the National Center for Health Statistics under a cooperative arrangement that the National Center has with the States. As part of that arrangement, the Center has worked out, in consultation with the States, some guidance that includes model forms and instructions.

We did check with nine States and found that, by and large, they were using the model forms, and they say they were following the instructions. In the case of collecting the data, the model form calls for a question on ethnicity, "Are you Hispanic?" Yes or no, followed by a block for the write-in of a racial category.

There the person responding, for example, on a birth certificate—it would usually be the mother or the father of the child—is asked to identify race. The person responding could put in "multiracial," although the instructions would say, if they are, they are asked to identify the specific components or the specific races or ethnicities that he/she would identify with.

It is interesting to note that, on the birth certificate, the race or ethnicity of the infant is not called for, or is not asked for. When the data is tabulated by NCHS, it's the race or ethnicity of the mother that is tabulated. That was changed maybe about 10 years or so ago, as a result of some problems, I believe, that NCHS was having in getting the race and ethnicity of the infant in a consistent manner.

Two States, Georgia and Indiana, have implemented laws that require the collection of data on multiracial categories across all State agencies, including health agencies. However, because these laws basically say that that multiracial information would be collected in those cases where there is a list enumerated of choices to choose from, they don't apply to the birth and death certificates directly, because there is a write-in space; there is not a list, in general, that is used.

In terms of education, again, the data that is collected by the States and at the local level on student enrollment is collected under a cooperative agreement or arrangement with the Department of Education's, National Center for Education Statistics. Also, this data is collected as part of compliance with the civil rights rules that the department has issued.

Like the National Center for Health Statistics, the National Center for Education Statistics has published guidance in concert with the States. However, there is no model form for the collection of data, and there is no suggested protocol for the aggregation of the data on the education side as there is on the health side.

Now, contrary to the health side, we found quite a diverse range of practices at the local level in collecting data on race and ethnicity at the school level or at the school district level. Some schools use the five categories that are specified in OMB Directive 15; some use less; some use more. Some schools have a write-in block. Most schools ask parents to fill in the information; other schools have that information recorded by an observer, a school em-

ployee. It could be the principal, a clerk, or a teacher. There are some schools that have the multiracial category.

I would like to point out that there is a big difference between the way the data is collected and the way it is reported nationally. There are many variations to the way the data is collected, and I would like to give some examples of those.

Just in this area, for example, the District of Columbia, on its school enrollment form, uses a write-in category where the parent writes in the race or ethnicity, and then the school aggregates that data using the five categories. If there is another category used, the school may allocate the other category across the five.

On the other hand, in the city of Alexandria, VA, the school system prelists the five categories and asks the parent to check which category applies. If the parent doesn't, a person from the school will do that by observation, and the observation, we are told, is based on the parent who is registering the child. It may be the father or the mother.

Another difference would be Fairfax County, VA, which, by administrative order, has established a multiracial category on its school enrollment form. Basically, it uses the five OMB categories plus the multiracial category. Fairfax County officials tell us that that category was included as a result of concern expressed by residents of the county. They say that they have been doing it for a couple of years, and it has not caused any problem. When they do report to the State, they allocate the folks who have checked "multiracial" to the other categories, and that's in compliance with the State of Virginia requirement that the data must be reported to it in accordance with the five categories.

Another and the last example would be the State of California, which you mentioned. It requires 7 categories, but I would like to point out an example, which would be the city of San Diego. This city collects data on 19 categories, most of which are subgroupings of the five, plus it has a multiracial category. Its protocol calls for a parent to select 1 of the 19. If the child is multiracial, one can designate "multiracial" and then write in the specific races or ethnicities that apply.

There are three States that have laws that require the use of the multiracial category in school registration. We looked at a number of counties or local school systems in those States and found that they were actually collecting that data using the multiracial category.

Finally, there are some States that have administrative orders in this area, but not laws. North Carolina is one of those. It has implemented the order. We did find that, in some cases, the local school systems actually use the category "multiracial." In a couple of other cases there is a write-in space.

That concludes my summary, Mr. Chairman. I will be happy to answer any questions.

[The prepared statement of Mr. Ungar follows:]

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the reporting of race and ethnicity data. Our testimony today focuses on two issues you asked us to address: (1) our prior work on the collection and reporting of race and ethnicity data by the Bureau of the Census for the decennial census, as well as by other federal agencies; and (2) state reporting of race and ethnicity data to federal agencies for health and educational purposes. My comments are based on our prior work in this area, our current monitoring of plans and preparations for the 2000 Decennial Census, and limited data collection we did in selected states in April 1997 in response to your request.

Over the years, our work has shown that the collection of these types of data is technically complex and publicly controversial. It is technically complex because race and ethnicity are not objectively definable characteristics, making measurement difficult. Also, in many instances, a person self-identifies his or her own race and ethnicity; in other instances another party may categorize that person's race and ethnic designation by observation, which can produce inconsistent results. In addition, the manner in which different organizations may ask for racial or ethnic information, as well as how this information is compiled or aggregated, can lead to inconsistent results. Measurement of race and ethnicity is also controversial because some individuals have strong feelings about how they are classified and are uncomfortable, when presented with a list of classifications, if a particular "category" is not available for them to select. For example, some people who are multiracial want to be able to reflect this heritage by designating

themselves as such; however, they may not be provided this choice. Alternatively, some people may oppose the use of a multiracial category because it could result in a reduction in the number of individuals classified in their racial category, and they view this as potentially reducing any benefits this particular group may receive. Some state and federal program or administrative officials raise concerns about a multiracial category because it may (1) add costs from the need to change forms and computer software, (2) not provide any analytical benefits, or (3) result in reporting inconsistencies and impede analyses of trends.

BACKGROUND

The United States government has long collected statistics on race and ethnicity. Such data have been used to study changes in the social, demographic, health, and economic characteristics of various groups in the population. Federal data collections, through censuses, surveys, and administrative records, have provided a historical record of the nation's population diversity.

Since the 1960s, data on race and ethnicity have been used extensively in civil rights monitoring and enforcement covering such areas as employment, voting rights, housing and mortgage lending, health care services, and educational opportunities. Legislatively based requirements in these areas created the need among federal agencies for compatible, nonduplicative data for the specific population groups that historically had

suffered discrimination and differential treatment on the basis of their race or ethnicity. We have attached a listing of some of the statutes that require the collection and reporting of racial or ethnic data.

In the mid-1970s, the Office of Management and Budget (OMB), in conjunction with several federal agencies, undertook a collaborative effort to standardize racial and ethnic data collected and published by federal agencies. The result of this effort was OMB's 1977 publication of the "Race and Ethnic Standards for Federal Statistics and Administrative Reporting" contained in Statistical Policy Directive No. 15. These standards also implemented the requirements of Public Law 94-311 of June 16, 1976, which called for the collection, analysis, and publication of economic and social statistics on persons of Spanish origin or descent. Directive 15, which has not been changed since it was initially published, provides standard classifications for recordkeeping, collection, and presentation of data on race and ethnicity in federal program administrative reporting and statistical activities. These classifications include four races–American Indian or Alaskan Native, Asian or Pacific Islander, Black, and White; and one ethnicity–Hispanic origin or not of Hispanic origin.

The standard collection categories are to be used for (1) civil rights compliance reporting by both the public and private sectors and all levels of government; (2) new and revised general program administrative and grant reporting by federal agencies; and (3) statistical reporting by federal agencies. According to OMB's Chief Statistician, even though states

are not directed to follow OMB's guidance except when reporting to the federal government, in practice they generally do. The Directive states that its purpose is not to limit the collection of data to the five categories--four racial and one ethnic. However, any required reporting that uses more detail must be organized in such a way that the additional categories can be aggregated into the basic racial/ethnic categories. One notable exception to the standard has been the Bureau of the Census, which was granted an exemption allowing it to include an "other" (write-in) response to the race question in the 1980 and 1990 Censuses.

During the past several years, the standards have come under increasing criticism from those who believe that the minimum categories set forth in Directive No. 15 do not reflect the increasing diversity of our nation's population. Some have also proposed changing the names of some categories. Because of these criticisms, OMB is in the process of determining whether Directive No. 15 should be modified. Among the changes being considered are whether a multiracial category should be included; and whether "race/ethnicity" should be asked as a single identification, or whether "race" identification should be separate from Hispanic origin.

COLLECTION OF RACE AND ETHNICITY DATA BY THE BUREAU OF THE CENSUS AND OTHER FEDERAL AGENCIES

Even if federal classifications for race and ethnicity were agreed upon, it is extremely difficult to obtain accurate and consistent data on the number of individuals within each classification. Our prior work on the Bureau of the Census' collection of race and ethnicity data during the 1990 Census indicates that the question or questions used to elicit information on an individual's race and ethnicity will affect how an individual classifies himself or herself. Consequently, if the results of different surveys using different questions or a different series of questions to obtain race and ethnic data from the same population were compared, it would be likely that different proportions of respondents would be classified as White, Black, Asian or Pacific Islander, or American Indian or Alaskan Native; or of Hispanic origin. This work also demonstrated that external pressures on the Bureau can result in the use of questions that may not provide as accurate a count of racial and ethnic groups as would be possible if other, alternative questions were used. Our prior work on federal agencies' use of race and ethnic definitions found that other factors can also affect the quality of racial and ethnic data collected, including the fact that all states may not use the same classifications as the federal government, and the fact that some racial and ethnic data are obtained by observer-identification rather than by self-reporting.

1990 Decennial Census Experience With Collecting Race and Ethnic Data

In 1993, we reported and testified that experience from the 1990 Decennial Census provided valuable lessons for future censuses.[1] One lesson was the need to develop a consensus on the race and ethnicity questions as early in the decade as possible. Another was the need for the Bureau of the Census to continue efforts to improve race and ethnic data quality to ensure that the quality of data collected is acceptable.

Consensus Not Achieved

In the 1990 Census, the Bureau was unable to build a consensus on its recommended version of how Asian and Pacific Islanders were to be represented in the race question despite implementation of a special testing and consultation program. As a result, the final format of the race question was decided late in the decade after protracted debate and was contrary to the Bureau's initial recommendations.

The Bureau, after testing alternative versions of the Asian and Pacific Islander questions during the 1986 Los Angeles, Mississippi, and National Content tests, among other tests, determined that a short version of the race question was likely to produce data on the

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[1]Federal Data Collection: Measuring Race and Ethnicity Is Complex and Controversial (GAO/T-GGD-93-21, April 14, 1993) ; and Census Reform: Early Outreach and Decisions Needed on Race and Ethnic Questions (GAO/GGD-93-36, Jan. 28, 1993).

Asian and Pacific Islander population that was as good as other test versions of the race question. The short version provided a space for Asian and Pacific Islanders to write in their specific groups, such as Chinese or Asian Indian. Other test versions would have called for Asian and Pacific Islanders to mark separate, prelisted, detailed groups of this racial category, as was done in the 1980 Census. The Bureau's research suggested that the write-in option would produce a somewhat higher proportion of the population reporting as Asian and Pacific Islanders than would the use of a question with prelisted groups. Despite its research, the Bureau was unable to convince the Asian and Pacific Islander community that the short version of the race question should be used. Responding to congressional direction and pressures from the Asian and Pacific Islander community, the Bureau reconsidered its original decision and chose to include in the 1990 census a version of the race question with prelisted Asian and Pacific Islander categories.

This experience demonstrated the need for the Bureau to begin to work early in the decade to work with a diverse group of customers, including organizations representing the interests of various race and ethnic groups, to identify data needs for the 2000 census and the best ways these needs can be met. In congressional hearings, representatives of the Asian Pacific Islander community said that the Bureau had not solicited their participation in the early phases of redesigning the race question. The advisory committees representing minority communities had not been established until 1986 for the 1990 Census. This was the same year that the major tests were held that drove the debate on the race question and the Bureau's initial recommendation. Several

representatives said that the Bureau had already formulated the census questions before the committees began to meet.

In contrast to the situation in preparation for the 1990 census, Census advisory committees for the 2000 census were chartered in February 1994. These committees included the African-American Population, American Indian and Alaska Native Populations, Asian and Pacific Islander Populations, and the Hispanic Population. The committees held a series of meetings during 1995 prior to the June 1996 National Content test, at which time the Bureau tested several variations of questions designed to obtain race and ethnicity information. Another meeting of these advisory committees was held in December 1996 to discuss major findings from that survey. According to Census officials, the results of this survey and the race and ethnicity tests should be available in early May 1997.

Data Quality Issues

Census Bureau evaluations suggested that the data from the 1990 race and Hispanic origin questions were generally of high quality. However, the evaluations also suggested that some problems associated with collecting data on Hispanics that confronted the Bureau in 1980 continued. For example, in both the 1980 and 1990 Censuses, the Bureau found that Hispanics had difficulty classifying themselves by race, and this difficulty led to inconsistent reporting by Hispanics when they initially completed the census

questionnaire compared to their responses when they were interviewed as part of a quality check. Also, for both the 1980 and 1990 Censuses, the Bureau estimated that nearly all--97.5 percent in 1990 and 95 percent in 1980--of the respondents who reported being in the "other race" category were persons of Hispanic origin.

The problems experienced in connection with the Hispanic origin question stemmed, at least in part, from the format and sequence of the Hispanic origin and race questions. According to the Bureau, both Hispanics and non-Hispanics have had difficulty dealing with this issue. Some Hispanics equate their "Hispanicity" with race and have had difficulty classifying themselves by the standard race categories. In 1990, about 40 percent of Hispanics marked the "other race" category; they either indicated they were Hispanic in the Hispanic origin question or indicated they were Hispanic in the write-in space provided in the race question. According to the Bureau, some non-Hispanics, having already responded to the race question, skipped over the Hispanic origin question when they should have indicated that they were not of Hispanic origin.

As part of OMB's ongoing effort to determine whether Statistical Policy Directive 15 should be revised, OMB and the Census Bureau are working together to determine whether race/ethnicity should be asked as a single identification or whether the race identification should be separate from Hispanic origin or other ethnicities. Research on the effect of keeping race/ethnicity as a single identification or separate was conducted during the May 1995 Current Population Survey conducted by the Census Bureau, as well

as during the June 1996 Race and Ethnic Targeted Test. Results from the May 1995 survey indicated that, among other things, placing the Hispanic origin question before the race question significantly reduced nonresponse to the Hispanic origin question. The survey also found that placing the Hispanic origin question before a race question that did not include a multiracial option (1) reduced the percentage of persons reporting in the "other race" category on the race question, and (2) increased reporting by Hispanics in the White category of the race question. The results of the June 1996 test are due in May 1997.

Agencies' Use of Consistent Race and Ethnic Definitions

In our 1992 report on agencies' use of consistent race and ethnic definitions, we found that the eight agencies we reviewed, including the Department of Health and Human Services and the Department of Education, used the standard definitions of Directive No. 15 in the data collection operations we examined.[2] However, we also found some consistency problems in the agencies' reporting when they used data not controlled by federal collection rules or data based on observer-identification.

The consistent use of definitions by federal agencies is to be accomplished by an OMB control procedure that is designed to help ensure that standards are properly

[2]Federal Data Collection: Agencies' Use of Consistent Race and Ethnic Definitions (GAO/GGD-93-25, Dec. 15, 1992).

incorporated in data collection efforts. OMB's Office of Information and Regulatory Affairs is required to approve all federal data collection instruments and methodologies before an agency begins collecting data. This control process is designed to monitor the use of standards in the development of the data collection methodologies. In our 1992 report, we found that another practice that helps ensure that the policy's definitions are followed is the federal statistical agencies' extensive use of the Census Bureau support and products that also are governed by the rules of Directive No. 15. For example, the National Center for Education Statistics (NCES) and the National Center for Health Statistics (NCHS), as well as other federal agencies, use elements of the Decennial Census or the monthly Current Population Surveys in their reports. As a result, the data agencies use from these sources should have been collected using methodologies that OMB has approved.

Inconsistent reporting of racial and ethnic data by federal agencies can arise when an agency uses state-provided data. The management of state- or local-generated data is outside of federal jurisdiction. State-provided data can be inconsistent, for example, if states categorize race and ethnicity differently, if state data are incomplete, or if states categorize multiracial/ethnic peoples differently than specified by OMB Directive No. 15. Some school districts collecting race and ethnic data also use a special category to classify people of mixed race or ethnicity, thus creating difficulties when data contained in this category are aggregated into the five Directive 15 categories. State use of a multiracial category could become a greater potential source of inconsistency in the

future, because the number of multiracial and ethnic families has grown significantly over the last 20 years.

Inconsistent reporting of racial and ethnic data can also arise when others determine an individual's race or ethnicity, generally from observation. OMB's Directive recommends that the category most closely reflecting the individual's recognition in his community should be used for purposes of reporting on persons who are of mixed racial and/or ethnic origins. Department of Education officials told us that some states determine a student's race or ethnicity by that of the mother, whereas others use the father's race or ethnicity. Because the label applied by state policy may not be the same label applied had OMB's guidance been used, inconsistencies may arise in the racial categorization of those of mixed race.

STATE COLLECTION OF RACE AND ETHNICITY DATA FOR HEALTH AND EDUCATIONAL PURPOSES

States collect data on race and ethnicity in various programs, often to comply with federal requirements. You asked that we provide information on the types of race and ethnicity data states are collecting in the areas of health and education. You specifically asked us to include information on states that have enacted laws requiring the use of a multiracial category. To respond to your request, we focused on state reporting of race and ethnic data on births and deaths in the health area and on student enrollment in public schools

in the education area. At the federal level, NCHS and NCES have responsibility for compiling and reporting data nationally on these topics and work cooperatively with the states to obtain the data. Accordingly, we obtained information from NCHS and NCES on their process for collecting state data as well as from a study recently sponsored by NCES on racial and ethnic classifications used by public schools.

In addition, we obtained information on the collection of race and ethnic data from health departments in nine states–Alabama, Georgia, Illinois, Indiana, Maryland, New Jersey, Ohio, Texas, and Washington. Of these nine states, Georgia and Indiana have implemented state laws requiring all state agencies to use a multiracial category under certain circumstances. We also contacted education officials in the District of Columbia and in 12 states–California, Georgia, Illinois, Indiana, Maryland, Michigan, North Carolina, New York, Ohio, Pennsylvania, Texas, and Virginia–as well as representatives from 23 local school systems in 8 of these jurisdictions. Of those states, five have laws requiring the use of a multiracial category under certain circumstances. We contacted local school representatives to get an indication of the types of racial and ethnic data schools were collecting and, if the state had implemented a law or requirement for use of a multiracial category, whether schools were implementing the requirement. We selected the five states that have laws requiring schools' use of a multiracial category and North Carolina because it has administratively mandated the use of a multiracial category in its school system. We judgmentally selected local school systems to achieve geographic dispersion.

Due to the limited scope of our work, we cannot project our findings to jurisdictions or school systems we did not contact.

Health department officials in all nine states said they are collecting race and ethnicity data from birth and death certificates, aggregating these data, and reporting the data to NCHS, in accordance with guidance and instructions provided by NCHS. According to these officials, the guidance and instructions used conform to OMB's Statistical Directive No. 15.

State education officials in the 12 states and the District of Columbia said they are collecting race and ethnicity data from schools and aggregating these data. Most of these officials said that data are reported to the federal government in the five categories contained in the directive. Officials from Georgia and Indiana, which are two states that have implemented legislation requiring the use of a multiracial category, said they are reporting race and ethnicity data to the federal government in the five categories contained in the directive. However, in order to report these data, these officials said that individuals in the multiracial category must be allocated to the other racial and/or ethnic categories. In contrast, an Ohio education official said that this state, which has a state law requiring the use of a multiracial category, uses six categories to report these data, including a multiracial category. Based on discussions with state and local education officials, the forms used to collect racial and ethnic information, the categories used to classify race and ethnicity, and who classifies students vary from school to school.

Five States Have Laws Requiring the Use of a Multiracial Category

Georgia, Illinois, Indiana, Michigan, and Ohio have enacted laws that include the term multiracial with respect to collecting data on race and ethnicity. Georgia, Indiana, and Michigan have passed legislation requiring the addition of a multiracial category on all state forms that have a listing of racial and ethnic classifications from which one must select. Illinois and Ohio have similar legislation that applies only to educational departments and schools; however, Illinois' law specifies that the category of multiracial is to be collected and reported only if the data are for state or local use. Although Illinois' and Ohio's laws do not define multiracial, the other three states' laws define multiracial as having parents of different races. For federal reporting purposes, laws in Georgia and Michigan provide for reallocating multiracial individuals into the five federal categories on the basis of the rate that the general population comprises each classification. Ohio's law, in contrast, requires that the parent, guardian, or custodian of each student have the opportunity to designate the appropriate federal racial category for the student. Georgia's, Indiana's, and Ohio's laws are being implemented. According to an education official in Illinois, that state is delaying implementation of its law until OMB makes a determination on revising Statistical Directive 15. Michigan's law, according to state education officials, is to be implemented during the 1997-1998 school year when forms are scheduled to be revised to include a separate question to collect data on

whether the individual is also multiracial. A summary of the scope and implementation status of laws in the five states is attached to this statement.

Collection of Race and Ethnicity Data for Health Purposes

We focused our efforts on the collection of race and ethnicity data for health purposes on data collected in connection with births and deaths. NCHS is responsible for compiling national statistics on births and deaths. To do this, it is to work cooperatively with state health departments which administer birth registration and death reporting systems under the laws and regulations of the states. Birth certificates are to be used to compile annual vital statistics on the number and rate of births by such characteristics as place of birth and residence of mother. Population composition and growth are to be also estimated using these data, and the data are to be used in planning and evaluating programs in public health and other areas. Information from death certificates is to be used for many purposes, including assessing the general health of the population, examining medical problems that may be more prevalent among certain population groups, and identifying geographic areas with elevated death rates from selected causes of death.

NCHS has developed model birth and death certificates that states can use in recording vital data on births and deaths. Information on the birth certificate can be provided by a number of individuals, including the mother and/or father, a physician or other hospital personnel, or a midwife. To obtain data on race and ethnicity, the model birth certificate

includes a question on whether the mother is or is not of Hispanic origin, and the same question on the father as well. NCHS guidance clearly states that this information is not part of the race item, and that a person of Hispanic origin may be of any race. Thus, the Race and Hispanic origin questions are asked independently in the model certificates. A blank space follows the Hispanic origin question so that the person completing the form can write in the race of the mother, as well as the race of the father. Instructions for completing that block direct that the information should be obtained from the parent or parents, or other informant, and that the entry reflect the response of the informant. For Asians and Pacific Islanders, the national origin of the mother and father, such as Chinese, Japanese, Korean, Filipino, or Hawaiian, is to be entered. If the informant indicates that the mother and/or father is of "mixed race," both races or ancestries are to be entered.

Birth certificates do not record the race of the child. Beginning in 1989, NCHS guidance recommends that health officials categorize births by the race of the mother, as recorded on the birth certificate. If the mother does not state her race on the certificate, then the baby's race is imputed to be the race of the father. Prior to 1989, newborns with two parents of the same race were classified as that race; newborns with one nonwhite parent were classified as the race of the nonwhite parent. When both parents were nonwhite but

of different races, the newborn was assigned the father's race; except that if either parent was Hawaiian, the newborn was classified as Hawaiian.[3]

With regard to death certificates, funeral directors are responsible for getting the death certificate completed. Information is to be obtained from the spouse, one of the parents, children, or another relative of the decedent, or a physician. In contrast to the birth certificate, which requires data on whether the mother or father is of Hispanic origin and the race of the mother or father, the death certificate requires this information on the decedent.

According to officials in nine state health departments, these states follow NCHS' model and guidance when obtaining this information. Birth and/or death certificates provided us by seven of these states confirmed that their forms provide a space in which any race or racial makeup can be provided. For reporting purposes, NCHS has developed a coding system and guidance for categorizing and reporting race and ethnicity responses. This guidance includes 7 codes for Hispanic origin, as well as up to 16 codes for race. The race category includes White, Black, Indian, five categories for Asian or Pacific Islander, Other Entries, and Not Reported. According to NCHS officials, an additional 6 coding categories for other Asian or Pacific Islanders, for a total of 11, were being used by

[3]This change in policy was brought about because it brought a more uniform approach to tabulating the increased incidence of interracial births and nonmarital births than did the necessarily arbitrary combination of parental races. In addition, the model birth certificate was modified in 1989 to include more questions directly associated with the mother's health and health behaviors.

California, Hawaii, Illinois, New Jersey, New York State, New York City, Minnesota, Texas, and Washington. NCHS provides the option to other states on whether to use the more detailed categories for Asian or Pacific Islanders. If an individual were to record his or her race as more than one race on the certificate, NCHS' guidelines provide that the first race listed should be used for coding purposes, or if the individual reports percentages, the race having the highest percentage should be coded. Thus, even though an individual can indicate a makeup of various races, for purposes of aggregating the data, the individual is coded as belonging to one race by health officials.

Of the nine states whose health departments we contacted, Georgia and Indiana have laws requiring the use of a multiracial category when collecting race and ethnicity data. According to a Georgia Department of Public Health official, birth and death certificates were not modified to accommodate the law because the law requires that forms be modified only if they contain a list of categories from which one must select, and Georgia's birth and death certificates do not contain such a list. This health department official said that when an individual indicates that he or she is multiracial, the state obtains data on which races the individual belongs to and then follows NCHS' protocol for coding racial data. For example, if Black is the first race mentioned, the person is coded as Black. If White is the first race mentioned, the person is coded as White. This official said that if some other race is mentioned first, the person is coded as an "other" race because all of the other races are very small in the state. According to this official, the Department has also included a field in its database to indicate if the individual

considers himself or herself multiracial. These data are separate and not reported to NCHS. This official said that Georgia started collecting the multiracial data about 1 or 2 years ago, but that it has not used the multiracial data to perform any special statistical analyses. Furthermore, he said that the number of individuals classified as multiracial is small, and that the data would not likely be used for analytical purposes because a racial designation is generally not a good indicator of health problems. Likewise, Indiana's law, passed in 1995, requires the addition of a multiracial category on forms that contain a listing of racial categories. An Indiana health official said that the state has not changed its forms, practices, or procedures for collecting racial or ethnic data on birth or death certificates. This state uses birth and death certificates that do not contain a listing of categories. According to this official, the health department has not added a separate multiracial category in the state's database so that the number of multiracial persons could be tabulated by computer.

None of the officials in the seven state health departments we contacted that do not require the category of multiracial indicated the need for one or were sure of how it would be used if collected. For example, according to an Illinois Department of Public Health official, the multiracial classification would not be useful with respect to conducting vital statistical or health analyses. According to this official, if additional data were to be collected for vital statistical health analyses, these data should include socioeconomic data. Similarly, an Alabama Department of Public Health official stated that, currently, the state does not need a multiracial category because, in her view, the

state has a relatively few number of individuals who could be classified as such. Therefore, she said that NCHS' classifications were currently sufficient for determining different racial and ethnic groups' lifestyles that affect health.

The Department of Health and Human Services' National Committee on Vital and Health Statistics, Subcommittee On Health Statistics for Minority and Other Special Populations, has reviewed state legislation requiring the use of a multiracial category. According to a subcommittee member, of some concern to the subcommittee is the fact that some state laws call for reallocating the number of multiracial people to OMB's five categories for federal statistics on the basis of the racial and ethnic distribution of the general population. She also said that reallocating multiracial people on this basis would tend to misrepresent the number of individuals in each of the five categories because the multiracial population does not have the composition of the racial and ethnic distribution of the general population.

Collection of Race and Ethnicity Data for Educational Purposes

NCES is the primary federal organization for collecting, analyzing, and reporting data related to education. NCES collects data through a variety of means, including periodic surveys and data reported by states from data contained in administrative records, including school enrollment records. In 1994, NCES updated its 1974 national standards for student data to establish current and consistent terms, definitions, and classification

codes to maintain, collect, report, and exchange comparable information about students.[4] Its 1994 handbook, intended as a reference document, includes the types of information that could be collected about individual students and maintained in records, and discusses race/ethnicity classifications and definitions. The racial and ethnic classifications and definitions are those contained in OMB's Statistical Directive No. 15–American Indian or Alaskan Native, Asian or Pacific Islander, Black, Hispanic, and White. The handbook recommends that Blacks and Whites be separate from Hispanic. That is, students should be classified as Hispanic, Black (not Hispanic) or White (Not Hispanic).

In the spring of 1995, NCES sponsored a survey as part of the research being conducted by OMB to review the current categories in its Statistical Directive. NCES' March 1996 report summarized its findings with regard to racial and ethnic classifications used by public schools.[5] In summary, 73 percent of 926 public schools responded that they used only the five standard federal categories to classify the race and ethnicity of students. Of the remaining 27 percent of the schools, 10 percent responded that they used "other" or "undesignated," with space for indicating a specific race or ethnicity; 5 percent used "other," without space for specification; 7 percent used additional racial and ethnic categories, such as "Filipino"; 5 percent used a general multiracial category; and the

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[4]National Center for Education Statistics: Student Data Handbook for Early Childhood, Elementary, and Secondary Education, U.S. Department of Education, Office of Educational Research and Improvement (NCES-94-303, June 1994).

[5]National Center for Education Statistics: Racial and Ethnic Classifications Used by Public Schools, U.S. Department of Education, Office of Educational Research and Improvement (NCES 96-092, March 1996).

remaining 2 percent used specific combinations of the five standard federal categories or used an "unknown" category (such as "Black/White," or an "unknown" category).[6] Additional differences were found in how racial and ethnic data were aggregated into the five federal categories before reporting the data to the federal government, as well as differences in who identified the race and ethnicity of the children. For example, about half of the 27 percent of schools that used other classifications reported that the central district office handled the task of aggregating this information, while many of the remaining schools reported that students were allocated by the school among the five standard federal categories based on which ones the school considered most appropriate. With respect to who identified a student's race or ethnicity, 73 percent of the schools reported that they asked parents. At 22 percent of the remaining schools, respondents reported that teachers or administrators assigned students to categories based on observation; while the remaining 5 percent reporting using some other method. Most respondents reported that revisions to Directive No. 15 were not an issue or were only a minor issue in terms of their applicability to students enrolled in their schools. However, between 3 and 12 percent of schools reported that issues such as adding a general "multiracial" category, adding an "other" category, or changing the terminology used in the racial categories was significant.

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[6]Percentages do not sum to 100 because respondents could select any and all categories that applied to their schools.

The 5 states that have already enacted laws requiring schools to add a multiracial category were included in the 12 states and the District of Columbia whose education departments we contacted. Of these five states, three–Ohio, Georgia, and Indiana–said they have implemented requirements that the multiracial option be included as a category when selecting options for race and ethnicity. All of the eight local school systems we contacted in these three states (three in Ohio, three in Georgia, and two in Indiana) said they were using a multiracial category for school enrollment. According to education department officials in Ohio and Georgia, the legislation was the result of the efforts of a small group of individuals in each of their respective states.

According to an Indiana Department of Education official, the schools in Indiana are implementing the requirement in a variety of ways. For example, in some instances school administrators may classify students into different race and ethnic categories, while in other schools or school systems, parents may classify their children. We contacted two schools in Indiana and found that schools in that state were inconsistent in who classified students into race and ethnic categories. The Indiana Department of Education official said that when reporting data to the federal government, the state Department of Education allocates those students who are classified as multiracial into the Black, White, American Indian or Alaskan Native, or Asian or Pacific Islander category on the basis of the percentage of these races in the state as a whole. The remaining two states–Michigan and Illinois–have yet to implement their legislation. According to Michigan Department of Education officials, Michigan was allowed to use up its stock of

forms prior to collecting the new data. Currently, forms for collecting racial and ethnic data are being revised for the 1997-98 school year. According to an Illinois State Board of Education official, Illinois is not implementing its legislation until OMB reaches a final decision on whether, and if so, how, Statistical Directive 15 is to be revised.

A few states, such as North Carolina and Florida, have administratively decided to collect multiracial data. According to a North Carolina Department of Public Instruction official, the administrative order has been in effect for the past 1 to 2 years and gives parents who wish to classify their child as multiracial the option of doing so. School registration forms we obtained from three North Carolina school systems listed a multiracial category. Two North Carolina local school systems provided space on their registration forms for race or ethnicity to be written in; however, one of these local system's guidance instructed school administrators to code this information as Black, White, Hispanic, American Indian, Asian, or Other. A North Carolina education official said that currently, fewer than 200 of the 1.2 million students in that state's schools were estimated to be using the multiracial classification. This official stated that schools within North Carolina could be using different methods to classify these students as another race when aggregating race and ethnic data for federal reporting purposes.

Several other states are considering including a multiracial category for educational reporting purposes. For example, a California Department of Education official said that a ballot measure is currently being considered that would mandate the use of a

multiracial category when collecting data on students' race and ethnicity. He said that the state uses OMB Statistical Directive 15 to obtain data from the schools on race and ethnicity. The state also collects data on individuals of Philippine origin due to a state mandate. This official said that the state would need to resolve several issues before adopting a multiracial category. These issues include the cost of requiring that data be collected and the usefulness of the data to the Department. For example, this official was not certain what utility the multiracial category provided educators, or what educators could do with these data if they had them.

A Texas Education Agency official said that Texas is currently considering a proposed bill that would include a multiracial category. Currently, the state is looking at the practical implications of implementing the proposed legislation. That is, the state is assessing the potential cost of requiring these data be collected and ways that the new data could be linked to data previously collected. According to this official, even though the state uses OMB's Statistical Directive No. 15 for federal reporting purposes, some schools in the state collect additional data and break out the racial or ethnic classifications in more detail than required.

The varying situations in the Washington D.C. metropolitan area with regard to identifying race and ethnicity at the time of school enrollment provide a good illustration of the complexity and controversial nature of this issue. The school registration form used in the District of Columbia provides a space for the parent or guardian of the child to write

in a race or ethnicity. Categories are not prelisted on the form. The school system, however, tabulates data based on the five federal categories.

Virginia's Department of Education has provided guidance to the state's school systems directing them to use the five categories specified in Statistical Directive No. 15 when reporting data to the department, and informing them that it can only accept data in these five categories. However, an education department official said that schools can collect any detailed data they want on students' race and ethnicity. The city of Alexandria uses OMB's five categories for collecting data on school enrollment, and school system representatives told us that the lack of a multiracial category has not been a major issue. In contrast, Fairfax County has added a multiracial category to its school registration form. According to a school system representative, this category was added in 1994 as a result of concerns expressed by a number of county residents. The school system allocates multiracial students to the other five categories when aggregating data and reporting it to others. Arlington County schools also use the five categories in OMB's directive. However, in 1993, the county added an "other" category out of concern that a significant number of students did not fit into the five categories and so a student or parent could use a classification other than those listed on the school forms. However, Arlington County, after receiving a notice from the state that it would not accept data reported in any categories other than the five specified by OMB, discontinued using the "other" category in 1996.

Montgomery County, Maryland, schools prelist the five categories on its school enrollment forms. An official of the Montgomery County schools said that some parents have expressed concern about there being only five categories. The official said that the school board discussed the issue, but has decided to wait to see what changes, if any, the federal government makes. According to the official we spoke with, the issue is very much a concern in Montgomery County schools because the county is home to many multiracial families. In Prince George's County, a school official told us that the school system uses only the five standard categories but has been approached about the issue of more categories on some occasions. However, the school system is also under a federal court desegregation order. The order requires the school system to report race and ethnic data in a certain format to the court annually.

California provides another example of the diverse way in which racial and ethnic data can be collected. California state education officials said that even though the state reports racial and ethnic data to the federal government in accordance with OMB's guidance, schools in that state are asked to break out race and ethnicity data into seven categories. These categories include OMB's classifications of White, Black, Hispanic, American Indian or Alaskan Native, but the classification for Asian is separated from Pacific Islander. As noted earlier, the state also separates information on those of Philippine ancestry. However, these officials said that schools may collect more detailed data to determine the representation in their school districts. According to one state official, the state does not dictate or control the amount or type of information schools

collect because such matters are believed best left to local control. San Diego, for example, lists 19 racial and ethnic categories plus a multiracial category on its school registration form. The instructions on the form state that one of the 19 listed categories is to be selected, but that a person can also select the multiracial category. If this latter category is chosen, additional categories are to be written on the form. San Francisco's city schools use nine categories and do not use a multiracial category. Long Beach collects only the seven state required categories of racial and ethnic information, but also collects over 50 different language categories on each student. Because the state may receive additional categories of racial and ethnic data from some schools, the state, at times, has to aggregate the data to conform to OMB's five classifications. A state education official said that this has not caused the state any problems.

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Mr. Chairman, this concludes my prepared statement. I would be pleased to respond to questions from you or other Members of the Subcommittee.

EXAMPLES OF FEDERAL LAWS REQUIRING
THE COLLECTION OF DATA ON RACE AND ETHNICITY

Agency or program requiring race and ethnic data	Description of data requirement	Legal authority
Federal Home Loan Mortgage Corporation	The corporation is required to collect data relating to its mortgages on housing consisting of 1 to 4 dwelling units. These data shall include the income, census tract location, race, and gender of mortgagors.	12 U.S.C. § 1456(e)(1)(A)
Government National Mortgage Association and Federal National Mortgage Association	The corporations shall collect data relating to their mortgages on housing consisting of one to four dwelling units. These data shall include the income, census tract location, race, and gender of mortgagors.	12 U.S.C. § 1723a.(m)(1)(A)
Community Development Financial Institutions Fund	The Fund shall require each community development financial institution or other organization receiving Fund assistance to compile such data, as is determined to be appropriate by the Fund, on the gender, race, ethnicity, national origin, or other pertinent information concerning individuals that utilize the services of the assisted institution.	12 U.S.C. § 4714(b)
Department of Education, Office of Educational Research and Improvement	All statistics and other data collected and reported by the Office shall be collected, cross-tabulated, analyzed, and reported by sex within race or ethnicity and economic status whenever feasible.	20 U.S.C. § 6011(j)(4)

Department of Education	Shall carry out an ongoing evaluation of programs designed to help disadvantaged children meet high standards. The evaluation shall, when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.	20 U.S.C. § 6491(c)(1)(e)
Department of Education, Office of Educational Research and Improvement	Shall collect and report data for the National Assessment of Educational Progress. The data shall include information on special groups, including, whenever feasible, information collected, cross-tabulated, analyzed, and reported by sex, race or ethnicity, and socio-economic status.	20 U.S.C. § 9010(b)(1)(C)
Department of Labor, Rehabilitation Services Administration	Requires an annual report on vocational rehabilitation and other rehabilitation services from information collected on each client. The information shall set forth a complete count of such cases in a manner permitting the greatest possible cross-classification of data. The data elements shall include, but not be limited to, age, sex, race, ethnicity, etc.	29 U.S.C. § 712
Veterans Administration, Center for Minority Veterans	Requires social and demographic research on the needs of veterans who are minorities and the extent to which veterans' programs meet the needs of minority veterans, without regard to any law concerning the collection of information from the public.	38 U.S.C. § 317(d)(5)

Department of Commerce	Requires a survey to compile registration and voting statistics. The survey and compilation shall only include a count of persons of voting age by race, color, and national origin. The law also has a proviso that no person shall be compelled to disclose his race, color, or national origin and that every person interrogated orally, by written survey or questionnaire, or by any other means shall be fully advised about his right to refuse to furnish such information.	42 U.S.C. § 2000f.
Department of Housing and Urban Development	Requires studies with respect to the nature and extent of discriminatory housing practices and requires information on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or potential beneficiaries of, programs administered by the Department of Housing and Urban Development. The Department shall collect the information relating to those characteristics the Department determines necessary and appropriate without regard to any other provision of law.	42 U.S.C. § 3608(e)

Source: GAO analysis of selected legislation.

STATES WITH LAWS REQUIRING A MULTIRACIAL CATEGORY

State	Law enacted	As of April 1997 is law being implemented?	Agencies covered
Georgia	1994	Yes	All state agencies
Illinois	1994	No	Schools
Indiana	1995	Yes	All state agencies
Michigan	1995	No	All state agencies
Ohio	1992	Yes	Schools

Source: State laws and state officials.

Mr. HORN. Well, that's an excellent presentation and summary, as I would expect from the General Accounting Office.

Let me ask you—and all three of you are welcome to answer this question—which Federal laws would benefit someone or the agency that is collecting the data if they mark certain racial or ethnic categories out of proportion to the actual numbers in the room? In other words, do local school districts gain money? I want to know the greed factor.

I am worried when I see people are checking the race and ethnicity in a school, if the principal is out to get more money for that school. Now, I'm curious, No. 1, from GAO, have we looked at some of these programs with regard to that? No. 2, I'm curious, from the agencies, if the Inspectors General have done a random sample of this to go back and check data, and see if there is fraud being committed by school administrators?

Mr. Ungar, can you start on the overall picture, and then we will work our way backward.

Mr. UNGAR. Sure. Mr. Chairman, we recently have not looked at that in the manner in which you have asked. We were told by a number of school officials, in our current inquiry, that it is not uncommon for a parent to want to change the racial or ethnic designation of their child, for example, when they want to apply for college scholarships or admission. But we certainly did not look at any effort or any manipulation of the data at the school level.

Mr. HORN. Well, there is no question we have seen some of that in college scholarship applications. If they can check Hispanic or Latino or whatever the category, and feel that that's a benefit they will and that is a problem, obviously.

Mr. UNGAR. Right. Yes, sir.

Ms. CANTU. Mr. Chairman.

Mr. HORN. Yes.

Ms. CANTU. We do have, at the Department of Education, a very thorough check by our Inspector General of any misrepresentations in any type of data. The program my office is responsible for verifying is the magnet school applications. We did not notice a greed factor, as you mentioned.

But, as I mentioned, one of our first principles was accuracy. We do not want to see either an overcount or an undercount in any of the racial categories, so we do compare data reported by districts to other data bases, such as the census and reports that they file with our agency over time. So if there is an aberrant number, if all of a sudden a school looks very minority where in past years it was not, we will pick up the phone, we will verify, and we will check our sources.

Mr. HORN. Has the Inspector General in Education done any reports in this area?

Ms. CANTU. I'm not aware of that, but I can check for the subcommittee.

Mr. HORN. Yes, please, and have the staff also followup on that, because you implied in a comment there that the Inspector General did look at the data.

Ms. CANTU. The Inspector General looks at all reports. They are interested in any fraud, so they look at all reports. They would not

exclude a category such as race; they would treat it like they would treat every other category.

Mr. HORN. Well, I just wondered. In other words, they don't seem to have done any work. They have looked at them, but either their suspicions were not aroused or there were no tips, or whatever, I guess. But I am curious as to whether a random sample is done of any data collection to see to what extent it's really accurate.

Ms. CANTU. I will check that for you.

Mr. HORN. OK. Thank you very much.

How about health statistics? That's vitally important.

Mr. SONDIK. I must say I can't think of a law where the greed factor comes in.

Mr. HORN. I can't think of the greed thing, but I can think of inaccurate conclusions from data on various diseases.

Mr. SONDIK. I don't think there's any question about that. All of this data, at least all that I can think of, is asked on a self-report basis. And I can't think of a situation really where it would relate to something along the lines, if you will, of greed, or something along those lines. But it certainly may relate, since it is self-reported, to an individual's desire to put themselves in one group or another.

That's one of the reasons why I think it's so important that we have the research, and I'm very pleased that the research is currently underway.

Mr. HORN. Then the question comes, who should make that judgment? I gather we have some where the mother is asked to make the judgment. I would simply ask, on the health side, is there any genetic information, as to recessive characteristics and all, that come through the mother and might not have come through the father? And does that affect the data in any way?

Mr. SONDIK. Well, actually, Mrs. Maloney said something—I believe it was Mrs. Maloney—early on concerning the variation in genetics between peoples. The figures, as I understand them, are that if we look at differences between races, we see about 15 percent of the genome representing those differences. But within a particular race, we see an 85 percent variation.

So there's no question, of course, that factors are inherited, and we are concerned about particular genes that may be inherited that relate to particular diseases. But fundamentally, as is stated in the OMB directive, this is, in effect, a cultural anthropological, if you will, concept that is up to the individual to specify.

As I mentioned in my testimony, though, when we use this information in health research, we need to couple it with all sorts of other factors to really make sense out of what is causing these differences.

Mr. HORN. I yield 10 minutes to Mrs. Maloney.

Mrs. MALONEY. Thank you.

I would like to ask each of you to respond to this question, if you would like. One of the proposals on the table before us is to let each person check all the boxes they think apply. What is your reaction to that suggestion? Just go down the panel. Do you think it's a good idea, a bad idea, and why?

Mr. SONDIK. Well, we conducted a study that asked questions about birth certificates. We asked mothers of children less than 3

years old, particularly multiracial mothers and Hispanic mothers, as to how comfortable they felt with filling out the boxes in various ways. And they seemed to be most comfortable with not checking a single multiracial box but choosing from a list or putting in a series of categories.

Mrs. MALONEY. Mr. Ungar.

Mr. UNGAR. Mrs. Maloney, I think there are two things that come to my mind. One is, the State of Michigan has legislation that would require the use of a multiracial category across State agencies, and the State put together a working group to sort through how to implement this. I think the group's recommendation was to identify the specific categories and then add a separate box for multiracial, allowing the parent or the person to choose one category or check multiracial, and then identify what the races or ethnic composition would be.

As I mentioned, the city of San Diego does something comparable to that, too. I think the whole issue in education has arisen from concern by parents; when they go to register their child, they feel there is not a box there that the child fits into. So this might be one way to accommodate that concern as well as address the concern about being able to aggregate the data into the categories that the Federal agencies need to have it.

Ms. CANTU. Not taking a position either pro or con, but let me walk you through the pros and cons that I noted. The pros agree that it may assist in more reporting, because people will be able to check all the boxes. You get closer to accuracy, because you will get more responses. It may also help with keeping longitudinal data, because it will help you cross-walk it to earlier responses.

The cons are, as far as civil rights enforcement, we will need a designation. Are they white or black; are they Asian or white? We will need a designation in order to be able to tell if we're making progress with the Civil Rights Act, and checking all the boxes may not give us that information that we need to measure progress.

And we would need to study that phenomenon. We would need to study "multiracial" as a group, because we hear in our office from individuals, several times a month, that they believe they are discriminated against because they are multiracial. One keen example was in the South where the high school principal would not allow biracial couples to come to a prom. And a young woman who was the product of a biracial marriage said, "What about me? I can't come at all?" She was very offended by that principal's decision. So we would need to collect information on that.

Mrs. MALONEY. Mr. Ungar and Ms. Cantu, in your testimony today you highlighted the different ways that different school districts in America are compiling information on race and ethnicity, and it is very different. Even within one State, it's compiled in a very different way. So, therefore, it's not reliable, and I would think, statistically, it's probably not dependable in many ways.

Why doesn't the Department of Education issue guidelines to school districts on how to do self-identification or observation, or issue guidelines to help make the responses uniform and therefore more usable in our country?

Ms. CANTU. I'm speaking for our office. If we can supplement with other parts of the department, I will be happy to do that. But

we're trying to meet several interests here. We're trying to, one, preserve students' privacy, because there is a Federal student privacy act. So we don't want to single a child out and say, "You answered this incorrectly," or "We're going to follow you up and somehow hound you until we get the right answer from you." So we're meeting the interest of student privacy.

We also do believe the data is reliable, because we sample large enough groups. For example, our elementary and secondary survey samples one-third of the student population every 2 years, so at the end of 6 years we will have gotten a full universe. And that's a big sample, considering how large the student population is in this country. So that's quite reliable.

We are trying to meet the interest of civil rights, too, in that perception matters. How a student is viewed by his teachers or her administrators counts here. So a student may come in with a self-concept that "I am biracial, half white, half black," but the teacher treats her as if she were black, and puts her at the back of the class, and gives her a watered down curriculum compared to her white peers. So it matters, and so we're trying to serve that interest, too, of collecting perception data, as well.

Mrs. MALONEY. Would you care to comment, Mr. Ungar, because you did touch quite in depth on the disparity of this data?

Mr. UNGAR. Yes, Mrs. Maloney. I don't know if I can comprehensively answer your question. I think it's a little tougher in the school situation than it is in the health situation to have a standard form, perhaps. I think there are a lot of different practices at different schools, in terms of how this information is collected.

I think it might be possible to come up with some standard categories and to have subgroupings of those along with the multiracial category. To a great extent, I believe that's going to depend upon OMB Directive 15, though. I think that the States really do take their signals from OMB Directive 15 to a great extent. So, I think that the extent to which that is changed would basically heavily influence what is done at the State level.

Mrs. MALONEY. Many biracial couples have written my office expressing the agony that they have in choosing between the race description for their child. They are asking Congress and OMB to do something about it. I would like to ask each of you, if you were sitting in this chair, what would you do about the multiracial question, the multiracial category? What is your wisdom on this issue?

Dr. Sondik.

Mr. SONDIK. Well, in some sense, I'm glad I'm not sitting in that chair. But in this chair, I look at it from a health statistics and, in particular, the chronicling of our social fabric and health research points of view. In doing that, what I guess I'm most concerned about, based on the fundamental notion, that this is a self-reported concept, is that we develop trends that are consistent, or that we are able to maintain trends.

One of the areas where we learn the most about our health and our social fabric is in looking at these trends and how they have changed over time, and understanding the reasons for those. So I prize, I guess, and I would consider one of the key factors here, consistency, so that in any change that is made, that change be

made in such a way that we can understand how the country has changed over time.

That could mean a variety of options, and I don't think all of the data, if you will, is in yet. That's what OMB is currently considering. At this point, I'm not sure that I see enough to be able to make a specific choice.

Mrs. MALONEY. You did testify earlier about the need for accurate data for the health measurements that you need for your research. How would the addition of a multiracial category affect the measurements that you are taking for health research?

Mr. SONDIK. Well, it really depends on how it's done. If it did not allow us to maintain the trends, it would damage our efforts. There's no question about it.

Mrs. MALONEY. You say it would damage your efforts?

Mr. SONDIK. If it were done in such a way that we could not maintain the trends. For example, we're looking at a particular racial group, if you will, and at some point in time we couldn't continue to track what happens to that group over time, its response to risk factors, its morbidity, its mortality. That would be very difficult for us.

But there are a variety of ways, of course, that this proposal could be done that would allow trends to be maintained.

Mrs. MALONEY. Mr. Ungar, your wisdom.

Mr. UNGAR. Well, personally, I think I would strongly consider the Michigan recommendation and proposal. I believe that that is one that the Census Bureau is testing. I don't know what those test results are, so I don't know what the testing has shown. But in the final analysis, I believe the decision will probably be based, at least partly on judgment and not totally on objective data.

Mrs. MALONEY. Thank you.

Ms. Cantu.

Ms. CANTU. I would try to offer a human response rather than a bureaucratic—Well, we have to have statistics, and they have to be accurate. The difficulty of this question is here because it involves human beings, not just ciphers.

When they do call our office, we do empathize. We do tell them, if it is painful to respond, you are under no obligation to respond. There's no penalty for declining to cooperate and fill in a box that you don't think is telling the truth.

We do explain why the information is being collected, that it is important for us to measure if the job is done in serving all students and helping all students reach their full potential. We try to humanize. There is a reason why the Federal Government does what it does, not because it's always done that way, but because we have a current need for that kind of information, and it is presently valuable to the taxpayer.

Mrs. MALONEY. How would a change, with a multiracial category, affect the implementation, the monitoring, the effectiveness of the Voting Rights Act, the Civil Rights Act, and other antidiscrimination laws that we have put in place?

Ms. CANTU. Not speaking for Department of Justice and other Federal agencies like EEOC and U.S. Commission, I do not believe you need to change any of the civil rights laws, because they have

been interpreted by the courts in ways that pick up all types of discrimination.

You mentioned the *Lau* case, that was a Supreme Court case involving Chinese-speaking children. Well, Chinese-speaking is not a category within the civil rights laws, but because it is a characteristic of national origin, it was picked up under coverage by the civil rights laws.

So I am personally confident that the civil rights laws we have in place right now would continue offering protections to children, regardless of how we collect data. We have, however, testified that there needs to be an orderly process for phase-in so as not to be disruptive of civil rights monitoring. The same need we have is the need that the people who are conducting surveys and analysis need to be able to do that cross-walk, to connect data to prior historical information.

I have full confidence in OMB moving forward in that orderly way. It's one of their stated principles that they will not disrupt current data gathering, and I trust in that.

Mrs. MALONEY. Thank you very much. My time is up.

Mr. HORN. Well, we thank you very much for that line of questioning. That's very helpful. We are going to submit additional questions to each of you, and if you don't mind, we will put them in the record at this point. We have a number of Members here, and we want to start with that panel.

You have provided some very valuable testimony, each one of you, and we appreciate that. There will be maybe 10 or 12 questions we will send down. Please fill them out, and we will put them in the record, without objection, at this point.

Thank you all for coming.

Mrs. MALONEY. Mr. Chairman.

Mr. HORN. Yes.

Mrs. MALONEY. Another Member who was supposed to be part of this panel unfortunately will not be able to be here, Maxine Waters.

Mr. HORN. That's the coming panel. We are not on this panel yet.

Mrs. MALONEY. OK. Please, put it in the record.

Mr. HORN. We will, eventually. We have two very distinguished gentlemen to join us, and possibly some others. Mrs. Meek, I believe, is also here. So Mr. Sawyer, Mr. Petri, Mrs. Meek, if you would come to the table. We appreciate your coming.

You two are the House of Representatives experts on the census, based on your past incarnation. When there was a Post Office and Civil Service Committee, you were chairman, Tom, of the Census Subcommittee, I believe. So it's a great pleasure to have you here. We hope we didn't keep you waiting too long, but I assumed you were absorbing the current thinking in this area before your own testimony. So we are looking to both of you and Mrs. Meek to integrate it for us, and take all the time you would like.

We don't swear in Members. We assume they are telling the truth. I did swear all Members till last year's chairman said, you might be insulting some of them, because we know once they lie to us once, we never listen to them again. So that's the punishment around here.

OK. Mr. Sawyer, since you were the former chairman, and Mr. Petri was the former ranking member, why don't we start with you, Tom.

STATEMENTS OF HON. THOMAS SAWYER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO; HON. THOMAS PETRI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN; AND HON. CARRIE P. MEEK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. SAWYER. Thank you very much, Mr. Chairman.

Tom and I know what you and Mrs. Maloney are going through. Frankly, thank you for undertaking these hearings. The work that is embodied here is inevitably more complex than it appears on first blush, and important in the lives of millions and millions of Americans.

As you may recall, in 1993, the Subcommittee on Census, Statistics, and so forth, held hearings on Directive 15 and racial and ethnic data, and I think perhaps the best that I can do at this point is to try to recap what we learned at that point.

The ideas that I would like to share with you today, if I could, basically fall into the groupings of what categories are and what they really are not, the purposes for which the data is collected, why race and ethnicity is a difficult matter to measure, how it fits with the desire for—and I suspect growing desire for—a multiracial category, and how to reconcile those important differences.

First, let me suggest, above and beyond all, that OMB's primary consideration in putting together Directive 15 to bring about consistency and comparability of data over time is important. It is perhaps the single most important element in establishing the categories. But in looking at that, I think it's also important to understand what the categories are and what they are not.

Clearly, they are not deeply grounded in genetic or scientific, anthropological bases. In fact, there is a specific disclaimer to that in Directive 15. Nor are they fixed and unchanging. As your questions earlier, Mr. Chairman, suggested, these categories have ranged widely over time, from a period of a time in the 1790's, where they tracked questions of taxation and a variety of other measures of humanity, as a Nation, to questions of race and color, and then, in this century, ultimately, national origin.

Categories are, in the end, largely culturally determined descriptors that reflect societal concerns and perceptions, and often the bias of a particular age. Categories, however, at least under Directive 15, are not used for determination for eligibility for any kind of Federal assistance, and there is a specific prohibition against that.

The example that you raise of where private sector uses may be determinants of eligibility, for example, for scholarships is a consideration, but perhaps ought not to define what we are doing with Directive 15 and with Federal categories. Rather, as you have heard today, the Federal Government collects data for three main purposes: to enforce law, the Civil Rights Act of 1964 and the Voting Rights Act of 1973 being primary among them; to measure differential outcomes throughout society, in terms of incidence of disease and better health statistics, life expectancy, assimilation of

immigrants, residential and economic segregation, educational attainment, and a variety of other important measures. And maintaining continuity and comparability from one decade to the next becomes important to Governments on all levels, for purposes of policymaking, and in the private sector for targeting investment.

There is another reason, and that is to measure and understand change itself, which may be, in fact, the fundamental characteristic of our age. It is a key component of that kind of change to recognize that people's view of themselves is changing. It's one of the things that leads me to my third point, and that is why race and ethnicity is difficult.

That kind of accounting is hard because it is imprecise in its character and highly subjective. OMB categories have sought to achieve a variety of goals that the categories that they use be discrete, that they be few in number, that they be easy to use, that is to say, convenient, that they are broadly understood and yield a consistent response.

In doing that, you raised the question earlier of the Hispanic question and how that question itself might migrate and evolve over time, but, clearly, that's not the kind of broad-based change that we are talking about when we are talking about multiracial questions.

There are a number of different dimensions, though, when we ask the question about the multiracial, multiethnic category. You mentioned one: who makes the identification? Directive 15 allows for a self- or observer-made identification.

In the census, over 60 percent of the households returned a completed form, but in most cases, only one person in that household made that identification, and that identification may vary, particularly from one generation to the next. Having consistency within that identification becomes very difficult.

It is even more difficult when you recognize that the remainder of those identifications may be made by an external observer, outside the household. We're not even talking about hospital personnel or school personnel; we're talking about the census itself. We're talking about asking at the door or asking a neighbor, or sometimes doing what is loosely referred to as "curbstoning," where you just take the best guess that you can.

It is important that we try to recognize that precision may not be possible, but that accuracy is diminished if we have too many categories or that they not have a shared understanding.

Let me just mention one that has been in the news recently a great deal. Tiger Woods is a gentleman of diverse background. And I'm not going to suggest that we or I or any of us ought to suggest how he might answer a particular question, but rather only to recognize that his parents might have answered the question for him differently, that an outside observer might answer a question differently, and that he, himself, might have answered the question differently this year, 10 years ago, or 10 years before that.

Trying to develop consistency, continuity, in longitudinal terms, is very important. In the end, I guess it comes down to this: that the concept of multiracial is not easily or uniformly understood, and therefore is unlikely to yield a consistent response in current terms.

If we were to add a multiracial category, the question becomes, how far back would we draw the baseline? Would we ask individuals to trace their roots from the beginning of the Nation, from the end of the Civil War, the turn of the century, World War II, last year, 2000? I don't know the answer to that question, but it's a dimension that we all need to recognize, because the desire for self-identification, as real and as human as it is, has changed over time and must be weighed against ensuring the usefulness of data for enforcing law and making policy.

It is important to recognize that we are changing in ways that are not easy to measure or define, but that that change may be one of the most important characteristics of our age. To that end, I would strongly recommend that, first of all, as much as possible, we not try to make this decision by a show of hands on the floor of the House of Representatives, that you have a number of very scholarly people who have worked on this and tested these measurements for some time, and I hope that we can rely on them.

I would hope, second, that we would be able to use the 2000 census itself, perhaps in the long form, to explore ways to measure change, to enable tracking of the way in which we define ourselves in racial and ethnic terms and in multiracial terms. To do this without disruption of continuity or comparability, and that we recognize that we, as a Nation, are on the edge of becoming sometwhether hing that may not have existed before.

You asked the question about other industrial nations. I have spoken with the demographic bureaucrats of the former Soviet Union, which may be the only other nation on earth that has had the ethnic and traditional concepts of racial mix that the United States has had. But they were different in many ways, and perhaps the most fundamental of those is that they were not evolving and changing as rapidly as we are.

We may be becoming, in real terms, the world's first transethnic, transracial nation. It has gone beyond the limitations of region and geography, and found that what we heard reported about the genetic content of humanity really is true, that there are only fine gradations among the more than 5 billion of us.

You have undertaken an important question, Mr. Chairman, one that will affect policy and practice for the next decade. I look forward to working with you in trying to resolve the dilemmas.

[The prepared statement of Hon. Thomas Sawyer follows:]

Mr. Chairman, Congresswoman Maloney, Members of the subcommittee: Thank you for the opportunity to share my thoughts and experiences with the subcommittee as you begin your review of the categories for collecting data on race and ethnicity in the 2000 census.

As you know, the former Subcommittee on Census, Statistics and Postal Personnel, which I chaired for six years, held a series of hearings following the 1990 census to consider concerns about the usefulness of the categories that were offered during that census. We heard testimony from experts who discussed and debated the genesis and evolution of the current categories, as well as from ordinary Americans who believed that the choices were not adequate to reflect the way in which they wanted to identify themselves.

As you know, our hearings led to a lengthy and thorough review of the Office of Management and Budget (OMB) Directive 15, which sets standards for the collection of racial and ethnic data by all Federal agencies. That review process is nearly complete, and your hearings are timely as OMB prepares to solicit final public comments this summer, in anticipation of a final decision in October.

This morning, I want to share with you my thoughts on this issue, which are the product of serious reflection on what I have learned over the past several years of studying this issue.

First, and above all, I think that the consistency of data over time, in order to ensure meaningful comparisons are used to evaluate social progress, ought to be the primary consideration as

OMB considers whether to modify Directive 15.

Second, as we consider the need for comparability, we need to understand what racial categories are and are not and for what purposes the data is collected.

The racial categories used by the Federal government and offered in the census are not grounded in a genetic or scientific basis, nor are they fixed and unchanging. They are culturally determined descriptors that reflect societal concerns and perceptions in the era for which they are applied.

It should be clear that racial and ethnic data is not used to determine eligibility for federal assistance programs. Rather, the Federal government collects the data for three primary purposes:

1) to enforce the civil rights laws that seek to ensure equality of opportunity, in areas such as employment, housing, health care, and education;

2) to measure differential outcomes in areas such as health (as in the incidence of disease) and life expectancy, in order to target research dollars more effectively; and

3) to maintain continuity and comparability of data from one decade to the next for purposes of policy-making by the Federal, state and local governments, and targeting investments fairly and wisely by private sector companies.

Another compelling reason to collect this kind of descriptive data is to understand the change that is taking place in our nation. A key component of that change is the people's view of themselves within the larger societal context. Racial and ethnic identity are significant elements in understanding that

relationship.

However, racial and ethnic accounting by its nature is imprecise and highly subjective. For instance, who makes the identification? This question is critically important in determining any given individual's race and the quality of the collective portrait of the nation which the data produce in the aggregate. We need to recognize that the method of collecting information has important implications for which category is associated with an individual.

Currently, Directive 15 allows for either self-identification or observer-identification (in the case of the decennial census, the "observer" is often an enumerator). The 1990 Census revealed that over 60% of U.S. households returned a completed census form. In most cases, one person from each household answered all of the questions for the entire household. What is difficult to determine is whether or not the other members of the household, if given the opportunity to respond for themselves, would answer in the same way. It is entirely possible that the perception of racial identity differs among individuals in any given household.

Clearly, the ample opportunity for differing perceptions that a "multi-racial" category presents places the consistency of all of the data at risk.

In designing the current descriptors, OMB has sought to achieve categories that are: discrete, few in number, easy to use, broadly understood and yield consistent response. Before we attempt to add a "multi-racial" category to the existing ones, we need to determine whether this new category would be consistent

with the current descriptors. The concept of "multi-racial", in my opinion, is not easily or uniformly understood and therefore would not yield consistent response. Therefore, such a category ultimately would yield less meaningful data and may diminish the comparability of the other data.

One difficulty in establishing uniformity is setting clear standards. For example, if we were to add a "multi-racial" category to the census short form, how far back would individuals be asked to trace the roots of their ancestors -- back to the beginning of our country? the Civil War? World War II? the 1990 Census? It is conceivable that if we trace our roots back far enough, all Americans could fit into the "multi-racial" category.

Having said all of this, let me hasten to add that the desire to choose how to identify oneself is compelling, and a hallmark of a free society that we ought not to ignore. That interest, however, must be weighed against the equally compelling need to ensure that the data will be useful in enforcing laws and in making sound policy that attempts to achieve equality in our society.

In the end, it is fundamentally a question of how best to define ourselves, even if the definitions we use are imperfect, without undermining the primary purposes for which we collect the data.

It is important to recognize that we are changing demographically in ways that are not easy to measure or define. How we are changing tracks the fundamental characteristics of our era. We may be able to use the 2000 census to explore alternative ways to measure those changes. Perhaps by putting an additional

question on the long form, for example, we would be better prepared going into the next census because it would enable us to track data derived from a "multi-racial" question without disruption of the continuity and comparability of the traditional categories.

This overarching need for historically comparable data, in my opinion, weighs against adding on the census short form a new category of "multi-racial", for which clear and meaningful standards are difficult to establish.

Thank you, Mr. Chairman, and Members of the subcommittee for this opportunity to share my thoughts with you.

Mr. HORN. Well, we appreciate that.

Now I am glad to lead with your partner in the once Subcommittee on the Census, of Post Office and Civil Service Committee, Mr. Petri of Wisconsin.

Welcome, Tom.

Mr. PETRI. Thank you, Mr. Chairman. I am delighted to be here again.

The only change that I really notice between appearing last year on some of these questions before your subcommittee and this year, is that Representative Meek is no longer sitting up on the platform to your right, but is here to my left testifying. I am delighted that she is continuing to be active, even though she has ascended to the appropriators' group in the Congress.

As you mentioned, I first became interested in the issue of the racial classification question on the census and other Government forms, and specifically the lack of a category by which people of mixed race ancestry can adequately define themselves, when I was ranking minority member on the Census Subcommittee of the old Post Office and Civil Service Committee, that was so ably chaired by my colleague from Ohio, Tom Sawyer.

As our committee reviewed the results of the 1990 census and heard from many points of view on its merits and defects, I felt that the lack of a multiracial category was an oversight which should not be repeated in the 2000 census. This may seem to be a small matter to some, but if you think about it, one of the great sources of strength in our country is the melding of many great cultures and traditions from around the world into one. As each of us can take pride in being an American, we can also take pride in our own ancestral heritage and its contribution to American society. When we exclude an entire category of people on a Government form such as the census, we are denying these people recognition of their unique place in society.

Here we have an official form of the U.S. Government telling them that they don't quite fit in. In the case of multiracial individuals, we are asking them to choose between one part of their heritage and another, between one parent and the other, or possibly between four different grandparents. When Tiger Woods fills out his census form, why should he have to choose between his African-American father and Asian-American mother? I am sure he is proud of both parents and both heritages. The current categories force him to deny half of his heritage.

This principle is not dependent on the size of the group in question, and I would support including a multiracial category regardless of the number of people involved. But I do think it's worth noting that this group, which is not recognized as a distinct category, is, in fact, growing by leaps and bounds.

Interracial marriages doubled in the 1960's and tripled in the 1970's. By 1990, the Census Bureau counted 1.5 million interracial couples. Naturally, with more interracial couples, we have more interracial offspring. Whereas there were less than a half million children of interracial couples in 1970, there are believed to be over 2 million today. This may be small, as a percentage of the entire population, but it is obviously a significant number of people.

I don't think the choice of "Other" is an acceptable option. These individuals don't think of themselves as an "Other," and it suggests some type of second-class citizenship, almost an afterthought, in the population.

Some have suggested allowing people to check more than one category if they are multiracial. While this comes a bit closer to addressing the issue, I think it would be problematic, myself. The statistics generated from this question on the census form are used in all types of research and assist public policymakers. These statistics will not be reliable if the categories add up to more than 100 percent.

For example, when developing social policy, we might want to know how those people living in poverty are divided along racial lines, or when considering health policy, we may want to know if a given disease has a disparate effect on one race or another. If the percentages of the races add up to more than 100 percent, it will cause confusion, and policymakers will not get a clear picture of the problem at hand.

Since I introduced my bill in the last Congress to require the inclusion of the multiracial category, which has been reintroduced in this Congress as H.R. 830, I have had the opportunity to work with a number of organizations and individuals in the multiracial community.

As I understand it, the subcommittee is planning on another hearing next month, and at that hearing you will hear testimony from some of the individuals who are active in these organizations. You will be hearing from some very sincere and dedicated people to whom this is a crucial issue. It's about full recognition as an integral part of the American tapestry, the melting pot, that makes our Nation unique in the world.

Thank you very much for allowing me the opportunity to make this statement, Mr. Chairman.

[The prepared statement of Hon. Thomas Petri follows:]

Testimony of Rep. Tom Petri
to
Subcommittee on Government Management, Information and Technology
April 23, 1997

Thank you Mr. Chairman. I first became interested in the issue of the racial classification question on the census and other government forms, and specifically the lack of a category by which people of mixed race ancestry can adequately define themselves, when I was the ranking member on the Census Subcommittee of the old Post Office and Civil Service Committee. As our committee reviewed the results of the 1990 census and heard from many points of view on its merits and defects I felt that the lack of a multiracial category was an oversight which should not be repeated in the 2000 census.

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This principle is not dependent on the size of the group in question, and I would support including a multiracial category regardless of the number of people involved, but I do think it is worth noting that this group which is not recognized as a distinct category is growing by leaps and bounds. Interracial marriages doubled in the 60s and tripled in the 70s. By 1990 the Census Bureau counted 1.5 million interracial couples. Naturally, with more interracial couples, we have more multiracial offspring. Whereas there were less than half a million children of interracial couples in 1970, there are believed to be over 2 million today. This may be small as a percentage of the entire population but it is obviously a significant number of people.

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want to know how those people living in poverty are divided along racial lines or when considering health policy we may want to know if a given disease has a disparate effect on one race or another. If the percentages of the races add to more than 100% it will cause confusion and policymakers will not get a clear picture of the problems at hand.

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Mr. HORN. Well, we thank you very much. Have you put in your bill in this Congress yet?

Mr. PETRI. H.R. 830, and we are thinking of renaming it the "Tiger Woods Appreciation and Recognition Act." In any event, we would invite people's review and co-sponsorship.

Mr. HORN. Mr. Davis, the gentleman from Illinois, do you have any questions you would like to ask the panel? I want to get to Mrs. Meek. I want to make sure, before you have to leave, are you OK? Can we wait?

Mr. DAVIS OF ILLINOIS. I can wait, but I do have a question.

Mr. HORN. OK. Our last witness this morning, Ms. Waters, cannot make it. Without objection, her testimony will go in the record at this point.

[The prepared statement of Hon. Maxine Waters follows:]

MAXINE WATERS
MEMBER OF CONGRESS
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Testimony of Rep. Maxine Waters
Hearing on the OMB Definition of Race
Committee on Government Reform and Oversight

April 23, 1997

Thank you Mr. Chairman for the opportunity to testify before this subcommittee today. The subject of today's hearing is one which potentially impacts every African American citizen in our country: "OMB Directive 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting". Under the OMB proposal, the two proposed changes included in the "Abstract" section of the Federal Register "Request for Comments", dated December 1, 1995 are: 1) "Multiracial or biracial" category; and 2) "Check more than one category."

On February 5, 1996, several civil rights organizations including the Lawyers' Committee for Civil Rights Under Law, the National Urban League, the N.A.A.C.P., and the Joint Center for Political and Economic Studies - wrote a letter responding to the request for public comment by the Office of Management and Budget (OMB) concerning Directive 15. These organizations expressed their strong opposition to the addition of a "Multiracial" classification to the 2000 Census.

Today, I share their viewpoint in opposing the inclusion of a "Multiracial or biracial" category in Directive 15. The pending OMB proposal will jeopardize the ability of individuals in the United States to seek legal redress for continued racial discrimination.

Currently, the United States has substantial progress to make in the area of racial equality - there is discrimination practiced daily in housing, employment, voting rights, and education. Federal law enforcement efforts to deter such discrimination often use data collected pursuant to Directive 15 and the United States Census. Legal redress of persistent racial and ethnic discrimination is contingent on current racial classifications, which show disparities in racial treatment in a variety of circumstances. I believe that the inclusion of a "Multiracial" or "Biracial" classification is counterproductive to effectively enforcing the civil rights laws in this country.

Directive 15 has been indispensable in facilitating the information required to move the nation's equal opportunity agenda forward. The data compiled under this policy have been used:

* to enforce requirements of the Voting Rights Act;
* to review State redistricting plans;
* to establish and evaluate Federal affirmative action plans and evaluate affirmative action and discrimination in the private sector;
* to monitor and enforce desegregation plans in the public schools;
* to assist minority businesses under the Minority Business Development Program; and
* to monitor and enforce the Fair Housing Act.

The record indicates that significant improvements have occurred in all of these respects, and, for nearly two decades, Directive 15 has been greatly instrumental in that progress. However, the evidence is equally clear that much more remains to be done. Racial discrimination is still prevalent in American life, and the residual effects of past discrimination continue to limit progress. Recently publicized discrimination cases, such as that involving Texaco's executives referring to African Americans as "black jelly beans" in their boardroom, are highly instructive on the persistence of discriminatory treatment based on race.

In closing, I would emphasize that I will continue to resist any effort to complicate, reduce or deter progress toward equal opportunity and racial fairness in American society. The "multiracial" proposal poses a risk to the ability of federal agencies to collect useful data on racial classifications. For this reason, I must vigorously oppose the proposed OMB changes to Directive 15.

Mr. HORN. We are delighted, Mrs. Meek, the gentlewoman from Florida, is here with us. Please proceed.

Mrs. MEEK. Chairman Horn, thanks for giving me the privilege of being here today.

I am glad to be here with two of my colleagues who have helped me, over the years since I've been here, with this question of the census. If I am not well educated, part of it is their fault. I served with you, Mr. Chairman, last session, in the 104th Congress, on the Government Reform Committee, in which I had strong interest in the census.

I have some personal experiences with both sides of this issue. I have a son-in-law who is Japanese, and I have a granddaughter who is in a similar situation to that of Tiger Woods: one parent of one race, and the other parent of another race. I can understand the difficulty that will force these children to choose between parents when responding to a census question, but I want to remind you that that census question will not occur until 3 years from now, and it is extremely important that we realize that. As it is at this point, I have two things I want to bring before the subcommittee.

On the other hand, I grew up in a very strongly segregated part of the country, and I went to graduate school in the State of Michigan, paid for by the State of Florida, because I could not go to any graduate school in Florida because of my race. They had graduate schools, but because of my race, I could not attend them.

I know that Congress has passed several civil rights laws to try to end this horrible legacy of slavery, which we still face, and it was because of one of these laws, the Voting Rights Act, that I and two other Members of this Congress are here today, and perhaps more from other States, other southern States. But I know there are three of us from Florida that would not be here if it weren't for that.

These same civil rights laws which the Congress has passed protect other racial groups. While they may not be the descendants of slaves, they have suffered and still suffer from discrimination. These civil rights laws can act as Congress intended only with accurate and consistent information.

I was glad to hear the former testimony regarding the slowness that this process should take. I also heard my other colleague say that, the Congress needs more information in order to make an informed decision on this. I commend OMB for its careful process. It has solicited comments, just as you are doing. It has held public hearings, such as you are doing. It has commissioned research. Administrator Katzen has testified today that OMB will publish its preliminary conclusions in July 1997 and its final conclusions in October 1997.

I applaud what this subcommittee is looking at, Mr. Chairman. It's going to take some time and some deliberation. I want to point out a few reasons why I think that the current OMB directive is a sound one. I would recommend that we remain within the confines of the OMB decision, and I want to tell you why.

Multiracial categories apply only to the children of interracial marriages. They do not apply to the grandchildren or great-grandchildren of these interracial marriages. For example, the child of a

black father and a white mother would be multiracial by what we want to see on the census. But if their child were to marry another multiracial child, the grandchildren would be considered black and not multiracial. So a child with two black grandfathers and two black grandmothers would be a black child, probably not a multiracial child.

I understand how Tiger Woods and the rest of them feel, but no matter how they feel from a personal standpoint, we're thinking about the census and reporting accuracy, so that Government and other agencies can make accurate decisions. Because historical discrimination has been against persons that have been assigned to a single racial category, there is really no history. More than likely, the racial categories that these records of discrimination have been applied to were black.

There's no court or any legislative or legal record of discrimination against multiracials. So it's going to be, perhaps, prohibitive for multiracials to get the advantage of the discrimination which black citizens of this country have faced. Without such a record of discrimination, courts will have a hard time claiming discrimination against multiracials.

This young man in golf would have a difficult time today, Mr. Chairman, claiming discrimination, because there is no legal record in the courts that will back him up with any claim. There's no history toward that. From a personal point of view, I think he is absolutely right. Further, as the category is presently drafted, any history of discrimination against multiracials will be moot after one generation, if I am correct in my assumption. Multiracial categories will make it difficult for Government agencies and civil rights organizations to track ongoing civil rights violations.

Individuals like Mr. Woods, who designate themselves as multiracial on the census form, will not thereby reduce by any amount the discrimination they face. I'm sure Mr. Woods has recognized that by the statements that were recently made at the Master's tournament about him. So there is no way you will have a chance to do this. Usually, the amount of discrimination a person feels, and would perhaps want to followup on it, is based on appearance and not on racial classification.

The multiracial category will just make it more difficult to identify where discrimination has taken place and where it has not taken place, because it will cloud census counts of discrete minorities who have been restricted to certain neighborhoods and, as a consequence, to certain schools. It will cloud the census count of these discrete minorities who are assigned to lower tracks in public schools, and you know that they are. It will cloud the census count of discrete minorities kept out of certain occupations or whose progress toward seniority or promotion had been skewed. The list goes on and on, Mr. Chairman, to include civil rights reporting in the arenas of lending practices and the provision of health services, and beyond.

Census data is used in all levels of Government, so the impact would be at the State and local levels, as well. Further, the proposals which are now being offered would change not only the census but all Federal programs reporting and statistical activities requiring data on race and ethnicity. Thus, the negative impact on

the ability to track ongoing civil rights violations would be greatly magnified.

Last, Mr. Chairman, multiracial categories will reduce the level of political representation for minorities. It is unlikely that majority/minority districts will be created for multiracials, especially given the lack of recorded discrimination against them, within the meaning of the Civil Rights Act. I think it would have a negative impact on that act.

As pointed out by the coalition of groups opposed to the proposed modification of OMB Directive 15, in 1994, the experience of other nations with multiracial categories, such as Brazil and South Africa, has been that such categories increase rather than decrease social stratification and stigmatization on the basis of race.

So I think, Mr. Chairman, in summary, that my recommendation is that we stick with the position as taken by the coalition of groups opposed to this modification and make very slow changes in Directive 15, because, otherwise, our records on civil rights will certainly not be helped by this.

Thank you.

[The prepared statement of Hon. Carrie P. Meek follows:]

Statement by Representative Carrie P. Meek
Hearing on the role of race and ethnicity in Census 2000
Subcommittee on Government Management, Information and Technology
Committee on Government Reform and Oversight
April 23, 1997

Mr. Chairman, I thank you for holding this first in a series of hearing on this very important and very personal subject. I also appreciate your permitting me to testify today.

There are several compelling reasons why we should continue the current absence of a "multi-racial" category in the census.

First, because historic discrimination has been against persons assigned to a single racial category, e.g., black, there is no court or legislative or other legal record of discrimination against "multiracial" persons. Without such a record of past

discrimination, courts today will dismiss claims of discrimination against multiracial persons.

The multiracial category is so vague that it might cover almost everyone who will fill out the 2000 census.

Second, multiracial categories will make it more difficult for government agencies and civil rights organizations to track ongoing civil rights violations. Individuals who designate themselves as multiracial on the 2000 census form will not thereby reduce by any amount the discrimination they face, which is based on their appearance and not on their own racial classification.

The multiracial category will just make it more

difficult to identify where discrimination has taken place and is taking place, since it will cloud census counts of discrete minorities who have been restricted to certain neighborhoods and, as a consequence, to certain schools. It will cloud the census count of discrete minorities who are assigned to lower tracks in public schools. It will cloud the census count of discrete minorities kept out of certain occupations, or whose progress towards seniority or promotion has been skewed. The list goes on, to include civil rights reporting in the arenas of lending practices and the provision of health services.

Census data are used by all levels of

government, and so the impact would be felt at the State and local levels as well. If the multiracial category were adopted for all Federal program reporting and statistical activities requiring data on race and ethnicity, the negative impact on the ability to track current civil rights violations would be greatly magnified.

Third, multiracial categories will reduce the level of political representation for minorities. It is unlikely that majority-minority districts will be created for multiracial persons, given the lack of recorded discrimination against them within the meaning of the Voting Rights Act.

Finally, the experience of other nations with a

multiracial category, such as Brazil and South Africa, has been that such a category increases, rather than decreases, social stratification and stigmatization on the basis of race.

I have personal experience with both sides of this issue. My son-in-law is Japanese, and so my young granddaughter is in a situation similar to that of Tiger Woods -- one parent of one race and one parent of another race. I understand the difficulty of forcing that child to choose between his or her parents when responding to a census question three years from now.

But a major purpose of the census is to provide equal protection under the law, not to provide for an

individual's identify.

Relying on census data, Congress has passed numerous civil rights laws to try to end the horrible legacy of slavery. It is because of one of these laws, the Voting Rights Act, that I and two other Members from Florida -- as well as Members from several other States -- now sit in this Congress.

These civil rights laws also protect other racial groups. While they are not the descendants of slaves, they have suffered -- and still suffer -- from discrimination.

These civil rights laws can act as Congress intended only with accurate and consistent information.

I commend the Office of Management and Budget for its careful process in deciding whether to change the current racial categories. It has solicited written comments. It has held public hearings. It has commissioned research. Administrator Katzen has testified today that OMB will publish its preliminary conclusions in July 1997 and its final conclusions in October 1997.

In conclusion, while I recognize and empathize with everyone's individual right to be identified with whatever ethnic or racial name he or she chooses, the 2000 census should not create a new multiracial category.

Mr. HORN. We thank you for your testimony.

Now, the gentleman from Illinois, Mr. Davis, 5 minutes.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Let me appreciate the testimony of all three of my colleagues. Let me also apologize for not having been present when Representative Sawyer was testifying, but I have had an opportunity to scan through your testimony.

My question is, if we move to multiracial categories—and, of course, all three of the Members could, in fact, respond—is there a scenario that we could see where individuals would be counted twice, or maybe three times, once in the multiracial grouping, and then a split-off of the other groups of which they are a part? So the question becomes, would we view that as any kind of possibility, especially given the fact that OMB has suggested that the purpose of looking at this is to be able to use it as a management tool, as a way of being accurate, in terms of knowing who we are and where we came from?

Mr. SAWYER. I can go first. Your question goes directly to my conclusion. My belief is that it is important to sustain the continuity of the existing categories, perhaps as they evolve, in small ways, to make sure that they are better administered. The Hispanic category is a good example of that, where the order of the question and the way in which it is asked can make a substantial difference in the kind of response.

But that notwithstanding, the numbers can, as you suggest, continue to be aggregated in the form in which they provide comparability from one decade to the next. But it is also true, as you suggest, that the way we understand who we are is changing, as well. This is not something that ought to surprise us.

Just to name a few, we have measured race and ethnicity for questions of free versus slave, questions of color and race, for purposes of taxation, for purposes of keeping track of migrant populations and non-Western European immigration. All of these things have been of interest at various times in the 200 years of our national history.

Today, as we become a more blended population, understanding how that blend is taking place and how we perceive ourselves in that blend is, I think, an important characteristic that we ought to begin to measure. But we shouldn't confuse the two. Keeping the management tool, as you suggest, on one hand, and maintaining the ability to understand how we are changing, on the other, I think can both be done within the census and yield valuable information for all of us as a Nation.

Mrs. MEEK. May I address that, Mr. Chairman?

Mr. HORN. Why don't we just go down the line.

Mrs. MEEK. Go ahead, Mr. Petri. He's trying to yield to me, but I'm not accepting it.

Mr. PETRI. I actually covered this in my prepared statement, when I indicated that I think it would be good if we could. It's a good question.

Some have said, well, why not just let people check more than one category? I think that is an option, but the difficulty there is that, when they start running it through, you end up with more than 100 percent, and that could lead to some confusion. So I

think, for some purposes, it might make more sense, for the long form or other ways of doing the data, to try to break down that category for analysis purposes.

But from the point of view of the individual citizen who is being asked to fill this form out, to give them the feeling either that somehow they are not fully American, and therefore they are in some other category, psychologically, I think is a mistake. Also, to try to force them to accept or to associate with one parent or with the other parent, really is putting kids and families in a very difficult position. They don't want that. That's not the way they think of themselves. They think of themselves as multiracial.

We are talking about several millions of people, and a rapidly growing number, in our country. If this is to be a snapshot of America, there is someone standing over there who is not in the picture right now, and we would like to include him or her in the next census' snapshot.

Mr. HORN. Mrs. Meek.

Mrs. MEEK. Yes, Mr. Chairman.

To my colleague, Mr. Davis, I recognize and empathize with everyone's individual right to be identified with whatever ethnic or racial name that they choose. But I think the question here is, should the census create a new mixed race category? And I would say, naturally, no, because that particular category is so vague that, 90 percent of the people filling out the census, it would take them all day to determine how many categories they are in and how to fill out the census figure.

As I said before, it would weaken the Voting Rights Act, and I would be the last person to ask for that. There would be no commonality in this category. For example, let's say if an Asian and a Hispanic have a child, is that child of mixed ancestry? Yes. If a black and a white have a child, is that child mixed? The answer is yes. But does the black and white child share the same race as that Asian-Hispanic child? Clearly not. So you can see the confusion and the lack of commonality in separating, in terms of our census.

Mr. DAVIS OF ILLINOIS. I raised that question a little bit earlier, in terms of the differences in mixes, and I certainly agree with you.

If I could, Mr. Chairman, I would like to ask one additional question.

Mr. HORN. Sure.

Mr. DAVIS OF ILLINOIS. I associate myself most directly with the testimony of Representative Meek.

I would like to ask if we could respond to some of the fears that were raised in her testimony, relative to the diminution or dilution of voting rights strength on the part of some minority groups, the inability to really track and make use of the data to effectively enforce components of civil rights legislation, and the whole business of looking at the question of who is disadvantaged and where, and the question of where individuals live as a factor that needs to be considered when we look at the whole question of entitlement opportunities as a result of race and ethnicity.

Mr. SAWYER. I can begin.

I have argued, since the hearings that we had in 1993, as a product of the lessons that we learned in 1990, that the categories are

important for precisely the reasons that you suggest, that they need to be discrete, few in number, easy to use, broadly understood, and yield consistent responses, no matter who may be answering the question, whether you are answering the question about yourself or about another member of your family, of your generation or another, or whether, in fact, it is an outside observer responding to the question.

The reasons are that it becomes extremely difficult to enforce the laws of this Nation guaranteeing protection against discrimination, and it becomes incredibly difficult for those who track other kinds of outcomes, health status, life expectancy, assimilation, and as you suggest, residential and economic segregation, not only in terms of formal civil and voting rights. The ability to enforce the fundamental guarantees of equal protection under the laws of this Nation is grounded in the ability to do aggregate measures of the Nation, not for the purpose of individual identity, as important as that may be to individual Americans, but for the purposes of guaranteeing aggregate rights for all of us, so that we all have equal protection under the law.

Having said that, I identify that portion of what I'm saying entirely with Mrs. Meek's testimony. I also believe, however, that one of the critical characteristics of change that is going on in the country right now is in terms of the blur that is becoming traditional racial and ethnic determinations.

In that sense, I believe that the census becomes a vehicle that can be used, particularly if we focus on the long form side, in measuring the characteristic of that change. If you keep the two separate, as your first question implied, then you can do both without destroying either, and, in fact, perhaps illuminating both in ways that we have never done before.

Mr. HORN. Does the gentleman have any other questions?

Mr. DAVIS OF ILLINOIS. Do you have a response?

Mr. PETRI. I can make a little stab at it. I think that I understand the concern that somehow having this category might make it more difficult to enforce civil rights laws and protections for particular elements of the community, but I also think that it is important to recognize that, while we have not made uniform progress, we have made considerable progress in this area. What we don't want to do is freeze ourselves in time, and because we've made progress, try to deny it and maintain rigid categories, regardless of the progress that has been made, because it advantages certain organization officials, or bureaucrats, or other people who were hired to get us moving down this road.

In other words, we don't want to freeze us in time or deny it if we are making progress. I think the fact that these statistics exist and that people are trying to move beyond some of these stereotypes is actually a plus, not a minus. While we shouldn't try to gloss it over or say there aren't a lot of problems—there still are—we ought to try also to accommodate progress when we make it.

This census broadening is in response to a legitimate concern of real people, and I think the fact that it is being discussed is a sign of progress. Whether we are at the point where we want to move to this step or not, whether we should do it through legislative action, or the Census Bureau should just recognize the growing num-

ber of people who would like this category and make this change, is an interesting question and something that you all will be pursuing.

I am very happy, I should conclude by saying, that they are taking this very seriously. They have been doing surveys. They are having professionals review it. And I think, according to the kind of criteria that they traditionally use as they review census questions and revise them, they might well decide this is an appropriate step. They still have a little while to make that decision, and I know you will be monitoring as it moves forward.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Mrs. MEEK. I just want to say, I appreciate Mr. Petri's approach to this, and I agree with him that there should be some consideration for the people he is mentioning, for all of them. I wish we were living in an America where we did not have to focus on race. But I don't see anything changing that much, even in the next 10 years, in this country.

As I look at it, race seems to be one of the most important references in this country. And I must agree with Mr. Sawyer that unless that is considered, if we mesh them all in a multiracial category, you will find out they get so enmeshed that there will not be any consideration for those groups of people who have not historically received equal rights under the law.

It would require, I think, a whole new effort by Congress, over and over, to level the playing field, so that everyone in this country could be treated equally. I think this is going to be a hard thing to do, Mr. Chairman. If the Census Bureau goes to using these kinds of data, in terms of multiracial identify, it's going to be very, very difficult, if not impossible. There will be a lot of confused people, a lot of confused agencies, as well.

I understand this thing of the melting pot, but we are not looking at that in all of our considerations. We are not looking at there are a lot of multiracials in this country. Other people are coming from other countries; they are mixing in with people in our country. That's true. But why should we consider it just for the census, when it has not become an overall consideration?

So I plead to the subcommittee, and to people who will come forward, to think of that. If you begin to take away what the Voting Rights Act has given us, take away what this wonderful Congress has given this country in trying to equalize civil rights, it will be very difficult. If you remember, that came up with *Plessy* v. *Ferguson*. Those of us who have been around a long time, we can understand and remember those cases and what they mean.

So I think that everything I've heard here today is very positive, Mr. Chairman, and it calls for deliberative kinds of actions. Thank you.

Mr. DAVIS OF ILLINOIS. Thank you again, Mr. Chairman, very much.

I would like to thank the panel for some very thoughtful responses and very serious testimony. I certainly would agree with those who suggest that we've made progress in this area of blending and melting. Actually, we've come a long, long way. But I'm also reminded of a song that we often sing at the church I attend,

when we're trying to get to heaven, and that is that we're still a long way from yonder shore.

So we've got to keep pressing on. We've got to keep moving ahead. And I think, as we move a little further, then I think I will have a different level of comfort that this will turn out to be positive and not negative. And certainly, I thank you very much.

Mr. HORN. Mr. Petri, would you like any final word on this?

Mr. PETRI. No.

Mr. HORN. Let me just suggest that this is simply the first of at least three hearings, and that one should not assume any action will be taken by this subcommittee based on what witnesses say or Members say from the dais. We are going to look at this very thoroughly. We would hope that the Office of Management and Budget, and the Census Bureau look at this very thoroughly, and that no door is closed.

I think what we want is an accurate census that does reflect the diversity of this country. There are a lot of ways to get at that and to solve these problems, from both perspectives. Socioeconomic class still remains a major factor in this country, in terms of discrimination. It's not just racial discrimination; it's not just ethnic discrimination. Having spent, I think, 25 years of my life on these issues, I've seen all the arguments, and they are held very closely by many.

But we do need the data to carry out some laws that we have on the books, and we also need to have data accurately reflect the nature of the demographics of this society, which is certainly a multicultural, multiracial, and multi-anything you want to put at the other end of the hyphen.

So, without objection, I am going to include Maxine Waters' testimony. She wanted to be here very much this morning and couldn't make it. It will be put as part of this panel.

As I suggest, today's hearing was the first of our subcommittee's review of the important issue. Our next session will be on May 22, where we will receive testimony from both individuals and representatives of professional groups in this area, advocacy groups, interest groups, and so on, and we will also have some of those groups, newer ones, at the last session that we hold a little later, perhaps, in June.

Once OMB has acted on this, we will take a look at what they have done. We will again have, perhaps, them and the Census Bureau to testify on how they came to whatever conclusion they came to.

In closing this hearing, I want to thank the staff that prepared it. On my left, your right, is J. Russell George, the staff director and counsel for the Government Management, Information, and Technology Subcommittee, who has had a large responsibility in this hearing; Joan McEnery, right back here, who shortly will be leaving us for the U.S. Senate, otherwise known as "the other body," professional staff member; John Hynes, professional staff member, next to her, for the majority; and Andrea Miller, the clerk, next to Mr. Hynes, for the majority.

On the minority side, working on this hearing were David McMillen, professional staff member; Mark Stephenson, profes-

sional staff member; Ellen Rayner, chief clerk for the minority; and Jean Gosa, clerk for the minority.

And our faithful court reporter, Charlie Smith.

We are going to have the hearing record left open for 2 weeks, if anybody would like to submit anything. We have a series of questions we have sent to OMB, Census, and the relevant agencies.

So thank you very much for coming.

[Whereupon, at 12:40 p.m., the subcommittee was adjourned.]

FEDERAL MEASURES OF RACE AND ETHNICITY AND THE IMPLICATIONS FOR THE 2000 CENSUS

THURSDAY, MAY 22, 1997

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:20 p.m., in room 2154, Rayburn House Office Building, Hon. Stephen Horn (chairman of the subcommittee), presiding.

Present: Representatives Horn, Sessions, Sununu, Maloney, and Davis of Illinois.

Also present: Representative Norton.

Staff present: J. Russell George, staff director and counsel; John Hynes, professional staff member; Andrea Miller, clerk; David McMillen, minority professional staff member; and Ellen Rayner, minority chief clerk.

Mr. HORN. The Subcommittee on Government Management, Information, and Technology will come to order.

This is the second in a series of hearings on the topic of how the Federal Government classifies the people of this country according to race and ethnicity. We can all agree that this issue is both complex and important. It is a public policy issue, yet it is also a personal identity issue.

Currently, the government classifies people according to five categories of race and ethnicity. The race categories are black, white, Asian or Pacific Islander, and American Indian or Alaska Native. The ethnic category is Hispanic. The question is whether these categories are adequate to measure our society today and into the coming decades.

The race and ethnic classifications under the Office of Management and Budget's Directive No. 15 are vital to the implementation of numerous Federal laws and regulations. Data on race and ethnicity are required by Federal statutes covering issues such as voting rights, lending practices, provision of health services, and employment practices, among others. The data are also utilized by State and local governments for legislative redistricting and compliance with the Voting Rights Act of 1965, as amended.

For several years now, there has been an organized movement of individuals who argue that the current categories are not complete, because people with multiracial backgrounds cannot fit into one of

these five categories as required on various Federal forms. Their argument has recently received a dramatic and inspiring illustration, Master's champion Tiger Woods.

Where, people are asking, does Tiger Woods fit on the map of race in America? Some argue that existing categories need to be redrawn to give multiracial individuals one of their own. Others say there is no coherent racial identity that could be called multiracial. The only effect, say opponents, would be to diminish the importance of race in analyzing the fairness with which Government benefits and services are delivered.

Is it possible to reach a compromise that satisfies both public policy and individual desire? Perhaps we will get an answer today. In order to do so, we will need to be very clear about the issues involved. We are joined by some of the preeminent experts on this issue.

As chairman of this subcommittee, I would like to touch briefly on one fundamental issue. The five categories of race and ethnicity in question were established on Federal forms for the purpose of remedying the wrongs of past and present discrimination. Data gathered according to these categories are required by a variety of Federal statutes, most of which were required by the civil rights movement of the 1960's and 1970's.

Our discussion today must begin with the question of why we gather data on race and ethnicity. There is no hope for agreeing on the issue of what data we should gather unless we can agree on the purposes for which the data will be used. I hope our witnesses today will address this fundamental question: Is the chief purpose of measuring race and ethnicity to help specific racial and ethnic groups receive equitable treatment in our society?

If the witnesses should answer no to this question, it is incumbent upon them to explain their alternative view of the primary purpose for utilization of these data. If witnesses answer yes to this question, then they must explain how their proposals for the current categories fit that purpose.

Our first panel will consist of Senator Daniel Akaka of Hawaii. He is a long time advocate for Native Hawaiians. We are very pleased to welcome him here today.

The second panel will feature Harold McDougall, the Washington bureau director of the NAACP; and Eric Rodriguez, who is a policy analyst at the National Counsel of La Raza. These two organizations bring highly respected voices to this discussion.

Also on the second panel are Susan Graham, president of Project RACE, Reclassify All Children Equally, and her son Ryan Graham who is multiracial. They appeared before Congress in 1993 to testify on behalf of a multiracial category, and since that time have been very active as multiracial advocates at the State and local level as well as the Federal level.

The third panel consists of Ramona Douglas, who serves as president of the Association for Multiethnic Americans; Helen Samhan, the executive vice president of the Arab-American Institute; Jacinta Ma, who is staff attorney at the National Asian Pacific American Legal Consortium; and JoAnn Chase, executive director of the National Congress of American Indians will round out that

panel, along with Nathan Douglas, who is a member of the Interracial Family Circle and a parent of a multiracial child.

Our fourth panel features three scholars with strong backgrounds on issues of demographics, race, and ethnicity. Mary Waters is a professor of sociology at Harvard University. Dr. Harold Hodgkinson is director of the Center for Demographic Policy at the Institute for Educational Leadership and Dr. Balint Vazonyi is the director of the Center for American Founding at the Potomac Foundation.

We welcome all our witnesses today, and look forward to their testimony.

[The prepared statement of Hon. Stephen Horn follows:]

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"Federal Measures of Race and Ethnicity and the Implications for Census 2000"

May 22, 1997

OPENING STATEMENT
REPRESENTATIVE STEPHEN HORN (R-CA)

Chairman, Subcommittee on Government Management, Information, and Technology

This is the second in a series of hearings on the topic of how the Federal Government classifies the people of this country according to race and ethnicity. We can all agree that this issue is both complex and important. It is a public policy issue, yet it is also a personal identity issue.

Currently the Government classifies people according to five categories of race and ethnicity. The race categories are Black, White, Asian or Pacific Islander, and American Indian or Alaskan Native. The ethnic category is Hispanic. The question is whether these categories are adequate to measure our society today and into the coming decades.

The race and ethnic classifications under the Office of Management and Budget's Directive 15 are vital to the implementation of numerous Federal laws and regulations. Data on race and ethnicity are required by Federal statutes covering issues such as voting rights, lending practices, provision of health services, and employment practices, among others. The data are also utilized by State and local governments for legislative redistricting and compliance with the Voting Rights Act of 1965, as amended.

For several years now, there has been an organized movement of individuals who argue that the current categories are not complete because people with multiracial backgrounds cannot fit into one of these five categories as required by Federal forms. Their argument has recently received a dramatic and inspiring illustration: Master's champion Tiger Woods.

Where, people are asking, does Tiger Woods fit on the map of race in America? Some argue that existing categories need to be redrawn to give multiracial individuals one of their own. Others say there is no coherent racial identity that could be called "multiracial." The only effect, say opponents, would be to diminish the importance of race in analyzing the fairness with which government benefits

and services are delivered.

Is it possible to reach a compromise that satisfies both public policy and individual desire? Perhaps we will get an answer today. In order to do so, we will need to be very clear about the issues involved. We are joined by some of the preeminent experts on this issue.

As Chairman of this subcommittee, I would like to touch briefly on one fundamental issue. The five categories of race and ethnicity in question were established on Federal forms for the purpose of remedying the wrongs of past and present discrimination. Data gathered according to these categories are required by a variety of Federal statutes, most of which were inspired by the civil rights movement of the 1960s and 1970s.

Our discussion today must begin with the question of why we gather data on race and ethnicity. There is no hope for agreeing on the issue of what data we should gather unless we can agree on the purposes for which the data will be used. I hope our witnesses today will address this fundamental question: Is the chief purpose of measuring race and ethnicity to help specific racial and ethnic groups receive equitable treatment in our society?

If witnesses should answer "no" to this question, it is incumbent upon them to explain their alternative view of the primary purpose for utilization of these data. If witnesses answer "yes" to this question, then they must explain how their proposals for the current categories fit that purpose.

Our first panel will consist of Senator Daniel Akaka of Hawaii. He is a long-time advocate for Native Hawaiians and we are very pleased to welcome him here today.

The second panel will feature Harold McDougall, the Washington Bureau Director of the NAACP, and Eric Rodriguez, who is Policy Analyst at the National Council of La Raza. These two organizations bring highly respected voices to this discussion. Also on the second panel are Susan Graham, President of Project RACE (Reclassify All Children Equally), and her son, Ryan, who is multiracial. They appeared before Congress in 1993 to testify on behalf of a multiracial category and since that time have been active multiracial advocates at the State and local as well as the Federal level.

The third panel consists of Ramona Douglass, who serves as President of the Association for MultiEthnic Americans; Helen Samhan, the Executive Vice President of the Arab-American Institute; Jacinta Ma, who is Staff Attorney at the National Asian Pacific American Legal Consortium; and JoAnn Chase, Executive Director of the National Congress of American Indians. Also on panel three is Nathan Douglas, who is a member of the Interracial Family Circle and a parent of a multiracial child.

Our fourth panel features three scholars with strong backgrounds on issues of demographics, race, and ethnicity. Mary Waters is Professor of Sociology at Harvard University; Dr. Harold Hodgkinson is Director of the Center for Demographic Policy at the Institute for Educational Leadership; and Dr. Balint Vazsonyi is Director of the Center for the American Founding at the Potomac Foundation.

We welcome all our witnesses today and look forward to their testimony.

Mr. HORN. I will now yield to the ranking Democrat at this point, Mr. Davis of Illinois, who is prepared to make some opening remarks.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Let me also welcome the panelists and I thank you for the opportunity to make a few brief comments.

I understand that today's hearing is to focus on the possible change of Directive 15, which specifies the definitions of race and ethnicity for legal, administrative, and statistical purposes, since OMB will decide this summer whether or not to change the definitions of race used by the Federal Government.

I feel that it should be noted that the possible change of this policy has many implications to it, in that Directive 15 is used throughout the Government in policymaking, and is key to implementing numerous Federal laws.

Since this issue first began to gain public attention, we have heard from a number of groups, organizations, individuals, and agencies. They have raised questions that if we get into multiracial identity, then how would this effect the protection of voting rights laws, reapportionment, civil rights laws, lending practices, employment practices, et cetera.

I realize the personal nature of today's topic, and also acknowledge the desire of those of multiracial heritage to be able to fully express themselves. But I also need to convey my worries about the adverse effects that the multiracial category may imbue.

Since census information is used for civil rights enforcement and policy purposes, and given that we the Federal Government do not currently have a method for ensuring accurate collection and analysis of results in a multiracial category, I am generally opposed to this issue being addressed in the Census 2000. It is too soon I think to implement.

Until a process to collect meaningful, accurate, or specific racial and ethnic data that remedies past, current, and/or even present future discrimination is in place, I feel that the multiracial category could jeopardize the civil rights or many minorities as well as may provide inconsistent and damaging effects on overall racial counts.

I have concerns as to how the fusion of race and ethnicity would challenge the ability to administer and enforce civil rights laws against discrimination. I understand that a multiracial category may make sense for the first generation. But when you begin to look at it long term and those multiracial children marry others, their children are then classified as multiracial, and it could go on and on.

I welcome the opportunity to discuss these matters, and look forward to hearing the opinions of the experts. I trust that after all is said and done that more will be said than done. And that we will end up with a system that accurately reflects the status of minority groups in this country, the problems that we have faced, and possible remedies to correct those past ills, and then move ahead.

And I thank you very much.

[The prepared statement of Hon. Danny K. Davis follows:]

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Statement by Danny K. Davis (IL07)
Government Management, Information and Technology Subcommittee
"Federal Measures of Race and Ethnicity and the Implications for Census 2000"
May 22, 1997

Good afternoon and thank you Mr. Chairman for allowing me this time to address some concerns. I would also like to thank all the panelists for coming here today and sharing your knowledge, expertise and thoughts with us.

I understand that today's hearing is to focus on the possible change of directive 15 (which specifies the definitions of race and ethnicity for legal, administrative and statistical purposes) since OMB will decide this summer whether or not to change the definitions of race used by the federal government.

I feel it should be noted that the possible change of this policy has many implications to it in that directive 15 is used throughout the government in policy making and is key to implementing numerous Federal laws.

Since this issue first began to gain public attention, we have heard from a number of groups, organizations, individuals and agencies. They have raised questions that if we get into multiracial identity, then how would this affect the protection of voting rights laws, reapportionment, civil rights laws, lending practices, employment practices, etc.

I realize the personal nature of today's topic and also acknowledge the desire of those of multiracial heritage to be able to fully express themselves. But I also need to convey my worries about the adverse effects that the multiracial category may imbue. Since census information is used for civil rights enforcement and policy purposes; and given that we, the federal government, do not currently have a method for ensuring accurate collection and analysis of results in a multiracial category, I am generally opposed to this issue being addressed in the Census 2000. It is too soon to implement.

Until a process to collect meaningful, accurate or specific racial and ethnic data that remedies past, current and/or even prevent future discrimination is in place--- I feel that the multiracial category could jeopardize the civil rights of many minorities as well as provide inconsistent and damaging effects on overall racial counts.

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I have concerns as to how the fusion of race and ethnicity would challenge the ability to administer and enforce civil rights laws against discrimination. I understand that a multiracial category may make sense for the first generation, but when you begin to look at it long term and those multiracial children marry others, their children are classified as multiracial.

Thus, I attest that there are many social implications to today's hearing in the need to recognize the role that race and/or racial classifications continue to play in the nation's social, political, cultural, legal and economic system . As is evident in the following areas in which census information is utilized:

Information gathered on race is also used for
•Reviewing Federal, State and Local redistricting plans
•Establishing and evaluating Federal affirmative action plans and evaluating affirmative action and discrimination in the private sector
•Monitoring the access of minorities to home mortgage loans under the Home Mortgage Disclosure Act
•Enforcing the Equal Credit Opportunity Act
•Monitoring and enforcing desegregation plans in the public schools
•Assisting minority business under the minority business development programs
•Monitoring environmental degradation in minority communities
•Developing healthcare policies on issues such as childhood inoculation
•Monitoring Housing Discrimination

To reiterate, I understand the argument for the need to clarify the identity of multiracial individuals, however I have serious concerns in respect to how this process may boggle the issues of fairness and adherence to anti-discrimination and civil rights laws. See, our approach to this argument is not on a biological level, per-say. Rather, it is on a level of social construct, given that race in this country is really defined in socioeconomic terms.

Discrimination and inequality are still firmly entrenched in our social and economic relations. Consequently, the Census has a profound impact on approaches, remedies, palliatives, initiatives, solutions, and directions to deal with the fact that discrimination still exists at a myriad of different levels. Therefore, I strongly believe that any attempt to weaken or diffuse the social impact that race has on our society today or the ingrained impact that race has had on our society in the past, denies justice to the very people who are the objects of current and past discrimination.

I know that there are significant groups and individuals that say equality cannot be assured without measuring; yet, some contend that the very fact of measuring race fosters inequality.

Thus, I conclude that while there is no scientific basis for categorizing a person in one race or another, race as a social construct is very real in society today.

Thank you very much.

Mr. HORN. I thank the gentleman.

And I now recognize the gentleman from New Hampshire, Mr. Sununu, for an opening statement.

Mr. SUNUNU. I thank you, Mr. Chairman. I have only a few brief remarks. Principally to thank you and the subcommittee for putting together a hearing on this extremely important issue.

Americans are very proud of our reputation as a melting pot country, where people of many faiths, backgrounds, and different cultural heritages come together. But even as those different cultures and ethnicities blend together, we continue and should continue to celebrate the cultural heritage that makes us unique. It is a celebration that strengthens our families and our communities. And that makes us ultimately stronger as a Nation.

I believe that we need to maintain a system within the census that enables us to understand who we are as a country, what the variety of backgrounds and heritages are that make up the United States of America, the citizens of the United States. I think that it is of great value to have this type of a hearing which enables us to better understand the value and the importance to maintain just such a system.

I want to welcome all of the panelists that we are going to have, especially the Senator who has taken his valuable time to be with us today. And all of the members of the different organizations that represent their membership so ably.

Particularly, Helen Samhan from the Arab-American Institute. As a Member of Congress of Arab-American descent, I know the fine work that she and the AAI has done, not just on behalf of their constituents, but on behalf of all of the different groups that have been fighting for fair treatment, fair recognition, and the elimination of discriminations for years and years.

So again, Mr. Chairman, thank you for bringing the panel together today, and for the work that the committee has done on this issue.

Mr. HORN. I thank the gentleman and I now yield to the ranking Democrat on the subcommittee, Mrs. Maloney of New York, for an opening statement.

Mrs. MALONEY. Thank you very much, Mr. Chairman.

We are here today because 200 years ago black slaves were counted as three-fifths of a person. We are here today because 100 years ago, a black male in Mississippi could not buy a one way train ticket and could not buy a round trip ticket without a note from his employer. We are here today because last weekend a church in Northeast Washington was painted with swastikas.

This is not just an arcane statistical issue. This is the measurement of race in this country, and the measurement of race in this country is a story of discrimination, discrimination all too often condoned by the Government.

It has been less than 50 years since the Supreme Court ruled that separate is not equal. It has been only 30 years since our country was torn apart by riots caused by hate and discrimination. Over the last 2 years, we have seen an unprecedented number of black churches burned to the ground.

Racial hatred and discrimination is as alive today as it ever was and it is against this backdrop that we must have this discussion.

The interracial couples who have brought the measurement of race to national prominence are to be praised for their effort. We all know that the lens that the Government puts on issues shapes the way that all of us see it. All too often, however, we simply cannot accept that lens as accurate. Their efforts have forced us to reexamine the lens we put on measuring race, and we are discovering just how pitted and scratched that lens is.

We cannot deny the history of discrimination or its presence in our society today. Neither can we deny the progress our society has made that is symbolized by the interracial couples testifying before us today. Well into this century, States had laws on the books that made interracial marriages illegal.

The pain caused by forcing the children of an interracial couple to choose between a mother's race and a father's race is very real. So is the pain caused by discrimination. A solution that eases one pain while making the other worse is no solution at all.

I would like each of you today to help us in answering two questions that will be placed before us. First, do the categories as they are constituted today continue to serve the intended purpose of helping the Government to fight discrimination? Second, how can we achieve that goal and simultaneously provide individuals with the opportunity to identify themselves in a way that they are most comfortable? If we can answer these two questions, we will have made significant progress in how we define race and ethnicity.

I thank the chairman, my colleagues, and all that are here; particularly the Senator, and the couples.

[The prepared statement of Hon. Carolyn B. Maloney follows:]

CAROLYN B. MALONEY
14TH DISTRICT, NEW YORK

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STATEMENT OF HONORABLE CAROLYN MALONEY GOVERNMENT MANAGEMENT SUBCOMMITTEE HEARING ON DEFINING RACE AND ETHNICITY

May 22, 1997

Thank you Mr. Chairman. We are here today because 200 years ago, Black slaves were counted as three-fifths of a person. We are here today because 100 years ago a Black male in Mississippi could not buy a one way train ticket, and could not buy a round trip ticket without a note from his employer. We are here today because last weekend a church in Northeast Washington was painted with swastikas.

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We can not deny the history of discrimination or its presence in our society today. Neither can we deny the progress our society has made that is symbolized by the interracial couples testifying before us today. Well into this century states had laws on the books that made interracial marriages illegal.

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If we can answer these questions we will have made significant progress in how we define race and ethnicity.

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Mr. HORN. I now yield time for an opening statement to a guest of the subcommittee, and an active member of the full committee, the distinguished delegate from the District of Columbia, Eleanor Holmes Norton.

Ms. NORTON. Thank you very much, Mr. Chairman. I appreciate the opportunity to sit in on this hearing as a member of the full committee.

I come here in part as a former chair of the Equal Employment Opportunity Commission, whose work was not only to enforce the laws against discrimination, but to collect statistics that would enable us to enforce the laws against discrimination. I have come to say that that was a very difficult task. And I hope that we can find a way to satisfy the concerns raised here, while keeping in mind the official purposes that racial statistics serve.

I have no difficulty with clarifying Directive 15. I believe that we must find a way to satisfy the concerns of those who want to recognize the particular heritage of both their parents. That concern is very sensitive, and has to be felt very deeply.

But, Mr. Chairman, that is largely a personal concern, and one that deserves our response. But it is very important not to mix personal concerns with the official business of the Government. There may be a way to allow people even on census forms to satisfy that personal concern without making it impossible for the Government to enforce the laws against discrimination.

My view is that we must work to satisfy both those concerns, and I want to indicate some of the reasons why. In this country, since overthrowing racial discrimination, we have allowed people to self-identify themselves and I have to say that I think it is important that people self-identify themselves. But once we say that you can self-identify yourself and the categories or some revision of them as we have known them no longer exists, I have not yet heard how they can be counted. And that is what I want to hear.

Once we can all identify ourselves any which way we want to, then I want to know who in fact should and who should not be counted when we are enforcing laws that allow affirmative action.

That is very difficult as it is. The questions that are raised are deep. Some people feel just as deeply, not only about their parents, but their grandparents. No, I am not Irish and American Indian as to my parents, but my grandmother was, and I want to claim her.

What should the Government say? I tell you one thing I oppose. I oppose the Government going behind that category to find out what you really are. Because then we really have brought the South African regime to the United States of America.

If you are claiming a category that qualifies you for some Government benefit, you bet your bottom dollar that somebody is going to want to find out whether you are legitimately claiming that category.

The civil rights laws have become very difficult to enforce. I am certainly not for making them more difficult, because of a personal concern that I regard as entirely legitimate, but I am for trying to find a way to recognize legitimacy of that claim. And I would do so even on the census forms, as long as we do not get ourselves into trying to find out who is really what and who is really what not.

But let me indicate another concern that I have. I must be very old. Because the America that I come from is an America where these differences found their way into the culture in the most painful ways. Where at one point, blacks thought they might mitigate the effect of being black by claiming something else in their heritage. "Oh, I am black, but I am also American Indian. I have got an Italian great grandmother." Oh, it was so pitiful.

About the only thing that American racism did for us is saying no, you are one or the other. Let us look at societies where that is not the case. South Africa, and the Caribbean. Visit those places. And we have in triplicate what we had duplicate there. Go to Haiti. Go to Jamaica. Go to Brazil.

If you go there, you will find the blacks, those are the darkies. There are those who have escaped being black, because they can now claim something else, and then they are whites. The only thing worse than what we have in America is that.

I am going to tell you that I have official reasons, because I think that the census has to be the census, and cannot satisfy each and every one of us in our personal concerns. I have concerns as a former enforcer of the laws. And I have concerns about polarization in the United States of America. I have never seen it more polarized.

As a youngster in the civil rights movement, there were blacks and there were whites, and there was more communication along racial lines than there is anywhere in America today.

Race relations are as much a problem in the United States of America as racism is. And when we go to sub-categories and we have got Asian, and black, and Hispanic, and Irish, it will go on ad infinitum. The reason that it will go on ad infinitum is because this glorious country has freely taken in people of every race and ethnicity.

So I sit here as a light skin black woman and I sit here to tell you that I am black. That people who are my color in this country will always be treated as black. And calling yourself a multiethnic will get people walking down the street to say you a multiethnic, so I do not regard you as like those blacks that I see on television that steal from people or who murder people, you are multiethnic.

We have got to join together, people of color. We who are Asian, and who are Hispanic. We who are black have got to say look, we are people of color, and we are readily identified. Any discrimination against one of us is discrimination against another. If you want to know my heritage, I am going to tell you what it is, because I am proud of my mama, and I am proud of my daddy, but I will identify with people of color.

If you do not do that, you are right now creating a different America. There are going to be whole groups of people who are going to drop out of the black race. That is how pitiful it is going to be, if we go to these various categories. People who do not have any immediate heritage of black and Hispanic, they are going to drop out.

And there is nothing that we can do about it, because I am going to get you if you try to go behind them and find out who they are. Because then you are into a regime and into a country that I do

not want to be a part of. You are going to be whatever you say you are, which means that we will have no statistics.

To satisfy the concerns who are multiethnic, I say put another category on the census form. Let them satisfy themselves that way without further complicating race in this country.

Thank you, Mr. Chairman.

Mr. HORN. We thank you.

And we now will call on our first witness. Senator Akaka has a vote that he has to get to in about a half hour. So we hope that we can get every bit of wisdom out of you in that time period. The Senate takes forever to end a roll call, so I think you are safe. Welcome.

STATEMENT OF HON. DANIEL K. AKAKA, A U.S. SENATOR FROM THE STATE OF HAWAII

Senator AKAKA. Thank you very much, Mr. Chairman.

I am delighted to be here, and I am pleased to be here to testify about Office of Management and Budget Directive No. 15, an important guideline governing racial and ethnic data collection by Federal agencies.

I must say, Mr. Chairman, your leadership in convening this hearing is to be commended, particularly since OMB is expected to make a decision in the fall on Directive 15.

Mr. Chairman, once again, I continue to strongly advocate that the Federal Government rectify a longstanding misperception that Native Hawaiians are not indigenous peoples.

In the 1993 congressional and 1994 OMB meetings, I proposed to reclassify Native Hawaiians in the same category as American Indians and Alaska Natives, rather than the Asian or Pacific Islander category.

After viewing the April 23 hearing record, which your subcommittee held on this subject matter, I am further convinced that Federal officials have yet to recognize the gross disparities of Native Hawaiian statistics in the Asian or Pacific Islander category.

Mr. Chairman, I am deeply concerned about two main arguments against my proposal. First, it is argued by Federal officials that my proposal would likely disrupt their ability to monitor trends or skew the statistics in the affected populations. I find such statements baffling and misguided.

Any disruption of either the Asian or Pacific Islander, or the American Indian or Alaska Native category is negligible compared to the benefits which Federal officials would accrue in being able to fairly assess the Native Hawaiian community.

Between 1980 and 1990, the Native Hawaiian population increased by 22.4 percent, compared to the American Indian or Alaska Native population, which increased by 37.9 percent. The aggregate Asian or Pacific Islander population by contrast doubled in size between 1980 and 1990, just as it did between 1970 and 1980.

As a result, the Native Hawaiian percentage of the Asian or Pacific Islander category decreased from 4.6 percent in 1980 to only 2.9 percent in 1990. If Native Hawaiians were added to the American Indian or Alaska Native category for the 1990 census purposes, they would have comprised 9.7 percent of the category.

I believe that this is fairer for statistical purposes, and because the aggregate demographics of the American Indian or Alaska Native population more closely match the Native Hawaiian population. If one simply looks at health statistics, for example, Native Hawaiians are more comparable to American Indians and Alaska Natives rather than the healthier Asian populations in infant mortality, cancer, and life expectancy rates.

A 1987 Office and Technology and Assessment Report found that Native Hawaiians had a death rate 34 percent higher than the death rate for all other races in the United States. One alarming statistic was the death rate for diabetes. Native Hawaiians die from diabetes at a rate 222 percent higher than for all other races in the United States.

If you look at other Federal statistics like immigration, you might wonder what use the current Asian or Pacific Islander category serves Federal officials when it comes to Native Hawaiians. According to the 1990 census, over 63 percent of the aggregate Asian or Pacific Islander population were foreign-born. This means that this category is largely comprised of individuals who have immigrated to the United States. Comparatively, only 1.3 percent of Native Hawaiians were foreign-born.

The 1990 census also revealed that over 63 percent of the Asian or Pacific Islander population speak an Asian or Pacific Islander language at home, compared to 7.7 percent of Native Hawaiians. In education, 37 percent of the total Asian or Pacific Islander population over the age of 25 had completed college, compared to 12 percent of Native Hawaiians and 9.3 percent of American Indians or Alaska Natives. I implore Federal officials to explain to me how these aggregate social and economic trends are fair to Native Hawaiians.

Mr. Chairman, the second concern raised about my proposal is that it would adversely impact Federal programs for American Indians and Alaska Natives. OMB Directive No. 15 specifically states that the directive should not be viewed as determinants of eligibility for participation in any Federal program.

It should also be emphasized that the majority of Federal programs established for the benefit of American Indians and Alaska Natives, particularly the Bureau of Indian Affairs and the Indian Health Service, are based on a trust relationship between the Federal Government and federally recognized American Indian tribes.

My proposal, Mr. Chairman, does not, and I repeat does not, affect the Government to Government relationship which exists between federally recognized American Indian tribes and Alaska Natives and the Federal Government. It also does not affect the political status of Native Hawaiians. That is something that we, as Native Hawaiians, will resolve through the legislative process.

Let me make this clear, Mr. Chairman. OMB Directive No. 15 cannot grant Federal recognition to Native Hawaiians. Federal recognition can only be granted through the Bureau of Indian Affairs' recognition process, treaties, Presidential Executive orders, statutes, and case law.

While Native Hawaiians are culturally Polynesian, we are descendents of the aboriginal people who occupied and exercised sovereignty in the area that now constitutes the State of Hawaii. Like

the varying cultures among the hundreds of American Indian tribes and Alaska Native groups, Native Hawaiians also have a unique political and historical relationship with the United States. Our current classification by the Federal Government denies us our identity as indigenous peoples.

In closing, Mr. Chairman, I simply urge that when Congress and the appropriate Federal agencies prepare for the 2000 census, any proposed changes to OMB Directive No. 15 should be based on the merits of the relevant issues, not political expediency and popularity contests. There is no one in the Federal Government who can deny that Native Hawaiians are native peoples of the State of Hawaii. It is high time that Native Hawaiians be properly classified.

My proposal, Mr. Chairman, recommends that the following changes be made under Directive 15. One is definitions. The category of American Indian or Alaska Native in paragraph 1(a) should be changed to American Indian, Alaska Native, or Native Hawaiian. And be defined as, "A person having origins in any of the original peoples of North America or the Hawaiian Islands, and who maintain cultural identification through tribal affiliation or community recognition."

Two, utilization for recordkeeping and reporting. The category of American Indian or Alaska Native in paragraph 2(a) of the directive for minimum designations for race and ethnicity should be changed to "American Indian, Alaska Native or Native Hawaiian."

That is the extent of my proposal. Mr. Chairman, I thank you very much for giving me the opportunity to testify before you and this subcommittee on this very important issue. Thank you very much.

[The prepared statement of Hon. Daniel K. Akaka follows:]

STATEMENT OF SENATOR DANIEL K. AKAKA
BEFORE THE HOUSE SUBCOMMITTEE ON
GOVERNMENT MANAGEMENT, INFORMATION, AND TECHNOLOGY

May 22, 1997

Mr. Chairman, I am pleased to be here to testify about Office of Management and Budget (OMB) Statistical Policy Directive No. 15, an important guideline governing racial and ethnic data collection by federal agencies. Your leadership on convening this hearing is to be commended, particularly since OMB is expected to decide whether or not changes will be made to the directive this fall.

Once again, I continue to strongly advocate that the federal government rectify a longstanding misperception that Native Hawaiians are not indigenous peoples. In 1993 congressional and 1994 OMB hearings, I proposed to reclassify Native Hawaiians in the same category as American Indians and Alaskan Natives rather than the Asian or Pacific Islander category. After reviewing the April 23 hearing record which your subcommittee held on this subject matter, I am further convinced that federal officials have yet to recognize the gross disparities of Native Hawaiian statistics in the Asian or Pacific Islander category.

I am deeply concerned about the two main arguments against my proposal. First, it is argued by federal officials that my proposal would likely disrupt their ability to monitor trends or skew the statistics in the affected populations. I find such statements baffling and misguided. Any disruption of either the Asian or Pacific Islander or American Indian and Alaskan Native

category is negligible compared to the benefits which federal officials will accrue in being able to fairly assess the Native Hawaiian community. Between 1980 and 1990 the Native Hawaiian population increased by 22.4 percent, compared to the American Indian or Alaskan Native population which increased by 37.9 percent. The aggregate Asian or Pacific Islander population by contrast doubled in size between 1980 and 1990, just as it did between 1970 and 1980. As a result, the Native Hawaiian percentage of the Asian or Pacific Islander category decreased from 4.6 percent in 1980 to only 2.9 percent in 1990. If Native Hawaiians were added to the American Indian or Alaskan Native category for 1990 Census purposes, they would have comprised 9.7 percent of the category. I believe that this is fairer for statistical purposes and because the aggregate demographics of the American Indian or Alaskan Native population more closely match the Native Hawaiian population.

If one simply looks at health statistics, for example, Native Hawaiians are more comparable to American Indians and Alaskan Natives rather than the healthier Asian populations in infant mortality, cancer, and life expectancy rates. A 1987 Office and Technology and Assessment Report found that Native Hawaiians had a death rate 34 percent higher than the death rate for all other races in the United States. One alarming statistic was the death rate for diabetes. Native Hawaiians die from diabetes at a rate 222 percent higher than for all other races in the United States.

If you look at other federal statistics like immigration, you might wonder what use the current Asian or Pacific Islander category serves federal officials when it comes to Native Hawaiians. According to the 1990 Census, over 63 percent of the aggregate Asian or Pacific Islander population were foreign born. This means that this category is largely comprised of individuals who have immigrated to the United States. Comparatively, only 1.3 percent of Native Hawaiians were foreign born. The 1990 Census also revealed that over 63 percent of the Asian or Pacific Islander population speak an Asian or Pacific Islander language at home, compared to 7.7 percent of Native Hawaiians.
In education, 37 percent of the total Asian or Pacific Islander population over the age of 25 had completed college, compared to 12 percent of Native Hawaiians and 9.3 percent of American Indians or Alaskan Natives. I implore federal officials to explain to me how these aggregate social and economic trends are fair to Native Hawaiians.

Mr. Chairman, the second concern raised about my proposal is that it would adversely impact federal programs for American Indians and Alaskan Natives. OMB Directive No. 15 specifically states that the directive should not be viewed as determinants of eligibility for participation in any federal program.
It should also be emphasized that the majority of federal programs established for the benefit of American Indians and Alaskan Natives, particularly the Bureau of Indian Affairs and the Indian Health Service, are based on a trust relationship

between the federal government and federally recognized American Indian tribes. My proposal does not, and I repeat -- does not -- affect the government-to-government relationship which exists between federally recognized American Indian tribes and Alaskan Natives and the federal government. It also does not affect the political status of Native Hawaiians. That is something, we, as Native Hawaiians, will resolve through the legislative process. Let me make this clear. OMB Directive No. 15 cannot grant federal recognition to Native Hawaiians. Federal recognition can only be granted through the Bureau of Indian Affairs recognition process, treaties, Presidential executive orders, statutes, and case law.

While Native Hawaiians are culturally Polynesian, we are descendants of the aboriginal people who occupied and exercised sovereignty in the area that now constitutes the State of Hawaii. Like the varying cultures among the hundreds of American Indian tribes and Alaskan Native groups, Native Hawaiians also have a unique political and historical relationship with the United States. Our current classification by the federal government denies us our identity as indigenous peoples.

In closing Mr. Chairman, I simply urge that when Congress and the appropriate federal agencies prepare for the 2000 Census, any proposed changes to OMB Directive No. 15 should be based on the merits of the relevant issues, not political expediency and popularity contests. There is no one in the federal government who can deny that Native Hawaiians are native peoples of the

State of Hawaii. It is high time that Native Hawaiians be properly classified.

Thank you very much for giving me this opportunity to testify on this important issue.

PROPOSAL FOR NATIVE HAWAIIANS

I recommend that the following changes be made under Directive No. 15:

1. Definitions

   The category of "American Indian or Alaskan Native" in paragraph 1 (a) of the directive should be changed to "American Indian, Alaskan Native or Native Hawaiian", and defined as "A person having origins in any of the original peoples of North America or the Hawaiian Islands, and who maintains cultural identification through tribal affiliation or community recognition."

2. Utilization for Recordkeeping and Reporting

   The category of "American Indian or Alaskan Native" in paragraph 2 (a) of the directive for minimum designations for race and ethnicity should be changed to "American Indian, Alaskan Native or Native Hawaiian."

Mr. HORN. Do you have time for a few questions, Senator; or do you need to get back right now?

Senator AKAKA. I have a vote at 3.

Mr. HORN. At 3:00?

Senator AKAKA. Yes.

Mr. HORN. If I could just ask you a couple of questions on Native Hawaiian issues, to get it straight for the record. When I was vice chairman of the U.S. Commission on Civil Rights, we took a look at the situation in Hawaii. And I can certainly share your concern about the bad treatment that has been given a lot of Native Hawaiians in terms of access to land and so forth.

What, roughly, is the percent of the total population in the State of Hawaii reflected by so-called Native Hawaiians, what are we talking about?

Senator AKAKA. Well, right now, that would be about 20 percent.

Mr. HORN. And if they were categorized as Native American or Alaskan, that group that you want to join, would the benefits increase in various Government programs that are not now triggered because Native Hawaiians are not in the Native American category. What impact would that have on Federal programs?

Senator AKAKA. I would tell you that at the present time that Hawaiians have not been eligible for some programs.

Mr. HORN. Has anyone done a study in the Federal Government that has analyzed this to the degree that that change of moving from Native Hawaiian to Native American would increase Federal benefits?

Senator AKAKA. Yes. There has been a study done by CRS. At this point in time, I do not know the findings.

Mr. HORN. Well, we will ask staff to followup on that, and do a bibliographic search as well as get the Congressional Research Service. And if we can, if it is not 8,000 pages, we will put it into the record at this point, if it is 20, 30, 40 or whatever. I think that we need to get a better feel for that.

[The information referred to follows:]

Congressional Research Service • The Library of Congress • Washington, D.C. 20540-7000

June 24, 1997

TO : Honorable Daniel K. Akaka
Attention: Esther Kia'aina

FROM : Roger Walke
Specialist in American Indian Policy
Civil Rights Section
Government Division

SUBJECT : Native Hawaiians: Proposed Change in Racial Classification

This memorandum responds to your request for an analysis of the possible effects of changing federal racial classifications so as to move Native Hawaiians from their current racial classification, "Asian/Pacific Islanders," to a new classification called "American Indian, Alaskan Native or Native Hawaiian." The memo updates a CRS memo of July 15, 1994, on a similar proposal.

In the new classification Native Hawaiians would be grouped with American Indians and Alaska Natives. Native Hawaiians are currently assigned to the Asian/Pacific Islander classification by the Office of Management and Budget's Statistical Policy Directive No. 15, promulgated May 12, 1977. The classification change discussed here is one of many changes to this OMB directive currently under debate.[1]

The memorandum discusses the relationship between racial classifications and eligibility for federal Indian[2] programs, touches on several possible changes such a new classification might bring, and presents the results of a 1994 review of federal Indian assistance programs.

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[1]For a fuller discussion of the debate over OMB racial classifications, see U.S. Library of Congress, Congressional Research Service, *Race and Ethnicity: Possible Revision of OMB's Classifications*, by Jennifer D. Williams, CRS report 96-382 GOV (Washington: April 26, 1996).

[2]As used in this memo, "Indian" refers to American Indians, Inuit (Eskimos), and Aleuts.

RACIAL CLASSIFICATIONS AND INDIAN PROGRAMS

At first glance, the proposed change in Native Hawaiians' placement in the OMB's racial classifications might seem to have a large potential effect. Because of the nature of the federal Indian programs, however, such a change in racial classifications—*barring any other statutory changes*—might actually have only a small effect. This is because the great majority of federal spending on Indian programs is not based on a racial classification. Rather, it is based on a political relationship: the government-to-government relationship between the United States Government and federally-recognized Indian tribes, with the accompanying trust responsibility of the federal government for Indian tribes. The trust responsibility is based on a relationship between two political entities, the federal government and a recognized Indian tribe.[3] The racial makeup (as opposed to the genealogical makeup) of an Indian tribe is not particularly relevant to the government-to-government relationship that makes a tribe eligible to receive federal Indian benefits. Likewise, an individual Indian's inclusion in the federal-Indian trust relationship—and hence eligibility for federal Indian benefits—is not based on any racial criteria, but rather on official membership in (or sometimes demonstrable genealogical connection to a former member of) a recognized tribe. While tribal membership almost always has a genealogical component to it, the importance of this component (i.e., the "blood quantum" the tribe requires) is generally up to the tribe (with intermittent Congressional involvement).

It would perhaps be useful to note the difference between a racial connection and a genealogical one. In its usual non-scientific usage (such as it is used under OMB Statistical Policy Directive No. 15[4]), a *race* is a set of people defined on the basis of one or more particular characteristics, usually external and usually physiological.[5] The assignment of race imputes or assumes a genealogical connection among the persons who are perceived to share one or more of these characteristics, but (unless the person being assigned fails to match enough of the characteristics) it does not demand that a genealogical connection be demonstrated. A *genealogical group*, on the other hand, requires that a chain of genuine kinship connections be demonstrated. It ignores a person's characteristics, whether external and physiological or otherwise. This

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[3]The question of whether the federal government bears any trust responsibility to non-federally-recognized tribes has arisen in several legal contexts, such as land claims. It is not, however, a factor in most Federal Indian spending, which extends to non-recognized tribes only when explicitly directed to do so in the authorizing statute(s).

[4]According to the OMB directive, "These classifications should not be interpreted as being scientific or anthropological in nature..." (quoted at 59 *Federal Register* 29834).

[5]For example: "Variation in skin color, cranial shape, and nasal shape were traditionally used as a basis for racial classification." John Relethford, *The Human Species: An Introduction to Biological Anthropology* (Mountain View, CA: Mayfield, 1990), p. 168.

is why a genealogically-defined grouping, such as a lineage, may include persons whose racial characteristics are quite varied—i.e., who might be classified into different races.

A federally-recognized Indian tribe, no matter what its apparent racial makeup, is assumed to be a genealogical grouping whose kinship ties, to whatever degree of consanguinity required by tribal (or federal) laws, can be adequately demonstrated. Federal recognition itself is not automatic, of course. At present, such recognition must either already be in existence or must be demonstrated from historical and other data to the satisfaction of Congress or the Bureau of Indian Affairs (BIA). Racial classification is not one of the BIA criteria for proving tribal existence and has not been invoked in congressional recognitions. An individual's racial characteristics are irrelevant to whether the federal government recognizes a trust responsibility for that individual. A person claiming Indian racial status is not automatically eligible for the federal Indian programs that are based on tribal membership.

Racial classification implies neither tribal existence nor federal recognition of a government-to-government relationship. Hence assignment of Native Hawaiians to a new "American Indian, Alaska Native, or Native Hawaiian" racial category with others reporting Indian racial status will not make Native Hawaiians eligible for federal Indian programs that are based on federal recognition. It will also not change the size of the population eligible for most such programs, since most federal Indian programs are based on federal recognition.

This is not to say that shifting Native Hawaiians into a racial classification along with Indians would have no effect. Among the possible effects are different treatment in employment-discrimination situations, application of the Voting Rights Act and eligibility for a few federal Indian programs. While most federal Indian programs are based on a federal-tribal government-to-government relationship, a brief CRS review (discussed below) of federal domestic assistance programs, conducted in 1994, tentatively suggests that only a small proportion of the estimated $5.1 billion the federal government spent on Indian programs in FY1993 may have been based on racial classifications.

POSSIBLE EFFECTS OF MOVING NATIVE HAWAIIANS INTO AN "AMERICAN INDIAN, ALASKA NATIVE, OR NATIVE HAWAIIAN" CATEGORY

The federal government uses racial data in a wide range of activities, including not only the distribution of many grants and other assistance but also the enforcement of civil rights laws and the gathering and reporting of federal program data. The OMB announcement of the proposed review and possible

revision of its Statistical Policy Directive No. 15 mentioned a number of activities that use racial-classification data, including the following:

- enforcing the requirements of the Voting Rights Act;
- reviewing state redistricting plans;
- collecting and presenting population and population characteristics data, labor force data, education data, and vital and health statistics;
- establishing and evaluating federal affirmative action plans and evaluating affirmative action and discrimination in employment in the private sector;
- monitoring the access of minorities to home mortgage loans under the Home Mortgage Disclosure Act;
- enforcing the Equal Credit Opportunity Act;
- monitoring and enforcing desegregation plans in the public schools;
- assisting minority businesses under the minority business development programs; and
- monitoring and enforcing the Fair Housing Act.[6]

Not all federal programs and activities use the OMB racial classifications. The OMB classifications apply only where the statute (or statutes) authorizing a program or activity uses the racial classification terms without further definition in the statute. Federal programs whose authorizing statutes do not use the terms, or whose statutes use the terms but include definitions at variance with the OMB definitions, are not governed by the OMB classifications.

Shifting Native Hawaiians from the Asian/Pacific Islander category to a new Native American category could potentially affect any of the areas of federal activity listed above. This memo does not examine all these areas to see what such effects might be. Instead it looks at the Voting Rights Act, affirmative action plans, and, in the next section, federal assistance programs for American Indians and Alaska Natives.

Voting Rights Act[7]

The Voting Rights Act (P.L. 89-110, as amended; 42 U.S.C. §§ 1971, 1973 *et seq.*) is intended to protect the right of minority groups to vote. As originally

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[6]59 *Federal Register* 29833.

[7]For fuller discussions of the Voting Rights Act, see: U.S. Library of Congress, Congressional Research Service, *The Voting Rights Act of 1965, As Amended: Its History and Current Issues*, by Garrine P. Laney, CRS report 95-896 GOV (Washington: August 16, 1995); U.S. Library of Congress, Congressional Research Service, *The Voting Rights Act of 1965: A Legal Overview*, by L. Paige Whitaker, CRS report 91-736 A (Washington: October 7, 1991).

enacted, the Act prohibited the denial or abridgement of the right of citizens to vote based on race or color. It thus protected racial minorities, including Native Hawaiians, since they were classed as a minority group within the minority classification Asian/Pacific Islanders.

The 1975 amendments (P.L. 94-73) to the Voting Rights Act extended this protection to members of language minority groups. Language minorities are groups in which the dominant language is one other than English and which have limited proficiency in English. The Act defines language minorities as American Indians, Alaska Natives, Asian Americans, and persons of Spanish heritage (P.L. 94-73, Title III, § 301; 42 U.S.C. § 1973aa-1a(e)). The protective actions of the Voting Rights Act are triggered when either more than five percent of, or more than 10,000, persons of voting age in a state or political subdivision of a state are in a language minority and are limited-English proficient.

Were there enough limited-English proficient Native Hawaiians, they might qualify for coverage under the language minority provisions of the Voting Rights Act. (If too few Native Hawaiians are limited-English proficient to meet the trigger points, then the following discussion is moot.) It is unclear whether "Asian American" could be interpreted to include all Asian/Pacific Islanders and hence Native Hawaiians. While the 1975 amendments were adopted before the 1977 promulgation of OMB Statistical Policy Directive 15, the Voting Rights Act has not been amended to change "Asian American" to Asian/Pacific Islander. If "Asian American" does not include Native Hawaiians, then the proposed change to move Native Hawaiians into a "American Indian, Alaska Native, or Native Hawaiian" racial classification with Indians *might* benefit Native Hawaiians, but only if either (a) the terms "American Indian" and "Alaskan Natives" in the Act were interpreted to be the same as the new racial classification "American Indian, Alaska Native, or Native Hawaiian", or (b) the Voting Rights Act were amended to replace the terms "American Indian" and "Alaskan Natives" with "American Indians, Alaska Natives, or Native Hawaiians." Given these uncertainties, it is not possible to say what effect the proposed change in Native Hawaiians' racial category might have in regard to the Voting Rights Act.

Affirmative Action[8]

Several federal laws provide for equal employment opportunity and affirmative action in federal government employment. Affirmative action to recruit members of minorities into federal service is designed to correct the

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[8]For a fuller discussion, see: U.S. Library of Congress, Congressional Research Service, "Legal Definition of the Term 'Minority' As Used in Selected Federal Affirmative Action and Minority Business Enterprise Programs," by Charles V. Dale, CRS general distribution memorandum (Washington, September 13, 1992); and U.S. Library of Congress, Congressional Research Service, *Civil Rights Protection in the United States: Brief Summaries of Constitutional Amendments, Federal Laws and Executive Orders*, by Leslie W. Gladstone, CRS report 93-148 GOV (Washington: February 2, 1993).

underrepresentation of minorities in federal employment. Underrepresentation of a minority group within a federal agency's or contractor's workforce is measured by a statistical comparison of the minority group's representation inside the workforce with its representation in a comparable part of the outside labor market.

OMB racial classifications are used in designing and enforcing affirmative action plans benefitting racial minorities, including measuring underrepresentation. The proposed shift of Native Hawaiians from the Asian/Pacific Islander racial classification to a new "American Indian, Alaska Native, or Native Hawaiian" racial category might well benefit Native Hawaiians. At present, Native Hawaiians are a relatively small proportion of Asian/Pacific Islanders, both in Hawaii (19.7%) and in the United States as a whole (2.8%). If Native Hawaiians were moved to a new "American Indian, Alaska Native, or Native Hawaiian" racial classification, they would comprise a much larger proportion of that new class, both in Hawaii (96%) and in the total United States (9.3%).[9] It is possible that at present Native Hawaiians, as a small group within a unitary affirmative-action racial category, may tend to get a proportionately small percentage of affirmative-action positions in federal agencies and federal contractors. With a shift to a new "American Indian, Alaska Native, or Native Hawaiian" race, it is possible that Native Hawaiians within Hawaii might be likely to receive the bulk of affirmative-action positions available to the new racial category.

Educational attainment is often a good indicator of the likelihood of getting higher-skilled, higher-paying jobs, within as well as outside affirmative action programs. In terms of educational attainment, it is not so clear that Native Hawaiians would be better positioned if they were in a new "American Indian, Alaska Native, or Native Hawaiian" classification. Within the State of Hawaii, among persons 25 years old and older in 1990, Native Hawaiians were slightly less likely than American Indians/Alaska Natives to have a high school education or higher (80.1% to 84.4%) but slightly more likely to have a bachelor's degree or higher (22.9% to 17.7%). At the same time, again just in Hawaii, Native Hawaiians were more likely than Asian/Pacific Islanders as a whole both to have a high school education or higher (80.1% to 74.7%, respectively) and to have a bachelor's degree or higher (22.9% to 19.4%). In the total United States, among persons 25 years old or older in 1990, Native Hawaiians had a slightly higher percentage of members with a high school education or higher than had Asian/Pacific Islanders as a whole (79.5% versus 77.5%, respectively) but had a far lower percentage of members with a bachelor's degree or higher (11.9% versus 36.6%). Compared with American Indians/Alaska Natives, again in the U.S. as a whole, Native Hawaiians had a much higher

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[9]U.S. Bureau of the Census, *1990 Census of Population. Social and Economic Characteristics. United States* (Washington: GPO, 1993), pp. 4, 8; and *1990 Census of Population. Social and Economic Characteristics. Hawaii* (Washington: GPO, 1993), p. 7.

percentage with a high school education or higher (79.5% to 65.5%) but only a slightly higher percentage with a bachelor's degree or higher (11.9% to 9.3%).[10]

RESULTS OF A 1994 REVIEW OF FEDERAL INDIAN PROGRAMS

To get a sense of the possible effect on federal Indian spending of joining Native Hawaiians and Indians in a new racial classification, CRS in 1994 performed a cursory review of federal programs that do, or may, benefit Indians. (Resources were not available for an in-depth survey.) The tentative findings from this review were that very few federal Indian dollars are spent on the basis of race. CRS has not updated this review to reflect current federal programs.

Methodology

CRS reviewed some 236 federal program descriptions, in the 1994 *Catalog of Federal Domestic Assistance* (CFDA), in which the words "native" or "Indian" appeared in the eligibility descriptions; we used an online computerized version of the CFDA, then available on the House Information Systems as a database entitled Pre-Award Grants Information Service (PREA), to identify the programs. We examined each program's description of its grantee and beneficiary eligibility criteria. We were looking for programs whose grantees or beneficiaries were mainly or exclusively Indians. We excluded programs for which all minorities were eligible, as well as Indian programs for which Native Hawaiians were already eligible, since a change in Native Hawaiians' racial classification would have no effect on their eligibility for either of such programs. For each Indian program, we checked the criteria to determine whether eligibility, for either grantees or beneficiaries, was based on tribal membership or connection—i.e., on non-racial criteria (see discussion at the beginning of this memo)—or on Indian racial classification, either partly or solely. When the eligibility descriptions did not make clear whether the requirements were based on race or tribal membership, the program was contacted directly by telephone.

Results

Of the 236 federal programs reviewed in the CFDA, we tentatively identified one Indian program—the "Native American Program" in the Minority Business Development Agency (MBDA)—that both uses Indian racial classification to determine eligibility and is not available to Native Hawaiians, and one other program that *may* have met such criteria. These two programs

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[10]U.S. Bureau of the Census, *1990 Census of Population. Social and Economic Characteristics. United States* (Washington: GPO, 1993), p. 42; and *1990 Census of Population. Social and Economic Characteristics. Hawaii* (Washington: GPO, 1993), p. 57; and *1990 Census of Population. Asians and Pacific Islanders in the United States* (Washington: GPO, 1993), p. 97; and personal communication, U.S. Bureau of the Census, July 14, 1994.

are the only ones we could initially identify to which Native Hawaiians would probably become eligible if they were transferred to a new "American Indian, Alaska Native, or Native Hawaiian" racial classification. The two programs are listed in Table 1 below, with their CFDA identification numbers and their FY1993-1994 obligation amounts. (The 1997 CFDA description for the MBDA's Native American Program is attached. The Energy Department's minority undergraduate training program is not listed in the 1997 CFDA.)

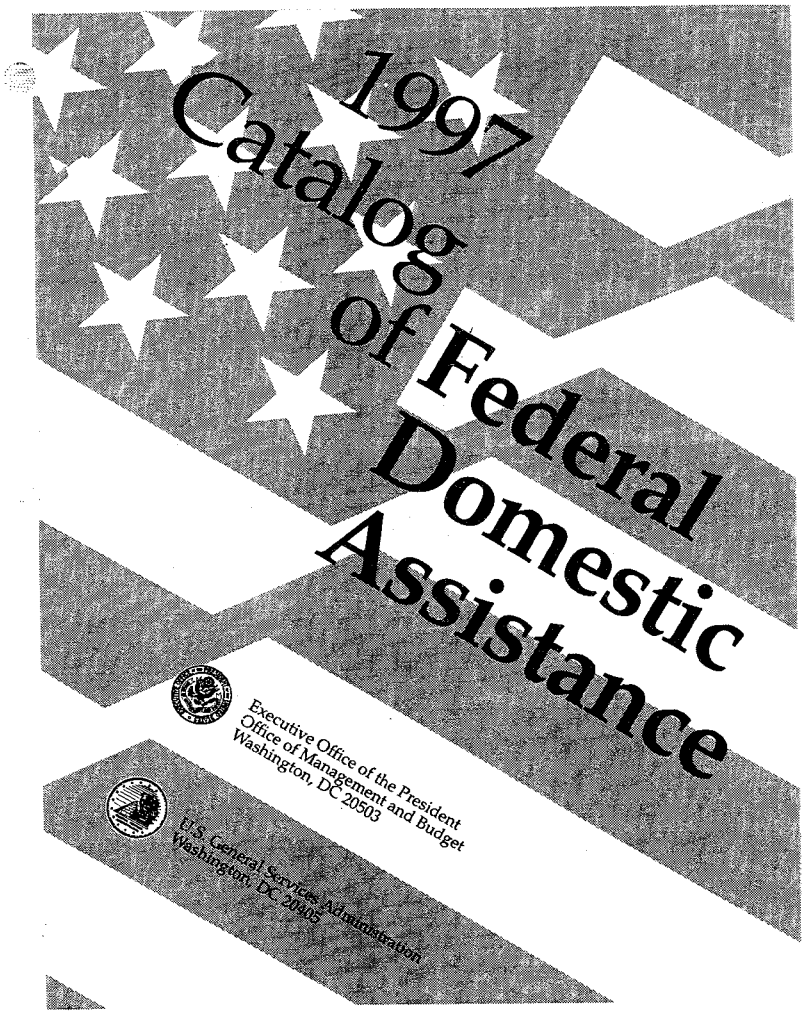
Table 1. Federal Domestic Assistance Programs That May Benefit American Indians/Alaska Natives as a Race More Than Other Specific Races, 1994

Agency and Program	CFDA Number	Program Obligations
Department of Commerce — Minority Business Development Agency		
Native American Program	11.801	FY93: $1,221,800 FY94E: $1,906,500
Department of Energy — Office of Economic Impact and Diversity		
Minority Undergraduate Training for Energy-Related Careers (MUTEC)	81.098	FY93: $1,700,000 FY94E: $2,044,000

These tentative results of the 1994 cursory review of federal assistance programs suggest that shifting Native Hawaiians from the Asian/Pacific Islander racial classification into a new "Native American" racial category with American Indians and Alaska Natives would—again, *barring any other statutory changes*—have little effect on federal spending to assist either Indians or Native Hawaiians.

Please call me at 707-8641 if you have any questions regarding this request.

RW:
Attachments


1997
Catalog
of Federal
Domestic
Assistance
Executive Office of the President
Office of Management and Budget
Washington, DC 20503
U.S. General Services Administration
Washington, DC 20405

11.801 NATIVE AMERICAN PROGRAM (NAP)

FEDERAL AGENCY: MINORITY BUSINESS DEVELOPMENT AGENCY, DEPARTMENT OF COMMERCE

AUTHORIZATION: Executive Order 11625, October 13, 1971; Department of Commerce Appropriation Act, Public Law 104-208.

OBJECTIVES: To provide business development service to Native Americans interested in entering, expanding or improving their efforts in the marketplace. To help Native American business development centers and Native American business consultants to provide a wide range of services to Native American clients, from initial consultation to the identification and resolution of specific business problems.

TYPES OF ASSISTANCE: Project Grants (Cooperative Agreements).

USES AND USE RESTRICTIONS: The Minority Business Development Agency (MBDA) competitively selects and funds eight Native American Business Development Centers (NABDC's) to provide management and technical assistance to Native Americans located throughout the country. Recipients of NAP funds provide clients with advice and counseling in such areas as preparing financial packages, business counseling, business information and management, accounting guidance, marketing, business/industrial site analysis, production, engineering, construction assistance, procurement and identification of potential business opportunities. MBDA does not have the authority to make loans to Native American firms. Program funds are restricted to providing management and technical assistance.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: There are no eligibility restrictions for this program. Eligible applicants may include individuals, nonprofit organizations, for-profit firms, local and State governments, Native American Tribes, and educational institutions.

Beneficiary Eligibility: Native Americans will benefit. Award recipients must provide assistance to Native Americans interested in starting, expanding, or maintaining a business. Assistance emphasis is on Native Americans.

Credentials/Documentation: Costs will be determined in accordance with OMB Circular No. A-87 for awards to States, local governments and Federally Recognized Indian Tribal Governments. OMB Circular No. A-21 for educational institutions; OMB Circular No. A-122 will be used for other recipients. Administrative requirements for States, local governments and Federally Recognized Indian Tribal Governments are contained in 15 CFR, Part 24. All other recipients are subject to the administrative requirements contained in OMB Circular No. A-110.

APPLICATION AND AWARD PROCESS:

Preapplication Coordination: Preapplication conferences may be scheduled for NAP projects. The conferences will be announced in the Federal Register. This program is excluded from coverage under E.O. 12372.

Application Procedure: The standard application forms as furnished by the Federal agency and required by 15 CFR Part 24 must be used for this program. This program is subject to the provisions of OMB Circular No. A-110.

Award Procedure: The application package will advise the applicant where to submit the application. Each application will be reviewed and evaluated by MBDA. Name checks, verification of academic credentials and pre-award audits may be required from applicants.

Deadlines: Deadlines for formal competitive awards are outlined in the Federal Register and Commerce Business Daily.

Range of Approval/Disapproval Time: From 4 to 6 months. Successful and unsuccessful applicants shall be notified in writing at the same time.

Appeals: All decisions are final. There is no administrative appeal process.

Renewals: NAP awards are made for a period of one year with the possibility of renewal for up to two more years or a total of three years. Performance evaluations will be conducted, and funding levels will be established for each of three budget periods. The NAP recipient will receive continued funding after the initial competitive year at the discretion of MBDA based upon the availability of funds, the recipients performance, and agency priorities.

ASSISTANCE CONSIDERATIONS:

Formula and Matching Requirements: This program has no statutory formula. The Native American Program does not require any matching or cost-sharing by the recipient.

Length and Time Phasing of Assistance: Awards may be granted for 1 to 3 years.

POST ASSISTANCE REQUIREMENTS:

Reports: Financial (quarterly and annually); narrative (quarterly and annually); statistical reports on each client are required.

Audits: In accordance with the provisions of OMB Circular No.A-128, "Audits of State and Local Governments," State and local governments that receive financial assistance of $100,000 or more within the State's fiscal year shall have an audit made for that year. State and local governments that receive between $25,000 and $100,000 within the State's fiscal year shall have an audit made in accordance with Circular No. A-128, or in accordance with Federal laws and regulations governing the programs in which they participate. Unresolved audit issues of a substantive nature may result in the recipient not being considered for continuation of funding. Audits will also be conducted in accordance with provisions of OMB Circular No. A-133 for institutions of higher education, profit and non-profit organizations.

Records: Documents, papers and financial records relating to the NAP are required to remain available to the Federal government for 3 years from the date of submission of the final financial status report.

FINANCIAL INFORMATION:

Account Identification: 13-0201-0-1-376.

Obligations: (Cooperative Agreements) FY 96 $2,125,000; FY 97 est $1,822,000; and FY 98 est $1,822,000.

Range and Average of Financial Assistance: $169,125 to $310,575; $187,230.

PROGRAM ACCOMPLISHMENTS: In fiscal year 1996, MBDA funded Native American business development centers in approximately 8 locations that provided management and technical assistance to minority business enterprise clients. of the 1,237 clients who received assistance in fiscal year 1996, 852 represented actual operating business enterprise clients. Clients obtained $26.3 million in financial packages and $37.9 million in procurement contracts.

REGULATIONS, GUIDELINES, AND LITERATURE: There are no applicable regulations in the Code of Federal Regulations.

INFORMATION CONTACTS:

Regional or Local Office: Contact the nearest Minority Business Development Agency Regional Office listed in Appendix IV of the Catalog.

Headquarters Office: Mr. Robert Hooks, Business Development Specialist for the Office of Strategic Planning & Operations, Room 5087, Minority Business Development Agency, Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. Telephone: (202) 482-3237. Use the same number for FTS.

RELATED PROGRAMS: 11.303, Economic Development—Technical Assistance; 15.850, Indian Arts and Crafts Development; 39.001, Business Services; 59.003, Loans for Small Businesses; 59.005, Business Development Assistance to Small Business; 59.006, Minority Business Development; 59.007, Management and Technical Assistance for Socially and Economically Disadvantaged Businesses; 59.009, Procurement Assistance to Small Businesses.

EXAMPLES OF FUNDED PROJECTS: An NABDC located in Arizona received a $197,825 award to provide one-to-one management and technical assistance to eligible Native American clients to develop business plans and promote the development and operation of businesses.

CRITERIA FOR SELECTING PROPOSALS: Competitive awards for the NAP are made based upon a panel evaluation of the applications. This evaluation includes such factors as capability and experience of staff assigned to the project, techniques, methodology, resources and costs.

Mr. HORN. Is there any anthropological evidence that the Native Hawaiians came perhaps the same route as the Native Americans? Most of the Native Americans' origin is over the Bering Straits into Canada. You find Antibasti—I think it is in Canada—is similar to Navaho in Arizona. And, of course, you know that great reservation goes into three States, and is the size of the State of West Virginia.

And you certainly have a similar situation on how the Native Hawaiian population is spread out, or are they concentrated more on one island than another?

Senator AKAKA. They are spread over all of the islands. And to answer your question, they did come to Hawaii. As you know, the Hawaiian Islands are volcanic islands. They erupted from the bottom of the sea. But the Hawaiians did migrate there, and were the first people there, and they became the indigenous people of the Hawaiian Islands, and are part of the Polynesian race.

Mr. HORN. You have been working on this subject for a long time.

Have you discussed this with the people at the Census Bureau and the Office of Management and Budget, the Chief Statistician of the United States? What kind of comments have you received from those discussions?

Senator AKAKA. Well, the reception has been negative.

Mr. HORN. But is there an intellectual reason behind why they think that?

Senator AKAKA. Yes. I would say that part of the reason was because of the chaos that might come in changing the forms. And in that particular case, we are not changing the forms. We are just adding the Native Hawaiians to the Native American category.

Mr. HORN. Right. They could do it with a rubber stamp, and they would not have to destroy their forms.

My last question is on what they call them the Pequots in Connecticut. Go to the westward expansion corridor of the U.S. Capitol that opened at the time of the 200th anniversary of laying the cornerstone. The Pequots are very prominent in the 1500's, 1600's, and 1700's. Presumably, they had diminished, as you know. And a gentleman who recalled the stories of his mother put the tribe back together, and got billions of dollars and thousands of acres from the State of Connecticut. And they now have the largest casino in the world.

Under law and the Constitution, if we made the Native Hawaiians into Native Americans, would they gain any constitutional status in their law claims against the United States?

Senator AKAKA. Right now, there are some claims that the Hawaiians do have. As you know, Hawaii has gone through six different governmental structures, one of which was the monarchy. And, of course, the royal family and the monarchy owned most of the land. But the history is that such land claims are only ceded lands.

And by the 1959 statehood document that was signed as we became a State, those lands were set aside. To that extent, the Hawaiians have some bearing in the State of Hawaii.

Mr. HORN. I now yield to the ranking Democrat on the subcommittee, Mrs. Maloney of New York.

Mrs. MALONEY. Thank you. You have covered all of my questions.

Mr. HORN. Mr. Davis of Illinois.

Mr. DAVIS OF ILLINOIS. I have one question.

Senator, you indicated that OMB suggested that if they were to change the designation that it would cause chaos with the forms, is that correct?

Senator AKAKA. That is correct. Meaning that to change the forms would have caused many problems in their process of taking the census. And what I am saying is that we are not changing the form, but we are just adding. The categories are there. They are very hesitant, as you know, about revising the forms at all for the census. And this is part of the reason why they try very hard not to bring any changes about.

Mr. DAVIS OF ILLINOIS. Do you know what their position might be with reference to the chaos that would be created by adding multiracial? That would seem to be an alteration of the form as well.

Senator AKAKA. I would not know what it would be. Except that I would say at this time that we would not be in that category of causing any changes or bringing about chaos. But originally, and I proposed this, that was one of the reasons that they were against it.

Mr. DAVIS OF ILLINOIS. Let me just say that I agree with your logic in terms of the designation of Native Hawaiians. I think that the same logic exists for Native Americans. I mean indigenous people are indigenous. If Hawaii is a part of the United States of America, then the people who are indigenous to Hawaii are indigenous to the United States of America.

Mr. HORN. We thank you. There are no more questions I see from the panel. We appreciate you taking the time. We know that you have a busy day trying to deal with some of the legislation that we have sent in your direction.

Senator AKAKA. Thank you very much, Mr. Chairman. And I wish you well, you and the subcommittee.

Mr. HORN. I appreciate it.

Will panel II come forward. Ryan Graham, Susan Graham, Harold McDougall, and Eric Rodriguez.

We have a tradition in this subcommittee of swearing in all witnesses, since it is an investigative committee, except for Members of the Senate and Members of the House. So if you will stand and raise your right hand.

[Witnesses sworn.]

Mr. HORN. All four witnesses have affirmed, the clerk will note. And we will now go by the order that is noted on the program. We will begin with Susan Graham, the president of Project RACE. Welcome to you and your son. So please proceed.

I might add that since most of you have not testified before that your full statement is automatically placed in the record without objection by anybody. So if you would like to summarize your statement—most of us stayed up late last night reading it—there will be more time for questions. Do not read it to us. We have read it.

STATEMENTS OF SUSAN GRAHAM, PRESIDENT, PROJECT RACE; RYAN GRAHAM, PROJECT RACE; HAROLD McDOUGALL, DIRECTOR, WASHINGTON BUREAU, NAACP; AND ERIC RODRIGUEZ, POLICY ANALYST, NATIONAL COUNCIL OF LA RAZA

Ms. GRAHAM. Mr. Chairman and members of the subcommittee, I am very pleased to be with you today representing the national membership of Project RACE.

I testified before the former Subcommittee on Census, Statistics, and Postal Personnel in 1993. Much has happened to the multiracial classification since that time. Five more States and many individual school districts have added the multiracial classification. Testing has been completed by the Census Bureau.

CNN, ABC, NBC, CBS, FOX, NPR, AP, Time magazine, USA Today, the Washington Post, the New York Times, and it seems every newspaper and radio station across the country have carried stories and debates on the multiracial question. And Tiger Woods won the Master's and proudly claimed all of his heritage.

Members of Congress know that as any issue gets more and more attention, as people take sides, as personal feelings get intertwined with facts, stories emerge and become truths in the public's minds. It is more important than ever in any issue to keep our perspective at such a time and separate myth from reality.

The reality is that not all Americans fit neatly into one little box. The reality is that multiracial children who wish to embrace all of their heritage should be allowed to do so. They should not be put in the position of denying one of their parents to satisfy arbitrary Government requirements.

The reality is that seven States now officially recognize multiracial children. They are Ohio, Illinois, Georgia, Michigan, Indiana, Florida, and North Carolina. Other individual districts across the country have taken the step to include a category for multiracial children, including the Fairfax County, Virginia schools. This shows that people want the right to designate themselves or their children as multiracial. None of the States, State agencies, school districts, parents, or children have reported any problems with utilizing the multiracial classification.

The National ACT test adopted the multiracial category. High school students complained that they felt discriminated against when one of the very first questions they were asked on this important test was one they could not answer, because their combination of races was not there.

I am not a statistician or a demographer. It would be a very big myth to say I am. We decided to look at the actual enrollment figures from Fulton County, GA, because it was the first county in the country to add the multiracial classification. We looked at the data for 6 years, from 1991 to 1997, to see how many students actually use the category, and to see if numbers dramatically decreased from any other racial or ethnic category.

I set out to find a statistician to analyze the data. A curious thing happened on the way to reality. Each statistician said, "Tell me what you want to prove." I would say, "Just honestly tell me what the figures prove." They would laugh and say, "We can prove

anything you want to prove." I did not throw out the data, but I did throw out the statisticians.

Attachment A shows the enrollment figures for the school district of almost 60,000 students. The multiracial category was added in the 1992–1993 school year. In the current 1996–1997 school year, 835 students are checking multiracial in the race category. That is 1.39 percent of the total student population. The black, white, Asian, and Native American populations have stayed pretty constant, with fluctuations so small as to be insignificant. The Hispanic population has steadily increased.

There are 835 real, actual children who consider themselves to be multiracial in the school population of almost 60,000 students. There are 835 real, actual children, not government projections, not "what ifs," not a number someone dreamed up. There are 835 real, actual children between the ages of 5 and 17, who only want to embrace all of their heritage.

There is a pervasive myth of massive defection from other racial categories into the multiracial category. There are 835 children in 60,000, 1.39 percent of the total number of students. These very real figures dispel that myth. The reality is that 1.39 percent is pretty close to between 1.0 and 2 percent found by the National Content Survey, which states that less than 2 percent of respondents nationally might select a multiracial category when it is offered. The reality is that 1.39 percent is pretty close to 1.5 percent who identified as multiracial in the report by the Bureau of Labor Statistics.

There also seems to be a concern that the addition of a multiracial classification will suddenly cause all of the past statistical data in America to become useless. If we want accurate data, we need to count people accurately. The addition of a Hispanic classification on the 1980 U.S. census did not render past data meaningless. Census categories have been added and taken away since the inception of the census, and never once did they have to throw out all of the historical data. To say that the multiracial classification would suddenly wreck havoc with the data is a myth.

Attachment B outlines the many, many different ways the Census Bureau has classified multiracial individuals. It explains why my children are classified as white on the U.S. census. It is actually pretty interesting reading.

What do we want? The myth is that on a Federal level that we want only the term multiracial and nothing more. The reality is when we testified in 1993, we suggested a format for Federal purposes that instructed a multiracial person to also choose their racial combinations from a list of categories listed underneath the multiracial category.

When we answered the OMB's Federal Register notice in 1995, we asked for the same type of configuration. Although these models yield the most accurate data, we have been told by the OMB and the Census Bureau that they take up too much real estate on the forms. We have also been told that multiethnic definitely would not be considered.

So do we scrap the whole idea? Absolutely not. The multiracial community is sensitive to the concerns of all communities. After all, we belong to all communities. The question of a multiracial cat-

egory has been studied for over 20 years, most extensively in the past 4 years. Much time and money has been put into research. If it is not done now, it will be brought up again for every census. We will not go away.

It is time for all communities, including the multiracial community, to compromise as we go into the year 2000. There is no better time to begin to reflect the true and accurate heritage of all Americans.

Our model for OMB Statistical Directive 15 is attached as Attachment C. It would be similarly adapted for the census or at any time the ethnic and racial categories are separated, with Hispanic placed under ethnicity and would state under race: "Check one. If you consider yourself to be biracial or multiracial, check as many as apply." Numbers would be allocated accordingly. It adds only 14 small words. It is concise. It is clear. It is precise. It is accurate, and would yield results that could be easily coded and tabulated. In short, it works.

What we do not want. We would prefer to have a category of biracial or multiracial, again with the ability to designate races because we recognize the need for this information at the Federal level. We do not want multiracial with blank spaces to fill in races, because that leaves too much room for error and confusion. We do not want to be known as other or some other race. We totally reject any question which allows a multiracial person to specify multiracial, but then asks us to write in the race we most identify with. It is an invalid question, and an insult to the multiracial community.

Would this change be costly? No. States, schools, businesses, and the U.S. Government constantly change their forms. Data cells are added all of the time. Tax changes, new health care plans, new area codes, name changes for racial groups, et cetera are all changes we expect and absorb. Why would the multiracial classification be any different?

The reality is that the century update to the year 2000 will be far more costly than adding another racial category. In fact, it is the perfect time to make such changes. The myth is that party lines must be drawn on this issue. This is a bipartisan issue. This is a children's issue. This is a civil rights issue.

Three Republican Governors have signed multiracial legislation into law: Governor Voinovich of Ohio, Governor Engler of Michigan, and Governor Edgar of Illinois. Two Democratic Governors have also signed our legislation: Governor Miller of Georgia, and Governor Bayh of Indiana. The Democratic Governors of North Carolina and Florida have been fully supportive of the administration addition of a multiracial designation in their States. The Republican and Democratic lawmakers of these seven States feel that no child should be forced to deny his or her heritage.

In remarks made by House Speaker Newt Gingrich on January 7, 1997, after winning a second term as Speaker, he said, "What does race mean when many Americans cannot fill out their census forms because they are an amalgam of races?"

President Clinton was asked about the multiracial classification during his speech in Dallas on April 17, 1995. He stated that he

would not be opposed to a multiracial category. And went on to say, "I think it ought to be done." We think so, too.

In conclusion, I think that we need to remember that what is right is often forgotten by what is convenient. It would be easy to leave things as they are. But it would not be right for millions of American multiracial children who feel just as proud of all of their racial heritage as does their role model, Tiger Woods.

Thank you for giving me the opportunity to express the views of the membership of Project RACE.

[The prepared statement of Ms. Graham follows:]

STATEMENT OF SUSAN GRAHAM
PRESIDENT
PROJECT RACE
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
U.S. HOUSE OF REPRESENTATIVES
MAY 21, 1997

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I testified before the former Subcommittee on Census, Statistics and Postal Personnel in 1993. Much has happened to the multiracial classification since that time. Five more states and many individual school districts have added the multiracial classification. Testing has been completed by the Census Bureau. CNN, ABC, NBC, CBS, FOX, NPR, AP, *Time Magazine, USA Today, The Washington Post, The New York Times,* and, it seems, every newspaper and radio station across the country have carried stories and debates on the multiracial question. And...Tiger Woods won the Master's and proudly claimed ***all*** of his heritage.

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The reality is that not all Americans fit neatly into one little box. The reality is that multiracial children who wish to embrace all of their heritage should be allowed to do so.

They should not be put in the position of denying one of their parents to satisfy arbitrary government requirements.

PROGRESS

The reality is that seven states now officially recognize multiracial individuals: Ohio, Illinois, Georgia, Michigan, Indiana, Florida, and North Carolina. Other individual districts across the country have taken the step to include a category for multiracial children, including the Fairfax County, Virginia schools. This shows that people want the right to designate themselves or their children as multiracial. ***None*** of the states, state agencies, school districts, parents or children have reported ***any*** problems with utilizing the multiracial classification.

The National ACT test adopted the multiracial classification. High school students complained that they felt discriminated against when one of the very first questions they were asked on this important test was one they could not answer because their combination of races was not there.

The YWCA of America, the Girl Scouts and others now use the term "multiracial." It's the right thing to do.

STATISTICAL ISSUES

I'm not a statistician or a demographer. It would be a very big myth to say I am. I decided to look at the actual enrollment figures from Fulton County, Georgia, because it was the first county in the country to add the multiracial classification. We looked at the

data for six years, from 1991 to 1997 to see how many students actually use the category and to see if numbers dramatically decreased from any other racial or ethnic category.

I set out to find a statistician to "analyze the data." A curious thing happened on the way to reality. Each statistician said, "Tell me what you want to prove." I would say, "Just honestly tell me what the figures prove."

"No," they would laugh. "We can prove *anything* you want to prove!"

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Attachment A shows the enrollment figures for the school district of almost 60,000 students. The multiracial category was added in the 1992-93 school year. In the current 1996-97 school year 835 students are checking "multiracial" in the race category. That is 1.39% of the total student population. The Black, White, Asian and Native American populations have stayed pretty constant, with fluctuations so small as to be insignificant. The Hispanic population has steadily INCREASED.

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The reality is that 1.39% is pretty close to between 1 to 2 percent found by the National Content Survey which states that "less than 2 percent of respondents nationally might select a multiracial category when it is offered."

The reality is that 1.39% is pretty close to 1.5 percent who identified as multiracial in the report by the Bureau of Labor Statistics.

There also seems to be a concern that the addition of a multiracial classification will suddenly cause all of the past statistical data in America to become useless. If we want accurate data, we need to accurately count all people. The addition of the Hispanic classification on the 1980 U.S. Census did not render past data meaningless. Census categories have been added and taken away since the inception of the Census and never once did they have to throw out all the historical data. To say that the multiracial classification would suddenly wreak havoc with the data is a myth. **Attachment B** outlines the many, many different ways the Census Bureau has classified multiracial individuals. It explains why my children are classified as WHITE on the U.S. Census. It's actually pretty interesting reading.

WHAT DO WE WANT?

The myth is that on a federal level we only want the term multiracial and nothing more.

The reality is that when we testified in 1993 we suggested a format for federal purposes that instructed a multiracial person to ***ALSO*** choose their racial combinations from a list of categories listed underneath the multiracial category.

When we answered the OMB's federal register notice in 1995 we asked for the same type of configuration. Although these models yield the most accurate data, we have been

told by the OMB and the Census Bureau that they "take up too much real estate on the forms." We have also been told that "multiethnic" will definitely ***not*** be considered.

So do we scrap the whole idea? Absolutely ***not***.

The multiracial community is sensitive to the concerns of ***all*** communities. After all, we belong to all communities. The question of a multiracial category has been studied for over 20 years—most extensively in the past four years. Much time and money has been put into the research. If it is not done now, it will be brought up again for every Census. We will not go away.

It is time for all communities, including the multiracial community, to compromise as we go into the year 2000. There is no better time to begin to reflect the true and accurate heritage of all Americans.

Our model for OMB Statistical Directive 15 is attached as **Attachment C**. It would be similarly adapted for the Census or anytime the ethnic and racial categories are separated, with Hispanic placed under ethnicity and would state under race:

> Check one. If you consider yourself to be biracial or multiracial, check as many as apply:
>
> _____American Indian or Alaskan Native
>
> _____Asian or Pacific Islander
>
> _____Black or African-American
>
> _____Hispanic
>
> _____White

Numbers would be allocated accordingly. It only adds 14 small words. It is clear. It is precise. It is accurate and it would yield results that could be easily coded and tabulated. In short—it works.

Why the terminology "if you consider yourself to be?" Consider means to give serious thought to, to come to view, or classify. The Merriam-Webster Thesaurus lists the ***contrasted*** words "to consider" as: disregard, ignore, neglect, overlook, slight—words that define exactly what it means to ***not*** allow multiracial individuals the right to consider themselves multiracial.

WHAT WE DON'T WANT

We would prefer to have the category of biracial or multiracial with the ability to designate races because we recognize the need for this information at the federal level.

We do not want multiracial with blank spaces to fill in races because that leaves too much room for error and confusion. It would not solve the problem of retrofitting the results into one arbitrary category.

We do not want to be known as "other" or "some other race."

We totally reject any question which allows a multiracial person to specify "multiracial" but then asks us to write in the race we most identify with. It is an invalid question and an insult to the multiracial community.

COSTS

Would the change be costly? No. States, schools, businesses and the United States government constantly change their forms. "Data cells" are added all the time. Tax

changes, new health care plans, new area codes, name changes for racial groups, etc. are all changes we expect and absorb. Why would the multiracial classification be any different?

The reality is that the century update to the year 2000 will be far more costly than adding another racial category. In fact, it is the perfect time to make such changes.

The Atlanta Journal-Constitution reported on February 8, 1997 that "The Census Bureau plans to spend $100 million to tell people the 2000 Census is nearing, hoping that two years of hype will get more people to cooperate."

If it is important enough for the Census Bureau to spend $100 million advertising dollars, it is important enough to get an accurate count of all Americans.

PARTISAN POLITICS

The myth is that party lines must be drawn on this issue. This is a bipartisan issue. This is a children's issue. This is a civil rights issue.

Three Republican governors have signed multiracial legislation into law: Governor Voinovich of Ohio, Governor Engler of Michigan, and Governor Edgar of Illinois.

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In conclusion, I think we need to remember that what is right is often forgotten by what is convenient. It would be easy to leave things as they are. But it would not be right for millions of American multiracial children who feel just as proud of all of their racial heritage as their role model—Tiger Woods. Thank you for giving me the opportunity to express the views of the membership of Project RACE.

Fulton County, Georgia School Enrollment Figures

ATTACHMENT A

School Year	Total Students	Black	%	White	%	Asian	%	Native Indian, Alaskan	%	Hispanic	%	Other	%	Multiracial	%
1991-1992 No Multiracial Category.	49,138	21,207	43.16	25,523	51.94	1,384	2.82	33	.07	974	1.98	17	.03	n/a	n/a
1992-1993 1st year of Multiracial Category.	46,344	19,433	41.93	24,375	52.60	1,422	3.07	33	.07	959	2.07	0	0	122	.26
1993-1994	49,975	21,221	42.47	25,654	51.34	1,501	3.00	38	.07	1,100	2.20	0	0	461	.92
1994-1995 No "Other" Category.	52,916	22,427	42.38	26,931	50.89	1,683	3.18	31	.06	1,362	2.58	n/a	n/a	482	.91
1995-1996	57,513	24,479	42.56	28,684	49.87	1,927	3.35	40	.07	1,702	2.96	n/a	n/a	681	1.19
1996-1997	59,953	24,922	41.57	29,874	49.83	2,146	3.58	43	.07	2,133	3.56	n/a	n/a	835	1.39

ATTACHMENT B

THE MANY, MANY WAYS THE CENSUS BUREAU CLASSIFIES MULTIRACIAL INDIVIDUALS

"If the race of a daughter is missing, she is assigned her mother's race. A son would be assigned his father's race, said Claudette Bennett, of the Racial Statistics Branch (of the federal government). That means that in an interracial family, siblings may have the same parents but be classified as different races."

"Shades of Difference" by Maria T. Padilla of the Sentinel Staff *The Orlando Sentinel* May 7, 1997

"For example, before 1980, a mixed-race person was assigned the father's race but since 1980 this person is now assigned the mother's race."

Lee, Sharon *Racial classification in the US Census: 1890-1990.* In Ethnic and Racial Studies Volume 16, Number 1, January 1993:75

"When I received my 1990 census form, I realized there was no "race category" for my children. I called the Census Bureau. After checking with supervisors, the Bureau finally gave me their answer: the children should take the race of the mother. When I objected, and asked why my children should be classified as their mother's race only and not their father's race at all, the United States Census Bureau representative said to me in a hushed voice, "Because in cases like these we always know who the mother is and not the father."

Graham, Susan at the *Workshop on Race and Ethnicity Classification: An assessment of the Federal Standard for Race and Ethnicity Classification,* Committee on National Statistics (CNSTAT) February 17-18, 1994

"[in 1980] [I]f an unacceptable response was given to the race question the Bureau assigned the child to the mother's race, if the mother was in the household. In other cases, when the mother's race was unknown, multiracial individuals were assigned the first race reported (i.e. the first box checked on the form). This represents a change in policy because in 1970 when persons with parents of different races were in doubt as to their classification, the race of the father was used."

Waters, Mary C. *"Multiple Ethnicities and Identity Choices: Some Implications for Race and Ethnic Relations in the United States."* Paper presented at Conference on Ethnicity and Multiethnicity: The Construction and Deconstruction of Ethnicity, Brigham Young University, Laie, Hawaii.

ATTACHMENT B-Page 2

"[C]ensus data on race continue to present data as if people were classifiable with a single race. For example, before 1980, a mixed-race person was assigned to the father's race but since 1980, this person is now assigned to the mother's race. In cases where the written response was, for example, 'Italian,' the person would be reassigned to the White race. The census treats race as a matter of heredity (one's race follows the race of one's parents), as innate (individuals cannot define their own racial identity), and as universal (all persons are assigned races).

Lopez, Ian F. Haney *White by Law: The Legal Construction of Race,* New York University Press 1996.

"Instructions to our census enumerators in 1840, 1850, and 1860 provided "mulatto" as a category but did not define the term. In 1870 and 1880, mulattoes were officially defined to include "quadroons, octoroons, and all persons having any perceptible trace of African blood." In 1890 enumerators were told to record the *exact* proportion of the "African blood" again relying on visibility. In 1900 the Census Bureau specified that "pure Negroes" be counted separately from mulattoes, the latter to mean "all persons with some trace of black blood." In 1920 the mulatto category was dropped, and black was defined to mean any person with any black ancestry, as it has been ever since.

Davis, F. James *Who is Black?* Pennsylvania State University Press 1991

"These transformations in race designation were carried forward significantly into the 1980 census, in a way that altogether undermines any cross-census comparisons...Where "mixed-race" persons had difficulty placing themselves, enumerators were instructed to report the mother's race, and where this was not acceptable, to list the first race cited by the respondent."

Goldberg, David Theo *American Mixed Race: The Culture of Microdiversity* Rowman & Littlefield Publishers, 1995

"Census policy requires that responses to "other race" be assigned to monoracial categories for OMB reporting purposes when these are written in. When multiple categories are stated, the Census Bureau reports the first race or ethnicity declared. Responses such as "multiracial" or "mixed" require a visit by a census taker to obtain monoracial response. (Nampeo McKinney, U. S. Bureau of the Census, personal communication, June 1992)."

Fernandez, Carlos A., *The Multiracial Experience: Racial Borders as the New Frontier,* Sage Publications 1996

ATTACHMENT C

MODEL FOR OMB STATISTICAL DIRECTIVE 15

RACE:

Check one. If you consider yourself to be biracial or multiracial, check as many as apply:

_____American Indian or Alaskan Native

_____Asian or Pacific Islander

_____Black or African-American

_____Hispanic

_____White

Note: This model could be similarly adapted for the Census or anytime the ethnic and racial categories are separated, with Hispanic placed under ethnicity.

Mr. HORN. We thank you very much.

We are now delighted to call Mr. Ryan Graham for his statement. Welcome.

Mr. GRAHAM. Thank you.

My name is Ryan Graham, and I am multiracial. I live in Georgia and when I fill out forms, there is always a multiracial box for me to check. It was not always that way. But when my mom and the parents of other multiracial kids asked the Georgia lawmakers to add the multiracial classification, they passed it and the Governor signed it. Some of the legislators told us later that they voted for it because it was the right thing to do.

Four years ago, when I was 8 years old, my mom and I came to Washington to ask the Members of Congress to make it possible for the multiracial classification to be on every form in the country. We hoped that the Federal Government would also think it was the right thing to do. Four years is a long time when you are only 12, but here I am again.

My mom is white, and my dad is black. Most forms force me to choose between one of those races. I feel very sad, because I cannot choose. I am both.

Wouldn't you be embarrassed if your classmates laughed at you because you went up and said to the teacher, "I do not know what race to mark on my test"?

One day a kid asked me, "Are you mixed?" I said, "No, I am multiracial, big difference." He said, "What is the difference?" I said, "Puppies are mixed, people are multiracial."

Some forms include the term "other," but that makes me feel like a freak or a space alien. I want a classification that describes exactly what I am.

In Georgia, I have that option. But there are millions of kids just like me all over the United States who do not. I think those of us who are multiracial should be able to choose that classification. I think adults should understand.

My little sister is waiting for me back in Georgia, to come home and tell her that this subcommittee has said yes to the multiracial classification. It is not how you see me; it is how I see myself that is important.

I thank you for letting me be here today.

[The prepared statement of Mr. Graham follows:]

STATEMENT OF RYAN GRAHAM
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT, INFORMATION, AND TECHNOLOGY
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
U.S. HOUSE OF REPRESENTATIVES
MAY 21, 1997

My name is Ryan Graham and I am multiracial. I live in Georgia and when I fill out forms there is always a multiracial box for me to check. It wasn't always that way, but when my mom and the parents of other multiracial kids asked the Georgia lawmakers to add the multiracial classification, they passed it and the Governor signed it. Some of the legislators told us later they voted for it because it was the right thing to do.

Four years ago, when I was 8-years-old my mom and I came to Washington to ask the members of Congress to make it possible for the multiracial classification to be on every form in the country. We hoped the Federal government would also think it was the right thing to do. Four years is a long time when you're only 12, but here I am again.

My mom is white, my dad is black, and most forms force me to choose between one of those races. I feel very sad, because I can't choose—I am **BOTH**!

Wouldn't you be embarrassed if your classmates laughed at you because you went up and said to the teacher, "I don't know what race to mark on my test"?

One day a kid asked me, "Are you mixed?"

I said, "No, I'm multiracial, big difference."

He said, "What's the difference?"

I said, "Puppies are mixed, people are multiracial!"

Some forms include the term "other", but that makes me feel like a freak or a space alien. I want a classification that describes exactly what I am.

In Georgia I have that option, but there are millions of kids just like me all over the United States who don't. I think those of us who are multiracial should be able to choose that classification. I think adults should understand that.

My little sister is waiting back in Georgia for me to come home and tell her that this subcommittee has said "YES" to the multiracial classification.

It is not how **YOU** see me, it is how I see **MYSELF** that is important. I thank you for letting me be here today.

Mr. HORN. Well, we thank you for coming. I was just wondering if you have the record as the youngest witness, from when you testified 4 years ago. I remember trying to testify at age 17. And what I got from the ranking minority member at that time was a pat on the head, and "now, now, young man," et cetera, a brush-off. We are delighted to have your perspective here. So keep testifying.

Mr. GRAHAM. Thank you.

Mr. HORN. Now we are on No. 3 of the panel, Harold McDougall, director of the Washington Bureau of the NAACP.

Mr. MCDOUGALL. Mr. Chairman and members of the subcommittee, I am grateful for the opportunity to testify before you today on behalf of the NAACP. I am director of the Washington Bureau, as you know.

The NAACP is the Nation's oldest and largest civil rights organization, with over 6,000 members in 2,000 branches around the country and in five foreign countries. We are committed to the protection of the civil, legal, political, economic, and human rights of African-Americans and other citizens of color here in the United States.

Mr. Chairman and members of the subcommittee, we have great sensitivity to the issue of personal identification and self-identification. We have always supported the right of self-determination. As is evident from my statement, we are very concerned about the possible impact that a personal choice might have on the data. Delegate Norton explained that quite well.

According to the most recently released study by the U.S. Census, the field study that was released last week, relatively small numbers of African-Americans appear to identify themselves as multiracial. The census data indicates that this is a phenomenon which is most current in terms of people who are presently in interracial marriages or are the products of interracial marriages that have just taken place in the last 20 or 30 years.

There are figures that indicate that perhaps 70 percent of the population of the African-American population is of mixed race. African, Native American and European. These mixtures took place during slavery and that period immediately after.

Most of the African-Americans who are of mixed race, are the product of marriages before the 1967 *Loving* v. *Virginia* decision, continue to identify as African-American. The census data indicates that of the children of black/white interracial marriages that have taken place since the 1960's, about three-quarters of those children continue to identify themselves as black. Only one-quarter of the children who are the products of the most recent generation of interracial marriages actually identify themselves as multiracial.

But the study that has been released is still far from a full dress census and we have no idea how this might play out in decades to come. History demonstrates that the interaction between the categories as they appear on this census and the self-conceptions of the population, are not static.

The Hispanic category, for example, first appeared, I believe, on the 1960 or 1970 census. And since that time, in over two or three censuses for 20 or 30 years, the numbers of people who think of themselves as Hispanic has expanded dramatically.

This could have an impact on data. And this is why census professionals always take the position that we should be very conservative and very cautious about making any changes in the way that the census is presented.

So in terms of the question that Representative Maloney asked, would the introduction of new categories possibly have a corrupting effect on the data, the NAACP feels emphatically that that is a danger. And we counsel caution.

But again, we are very sensitive to the issues that the young man raises. I have a son who looks very much like him, but my son identifies very clearly as a person of African descent. And we are concerned about the possibility of confusion.

Again, we respect people's rights to make a self-identification. We just question whether the census is necessarily the best place to do that. Most of the data that my colleague, Ms. Graham, presented was a function of children making decisions in terms of school forms. Indeed, there is a difference between a school form and a census form.

Ms. Norton said that she was concerned about the possible impact of fraud in self-identification. How we do determine when somebody is black, or white, or multiracial?

Carol Simpson, who is a Channel 7 news anchor, gave a presentation at Howard University about a week ago, where she talked about being in South Africa, and being shown a tool that the South Africans used to use to determine whether you are white, or colored, or black. It is a little tool that they put a piece of your hair in. And if your hair is kinky, then it does not make any difference what color your skin is, you are black. If your hair is straight, it does not make any difference what color your skin is, you are white. What Carol said to the audience was do you really want to go there, do you really want to get involved in those kinds of determinations?

So again, we are concerned about that.

We are also concerned, because we think that it is one thing to approach questions of discrimination and segregation as matters of semantics, as matters of words. We think that segregation and discrimination in this country has to be battled with deeds, not just with words.

There was a very compelling editorial by Clifford Alexander, the former chair of EEOC and also the Secretary of the Army, who made it possible for Colin Powell to advance as a general. It is in the Saturday May 17th Post and I would like to offer it to be included in the record, if that is possible.

Mr. HORN. Without objection, it will be inserted at this time.

Mr. MCDOUGALL. Thank you.

[The information referred to follows:]

THE WASHINGTON POST SATURDAY, MAY 17, 1997

Clifford Alexander

Declare War on Bigotry

Each day we hear more about President Clinton's desire to have a positive effect on race relations in the United States. He has gingerly put his toe in the water and found it gentle and soothing.

He spoke at Shea Stadium about an American hero, Jackie Robinson, on the 50th anniversary of his breaking baseball's color barrier. He apologized on May 16, 1997, to the few surviving victims of the inhumane, government-sponsored Tuskegee syphilis experiment. On both occasions he sounded caring and eloquent, as he has when he preaches in black churches.

But his words would have much greater import if he spoke instead in white board rooms to those who can really bring about change. The president should urge those corporate leaders, bully them, convince them of what is in the best interest of corporate America.

Sadly, however, Bill Clinton still does not get it. If he wants to be a champion of justice, he must show courage and impatience. He must become downright ornery with those who perpetuate bigotry in our society.

Much difficult work needs to be done. This country still perpetuates a negative image of black people. We are the poverty "problem," or at least television says so. Twenty-nine percent of America's poor are black, but when television shows us poverty, 65 percent of the faces are black. African Americans still can't hail a cab, acquire and progress in a job, or rent an apartment where they choose with the same ease as white Americans. Only one black man and one black woman have occupied United States Senate seats in the 20th century.

Bill Clinton's mission, should he accept it, is different, and requires a courage he has yet to display. He needs to utilize government power against those who discriminate in the workplace. He should stop pussyfooting about affirmative action and support it fully, while he eradicates the few abuses of racial preferences that are present in federal programs.

He must go right in the face of bigots on condominium boards in New York City as well as those who restrict the black poor to our urban ghettos. When public accommodations do not serve black people, we should see Bill Clinton take to the bully pulpit.

But most of all, he must do more than acknowledge that there still is a problem and tell us that he feels our pain. He must look and act like a president who really wants and expects to do something to change business-as-usual right away. Black people have been patient too long. White people, particularly white leaders, need to show their contempt and impatience with the many pockets of bigoted behavior that still exist in 1997 America.

No more learned studies are required. It is not about black and white people hand in hand singing "We Shall Overcome." It is about leadership—leadership that takes on bigoted behavior and punishes its perpetrators.

Stop praying for change and become an agent of change, Mr. President. Put your best aides, black and white, to work and develop action plans for change. Use your voice to condemn that which you cannot address with the power of existing federal law.

Set the agenda, don't take another poll. Tell Americans what you expect of them, and when it is in your power to challenge bigoted actions, use every resource at your disposal to do so. You haven't much time left. Use it and use it well.

The writer is president of a management consulting firm specializing in work force inclusiveness. From 1967 to 1969 he was chairman of the Equal Employment Opportunity Commission.

Mr. McDOUGALL. I would also like to say that the NAACP's role is to protect people. The census data help us do that. One of the things that we are concerned about, or that everyone should be concerned about, as Ms. Norton said, "multiracial people do not spare themselves social discrimination or segregation, because of what they call themselves."

The social discrimination and segregation of this society is a matter of how you look, not a matter of what you call yourself. A very good example of that is an interracial couple who were both jailed in New York about a week ago. A Danish woman, an actress, and her African-American husband had a multiracial child. The child was in a stroller right outside of a restaurant. The couple was charged with child abuse and child neglect.

Now I have been on the streets of New York. And I have seen people beat their children on the streets of New York and never be arrested. These people were arrested for putting their stroller outside of the restaurant, a practice which is very common in Denmark.

The upshot of it is that the two of them were put in jail for 2 days. The child, a multiracial child—and I have an article here with the child's picture—the multiracial child was taken from her parents, and placed in foster care for 2 days.

The African-American father of the child allegedly was beaten by the police. The charges against the Danish mother and her multiracial child have been dismissed, and they have been sent back to Denmark. The African-American father, however, is facing charges.

That is also detailed in an article called Danish Mother Free to Take Child Home, Washington Post, May 17th. I also would like to submit this for the record.

Mr. HORN. Without objection, it will be inserted in the record at this point.

Mr. McDOUGALL. Thank you, sir. And there are copies on the table.

[The information referred to follows:]

THE WASHINGTON POST SATURDAY, MAY 17, 1997

Danish Mother Free To Take Child Home

Father Faces Trial in Stroller Case

By Blaine Harden
Washington Post Staff Writer

NEW YORK, May 16—An international brouhaha over a Danish baby left unattended in her stroller on a sidewalk ended today when a New York City judge effectively dropped child endangerment charges against the baby's mother.

Annette Sorensen, a 30-year-old Copenhagen actress, is free to return to Denmark with her 14-month-old daughter, Liv, under a deal worked out by the Manhattan district attorney and the Danish consulate.

"I'm very happy for the result. Now I'll go home to my daughter [who is staying in a private home here] and soon I'll go back to Denmark," said Sorensen outside the courtroom.

Charges of child endangerment and disorderly conduct against the baby's American father, Exavier Wardlaw, were not dismissed and he faces trial next month. Wardlaw's lawyer today accused the prosecutor of a racist double-standard in not dropping all charges against his client, who is a black.

"The district attorney, having first tried to blame a Danish television actress for the misconduct of the police, has reverted back to a more traditional formula—blame a black man for the misconduct of the police," said attorney Ronald L. Kuby.

Sorensen and Wardlaw, who are not married, were arrested and jailed for two nights last weekend after leaving their toddler in a stroller for more than an hour outside an East Village restaurant where they had gone for a drink. The baby was seized by police and placed in foster care until Wednesday, when Sorensen was allowed to be with her, but only in the presence of a third party.

Patrons at the restaurant had repeatedly told Sorensen her baby was crying and seemed cold, but she assured them the infant, parked on the other side of the restaurant's large window, was fine. Sorensen explained later in court that it is normal in Denmark to leave babies outside restaurants—a sentiment that has been echoed in the Danish press, which has described the New York police's behavior as "grotesque."

Many New Yorkers, including the head of the city's child welfare agency, said they believe it is unwise and unsafe to leave a baby alone for any period of time on a sidewalk here.

At the request of Assistant District Attorney David Austen, charges against Sorensen were dropped, providing that she is not arrested again within six months. Austen said "no purpose would be served" by prosecuting Sorensen, whom the city's child welfare agency has found to be a fit mother with a healthy baby.

Austen refused to comment today on whether the district attorney's office believed police had overreacted by arresting Sorensen and Wardlaw. The city has made no apologies for the incident, and police have filed disorderly conduct charges against Wardlaw.

Wardlaw, 49, whom his lawyer described today as an unemployed playwright, has told his attorney that after he was taken into the 9th Precinct headquarters in the East Village, police shoved his head into a toilet, kicked him in the leg and slammed him against a wall. Kuby said that Wardlaw is likely to pursue a complaint of police brutality.

"None of this is particularly unusual police treatment for a black man with a white woman," Kuby said. "The subtext here is this: If you have a choice between being a Danish actress with the full weight of the Danish government behind you or being an unemployed African American playwright, you are much better off being the former in a fight with the city of New York."

Mr. MCDOUGALL. Just to finish this up, I want to point out that it is what you look like and not what you say you are, that determines whether or not you meet social discrimination in this country. This is very, very much underlined by the case of *Plessy* v. *Ferguson*. I believe that Mrs. Maloney might have been referring to that when she talked about a black gentleman who got a ticket to go to Mississippi.

Plessy v. *Ferguson* was a case in which a person of color asked to be able to ride in a white car. The Supreme Court of the United States upheld the power of Louisiana to assign him to a black car. Mr. Plessy was classified by the census as an octoroon. He was not black. He was multiracial. Octoroon means that if you have eight great-grandparents, that only one of them is black.

Now it was Mr. Plessy's appearance, not what he was called in the census, that had to do with the way that his rights were treated. We are interested in the struggle against segregation and discrimination in this country. We call out to all multiracial people who so identify themselves, to join us in that struggle.

Thank you.

[The prepared statement of Mr. McDougall follows:]

Multiracial Categories

I. Introduction

Mr. Chairman and Members of the Committee, I am grateful for the opportunity to testify before you today on behalf of the National Association for the Advancement of Colored People (NAACP). I am Harold McDougall, Director of the Washington Bureau of the NAACP.

The NAACP is the nation's oldest and largest civil rights organization, with over 600,000 members in the fifty states and the District of Columbia, and throughout the world. The NAACP is committed to the protection of the civil, legal, political, economic and human rights of African-Americans, and other citizens of color here in the United States.

II. Summary

The NAACP has great sensitivity on the issue of multiracial categories and some questions about its implications. We support the right of individual self-identification and support self-determination in defining one's racial makeup.

But the census may not be the correct place to make such a personal statement, particularly in light of the fact that repercussions in census numbers impact the lives of many people. Provisions of the Voting Rights Act, for example, are specifically directed at correcting past discrimination (particularly in the deep South) where African-Americans were denied their constitutional rights. With some figures showing 70% of African-Americans as possibly fitting into a multiracial category, will we be able to identify black voters in terms of fair representation?

According to the most recently-released study by the U.S. Census, relatively small numbers of African-Americans appear to identify themselves as "multiracial." But the study is still far from a full-dress census, and we have no idea how this might play out in decades to come. History demonstrates that the effect of the census categories on the population's perceptions of itself is not static. Certainly, the emergence and development of a "Hispanic" category in the census over the years has been correlated to and supportive of, a growth in the number of people who so identify themselves.

The enforcement of laws against discrimination in employment and lending, and against discrimination in housing and schools also depend upon census data. Overcoming the long history of discrimination in employment, lending, housing, and education requires that demographic data be kept on racial and ethnic groups who have historically been the targets of discrimination by members of the European-American majority group.

This is one of the most important purposes of OMB Directive 15 — the enforcement of civil rights laws. The aggregation of categories was not called for by Directive 15 to provide vehicles for self-identification. (Indeed, there are more than 100 groups which could legitimately request identification categories on the Census) Rather, Directive 15's aggregated categories are fashioned to enhance the enforcement of anti-discrimination and civil rights law.

Thus, 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. In our quest for self-identification, we must take care not to recreate, reinforce or even expand the caste system we are all trying so hard to overcome, the caste system which the NAACP was created to oppose. If we are to reach the deep roots of the legacy of slavery, involuntary servitude, segregation, discrimination and hate violence, we must commit ourselves not merely to undo the words of forced division, but also to undo the consequences of oppressive acts.

The NAACP is watching the development of this issue carefully. At this point, we wanted the committee to be aware of our concerns as they move forward. We expect to consider the issue in a more formal way as the year unfolds. Our national convention (this year to be held in Pittsburgh, Pennsylvania, in July) has traditionally been a time when policy issues of this import are visited and processed. I will be happy to re-appear before the committee after that time to report on any new developments within our organization.

III. Why are we considering multiracial categories for the Year 2000 Census?

Currently, the federal government uses race data for statistical and administrative purposes, including monitoring civil rights compliance. However, the Census Bureau and OMB have come under increasing pressure from those who believe the minimum racial categories set forth in OMB Directive No. 15 ("Race and Ethnic Standards for Federal Statistics and Administrative reporting") do not reflect the increasing racial and ethnic diversity of our nation's population. Some have proposed changes, including the addition of a "multiracial" category. An OMB Research Working Group developed plans in response, and as an interim step conducted a supplement to the Current Population Survey in June 1994 to collect information on issues under review. The most recent development is a working paper on "Results of the 1996 Race and Ethnic Targeted Test," issued by the Census Bureau on May 14, 1997.

IV. Who are "multiracial" ("biracial?" "Interracial?") citizens and how does the issue of their classification fit into the overall milieu of race relations in the United States?

In 1960, only 0.4% of all married couples were interracial. In the 1960s and 1970s, however, the numbers began to increase. One factor was the US Supreme Court decision in *Loving v Virginia* in 1967, striking down as unconstitutional laws forbidding interracial marriages. Another was a general relaxation of racial boundaries occasioned by the culture of the civil rights movement. The absolute numbers of black-white marriages, particularly of

marriages in which the husband was black, increased substantially during this period, but at a much slower rate than marriages between whites and Asians and Pacific islanders. Whereas black-white marriages were one-third of all interracial marriages in 1960, interracial marriages involving one black spouse accounted for only one-seventh of all interracial marriages in 1990.

The increase in Asian-white marriages is partly explained by a dramatic increase in the numbers of Asians in the country due to changes in patterns of immigration. The increase in white servicemen marrying Asian women incident to assignments overseas may also be a factor. (In 1990, Asian-White marriages were twice as likely to involve a white husband and an Asian wife as the reverse)

Overall, during the 1970s, the number of interracial married couples more than tripled, and by 1980 represented 2.0% of all married couples. The rate of increase then slowed, so that the number of such marriages increased only from 2.0% to 3.0% of all married-couple families between 1980 and 1990. The vast majority of interracial marriages involve one white spouse.

The increase in interracial marriages has produced an increase in the percentage of all children who live in interracial households, from 1% in the 1960s to 4% in 1990. The greatest concentration of interracial marriages and multiracial children is in California, which has 26% of all interracial couples. Following are Texas (8%), New York and Oklahoma (5% each), and Florida and Washington State (4% each).

The very term " multiracial" implies the existence of "pure" and distinct races. But what does it mean, we might ask, to be "white?" What does it mean to be "black?" These are socially and politically constructed categories, unique to the United States, that are different from Asian and Hispanic categories, which have a distinct cultural component.

During the civil rights era of the 1960s, the United states was about 90% white and 10% black. Asians and Pacific Islanders were only 0.5%, Native Americans, Eskimos, and

Aleuts were 0.1%, and Latinos, though an estimated 3.9%, were sorted into "black" and "white." By 1990, whites were 80.3% of the population, blacks were 12.1%, Asians and Pacific Islanders 2.9%, Native Americans, Eskimos and Aleuts 0.8% and "other" was 3.9%. Latinos, now separately counted, constituted 9% of the population. Over 33% of the growth in population during the 1980s was due to immigration.

The meaning of racial/ethnic identification for specific groups and individuals varies enormously. Multiracial categories as proposed may well create confusion under these circumstances. For example, multiracial categories as proposed by multiracial advocates apply only to the children of interracial marriages. They would not apply to the grandchildren or great-grandchildren of interracial marriages. For example, the child of a black father and a white mother would thus be "multiracial." However, if their child were to marry another multiracial child, the grandchildren would be considered black, and not multiracial. So a child with two black grandfathers and two white grandmothers would be a black child, not a multiracial child.

Yet if we look at ancestry, rather than parentage, the majority of African-Americans have mixed African, European, and Native American Indian heritage, and these mixtures took place before 1920 -- the white mixture during slavery, the Native American immediately thereafter. Today, the majority of multiracial children born of black-white marriages identify with the race of the black parent. Yet the majority of multiracial children born of Asian-white marriages identify with the white parent. What will be the implications of a multiracial category for either group of children? What about the much larger group of African-American children who bear a multiracial heritage that dates back to slavery but who presently identify as Black? These open questions further emphasize the danger of taking anything other than a very cautious approach to changing the census categories.

V. Would the multiracial category protect multiracial citizens from segregation, discrimination, or hate violence?

NO. Individuals who designate themselves as multiracial on the census form will not thereby reduce by any amount the discrimination they face, which is based on appearance and not on racial classification. Consider the case of Homer Plessy, classified by the U.S. census in 1890 as an "octoroon." He was nonetheless placed in a "black" railroad car rather than a "white" railroad car, laying the groundwork for a century of legal Jim Crow segregation in the Southern United States and in other areas as well, in the landmark Supreme Court decision of *Plessy v. Ferguson*.

Consider also the case of Anne Sorenson, a Danish actress and the African-American father of her child Liv, who were recently arrested and detained in jail for two days in New York City for "child abuse," stemming from their leaving the child in a stroller directly outside a window in a restaurant they were attending. The practice is common in Denmark.

The child was placed in a foster home, and the father of the child was allegedly physically abused when taken to the police station. His head was allegedly stuck in a toilet and his shins kicked by police, who charged him with resisting arrest." This was a multiracial child. Yet she was plucked from her parents and placed in foster care. Later, the white mother and biracial daughter were released and returned to Denmark, but the black father is being brought up on charges.

Tiger Woods' multiracial identity has not kept him from being threatened with bodily harm and death in the development of his career as a golfer, nor did it spare him the racist remarks of Fuzzy Zollner, a South African golfer popular in the United States.

Further, because historic discrimination has been against persons assigned to a single racial category --e.g., black -- there is no court or legislative or other legal record of

discrimination against multiracials. Without such a record of discrimination, courts today will dismiss claims of discrimination against multiracials, indicating that there is no evidence they ever suffered discrimination. Further, if multiracial continues to mean "the product of an interracial marriage" any history of discrimination against multiracials might well be moot after one generation.

VI. Could the multiracial category make it more difficult to protect members of recognized minority groups from segregation, discrimination, or hate violence?

YES. Multiracial categories, if adopted by a significant segment of the minority population, could make it difficult for government agencies and civil rights organizations to track ongoing civil rights violations. The Hispanic and Asian American communities see this possibility from the 1996 test results. The impact might involve other categories in the future.

The multiracial category in this light could well make it more difficult to identify where discrimination has taken place and is taking place, by clouding census counts of discrete minorities who have been restricted to certain neighborhood and as a consequence, to certain schools. It could cloud the census count of discrete minorities who are assigned to lower tracks in public schools. It could cloud the census count of discrete minorities kept out of certain occupations, or whose progress towards seniority or promotion has been skewed. The list goes on, to include civil rights reporting in the arenas of lending practices and the provision of health services, and beyond. These are concerns for the NAACP, and we continue to place them before the Committee.

Census data is used by all levels of government, so the impact would be at the state and local level as well. Further, the proposals could change not only the census, but all Federal program reporting and statistical activities requiring data on race and ethnicity. Thus, the negative impact on the ability to track ongoing civil rights violations would be greatly magnified.

Further, multiracial categories can reduce the level of political representation for minorities. It is unlikely that majority-minority districts will be created for multiracials, especially given the lack of recorded discrimination against them within the meaning of the Voting Rights Act.

Finally, as pointed out by the Coalition of Groups opposed to the Proposed Modification of OMB Directive No. 15 in 1995, the experience of other nations with multiracial categories, such as Brazil and South Africa, have been that such categories increase, rather than decrease social stratification and stigmatization on the basis of race.

VII. What alternatives to adopting multiracial categories exist in terms of the battle against segregation, discrimination, and hate violence?

Some political conservatives have seized upon the difficulty of establishing coherent racial categories as an excuse to call for the abolition of all racial classification and record keeping. Such a move, they argue, would save federal dollars and minimize racial/ethnic distinctiveness, consciousness and divisive politics. Yet accurate racial classification and record keeping is essential to systematically track patterns of discrimination and to gather data useful for evaluating policy with respect to racial inequality.

As stressed by the Coalition of Groups opposed to the Proposed Modification of OMB Directive No. 15 in 1995, if we are to reach the deep roots of the legacy of slavery, involuntary servitude, segregation, discrimination and hate violence, we must commit ourselves not merely to undo the words of forced division, but also to undo the consequences of oppressive acts

In this regard, census data aggregated in its present form has been used:

* to enforce requirements of the Voting Rights Act;
* to review State redistricting plans;
* to collect and present population and population characteristics data, labor force data, education data, and vital and health statistics;
* to establish and evaluate federal affirmative action plans and evaluate affirmative action and discrimination in the private sector;
* to monitor the access of minorities to home mortgage loans under the Home Mortgage Disclosure Act;
* to enforce the Equal Credit Opportunity Act;
* to monitor and enforce desegregation plans in the public schools;
* to assist minority businesses under the minority business development programs;
* to monitor and enforce the Fair Housing Act; and
* to monitor environmental degradation in communities of color.

Finally, the conclusion of the Coalition of Groups opposed to the Proposed Modification of OMB Directive No. 15 in 1995 still stands today:

"Significant improvements have occurred in [the enforcement of civil rights laws] and, for nearly two decades, OMB Directive No.15 has been instrumental in the progress made. However, the evidence is equally clear that much more remains to be done. Racial discrimination is still prevalent in American life, and the residual effects of past discrimination continue to limit the advancement of African-Americans and other racial minorities. The census data has been used for widely published reports and studies which have enhanced the American public's understanding of the obstacles to racial equality that continue to exist in our society. Empirical studies using the data continue to document deep racial inequalities in virtually every major dimension of American social, economic, and political life.

Under these conditions, any effort that threatens to complicate, retard or thwart further progress toward erasing the vestiges of slavery, segregation, and discrimination must be resisted. The proposed multiracial category poses such risks, as it could make the collection of useful data on the effects of societal segregation and discrimination more difficult, if not impossible. We believe that the entire nation would suffer from its effects. For, in today's world, racial discrimination and disadvantage are liabilities that affect us all."

SOURCES

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Mr. HORN. We thank you for your testimony.

We will now turn the podium over to Eric Rodriguez, policy analyst, National Council of La Raza.

Mr. RODRIGUEZ. Thank you, Mr. Chairman, and members of the subcommittee.

In answering the question as to why we care about this issue, it is important to underscore what census data under the current classifications tell us. For example, these data show that Hispanics constitute the second largest minority group in the U.S. Currently, more than 1 in 10 Americans is Hispanic.

Further, these data tell us that Hispanics are two-fifths of the U.S. minority population. It is one of the fastest growing and youngest population groups, and are expected to become the Nation's largest minority by 2005.

The proposed addition of a multiracial response block on the decennial questionnaire resonates with Latinos, a multiracial population with origins in European, African, and Asian countries. The Hispanic community sustains a multifaceted identity, so that Latinos often also identify themselves as white, black, Asian, and Native American. This racial and cultural diversity is the essence of a Hispanic-American culture, and will be increasingly influential as the U.S. Latino population continues to grow.

Yet in spite of this and other relevant issues including the legitimate need to count the growth of the number of multiracial persons in the United States and the often voiced powerfully emotional sentiments of biracial parents and multiracial people, the addition of a multiracial option among the current racial classifications is not a good idea.

Rather than improving the accuracy and quality of census information, this change would likely create a less than useful new identifier and disturb the current classifications, making race and ethnic data less than accurate. This is troubling, because provisions that threaten the accuracy, quality, and utility of the Federal race and ethnic data would likely inhibit civil rights and other public policy initiatives that rely almost exclusively on such data.

So why do we think that the multiracial identifier is less than useful. The purpose of the census is to provide a socioeconomic and demographic snapshot of the U.S. population, determine Federal policy and research needs for groups with broad common characteristics, and enforce and implement statutory rules and laws. The census is not meant to capture or express specific individual identity. While issues regarding socio-political acknowledgement and identity are quite important, census decisions cannot be based on that criterion alone. So from a public policy perspective, we know that the disparities among Asians, whites, blacks, and Native Americans, and Hispanics in such areas of income and employment are clear and persistent, making such data collection imperative and valuable.

Multiracial persons, on the other hand, have few and perhaps no socioeconomic characteristics, since this category would include those of any multirace. Therefore, multiracial data collected in this manner would not be terribly informative for public administrators and policymakers.

For example, if we knew that 50 percent of a target population were multiracial, how would we respond from a public policy perspective? From a civil rights perspective, multiracial is neither a race nor a protected class under the law. Therefore, the collection of such data does not serve any clear statutory purpose. Given that a major driving force behind the development of standard classifications is civil rights law enforcement and implementation, the utility of collecting data on this population in this manner is questionable.

I do not mean to suggest that persons of mixed race do not face discrimination in America. I am merely suggesting that the collection of data on multiracial persons serves neither a public policy or legal purpose at this time.

So how does the current proposed multiracial category reduce the accuracy of census information?

First, as the U.S. population becomes increasingly bi- or multiracial, or as people begin to view themselves as multiracial, fewer people are likely to be considered protected as they fall into an ambiguous all-encompassing and heterogeneous category for which few public policy initiatives, civil rights, or otherwise can reach them. This dilution of standard racial categories will seriously hinder public policy initiatives aimed at serving historically disadvantaged communities.

Second, as proposed, this category is likely to include many respondents who are confused about the meanings of race and identity. Tests conducted by the Census Bureau show that many people misunderstand the meaning of the multiracial category. Many respondents confuse race with ethnicity.

Hispanics are especially likely to find this category confusing, since they primarily identify with ethnicity and not race. Therefore, a black Cuban is more likely to believe that he or she is multiracial when his or her race is black and ethnicity is Hispanic.

As a result, respondents who are not multiracial may erroneously select this category effectively reducing the accuracy of the census count.

Consequently, as you continue to undertake the task of reviewing Federal race and ethnic data classifications, we hope that you will properly gauge the cost and benefits of having a heterogeneous identifier that is not an actual race category among the current racial categories.

The principal interest of the Hispanic community is the accuracy, quality, and utility of race ethnic census data. While concerns regarding self-identity and societal acknowledgement resonate with the Latino community, we understand that the purpose of the census is both to enforce and implement the law, and inform law makers about the distinct needs of special historically disadvantaged populations.

As you proceed, we would like to underscore the following. First, quality, accuracy, and usefulness of race and ethnic data should be of primary consideration in the design of race classifications. Having said that, the addition of a multiracial category among standard classifications is not recommended.

Second, the addition of a multiracial category undermines prudent public policy, and may inadvertently subvert the Nation's abil-

ity to ensure the protection of civil rights for all groups. The drive for a new census category has on the surface been fueled almost exclusively by emotional concerns related to identity.

However, while many proponents of the multiracial option sincerely claim that they need the box to validate their personal identity, many nonmultiracial persons, particularly those who oppose civil rights initiatives to begin with what appears to be advancing the multiracial cause. In addition, the multiracial cause has begun to resonate with many nonmultiracial persons who believe that the very existence of racial classifications divides the Nation and exacerbates racial tensions.

The erroneous conclusion that the elimination of such racial categories or the creation of a more ambiguous and all-encompassing classification would ease such tensions is dangerous and counterproductive. While the many personal and compelling pleas for such a category have overlooked the intent and purpose of the census, others appear to be more focused on elimination or erosion of current racial classifications, precisely because of the intent and purpose of those classifications.

Third, while we oppose this proposed change, under some clear circumstances, we may be inclined to support a disaggregated multiracial option. Should a multiracial category be added to the census in the future, it should not be located among the standard classifications; and should only be included if it is proven by reliable census testing not to disturb the current classifications; and should be disaggregated to provide more useful data; and should be proven to improve the accuracy of census data. The current proposal is far from this.

In conclusion, I would like to acknowledge the difficulty and sensitivity of this issue. NCLR appreciates the need to assure that the census reflect the changing demographics of our Nation as it captures the important racial, ethnic, social, and economic data that are critical for creating sound public policy.

Nevertheless, we urge the subcommittee to consider carefully the concerns outlined above as it proceeds on this matter. I would like to underscore that the census is not merely a means for personal acknowledgement, and that no group prior to this debate has fought for a category simply as a means of public acknowledgement.

Moreover, public policy goals of preventing discrimination and poverty, based on accurate data on disadvantaged communities, and the fear that the disadvantaged school children and communities may no longer receive the protections and services that they need should outweigh any concerns or needs for personal public acknowledgement.

Thank you.

[The prepared statement of Mr. Rodriguez follows:]

I. INTRODUCTION

Mr. Chairman and members of the Subcommittee, my name is Eric Rodriguez and I am a Policy Analyst at the National Council of La Raza (NCLR). In addition to working on poverty-related public policy, I also work with NCLR's Census Information Center (CIC), which was established seven years ago in partnership with the U.S. Bureau of the Census to encourage Hispanic data use, analysis, and dissemination. Through the CIC, NCLR has also supported the efforts of the Census to develop and test plans to improve the next decennial Census.

NCLR is the largest, constituency-based, national Hispanic organization and exists to improve life opportunities for the more than 28 million Americans of Hispanic descent. NCLR acts as an umbrella for over 200 affiliated Hispanic community-based organizations which together serve 37 states, Puerto Rico, and the District of Columbia, and reach more than two and one-half million Hispanics annually through a range of services.

On behalf of NCLR, I wish to express our appreciation to the Subcommittee for the opportunity to present our views on the collection of data on race and ethnicity in the Census and, in particular, on the potential implications for including a "multiracial" option among the existing racial categories.

My remarks provide relevant statistics on the U.S. Hispanic population, discuss some important considerations regarding the use and need for racial/ethnic classifications, explore the potential ramifications of including a multiracial category among the current racial classifications, and outline some major concerns of such a category for the Hispanic community. As a point of clarification, the terms "Hispanic" and "Latino" are used interchangeably throughout my testimony.

II. SOCIO-DEMOGRAPHIC OVERVIEW OF THE U.S. HISPANIC POPULATION

Data under the current classification system provide important information about the U.S. Hispanic population. These data show that Hispanics constitute the second largest minority group in the U.S.; currently, more than one in 10 Americans (10.7%) is Hispanic. Further, these data tell us that Hispanics constitute two-fifths of the U.S. minority population (39.5%) and, as one of the fastest-growing and youngest population groups, are expected to become the nation's largest "minority" group by 2005 and almost one-fourth of the total U.S. population by 2050.

Census race/ethnic data give us a sense of how Hispanics are faring relative to their non-Hispanic counterparts. For example, Census data tell us that Hispanic men are more likely than either Black or White men to be working or looking for work (79.1%, compared to 69.0% and 75.7%, respectively), yet they are almost twice as likely as White men to be unemployed (8.1%, and 4.2%, respectively). Moreover, the data tell us that

median incomes of Hispanic families remain well below that of White families ($24,570, and $42,646, respectively), while poverty rates for Hispanics -- especially Hispanic families with children -- remain disproportionately high (33.2% of Hispanic, and 12.9% of White families with children). In fact, for the first time since data have been collected on Hispanics, the poverty rate of Hispanics surpassed that of Blacks and was double that of Whites in 1995 (30% of Hispanics, compared to 29% of African Americans, and 14% of Whites live below the federal poverty level). Poverty trend data indicate that this rate has increased steadily over the last decade.

III. SIGNIFICANCE OF THE CURRENT CLASSIFICATIONS

While economic and labor force data are one of the critical uses of Census race/ethnic data, first and foremost, these Census data are driven by -- and essential to -- ensuring civil rights/due process protections, voting rights, fair allocation of federal resources, and equitable political representation of communities that have faced past discrimination, and experience ongoing discrimination.

Since 1977, the Office of Management and Budget (OMB) has required the Census Bureau and federal agencies to use standard classifications in collecting and reporting data on racial and ethnic groups. As the only official source of detailed information on the U.S. population, these data serve many important purposes. In fact, statutory requirements to enforce civil rights laws were a major driving force for the development of the current data classifications. Consequently, decisions regarding how federal race/ethnic data collection will be undertaken should balance statistical issues that relate both to the quality and utility of data, and federal needs for data on race and ethnicity, including any statutory requirements.

For example, as I illustrated above, clear and consistent data collected on racial and ethnic groups, like Hispanics, allow researchers, schools, states and municipalities, and others to assess and analyze the social, health, and economic status of specific populations. From a research and public policy perspective, many count on these data to determine how policymakers and elected officials can most effectively address the issues of concern to their constituencies. Schools, industries, and employers require these data for planning purposes in order to match their needs to changing characteristics. In addition, from the perspective of the U.S. Latino community -- the only ethnic group for whom data are independently compiled -- such data confirm the role we are playing in the workforce, in schools, and in society as a whole. As frequent users of these data, we at NCLR, as well as our community-based affiliates, rely on timely and accurate information about U.S. Latinos to enhance our research, advocacy, and ability to adequately provide needed services. Clearly, the current classifications provide data which are useful and necessary for the implementation of public policy.

Having said this, we are concerned that proposed changes in collecting racial and ethnic data may affect the quality and/or accuracy of these data and, in turn, adversely affect enforcement and monitoring of our civil and voting rights, while tainting most of the

race/ethnic socio-economic/labor force data which are so critical to informing policymakers and researchers.

IV. ISSUES REGARDING THE MULTIRACIAL QUESTION

The proposed addition of a multiracial response box on the decennial questionnaire resonates with Latinos, a multiracial population with origins in Europe, Africa, and Asian countries. The Hispanic community sustains a multifaceted identity, so that Latinos often also identify themselves as White, Black, Asian, and Native American. This racial and cultural diversity is the essence of Hispanic American culture and will be increasingly influential with the continued growth of the U.S. Latino population.

The multiracial option also has merit for many other Americans, given our country's history and mix of races and ethnicities. In fact, data show that interracial and interethnic marriages have risen significantly in recent years. As a result, the proportion of biracial and multiracial children has also grown, relative to previous decades. This increase has been accompanied by a heightened consciousness concerning race and identity for bi/multi-racial persons underscores the need to expand the standard racial categories to reflect this demographic change. Such debate has also pushed the Black/White race paradigm that currently exists in the U.S. towards acknowledging and including persons of other races and ethnicities, another factor which has fueled its acceptance.

However, in spite of these legitimate data needs and the often-voiced, powerfully emotional sentiments of bi-racial parents and multiracial people searching for self-identity, the addition of a multiracial option among the current race identifiers will not accomplish what many proponents suggest it will. Rather, it will likely do more harm than good by providing a less-than-useful new heterogeneous identifier that is more ambiguous and would likely dilute the existing standard classifications. The proposed addition of a multiracial category among the current racial categories threatens the accuracy, quality, and utility of all federal race/ethnic data-collection efforts, and would undoubtedly hinder civil rights and other public policy initiatives that rely on such data. For Latinos, this is particularly troublesome.

NCLR opposes the addition of a multiracial category on the following grounds:

- **It is not clear that collecting data within an ambiguous and heterogeneous category is useful.** The purpose of the Census is to provide a socioeconomic and demographic snapshot of the U.S. population, determine federal policy and research needs for groups with broad common characteristics, and enforce and implement statutory rules and laws; the Census is not meant to capture or express "identity." Strictly from a public policy perspective, not a personal one, the interest of the "common good" is not represented by emotional or personal opinions regarding identity and, while such issues are quite important, Census decisions cannot be based on that criterion alone. Under the current classifications, disparities among Asians, Whites, Blacks, Native Americans, and Hispanics in areas such as income and

employment, for example, are clear; such data collection is imperative and valuable. Multiracial persons, on the other hand, have few, and perhaps no, socioeconomic commonalties, since this category would include those of any "multirace." Therefore, multiracial data collected in this manner would not be terribly informative for public administrators and policy makers. For example, currently we are able to know critical information about the populations that are most likely to be affected by AIDS. As a result, a serious public health threat can be addressed through appropriate prevention and education strategies geared to specific communities. On the other hand, if all we knew was that affected populations were multiracial, how would we respond from a public policy standpoint? This and other needs of specific multiracial populations cannot be met by the creation of this new heterogeneous category.

- **From a civil rights perspective, "multiracial" is neither a race nor a "protected class" under the law; therefore the collection of such data does not serve any statutory purpose**. The multiracial identifier does not constitute an actual race or other protected class, and would likely contain persons with fewer commonalties than within the more specific single race or ethnic categories. Given that a major driving force behind the development of standard classifications is civil rights law enforcement and implementation, the utility of collecting data on this population in this manner is questionable.

- **This category is likely to include many respondents who are confused about the meanings of race and ethnicity**. Tests conducted by the Census Bureau show that many people misunderstand the meaning of the multiracial category. Many respondents confuse race with ethnicity; for example, in a previous test a White respondent identified herself as multiracial and later identified her multirace as White-German. Hispanics are especially likely to find this question confusing since they identify as an ethnicity and not a race; therefore, a Black Cuban is more likely to believe s/he is multiracial when his/her race is Black and ethnicity is Cuban/Hispanic. Thus, respondents who are not multiracial may erroneously select this category, effectively reducing the accuracy of the Census count.

- **The ability to carry out longitudinal data analysis would be lost, since new data collection options would be inconsistent with previous classifications**. With a new category, it would be difficult, if not impossible, to monitor certain socioeconomic trends. In fact, any movement of respondents from a current standard classification into the multiracial classification could render much data useless since policy makers or service providers would not have a sense of how significant any statistical fluctuations actually were. For example, it would be unclear how many persons moved from a standard classification (Black, Asian, etc.) into the multiracial classification when examining reductions or increases in median incomes between 1990 and 2000. Consequently, evaluation and analysis of federal antipoverty or other well-established federal programs in specific racial and ethnic communities would be severely hindered.

- **The inclusion of this category could dilute other race categories over time, lumping respondents into an all-encompassing identifier which would limit delivery of public services and enforcement of civil rights to needy and deserving communities.** As the U.S. population becomes increasingly bi- or multiracial – or as more respondents erroneously self-identify as multiracial – fewer people are likely to be considered "protected," and will fall into an ambiguous all-encompassing heterogeneous category for which few public policy initiatives, civil rights or otherwise, could reach them. This dilution of standard racial categories will seriously hinder public policy initiatives aimed at serving historically disadvantaged communities.

V. CONCLUSIONS

As you continue to undertake the task of reviewing federal race/ethnic data classifications, we hope that you will properly gauge the costs and benefits of adding a heterogeneous identifier that is not an actual race category to the current racial categories. Of principal interest to the Hispanic community is the accuracy, quality, and utility of race/ethnic Census data. NCLR will oppose any provision that threatens to worsen -- rather than improve – the accuracy and reliability of Census data. While concerns regarding public acknowledgment and identity strike a responsive chord within the Latino community, we understand that the purpose of the Census is both to enforce and implement the law, and to inform lawmakers about the distinct needs of special historically disadvantaged populations.

Although NCLR is sympathetic to concerns that a small proportion of the population is excluded by the current classifications, we would like to underscore the following:

- **Quality, accuracy, and usefulness of race/ethnic data should be primary considerations in the design of Census questions.** Census planning should be driven by the original goals of Census enumeration, including redistricting; implementing, monitoring, and enforcing civil rights and other laws; and creating and shaping public policy. In its current form, the addition of a multiracial category's effectiveness in any of these areas is questionable. Given that Latinos experienced at least a five percent undercount in 1990, the inclusion of such a term could mean less accurate or incomplete data in 2000. The Census must strive for questions/responses that will give us the best data, and that can be shown to improve the accuracy and specificity of the Census.

- **The addition of a multiracial category undermines prudent public policy, and may inadvertently subvert the nation's ability to ensure the protection of civil rights for all groups.** The drive for a new Census race category has on the surface been fueled almost exclusively by emotional concerns related to identity. However, while many proponents of the multiracial option sincerely claim that they need the box to validate their personal identity, many non-multiracial persons – particularly those who oppose civil rights initiatives – appear to be advancing the multiracial

cause. In addition, the multiracial cause has begun to appeal to many non-multiracial persons who believe that the very existence of racial classifications divides the nation and exacerbates racial tensions. The erroneous conclusion that the elimination of such racial categories or the creation of a more ambiguous, all-encompassing classification (which would inhibit civil rights enforcement) would ease such tensions is dangerous and counterproductive. While the many personal and compelling pleas for such a category have overlooked the intent and purpose of the Census, others appear to be more focused on elimination or erosion of current racial classifications, precisely because of the intent and purpose of those classifications.

- **While we realize the dangers associated with the multiracial option, under some clear circumstances we may be inclined to support a "disaggregated" multiracial option.** Should a multiracial category be added to the Census, it: should not be located among the standard classifications; should only be included if it is proven by reliable Census testing not to disturb the current classifications; should be disaggregated to provide more useful data; and should be proven to improve the accuracy of Census data. The current proposal is far from this; it attempts to include the multiracial option among the current racial categories despite substantial empirical evidence which indicates that it may both interfere with and dilute racial/ethnic data in the long run.

NCLR would also like to underscore these related Census issues:

- **The order of race/ethnic questions is important.** Census testing research has shown that the sequence of questions on race and ethnicity affects the accuracy of responses. NCLR suggests placing the question regarding Hispanic ethnicity before the question regarding race so that people will be more likely to answer both questions accurately.

- **It is critical to continue to count Hispanics as a separate ethnic -- not racial -- group.** Given the current size and growth of the Hispanic population, any new Census design must allow for the accurate count of Hispanics as a distinct ethnic group. In NCLR's previous testimony on this subject in 1993, we indicated that we would "be inclined to support the incorporation of the term "Hispanic" . . . into a question that would read, "Race/Ethnicity." This was intended to be a suggestion to test a combination of the race and ethnic questions and was never meant to imply that Hispanics constitute a race. We did not suggest then, and do not believe now, that Hispanics are a "race"; Hispanics can be of any race and should continue to be counted as a separate ethnic group within the Census form. What we did want to test was the extent to which a specific ordering of questions might significantly improve the accuracy of persons in answering the Hispanic "Ancestry" question. Our reading of the data suggest that the result is ambiguous; we therefore have concluded that no changes should be made.

In conclusion, I would like to acknowledge the difficulty and sensitivity of this issue. NCLR appreciates the need to assure that the Census reflect the changing demographics of our nation as it captures the important racial, ethnic, social, and economic data that are critical for creating sound public policy. Nevertheless, we urge the Committee to consider carefully the concerns outlined above as it proceeds on this matter. It should be worth noting that any recommendations for changes that knowingly threaten the accuracy, quality, and utility of race/ethnic Census data will be interpreted as a purposeful attempt to dilute and hinder civil rights enforcement. I thank you once again for hearing our views and would be happy to answer any questions.

Mr. HORN. Well, we thank all of you for your helpful testimony. Let me start first with a few questions of Mr. McDougall and Mr. Rodriguez.

Have either one of you ever been involved in the Voting Rights Act and its implementation, and the way that one looks at discrimination data, to know that it ought to come under the Department of Justice who would review any changes in registration laws and so forth? Have either of you been involved in that kind of analysis?

Mr. MCDOUGALL. I have some familiarity with it, Mr. Chairman.

Mr. HORN. Well, the question that I want to ask based on that is: is there an assertion that the multiracial category would hinder the implementation of civil rights laws? This happens to be one where I was on the drafting term. So I pick that one. Your opponents disagree with that assertion.

And I guess that I would like the subcommittee to get an example of how data on race or ethnicity is used to implement one particular law. I think that you might want to tell us how it is used in the Voting Rights Act of 1965 and as amended.

Mr. MCDOUGALL. I would certainly be more prepared to respond in terms of the Fair Housing Act.

Mr. HORN. Well, try the Voting Rights Act.

Mr. MCDOUGALL. All right. You know, essentially, we are able to track the—when we talk about the possibility of creating a vehicle by which people who have been historically repressed in terms of their ability to express themselves through the ballot, when we talk about that, we are talking about a history of practices which, as you know, drafting have to be submitted.

Because of the past practices, the pre-clearance provisions require that any change in the system have to be cleared, because of the history of legal segregation gerrymandering that made it impossible, and a variety of other practices, poll taxes and these kinds of things.

It has been the consensus of the civil rights community that the best way to respond to this historic inequity has been to create majority and minority districts. If we do not know who lives in a district, it is going to be very difficult for us to construct a district that we say is majority and minority. I think that is probably it in a nutshell.

Mr. HORN. Well, you described it very well. But it seems to me that the question then is, if you use that method of analysis, and you are absolutely right, is there a pattern and practice, and is there under-utilization of those. You have to look at it on a proportion, because sometimes you do not have detailed backgrounds of individuals.

But you are looking at census tracts that might get aggregated or precincts that might get aggregated into the census tract, and you try to see if there is under-registration of let us say a Hispanic Latino group proportionately, or is there under-representation of black citizens, whatever. And then if it is, as you say, you would come under the pre-clearance rule of having to consult Justice if you are going to change the voting rights laws. You would be carefully looked at in elections. You might well have Federal registrars even go there.

Now the question would be if you had a check-off of multiracial, why would that detract from winning a fight on under-utilization? Why can you not just add the multiracial column and the percent or the numbers, and aggregate that with the various racial check-offs, and say hey, this is either under-utilized or it is sort of normal where you have the whites who register, et cetera?

We know that there are a lot of different factors of why people register or do not register, just like white people vote or do not vote, even when they are registered. But let us assume that everybody could register and everybody could vote, and you look at the data of that tract, and you have the specific racial categories adding up to 40 percent, and let us say that you have got 10 percent multiracial.

Can you not say that is 50 percent minority?

Mr. MCDOUGALL. I think that there are two ways to respond to that. It is very intriguing.

I guess one question that I would have for you, Mr. Chairman, would be whether adding those two categories together, would require some change in the voting rights law as it now stands, either by a change in the law itself or by change in the regulations?

Mr. HORN. I would think that you would change the regulations on that.

Mr. MCDOUGALL. Right.

Mr. HORN. If it is an either/or. If it is a both/and, where you check off the racial, and then you have got this general category down there that you also want to check. I think that might also be one of the problems we have got to look at. So you keep it. So its equivalency is what the particular racial categories are. But if it said multiracial, we have got to assume, I guess, that they would fall under the protection clause let us say of the 14th amendment on race, and that you could count them in.

And as you know, if you go and move to set-asides for small business or education, it has been clear for years that Asians per se do better than the average group of whites per se. So we have got various changes in public policy based on that.

Mr. MCDOUGALL. Again, I would say that it is a very intriguing idea. Our national conference is where we debate issues like this in full, in their full incarnation, if you will. That will be in Pittsburgh in July, and I am sure that we will be talking about this. I would be happy to report back to the subcommittee after that discussion.

The second thing that I would want to say, of course, is that the multiracial category, as I understand it, is one that includes people of many different races including white. I am not sure whether the public would be prepared to accept the proposition that because a person designates themselves as multiracial, that they have been discriminated against.

It gets back to what I was saying before. It is not so much a question of what you call yourself, but what actually happens on the ground.

But to me, it is an intriguing idea. We certainly will consider it in our convention.

Mr. HORN. Well, let me ask you another along this line. You are probably much more familiar with it than I am. I have not had a

chance to look at it, but the thought came to me as I was listening to the testimony.

In the implementing regulations, has there been any particular percentage specified by the Federal Government that you must be this percent black to check the black category, not that anybody could enforce that, but is there such a rule anywhere?

Now some American Indian tribes have that. Some tribes say you must be one-sixth or something in order to claim tribal rights, and that person has to prove that. Different tribes have different percentages.

But I have never heard it, and it does not mean that it does not exist, that is why I am asking the question. I have never heard it in relation to either Asians, blacks, Latinos in the ethnic category, that you should not check this unless you are—and fill in the blank.

And that worries me obviously. If there is a percentage, and particularly if it is 1 percent or so, I am just curious.

What do you know about that?

Mr. MCDOUGALL. Well, I do know that as far as the census is concerned, certainly the way that it is being managed now is that it is totally a matter of self-identification.

Mr. HORN. Right.

Mr. MCDOUGALL. Which I think is why Delegate Norton raised the whole question of fraud. Theoretically, I could check off that I was white, and you could check off that you were black, and we have that freedom. And once you get into a question of checking these choices—as you say, is there a minimum percentage—you then start talking about the tools like the one that I was talking about from South Africa.

Now clearly, we have historically had laws that did that. For example, the so-called rule that one drop of African blood makes you black. That was certainly recognized in *Plessy* v. *Ferguson.* As I said, because Plessy was only one-eighth black. But he was still considered not to be a white person and because he was not a white person, he did not ride in the white car.

I mean, clearly we have a very ugly history in this country of those kinds of determinations, just as you described. The reasons for the categories are to track the footprints of those deeds, so we can undo them.

I think as my colleague, Mr. Rodriguez, mentioned that the purpose of those categories is to enable us to right wrongs that have been done. The purpose of the categories has not been, at least in their original formulation, to be a vehicle for self-identification.

There are more than 100 groups who can theoretically make the same claim that we see here today. But again, we are very, very sensitive to these issues. These are issues that have grown historically. We just want to urge caution at this point.

Mr. HORN. Well, I think that we can all agree with you on the caution. I think that the last thing that we want is some type of bureaucratic, racial characterization that God knows poor old South Africa went through for long enough. You had the blacks, the coloreds, and the whites.

I remember when I was sent over there by the U.S. Information Agency to speak on human rights and civil rights in 1979, I was

used as the excuse they had to bring all of these people from these different categories together.

One of them happened to be an Indian woman from India with a Ph.D. in nuclear physics that the South Africans spent 12 years deciding whether to admit her, because she was not black. I guess she was colored. But since they call Indians caucasians, they did not want to put her in white. And so forth, and so forth. A sickening commentary on the human condition. I do not think that we want to get into it.

But it leads to the next question, which is should we ask any of these questions, and can we not determine voting discrimination by looking at precincts and wondering why they are low, and maybe look at socioeconomic class which might be the main factor rather than race or ethnicity?

Mr. MCDOUGALL. Well, again, I think that my colleague, Mr. Rodriguez, responded to that in his statement. There is a real concern that there are people out there who want to eliminate the categories to cover their tracks. There are some articles that appeared in the Washington Times recently indicating that elimination of all categories would be a really nifty way to take those footprints that I was talking about, just kind of take a little broom and just dust them away. So now nobody knows what really happened.

And I think that would be something that we would have to—if that were the reason for this, we would clearly have to oppose it.

You know, we do not think that we are done with the business of eliminating racism, segregation, and discrimination in this country. We do not think that it is time to erase those footprints. When we are, then we will come back and we will talk about it some more, I think.

Mr. HORN. Mr. Rodriguez, do you want to get into this voting rights discussion?

Mr. RODRIGUEZ. I would probably just prefer to just piggyback on what he just mentioned, but also speak about it from a research perspective. For the Hispanic community, it is important considering that currently we experience 30 percent poverty. There is a real concern for us to know what is going on within the community with regard to all of the socioeconomic conditions as they relate to ethnicity.

We cannot afford to lose that data, from a public policy or research perspective. Because that is really critical to the kind of work that we are doing in trying to alleviate poverty and discrimination within the Hispanic community.

Mr. HORN. I now yield to the ranking Democrat on the subcommittee, Mrs. Maloney of New York, to question the witnesses.

Mrs. MALONEY. Thank you very much, Mr. Chairman.

First of all, I would like to mention to Mr. McDougall that Kweisi Mfume, the head of your organization, is a former colleague and good friend. I hope that you will send my warm regards to him, and I would especially like to thank Mr. Graham for his very thoughtful testimony, and for coming here and being with us today.

I would like to really ask each of you to answer the two questions that I presented in my opening statement and I will say them again to you.

Do the categories as they exist today still serve the purpose of helping the Government fight discrimination? That is question No. 1. Second, how can we achieve that goal and simultaneously provide individuals with the opportunity to identify themselves in the way that makes them feel most comfortable?

And I would like to start with Ms. Graham.

Ms. GRAHAM. In the fight against discrimination, I think that we have to remember that there are all kinds of discrimination. The multiracial community is very, very sensitive to discrimination of other communities. But there is not only black discrimination and Hispanic discrimination, but there is also discrimination against multiracial people because they are multiracial. And that has to be looked at as well.

If we do not have a category, if we are not counted, if we are not tracked, then we cannot do any of that. We cannot fight discrimination against the multiracial community.

Mr. Rodriguez says that his community needs certain data for certain reasons. Our community needs the same type of data for the same type of reasons. It is no different than any other community.

We have medical issues where multiracial children are totally invisible in the medical community. They are not recognized. They do not exist. I have no idea what the medical risks are for this child, not at all. No studies have been done, nothing.

It is a very, very big problem for our community. I think that it is one that can only be solved with the addition of a multiracial category as we propose it.

I also want to say something about the Voting Rights Act too. I am not a lawyer. But our legal experts asked us to call the Census Bureau and ask if there is any type of memorandum on how this is going to affect voting rights, because this question had also come back to us several times.

The Census Bureau said, "We have nothing, we suggest that you call the Justice Department." I personally called the Justice Department and asked if there were any kind of memorandum or any kind of explanation on how multiracial classification was going to adversely affect voting rights. And they said there is nothing, because it will not affect voting rights in this country.

Mr. HORN. Do you have that particular answer? We would like it for the record at this point, if you could put it in, on the Justice Department.

Ms. GRAHAM. I said what the answer was.

Mr. HORN. I mean did they ever do it in writing?

Ms. GRAHAM. No, they did not do it in writing. I have the name of the gentleman that I talked to.

Mr. HORN. Why don't you let our staff know, and we will followup and try to get something in writing. And that will be put in at this point in the record.

[The information referred to follows:]

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

OCT 18 1994

Ms. Katherine K. Wallman
Chief, Statistical Policy
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

Dear Ms. Wallman:

The Civil Rights Division submits the following comments in response to your June 9, 1994 memorandum requesting our views on proposed changes to the current race and ethnic categories of OMB Directive No. 15.

This Division supports changes to the Directive's race and ethnic categories that will result in the collection of more complete, reliable, accurate and timely demographic data without impairing the Division's ability to enforce the civil rights laws.

We use demographic data to identify and remedy violations of the civil rights laws for which we have enforcement responsibility. Our law enforcement efforts depend heavily on demographic data that are accepted as reliable and are presented in a usable format. They also depend on data that allow individuals to be identified as members of groups that are subjected to discrimination on the basis of race or ethnicity. We are concerned that the inclusion of additional categories such as "multiracial," "other" or an "open ended" response will fragment racial and ethnic group data and make enforcement more difficult because the additional categories could confuse respondents, lead to less reliable data and make it difficult to prove that members of a particular racial or ethnic group are suffering discrimination. Thus, we urge that any proposed changes to Directive 15 not be adopted until a full field study has been conducted to evaluate their impact upon the reliability, timeliness and usefulness of those data to this Division's law enforcement responsibilities.

The Civil Rights Division uses census and other demographic data in a variety of contexts.

1. Pursuant to the Voting Rights Act, 42 U.S.C. § 1973, et seq., we rely on census data to determine the racial and ethnic composition of voting jurisdictions. These data are important to enforcement of Section 5 of the Act, 42 U.S.C. § 1973c, which requires covered jurisdictions to obtain preclearance of proposed changes in election practices to ensure that they do not have the purpose or effect of disadvantaging voters on the basis of race. Similarly, enforcement of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, requires accurate census data regarding race to analyze the demographics of minority voters, especially when addressing the discriminatory results of state, county and local redistricting plans. Race and ethnic data are also crucial to demonstrating racial bloc voting patterns which the Supreme Court found to be of single importance in proving a violation of Section 2. See Thornburg v. Gingles, 478 U.S. 30 (1986). In addition, Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a, requires language assistance to voters in jurisdictions in which over 5% or a total of 10,000 of the residents are members of a language minority and are limited-English proficient.

2. It is also important to have accurate race and ethnic data for purposes of enforcing the Fair Housing Act, 42 U.S.C. § 3601, and the Equal Credit Opportunity Act, 12 U.S.C. § 1691, which prohibit discrimination on the basis of race. The data assist in a variety of ways in determining whether a practice unlawfully excludes minority home-seekers. For example, these data are of particular significance in our efforts to ensure lenders do not discriminate in making loans for home mortgage and other credit needs.

3. In our efforts to ensure equality of educational opportunities under Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6, and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703, accurate race data plays an essential role in targeting investigations, detecting violations, and in monitoring and enforcing desegregation plans.

4. The Division also enforces Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., against public employers and Executive Order 11246 against federal contractors, which collectively prohibit discrimination in employment on the basis of race, sex, religion and national origin. Our enforcement efforts rely upon reliable data regarding the composition of the labor force according to race, national origin, sex, education, age, occupation and residence.

Race and ethnic data are essential in establishing a prima facie case either that an employer has engaged in an employment practice that has an impermissible discriminatory impact or has intentionally disadvantaged individuals on the basis of race, sex, or national origin. In general, a statistical prima facie case depends on a comparison of, for example, the racial composition of the relevant labor pool to the racial and ethnic composition of those hired for a particular position. See Hazelwood School Dist. v. United States, 433 U.S. 299, 307-308 (1977); Wards Cove Packing Co. v. Atonio, 490 U.S. 642, 650-651 (1989). In the absence of accurate aggregated race and ethnic data that can be used to determine the impact of an employment practice, our ability to pursue cases of disparate impact will be compromised. Disparate impact litigation is one of the most efficient ways of identifying and remedying broad based employment practices, and we cannot overstate the importance of usable and accurate census data in these cases.

The sources of the race and ethnic data that the Civil Rights Division uses to target violations and to enforce the statutes described above, include: published Census data; EEO-1, EEO-4, EEO-5 and EEO-6 reports filed by employers in accordance with regulations of the Equal Employment Opportunity Commission; reports of lending activity filed by financial institutions pursuant to the Home Mortgage Disclosure Act; reports filed by school districts and colleges and universities as required by the United States Department of Education; and data provided by an employer or jurisdiction at our specific request. It is essential to our mission that the data contained in these sources be accurate and timely. If data are deemed unreliable, our ability to identify statutory violations will be hindered, as will our ability to prove them in litigation. Therefore, we caution against any changes to the current race and ethnic categories that will increase the lag time between collection and publication of data or would in any way call their reliability into question.

As we said above, we have strong reservations about any changes that would fragment racial and ethnic group data, and thereby make it more difficult to prove that members of a particular racial or ethnic group are suffering discrimination. If a decision is made to include additional categories, we urge that the responses be coded into usable categories that resemble the current categories used in Directive 15. In the absence of such an assignment, we would lose important data regarding the composition of the major racial groups.

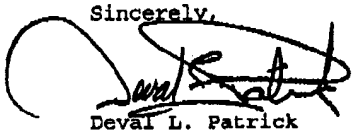
We are also concerned that the collection and public availability of demographic data for additional groups may have the unintended effect of calling into question the legal and practical efficacy of data that are assigned to broader categories. We do not know how many individuals might avail themselves of new categories, but we believe that the resulting data will be less reliable and useful for our purposes than the data derived from the existing Directive 15 categories. If, for example, large numbers of African-Americans chose to identify themselves as having a degree of European ancestry or many white Americans chose to identify the separate components of their European ancestry, a large amount of data collection would be involved without practical benefit for our enforcement efforts. Moreover, some of the proposed categories may lead to the collection of misleading data. Thus, a respondent who was born in the United States may consider him or herself to be a "Native American," when that category is meant to collect data from respondents who consider themselves to be of American Indian or Alaskan origin. Similarly, a category of "Middle Easterner" might be confusing to respondents who reside or come from a geographic area of the United States.

The statutes that we enforce depend upon an individual identifying with or being identified by others as part of a racial group. Whether someone is a victim of discrimination often turns on the way in which others perceive the color of the victim's skin, the ethnic origin of his or her last name, or the accent with which the victim speaks. Such issues do not depend generally on the way in which a victim identifies the various components of his or her racial or ethnic background. In order to establish a statistical disparity, it must be clear that an identifiable group is disproportionately excluded from employment opportunities. Knowing the particular components of an individual's racial identity would not make a difference.

Also comparisons across time, e.g., from one census to the next, are very important to our enforcement efforts. It is crucial to be able to identify changes in housing patterns, school attendance patterns, minorities' voting strength from a redistricting plan or annexation, and changes in labor markets, particularly when targeting our enforcement efforts. We are aware that there exist questions about the historical benefit of the data collected pursuant to the current Directive 15 categories. These data, however, are widely accepted by the courts and government agencies at all levels as persuasive and reliable, and changes to the categories may adversely affect the accepted usefulness of the data.

In view of the importance of this difficult issue, we appreciate the opportunity to present our views.

Sincerely,



Deval L. Patrick
Assistant Attorney General
Civil Rights Division

Mrs. MALONEY. Thank you, Ms. Graham.

Mr. McDougall, would you like me to repeat the questions?

Mr. MCDOUGALL. Would you just repeat the first question, and then the second one?

Mrs. MALONEY. Do the categories as they exist today still serve the purpose of helping the Government fight discrimination?

Mr. MCDOUGALL. If I could just answer that one. Absolutely, yes. That is our position.

The second question?

Mrs. MALONEY. Would you like to elaborate on that?

Mr. MCDOUGALL. No. I think that all of our testimony, my testimony and Mr. Rodriguez' testimony, I think underscores all of the reasons. Education, discrimination in education, lending, employment, and voting. We need the data. Our position is that we absolutely do need those categories to do the work that we do.

Mrs. MALONEY. My second question is how can we achieve that goal and simultaneously provide individuals with the opportunity to identify themselves in a way that makes them most comfortable?

Mr. MCDOUGALL. Here, I think, I am moving out into territory that is more the territory that I covered when I was an organizer. It is my view that one asserts one's social, political, and economic rights in relationship with other people.

We have never seen the categories in the census as a way for us to assert who we are. We see the categories as a record of some things that have been done to us, and that we have to respond to. But we have never seen the census as a medium of self-definition.

Self-definition in the African-American community has to do with what church you belong to, where you live, where you work, what political organizations you are associated with, and what civic organizations you participate in, as you articulate your citizenship in the country. That is the only answer that I could give.

Mrs. MALONEY. Mr. Rodriguez.

Mr. RODRIGUEZ. On the first question, I think that there is no question in our mind that the data has been used and is critical to public service delivery at the street level. Clearly, we have seen that happen in terms of our own programs in serving our own respective communities, in establishing and defining need, and being able to address and target some resources to them.

On the second question, I think that in part we have been sort of thinking about just that very question. And suggesting that if very reliable census data showed that you can put a multiracial category outside of the standard race classification, thereby not disturbing those categories and providing for some disaggregated multiracial data, meaning that you would not just have multiracial but you might have sort of African-American and sort of white, much more specific data.

So that you are not lumping a bunch of persons into one category or a bunch of multiracial persons into one very heterogeneous category, where the data is kind of ambiguous. If that could be done at some other point or at some other place within the census without disturbing or without taking away from the quality and accuracy of the data as it is currently collected and used, then I think that is something that we would like to consider and that we would entertain.

Mrs. MALONEY. Some people have suggested keeping the census form, the short form, as it is, but adding multiracial and other categories to the long form as one approach. That might be a compromise approach.

But my second question, I guess you have elaborated enough.

Mr. RODRIGUEZ. Hopefully. But clearly, there is a real serious concern on our part that the categories as they are currently, are not disturbed. And so even on a long or short form, we would have a lot of concern with that.

Mrs. MALONEY. You would not even like multiracial on the long form?

Mr. RODRIGUEZ. No, not if it is within those standard classifications. We would have a problem with that.

Mrs. MALONEY. Some of my colleagues have been quite vocal about the content of the census. They argue that the census should collect only what is required to administer the law. I would like to ask each of you to comment on this criteria on what you think should be included in the census. They want only information that is necessary to administer the law.

How do you feel about that? And I will start with Mr. Rodriguez.

Mr. RODRIGUEZ. I think that to the extent that we are talking about administering services, which means that you would necessarily collect socioeconomic data, that that sort of makes sense. If it is for the strictest purpose in terms of the narrowest definition, that being collecting race and ethnic data only for civil rights enforcement, I think that we would like to see it a little expanded, because of the use, and the purpose, and the importance of all of the remaining data in terms of socioeconomic and otherwise that is used for research and delivery of public services broadly throughout the agencies.

So in some sense, if the meaning is the narrowest definition of administering the law, then we probably would not support that. But if it means that we would be collecting and maintaining socioeconomic data, that is something that we would support.

Mrs. MALONEY. Mr. McDougall.

Mr. MCDOUGALL. I concur.

Mrs. MALONEY. Would you comment also on the proposal that some of my colleagues have put out on keeping the short form as it is for race, but putting multiracial on the long form?

Mr. MCDOUGALL. I believe that in last month's panel that I heard Congressman Sawyer advance that proposal. That is something that we would certainly study. Again, like I say, we are gearing up for our national convention right now where these kinds of things will be discussed in a full blown aspect. Again, I would be happy to report back to you after that.

Mrs. MALONEY. Thank you.

Ms. Graham.

Ms. GRAHAM. I think that part of the problem that we have at this point is that multiracial people can be multiracial people in one State and not multiracial in another State. In one State, they might be considered white or black. And if you go to different States across borders, you have that problem.

I think that if we furthered that by putting the multiracial category only on the long form and not on the short form, we would

have a very big problem. Then you can be multiracial on one Government form, but not on another Government form.

I see a lot of problems with that, and we would not accept that.

Mrs. MALONEY. Ms. Graham, how does Project RACE feel about the potential civil rights consequences of decreasing the populations of longstanding minority groups that were raised by Mr. Rodriguez and Mr. McDougall?

Ms. GRAHAM. I think that my testimony shows that particularly with the use of the Fulton County school data that that is not happening. As a matter of fact, in that situation, the Hispanic community grew by 119 percent when the multiracial classification was added. So we are not talking about decreasing numbers.

Also, three Government studies have now been concluded. The National Content Survey, the survey by the Bureau of Labor Statistics, and the RAETT Test, the results of which came out last week.

Why are we doing all of these Government studies, if we are not taking this useful information and putting it to work for us?

And what all three of these Government studies showed, was that there are not big defections, if you will, from any of the other racial categories into the multiracial category. So I think that really has been taken care of.

Mrs. MALONEY. My time is up, but one brief last question on the point that you just raised, and that some of you raised in your testimony. And that is the pilot studies by the Census Bureau shows that about 1.5 percent of the population chooses a multiracial category when given the opportunity. And I would like to really address this question to Mr. McDougall and Mr. Rodriguez.

Given that fact, Mr. McDougall, would you and Mr. Rodriguez explain why this 1.5 percent makes it so difficult to enforce civil rights laws?

Mr. MCDOUGALL. One of the things that I mentioned was that as a matter of racial fact, perhaps 70 percent of the African-American population is in fact multiracial. That racial interchange took place primarily during slavery and immediately afterwards. And there is a pretty clear African-American identification all the way up until the products of interracial marriages that took place after the Loving case and the counter-culture of the 1960's.

But the experience in the Hispanic category I think is instructive. Because before 1960, there was no such category. Now we have heard of the studies of the U.S. Census Bureau, the three studies that have taken place. I would just need to point out that those three studies have taken place during a period of time which is actually rather telescoped in terms of the evolution of the census.

We are talking about three studies that all took place in less than 5 years. The experience of the Hispanic category is that when it was introduced into the census over a period of two or three censuses in like 20 to 30 years, that there was a dramatic change.

That is something that we cannot ignore. And again, that is the reason why we are urging caution. And we are planning ourselves to study this, and watch and wait.

Mr. RODRIGUEZ. I think in part that my testimony also suggests that over time, and this is really in the long run, that the likelihood that more people will become more conscious and under-

standing of their multiracial and multiethnic areas makes it more likely that they will choose this category.

There is also an issue of straight confusion about race and ethnicity, and about the differences, and about the meanings, which makes it very likely, and the tests have shown this, that there is confusion in identifying with the multiracial category, partly because of confusion in identifying as a race or as an ethnicity.

So it is likely that a good number of those who erroneously chose this category, those who are not multiracial, will select multiracial. And indeed, that is a problem.

So I completely concur that the Hispanic category has been an interesting one to look at. Because over time, as identity becomes a more visible discussion and debate in terms of what is Hispanic, more Hispanics are more inclined to view themselves as Hispanic. So over time, as multiracial becomes a more heated debate in this country, which I think it will, and I think that the media and definitely the attention so far has shown that this proposes to be a major issue in the future.

Mrs. MALONEY. Should multiracial be treated as one of the protected categories for civil rights laws and voting rights laws, should expand the class of protection to include multiracial?

Mr. RODRIGUEZ. I think that from our perspective that we will have to see how courts interpret past remedies of disadvantaged populations, and what occurs from the legal framework in terms of civil rights, and whether this category fits into that or not. It will be an interesting discussion, and I think that we will be viewing it very carefully.

But if in fact it is determined that this is a protected class, then lots of things start to change. And I think that we will be seeing some of those changes.

Mr. MCDOUGALL. Congresswoman, if I can also respond to that. One of the things that I think it is important to remember is that there is no legal record of discrimination against a person because they are multiracial. A multiracial person is part of a protected category, I would think, or the argument will be made. Because some part of the multiracial person's ancestry correlates with a historically oppressed group, a group that has historically suffered segregation or discrimination.

Under those circumstances, a person who is multiracial might take the position that they wanted specifically to affirm their identity with that group which has suffered the most. Partly because of the benefits that might accrue, but also because of the honor of the struggle against those kinds of things.

That is certainly the route that my family has taken. My family is, you know. I do not even go there, do you know what I mean.

So you know, I think that it is an honorable calling to stand up and be counted, you know, in the struggle against discrimination and segregation in this country.

Certainly, this is one of the things that I meant to say earlier. I meant to actually bring some NAACP membership applications with me. Because I wanted to distribute them among all of my colleagues who are here, and welcome them to join us in the fight that we have.

But again, we do have a slight legal obstacle. Because there is no legal record of discrimination against a person because they are multiracial.

Ms. GRAHAM. I would like to comment as well. There is legal record. I am not an attorney, and our attorneys were not invited to be here today, but I would like to get written statements from our legal experts about that. Because there has been rather blatant discrimination.

Mr. HORN. Without objection, that will be put into the record at this point.

[The information referred to follows:]

Testimony of Susan Graham (to be inserted on page 84)

I was asked to obtain written statements from our legal experts about legal record of discrimination against multiracial individuals and discrimination in general against multiracial children and adults. Our attorney was not able to comply with the request by the deadline. I am not an attorney, but I am going to add my own comments for the record.

In my position as president of Project RACE I hear about discrimination on a regular basis. Blatant discrimination against multiracial persons prompted me to write an editorial, "Racial Clarity?" published in the *Chicago Tribune* on April 10, 1996. The editorial is included here for the record and gives prime examples of the daily discrimination suffered by multiracial children and adults.

Other examples include a biracial student in Wedowee, Alabama who was told by her high school principal that her parents "made a mistake" when they conceived her (see attached Civil Action No. 94-A-325-E). The plaintiff, Revonda. Bowen settled her suit out of court.

Lorretta Edwards, a mother of two multiracial children in Florida sued OMB on behalf of her two minor children (see attached Complaint, Case No. 95-8760-CIV-Ryskamp and D.C .Docket No. 95-EV-8760-KLR)

An interracial couple in New York was awarded $640,000 in damages by a federal jury that found a co-op board discriminated against them when they arrived to sublet an apartment.

Interracial families cannot be separated from multiracial children, who are the products of such families. A burning cross on the front yard of a black family will have adverse affects on the black children of that family. A swastika painted on the home of a Jewish family will have damaging affects on the Jewish children of that household. So too does hate against interracial families adversely scar multiracial children for a lifetime.

I have included a listing of some of the hate crimes against interracial families, provided by Klanwatch for 1994, 1995, and 1996. These are only the hate crimes which were *reported.* Additionally, the Federal Bureau of Investigation has provided information in its "Uniform Crime Reports" of the hate crimes in 1995. The report indicates 384 victims who were of more than one race were reported as hate crime victims during that year.

A multiracial classification will not stop hate crimes. But it will go a long way toward instilling pride in multiracial children for all of their heritage, which is what these hate crimes try to break down. An appropriate term, sanctioned by the federal government ***will*** help multiracial children. By adding a multiracial classification to OMB Directive 15, state agencies can no longer claim they cannot add the category to state forms because they feel OMB Directive 15 does not allow for it. The message would be clear: ***Multiracial children exist, and the federal government recognizes them.***

The federal government, its agencies and the courts have been the largest bodies discriminating against multiracial persons.

DISCRIMINATION BY OMB

The drafters of Directive 15 in 1977 classified "mixed-race" persons in this way: "The category which most closely reflects the individual's recognition in his community should be used for purposes of reporting on persons who are of mixed racial and/or ethnic origins."

This presumes that a multiracial person will be identified as only one race by "his community." Kenneth S. Payson points out in the *California Law Review* (Vol. 84, Number 4, July 1996, p. 1257):

> "[M]oreover, many mixed-race persons, including mixed Black/White persons are asserting their mixed-race identities and resisting monoracial classifications. Consequently, mixed-race persons are often inconsistently and arbitrarily reclassified under the current scheme, which renders race data used to track and remedy race-based discrimination unreliable."

No other racial group is instructed by Directive 15 to be classified by "his recognition in the community." Who decides what constitutes a community? Who has the right to mak these arbitrary decisions? Multiracial persons may, in fact, be able to self-identify with

different communities at different times, or with more than one community at any time. Asking third parties to guess which community a multiracial person belongs to is an impossible—and ***discriminatory***—task. Under the recommendations of the Intragency Committee for the Review of the Racial and Ethnic Standards on July 8, 1997, this discriminatory practice would continue until **2003**.

Representatives of OMB stated in a media briefing held on July 8, 1997 in Washington, "There should not be separate racial category (a check box) called "multiracial." (this stand alone category provided no useful information and the research showed that there is no general understanding of what the term means. Further, having a separate category would, in effect, create another population group, and no doubt add to racial tension and further fragmentation of our population.)"

The statement that a multiracial classification would "no doubt add to racial tension and further fragmentation of our population" is **racist, untrue and inflammatory**. In the seven states which currently have a multiracial category there has been no racial tension or fragmentation of the population as a result of the multiracial classification. In fact, people of all races have been glad to have the multiracial category. OMB should be required to report factual information and should be subjected to the same repercussions for discrimination as any other government or private entity.

The "check all that apply" recommendation is only part of the answer. The complete answer is to also have a "multiracial" identifier as in the Project RACE model which was

presented in my testimony. That model has the added wording: ***Check one. If you consider yourself to be biracial or multiracial, check as many as apply***. Without the terminology "biracial or multiracial" my children become "check all that apply" children. They would remain invisible as multiracial persons. When I told my son about the OMB recommendation he said, "Mom, what's the government going to want to call me next—gray? Why can't they let me be multiracial?"

DISCRIMINATION BY THE EQUAL EMPLOYMENT OPPORUNITY COMMISSION

Kenneth E. Payson in the *California Law Review*, Volume 84, Number 4, July 1996 outlines the discriminatory problems of classifying multiracial people in the workforce:

"Directive No. 15 does not specify which method of race data collection to use, self-reported or other-reported. Therefore, some agencies use self-reported data and others use third-party data. For example, EEOC guidelines stipulate that employers may not directly elicit race information from employees; they are to make their evaluation by visual inspection only. The practice of using observer identification was born out of the fear that asking a person's race would be offensive, that persons would be reluctant to self-identify among only the enumerated categories, and that self-identification would be too time consuming. Moreover, since the objective of the race data was to obtain information relating to race discrimination, observer identification was thought to be a good proxy for community perception. On the other hand, the Census Bureau uses self-reported data. Problems thus arise, since comparisons between EEOC data and Census Bureau data are crucial for proving racial discrimination.

In an era when mixed Black/White persons identified themselves as Black and were identified by both the Black and White communities as Black, it did not matter whether self- or other-reported data collection was used. However, in our increasingly diverse and phenotypically ambiguous society, third parties may have a difficult time classifying monoracial persons, let alone mixed-race persons.

For example, imagine that I take the census instructions to heart or self-identify as Japanese and check a single box on the census. My employer, for EEOC reporting purposes, however, looks me over, notes my tan complexion, black hair, and observes me speaking Spanish with Chicano co-workers. Maybe he hesitates at the slight almond cast

of my eyes, but in the end he figures Chicano is a pretty good guess. In a local employment discrimination case comparing census with EEOC data, the labor pool data counts me and others like me as Asian. However, EEOC data include me among the employed Hispanics, overstating those statistics and understating the statistics for Asians.

The discrepancy between self-and other-reported data is not merely hypothetical. A recent study of birth and death certificates of infants revealed that 43% of Asian and American Indian infants were classified by race differently at death than at birth. It is believed that third-party identification of the infants' race at death was the cause of the discrepancy. These examples demonstrate how differences between self- and other-reported data can arise and how such differences undermine data comparability among agencies."

DISCRIMINATION IN THE COURTS

Again, I am not an attorney, but I have concerns about the inequities in the court rulings.

Lucy Cisneros of Mexican-American descent claimed that her employer's constant reference to her as the "Indian" was enough to prove she was a victim of serious emotional stress (Case No. 94APE08-1255). The Appellate court ruled on April 11, 1995 that while racial insults are "unkind and inconsiderate" they are not enough for an alleged victim of discrimination to prove she was harmed emotionally. Further, the appeals court said to prove a claim of intentional infliction of emotional distress stemming from discrimination, the emotional distress must be serious. Liability does not extend to insults, threats, indignities, annoyances, "or other trivialities, and that the individuals must be hardened to occasional acts that are unkind and inconsiderate."

In the case of Lorretta Edward and her minor ***multiracial*** children vs. OMB, the appellate courts concluded "The district court correctly held that the plaintiffs failed to satisfy the first prong of Article III standing which requires them to allege a concrete injury that they

have personally suffered. "Here, at best," the court said, "the plaintiffs have alleged only a generalized, abstract injury."

Yet, sexual harassment includes **verbal harassment**, including epithets (descriptive name or title), derogatory comments or slurs that are based on sex, under Title VII of the Civil Rights Act of 1964, as amended. A student can sue for sexual harassment under Title 1X of the Educational Amendments of 1972, Title 1X, which provides that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance."

I must therefore tell my daughter that if someone (teacher, another student, or the principal) in her public school calls her a "whore" or a "slut" it IS harassment. However, if someone calls her a "half-breed" or a "zebra", she has to take it—it is NOT harassment. Further, when she is older and joins the work force, the EEOC will not defend racial harassment against a multiracial employee.

This may make perfect sense to the court, but it does not make sense to me.

DISCRIMINATION BY THE U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is directed to study and collect information relating to discrimination or a denial of equal protection of the law under the Constitution because

of race, color, religion, sex, age, disability or national origin, or in the administration of justice.

Mary Francis Berry, Chairperson of the U. S. Commission on Civil Rights has publicly come out against a multiracial classification. Her remarks on "Our Voices" (BET TV, June 1, 1997) were hostile and degrading to the multiracial community. She also stated repeatedly that if a multiracial classification would solve racism and discrimination she would be for it—but since it won't, she is against it.

The Commission has not studied nor have they collected information on multiracial persons and discrimination. No other racial classification is expected to solve racism and discrimination. It is ***discriminatory*** in itself to demand this solely of the multiracial classification.

Multiracial children, multiracial adults, and interracial families have been subjected to discrimination long enough. It is time to remedy this wrong.

Racial clarity?

The children of interracial unions are the country's forgotten minority

By Susan R. Graham

The first time I held my newborn son I wondered about all the things most mothers wonder about: Is he healthy? Was that really a smile? Can I bear to leave him for a moment?

I also thought about some things most mothers don't think about: Will he choose to be white like his mother or black like his father or can he be both? How will society perceive his multiracial heritage?

I kissed his cheek and whispered to him, "Don't worry, sweetheart, we'll figure it out."

Three years later his sister was born. I felt a wave of guilt as I looked at my new baby daughter in my arms and admitted to her that we hadn't figured it out yet. I silently pledged to try harder.

My babies lived, but some babies die.

A baby in rural Georgia died and the deacons of the all-white, Southern Baptist congregation tried to persuade the family members to remove the body from the church cemetery. The biracial baby wasn't welcome there. Now the church has also refused to marry the child's parents, let them join the church or buy burial plots next to their infant daughter.

People whisper: Of course, it's rural Georgia, it's the South, it's racist territory. As if it could not happen anywhere else. As if it doesn't happen in New York, California or Washington. The truth is that the civil rights of biracial and multiracial children are being violated every day in every state in this country.

Multiracial people have historically been "institutionally invisible." Schools, the United States Census Bureau, the executive office of the president, the medical community and employers do not recognize this entire population estimated at more than 2 million people. They say: choose one race; choose to deny your mother or your father; choose because we say you must.

In 1996, children like my son and daughter still are subjected to public humiliation, mass discrimination and civil rights injustices. I hear examples of these acts every day.

■ A high school principal in Wedowee, Ala., tells a multiracial student her parents made a "mistake" when they conceived her. He threatens to call off the prom if any interracial couples plan to attend.

■ An engineer in California working for a government contractor, requests a multiracial classification on his employment records. The employer refused, giving "government requirements" as the reason. The company solves its problem: they hire him as black and fire him as white.

■ A multiracial child in North Carolina is asked by her teacher in front of the class, "You're so light, are you sure your mother knows who your father is?"

■ A biracial kindergartner in Maryland is embarrassed when the school secretary comes into her class and announces she is there to decide the child's race.

■ A multiracial teenager in Wisconsin applies for a job with a particular company through her high school job placement service. The placement counselor hands back her application and tells her, "You're not black enough to work for this company."

■ A biracial baby dies in rural Georgia and the religious leaders of Barnetts Creek Baptist Church want her body exhumed.

Ironically, Georgia has been the most progressive state in the country on this issue. In 1994, with the help of State Sen. Ralph David Abernathy III, Georgia passed legislation mandating a multiracial classification on all forms requiring racial data. Senate passage was unanimous; House passage was overwhelming. Six other states have, in some form, recognized the existence of multiracial children: Ohio, Illinois, Michigan, Indiana, North Carolina and Florida.

The federal government still wants this issue to just go away. It means another box for another minority to have to deal with. It reeks of politics. Like the baby in Georgia, they wish it would be buried somewhere else.

We will not go away. Lorretta Edwards, a Florida mother of two multiracial children has filed a suit against the Office of Management and Budget to cease "arbitrary, unjust and discriminatory" practices against her children. We won't go away because it happens everywhere, every day.

Eleven years ago when my son was born, I quietly wondered what his future would hold. When his sister was born, I silently pledged to try harder.

Quiet and silent no longer, I have joined with others to stop the blatant discrimination against multiracial children from the rural South to the big cities, from schools to cemeteries, in birth and in death.

The mother of two multiracial children, Susan R. Graham is the founder and executive director of Project Race (Reclassify All Children Equally), a national organization advocating for multiracial children.

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THOMAS G. KOVER, CLK
U.S. DISTRICT COURT
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

REVONDA BOWEN, by and through her next friends, WAYNE and DOROTHY BOWEN,	)	
Plaintiff,	)	
v.	)	Civil Action No. 94-A-325-E
RANDOLPH COUNTY BOARD OF EDUCATION; and HULOND HUMPHRIES,	)	AMENDED COMPLAINT
Defendants.	)	

NATURE OF THE ACTION

1. This is a civil action brought to vindicate the plaintiff's rights under the Constitution of the United States, the Civil Rights Act of 1964, and Alabama state law. Plaintiff seeks damages for the harm caused her by the defendants' racially discriminatory customs, practices and policies at Randolph County High School. Plaintiff also seeks to prevent future violations of her rights.

JURISDICTION

2. The Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.

PARTIES

3. Plaintiff Revonda Bowen is a sixteen year old student at Randolph County High School in Wedowee, Alabama. She sues by her next friends, Wayne and Dorothy Bowen, her parents. Wayne Bowen is white; Dorothy Bowen is black. The Bowen family lives in Newell, a town in Randolph County, Alabama.

4. Defendant Randolph County Board of Education is an independent unit of local government responsible for the general administration and supervision of public schools in Randolph County, Alabama. The Board is a recipient of federal financial assistance.

5. Defendant Hulond Humphries is the principal of Randolph County High School, a public school in Randolph County, Alabama.

STATEMENT OF FACTS

6. Pursuant to the customs, practices, and policies of defendant Randolph County Board of Education, defendant Humphries has been delegated final policymaking authority for a wide variety of matters involving student life at Randolph County High School, including the conduct of extracurricular activities and student discipline.

7. Pursuant to this delegation of final policymaking authority, defendant Humphries has adopted and carried out a policy or practice of acting in a racially discriminatory manner by discouraging interracial relationships among students at Randolph County High School

8. In furtherance of the policy or practice, defendant Humphries called an assembly of the eleventh and twelfth grade students at Randolph County High School on February 24, 1994, to discourage interracial dating at the school prom.

9. At the assembly, defendant Humphries told the students that there would be no school prom if interracial couples planned to attend. He required students who had hopes of bringing a date of a different race to identify themselves.

10. Plaintiff, the president of the student committee that had planned and raised money for the prom, asked defendant Humphries who she should bring given her racial heritage.

11. Pursuant to the school policy or practice of discouraging interracial relationships, defendant Humphries replied by stating, in open assembly, that Revonda Bowen's parents had made a "mistake" and that he did not want anyone else to make the same "mistake."

12. As a result of defendant Humphries' conduct at the February 24 assembly, plaintiff suffered humiliation, embarrassment, and emotional distress so severe that no reasonable person could be expected to endure it.

13. Defendant Humphries' conduct at the February 24 assembly was intentional, extreme, outrageous, malicious, and in willful derogation of the plaintiff's civil rights.

14. On February 25, defendant Humphries convened another assembly as a result of public reaction to the February 24 assembly and the request by the Superintendent of Education for Randolph County that he reconsider his decision. At the second assembly, he stated:

> I spoke with you yesterday about some concerns I had about tensions running high and the risk of disorder at the prom. My comments were made in light of recent events at the school that had made the safety of students of utmost concern to me. However, I have been reflecting on my initial thoughts that the prom should not be held, and I have reconsidered. I do not believe that it is fair to the well-behaved students that have been looking forward to the prom. I have decided that canceling the prom is not the right solution. I have called you together to let you know that I want the prom to go forward as planned, and we will make whatever arrangements are necessary to maintain order at the prom and provide for the safety of those who attend.

15. Defendant Humphries' actions at the February 25 assembly compounded the plaintiff's injuries. In light of the February 24 assembly, defendant Humphries' February 25 statements implied that interracial couples were not "well-behaved" and were in some way to blame for problems that had occurred at the school.

During the February 25 assembly, Mr. Humphries never apologized to the plaintiff for referring to her parents' marriage and her birth as a "mistake."

16. The actions of defendant Humphries were racially motivated.

17. The actions of defendant Humphries have interfered with the ability of the plaintiff to participate in and benefit from the programs provided at Randolph County High School on account of race.

18. The actions of defendant Humphries have created an environment that a reasonable person would find, and that the plaintiff has found, to be hostile and abusive on account of race.

19. The actions of defendant Humphries were within the scope of his official duties as the principal at Randolph County High School.

20. Defendant Randolph County Board of Education has the authority to appoint, retain, and dismiss school principals.

21. On March 14, 1994, the defendant Board suspended defendant Humphries pending an investigation into his actions on February 24 and 25.

22. On March 31, 1994, the defendant Board voted to reinstate defendant Humphries, rejecting the recommendation of the Randolph County Superintendent of Education that a hearing be held and that Humphries be dismissed if the Board found that Humphries had engaged in the conduct alleged in this complaint on February 24 and 25.

23. Prior to the Board vote on March 31, the Superintendent reported to the Board that he had conducted an investigation into defendant Humphries' actions and had determined that there was reasonable cause to believe that defendant Humphries had engaged in the conduct alleged in this complaint on February 24 and 25.

24. Prior to the events of February 24 and 25, the defendant Board knew that defendant Humphries had engaged in, and had a propensity to engage in, racially

discriminatory conduct. In 1982, for example, it was widely reported in Randolph County that defendant Humphries had permitted a segregated Key Club to operate at Randolph County High School. In 1989, the Office for Civil Rights of the Department of Education informed the defendant Board that it had found that defendant Humphries had discriminated against black students in administering discipline and that he had fostered segregated transportation services.

25. The defendant Board's vote on March 31 to reinstate defendant Humphries was undertaken pursuant to the Board's custom and practice of retaining Humphries despite the Board's knowledge of his propensity for racially discriminatory conduct.

26. The defendant Board's custom and practice of retaining Humphries despite its knowledge of his propensity to engage in racially discriminatory behavior was the proximate cause of, or moving force behind, the plaintiff's injuries and the deprivation of her federal rights.

27. The action of the defendants were undertaken under color of state law.

CAUSES OF ACTION

28. The actions of the defendants violated the plaintiff's right to freedom of association as guaranteed by the First Amendment to the United States Constitution and her right to be free of racial discrimination as guaranteed by the Fourteenth Amendment. Such violations may be redressed and prevented pursuant to 42 U.S.C. § 1983.

29. The actions of the defendants violated the plaintiff's right to be free from racial discrimination as guaranteed by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

30. The actions of defendant Humphries violated the plaintiff's right under Alabama law not to be the subject to outrageous conduct that reasonably can be expected to cause severe emotional distress.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that this Honorable Court:

1. Award plaintiff compensatory damages for the harm she has suffered;

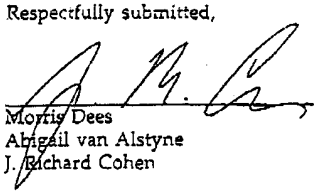
2. Award plaintiff punitive damages to punish the defendants and to deter others from engaging in similar misconduct;

3. Enjoin the defendants from carrying out their illegal policy of discouraging interracial relationships among students at Randolph County High School;

4. Award plaintiff her reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and

5. Grant plaintiff such other relief as the Court deems necessary and just.

Respectfully submitted,



Morris Dees
Abigail van Alstyne
J. Richard Cohen

Southern Poverty Law Center
Post Office Box 2087
Montgomery, AL 36102-2087
(205) 264-0286

ATTORNEYS FOR PLAINTIFF

Pursuant to Federal Rule of Civil Procedure 38(b), plaintiff hereby requests a trial by jury.

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

LORRETTA EDWARDS,
Individually and as Mother
and Natural Guardian of her minor
children A.M.M. and A. J.S.,

Plaintiffs,

vs.

ALICE M. RIVLIN, DIRECTOR OF THE
OFFICE OF MANAGEMENT AND BUDGET:

Defendant.

West Palm Beach Division

CASE NO: 95-8760 -CIV- RYSKAMP

COMPLAINT

Plaintiffs sue Defendant and say:

1. This is an action for declaratory, injunctive, and other relief, pursuant to 28 U.S.C. §§2201 and 2202.

2. Jurisdiction of the Court is invoked pursuant to the Fifth Amendment of the United States Constitution and 28 U.S.C. §1331.

3. Plaintiffs are residents of Palm Beach County, Florida.

4. Defendant is sued in her official capacity as director of the Office of Management and Budget (OMB) of the United States.

5. The Office of Management and Budget has promulgated Statistical Policy Directive No. 15 (Directive 15), which sets up standards for population reporting based upon race and ethnicity. It governs statistical reporting by the federal government and by the states in required reporting to the federal government, and the census. The data collection it governs related to race and ethnicity

are used in, inter alia, civil rights monitoring and enforcement in areas such as employment, voting rights, housing and mortgage lending, health care services, and educational opportunities.

The collected data are also utilized in research by the Bureau of the Census, the National Center for Health Statistics, and the Centers for Disease Control and Prevention.

The directive requires compilation of racial and ethnic data in four exclusive racial categories: White, Black, American Indian/Alaskan Native, Asian/Pacific Islander. Respondents also may indicate they are either of Hispanic origin or not of Hispanic origin. Individuals who do not fit into one of the four racial categories are required to select one of them anyway. There are no other options.

6. The minor children of LORETTA EDWARDS, A.M.M. and A. J. S., are multiracial, born to a white mother and black, or African American, father.

7. On March 21, 1995, EDWARDS, pursuant to law, attempted to enroll her child A.M.M. in the public schools in Palm Beach County, Florida. She was advised by a school official that the race of her child must be indicated on a form provided by the school system. The form provided allowed only the races recognized by OMB Directive 15 to be selected. EDWARDS refused to indicate one of those races because A.M.M. was not a member of any of the races so recognized, and because it was unreasonable to ask that a child deny the heritage of either parent.

8. Eventually, the Florida Department of Education elected to allow students to be registered in Florida indicating that they were "multiracial," and A.M.M. became the first public school student in the history of the State of Florida to register as multiracial. However, pursuant to the authority of OMB, the State of Florida will, as required by Directive 15, report racial statistics to the federal government only in the 4 racial categories favored and recognized by Directive 15. The method chosen is to take all of those students enrolling as multiracial, and proportionally distribute them to the 4 favored categories, by Florida school district. Thus, if 10% of the students in a district are enrolled as black, then the State of Florida will report 10% of the students enrolling as multiracial in that district as black, and so forth for the other favored categories.

9. A.M.M. has been harmed emotionally, psychologically, and otherwise by the enforcement of Directive 15, continues to be so harmed, and the harm is in large part irreparable. The potential for further, more extreme harm is high. Via Directive 15, the United States of America has declared that persons not belonging to any of the 4 favored racial categories is a non-person with regard to any economic and political and other rights guaranteed by statutes, regulations and the United States Constitution, , particularly with regard to the 5th Amendment guaranty of equal protection of the laws, insofar as race is a factor in distribution of such rights.

Directive 15 is not limited in its mandatory effect to reporting of school populations by states, but is all pervasive in its requirements as to reporting of racial data and populations, including census reporting.

As long as Directive 15 is in effect, A.M.M. will continue to suffer harm and damage, exemplified, but not exclusively related to, her merger back into racial groups to which she does not belong by the State of Florida as it obeys the mandate of Directive 15.

A.J.S. does and will suffer the same harm.

LORETTA EDWARDS, as mother of her children also suffers harm in her role as mother, protector, and advocate for the civil rights of her children.

10. There is and can be no compelling reason for the invidious discrimination embodied by Directive 15. No legitimate public purpose can be served by singling out certain categories of race as favored and legislating the others out of existence.There is no scientific, anthropological, or other sound basis for the selection of racial categories utilized in Directive 15.

Directive 15 embodies antiquated and odious prejudices and fears related to "racial mixing" and "miscegenation." It perpetuates the discredited "one drop rule."

Directive 15, is arbitrary, unjust, and discriminatory in effect and on its face, and is not in accordance with the authority of OMB, and the United States Constitution. It has the effect of denying to A.M.M. and A.J.S., and to their mother, equal protection of the law.

WHEREFORE, Plaintiffs demand

(1) Declaratory judgment declaring that Directive 15 is not in accordance with law, is in excess of the authority of OMB, is unconstitutional, and is null and void.

(2) Injunction prohibiting OMB from any and all further enforcement of Directive 15 for any purpose whatsoever.

(3) Preliminarily injunctive relief prohibiting enforcement of Directive 15.

(4) Such other and further relief deemed just and proper by this Court.

(5) Attorney's fees and costs of this action.

I HEREBY CERTIFY that a copy of this Complaint, together with the Summons, was served on Kendall Coffey, Esq., United States Attorney for the Southern District of Florida at 500 Australian Avenue, West Palm Beach, Florida, by delivery of the papers to an employee designated to receive process; and by registered or certified mail on Janet Reno, Attorney General of the United States, Department of Justice, Washington, D.C., and Alice M. Rivlin, Director of the Office of Management and Budget, New Executive Office Building, Washington D.C. 20503, on the 8th Day of December, 1995.

GERALD E. ROSSER, ESQ., of counsel to
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By: Gerald E. Rosser
Florida Bar No. 194140

(DO NOT PUBLISH)

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
JAN 31 1997
MIGUEL J. CORTEZ
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 96-4863
Non-Argument Calendar

D. C. Docket No. 95-CV-8760-KLR

LORRETTA EDWARD, Individually and as Mother and Natural Guardian of her minor children A.M.M. and A.J.S.,

Plaintiff-Appellant,

versus

ALICE M. RIVLIN, Director of the Office of Management and Budget,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(January 31, 1997)

Before HATCHETT, Chief Judge, DUBINA, Circuit Judge, and KRAVITCH*, Senior Circuit Judge.

PER CURIAM:

*Judge Kravitch was in regular active service when this matter was originally submitted but has taken senior status effective January 1, 1997.

This case involves an appeal from a district court's judgment of dismissal for lack of subject matter jurisdiction entered pursuant to Fed. R.Civ.P. Rule 12(b)(1). The issue presented is whether the district court correctly held that the plaintiffs lack standing to challenge Office of Management and Budget Directive 15, where the plaintiffs cannot identify any concrete or personal injury caused by the Directive.

To hear a claim, a federal court must have proper subject matter jurisdiction. To meet this jurisdictional requirement, it is well established that the parties must have standing to challenge the actions sought to be adjudicated, and that the burden of proving standing lies on the party attempting to invoke federal jurisdiction. See United States v. Hays, ____U.S.____, 115 S.Ct. 2431, 2435 (1995); Lujan v. Defenders of Wildlife, 504 U.S. 555, 561 (1992); Region 8 Forest Serv. Timber Purchasers Council v. Alcock, 993 F.2d 800, 805 (11th Cir. 1993), cert. denied, 114 S.Ct. 683 (1994).

A district court's decision that plaintiffs lack standing is a legal issue subject to de novo review. Jacobs v. The Florida Bar, 50 F.3d 901, 903 (11th Cir. 1995). In considering whether the plaintiffs complaint was properly dismissed for lack of standing, we must accept as true all material allegations of the complaint, and must construe the complaint in favor of the plaintiffs. Harris v. Evans, 20 F.3d 1118, 1121, n.4 (11th Cir.), cert. denied, 115 S.Ct. 641 (1994).

After reviewing the record in this case, we conclude that the district court correctly held that the plaintiffs failed to satisfy the first prong of Article III standing which requires them to allege a concrete injury that they have personally suffered. Here, at best, the plaintiffs have alleged only a generalized, abstract injury. Such allegations are clearly insufficient to support Article III standing.

For the foregoing reasons, we affirm the district court's judgment of dismissal.

AFFIRMED.

KLANWATCH INTELLIGENCE REPORT
BIAS INCIDENTS

The bias incidents here are drawn primarily from media and law enforcement reports. They are only a snapshot of the crimes motivated by race, ethnicity, religion and sexual orientation that occurred during (1994, 1995 and 1996). Statistics on hate crimes are unreliable, because many bias-motivated crimes are not reported to law enforcement, and law enforcement of hate crimes varies from state to state.

Klanwatch Intelligence Report

1994

ASSAULTS

Cedar Rapids, IA- Jan. 22, 1994

A black woman and her white husband allegedly were attacked by a black man who used racial slurs. Anthony Pledge, 20, was charged with a hate crime and assault.

Des Moines, IA- Aug. 6, 1994

A black man who was with his white wife allegedly was attacked by a group of Skinheads. Jason Kooker, 20, Damon Shogren, 19, Jeffery Van Cleve, 18, and James Dunaway, 20, were charged with assault with intent to inflict serious injury, going armed with intent and gang participation. Matthew Cannon, 18, was also arrested.

St. Maries, ID- July 18, 1994

A black man who was walking with a white woman allegedly was attacked by a white man who used a racial slur. Michael Bell, 26, was charged with malicious harassment.

Chicago, IL- Aug. 27, 1994

A black man who was with five white women allegedly was attacked by 10 white men.

Sussex, NJ- Feb. 19, 1994

A black man who has a white girlfriend allegedly was beaten by two white men. Michael Richardson, 25, and Ronald Bishop, 26, were charged with aggravated assault.

Brooklyn, NY- Dec. 14, 1994

An interracial couple allegedly were beaten and threatened by a group of black and Hispanic youths who shouted racial slurs. Shaun Williams and Wonwyin Young, both 20, Danny All, 16, John Pardobani, 17, and Giovanni Martin, 19, were charged with assault and aggravated harassment. Williams also was charged with criminal possession of a weapon and menacing.

Lorain, OH- Aug. 14, 1994

A black teen allegedly was attacked by three white men because the youth had a white girlfriend. Scott A. Stetson, 21, Jason S. Palagyi, 23, and Dennis E. Gunter, 25, were charged with assault, disorderly conduct by persisting and disturbing the peace.

James City, VA- March 26, 1994

A black man allegedly was beaten by eight white men because he was sitting with a white woman at a bar. Raymond Hogge III, 24, Stephen G. Miller, 33, Huey O. Branch, 22, and Brian Hockaday, 25, were charged with maiming by a mob.

West Allis, WI- March 25, 1994

A white man allegedly made racist comments to a white woman and her black boyfriend then smashed their car window with a crowbar. Stephen Schreiner, 18, was charged with disorderly conduct and criminal damage to property.

ARSON

Louisville, KY- Aug. 24, 1994

The house of a white family that has two black foster children was burned. A statue of a black youth with a fishing pole was found lynched from a tree at the fire scene.

Monroe Township, OH- July 28, 1994

The house of an interracial family that had received harassing phone calls was burned.

CROSS BURNINGS

Callahan, FL- Oct. 7, 1994

A cross was burned at an interracial couple's residence.

Niantic, IL- Aug. 30, 1994

A cross burning was attempted on an interracial couple's yard.

Jonathan Creek, NC- May 2, 1994

A cross was burned at the residence of a white woman who has an interracial child.

Buffalo, NY- Aug. 19, 1994

A cross was burned on an interracial couple's lawn.

Windber, PA- May 24, 1994

A cross was burned at the residence of a white woman dating a black man. Gary Updike, 18, and a 16-year-old youth were charged with ethnic intimidation and harassment.

Tracy City, TN- March 1994

A cross was burned in the yard of a babysitter for a white woman with a biracial child.

Janesville, WI- Sept. 15, 1994

A cross was burned on an interracial couple's lawn.

THREATS

Corvallis, OR- Feb. 3, 1994

A biracial student received a threatening message on his answering machine.

HARASSMENT

Florahome, FL- April 16, 1994

A man and a youth, armed with several knives and a gun, allegedly forced their way in an interracial family's residence, threatened the occupants, and made racial slurs. Tim Darryle Thomas, 33, and a 15-year-old youth were charged with burglary of an occupied dwelling and aggravated assault. The youth also was charged with resisting with violence and criminal mischief. Thomas allegedly was wearing a KKK shirt during the incident.

Waterloo, IA- March 30, 1994
A white woman with an interracial child received a racist NSDAP-AO sticker.
Norton, OH- June 6, 1994
Three men and a youth allegedly shouted racial threats and slurs at a biracial couple and threw fireworks at their residence. Herbert Price, 30, John Price, 21, and Dean Caynor, 20, were charged with arson, ethnic intimidation, criminal damaging and aggravated menacing. The 17-year-old was charged with delinquency by reason of aggravated menacing and ethnic intimidation.
Cottage Grove, OR- Feb. 2, 1994
An interracial family's house was doused with gasoline.
East Falls, PA- May 5, 1994
An interracial couple received two racist, threatening letters after they moved into a new neighborhood.

VANDALISM

Temecula, CA- June 10, 1994
Racial slurs were spray-painted on a house rented by a white couple, their daughter and her interracial children.
Des Moines, IA- Sept. 16, 1994
"KKK" was spray-painted on an interracial couple's residence.
Urbandale, IA- Feb. 18, 1994
"KKK" was spray-painted on an interracial couple's apartment.
Merrillville, IN- April 16, 1994
Racial slurs were sprayed in shaving cream on an interracial couple's home.
Ann Arbor, MI- April 1, 1994
A swastika was burned on the yard of an interracial family.
Bayport, MN- May 1994
Swastikas and white power slogans were spray-painted on cars by youths who allegedly yelled racial slurs, some directed at an Asian family with an adopted black child.
Brick, NJ- Oct. 17, 1994
"KKK" and racial slurs were spray-painted on a white family's residence that was formerly occupied by an interracial family.
Amity Harbor, NY- Sept. 29, 1994
The residence of a family with biracial children was ransacked and a racial slur was written inside.
Cincinnati, OH- July 28, 1994
White supremacist slogans and racial slurs were written on an interracial family's residence.
Salem, OH- March 5, 1994
A racist threat was written on the car of a white woman who has interracial children.
Pittsburg, PA- Sept. 16, 1994
Swastikas were spray-painted on cars and two residences, one occupied by and interracial family.

LEGAL DEVELOPMENTS

Decatur, IL- Oct. 11, 1994

Ricky D. Garren, 19, Robert J. Gist, 24, were charged with committing a hate crime, disorderly conduct and criminal damage to property after they allegedly burned a cross in an interracial couple's yard in Niantic in August.

Akron, OH- Sept. 30, 1994

Dean Caynor, who was among a group of men that allegedly shouted racial slurs and threw firecrackers into an interracial couple's yard in June, was convicted of aggravated menacing and ethnic intimidation.

Janesville, WI- Sept. 16, 1994

Three teens, two 16 and one 17, were arrested for allegedly burning a cross at an interracial couple's residence Sept. 14.

1995

ASSAULTS

LaPalma, CA- Jan. 9, 1995

A white girl allegedly was beaten by several apparent Skinheads who asked if the victim dated an American Indian.

Lancaster, CA- Oct. 21, 1995

A black youth was allegedly called a racial epithet and then beaten by a reported group of Skinheads, apparently for talking to two white girls.

Rock Hill, SC- Oct. 19, 1995

A white high school student who reportedly made negative remarks about interracial dating allegedly was beaten by six black students. Mareko Singleton, 16, Justin Chisolm, 17, Monte Brice, 18, and three other students were charged with second-degree lynching, aggravated assault and conspiracy.

ARSONS

Idaho Falls, ID- Nov. 26, 1995

A hair salon owned by an interracial couple was set afire. Swastikas and racial slurs were spray-painted at the scene.

CROSS BURNINGS

White City, FL- Aug. 9, 1995

A cross burning allegedly was attempted at an interracial couple's residence. Robert James Hicks, 27, and Robert Brian McLeod, 20, were charged with a first-degree misdemeanor under the state hate crime law.

Kappa, IL- July 12, 1995

A cross burning was attempted in an interracial couple's yard.

Upper Frederick, PA- Sept. 3, 1995
A cross was burned at an interracial couple's residence.

THREATS

Huntsville, AL- June 4, 1995
A self-proclaimed Klan member allegedly doused an interracial couple's hotel door with gasoline after yelling racial slurs at the couple and threatening to burn one member of the couple "like they did in the old days."
Marquette Heights, IL- June 29, 1995
A racist, threatening letter allegedly was sent to a multi-racial man.
Warren, MI- July 24, 1995
A racist, threatening letter allegedly was sent to a white woman with a black daughter-in-law and grandchildren.

HARASSMENT

Irvine, CA- Sept. 28, 1995
A white woman married to a black man received a racist note.
Newville, IN- May 1, 1995
A white couple who adopted a black baby received threatening letters and racial slurs were written on their van and in their house.
Horn Lake, MS- Oct. 13, 1995
Racist notes were left in the lockers of a black female high school student and an interracial female student.
West Township, OH- April 26, 1995
Death threats and racial slurs were yelled at an interracial family that allegedly has been the target of harassment since 1993.

VANDALISM

Artesia, CA- Sept. 14, 1995
Swastikas and a white power slogan were spray painted on the property of two black families and a white woman who is married to a Mexican man. Two white teens were charged with felony vandalism.
Palmdale, CA- Oct. 8, 1995
White supremacist slogans were spray-painted on the residence of a white woman who has biracial children.
Salinas, CA- July 13, 1995
Racial slurs were spray-painted on an interracial couple's residence.
Gastonia, NC- June 12, 1995
A wooden cross bearing a racial slur was left in the yard of a woman who has an interracial nephew.
Brooklyn, NY- Oct. 26, 1995
Swastikas were etched into a vehicle of a white man married to a black woman.

LEGAL DEVELOPMENTS

Richland, MS- Oct. 4, 1995

James A. Copelan, Jason Terrell Harvey, William C. Massey and Rufus D. Stonestreet, all alleged members of a neo-Nazi Skinhead group, were indicted on federal charges of use of fire in commission of a felony, conspiracy against an interracial couple's rights and interference with housing rights. The four men allegedly firebombed the couple's residence in 1994.

1996

ASSAULTS

Mesa, AZ- May 1996

A black man who was with his white fiancee was allegedly attacked by three Hispanic men who shouted racial slurs.

San Diego, CA- March 14, 1996

A white man dancing with an Asian woman was allegedly attacked by two Asian men who yelled racial epithets.

Vernon, CT- Jan. 1, 1996

A black man and three white women were attacked at a restaurant by two men who yelled racial slurs. Richard LaMarre, 38, was charged with two counts of third-degree assault and breach of peace and William Leonard, 39, was charged with breach of peace.

West Haven, CT- March 28, 1996

A black youth who was with his white girlfriend was allegedly beaten by four white men who used racial slurs and threatened to kill him. James Grece, Robert Cahill, and James Stevens, all 19, and John Buonomo, 16, were each charged with second-degree assault.

Cedar Rapids, IA- March 19,1996

A black boy and a white girl were allegedly attacked by a white man who used racial slurs. Jason D. Nemec, 23, was charged with assault, public intoxication, and a hate crime.

Spartenburg, SC- July 8, 1996

Four white men allegedly threw bottles and cans and yelled racial slurs at a black man and a white woman.

ARSONS

St. Louis, MO- Aug. 29, 1996

A biracial couple's residence burned after a Molotov cocktail was allegedly thrown through a window.

CROSS BURNINGS

Marysville, KS- Jan. 12, 1996
A cross was burned at an interracial couple's residence.
Roanoke, VA- Jan. 20, 1996
A cross was burned in an interracial couple's yard.

THREATS

Mineral, WA- July 17, 1996
Three men wearing Klan hoods burst into a biracial family's residence and allegedly threatened to kill a black woman and her son.

INTIMIDATION

Riddle, OR- March 25, 1996
A white man allegedly yelled a racial slur and threatened to kill a biracial family. Rocky Blain Young, 39, was charged with second-degree intimidation, menacing and attempting to commit a crime.

VANDALISM

Pocatello, ID- Jan. 20, 1996
The phrase "White Power" was written on the apartment of a white woman with a mixed-race child.
Aumsville, OR- March 1996
Racist graffiti was scrawled at an interracial couple's residence.
Canton, PA- June 23, 1996
"KKK" was written in the driveway at an interracial couple's residence.
Philadelphia, PA- Oct. 20, 1996
A threatening, racist message was written at a biracial family's residence.

LEGAL DEVELOPMENTS

Indianapolis, IN- Dec. 10, 1996
Philip W. Lafary, 31, Stephen J. Hartbarger, 26, and Lonnie R. Hartbarger, 21, were charged with civil rights violations after allegedly burning a cross at a biracial family's residence.
Waynesville, NC- Oct. 31, 1996
Leonard Hayes, Martin King, Alfred Smith, and Eugene Smith were charged with violating federal criminal civil rights laws for allegedly burning two crosses at a biracial couple's residence in December 1995.

Ms. GRAHAM. Also, Mr. McDougall talks about fighting racism and discrimination. And I would like to make clear that a multiracial category will not mean that multiracial people will ever stop fighting discrimination and racism. We will continue to fight discrimination and racism as multiracial people and as members of other communities.

Mrs. MALONEY. But Ms. Graham, do you believe that multiracial should be a protected category in terms of civil rights laws and voting rights laws?

Ms. GRAHAM. I really do not know how that will play out quite honestly, and that is what I would like to talk to our legal experts about and get back to the subcommittee on that.

Mrs. MALONEY. Thank you very much.

Mr. HORN. The gentleman from Illinois, Mr. Davis, for questions.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Ms. Graham, let me first of all just commend and congratulate you for the level of activism, involvement, and willingness to advocate for something that you believe in, and believe very strongly in. I think that is really the essence of what has made America, and I commend you for that.

I would like to ask you, would you suggest that I am multiracial?

Ms. GRAHAM. I think that it is how you consider yourself. If you identify yourself as multiracial, then you would be multiracial. If you identify as black, you would be black.

We talk a lot about self-identification. And Mr. McDougall and Mr. Rodriguez have talked about that you can self-identify. Multiracial people cannot always self-identify. That is part of the problem.

As a matter of fact, the Equal Opportunity Commission tells employers that they should not ask a person their race.

Mr. DAVIS OF ILLINOIS. But we are talking about public policy. We have gone beyond the individuality of self, even though that is a part. So I need to know what you would define me.

Ms. GRAHAM. It is not up to me to define you.

Mr. DAVIS OF ILLINOIS. Then would it be up to the Government to define individuals by putting it on the form?

Ms. GRAHAM. No. It is up to you to define yourself, and have the ability from the Government to be able to define yourself.

Mr. DAVIS OF ILLINOIS. Let me ask you another question.

Would you tell me just briefly what you think racism is?

Ms. GRAHAM. I think that the racism is any kind of discrimination by anyone of one race or two races against anyone else. We see racism sometimes in this country as just racism against the black community, but that is not true. You can be racist against any community, including the multiracial community. I do not know if that answers your question.

Mr. DAVIS OF ILLINOIS. Oh, I think it does. Of course, my definition is a little different than your definition. My definition suggests that racism really is the deliberate and systematic oppression of one group of people by another group of people for the sole purpose of maintaining dominance and control for the oppressing group over the oppressed group.

So I think that it is a little different and I think that we all operate on the basis of our understanding. As I indicated, I certainly appreciate your involvement.

Ms. GRAHAM. I agree with you on your definition.

Would you agree with me that that is what is happening to the multiracial community?

Mr. DAVIS OF ILLINOIS. Well, I am not sure that there has been the orchestration of the deliberateness that perhaps I am talking about and have seen. Perhaps we will ferret out a little bit of that, because I would like to go to your son.

Ryan, let me just tell you that you are indeed a role model for thousands of young people all over America. For them to know that you believe that by expressing yourself, by taking a position in relationship to what you believe, and that you actually live it out in a real sense the true meaning of what America is designed to do. That is for all of us to help make decisions about our country and what our country is.

Let me ask you, have you ever experienced what you would call racism or discrimination?

Mr. GRAHAM. Well, not actually. The school I go to, I mean, we all pretty much play fair, and there is no discrimination.

Mr. DAVIS OF ILLINOIS. You have been most fortunate, in that you have not. And I certainly want to commend the area where you live, and the people that you come in contact with, and the community that you come from. It seems to be a model kind of community in terms of race and race relations.

My point would probably be that when you do or if you ever run into it, it will probably be more on the basis of how you look than on the basis of how you are listed on the form. I really thank you for the answer.

Mr. Rodriguez, you seem to be very definitive in terms of your position and the feeling of your organization that a change in the rules under which we have become accustomed to playing will in some way diminish, dilute, or take away from the ability for the group that you represent to experience equity and justice.

Is that accurate?

Mr. RODRIGUEZ. That is accurate.

Mr. DAVIS OF ILLINOIS. I know that while you have already laid it out a number of times, could you once again indicate why you feel that it is important to protect the rules and the game, that perhaps some of the largest minority groups in the country have had access to and have been able to use?

Mr. RODRIGUEZ. I will certainly try. I would say that we fought very hard in terms of civil rights and otherwise to gain a category on the census for the purposes of really attacking the issues of poverty and discrimination, that disproportionately affects our respective communities.

So there is no question in my mind that the accuracy and quality of data is critical to the efforts that have brought us up to this point in time. And there is no question in my mind that any disturbance or any reduction in the quality and accuracy of census data is going to have an impact on the effectiveness of programs and services that reach our communities.

The range of services is endless. We are talking about Head Start for our youngest. We are talking about all kinds of programs that serve those in higher education. Throughout, cradle to grave programs that are there and are designed to help alleviate poverty and reduce discrimination in our communities.

Yet there is a clear understanding that right now 30 percent of the Hispanic community suffers poverty, and we still suffer disproportionate discrimination. We have got a long way to go, and we need these tools. We need them to be accurate, and we need them to be useful, and we definitely cannot risk any harm to these programs.

Mr. DAVIS OF ILLINOIS. Well, let me just say that I certainly appreciate the position that you are taking. I agree wholeheartedly with it. Because it appears to me that you are saying that yes, we have made some progress, that we are moving. But you are also saying let us not risk that progress by altering or changing the way in which we operate.

Mr. RODRIGUEZ. Absolutely.

Mr. DAVIS OF ILLINOIS. Thank you.

Finally, Mr. McDougall, I certainly appreciate your testimony. I have long been a member of the NAACP, and have always had high regard for its work. And I appreciate the decisionmaking process that you are aware of and familiar with. The fact that on some of these issues, you are actually going to take policy positions on them at the upcoming convention, and you would not want to jump the gun in terms of that. I appreciate that understanding of the process, and I am sure that your organization does too.

Did I detect though in your testimony a suggestion perhaps for a desire for all of the minority groups in this country to sort of understand that we may have gotten our status differently, or that we may have become part of the minority in a different way?

Another way of saying it is maybe we have come over on different ships. But for all practical purposes, we are on the same boat. And maybe we better just try to coalesce around that.

Did I detect that?

Mr. MCDOUGALL. You did, sir. That is my view certainly, but I think that it is in the tradition of the best of what the NAACP has accomplished over the years. That is our job after all.

Mr. DAVIS OF ILLINOIS. Thank you very much. I appreciate all of you being here.

And thank you very much, Mr. Chairman.

Mr. HORN. You are quite welcome.

I just have a few closing questions.

Mr. Rodriguez, my Spanish is many years ago.

Could you translate the word La Raza for me?

Mr. RODRIGUEZ. Oh, sure. La Raza actually emanates from Latin American literature, meaning what is the cosmic race. It is a mosaic of differing persons and it reflects the diversity of the Spanish Latino community within the United States and externally. So it has an interesting philosophical meaning.

Mr. HORN. Has that sort of been a school of literary criticism or a school of philosophy, or how has that evolved in Latin America?

We all know that every country is unique in Latin America. Americans make the mistake of thinking that there is one overall

culture that is replicated in every country. The language is the same. It may be pronounced differently at a different pace. But if you look at the art, and it is all distinctive when you go country to country.

And yet it translates sort of the race. And yet you made a strong point here I think—well, let me put it this way: How would you relate the questionnaire on the census form that Hispanic people now can check off? But they are not considered as a race, because they are not a race in terms of the anthropological analysis. Now some of that anthropology is nonsense, I might say. Just because a group of professors said it does not mean it is right, and a lot of it has been thrown out—mostly in this century.

Anyhow, I find it unique that your group would really be the council of the race when racial stereotyping is sort of I think in bad form in this country. Go ahead.

Why would you prefer that ethnic category, or do you prefer to have it suddenly classified as Hispanics, Latinos, whatever you call different things by yourselves, and then you have big fights over these, as I remember.

Mr. RODRIGUEZ. That is correct.

Mr. HORN. From the older citizens who say keep it Latinos, and younger citizens have another view of life.

So explain to me what category matters the most in terms of the census?

Mr. RODRIGUEZ. I think that in terms of the census that because Hispanics are an ethnicity and not a race in terms of counting, we know in our own respective countries and in the United States, and most of us are native born, that we have ancestors and we come from a range of different racial areas of the world; African, European, and Asian countries. And with that, we take those traditions and some of those cultural memories.

So I think that it is interesting, because there is such a diversity within the Hispanic population, that the separation of ethnicity and race does actually make sense from our perspective just because of that, and because we know that there are interestingly enough black Cubans who speak Chinese. It is fascinating, and it is part of the mosaic that makes for diversity.

So in terms of the census, we do want to be clear. And we want to be able to determine if there are and where the distinctions lie between Hispanics of different races. Because we clearly see that there are racial differences and disparities within our respective Latin American and Caribbean countries.

And so we recognize that racism is prevalent even throughout the Hispanic community. And we understand the need and the necessity for collecting that kind of information.

Mr. HORN. Since I am half Irish, I am well aware that the English did not like us, and perhaps still do not like us. And the feeling was mutual for a very long time, even in this country. Yet, that discrimination is within a race, as the anthropologists look at it. So, I am just curious in terms of voting statistics, for example. And in terms of appeals to the Supreme Court, I think that Mr. McDougall would admit, the Court takes much more seriously racial discrimination as opposed to ethnic discrimination or other forms of discrimination within races as such.

Is it that there is a desire to be in "protected" category of the Constitution, that the Court puts a much higher standard in some ways in its administration of that particular phrase?

Do you just want to leave it at the ethnicity category that you have now in the census?

Mr. RODRIGUEZ. Would we like to leave it as ethnicity?

Mr. HORN. Yes.

Mr. RODRIGUEZ. In terms of a separate and distinct category from race?

Mr. HORN. Right.

Mr. RODRIGUEZ. Yes. I think that the census tests have really shown that in separating the categories I think we gain some very valuable information about the racial distinctions in the Hispanic community. So there are some clear needs for some information about Hispanics by race, which is something that we are really looking into. So I think that from our perspective that the accuracy of the data is helped when the categories are separated.

Mr. HORN. Well, if they check the Latino Hispanic category, does that not give you enough data in terms of administering the Voting Rights Act and various Housing Discrimination Acts?

Mr. RODRIGUEZ. Yes, I do believe it does.

Mr. HORN. If you take any of the racial columns.

Mr. RODRIGUEZ. I do believe that it does. But the additional information that we get from the racial disparities is really critical to the research and otherwise. Because there is a distinct difference between what is race and then what is Hispanic origin discrimination. And the Hispanic community by the nature of who they are can experience both.

And being a dark skinned Hispanic who speaks very well English can be discriminated against as opposed to a light skinned Hispanic who speaks very poor English, can be discriminated against.

So there are some clear disparities, and discrimination takes many forms within the Hispanic community that makes collection of the data really essential.

Mr. HORN. I recall those that come under the national origin category, often Eastern Europeans in particular, that lectured the Civil Rights Commission—I think quite appropriately—for doing almost nothing about looking at discrimination among Slavic groups as they came to the United States. And let us face it, they had tremendous problems in some of our urban cities, and they still do. And yet, the Government was not really worrying about them. It was worrying about everybody else.

As you say, sometimes it may not be appropriate, because some of those who were in these protected categories were a lot better off than the average citizen of the United States.

So that, it seems to me, is one of the problems we face in reality. And I guess that we can ask the basic question of when does the day come that we do not need to check the racial category, or we just throw everybody into a multiracial category.

I mean does the day come only when the groups that have their lobbying efforts say yes, now is the time? I doubt that those groups will ever say that is the time. Right?

Mr. RODRIGUEZ. In response, I guess when discrimination and poverty sort of subside, I would not have an issue with finding a

new line of work at all. So when that day comes, I would be very pleased to end the reasoning behind simple discriminatory questioning.

Mr. HORN. Obviously, what I am thinking about is the 15th amendment, which is the right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

Well, we do not ask for color really. In part we do in the racial categories of the census. But I do not know if that solves all of the problems of the people of color. But we do ask for race, which is the highly protected category in the Constitution.

Well, we thank you all for coming. And we will have some questions to followup with all of the witnesses, this panel and others. And if you would not mind answering them, we would be most grateful. And we will put them in the record at the appropriate point. We did not have time to ask all of the questions that we have here. So we thank you for that effort.

Mrs. MALONEY. Mr. Chairman.

Mr. HORN. I believe that the gentlewoman from New York has an insertion for the record.

Mrs. MALONEY. Yes. I would like to insert in the record a letter from the U.S. Department of Justice, the Civil Rights Division. And it is a long letter. It is dated October 1994. But in it, they speak out strongly about any changes that would fragment racial and ethnic group data, and thereby make it more difficult to prove that numbers of a particular racial or ethnic group are suffering discrimination.

And may I put that in the record?

Mr. HORN. Without objection, it will be inserted at this point in the record.

Mrs. MALONEY. Thank you.

[The information referred to follows:]

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

OCT 18 1994

Ms. Katherine K. Wallman
Chief, Statistical Policy
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

Dear Ms. Wallman:

The Civil Rights Division submits the following comments in response to your June 9, 1994 memorandum requesting our views on proposed changes to the current race and ethnic categories of OMB Directive No. 15.

This Division supports changes to the Directive's race and ethnic categories that will result in the collection of more complete, reliable, accurate and timely demographic data without impairing the Division's ability to enforce the civil rights laws.

We use demographic data to identify and remedy violations of the civil rights laws for which we have enforcement responsibility. Our law enforcement efforts depend heavily on demographic data that are accepted as reliable and are presented in a usable format. They also depend on data that allow individuals to be identified as members of groups that are subjected to discrimination on the basis of race or ethnicity. We are concerned that the inclusion of additional categories such as "multiracial," "other" or an "open ended" response will fragment racial and ethnic group data and make enforcement more difficult because the additional categories could confuse respondents, lead to less reliable data and make it difficult to prove that members of a particular racial or ethnic group are suffering discrimination. Thus, we urge that any proposed changes to Directive 15 not be adopted until a full field study has been conducted to evaluate their impact upon the reliability, timeliness and usefulness of those data to this Division's law enforcement responsibilities.

The Civil Rights Division uses census and other demographic data in a variety of contexts.

1. Pursuant to the Voting Rights Act, 42 U.S.C. § 1973, et seq., we rely on census data to determine the racial and ethnic composition of voting jurisdictions. These data are important to enforcement of Section 5 of the Act, 42 U.S.C. § 1973c, which requires covered jurisdictions to obtain preclearance of proposed changes in election practices to ensure that they do not have the purpose or effect of disadvantaging voters on the basis of race. Similarly, enforcement of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, requires accurate census data regarding race to analyze the demographics of minority voters, especially when addressing the discriminatory results of state, county and local redistricting plans. Race and ethnic data are also crucial to demonstrating racial bloc voting patterns which the Supreme Court found to be of single importance in proving a violation of Section 2. See Thornburg v. Gingles, 478 U.S. 30 (1986). In addition, Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a, requires language assistance to voters in jurisdictions in which over 5% or a total of 10,000 of the residents are members of a language minority and are limited-English proficient.

2. It is also important to have accurate race and ethnic data for purposes of enforcing the Fair Housing Act, 42 U.S.C. § 3601, and the Equal Credit Opportunity Act, 12 U.S.C. § 1691, which prohibit discrimination on the basis of race. The data assist in a variety of ways in determining whether a practice unlawfully excludes minority home-seekers. For example, these data are of particular significance in our efforts to ensure lenders do not discriminate in making loans for home mortgage and other credit needs.

3. In our efforts to ensure equality of educational opportunities under Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c-6, and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703, accurate race data plays an essential role in targeting investigations, detecting violations, and in monitoring and enforcing desegregation plans.

4. The Division also enforces Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., against public employers and Executive Order 11246 against federal contractors, which collectively prohibit discrimination in employment on the basis of race, sex, religion and national origin. Our enforcement efforts rely upon reliable data regarding the composition of the labor force according to race, national origin, sex, education, age, occupation and residence.

Race and ethnic data are essential in establishing a prima facie case either that an employer has engaged in an employment practice that has an impermissible discriminatory impact or has intentionally disadvantaged individuals on the basis of race, sex, or national origin. In general, a statistical prima facie case depends on a comparison of, for example, the racial composition of the relevant labor pool to the racial and ethnic composition of those hired for a particular position. See Hazelwood School Dist. v. United States, 433 U.S. 299, 307-308 (1977); Wards Cove Packing Co. v. Atonio, 490 U.S. 642, 650-651 (1989). In the absence of accurate aggregated race and ethnic data that can be used to determine the impact of an employment practice, our ability to pursue cases of disparate impact will be compromised. Disparate impact litigation is one of the most efficient ways of identifying and remedying broad based employment practices, and we cannot overstate the importance of usable and accurate census data in these cases.

The sources of the race and ethnic data that the Civil Rights Division uses to target violations and to enforce the statutes described above, include: published Census data; EEO-1, EEO-4, EEO-5 and EEO-6 reports filed by employers in accordance with regulations of the Equal Employment Opportunity Commission; reports of lending activity filed by financial institutions pursuant to the Home Mortgage Disclosure Act; reports filed by school districts and colleges and universities as required by the United States Department of Education; and data provided by an employer or jurisdiction at our specific request. It is essential to our mission that the data contained in these sources be accurate and timely. If data are deemed unreliable, our ability to identify statutory violations will be hindered, as will our ability to prove them in litigation. Therefore, we caution against any changes to the current race and ethnic categories that will increase the lag time between collection and publication of data or would in any way call their reliability into question.

As we said above, we have strong reservations about any changes that would fragment racial and ethnic group data, and thereby make it more difficult to prove that members of a particular racial or ethnic group are suffering discrimination. If a decision is made to include additional categories, we urge that the responses be coded into usable categories that resemble the current categories used in Directive 15. In the absence of such an assignment, we would lose important data regarding the composition of the major racial groups.

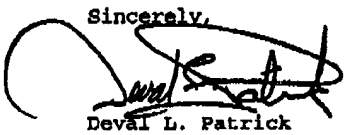
We are also concerned that the collection and public availability of demographic data for additional groups may have the unintended effect of calling into question the legal and practical efficacy of data that are assigned to broader categories. We do not know how many individuals might avail themselves of new categories, but we believe that the resulting data will be less reliable and useful for our purposes than the data derived from the existing Directive 15 categories. If, for example, large numbers of African-Americans chose to identify themselves as having a degree of European ancestry or many white Americans chose to identify the separate components of their European ancestry, a large amount of data collection would be involved without practical benefit for our enforcement efforts. Moreover, some of the proposed categories may lead to the collection of misleading data. Thus, a respondent who was born in the United States may consider him or herself to be a "Native American," when that category is meant to collect data from respondents who consider themselves to be of American Indian or Alaskan origin. Similarly, a category of "Middle Easterner" might be confusing to respondents who reside or come from a geographic area of the United States.

The statutes that we enforce depend upon an individual identifying with or being identified by others as part of a racial group. Whether someone is a victim of discrimination often turns on the way in which others perceive the color of the victim's skin, the ethnic origin of his or her last name, or the accent with which the victim speaks. Such issues do not depend generally on the way in which a victim identifies the various components of his or her racial or ethnic background. In order to establish a statistical disparity, it must be clear that an identifiable group is disproportionately excluded from employment opportunities. Knowing the particular components of an individual's racial identity would not make a difference.

Also comparisons across time, e.g., from one census to the next, are very important to our enforcement efforts. It is crucial to be able to identify changes in housing patterns, school attendance patterns, minorities' voting strength from a redistricting plan or annexation, and changes in labor markets, particularly when targeting our enforcement efforts. We are aware that there exist questions about the historical benefit of the data collected pursuant to the current Directive 15 categories. These data, however, are widely accepted by the courts and government agencies at all levels as persuasive and reliable, and changes to the categories may adversely affect the accepted usefulness of the data.

In view of the importance of this difficult issue, we appreciate the opportunity to present our views.

Sincerely,



Deval L. Patrick
Assistant Attorney General
Civil Rights Division

Mr. HORN. Thank you very much for coming.

And Mr. Graham, we are going to look forward to you when you hit 16, and maybe you hit 20, and all ages in between. We will be glad to have you testify. Thank you for coming.

So if panel III would come forward, we will begin. If you would stand and raise your right hands, please.

[Witnesses sworn.]

Mr. HORN. All five witnesses affirmed.

We will follow in the order on the program. As I said earlier, we have read all of the testimony. Please do not read it. We would like you to summarize it.

The way that we are going to go on these rounds is we are going to have the clock going, and I will enforce it. There will be 5 minutes to summarize your testimony. The caution light will go on at the 4th minute. So try to wind it up by that time.

We will also put this time rule on the Members of the panel. We will have 5 minutes essentially for questions by each Member.

So let us begin then with Ramona Douglass, the president of the Association for Multiethnic Americans. Ms. Douglass.

STATEMENTS OF RAMONA DOUGLASS, PRESIDENT, ASSOCIATION FOR MULTIETHNIC AMERICANS; HELEN HATAB SAMHAN, EXECUTIVE VICE PRESIDENT, ARAB-AMERICAN INSTITUTE; JACINTA MA, LEGAL FELLOW, NATIONAL ASIAN PACIFIC AMERICAN LEGAL CONSORTIUM; JOANN CHASE, EXECUTIVE DIRECTOR, NATIONAL CONGRESS OF AMERICAN INDIANS; AND NATHAN DOUGLAS, INTERRACIAL FAMILY CIRCLE

Ms. DOUGLASS. Yes. Good afternoon, Mr. Chairman and members of the subcommittee. At your request, I will not be reading my testimony.

But I can assure you that I am proud to call myself a multiracial American of African, Italian, and Native American heritage. I would also like to say that I have been a civil rights advocate for the last 30 years, a civil rights advocate who is aware of the civil rights struggles of all of the communities that I represent.

In 1997, the community that I represent today are the 2.5 million Americans that call themselves multiracial. If this were not a key issue for the 1990 census, we would not have had over 9 million people mark the other category at that time.

My organization came into being in 1988, and it is a federation of local grassroots organizations that are interracial and multiethnic, and they span all of the racial and ethnic groups.

Some people say that we are not a community, because our colors do not match. Therefore, how can we claim community rights and issues. I speak all over the United States at student organizational conventions. Those conventions include people who are Asian, African, European, Native American, and mixtures, that call themselves a community.

I think that what is important here today is that a new conversation needs to be addressed in terms of race. We spent an awful lot of time talking about a history of racism in this country strictly in terms of a white/black context.

I know that when my parents got married in 1947, that the idea of interracial relationships was against the law in over 17 States in the United States. It was against the law until 1967. This year, my family will be celebrating a 50th anniversary of an interracial and interethnic union and there are many others like us.

What I want to bring to your attention is the fact that this is not only a personal issue. I am in the medical field. I deal with medical issues on a daily basis.

From personal experience, it is a very interesting prospect being put into a hospital having the clerk at the admissions department list me as white from her perspective. And the East Indian resident listing me as black from her perspective.

From a lab technician's point of view, they decided that I needed to be listed as sickle cell positive, but the test was never done. And if I had not been a vocal and conscious patient, I may have been given the wrong anesthesia.

I am not the only person who has suffered this because I look ambiguous. There are many other people like me who because of the perceptions of others get misclassified for medical issues. They get shortchanged for testing. There is not enough research being done.

So someone like Michelle Carew, who was the daughter of the famed baseball player Rod Carew, did not have a donor match for her bone marrow transplant. Therefore, she was unable to survive and died.

If we had the ability to at least acknowledge that what you see is not always what you get, then at least more intelligent questions could be answered on medical forms with regard to race and ethnicity.

We are not saying that we are a solution to civil rights laws or civil rights injustices of the past. But I find it ironic that our organization and our people are being asked to correct by virtue of how we define ourselves all of the past injustices of other groups of people.

I would also like to say that my former president of the Association of Multiethnic Americans is Mr. Carlos Ferrandez, who is both Hispanic and not Hispanic. From his perspective and from the perspective of people who identify as Hispanic and not Hispanic, they feel that it is as important to claim the Hispanic heritage and to acknowledge the other heritage that they are a part of, as it is to say they are part of one racial or ethnic group.

In terms of political agenda, I would like to distinguish the American multiracial movement from the movement of Brazil, and from the movement of South Africa. I think that too many stereotypes and too many generalizations have been made in this room today and in the American public with regard to our purpose and our reasoning for being a part of this movement.

Because I have been a civil rights advocate, I have no flight from blackness on my agenda. I have no insensitivity to the fact that there are injustices that are going on today in every community. But I have to say that what we are doing is basically breaking down a paradigm. We are basically having another conversation which says we want choice in the matter. We want choice in the

matter of who we are, just like any other community has choice in the matter.

And it is not just to feel good, but it is also because we are discriminated against. When someone goes to a housing development and the colors do not match, they face discrimination not because they are black or white; they are discriminated against because they are both. And when they go to get a loan for a house, the same issue can apply.

The Wedowee case was a perfect example. A young lady named Revonda Bowen, was of mixed race heritage, not simply an African-American young lady. The insult to her was that her parents had created a mistake, and the mistake was a multiracial child.

I would be happy to answer any questions that you have on this issue, because I know that there are many.

[The prepared statement of Ms. Douglass follows:]

Testimony of Ramona E. Douglass
President of the Association of MultiEthnic Americans
Member of the Federal 2000 Census Advisory Committee
Before the Subcommittee on Government Management and Technology
of the U.S. House of Representatives

Washington D.C.
May, 1997

Introduction

My name is Ramona E. Douglass and I am proud to call myself a multiracial American. I consider it an honor and a priviledge to stand before this subcommittee and be able to tell its members what being multiracial/ multiethnic means to me and the more than 2.5 millions others like me in the U.S. today. We are no longer willing to remain proverbial square pegs shoved into the consistently round holes of America's racial classification system. In June, 1993, my personal testimony was submitted before a similar congressional subcommittee that was charged with exploring the possibility of acknowledging, counting and respecting multiracial/multiethnic people. The multiracial community was statistically invisible then and it is still statistically invisible now. (See: Review of Federal Measurement of Race and Ethnicity Hearings Before the Subcommittee on Census, Statistics and Postal Personnel of the Committee on Post Office and Civil Service. House of Representatives: 103rd Congress, First Session, June 30, 1993, pp. 152-153, Serial No. 103-7)

It is time for a paradigm shift. It is time for a healing of old tired wounds from a past that cannot continue to rule our future, or the futures of all our children, be they black, white, Asian, American Indian, Hispanic or multiracial.

The children of America deserve a future that finally lives up to the promise of serving each and every member of society with dignity honor and respect. Race itself is simply a conversation people either align with or they don't. It is real only in our speaking of it---not in science---and through our communications with one another we have the ability to transform the listening mentality and spirit of a nation.

The "One Drop Rule" and Dismantling the "Colored Buffer" Myth

The "one drop rule" is an irrational notion born out of economic greed exploitation and repression over 200 years old. It is time to let it die once and for all in our hearts and in our minds. To continue to speak it as if it is real or has any merit only serves to limit the possibilities that human diversity has for today and for all our tomorrows. We are bigger than our past, stronger than our fears, and wise enough as a nation to be open to a future that embraces all of who we are without discriminating against or subjugating anyone.

Beyond Black And White

The multiracial community is one that extends beyond the boundaries of black and white. We are also American Indian, Asian and Pacific Islander as well as Hispanic multiracial/multiethnic people. To attempt to pigeon hole or limit us again to a black/white context minimizes our complexity and ignores ethnic/racial discrimination that encompasses more than the history of slavery in America. Until 1967, anti-miscegenation laws in 16 states prohibited any person "of color" to marry white or otherwise co-habitate with another outside their own ethnic/racial group. Now in 1997, Asian Americans in particular represent a diverse community reported to have the highest out-marriage rate in the U.S., (according to demographic research from UCLA sociologist Harry Kitano and others.) Based on data from LA County, intermarriage rates are on the rise for Japanese, Chinese, Filipino, Korean, and Vietnamese Americans and in many instances exceed 40%. (See Maria P.P. Root, Ph.D, University of Washington, Dept. of American Ethnic Studies, personal testimony, May 15, 1997). Multiracial student organizations around the country include mixed-race Asian support networks such as **Hapa Issues Forum** which originated at UC Berkeley in 1992. ("Hapa" is Hawaiian for mixed. It is also a way to describe a person of partial Asian or Pacific Islander ancestry.)

Multiracial By Choice: An American Journey

The American Multiracial Movement is about choice not force in racial and ethnic identification. To embrace all of one's heritage doesn't mean denial of one part over another. It has nothing to do with "flight from blackness." This is not a Brazilian or South African Movement. We are no one's new or old "colored buffer group." Stereotypes imposed on multiracial people by insensitive or ill-informed critics are no less abhorant than stereotypes imposed on any other racial/ethnic group.

The U.S., Brazil and South Africa have all experienced racism---but the existence of officially recognized multiracial individuals in the two latter countries does not mean that the acknowledgement of multiracial Americans today will create a new divisive, or priviledge-based class of people---(similar to either of the foreign models.) We are not about avoiding stigma or gaining racial priviledge. If anything, our community is more intent on dismantling the "dominant 'either/or' mode of racial thinking inherited from our own colonial past." (See personal testimony of G. Reginald Daniel, Ph.D., Dept. of Sociology, UC Santa Barbara, May 1997.) Multiracial identity in America "seeks to affirm a more inclusive racial identity that not only embraces the concept of "both/neither" but that also challenges the whole notion of racial priviledge." (Daniel, May 1997)

Medical Issues

The blood running through the veins of black children cannot be distinguished from the blood running through the veins of other children no matter what color they are or what culture they eventually embrace. All blood is red. Rather than continue to obsess over "who's black and who's not," we will better serve all communities medically if we concentrate on what impact, if any, ethnicity has on genetic frequency and disease. *Tay Sach, Sickle Cell* and *Cystic Fibrosis* are diseases said to be linked to genetic frequency, not race as we rigidly define it today. (Anthony P. Polednak. Racial & Ethnic Differences In Disease, Oxford University Press, 1989: 3-4; 78-81; 90, and 295.)

Flagging multiracial/multiethnic individuals would at least prompt healthcare professionals to look beyond surface appearances and ask more detailed questions on ethnic origin and medical history.

Infant Mortality, Birth Weight, Gestation Duration and "Race"

Every OB/GYN professional in the country knows that black babies have a higher mortality rate and lower birth weight averages than white babies. But who is tracking the birth weights and mortality rates of multiracial/multiethnic children? Only a handful of studies have been done on multiracial infants. (See: 1 "Race & Birth Weight in Biracial Infants," vol. 83, no. 8 in the American Journal of Public Health, Auguat 1993 and 2. "Gestational Duration and Birth Weight in White, Black and Mixed-Race Babies," Pediatric and Perinatal Epidemiology, 1991.) Without the ability to count or monitor multiracial infants, research on our community won't be forthcoming and our children will remain at risk. This inequity and oversight cannot continue.

Medications, Reaction Rates and Ethnic Differences

Extensive research has been done by the pharmaceutical industry linking race and ethnic origin to differences in response rates and/or side-effects associated with anti-depressants, analgesics, alcohol and other controlled substances. In 1993 the National Pharmaceutical Council determined that Hispanic and Chinese respondents require lower doses of anti-depressants, but the side effects were greater in Hispanics. (Study entitled: "Ethnic and Racial Differences in Response to Medicines") Regarding alcohol intolerance, Asians were said to be more sensitive to its adverse effects and American Indians were said to have faster metabolic rates.

Looking at these and other related conclusions regarding medication, reaction rates and ethnic variations, it logically follows that multiracial/multiethnic response rates would have distinctions of their own.

Absence of Adverse Legal Consequences in Adopting a Multiracial Category

Civil Rights Laws

There are no legal documents, studies or otherwise known statistical data currently available through the U.S. Justice Department, the Office of Management and Budget or the U.S. Bureau of the Census that support the belief that "the adoption of a multiracial category on governmental forms---for the purpose of collecting racial data---will in some way upset the legal regime already in place for enforcement of anti-discrimination laws in the U.S." (See attachment B)

Multiracial people are discriminated against not only because of the usual bias associated with single-race minority status, but also because their family "colors" don't match. It is because of their blended--not their monoracial heritage-- that they are targeted by racial purists on both sides of the color line. Knowing who, what, where, and how many we are--- then tracking that data--- would be an important first step in the generally accepted three-pronged approach to civil rights: identify, monitor and enforce. (Edwin Darden, Law and Public Relations Office, Georgetown University, May 1997)

The multiracial community has the right to be counted as does any other segment of the American population seeking the achievement of an equitable society implied in the equal protection clause of the 14th Amendment to the U.S. Constitution.

Civil Rights Act of 1964

The purpose behind this statute is to prevent discrimination in the public sector, a goal that includes biracial and multiracial individuals. The public accommodations section [42, U.S.C. 2000 (a)], Title VII (employment discrimination); and a provision that denies federal funding to discriminatory programs---all cite race, color, religion or national origin as unacceptable motivations for discrimination. Multiracial people can be and are discriminated against on the basis of race (multiracial status) color (lightness or darkness of skin) or national origin. Enforcement covers people of multiracial descent now under one of those three approaches and would do likewise if the government formalized it under OMB Directive 15.

Thus, this is not creating a new category that will gain new benefits under the civil rights laws. Rather this is a reaffirmation of the applicability of existing laws to a population that has here-to-fore been subjected to discrimination but for whom documentation has been more difficult. (See attachment B)

Voting Rights Act of 1965

The Voting Rights Act of 1965 has also been cited by multiracial category opponents to be at risk if a means of accurately accounting for multiracial/multiethnic Americans is adopted by the U.S. Census or the Office of Management and Budget's Directive 15 is revised.

Nothing in the adoption of a multiracial category stands to alter any standard practices attributed to the Voting Rights Act. The Act addresses race or color---two concepts that would currently encompass biracial/multi-ethnic individuals and would continue to in the future.

The Right Thing To Do

The lives of our interracial families and multiracial children are in your hands. We as a community are asking you to give us the same consideration and respect you would demand for your own families' health and well-being. Please count us, track us, begin the process of including us in the American framework that has monitored the evolution and growth of other racial/ethnic populations throughout our history. We are the changing face of America and a reflection of its highest ideals when it comes to human interaction, acceptance and love. Asking us to endure another decade or another census unacknowledged, discounted or ignored isn't an option any of us can afford to live with any longer. If one member of our society is without freedom then none of us are truly free.

Thank you all for your listening, being, and doing what is honrable, what is right, and what is inevitable.

Ramona E. Douglass

ASSOCIATION OF MULTIETHNIC AMERICANS

Attachments:

A. Testimony of Carlos A. Fernandez: Coordinator for Law & Civil Rights
the Association of MultiEthnic Americans
Before the Subcommittee on Government Management, Information and Technology
of the U.S. House of Representatives, Washington D.C.
May, 1997

B. Testimony of Edwin Dardene: Georgetown University Law School
Law and Public Relations Office
Washington D.C.
AMEA's 2000 Census Advisory Committee Alternate
May, 1997

C. Testimony of G. Reginald Daniel, Ph.D.
Department of Sociology
University of California, Santa Barbara

Attachment A

Testimony of
CARLOS A. FERNANDEZ
Coordinator for Law & Civil Rights
the ASSOCIATION OF MULTIETHNIC AMERICANS
Before the Subcommittee on Government Management, Information and Technology
of the U.S. House of Representatives

Washington D.C.
May, 1997

My name is Carlos A. Fernandez. I am Coordinator for Law and Civil Rights for the Association of MultiEthnic Americans (AMEA), an adjunct professor of law at Golden Gate University in San Francisco, California where I teach a course entitled "Multiracial, Multiethnic People: The Law & Society", co-author of Racially Mixed People In America (1992) and The Multiracial Experience (1996), and the founding president of AMEA. I previously testified before the Subcommittee on Census, Statistics and Postal Personnel of the U.S. House of Representatives in June of 1993.

I offer this testimony and opinion summarizing the legal and constitutional issues as I see them with respect to the federal government's classification of people whose racial or ethnic identification encompasses more than one of the designated classifications currently in use.

OMB Directive 15

Following the enactment of the 1965 Civil Act, the newly-created Equal Employment Opportunity Commission required employers to report on the numbers of "Negroes", "Oriental", "American Indians", and "Spanish Americans" and produced Standard Form 100 (EEO-1) for this purpose. Other agencies followed suit.

By the 1970's, racial statistics gathered from agencies of government at all levels were becoming unwieldy and standardization was deemed necessary. Mindful of this, the Office of Management and Budget (OMB) produced Statistical Policy Directive 15.
Directive 15 remains to this day the supreme authority for racial classifications in the United States, affecting all governmental agencies including the census, the public schools, Social Security, etc. The Directive also dictates classification policy to the private sector, through the EEOC, the Small Business Administration, as well as by way of example.

OMB Directive 15 sets forth five racial/ethnic categories: "White", "Black", "Asian/Pacific Islander", "Native American/Alaskan Native", and "Hispanic". Additionally, the Directive requires reporting in one category only for each individual counted ("check-one-only"). "Other" is not one of the reporting categories.

Directive 15's stated purpose is to require government agencies at all levels to design their racial/ethnic query forms in such a way that the information provided can be reported in terms of one of the Directive 15 categories only. Thus, people whose parentage encompasses more than one of the designated categories cannot be counted, except monoracially. No reason is stated as to why an individual must report in only one category.

The Census

The Census has always maintained its own format for asking about racial or ethnic information. However, even the Census Bureau is subject to the mandate of OMB Directive 15. This meant in 1990 that monoracial/ethnic responses were required in the race and Hispanic questions. Census policy requires that

responses to "other race" be assigned to monoracial categories for OMB reporting purposes when these are written in. When multiple categories are stated, the Census Bureau reports the first race or ethnicity declared. Responses such as "multiracial" or "mixed" require either a visit by a census taker to obtain a monoracial response, or else they are not counted.

The Public Schools

Administrators of public schools across the United States are required to provide a racial/ethnic census of their students to the federal government. In doing so, the public schools are required to adhere to the requirements of OMB Directive 15. Children and parents in multiracial families are thereby confronted with a dilemma: how to report the "race" or "ethnicity" of their child when they are required to "check-one-only"? If they report their child as "multiracial", or if they give a multiple response, school officials are authorized to employ a "Visual Inspection Test" in order to classify the child in a single category according to the judgment of the administrator.

The Law

OMB Directive 15 as it exists today violates the equal protection requirements of the U.S. Constitution in that it applies different standards for the reporting of an individual's race or ethnicity depending on whether the person fits a single category or more than one of the categories based on their parentage. That is, a "monoracial" person may report their race or ethnicity accurately as a response in a single category, whereas the multiracial person must give an inaccurate response. This requirement to give a false, single-category response is made with no apparent rationale.

Race and ethnicity are suspect classifications as defined by the U.S. Supreme Court in interpreting equal protection standards under the 5th and 14th Amendments of the U.S. Constitution. As such, government may only make use of such a classification if it can show that it is necessary to achieve a "compelling state interest", that is, to show that the same interest cannot be achieved by means that do not work the same discrimination.

The "check-one-only" requirement of OMB Directive 15 serves no compelling state interest, and neither does it satisfy the lesser judicial scrutiny of being "rational" in any discernible way.

The only basis I can find for the maintenance of the "check-one-only" requirement is an old American tradition known as "hypodescent", colloquially known as "the one-drop-rule". This rule, in various forms and degrees, consigned multiracial individuals of part African or Native American ancestry to the classification of their nonwhite ancestry despite their mixed backgrounds. The purpose was to subject these multiracial individuals to the same discriminatory laws aimed at their nonwhite parent or ancestor.

While the government today ostensibly maintains racial and ethnic data for civil rights enforcement purposes, this does not relieve government of its obligation to employ the least onerous classification method. The maintenance of the hypodescent tradition, and the spreading of it's application to other racial/ethnic groups, in the requirement of OMB Directive 15 to report only a single race or ethnicity for each individual is quite clearly NOT the least onerous method of categorizing by race or ethnicity when applied to multiracial/ethnic people.

Additionally, the "check-one-only" requirement of OMB Directive 15 as applied is tantamount to, if not actually, the government soliciting perjury of multiracial/ethnic individuals, that is, requiring them to make factually false statements on official forms. This violates due process standards as well as relevant statutes.

Additionally, the "check-one-only" requirement of OMB Directive 15 as applied in the "Visual Inspection Test" in the public schools is a gross violation of a multiracial student's personal privacy as well subjecting him/her to a "test" to which students who are not multiracial are not equally subject in violation again of equal protection standards.

In June of 1993, I presented to the Census SubCommittee AMEA's proposal to reform OMB 15 in such a way that it's legitimate purposes would be served while at the same time accommodating the accurate, multiple identification of multiracial/ethnic individuals.

Essentially, this change could be accomplished quite simply by (1) the addition of a "multiracial" and/or "multiethnic" category and (2) providing a subsection for those choosing to identify as multiracial/ethnic to signify their racial/ethnic parentage in terms of the other listed categories.

This proposal (1) counts people accurately according to their actual identity; (2) provides statistical continuity by accounting for the racial/ethnic component(s) which may be relevant for various government studies and programs; and (3) avoids unnecessary and unwarranted government influence and interference in the very sensitive and private matter of personal identity.

It also, in my view, in no way jeopardizes the legitimate interests of any other particular racial or ethnic group in being counted since the information gathered by the method we propose, wherein the various applicable racial or ethnic components are identified, may be used as government sees fit. That is, persons of multiple racial or ethnic ancestry may continue to be included in various programs that are intended to benefit or assist members of racial or ethnic groups who have suffered discrimination if such inclusion is deemed appropriate in any given circumstance.

V. Conclusion

I believe that now is the time for the Congress to take and recommend whatever actions are necessary to accommodate and acknowledge the particular identity of multiracial, multiethnic people. In particular, OMB Statistical Policy Directive 15 must be changed by dispensing with the "check-one-only" rule.

I thank the Subcommittee for considering my views. I stand ready to be of further assistance in elaborating on the points made briefly herein, or in otherwise answering any questions you may have.

Carlos A. Fernandez

Attachment B.

Testimony on the Absence of Adverse Legal Consequences in Adopting a Multiracial Category

Civil Rights Laws

In general, there is no danger that adoption of a multiracial category on government forms -- for purposes of collecting racial data -- will in some way upset the legal regime already in place forenforcement of anti-discrimination laws in the United States. Conceivably, what it would capture is a snapshot of what multi-racial combinations exist, in what numbers and in what locations. In turn, that might yield information about what kinds of discrimination exists and persists against individuals because of their multiracial status -- in other words, because of their blended racial identity, not because of the usual bias against people of a single race. Collecting such data would be the first step in the generally accepted three-pronged approach to civil rights: Identify, monitor and enforce.

One of the biggest myths about the multiracial category is that it will somehow undermine traditional civil rights goals. While the category holds the potential of bringing greater specificity (what kind of discrimination is perpetrated in the name of multiracial animus), it also helps achieve the equitable society implied in the equal protection clause of the 14th Amendment to the U.S. Constitution.

Civil Rights Act of 1964

The purpose behind the statute is to prevent discrimination in the public arena, a goal that includes people of biracial and multiracial descent. The public accommodations section of the law (42 U.S.C. 2000(a)) prohibits racial bias in public accommodations, citing *race, color, religion or national origin* as unacceptable motivations. In another provision that denies federal funding to discriminatory programs, the trio of race, color and national origin is again used. The same principle applies in the most-used provision ,
Title VII, which addresses race discrimination in employment.

As written, the plain meaning of the statute is broad enough to include the multiracial community and the multiracial category. Multiracial people can be discriminated on the basis of race (multracial status), color (lightness or darkness of skin) or

national origin (people from another country). Enforcement covers people of multiracial descent now under one of those three approaches and would do likewise if the government formalized it under OMB Directive 15.

Thus, this is not creating a new category that will gain new benefits under the civil rights laws. Rather, this is a reaffirmation of the applicability of existing laws to a population that has heretofore been subject to discrimination, but for whom documentation has been more difficult.

Voting Rights Act of 1965

The Voting Rights Act was meant to implement the guarantees of the 14th and 15th Amendments to remove obstacles prevent minorities (specifically African/Black Americans) from gaining the inherent political and social power of voting. The main provision, 42 U.S.C. 1973 (a) provides for court appointment of federal examiners when race motivation is alleged in voting by either the U.S. Attorney General or by an individual. The second provision (1973 (b)) spells out the scope of the provision, like the Civil Rights Act of 1964 reviving the reference to race and color.

To assure the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State or local election because of his failure to comply with any test or device in any state... et. al.

-- 42 U.S.C. 1973 (b)

The most potent provision is 1973 (c), the pre-clearance requirement that prohibits states from altering voting qualification or provisions without federal approval. This, along with the other elements are designed to assure ballot access to minorities.

Nothing in the adoption of a multiracial category stands to alter any standard practices attributed to the Voting Rights Act. The Act addresses race or color, two concepts that would currently encompass biracial or multiracial individuals and would continue to in the future.

Edwin Darden
Law & Public Relations Office
Georgetown University
Washington, D.C.

STATEMENT OF G. REGINALD DANIEL
SUBMITTED TO
THE COMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
U.S. HOUSE OF REPRESENTATIVES

WRITTEN TESTIMONY

Mr. Chairman and Members of the Subcommittee:

I am a Professor in the Department of Sociology at the University of California, Santa Barbara. My research, publications and teaching focus on comparative issues of race and identity in global perspective, particularly as this relates to multiracial individuals in Brazil, South Africa and the United States. Since 1989, I have taught three of the first university courses in the United States to compare multiracial identity in the United States with diverse parts of the world: "Betwixt and Between: Multiracial Identity in Global Perspective," "Close Encounters: Racial and Cultural Blending in the Americas," and "Converging Paths: Multiracial Identity in Brazil, South Africa and the United States."

I also identify as multiracial and have spent much of the last forty years exploring the complexities of this topic. Consequently, I fully support the current proposal to revise statistical surveys so that individuals would be able to designate themselves as "multiracial," if they identify with more than one of the current officially recognized single-racial/ethnic groups. Indeed, the most consistent grievance I hear expressed by multiracial-identified students in my classes--and multiracial-identified individuals generally speaking--centers around not being able to indicate their identity accurately on official forms that request information on race/ethnicity.

In order for you to address these concerns, I recommend that you provide a combined format that includes a separate "multiracial" identifier, but that ALSO allows individuals to check off all the single-racial/ethnic categories that apply. This could be achieved by adding a "multiracial" box on the current forms and instructing individuals to check all the other single-racial boxes that apply. It could also be done without the addition of another box, and instead, by asking the question, "If you consider yourself to be multiracial, check all the boxes that apply." The inclusion of a multiracial identifier, without at the same time allowing individuals to check all the single-racial groups that apply, would not be acceptable.

As long as public policy deems it necessary to collect data on race/ethnicity, particularly as a means of tracking our progress in achieving equity in the area of race/ethnic relations, any change allowing for the inclusion of a multiracial identifier would help us continue to achieve those ends by providing a more accurate picture of contemporary demographics. It would also help alleviate the psychological oppression perpetuated by current methods of data collection and help change a wide variety of societal attitudes reinforced by these methods which currently force multiracial-identified individuals to make an unauthentic choice. More important, the inclusion of a multiracial identifier, along with the

"check all that apply" format, would not only be another logical step in the progression of civil rights--not to mention human rights--but also would help deconstruct the very means by which racist ideology and racial privilege are enforced in the United States, which is the notion of racial "purity," as well as mutually exclusive racial categories.

Some indiviudals have drawn parallels between this new development in the United States and the experience of South Africa and Brazil, where multiracial indiviudals have been officially recongnized for much of their history. Despite significant similarities between race relations in all three countries--the legacy of white supremacy--any suggestion that the new multiracial identity will necessarily propell contemporary race relations the United States in the direction of the South African and Brazilian models of multiracial-identification, ignores significant historical-sociological differences that gave rise to those identities. Multiracial identity in Brazil and South Africa originated largely in colonial systems of exclusion which sought to control the potential threat to white dominance posed by nonwhite individuals. At the same time, this identity helped prevent multiracial individuals from experiencing the full brunt of these policies, as compared to other nonwhites, although all nonwhites have been the targets of de facto discriminatory practices in Brazil and officially sanctionned practices in South Africa. Consequently, a multiracial-identification served as a means by which individuals might distance themselves from the stigma attached to being nonwhite, even if they did not in fact succeed in gaining white racial privilege.

The new configuration of multiracial identity in the United States, however, is not a means by which individuals are seeking either to avoid racial stigma or gain racial privilege. Rather, this new identity is part of a broader and more fundamental shift which is seeking to dismantle the dominant "either/or" mode of racial thinking inherited from our own colonial past. Instead, it seeks to affirm a more inclusive racial identity that not only embraces the concept of "both/neither" but that also challenges the whole notion of racial privilege.

Brazil, South Africa and the United States remain profoundly racist and thus have much work to be done in order to achieve full participatory racial democracies. Yet, any comparison that examines similarites between multiracial identities, but that does not at the same time take into consideration differences between the historical-sociological, as well as contemporary, contexts, risks providing an analysis that is inconclusive at best and distorted at worst. Indeed, projecting South Africa's and Brazil's pasts onto the United States' future is like injecting poison into medicine. Nurturing healthy racial identities among ALL United States citizens, would seem to be a necessary and significant step in the direction of liberating ourselves from the shackles of our own colonial past. Furthermore, the present would seem to be the logical basis upon which to draw conclusions about, as well as, to nurture the future.

Sincerely,

G. Reginald Daniel
Department of Sociology
University of California, Santa Barbara

Mr. HORN. We thank you.

And Helen Hatab Samhan, executive vice president of the Arab American Institute. Welcome.

Ms. SAMHAN. Thank you, Mr. Chairman and I, too, will summarize my statement.

I want to say that I come here in two capacities. I am here representing the Arab American Institute, which is committed to including Arab Americans in all forms of public, political, and civic life in this country, as well as the founder of the Working Group on Ancestry in the U.S. Census. Our membership spans all of the ethnic communities in the country from Europe, the Middle East, Africa, and Asia. It is really cross-cutting on race lines. It is primarily organized around ethnic data.

I would like to submit for the record the list of the members of the working group.

Mr. HORN. Without objection, it will be included at this point in the record.

Ms. SAMHAN. Thank you, sir.

[The information referred to follows:]

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ANCESTRY
in the U.S. Census

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May, 1997

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Ms. SAMHAN. I would also like to say that I am perhaps the only witness that is here not to speak about the race categories. Our Working Group Coalition and my institute in specific would like to see the continuation of existing race and Hispanic origin measurement. We believe that these are important categories, and they remain important categories.

What we have come to talk about is the importance of broadening the concept of ethnic measurement, which complements race data. Specifically, I want to talk about the ancestry question in the U.S. Census, which was basically a very good idea that the Census Bureau initiated in 1980.

What it does is it complements race data by expanding the definition of ethnicity to include all Americans. It measures the ethnicity of all Americans regardless of whether they fit within a minority or a majority category.

I have in my written testimony several categories of need, and purpose, and use of ancestry data over the last 20 years. It is valuable for research purposes. It is valuable for public service delivery. It is valuable for business and commerce.

It is also valuable for another area that is very dear to my heart, because this is what we do in my Institute. And that is to promote civic involvement, especially of the immigrant community. Without data on ethnicity that goes beyond race, we would have no way of knowing where our community lives. We would have no way of reaching that community, and trying to involve them in the political process, and in the public life of this country.

The other point that I would like to make is about the specific questions of the 2000 Census. First of all, I would like to thank the Census Bureau for including ancestry as a required item in the topics that they submitted to Congress in April. I would also like to thank the Members of the House and Senate who sponsored a bipartisan concurrent resolution to support ancestry data.

I would also like to say that I know that the OMB and the Census Bureau are now considering a combined question on race, Hispanic origin, and ancestry. Our full working group has not had a chance to deliberate and come to any consensus on this. But I would like to say that my community, the Arab American community, would support such a combined question.

Because I think particularly for those Americans whose ethnicity is not measured in the race question, or in the Hispanic origin question, the addition of the ancestry data makes it really an inclusive question. And I think that it would be a good thing for our country.

I would also like to support the continuation of the long form of the census. I think that some of the witnesses in the other panel referred to the socioeconomic data that is derived from the long form. It is absolutely crucial to have that demographic data. Otherwise, the information we get from the short form is simply not as useful. So I would definitely support, and our coalition supports, the continuation of the long form.

In conclusion, I would also like to give an example of how our community, the Arab American community, how the OMB categories as they exist today have affected our community, and how I believe that the OMB categories are actually more flexible than

we think with a little bit of restating of what the purpose of those categories are.

Four years ago, I testified about some confusion that exists for people from my community, particularly for immigrants coming from Arab countries and the Middle East in general, who are very confused by the fact that the Government classifies them as white.

We are not going to get into an anthropological discussion as to why people from the Middle East and North Africa are classified as caucasian. That is really not what I want to talk about today. But what I do want to talk about is the fact that sometimes the race categories that we are put into are not necessarily as meaningful, and sometimes they are confusing.

I did testify then and I would like to remind the subcommittee today that on the State and local level there are many needs for agencies, civil rights commissions, and schools to actually collect more detail than the Federal categories require. And I believe that they have continued to do that.

What I would like to stress is I believe that Directive 15 has the flexibility to allow for more detailed information when it is required. And I think that what the OMB has to do is restate the fact that the categories in the Federal Directive 15; 1, they are minimal standards that should encourage and allow for further detail when necessary; and 2, that they have no intrinsic bearing on qualification for Federal programs or affirmative action.

But these standards have much more flexibility. They do not need to put ethnic communities and racial communities in a zero sum bidding over benefits. We are talking about the ability to measure ethnicity when it is needed.

With that, I will conclude my statement. And I thank you for this opportunity.

[The prepared statement of Ms. Samhan follows:]

Statement on
Federal Measures of Race and Ethnicity
before the

House Subcommittee on Government Management, Information and Technology
May 22, 1997

by
Helen Hatab Samhan
Executive Vice President
Arab American Institute

I am pleased to have the opportunity to share with this committee my observations and recommendations on the issue of race and ethnic measurement. I am here today in two capacities. One is as the founder of the Working Group on Ancestry in the U.S. Census, a national coalition of ethnic organizations and scholars which was organized last year. The other is as a spokesperson for the Arab American Institute, which promotes inclusion of Arab Americans in public service, political and civic life, and in policy development.

I would like to focus my remarks on three specific issues: the importance of the question on ancestry, ethnic measurement in the 2000 census, and some suggestions on how current Directive 15 categories could be more inclusive without a disruptive overhaul.

Before I do, however, I have a general observation about the tenor of the debate. Some in Congress and the public criticize the concept of categorizing the population by race or ethnicity on the grounds that classification promotes divisiveness and undercuts our common American identity. Others would argue, and I have been among these, that current categories on race and Hispanic origin are necessary, if imperfect, tools that may need adjustment over time to capture a meaningful primary identity for all Americans.

What is often forgotten in this debate is that the current categories--though imperfect--were motivated by an enlightened purpose: to track and

monitor discrepancies in the achievement and mobility of our population in order to make informed policy decisions that better serve us all as a nation. It was not too long ago that our country classified racial and ethnic groups for the wrong reasons--to exclude, contain and separate groups considered less desirable because of their different religion, color or national origin. It is sometimes easy to forget this recent past, and focus only on the idiosyncracies of a system that still serves an important social purpose.

I. Value of Ancestry Data

Having said this, I turn to my first major point: that data on ethnicity in general are a valuable tool for both the public and private sector. The only accurate and reliable measure of our complete ethnic diversity is achieved through the ancestry question in the decennial census.

Since 1980, the ancestry question has proven an invaluable resource to our government at all levels, to policy makers and researchers, the media, businesses, ethnic communities, and to the American public. It captures an essential component of the American identity--our ethnic origin and heritage.

Ancestry data offer the only reliable picture of how the population identifies itself. Unlike questions that collect information on race and Hispanic origin, or are limited to the immediate immigrant generation and their children, the ancestry item allows for self-identification regardless of race and nativity, resulting in a national self-view that cannot be and is not duplicated in any private endeavor. And since tracking the change over time of population groups is a central goal of the census, ethnic group composition cannot be measured without the ancestry question.

Some of the specific uses of ancestry data are:

Research uses. Social scientists, journalists and other researchers rely on census long form data to study individual population groups, demographic trends, specifically patterns of acculturation, economic and educational mobility and citizenship.

Public sector uses. Social service, educational, health and other

local/state agencies depend on ancestry data for outreach and needs assessments of population groups in their community. Civil rights agencies have also required ancestry data to monitor discrimination based on national origin.

Economic uses. Businesses and corporations, from manufacturers and retailers to the telecommunications and telemarketing industry, depend on accurate and reliable ethnic data for market research and economic expansion. Private collection of such data would lack the objectivity, comparability and level of geographic detail provided by census methodologies.

Civic/political uses. Politicians target ethnic constituencies on numerous occasions to solicit their feedback on policy issues and government initiatives of concern to their communities and ancestral countries.

With the help of ethnic organizations, political leaders have benefitted in concrete ways from the ability to identify, locate and mobilize ethnic constituencies. Not only is ethnic mobilization an invaluable tool to reach segments of your constituencies, it helps to promote full participation in the civic life of the country. After all, organizing among co-ethnics has been historically and remains perhaps the most important way to facilitate the transition process--particularly for immigrant populations--into the American mainstream.

For all these reasons, ancestry data are important and should continue to be collected in the decennial census.

II. Ethnic Measurement in Census 2000

My second point is the specific issue of ethnic measurement in the next census. Our working group applauds the Census Bureau's decision to keep ancestry as a required topic for the 2000 census. The Bureau was able to identify uses by federal and non-federal agencies as well as evidence of its use in case law. We also appreciate the support of those members of the House and Senate who sponsored a bipartisan concurrent resolution this session to reinforce the need for ancestry data.

One of the issues being researched and tested in time for the 2000 survey is a combined question on race, Hispanic origin and ancestry. Since our full working group has not yet had the chance to review and evaluate the preliminary test results released last week on this question, I can speak at least for the Arab American community in support of such a combined question. It would certainly be welcomed by the millions of Americans for whom ethnicity is important but who feel excluded by the current race and Hispanic origin questions.

Most of all, I would like to stress our coalition's support for the long form of the census survey. Ancestry data and any other demographic indicators are only useful in conjunction with other socio-economic questions such as family size, nativity, citizenship, occupation, educational achievement and other characteristics measured through the long form. A simple head count, while fulfilling the letter of the constitutional mandate, cannot provide the government, the economy, our local communities and the country as a whole with the data demanded by our 21st century world.

III. OMB Categories and Arab Americans

I would like to conclude by returning to a final observation about the categories embodied in Directive 15 using the experience of my own ethnic community: Americans with roots in the Arab world, a population we estimate to be at least 2 million strong.

Four years ago I testified at a hearing like this about my community's concern that the existing race categories--in which any person from the Middle East or North Africa is classified as white--are confusing to a growing portion of our constituency. I also testified that school districts, county and state agencies, human and civil rights commissions and other bodies charged with monitoring community-based issues have increasingly needed more detail than exisits in the federal standards in order to better serve such discreet subgroups.

Today I am more convinced than ever of the need to review the categories itemized in Directive 15, not so much to proliferate new ones or disparage existing ones, but to restate the intent of these standards. There are two important characteristics of the race and ethnic standards that were promulgated 20 years ago:

(1) they are minimal standards required for administrative record keeping; and

(2) they have no intrinsic bearing on the qualification of sub groups for programs or grants aimed at minority achievement; they have been useful tools to establish eligibility for federal programs, but they are not limited to those purposes.

I think in the public mind, race and ethnic categories will always carry a double message. As tools of measuring achievement and inclusion, they are seen as constructive. They also have, for better or worse, taken on a life of their own, whereby institutions--both public and private--may see them as the only way to quantify the population, i.e., as the final word on tracking racial or ethnic groups.

I think it is possible to correct the unintended message these standards have sent to the public and to institutions without throwing the baby out with the bath water. The OMB can stress that

- sub group measurement is accepted and encouraged based on local need as long as basic race/ethnic aggregation is possible;

- sub group distinctions for local populations should be able to transcend when necessary the limitations of a federal designation that presently assume all subgroups in the white race or "majority" category are treated equally; in my experience, there is a growing population of persons from countries in the Middle East whose white racial classification does not protect them from the same prejudice or exclusion visited upon other minority groups. There can be, in other words, a troubling disconnect between the classification system and social reality.

- the administrative benefits of subgroup measurement--such as in health and educational research, or civil rights compliance--do not in themselves necessitate changes in--or challenges to--the resources allocated to promote minority achievement. It is a danger to have a "zero-sum" approach to ethnic measurement, especially if groups dedicated to the common goal of inclusion for their constituencies, and to a shared vision of a society that is diverse and tolerant and strong, end up pitted against each other in a numbers game. I sincerely hope this does not happen.

In summary, I would like to leave this committee with three recommendations: (1) ancestry data should continue to be collected in the decennial census; (2) the census long form is essential to have a complete demographic portrait of our country's population; and (3) one outcome of the current OMB review of directive no. 15 should be a pro-active effort to reinterpret the standards for data providers, users and the general public, as administrative categories able to accommodate population sub groups when necessary.

I would be happy to answer any questions you might have.

Mr. HORN. Well, we thank you. That is very helpful. You finished right on the nose.

Now Jacinta Ma is with the National Asian Pacific American Legal Consortium. Thank you for coming.

Ms. MA. Thank you, Mr. Chairman, and members of the subcommittee.

The National Asian Pacific American Legal Consortium is a national nonprofit and nonpartisan organization whose mission is to advance the legal and civil rights of the Nation's Asian Pacific Americans. We are affiliated with the Asian Law Caucus in San Francisco, the Asian Pacific American Legal Center in Los Angeles, and the Asian American Legal Defense and Education Fund in New York.

Together we have over half a century of experience in providing legal services, community education and advocacy on issues affecting Asian Pacific Americans, including issues on the census. We work with the Census Bureau, policymakers, and other community groups to assure that the Asian Pacific Americans are accurately and fully counted, and that appropriate sub-ethnic data is collected.

I would like to begin by noting that the Consortium is very sympathetic to the emotional interests of people who wish to identify themselves as multiracial. Many of our board members and family members have children who are multiracial. I have two nieces who are multiracial. Specifically, they are white and Asian.

Tiger Woods has helped to personalize this issue for everyone, and has pushed it to the forefront of people's consciousness. And self-identification is particularly important to people like me, whether they have been unfairly stereotyped and categorized.

However, this is not just a personal issue. Census data is used for important national research, data collection, policy development, and resource allocation. In particular, it is very important to use this information to monitor and fight discrimination.

As the tests have shown, there is not adequate time for the Government to fully determine the effects of a multiracial category before the Census 2000, and to do the massive education that would be necessary to prevent public confusion, and to prevent inconsistent counts, under-counting, and other adverse effects.

Therefore, at this time, we oppose the addition of such a category. And this information is used for public policy and civil rights purposes including enforcing the Voting Rights Act. The Voting Rights Act, the census data determines which jurisdictions are required to provide bilingual assistance for Asian Pacific Americans. Adding a multiracial category has resulted in inaccurate counts. The results of the most recent report from the Census Bureau further confirms that the data is unreliable. In the test, the Census Bureau over-sampled relatively small populations like the Asian Pacific American population, including the Native Hawaiian population.

In one comparison, Asian Pacific Islanders dropped from 65 percent to 60 percent. Now some people have said that this 5 percent difference is fairly small. But for a population like the Asian Pacific American community which is small, this difference can have a very significant effect. And in fact, it will have ramifications that

ripple down, because of all of the different statistics that are derived from census data.

In addition, this report showed that the percentage of Asian Pacific Americans who identified themselves as reporting more than one race varied from 4 percent to 12 percent. What these results demonstrate is the complexity of the race question and the potential for confusion. The reporting of race will vary depending on the wording of the questions and the order of the questions. Also, these varying responses are attributable in part to confusion. People do not understand what the multiracial question is, and what the multiracial category is. Discussions with people in the Asian Pacific American community have shown that there is confusion between multiracial and multiethnic.

I was in a panel yesterday when specifically somebody was asked about how they felt about the multiracial question, and the panel was confused, and thought that they were talking about multiethnic considerations.

So there is just not going to be confusion between multiethnic and multiracial. People are going to wonder what constitutes multiracial. Is this going to be another drop rule, where if you are one part of another race, that you will be classified as multiracial?

Adding a multiracial category will only cause more confusion, and make the integrity of the data collected on the census questionable. And one of the things that we have not had time to fully address and consider is the other forms of questions on reporting a multiracial heritage. We believe that the mark "one or more" or the mark "all that apply" forms of questions need to be studied more fully before a conclusion on their use should be made.

And as Chairman Horn noted in his opening remarks, OMB Directive 15 does have roots in this country's attempt to rectify this devastating impact of de jure and de facto discrimination on people of color, and the discrimination that has impacted their ability to even assert from very basic rights.

Asian Pacific Americans do continue to suffer from discrimination. In our annual audit of incidents of violence against Asian Pacific Americans, there are 458 incidents reported. This showed an increase of 80 percent of incidents in southern California. A 14 percent increase of aggravated assault, and an 11 percent increase of assault. These numbers are really striking when you compare them to the FBI reports that overall crime is down by 13 percent. And such a persistent presence of violence serves to show that racial categories are not abstract, and they are not limited to self-identification. There is really still a very potent impact on identifiable racial minorities.

I would just like to conclude by also stressing the importance of data that is historically comparable and able to be utilized across many years if the civil rights enforcement is to continue. Because the Government does not yet have a method for ensuring accurate collection and analysis of results in a multiracial category, we oppose adding multiracial as a racial category in Census 2000.

Thank you.

[The prepared statement of Ms. Ma follows:]

Mr. Chairman and members of the Subcommittee:

Good afternoon. I am representing the National Asian Pacific American Legal Consortium (Consortium). The Consortium is a nonprofit, non-partisan organization whose mission is to advance and protect the legal and civil rights of Asian Pacific Americans across the country. We thank the Chairman for inviting us to present our views on the collection of data on Asian Pacific Americans and the possible effects of adding a multiracial category to the existing racial categories.

The Consortium and its affiliates, the Asian American Legal Defense and Education Fund in New York, the Asian Law Caucus in San Francisco and the Asian Pacific American Legal Center of Southern California in Los Angeles, collectively have over half a century of experience providing direct legal services, community education and advocacy on issues affecting Asian Pacific Americans.

The Consortium and its affiliates work with the Census Bureau, policymakers, and community groups to ensure that Asian Pacific Americans are fully counted and that appropriate sub-ethnic group data is collected in the census and by other key federal and state agencies.

INTRODUCTORY REMARKS

First, let me begin by noting that the Consortium is very sympathetic to the strong emotional interest of individuals who wish to identify themselves as multiracial. Many of our Board members and families have mixed race children. Self-identification is particularly important to those of us who have been stereotyped and categorized unfairly.

However, the issue of whether to add "multiracial" to the existing racial categories is more than a personal issue. The data is being collected for use as a basis for important research, policy development and resource allocation. The data is also extremely important to monitor and fight discrimination, both institutional and otherwise.

As the tests have shown, there is not adequate time left before the 2000 census for the government to fully determine the extent of the potential effects of a new multiracial category on the integrity of the collected data. Also, we believe it would require a massive expenditure of money and resources, even in the best case scenario, to educate the public to eliminate confusion and prevent inconsistencies, undercounting, and other adverse effects. Therefore, we oppose the addition at this time.

CENSUS DATA IS USED FOR MANY PURPOSES

Since the first census in 1790, every census has contained a question about race. The racial categories used in the census have changed and are a reflection of political perceptions of race and social conditions. These racial classifications recognize the role that race continues to play in the United States' social, political, cultural, legal and economic system.

Information about race is used to develop public policy by providing information on social, demographic, health, and economic characteristics and trends. For example, because different racial and ethnic groups face different health issues, policymakers have allocated resources to provide services appropriate to particular racial and ethnic communities as identified by census data.

Information gathered on race is used for many national policy purposes, including the following civil rights purposes.

- Enforcing requirements of the Voting Rights Act, including redistricting and section 203 covering requirements for bilingual voting materials. The census data determines which jurisdictions are required to provide bilingual assistance to Asian Pacific American voters.

- Monitoring the access of minorities to home mortgage loans under the Home Mortgage Disclosure Act.

- Enforcing the Equal Credit Opportunity Act.

- Establishing and evaluating Federal affirmative action plans and evaluating affirmative action and discrimination in the private sector.

- Monitoring and enforcing desegregation plans in the public schools.

- Monitoring environmental degradation in minority communities.

- Developing healthcare policies on issues such as childhood inoculation.

Because census and other federal data are used for civil rights enforcement and other policy purposes, it is particularly important that all the counts give reliable and usable data.

ADDING A MULTIRACIAL CATEGORY HAS RESULTED IN INACCURATE COUNTS

Because Census data is used for so many important purposes, accurate data is imperative. Adding a multiracial category has resulted in inaccurate counts. Last year the Census Bureau sent out a pilot test of questions, the National Content Survey, to approximately 94,500 households. There was a decline in the number of people who reported themselves as Asian or Pacific Islander when the survey included a multiracial category with a write-in section for racial group affiliations. The percentage of people reporting as Asian or Pacific Islander declined in one sample from 4% to 2.7%. This could mean a decline of at least 3,250,000. Of those identifying as multiracial in that sample, 30% partially identified themselves as Asian or Pacific Islander.

The Census Bureau also found from this pilot test that there was a decline in the number of Hispanics who reported themselves as Black when the survey included a multiracial category. On a previous test, the addition of a multiracial category reduced the count for Native Americans.

The results of the Race and Ethnic Targeted Test (RAETT) released last week, further confirms that the data is unreliable. In one comparison, Asian or Pacific Islanders declined from 65% to 60% percent when a multiracial category was added. However, because the Asian Pacific American community is small, a 5% difference can make a huge difference and have a ripple effect on all statistics based on census data. The report showed that the percentage of Asian Pacific Americans who identified as more than one race, ranged from close to 4% to almost 12%. What this report demonstrates is the complexity of the race question and the potential for confusion. The reporting of race will vary depending on how the questions are worded and the order of the questions.

The varying responses are attributable in part to the fact that people do not understand the multiracial category. The RAETT reported that some believed the term "multiracial" to mean more than two races. Discussions with people in the Asian Pacific American community have shown confusion with the term "multiracial", with some people confusing multiethnic with multiracial. For example, one person who has a Japanese parent and a Chinese parent believed that he was multiracial. There is not only likely to be confusion between being multiethnic and being multiracial, but also with who is considered multiracial. Will this be another "one drop" rule where if you are one drop of some other race that you are multiracial? Adding an additional category will only cause more confusion and may make the data collected less reliable.

Because the RAETT was the first test of other forms of questions on reporting a mixed race heritage, we believe that the "mark one or more" or "mark all that apply" options must be further tested before any conclusion on their use should be made.

A MULTIRACIAL CATEGORY WOULD HURT THE USEFULNESS OF THE COLLECTED DATA

OMB's Directive 15 has its roots in this country's attempts to rectify the devastating impact of decades of *de jure* and *de facto* racial discrimination against nonwhite persons, in particular, African Americans, Asian Pacific Americans, Latinos, and American Indians. In essence, Directive 15 was part of the government's attempts to remedy decades of institutionalized discrimination that prevented racial minorities from asserting rights for some of the basic necessities of life.

Asian Pacific Americans continue to suffer from discrimination. In the Consortium's most recent *1995 Audit of Incidents of Violence Against Asian Pacific Americans*, there were 458 incidents reported. This number reflected an 80% increase of incidents in Southern California and a 14% increase in aggravated assaults and a 11% increase in assaults. These numbers are striking when compared to the FBI report that overall violent crime had dropped by 12%. Such persistent presence of anti-Asian violence serves as an all-too-painful reminder that racial categories are not abstract or limited to self-identity. Race still has a potent impact on identifiable minorities.

Data collected on race on the census is used to measure the progress that minorities such as Asian Pacific Americans have made in achieving equality and overcoming discrimination. Therefore, it is essential that any changes in the collection of racial data ensure that the data is comparable over time and that there is continuity of data. A lack of historical comparability compromises census data and makes relying on the data in formulating policies questionable.

Already there is a problem with obtaining useful data on Asian Pacific Americans and particular ethnicities within the Asian Pacific American population. Many times federal agencies do not solicit, record or report data on Asian Pacific Americans separately. For instance, in the Census Bureaus' survey of minority-owned businesses, data on Asian and Pacific Islanders is combined and reported with data on American Indians and Alaska Natives. Also, agencies claim that it is difficult to obtain data on the Asian Pacific American population and subethnicities because the populations are small and thus, requires them to over sample. The addition of a multiracial category would further complicate the efforts to obtain necessary data on subethnic Asian Pacific American communities.

The current proposal to add multiracial as another category would make it even more difficult to examine historical trends and to work with data at different levels because there has been no groundwork for a comprehensive collection of data on people's racial composition. This inability to examine historical trends would significantly weaken the ability of civil rights agencies and organizations to monitor our society's efforts to detect and redress discrimination based on race and national origin. Adding a

multiracial category would undermine the effectiveness of civil rights enforcement agencies because of the inconsistent counts it has produced and the uncertainties it introduces in being able to analyze trends.

There is not yet a method for ensuring an accurate collection and analysis of results in a multiracial category. Nor is there a clear purpose for a multiracial category. Are individuals ½ black and ½ white treated the same as those who are ½ Asian and ½ American Indian? Or the same as someone 3/8 black, 3/8 Asian and 2/8 white? The government must better determine the extent of the effects of a multiracial category and other means of reporting mixed race heritage as well as methods for recording and tabulating the data before it can make such a significant change.

CONCLUSION

Any new racial category that may be established must be consistent with the purpose of Directive 15 to measure the extent of racial discrimination and identify those past potential victims. The creation of a category that does not reflect the directive's basic intent could thwart the efforts of the government's anti-discrimination efforts.

Because census information is used for civil rights enforcement and many public policy purposes , and the government does not have a method for ensuring accurate collection and analysis of results in a multiracial category, the Consortium opposes adding "multiracial" as a racial category on Census 2000.

I would be pleased to answer any questions you may have.

Mr. HORN. Thank you.

We now have JoAnn Chase, the executive director of the National Congress of American Indians. Ms. Chase.

Ms. CHASE. Good afternoon, Chairman Horn, and members of the subcommittee.

On behalf of President Ron Allen and the over 200-plus member tribes of the National Congress of American Indians, I am pleased to have this opportunity to present a statement regarding a multiracial category.

I am JoAnn Chase, and I a member of the three affiliated tribes of North Dakota. I serve as director of the National Congress of American Indians, the oldest, largest, and most representative Indian organization in the Nation. It is our job to advocate on behalf of tribal Governments, particularly on a myriad of complex issues including ethnic and race data.

Mr. Chairman, I would like to begin my comments this afternoon with a very brief overview of the principles of Federal Indian law that we believe are relevant today. Any discussion of Indian policy must be grounded in the fundamental principles which form Indian law and policy. And it is essential that lawmakers who pass laws and make decisions which dramatically affect Indian people have at least the basic context for the legal foundation, which guides the decisionmaking process.

From the outset, it is imperative to understand tribal sovereignty. Since the earliest days of our Republic, Indian tribes have been considered sovereign nations with separate legal and political existence. Indeed, tribal governments represent one of the three enumerated sovereign entities mentioned in the U.S. Constitution.

As you may be aware through the constitutional mandate, literally hundreds of treaties, and Federal statutes, and dozens of Supreme Court cases have settled that Indian tribes have a unique legal and political relationship with the United States.

For our purposes today, it is important to understand that this relationship is grounded in the political Government to Government relationship, and it is not always race based. Further, as distinct political entities, Indian tribes have the power to determine questions of membership, and this power has been consistently recognized and upheld by the courts.

The term then "Indian" may be used in an ethological or in a legal sense. For example, if a person is considered to be one-fourth Indian, and I am not an expert, but it is my understanding that the person would ordinarily not be considered Indian for ethological purposes. Yet legally, such a person may be an Indian pursuant to the tribal membership criteria and as citizens of sovereign nations.

When addressing the American Indian and Alaska Native issues, it is important to note that the racial composition is not always dispositive in determining who is Indian, according to Federal Indian law. In dealing with Indians, the Government is dealing with members of political entities, that is Indian tribes, and not just persons of a particular race.

The second important legal principle that I believe is relevant today is that of the trust responsibility owed by the Federal Government to Indian tribes.

As you know, and I would add another reason why we are here today, is that we ceded vast lands and resources to the United States. And accordingly, the Federal Government made certain promises to Indian tribes, such as to provide into perpetuity various goods and services, including health care, housing, education, and the right to self-government among others.

The Federal Government's trust responsibility is not easy to define by any means, but it is grounded in the oversight and trusteeship of Indian lands and resources. And using analogous common law principles, it has been determined by Federal courts to be similar to the highest fiduciary duty owed a beneficiary by a trustee.

Mr. Chairman, we appreciate the fact that data on race and ethnicity have been used extensively in civil rights monitoring and enforcement governing areas such as employment, voting rights, and educational opportunities. We know firsthand the importance of accurate data in these areas, because we know firsthand the pain and devastation of discrimination. For these reasons alone, accurate data is imperative.

But when it comes to dealing with American Indians and Alaska Natives, there is another distinction. And it is the method by which many of the Federal agencies actually quantify and carry out their trust responsibility to this Nation's first residents.

Why NCAI celebrates the diverse ethnic and racial backgrounds that make up this Nation, and while many American Indians and Alaska Natives are of diverse heritage, myself included, nonetheless we believe that it is essential to maintain the distinct classification standards for American Indians and Alaska Natives as they currently exist.

And while we are very sympathetic to those persons who are asking for a multiracial category, we nonetheless at this time oppose the inclusion of a multiracial category in Directive 15 primarily because we believe that such a measure would inaccurately count the number of American Indians and Alaska Natives who are members of tribal governments, and unfortunately further diminish the Federal Government's fulfillment of its trust responsibility to Native Americans.

Simply stated, we cannot afford further inaccurate reductions in our numbers. We believe that a multiracial category poses a risk to the ability of Federal agencies to collect useful and accurate data with respect to Indian people. The stability and the quality of the data for our population is of particular concern, because we are a small population. And the data, as I mentioned, is used to disperse Federal program funds to American Indian tribal and Alaska Native village governments.

In testimony before this subcommittee in April, I believe, OMB's Office of Information and Regulatory Affairs concluded that a multiracial response option is likely to reduce the proportion of the population reporting as American Indian and Alaska Native. Of course, these findings were actually echoed in the census' recent race and ethnic target test.

Perhaps the most poignant argument, however, comes directly from the Indian Health Service that concluded that from a multiracial option, that there would be a loss of Indian count in the census and on vital event records of approximately 25 percent. IHS be-

lieves that diminishment of Indian counts would translate to a total annual funding loss of $500 million, and that tribal health contacts would be curtailed to the degree that the data are diminished.

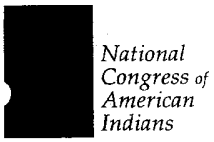
IHS stated overall that this would severely impact their ability to advocate on behalf of tribal governments, and further diminish their ability to provider services to an already severely underserved population.

It is my understanding that the new rules being set forth by the Department of Housing and Urban Development with respect to Indian programs are also going to rely on census data, and could be affected as well.

We concur with the concerns that have been raised certainly regarding the issues of confusion. I know that even to say that I am Native American is something that I have had to learn, or am I an American Indian. I identify as a member of the three affiliated tribes. So we know when we go into our communities that there is going to be confusion. We thank you for this opportunity to present the statement in connection with this vital issue. And I would finally conclude that our position is that any change to current measures of race and ethnicity would have far reaching legal, financial, and statistical implications for the American Indian and Alaska Native population.

I appreciate the opportunity to be here today, and would be happy to answer any questions.

[The prepared statement of Ms. Chase follows:]



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Statement on Federal Measures of Race and Ethnicity

to the Subcommittee on

Government Management, Information, and Technology

of the House Committee on Government Reform and Oversight

May 22, 1997

I. INTRODUCTION

Greetings Chairman Horn, Representative Maloney and distinguished members of the Subcommittee. On behalf of W. Ron Allen, President of the National Congress of American Indians (NCAI) and Chairman of the Jamestown S'Klallam Tribe located in Washington State, I would like to thank you for the opportunity to present a statement regarding whether the current categories of race and ethnicity used by the Federal Government should be expanded through the addition of a multiracial category. My name is JoAnn K. Chase. I am Executive Director of the National Congress of American Indians, the oldest, largest and most representative Indian organization in the nation. NCAI was organized in 1944 in response to termination and assimilation policies promulgated by the federal government which proved to be devastating to Indian Nations and Indian people throughout the country. NCAI remains dedicated to advocating on behalf of the interests of our 230 member Tribes on a myriad of issues including the collection of racial and ethnic data.

II. FUNDAMENTAL FEDERAL INDIAN LAW AND POLICY

Any discussion of federal Indian policy must be grounded in fundamental principles which inform federal Indian law and policy. Since the earliest days of our republic, Indian Tribes have been considered sovereign, albeit domestic, nations with separate legal and political existence. Along with states and the federal government, Tribal governments represent one of three enumerated sovereign entities mentioned in the U.S. Constitution. As a result of Constitutional mandate, hundreds of duly-ratified treaties, a plethora of federal statutes, and dozens of Supreme Court cases, it is settled that Indian Tribes have a unique legal and

political relationship with the United States. This relationship is grounded in the political, government-to-government relationship and is not race-based. [1]

The power of an Indian Tribe to determine questions of its own membership derives from the character of an Indian Tribe as a distinct political entity. The courts have consistently recognized that one of an Indian Tribe's most basic powers is the authority to determine questions of its own membership.[2]

The term "Indian" may be used in an ethnological or in a legal sense. If a person is three-fourths Caucasian and one-fourth Indian, that person would ordinarily not be considered an Indian for ethnological purposes.[3] Yet legally, such a person may be an Indian. Racial composition is not always dispositive in determining who are Indians for the purposes of Indian law. In dealing with Indians, the federal government is dealing with members of political entities, that is, Indian Tribes, not with persons of a particular race.[4] Tribal membership as determined by the Indian Tribe or community itself is often an essential element.

In return for vast Indian lands and resources ceded to the United States, the federal government made certain promises to Indian Tribes including the protection of Indian lands from encroachment, as well as promises to provide in perpetuity various goods and services such as health care, education, housing, and the continued right to self-government. In addition to inherent sovereignty, Tribes benefit from the federal government's "trust responsibility" to them. This responsibility eludes simple definition but is grounded in the oversight and trusteeship of Indian lands and resources by the United States. Using analogous common law principles of trusteeship, the trust responsibility has been determined by federal courts to be similar to the highest fiduciary duty owed a beneficiary by a trustee.

III. BACKGROUND INFORMATION ON NATIVE AMERICANS AND THE BUREAU OF THE CENSUS

Since the 1960's, data on race and ethnicity have been used extensively in civil rights monitoring and enforcement covering areas such as employment, voting rights, housing and mortgage lending, health care services, and educational opportunities. These legislatively-based priorities created the need among Federal agencies for compatible, nonduplicative data for the specific population groups that historically had suffered discrimination and differential treatment on the basis of their race and ethnicity.

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[1] *See Morton v. Mancari*, 417 U.S. 535 (1974).

[2] *See Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978).

[3] *See* J. Reid, A Law of Blood 189-90 (New York: New York University Press, 1970).

[4] *See United States v. Antelope*, 430 U.S. 641 (1977); *Morton v. Mancari*, 417 U.S. 535 (1074).

These methods are set forth in the Office of Management and Budget's Statistical Directive 15, which establishes standardized classification of the collection of data on race and ethnicity by all Federal departments and agencies, including the Census Bureau. The four categories for the collection of data on race that are defined in the current standard are: Black; White; American Indian or Alaska Native (defined as a person having origins in any of the original peoples of North America, who maintain cultural identification through tribal affiliation or community recognition); and, Asian or Pacific Islander.

The four race and the two ethnic categories (Hispanic origin and Not of Hispanic origin) on the 1990 census have been the subject of increasing criticism from those who believe that the present choices for racial and ethnic categories do not reflect our nation's current composition.

According to 1990 Census data collected under these categories, there are approximately 1.9 million American Indians, 57,152 Eskimos and 23,797 Aleuts, in the United States, a 38 percent increase from the 1980 Census of approximately 1.5 million. Census Bureau estimates and projections suggests that on July 1, 1994, the American Indian, Eskimo, and Aleut population numbered 2.2 million, and that it will reach 4.3 million and just over 1 percent of the population by 2050.

According to the Bureau of the Census:

> " the 38 percent increase between the 1980 and 1990 censuses cannot be attributed only to natural increase. Other factors that may have contributed to the higher count of American Indians, Eskimos, and Aleuts including improved questions on race; improvements in the way the Census Bureau counted people on reservations, on trust lands, and in Alaska Native villages; continued use of self-identification to obtain information on race; a greater propensity in 1990 that in earlier censuses for individuals (especially those of mixed Indian and non-Indian parentage) to report themselves as American Indian; and improved outreach programs and promotion campaigns."[5]

NCAI appreciates this opportunity to present its view on the Federal Government's current methods of measuring race and ethnicity and to address the question on whether the current categories of race and ethnicity used by the Federal Government should be expanded through the addition of a multiracial category.

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[5] U.S. Department of Commerce. Bureau of the Census. *Population Profile of the United States 1995*. Current Population Reports. July 1995.

IV. THE MULTI-RACIAL CATEGORY PROPOSAL

NCAI understands the concern of the growing number of individuals who can claim multiple race and ethnicity or who can identify themselves with a race or ethnicity not included in these basic categories. We know that there many American Indians and Alaska Natives throughout Indian Country who are of mixed ancestry. NCAI also appreciates the efforts to address this concern by adding a multiracial designation to Directive 15. NCAI, however, opposes the inclusion of a multiracial category in Directive 15 because it would inaccurately count the number of American Indians and Alaska Natives who are members of Tribal governments. Historically, there has always been a lack of an accurate count of Indian people. For example, in the 1990 Census, we understand that there was a 12.2 percent undercount of American Indians and Alaska Natives residing on reservations and villages. We feel that the multiracial proposal poses a risk to the ability of federal agencies to collect useful and accurate data on Indian people. The stability and the quality of the data for our population is of concern since it is a relatively small population (about 2 million in 1990) and this data is used to disburse federal program funds to American Indian Tribal and Alaska Native Village governments.

In testimony before this Subcommittee on April 23, the OMB's Office of Information and Regulatory Affairs concluded from the results of the May 1995 Bureau of Labor Statistics' Supplement on Race and Ethnicity to the Current Population Survey (CPS) and the March 1996 Bureau of Census' National Content Survey (NCS) that "a multiracial response option is likely to reduce the proportion of the population reporting as American Indian and Alaskan Native".[6] These findings were also echoed in the recently released 1996 Bureau of Census' Race and Ethnic Target Test (RAETT) which stated that "multiracial reporting options have significant effects on reporting by two groups for whom either the CPS or the NCS also provided some evidence of possible effects: American Indians and Alaska Natives, and Asians and Pacific Islanders." This field test found that adding the mixed-race category would not affect the number of people who classify themselves as white or black, but it could reduce the number of people who identify themselves as Asian, Alaska Native or American Indian. According to Roderick Harrison, chief of the Census Bureau's racial statistics branch, "because the number of people who fall into these categories is so small relative to the general population, their choice would have little effect on the census overall. However, Mr. Harrision added that "clearly the statistical effects are much more likely to appear in the Asian Pacific Islander and in some segments of the Native American population." Harrison also said that those result are expected because Asian and Native Americans have the highest rates of interracial marriages and, as a result, would be most likely to consider themselves multiracial. Between 1960 and 1990, about one-quarter of Asian American

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[6] *Federal Measures on Race and Ethnicity and the Implications for the 2000 Census: Hearing Before the Subcomm. on Government Management, Information, and Technology of the House Comm. on Government Reform and Oversight*, 105th Cong. 1st Sess. (1997) (statement of Sally Katzen, Administrator, Office of Information and Regulatory Affairs).

and slightly more than half of all American Indian married outside their race.[7]

Over the last four years, the Office of Management and Budget conducted a review of the categories in response to concerns about the adequacy of the standard. In the OMB Summary and Analysis of Public Comments and Brief Discussion of Research Agenda on Standards for the Classification of Federal Data on Race and Ethnicity, OMB found that in options where multiracial identification was not allowed, most people identify with only one of the current categories and that persons of multiracial heritage who identify with one broad category did not have difficulty responding. In its analysis, OMB found that this meets the needs of Federal agencies concerned with program evaluation and civil rights monitoring and enforcement. OMB also concluded "this is the only option that meets the needs of the Indian Health Services which is responsible for health care of anyone who is a Federally-recognized American Indian or Alaskan Native, regardless of the proportion of Indian blood or which parent has Indian blood."[8]

The Indian Health Service (IHS) has concluded that from a multiracial option, there would be a loss of Indian count in the census and on vital event records of approximately 25 percent. IHS believes this diminishment in Indian counts would translate in a total annual funding lost of $500 million and that Tribal health contacts would be curtailed to the degree that the data are diminished. IHS stated that overall, this would severely impair its ability to advocate for the interests of Indian people to the Administration and Congress.

Directive 15 asks that persons of mixed racial and ethnic origins use the single category which most closely reflects the individual's recognition in his or her community. It has been concluded by the Census Bureau that individuals with mixed Indian and non-Indian blood are more likely to report themselves as American Indian, because this classification represent their appropriate political identification. It is also important to remember that Tribal recognition of status as an American Indian or Alaska Native is a legal definition, not one of long ago ancestry.

In Indian Country, a multiracial category may not easily be understood and therefore would not provide consistent responses. On many American Indian reservations and Alaska Native villages, there are many Tribal members who do speak the English language or have it as their second language. There are also many Indians who come from a number of different Tribal ancestry and may have difficulty understanding the concept and meaning of a multiracial category. Therefore, such a category ultimately would yield less meaningful data and may diminish the comparability of the other data.

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[7] Michael A. Flecher, *Census Change Could Have Little Effect*, Washington Post, May 15, 1997, at A23.

[8] "Standards for the Classification of Federal Data on Race and Ethnicity," *Federal Register*, Vol. 60, No. 166 (60FR 44674-93), Office of Management and Budget, Monday, August 28, 1995, p. 44685.

V. CONCLUSION

Mr. Chairman, thank you for this opportunity to present this statement in connection with this vital issue. In conclusion, it is our position that any change to current measures of race and ethnicity would have far-reaching legal, financial, and statistical implications for the America Indian and Alaska Native population. I again thank you for the opportunity to appear before you today and would be happy to answer any questions you may have.

Mr. HORN. Thank you very much and now Mr. Douglas. Nathan Douglas is with the Interracial Family Circle. Somehow I did not have a biography. Maybe it is floating around here.

Mr. DOUGLAS. There are two floating around.

Mr. HORN. Tell us a little bit about the group, if you would.

Mr. DOUGLAS. It is a group of about a 150 families who get together and support each other, interracial families. That could be interracial because of transracial adoptions.

Mr. HORN. Is it in this area?

Mr. DOUGLAS. Yes, sir. It is a Washington-based group.

Mr. HORN. Go ahead.

Mr. DOUGLAS. Thank you.

Congressman Horn, distinguished subcommittee members, fellow multiracial activists, well-meaning opponents, members of the press, and others gathered in this room, greetings and best wishes to each and every one of you.

I am here today on behalf of my son, Anthony, a healthy, well-adjusted 8 year old boy who happens to be multiracial. Like all proud fathers, I carry around a picture of my son, and I would like to show it to you now. This was taken a few years ago when he was dressed up for a wedding in some sharp looking but very uncomfortable shoes.

As you can see, Anthony is not a statistic. He is flesh and blood, bones, muscle, intellect, and genes. And I want to remind everyone, regardless of your opinions on the multiracial issue, 50 percent of my son's genes came from me. That means that he is neither black nor white. He is both and no one should presume to have the authority to tell him or me anything to the contrary.

Regardless of what some would have you believe, race remains essentially a biological construct in our society. When my son was born and the vital statistics people wanted to know what race he was, the issue of culture was never mentioned.

It did not matter how he was to be raised or with which social group he might identify in the future, or even what type of music, literature, dance, folklore, et cetera that he might prefer. It was just about my wife's genes and my genes. So we should keep this debate honest and focused on biological reality, rather than cultural diversions.

Now most of us know that white supremacists, using their insidious one drop rule tell us that one drop of black drop makes a person black. This crazy concept is an anachronism in today's world. Thankfully, we have reached the point in our Nation's great history where we must reject the racist one drop rule once and for all.

Supporting one drop today is like supporting the flat earth theory. It is irrational and illogical period. People who continue to uphold the one drop myth, whatever their stated reasons, are major contributors to lingering racism in America. Ironically, among those still supporting the one drop myth, and opposing the new multiracial category, are many in the civil rights establishment. I say to these folks, brothers and sisters, this is a civil rights issue, and you are clearly on the wrong side of it.

How can you suggest that a group of your fellow human beings, no matter how large or small, must be denied their right to identify accurately in order to accommodate the status quo. How hypo-

critical. The violation of multiracials' right to self-determination should ring loud warning bells for every believer in civil rights.

Furthermore, no organization or individual has the moral authority to impose racial patriotism over others. Some of our opponents appear to have commissioned themselves as members of a racial border patrol. They dutifully stand guard over America's imaginary borders between the races, scanning the horizon for illegal racial immigrants. And when they see one, they swoop down with all of their might and unrighteous indignation.

Well, it is sometimes said that the truth shall set you free. If our opponents are truly interested in freedom, why are they so afraid of the truth?

I remind every nay sayer, from the private or the public sectors, that all previous civil rights legislation was construed to be doing harm to someone, somewhere, somehow. People argued about the loss of presumed freedoms or privileges; or the projected disastrous financial impact; the insurmountable logistical difficulties; or the accompanying social upheaval.

However, these were never legitimate reasons for activists to withdraw. Civil rights legislation and complementary court decisions were enacted and implemented because they were morally correct.

Ladies and gentlemen, the multiracial identifier is the morally correct thing to do. We deserve the right to identify accurately and whatever the consequences of this change, we as a society will just have to cope with them. Yes, it may mean other legislation will have to be created and passed. Yes, there will probably be many test cases before the courts. And yes, the whole process will be inconvenient to many. So be it.

Multiracials and their supporters have no reason to be ashamed of demanding their true identity. They deserve respect, support, and accommodation in their efforts.

In conclusion, our Government should stop demanding that multiracials and their parents commit fraud in order to maintain an erroneous status quo. It is irrational and immoral to ask me as a parent, or my child when he becomes an adult, to choose only one of his racial heritages as his racial identifier.

Exclusively calling my son African-American or black is a lie also, calling him just European-American or white is a lie. Anthony will be multiracial for as long as he lives. We should respect and acknowledge that fact.

Thank you.

[The prepared statement of Mr. Douglas follows:]

Testimony of Nathan Douglas

Congressman Horn, distinguished committee members, fellow multiracial activists, well-meaning opponents, members of the press, and others gathered in this room, greetings and best wishes to each and every one of you.

Before I begin, I would like to extend my sincere appreciation to Congressman Horn for including me in these proceedings. Voices like mine are seldom heard, largely because people get very uncomfortable when we dare to challenge their irrational beliefs regarding race. Thank you and your committee, Mr. Horn, for allowing me to testify, and for being so open-minded and fair.

Secondly, I want to acknowledge and praise the growing multiracial community for finally speaking out on this issue. Specifically, I give much respect to Ramona Douglass, president of the American Multiethnic Association (AMEA), Susan Graham of Project Race, and Mr. Charles Byrd, publisher of the electronic magazine "Interracial Voice." All of them are beacons of truth for the rest of us.

Congressman Horn, I am here today on behalf of my son, Anthony, a healthy, well-adjusted 8-year-old boy who happens to be multiracial. Like all proud fathers, I carry around a picture of my son. I'd like to show it to you now.

[show large picture of Anthony] This was taken a few years ago, when he was dressed-up for a wedding in some sharp-looking, but very uncomfortable shoes.

As you can see, Anthony is not a statistic. He is flesh and blood. Bones and muscles. Intellect and genes. And I want to remind everyone, regardless of your opinions on the multiracial issue, **50% of my son's genes came from me.** That means he is neither "Black" nor "White." He is both. And no one should presume to have the authority to tell him, or me, anything to the contrary.

Regardless of what some would have you believe, race remains essentially a biological construct in our society. When my son was born and the Vital Statistics people wanted to know what race he was, the issue of culture was never mentioned. It did not matter how he was to be raised, or with which social group he might identify in the future, or even what type of music, literature, dance, folklore, etc., he might prefer. It was just about my wife's genes and my genes. So we should keep this debate honest and focused on biological reality, rather than cultural diversions.

Now most of us know that white supremacists, using their insidious "One-Drop Rule," tell us that one drop of "black blood" makes a person "Black." This crazy concept is an anachronism in today's world. Thankfully, we have reached the point in our nation's great history where we must reject the racist "One-Drop Rule," once-and-for-all. Supporting "One-Drop" today is like supporting the flat

earth theory. It is irrational and illogical, period. People who continue to uphold the "One-Drop" myth, whatever their stated reasons, are major contributors to lingering racism in America.

Ironically, among those still supporting the "One Drop Myth," and opposing the new multiracial category, are many in the civil rights establishment. I say to these folks, brothers and sisters, this is a civil rights issue, and you are clearly on the wrong side of it. How can you suggest that a group of your fellow human beings, no matter how large or small, must be denied their right to identify accurately, in order to accommodate the status quo? How hypocritical! The violation of multiracials' right to self-determination should ring loud warning bells for every believer in civil rights.

Furthermore, no organization or individual has the moral authority to impose racial patriotism over others. Some of our opponents appear to have commissioned themselves as members of a "racial border patrol." They dutifully stand guard over America's imaginary borders between the races, scanning the horizon for "illegal racial immigrants." And when they see one, they swoop down with all their might and unrighteous indignation. Well, it is sometimes said that, "the truth shall set you free." If our opponents are truly interested in freedom, then why are they afraid of the truth?

I remind every naysayer, be they from private or public sectors, that all previous civil rights legislation was construed to be doing harm to someone, somewhere, somehow. People argued about the loss of presumed freedoms or privileges; or the projected, disastrous financial impact; or insurmountable logistical difficulties; or the accompanying social upheaval. However, these were ***never*** legitimate reasons for activists to withdraw. Civil rights legislation and complementary court decisions were enacted and implemented because they were ***morally correct***. Ladies and gentlemen, the multiracial identifier is the morally correct thing to do.

We deserve the right to identify accurately. And whatever the consequences of this change, we as a society will just have to cope with them. Yes, it may mean other legislation will have to be created and passed. Yes, there will probably be many test cases before the courts. And, yes, the whole process will be inconvenient to many. So be it. Multiracials and their supporters have no reason to be ashamed of demanding their true identity. They deserve respect, support, and accommodation in their efforts.

I would also point out that declaring oneself to be multiracial does not mean one will then cease being "Black," "White," "Asian," "Native American," or whatever. "Multiracial" has always been a term of inclusion. If a multiracial person is discriminated against because of one or more of his-or-her racial components, then he-or-she can still claim discrimination based upon race. For instance, if multiracial Tiger Woods were discriminated against because of his "blackness," he could seek redress based upon the "black" genetic component of his racial heritage. No one is suggesting these components will disappear when people declare themselves "multiracial."

In conclusion, our government should stop demanding that multiracials and their parents commit fraud, in order to maintain an erroneous status quo. It is irrational and immoral to ask me as a parent -- or my child when he becomes an adult -- to choose only one of his racial heritages as a racial

identifier. Exclusively calling my son "African-American" or "Black" is a lie; calling him just "European-American" or "White" is a lie, also. Anthony will be multiracial for as long as he lives. We should respect and acknowledge that fact.

I leave you with an old Chinese saying which is just as relevant today: *The beginning of wisdom is calling things by their right names.* I urge you, esteemed members of Congress, add a multiracial category. This issue is not about what multiracials want to be; it is about what they really are. This issue is not about the mistakes of the past; it is about the creation of a future in which we respect the dignity and well-being of my son and countless other multiracials, including thousands of European-Asian multiracials who do not fit current categories or stereotypes.

Grant Anthony, and all other multiracial children and adults in America, an equal opportunity to accurately identify themselves. Grant them the dignity they deserve. Grant them the freedom to choose.

Thank you.

Mr. HORN. Well, we thank you for your presentation.

How old is Anthony now?

Mr. DOUGLAS. He is 8 now.

Mr. HORN. He is 8, OK. We might make him the first congressional witness after Mr. Graham.

I now yield 7 minutes to the gentleman from Illinois, Mr. Davis, to question the witnesses.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

And I might suggest that not only are those sharp shoes that Anthony is wearing, but that is a sharp outfit.

Mr. DOUGLAS. Thank you. I thought so, too.

Mr. DAVIS OF ILLINOIS. Plus he has a very passionate father. I am sure that he is very proud of him, without a doubt, as he ought to be.

Let me just ask you. I mean I understand your testimony, I think.

Do you believe that individually that we can accomplish what the Nation must do?

I am saying that we have individual rights obviously, and individual responsibilities, but do you think that individuals just sort of taking a position that this is where I am at, and this is where we ought to be, that that might get us to where we are trying to go?

Mr. DOUGLAS. I would not suggest that. I am not naive. But I am rational. To me, a lot of what I have heard today is irrational. In the first place, a lot of these folks here are talking about ethnicity and culture. They are not talking about race. Race is my genes and my wife's genes, and the result is Anthony. That is what race is.

When people on the one hand talk about well, physical features. You are going to be discriminated against because you look a certain way. Well, what is that? That is race. That is the way that we should keep this debate focused.

And the fact is that we are not talking about what Anthony wants to be or what I may want him to be. We are talking about what Anthony is, the truth, the fact and all we want is a multiracial category. It could have subdivisions. I think that negates a lot of the arguments that I just heard before I gave my testimony.

We want Anthony to be able to choose an accurate description of what he is, not who he is going to be, but what he is racially.

Mr. DAVIS OF ILLINOIS. You also indicated that you were somewhat amazed a little bit to see the civil rights organizations, individuals representing the civil rights establishment, on the other side.

Mr. DOUGLAS. Yes, sir.

Mr. DAVIS OF ILLINOIS. Why do you think that they are there?

Mr. DOUGLAS. Well, I would have to filter that answer.

Mr. DAVIS OF ILLINOIS. I guess what I am trying to——

Mr. DOUGLAS. I think that a lot of them are locked up into old habits and old ways of looking at things. And when we see someone like Anthony, we do not know how to deal with it. And when we hear a white parent actually claiming a "black child," it bothers people.

Mr. DAVIS OF ILLINOIS. Do you think that it might be that based upon their years of study, their years of analyses, their years of understanding the issue, and their years of involvement may have given them a certain perspective about it based upon experiences that they have had, and based on information that they have had access to?

Mr. DOUGLAS. Yes, sir. I believe that they believe that, and I respect that. But I have got 30 years of experience in my life dealing with these matters too. And I know what I have seen, and I know what is true.

We are not talking about an opinion here, but we are talking about a statement of fact. We are talking about what I call a vital statistic, a reality. We are ignoring reality here. We are talking about multiracial as if it were multicultural and multiethnic and it is not. It is multiracial and it stops there. The ethnic categories are another issue.

Mr. DAVIS OF ILLINOIS. Well, I can certainly appreciate your passion and the individuality of your being. And I guess that we would probably call it shooting from the heart as opposed to maybe from the head.

Mr. DOUGLAS. Well, if you read my full testimony, it was from the head.

Mr. DAVIS OF ILLINOIS. Ms. Ma, does your organization have individuals in it who are multiracial?

Ms. MA. Yes, as I said, our board members, I believe that we have board members who are multiracial. But definitely, their families have children who are multiracial.

Mr. DAVIS OF ILLINOIS. So you spend a great deal of your time looking at issues that affect multiracial individuals or situations that multiracial individuals would most likely be confronted with and by?

Ms. MA. Yes. When we are considering all the positions that we take on issues, we work with other Asian American groups as well, who also have constituencies where there are numbers of multiracial individuals. And we definitely consider the impact that we think that a policy may have on them as well.

Because we know that discrimination is not always based on how you self-identify yourself. We have heard of situations or we know of situations where identity really depends on how you appear. We know of people who come from the same family, who have a Japanese-American mother and an African-American father. The sister identifies as Asian-American, and the brother identifies as African-American.

So yes, we take these concerns very carefully and thoughtfully.

Mr. DAVIS OF ILLINOIS. Yet, you are saying that you are able to go beyond the individual feelings or the individual experiences that people may have, and look at the question in the context of the group, and what might be happening, or what might happen, or the impact on the whole group as opposed to what some individuals may have experienced?

Ms. MA. Yes. It is something that when you live in a society, you know that your personal expression may not always come first. That the greater good may be something that you are concerned about.

Mr. DAVIS OF ILLINOIS. Thank you.

Ms. Douglass, you also identify yourself as being multiracial?

Ms. DOUGLASS. Yes, that is what I am.

Mr. DAVIS OF ILLINOIS. And you have studied the issues surrounding this?

Ms. DOUGLASS. Yes. I have been a civil rights activist since the late 1960's and early 1970's.

Mr. DAVIS OF ILLINOIS. And I guess that the question is do you think that there is any possibility that the designation could detract, or take from, or diminish in any way the progress that is being made relative to multiracial inclusion, not in terms of designation, but in terms of the movement toward the common and integral part of the overall society?

Ms. DOUGLASS. I am not sure exactly what you are saying. But I can tell you from what I have heard today. I am on the Census 2000 Advisory Committee. I was on the working group for content. I have been active not just as an individual seeking individual redress for my community, but I have also worked as a very conscientious American looking for the best way to identify our society as it is today.

And one of the ways that you cannot do that is to continue to tell people that they must adjust their identity to fit the laws. The laws in reality must be a reflection of our society. And if our society is shifting, and if our numbers as multiracial people who identify as such are growing, if in fact we have groups such as Hapa Issues Forum, which is Asian multiracial, and if we have the groups that identify as Hispanic multiracials, and they all come together and have joined the Association of Multiethnic Americans, then there is more at stake here than just individuals expressing individual desires.

These are families and communities. These are people who are very consciously saying that what you are asking us to do is no longer acceptable.

Mr. DAVIS OF ILLINOIS. Do you think that there is any possibility that class discrimination or category discrimination could be more difficult to identify with the multiracial labeling?

Ms. DOUGLASS. I am not sure exactly what you are asking.

Mr. DAVIS OF ILLINOIS. What I am asking is individuals who may be discriminated against because they are of a certain race and live in a certain area. And let's say that that area is red lined, because somebody decides that they are not going to provide insurance coverage to a black community.

Ms. DOUGLASS. I am listening.

Mr. DAVIS OF ILLINOIS. That is what I mean.

Ms. DOUGLASS. Well, there are multiracial people who are under economic distress. There are interracial families who are poor. We are not all middle class striving professionals. We are also poor. We are also discriminated against on the basis that as a family we do not have colors that match. It is not just because you are black or white.

Mr. DAVIS OF ILLINOIS. So you are basically saying that this really has nothing to do with all of these sociological and economic indicators, but that what it would really do is give individuals the

feeling that they have been so rightly identified, and now they are a real part of the American dream, that this takes care of it?

Ms. DOUGLASS. You have lost me. I just said that we get discriminated against in the same way as other communities. We are a community too.

Mr. DAVIS OF ILLINOIS. I think I understand what you are saying. I am not sure that I agree with the approach to rectifying the discrimination that you are talking about. But I do think that I understand.

I really do not have any other questions, Mr. Chairman. Well, I do have one.

Ms. Chase, obviously, you have a great deal of civil rights experience or a great deal of advocacy experience, in terms of looking at the needs of groups of individuals. And it seems that there is some argument or some difference on the basis of whether or not the rights of individuals are being denied, if the designation is not included.

Yet, there is a feeling by people like myself that individuals are indeed a part of it, but that individuals certainly do not have as much impact or influence on public policy decisionmaking as groups of individuals do. And so the group representatives seem to come from a different side.

Why do you think that is the case?

Ms. CHASE. Mr. Davis, my whole value system is one that is a community based value system and a community based identity and so I have great appreciation for my culture. But I am also a member of a sovereign entity, that is a nation, that exists within this great Nation, and have been acutely aware of the efforts over the period of the history of this great Nation to diminish that sovereignty, to diminish that status, and to diminish my ability to exist as a member of the three affiliated tribes.

Even the notion that there are three affiliated tribes is an example of such diminishment over time. We are no longer simply the Hidatsa Nation or the Mandan Nation.

So certainly, I have an absolute commitment both from my heart if you will, and certainly in terms of the work that I do each day, to maintain that sovereign status. And we certainly find that it is that commitment that comes from the community and to preserve that status.

As we have seen increasing attacks to undermine the tribal sovereignty from a variety of corridors, Congress included, that it is imperative that we work together as a group, and that we come together. And that is the very existence for the National Congress of American Indians. We came about as an organization representing the collective sovereigns, because it was the policy of this country to terminate Indian reservations, and to assimilate native people into mainstream society.

That is why we exist. We fought that policy. And we fought that right to maintain our individual identity, and in so doing to uniquely come together and advocate together.

Mr. DAVIS OF ILLINOIS. So you would probably take the position that no matter how well meaning individuals might be, that the greater the rift, or the greater the split, or the greater the diminu-

tion of group potentiality, the less the amount of protection that the individuals in the group or that the group itself would have?

Ms. CHASE. Yes, I would take that view.

Mr. DAVIS OF ILLINOIS. Well, I certainly would concur with that. And I thank all of you very much for your testimony.

Mr. HORN. Thank you very much.

I just have a few general questions. On our next panel, Professor Waters will be one of the witnesses. In her written testimony she wrote this, "The census and Federal forms create categories which then have meaning for people. Creating a multiracial category rather than allowing people to 'check all races that apply to them' will create a category that will take on some social meaning, and may actually become an ethnic or racial group."

Do you agree that a multiracial category could promote a distinct multiracial experience and identity, and would this be desirable? I am asking that of all witnesses.

Yes, Ms. Douglass.

Ms. DOUGLASS. First of all, the Association for Multiethnic Americans as well as Project RACE have stipulated that the most intelligent way to look at this is to add a multiracial category with the ability of checking all that apply. Both of them were components.

Mr. HORN. All of the above?

Ms. DOUGLASS. All of the above. We recognize the need to make a distinction, so that the multiracial category is not simply just a substitute for other.

Mr. HORN. So if you were doing a voting rights analysis in a particular area, how would the investigators do that, would they include the multiracial and then also all of the check marks?

Ms. DOUGLASS. Right now, the census has worked on three different formats for putting the question to the public. I am not a demographer. But from the studies that have been done, and there have been three, there have been multiracial and a blank space; check all that apply; check one or more boxes.

The jury is still out as to which one will produce the best results. Our contention is that if you are going to count us, count us first as multiracial because we are. If you want further information, then ask us what that means.

Mr. HORN. Well, let us go right down the line.

Do you have any reaction to that question, Ms. Samhan?

Ms. SAMHAN. Well, I think that I will just pass, because I think that this is not an issue for the coalition on the multiracial question.

Mr. HORN. OK. Ms. Ma.

Ms. MA. I cannot say whether or not multiracial people have a particular multiracial experience. But I can say that I do believe that people who are say half African-American and half Asian-American may have very different experiences than somebody who is Asian-American and half American Indian. I think that they will have very different experiences.

So the multiracial category is not very descriptive and we have looked at the most recent test of the Census Bureau, the race test. And this was the first time that we have actually seen any studies talking about the check one or more, or the check all that apply.

In that test, the results that seemed to be the most accurate for our racial counts would be the check one or more. But we really have not had time to fully study this category.

Mr. HORN. Ms. Chase.

Ms. CHASE. Mr. Chairman, while we certainly have a great appreciation for some of the arguments that are being set forth today by those who advocate for a multiracial category, I must say that on behalf of the National Congress of American Indians, the category itself and the implications that it would have for those individuals who consider themselves multiracial has not been a subject of extensive discussion.

What has been is maintaining the distinct category for American Indian and Alaska Natives, because in fact part of the function of the census data that we have found a reality is that it does help the Government fulfill its trust responsibility.

We, too, have an upcoming national organizational meeting in June. Certainly, these issues will be put on our agenda and discussed. And I would be very pleased to report back to the subcommittee some of the results of those discussions, particularly those addressing the multiracial category.

Mr. HORN. We would welcome your input after that meeting.

Mr. Douglas.

Mr. DOUGLAS. Well, I want to say that I appreciate everybody's sensitivity. But we would more appreciate your support on this issue.

The fact is that everybody keeps talking about census data and other data as if it were accurate now. It is not accurate. Obviously, multiracials are being counted as monoracials. Guess what? That is not accurate. It is not true. It is not real.

What we are asking is for the first time to make it accurate, and to have a multiracial category. I concur with Ramona, Ms. Douglass, that it should be subdivided for political expediency. And you will still be able to go back and find out who is black, who is white, and who is whatever. So that is my opinion.

Mr. HORN. Your comment reminds me when I was an undergraduate many years ago in the 1950's. And this statement that I am about to quote is from a college professor at Stanford. This was before the Kansas case, *Brown* v. *Topeka,* was handed down, which overruled *Plessy* v. *Ferguson of 1896.*

This comment was made by a professor in international relations who got onto the subject of race in America. He said, "Well, it will be solved some day, and we will all go around with sort of a light tan." And in essence, that would be interracial marriage. That would solve the problem, he felt.

Since that is the only political science course that my wife ever took as a history major, that statement has been riveted in both of our minds since that time.

Do you think that he was right?

Mr. DOUGLAS. I am not going to fall into that trap.

Mr. HORN. It is not a trap.

Mr. DOUGLAS. Well, what I tell my son when he comes home and he asks me these questions about what is black, what is white, and who is white, and who is black, I tell him that everybody is brown. And I am going to hold up a white sheet of paper and put my hand

on it, and can you tell me that my hand is white? I would love for somebody to tell me my hand is white. It is not. My hand is a shade of brown as a result of melanin. We all have melanin. We are all some shade of brown. Let's get over it.

Mr. HORN. OK. We appreciate your testimony. There might be a few questions that we will have the staff send you. You are still under oath when you answer them. We will insert them into the record at the appropriate point. And we thank you for the time that you have taken to make such interesting presentations. Thank you for coming.

We now will go to panel IV. Professor Mary Waters, Department of Sociology at Harvard University. Dr. Harold Hodgkinson, Center for Demographic Policy, Institute for Educational Leadership and Dr. Balint Vazsonyi, the director for the Center for the American Founding.

If you would stand and raise your rights hands, please.

[Witnesses sworn.]

Mr. HORN. The three witnesses have affirmed the oath.

So we will begin in the order in which you are on our agenda starting with Professor Waters.

STATEMENTS OF MARY C. WATERS, DEPARTMENT OF SOCIOLOGY, HARVARD UNIVERSITY; HAROLD HODGKINSON, CENTER FOR DEMOGRAPHIC POLICY, INSTITUTE FOR EDUCATIONAL LEADERSHIP; AND BALINT VAZSONYI, DIRECTOR, CENTER FOR THE AMERICAN FOUNDING

Ms. WATERS. Thank you, Mr. Chairman, and members of the subcommittee for inviting me to speak with you today.

I am a sociologist and demographer who specializes in racial and ethnic identity. In my comments today, I will not be arguing for or against a multiracial category. And I also take as given the need to continue collecting data on race ethnicity by the Federal Government.

And to answer your question that you posed at the beginning of the hearing, I do think that the reason to collect these data is for enforcement reasons. I think that you are facing a problem. And we, as demographers, who try to do this actual work, are facing a problem. Because in order to collect the data and in order to meet enforcement needs, you need the compliance of the population.

As you are seeing, people are visualizing their categories in lots of different ways, and I think that is where you get the disjuncture. The laws were written in one way, and people are thinking of themselves in another way right now.

I have five general points. First, groups that we socially define as races have always had permeable boundaries. Groups last for generations, even with high intermarriage and movement of individuals into and out of the group.

Currently, most parents do choose one race for their child when they are intermarried. This is similar to identity changes, which have happened over a long time period for white ethnic groups, who were once thought of as racists.

Right now, children of many intermarriages involving whites with Asians, American Indians, and some Hispanics are labeled white by their parents in the census, while children of inter-

marriages involving blacks and some Hispanic groups are predominantly labeled black or Hispanic.

The point that I want to make is a simple one, which is that there is already movement into and out of these groups without a multiracial category. This often goes unrecognized.

Second, there is research on how mixed ethnic individuals fill out the census form. And there are just a couple of insights that I think should inform the decision that you have to make.

First, we know that education is positively linked with reporting a multiple ancestry. Less educated people tend to report fewer identities to the census. We also know from examining mixed ethnic people, that parents tend to simplify their children's ancestry in filling out the census form. And yet, parents also tend to give more data than the children themselves do when the children grow up and answer the census form for themselves.

So there is some slippage. When the parents fill out the census form, you have less information. And when the person grows up and leaves home, there is even less information. And over the life course actually, people tend to simplify their identities and give less than one answer.

There is also evidence that when people get married, they tend to match up their ancestry with that of their spouse. So if an Italian and Polish person marries an Italian person, they tend to say that they are both Italian, and they forget about the Polish part.

The implications of this is to the extent that lobbying groups are pressing you for a multiracial category, they are composed of parents of multiracial children. One question for research over the coming years would be whether the children themselves would identify with the same degree of completeness about their ancestries that their parents are currently doing.

Second, it is unclear about whether this is something that is associated with age, because multiracials are quite young now because of growing intermarriage. And we do not know in the future how Mr. Graham will identify when he grows up.

The third point that I want to make is that there is a much larger potential multiracial population than the number of people who currently try to identify as multiracial. Right now, there are a number of people who choose one race, yet they report elsewhere they have more identities. The pool of potential multiracials is large. Recent testing, which has been referred to today, finds the number of people who actually report a multiracial identity is small, 1.0 to 2 percent of the population.

The fourth point is that political attention, like we have seen today, will likely focus on black/white interracials, and on the implications of an interracial category for the long run political and social fortunes of African-Americans. This reflects the enormous importance of the black/white color line in our society, and the distinctive legacy of slavery. Yet if there is a multiracial category, it will affect much more strongly the Asian and American Indian counts. And if Hispanics are included as a racial category, the Hispanic populations. This is because of the much higher rates of intermarriage, and they are much smaller groups, except for the Hispanics.

So the statistical impact will be much greater. And indeed, in the census tests, the African-American population has not been significantly statistically impacted by a multiracial category.

Finally, the census and Federal forms create categories which then have meaning for people. Creating a multiracial category rather than allowing people to check all races that apply to them will create a category that will take on some social meaning, and may actually become an ethnic or racial group.

The fact that this group does not exist now, except as a statistical artifact and a coalition of people lobbying the Federal Government, does not mean that the group cannot come into existence and begin to have social meaning for people. We are probably seeing the beginning of that with people right now. And that is what happens with racial and ethnic groups. They come into existence, and then they change over time.

So the point that I am making is what may appear to be a technical choice, which you are probably going to get information about how much it costs to do one or the other, it is not simply a technical choice, but it will have long run implications for how people actually think of themselves, and what kind of data are actually reported for different categories.

Thank you.

[The prepared statement of Ms. Waters follows:]

Testimony of Professor Mary C. Waters
Department of Sociology
Harvard University
Before the Subcommittee on Government Management, Information and Technology
of the Committee on Government Reform and Oversight

May 22, 1997

Thank you Mr. Chairman and Members of the Committee for inviting me to speak to you today about the very important issue of how the federal government should measure race and ethnicity. My name is Mary Waters and I am a sociologist and demographer who specializes in racial and ethnic identity. I have written extensively about how Americans think about their ancestry and backgrounds and how they answer censuses and surveys that ask about those backgrounds. I was a participant in the National Academy of Sciences workshop on the federal standards for racial and ethnic classification and I have consulted to the Census Bureau and Bureau of Labor Statistics on how to test various ways of measuring a multiracial category and on the design and reporting of the census ancestry question. I currently have a grant from the NICHD to examine patterns of intermarriage and the identity choices parents make for their children when filling out the census form, and how interracial children should be counted in long run population projections.

In my comments today I will not be arguing for or against a multiracial category. Rather, I will try to pinpoint some of the issues and findings in academic research on this issue that I feel should be weighed in the decision you will have to make.

I think it should be recognized at the outset that making a decision about standards for collecting information about racial and ethnic identities involve struggling with two issues. First there is the technical issue of dealing with the growing complexity of racial and ethnic identity as we become a more diverse society. This requires careful attention to how we should best design categories which are mutually exclusive and exhaustive. For public policy and administrative purposes the goal should be to have agreed upon categories that can be used to classify the entire population. The second issue however is the disjuncture between what has come to be perceived as a "right to self identification" and the need to gather information on a very finite number of categories to meet legislative and public policy needs. In the past few decades many Americans have come to expect that when they fill out a census or a government form they are publicly declaring an identity and having that identity recognized by their society. Many Americans now believe that they have a right to racial and ethnic self identification. Recognizing this function of the census and other forms would require allowing as much complexity and overlapping categories as possible, since we all know that human beings interbreed across socially defined racial and ethnic

identities, and many if not most of us have very complex ancestries that contribute to who we are. As you try to reconcile these administrative, public policy goals, with the public recognition and individual self identification goals, there are some findings and insights from social science research that I think should inform your decision making.

I will make four major points:

1-Groups we socially define as races have always had permeable boundaries. Groups last for generations even with high intermarriage and movement of individuals into and out of the group. Currently most parents do choose one race for their child when they are intermarried, and this is similar to identity changes which have happened over a long time period for white ethnic groups who were once thought of as "races".

While the major race and ethnic groups in the United States stay relatively stable in the short run, there is enormous movement and fuzziness when you look closely at the boundaries of the groups, and when you look for consistency and stability at the individual level. This is due to a variety of causes--both substantive in terms of the socially constructed and volatile nature of ethnicity itself, and technical in terms of the measurement error that is present in any attempt to measure social phenomena (Lieberson and Waters, 1993).

Groups we think of as "ethnic groups" were seen in earlier times as "racial groups" In the nineteenth century the Irish were seen as a "race" apart from other European groups. They were stereotyped for their criminality, lack of education, poor family values, and often portrayed as apes in cartoons of the time and referred to as "niggers turned inside out". In the mid nineteenth century Negroes were referred to as "smoked Irish" (Ignatiev, 1995). If those debating immigration restriction in the early part of the twentieth century had done population projections to predict the "race suicide" they felt new immigrants were causing, they would have projected the numbers of southern and central Europeans and Irish and shown how these growing groups would have made white Protestants a minority by some date in the far off future. Such predictions would have failed to factor in the decline in the relevance of the boundaries separating European groups from one another. Groups such as Italians and Poles and Greeks who were seen as so "unassimilable" and racially distinct now intermarry to such a great extent with other white European groups that they are virtually indistinguishable. These groups have reached equality with white Protestants in education, income, occupational specialization and residential distribution.

Paginini and Morgan (1990) note that, at the turn of the century, "endogamy was castelike for new ethnics from eastern and southern Europe." Since then, social and cultural changes have interacted with ethnic intermarriage to produce an ethnic fluidity which would have been then unthinkable. As Alba (1995) reports "In 1990 census data, more than half (56 percent) of whites have spouses whose ethnic backgrounds do not overlap with their own at all. Only one fifth have

spouses with identical backgrounds".

As a result of this intermarriage ethnic identity is increasingly a matter of choice for whites in the United States. An American of Italian, Irish, and Scottish ancestry, for example, can "choose" to identify with one or more of their ethnic ancestries and discard or "forget" others (Waters, 1990; Alba, 1990). Hout and Goldstein (1994) show that if scholars had done population projections of the Irish at the beginning of the century they would have seriously underestimated the numbers of Irish Americans because 4.5 million Irish immigrants to the U.S. resulted in 40 million Irish Americans in the 1980 census partly because the Irish had high rates of intermarriage with other white groups and because the offspring of those marriages differentially chose "Irish" as the identity they kept.

This fluidity of white ethnic categories stands in contrast to the seeming essentialism of race. But this is partially the result of the primacy of racial questions in American history, which required unambiguous classifications, first for discrimination, and now for affirmative action..

Rates of intermarriage have been growing since 1960 for all groups, even for those defined as "racial" groups. While it is still the case that just a small proportion of marriages by nonHispanic whites are with nonwhites and Hispanics ; the rate of increase in recent decades has been dramatic; "in 1960 there were about 150,000 interracial couples in the United States. This number grew rapidly to more than 1.0 million in 1990. When marriages with Hispanics are added the intergroup marriages totaled about 1.6 million in 1990" (Harrison and Bennett, 1995:165). While over 93% of whites and of blacks intermarry within their own groups, 70% of Asians and of Hispanics and only 33% of American Indians do. Although black-white intermarriages are still the least prevalent, among younger people there is evidence of dramatic change. (Alba, 1995:xx) reports that "10 percent of 25 to 34 year old black men have intermarried, most with white women".

While it is impossible to tell from the census what percentage of adults are themselves of multiple racial origins, it is possible to look at intermarried couples and the decisions they are forced to make about their children's identities because of the design of the census. The ethnic or racial identities reported in the census by parents in the household and the identities reported for their children show various patterns. In a recent paper William Alonso and I explore the choices parents make for children in answering the 1980 census, and we develop a method for simulating future population change which takes the pattern of these identity choices as well as levels of intermarriage into account (Alonso and Waters, 1993). The results of such a simulation show that the flux in race and ethnicity stemming from such changes could have significant effects on the future composition of the United States population--effects which a straight population projection would miss. The point I want to stress is that these movements into and out of racial and ethnic groups are happening already. Projections of racial and ethnic groups that do not take into account intermarriage (such as all of the ones done by the Census Bureau) miss this flux and choice. Thus when you weigh the impact of a multiracial category on the future size and composition of various race and Hispanic groups you should do so with the knowledge that there

is already a great deal of flux into and out of these categories.

To examine the patterns of these choices parents make in filling out the census form for their children we drew a sample of the Public Use Microdata Sample (PUMS) 5% 1980 individual level census data, restricting the sample to married couple parents, both spouses in their first marriage, with no more children present in the household than the mother reported giving birth to.[1] This was done to control as much as possible for blended families, step children and adoptions.

Tables 1 and 2 provide basic information on the choices of identity for children in these intermarried households for 1980. In the situation in which the mother is white and the father is some other race (Table 1), compared to all the other groups, blacks have a much higher retention of being black--69.1% of the children are black. Another 8% are reported "other" and 22% are reported as white. In contrast 50% of the offspring of white mothers and Native American fathers are reported to be white, 43% of Japanese-white children are reported as white, 35% of Chinese-white children are reported white and 58% of Korean-white children are reported by their parents to be white. In sharp contrast, when the father is Asian Indian and the mother is white only 20% of the children stay Asian Indian. A much lower percentage of children of Japanese, Chinese and Filipino fathers married to white mothers remain identified with their father's Asian origins. While these Asian groups do show a large proportion of the children as "other" race (11.56% for children of Japanese fathers, 15.25% for children of Chinese fathers and 10.53% for children of Korean fathers) even if one ignores those high percentages, there still are far more children identifying with their mother's white race.

Table 2 shows the intergenerational transfer rates for situations in which the father is white and the mother is nonwhite. The differences here for the Asian groups are even more striking. For instance, in families where the father is white and the mother is Asian Indian 93% of their children are labelled white. In households where the mother is Japanese, only 25% of the children are labelled Japanese. In households where the mother is Chinese, only 26% of the children are Chinese.[2]

1990 data are provided in Table 3. The patterns are very similar. In general, children with one white parent are predominantly classified as white by their parents--with the following exceptions: children with white mothers and Chinese fathers; children with white fathers and Native American mothers; and children wiith one black parent, who are far more likely to be described as black than as white.

Thus these tables of parents' identities by children's identities shows that there is no one rule governing the choices made by parents about mixed race children's identities. There is some evidence that some parents try to choose neither parents identities by checking other. Parents do not choose completely based on the maternal or paternal identity and some parents choose "majority white" identities and some choose "minority nonwhite identities".

Population Simulation

Alonso and Waters (1993) take the results of the patterns of these choices of parents for their children's identities from 1980 and combine them with levels of intermarriage to simulate the change in the composition of the population over five generations. The simulation does not take into account immigration, which is of course the largest element affecting the future size and composition of America's minority population. It also does not take into account differential fertility, or the reproductive behavior or choices of people who are not married, or not in their first marriage. Thus the exercise is not a projection, but a simulation designed to show the effects intermarriage can have on ethnic change, and the pitfalls of population projections which assume no intermarriage.

Alonso and Waters (1993) used 1980 census data on race and Hispanic origin for each member of the household to examine the effect of intermarriage and ethnic identity choices on the future population. We constructed a table giving the number of married couples by racial or ethnic groups of husband and wife, and observed the frequencies of children by group for each type of couple. This yields a matrix of 32 by 32 separate categories of race/Hispanic origin combinations of mother's by father's by children's identity. We then determine the underlying propensity of each group to intermarry. [3] Each couple is assigned two children, and the children are given group identities according to the observed frequencies of identities for that type of couple. The children are then "grown up" and married off, maintaining the underlying intermarriage rates and identity choices of the original marriage table. The process is repeated for 5 generations, or roughly a period of 125 years. Changes in the relative sizes of the various groups from the first to the final generation are then examined. Since the simulation models a stationary population, (one without growth due to fertility or immigration) the simulated changes are entirely due to patterns of intermarriage and heritability of group identities.

The pattern of changes in groups is quite variable. Key findings are presented in Figures 1, and 2. Overall, whites increase by only 2% and blacks grow very slightly at 3.6%. American Indians decline at 5.8%. Mexicans and Puerto Ricans grow quite a bit, at 51.2% and 21.3% respectively. Cubans decline overall by 39.3% due to a relatively high degree of outmarriage and a propensity for those outmarried couples to state that the child is White NonHispanic. Overall, Hispanics as a whole grow by more than 25% while Asian groups all decline in the simulation. This is due to relatively high levels of intermarriage and to a substantial number of intermarried couples of different Asian groups who state that their children are not Asian, and to intermarried Hispanic parents absorbing their multiethnic children as Hispanic. While immigration of Asians into the United States will no doubt dwarf this underlying trend in aggregate statistics, nevertheless there is already, and will be in the future, considerable movement by individuals across the Asian/white boundary. For a group such as the Japanese who currently have very small numbers of immigrants coming into the US, this overall trend in intermarriage and heritability could lead to a real decline in the relative size of the group.[4]

The number of simplifying assumptions in this simulation means that this is not what will happen to the future population of the United States. However this exercise does demonstrate that standard demographic population projection methods can seriously overestimate the stability of socially constructed categories of race and ethnicity, even without a multiracial category. We can now see with hindsight that if the furious debate over immigration at the turn of the century had been accompanied by population projections, such projections would have seriously erred because of the social changes in the meanings of ethnic and racial boundaries that have occurred in the 20th Century. As Paul Spickard (1993) notes " Almost no White American extended family exists today without at least one member who has married across what two generations ago would have been thought an unbridgeable gap". This has changed both the nature of the categories we use for classifying the population, as well as the raw counts of people within each category.

2-Research on how individuals of mixed European ethnic ancestries report their identities to the census can provide some clues as to how mixed racial individuals might choose an identity.

The ancestry question on the 1980 and 1990 censuses was a fill in the blank question, which asked "What is this person's ancestry or ethnic origin?" Under the blank line a number of possible responses were given as examples. The ancestry question allowed people to give more than one group. In 1980 up to three responses were coded. In 1990 up to two were. The instructions said "Persons who have more than one origin and cannot identify with a single group may report two ancestry groups".

Analyses of these data from both the 1980 and 1990 censuses show enormous change, flux and inconsistency. For instance, analyzing the ancestry data from the 1980 census, Lieberson and Waters (1986, 1988, 1993) found evidence of change in the ancestries reported across the lifecourse of individuals, and intergenerationally. Overall education is positively linked to reporting a multiple ancestry. Less educated people tend to report fewer identities. (Alba, 1990; Farley, 1991; Lieberson and Waters, 1986). In 1990 there was a clear "example effect" with groups like Cajuns that were listed as examples growing at a phenomenal rate from 1980.

Three findings on the ancestry question are pertinent to the multiracial question:

1-Parents simplify their children's ancestries in filling out the census form. For instance in situations where one parent reports a different single white ethnic origin (say X) and the other parent reports a specific single white ethnic origin (say Y), a substantial percentage of the children (circa 40%) are not described as the logical combination of parental ancestries, (as an XY) but instead their ancestry is simplified in the sense that only one parents origin is reported. (Lieberson and Waters, 1993) The net discontinuities between the ethnicity parents report for themselves and what they report for children in the census lead in general to numbers that are from 14% to 17% less than what would be expected if they gave their children their exact ancestries. This is also linked to gender. Males are more likely to have their ancestries simplified

by their parents and in turn, are more likely to simplify when they reach ages where they are on their own.

2-There are changes over the lifecourse. As people get older they report fewer ancestries.

When the complexity of ethnic origin responses are tabulated by age, a sharp simplification is observed in the late teens and early twenties compared to younger ages. Waters (1990) compared young adults living at home with those living away from home, and found that the greatest drop off in complexity occurs for those living away from home.

3-There is evidence that when people marry they change their ancestry to match that of their spouse in some cases. Lieberson and Waters (1988, 1993) found evidence that married couples tend to simplify their ancestries to "match up" with those of their spouse. For instance if a woman who was Italian and Polish married an Italian man, it is likely that she would drop the Polish ancestry and that both spouses would report the ancestry that "matched"--in this case Italian. Lieberson and Waters (1993) suggest that standard demographic studies of intermarriage which ask whether ethnicity affects choice of marriage partner might actually be measuring the opposite question--whether choice of marriage partner affects ethnic identity choice. They suggest that religious intermarriage studies might provide a model for dealing with this problem. It has long been recognized that religious conversion at the time of marriage would bias estimates of religious intermarriage downward if the only data one worked with were current religion of both spouses. As a result religious intermarriage studies use two variables--religion at age 16, and current religion to measure intermarriage. Perhaps a measure such as current ethnicity and ethnicity at age 16 will be necessary to measure ethnic intermarriage in a time of mixed ethnicities and changing identifications.

What are the implications of these findings for multiracial reporting? One is that to the extent that lobbying groups pressing for a multiracial category are composed of interracially married parents who do not want to choose a race for their children, this does not necessarily mean that those children will in fact want to report all of those races when they leave home. Parents report more detail on their children's ancestries than the children do themselves as they age and especially after they leave home. To the extent that the multiracial movement is led by parents who are concerned about having to choose a race for their children, there may not be much of an issue if the children themselves will merely simplify to one race when they leave home. So one question to ponder is whether this movement is a result of parental preferences or whether there are large numbers of people who would like to self-identify as multiracial.

Secondly, it is not clear whether this is a phase associated with age, that will change as people age. Since we know that ethnic and racial identity can change over the lifecourse and is related to age and cohort experiences, one hypothesis is that young adults of college age may be vocal about maintaining a multiracial identity. There are now a number of organizations of multiracial people at universities around the country. But what will happen to these students in a few years when

some of them marry and have children of their own? Will they maintain a multiracial identity for the rest of their lives? Or will they develop one dominant racial or ethnic identity in response to marriage, societal definitions, or the aging process? This is a difficult question to answer because the movement of self identified multiracial people is so new, and because rising intermarriage rates mean that most multiracial people are very young. It is still unclear whether these young people are the beginning of a new category or just going through a phase of identity development. (This is known as an age/period/cohort problem and it is notoriously difficult to solve without longitudinal data that follows today's young people over time and monitors how they identify).

3-There is a much larger potential multiracial population than the number of people who currently try to identify as multiracial.

Rates of intermarriage have been rising and will continue to do so in the future. The National Academy of Sciences report pointed out that as a greater number of people who are Asian or Hispanic are born or raised in the US, the levels of intermarriage are likely to increase in the future. In the 1990 census 5 percent of the US population reported an ancestry that differed from their primary race or Hispanic identification. By race, 4 percent of whites and 5 percent of blacks report multiple ancestries. More than 25 percent of those reporting their race as American Indian report a nonAmerican Indian ancestry and about 10 percent of Asian and Hispanic respondents report a non Asian or non Hispanic ancestry, respectively. (Edmonston, Goldsetin, and Lott, 1996: 32). These people are all "potential multiracials"--people who choose one race in the census but feel strongly enough about their other ancestries that they report them on another question.

There is a strong group now pressing for a multiracial category, or for the ability to identify with more than one race. However there are a number of people one could imagine answering a census question by saying that they are multiracial. One, are the committed multiracial people--the ones who are extremely unhappy answering the question the way it is now and who would refuse to answer a race or Hispanic origin question that forced them to choose. In 1990 the Census Bureau reported that there were 249,119 people who wrote in a multiracial response to the question about race. However there are many more who either refused to answer the question or put themselves in the "Other Race" category.

We don't know how these committed multiracial people respond to a question that asks them to choose. In other words, is it enough to let them say they are multiracial and then ask them to put themselves in the federal categories? Or will they only be satisfied with giving a multiracial response? This is an important question we do not know the answer to yet. If committed multiracial people would like to tell the world that they are multiracial but then are willing to put themselves into one of the OMB categories for administrative purposes, this might allow a reconciliation of the "right to self identify" with the public policy competing needs to classify into one race. However if this group is opposed to ever choosing, this has a different set of

consequences for question design. As the National Academy of Sciences report stated: "If self identification is taken as a basic principle, there are no grounds for recoding a multirace person to a single race. It is difficult to imagine any logical recoding algorithim for people who decline to provide a single race affiliation." (Edmonston, Goldstein and Lott, 1996:38)

A second group of people who are likely to answer a question on multiracialness affirmatively are people who are "opportunistically" multiracial--people who do have two races in their backgrounds, who ordinarily identify with only one and have no problem with that both in their daily lives and on census forms, but who would truthfully tell you that they are multiracial if the choice appeared to them. For instance a person who has a white grandmother, but three black grandparents, who is socially identified as a black American, and who is for all intents and purposes viewed as a black American by others in American society, might check multiracial but would be just as happy saying black if the choice multiracial was not available. This is perhaps the most interesting group from a political perspective, because the size and characteristics of this group will shape the changes in the race counts that would result when a multiracial option is provided.

Right now, based on the Census Bureau Targeted Race and Ethnic Test, the Current Population Survey Supplement and the Census Content Survey--these two groups combined--the committed multiracials and the "opportunistically" multiracial are statistically small--one to two percent. Of course for some racial and ethnic groups--American Indians and Alaska Natives and Asian and Pacific Islanders the proportions of people answering multiracial are large, but as far as the national population, they are small.

The third group who might use the multiracial response might be an artifact of a change in the overall race and Hispanic origin questions. If the race and Hispanic origin questions are combined, people who think of themselves as say Cuban and Black, or Puerto Rican and white will all of a sudden become multiracial. This is because they will have to choose between declaring their race and their Hispanic identities. The Race and Ethnic Targeted Sample test of the Census Bureau found this to be the case. When the race and Hispanic origin questions were combined on the RAETT 17%-19% of responses included both a Hispanic origin and one of the four major race categories. (Bureau of the Census, 1997:page 1-9)

The fourth group who might use the multiracial response would be people who are from groups which are themselves multiracial such as Dominicans, Puerto Ricans, Michifs and Metis and other American Indians, and Cape Verdeans. This also begs the question of whether "multiracial" will satisfy these groups or whether they will insist on a specific group definition.

The fifth group who might use the multiracial response would be people who misunderstand the nature of the question. The cognitive research for the May 95 CPS found a number of people who were not understanding the question.

Clearly there is a growing pool of people who could potentially identify as multiracial. That pool of people is much larger than the 1 to 2% of the population who have answered multiraical on the test surveys of the CPS, Census Content Survey and the Census Race and Ethnic Targeted Test.

4-Political attention will likely focus on black/white interracials and on the implications of an interracial category for long run political and social fortunes of African Americans. This reflects the enormous importance of the black/white color line in American society and the distinctive legacy of slavery. Yet if there is a multiracial category it will affect much more strongly the Asian, American Indian, and if Hispanics are included in this racial category, Hispanic populations. This is because of the much higher rates of intermarriage of these groups, and because of the much smaller numbers in these groups. Statistically these are the groups which will change the most both now and in the future.

Many blacks have white ancestors--yet many of these unions of black slaves and white slaveowners were coerced and socially unrecognized unions. Thus many black Americans know they are part white but for a very long time this knowledge has been divorced from meaningful links to white ancestors. Slavery also gave us the one drop rule which gave us a rule for classifying both the children of coerced and voluntary unions--if you have one ounce of black blood you were black. Many, if not most black American thus techincally are "potential multiracials" but beacuse of the unique history of black/white race relations, they are unlikely to claim a multiracial identity. Young children now born to the rising numbers of voluntary black/white marriages may claim a multiracial identity in the future. Yet in the three tests of a multiracial question run by the Census Bureau the number of black Americans who switched to a multiracial identity was small enough that it did not statistically affect the black population.

Politically however the loaded issues of black/white race relations will mean attention to even the potential of black Americans becoming multiracial will get the most attention. Meanwhile, it is those groups that have high intermarriage and relatively small populations that will be most impacted by a multiracial category. American Indians are already very impacted by large numbers of people who are "part Indian". Indeed much of the growth in the American Indian population in recent decades has been due to "potential" American Indians claiming a racial identity as American Indian. In order to be an enrolled member of a tribe or to receive government benefits such as treatment at the Indian health service, Indians have had to "prove" their identity--either through blood quantum certification or tribal enrollment in a federally recognized tribe. Self identification as an Indian is not enough. This is an extreme model of what might happen in the future if intermarriage and identity choices become very high and unstable across racial groups and the government continues to allocate some resources to individuals because of their racial and ethnic identities. Yet if you compare those people who are American Indian by race in the census and those who are American Indian by ancestry you find real differences between the groups. Racially identified American Indians are poorer, more concentrated on reservations, and more likely to only report one identity. (Snipp, 1989) Any study of changing income patterns among American Indians must be careful about which questions are used to identify the population but also must be mindful of the fact that any changes

in socioeconomic status could be due to new, more affluent people identifying as Indian. The addition of a multiracial category will not only affect the size of groups but their measurable characteristics as well, as the case of American Indians makes clear. This has important implications for researchers using these data. Eschbach (1993:644-645) finds that a simple study of migration of American Indians in the US is impossible without also taking into account changing identifications. He finds that "Almost all of the apparent redistribution of the Indian population between prior censuses and the 1980 census is attributed to changes in identification rather than to migration".

5-The Census and Federal Forms create categories which then have meaning for people. Creating a multiracial category rather than allowing people to "check all races that apply to them" will create a category that will take on some social meaning and may actually become an "ethnic or racial group". The fact that this group does not exist now except as a statistical artifact and a loose coalition of people lobbying does not mean that the group cannot come into existence and begin to have social meaning for people.

If the federal government decides to allow people to report that they have more than one race in their ancestries, there are long run implications of allowing a multiracial category vs. Allowing people to check all races that apply that should be recognized. There is no socially meaningful group now that is "multiracial" in terms of having a culture, a phenotype, a residential or occcupational profile, or even of being subject to discrimination. A person who is part Asian Indian, part Japanese American has little to nothing in common with a part white, part black American in terms of their ancestry, or identity. The only thing they do now have in common is that they may belong to a group who has come together for purposes of lobbying the federal government that they do not want to deny one aspect of their identity. It may be that our government wants to create a new group of people who have nothing in common ancestrally other than having parents who come from different socially defined ancestry groups. Indeed some may argue that this is a good definition of being an American--that we are all products of the "melting pot". Yet this should be a conscious decision. If a multiracial category is created it will have social consequences in that people will begin to report statistical findings on the group--their incomes, occupations, etc will be presented in tables along side those of blacks, whites, Hispanics and Asians. If social scientists have a category available to them, someone will make their career analyzing it.

We have experience of this in our country with the creation of pan-ethnicities--groups such as Asian Americans or Hispanic Americans that often combine people whose ancestors would be aghast at the idea that they were members of the same groups (Espiritu, 19xx). The creation of a statistical category will take on an everyday permanence that will make it a comfortable category for people. Eventually people could come to see "multiracial" as a separate group. Alternatively, the individuals classed as multiracial may decide that they do not share the same experiences and those who are Half Asian might form their own groups, and those who are Half Black might form their own groups and you may have people lobbying for specific categories for these groups. (There are separate multiracial groups, and Half Asian groups at my own University).

NOTES

1. This analysis is part of a larger collaborative research project with William Alonso on the implications of mixed race children's identities for the future ethnic and racial composition of the United States. See, "The Future Composition of the American Population: An Illustrative Projection" by William Alonso and Mary C. Waters, Paper presented at the 1993 Winter Meetings of the American Statistical Association, Fort Lauderdale, Florida.

2. Of course, at this level of aggregation, it is not possible to determine whether some of these parents are of mixed Asian heritage, or whether mixed Asian parents are themselves more or less likely to report their children as being Asian. In other words, we do not know whether parents reporting themselves as Japanese or Chinese are themselves the offspring of an intermarriage.

3.This is done by decomposing the matrix into a saturated loglinear model. The terms of the interaction matrix, in logs, may be interpreted if positive as the strength of the affinity of men of one group and women of another or the same group, and as the level of avoidance if negative.

4.The groups vary greatly in size so that these relative increases and decreases translate into quite different sizes of absolute change. Altogether the share of Whites in the total population increases by .097%; Blacks share increases by 0.140%.

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TABLE 1

Interracially married parents. Mother is white. Father is another race. Race of Children. United States, 1980.

	Race of Children				
Dad's Race	Percent "White"	Percent Dad's Race	Percent "Other" Race[1]	Percent "ALL OTHER RACES"[2]	Total
Black	21.92	69.10	8.51	.47	55,020
Native Am	50.99	48.21	.65	.15	85,620
Japanese	42.58	43.93	11.56	1.93	10,380
Chinese	34.96	48.73	15.25	1.06	9,440
Filipino	54.25	39.23	4.64	1.88	18,100
Korean	57.89	31.58	10.53	0	2,280
Asian Indian	74.13	20.22	3.48	2.17	9,200
Vietnamese	45.71	48.57	2.86	2.86	700
Hawaiian	42.89	53.95	2.89	.27	7,600
Other Asia	55.46	36.24	6.11	2.19	4,580

Source: Calculated from the 1980 United States Census Public Use Data Sample A, 5% sample.

[1] Includes children whose parents selected "OTHER RACE" from among the options given to them by the Census Bureau.

[2] This is a residual category including all children whose parents chose a specific race which was not the same as the father's race, the mother's race or the category "Other Race". These children were given one of the other specific races recognized by the Census Bureau.

TABLE 2

Interracially married parents. Father is white. Mother is another race. Race of Children. United States, 1980.

	Race of Children				
Mom's Race	Percent white	Percent Mom's Race	Percent "Other Race"[3]	Percent "ALL OTHER RACES"[4]	Total
Black	21.89	70.82	6.04	1.25	15,900
Native Am	51.27	47.48	.73	.52	88,000
Japanese	67.19	24.87	6.68	1.26	38,040
Chinese	61.53	26.43	9.54	2.5	13,620
Filipino	63.04	32.62	2.73	1.61	37,340
Korean	73.64	21.33	4.45	.58	24,280
Asian Indian	93.31	5.20	.74	.75	5,380
Vietnamese	64.44	29.78	5.33	.45	9,000
Hawaiian	56.06	42.86	1.08	0	9,240
Other Asia	63.92	32.66	3.42	0	12,860

Source: Calculated from the 1980 United States Census Public Use Data Sample A, 5% sample.

[3] Includes children whose parents selected "OTHER RACE" from among the options given to them by the Census Bureau.

[4] This is a residual category including all children whose parents chose a specific race which was not the same as the father's race, the mother's race, or the category "Other Race". These children were given one of the other specific races recognized by the Census Bureau.

TABLE 3

RACIAL IDENTIFICATION OF CHILDREN WITH ONE WHITE PARENT

MOTHER'S RACE=WHITE

Race of Father	% of Children Father's Race
Black	60.82%
Native American	47.52%
Hawaiian	52.05%
Japanese	43.57%
Chinese	48.63%
Filipino	43.43%
Korean	33.63%
Asian Indian	20.73%
Vietnamese	31.87%
Other Asian	38.94%
Other	42.29%

FATHER'S RACE=WHITE

Race of Mother	% of Children Mother's Race
Black	56.06%
Native American	50.08%
Hawaiian	43.80%
Japanese	32.23%
Chinese	25.65%
Filipino	29.37%
Korean	18.16%
Asian Indian	17.59%
Vietnamese	20.19%
Other Asian	32.63%
Other	36.85%

Source: Calculated from 1990 U.S. Census, Public Use Microdata.

FIGURE 1

Projection of Race and Hispanic Groups by 5 Generations

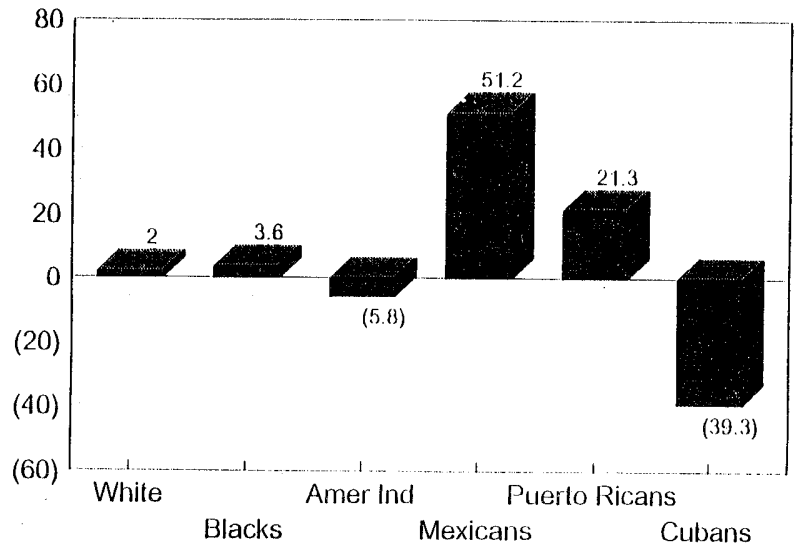
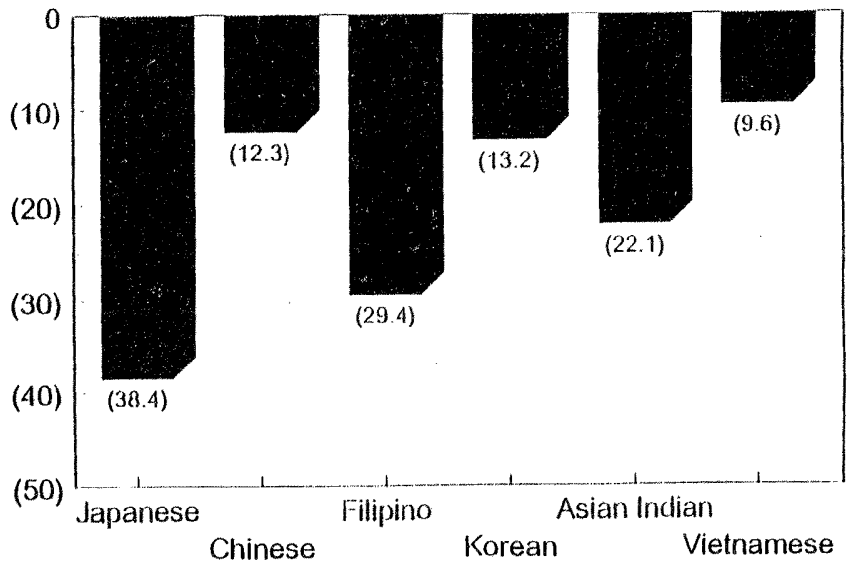


FIGURE 2

Projection of Asian Groups by 5 generations



Mr. HORN. Thank you. And I particularly enjoyed your paper. It was a very sound piece.

Have you given that at particular academic conferences?

Ms. WATERS. Yes. And some of it has been published in other places.

Mr. HORN. Well, it is very helpful.

Dr. Hodgkinson.

Mr. HODGKINSON. Thank you, Mr. Chairman.

The speaker's last comment, Dr. Waters, is one that I would like to start with. And that is the fact that it is not quite clear what Directive 15 is all about. If I can quote from the directive. "The racial and ethnic categories set forth in the standard should not be interpreted as being scientific or anthropological in nature," which does not tell us what they are, but tells us what they are not. And it would be very helpful for me if we had some clear sense of what Directive 15 means.

If it is to describe the American people as accurately as possible, that would be one set of conditions that I could understand. The issues that we have talked about were clear when Thomas Jefferson began this process, and we began to see that the "one drop of blood" rule was clearly a way of expanding the slave pool.

Ever since, it has been used for political purposes as well as simply to describe the people, so that we could reorganize the House of Representatives, which I thought was a stroke of political genius at the time and still do.

That idea that we change the Government so that it fits the population is a very, very useful idea. It seems to me, however, that with the mixed category that we have finally run into the fact the scientific basis for the categories is not clear. And that, indeed, we may begin to think about biology in terms of what it means for these new categories.

So should there be a category in the 2000 census for multiple ancestry? If the census is to accurately describe the American people of course.

I would like to raise a different question. What do we as a Nation need to know about people and why? Some argue that to target Federal assistance equitably, we need to keep the current categories in order to eliminate them. Bringing to mind the famous comment about Vietnam, destroying the village in order to save it.

I think that we need to build on our history so far, and learn from our experience. When *Brown* v. *Board of Education,* which you mentioned, Mr. Chairman, was decided, all of the black children in Topeka were poor. Today 20 percent of black households have an income higher than the white average. And in 1996, high school graduation rates for whites and black students equalized at 90 percent.

Minority populations are spreading across this vast economic and educational range as whites, which is a great success story. Being a minority is no longer a universally handicapped condition. But being in poverty is. No one ever benefited by being born into poverty.

In fact, wealthy black students do better on standardized math tests than Asians from poor families, although we assume that all

Asians have a math gene which then enables them to perform superbly.

Today in America, the census itself has reported that we are more segregated by wealth than we are by race, two reports as of 1996. Minority middle class families are alive and well living in the suburbs preparing their children to go to college.

Our racial desegregation efforts have if anything only increased economic segregation. What if we were to bend our efforts to economic desegregation, if we were to truly right wrongs? We are seeing a large increase now in low income children living in the close-in suburbs. So the idea that the city contains all the poverty is simply no longer as true as it used to be, if indeed it ever was. There is also a large increase in white children in poverty, and that presents another set of issues.

I know hundreds of communities in which white, black, Asian, and Hispanic, and urban Indians live together as friends and neighbors, but there are few if any poor people there. I know of no community in which rich and poor people live as friends and neighbors. And it seems to me that this issue is one that will come up in one way or another in the next 10 years.

The fuss that white parents made about having their children go to school with minorities is nothing compared to the explosion if we demanded that wealthy children to go to school with poor children. The Kentucky State Supreme Court decision effectively desegregated the State schools economically, arguing the enormous difference in per student spending between its poorest and richest school districts. Many other States have had similar court judgments without a date certain for implementation.

The courts have not yet tested the equally great difference in equity between the richest suburban schools and those of their innercity, much less economic equity within a single school.

If the census categories are to correct economic injustice, what indeed should they be?

If I know that a household contains a married couple, one or both college graduates, with one or more children, I do not need to know their ethnicity for equity purposes. If I wish to sell things to them, which is another function of the census, the most widely used marketing tool in the Nation, I would like to know the nations of origin, and I would like to know how many generations their ancestors have lived in the United States.

It seems unlikely to me that the traditionally black colleges would lose funds by having a mixed race category. I do not think that we really know what people are going to decide on "mixed raced" until we actually do it. There have been other noncensus estimates that are much higher in terms of how many people would change.

But the idea that black colleges would lose money in this way, because they would be a smaller population overall, I think is probably not true. That is if there were a Federal category to aid colleges that have historically taken in large numbers of poverty students from home without a college graduate parent, all of the traditionally black institutions would still be included and would perhaps even be higher in terms of the amount of money that they would be eligible for.

It is my hope that while you look at the mixed ancestry box, that you need to think about the broader question. And Congress needs to advise, I believe, OMB on this.

And that is, what do we need to know about the American people's ethnic background, for what purposes, and why?

Thank you.

[The prepared statement of Mr. Hodgkinson follows:]

Harold L. Hodgkinson
May 22, 1997

DIFFERENCES BETWEEN, DIFFERENCES *WITHIN*:
What Do We Need to Know about Diversity in the 2,000 Census? Why?

Since the first US Census was implemented in 1790, with Thomas Jefferson in charge, there has been confusion as to the descriptive categories that would be used, although the Census has always been used to re-allocate seats in the House of Representatives to clearly reflect the changes in the *numbers* of people in each Congressional District. The Census has worked well in re-allocating political power based on changes in number of people, but it has not worked well in accurately describing changes in the nature of diversity. Since the beginning, these categories have been used to achieve other purposes - the doctrine that "one drop of black blood made you black" certainly helped to enlarge the slave population. (Incidentally, that principle was reinforced by the US Supreme Court in 1986.) The suggestion in 1993 that Hawaiians no longer be classified as Asian/Pacific Islanders but as Native Americans would clearly allow Hawaiians to run gambling casinos. These categories are worth a lot of money to states and districts, trade associations and the NAACP.

Since 1977, the definitive document on this matter is OMB Statistical Directive 15, which allows four "races" - American Indian/Alaskan Native; Asian/Pacific Islander; black; and white. In addition, there is one category of "ethnicity": Hispanic and non-Hispanic. The 1990 Census also allowed 13 Asian nations included (after considerable political pressure), and within the "ethnic group," one could list Mexican, Puerto Rican, Cuban, and "other." These categories can best be described as a hodgepodge of political residue, certainly not as scientific. In fact, Directive 15 contains an open admission of this reality - "The racial and ethnic categories set forth in the standard should not be interpreted as being scientific or anthropological in nature."

But of course, that is exactly how they *are* interpreted, even though "race" has been scientific nonsense for more than forty years. Race is a useful *historical* tool, but since the Silk Road began mixing human genes before the birth of Christ, its ability to describe people accurately has been steadily declining. Today, the darkest quarter of the white population is darker in skin color than the whitest quarter of the black population. Because the Census allows people to be of only one "race", it masks a vital reality, which even Thomas Jefferson knew - people marry other people of different backgrounds.

Since my paper (enclosed with this oral testimony) was written in 1995, there has been a remarkable opening up of this question. When Jessie Owens dominated the Munich Olympics (to the chagrin of Adolph Hitler), little attention was paid to his white/black parentage, nor to Martin Luther King's Irish grandmother, nor to the mixed ancestry of Malcolm X, nor of the "mestizo" heritage of most Mexican-Americans which should put them in common with American Indians, nor of the 5 million Americans who indicated on

the 1990 Census that they were not Native American but had "Native American ancestry," nor of President Clinton's reportedly small chunk of Cherokee background, nor to reports last year that for every baby born to a pair of Japanese-Americans there was one "mixed" baby born, and that about 140 babies were born to mixed couples of which one was Native American for every 100 born to Native American couples. Only when Tiger Woods indicated his "cablinasian" ancestry (Caucasian/black/Indian/Asian) did the public discussion of this key issue enlarge. Several court cases in which a child was forced to choose between the mother's and father's heritage for school and other records found that to force this choice is to deny the child equal protection under law. There are millions of students in American schools of mixed ancestry.

Should there be a category on the 2,000 Census for "multiple ancestry"? If the Census is to accurately describe the American population *as it is,* of course. But I would like raise a different question: what do we, as a nation, need to know about people, and why? Some argue that to target federal assistance equitably, we need to *keep the current categories in order to eliminate them,* bring to mind the famous comment from Vietnam about destroying the village in order to save it.

When Brown v. Board of Education was decided, all the black children in Topeka were poor. Today, 20 percent of black households have an income higher than the white average, and in 1996, high school graduation rates for white and black students were equal. Minority populations are spreading across as vast an economic and educational range as whites, a great success story. Being minority is no longer a universally handicapping condition. *But being in poverty is.* No one ever benefitted by being born into poverty. In fact, wealthy black students do better in standardized math tests than Asians from poor families, although we assume that all Asians have a "math gene."

Today in America, the Census itself has reported that we are more segregated by wealth than we are by race. Minority middle class families are alive and well, living in the suburbs, preparing their children to go to college. Our racial desegregation efforts have, if anything only increased economic segregation. What if we were to bend our efforts to economc desegregation, if we truly wish to right wrongs? (We are now seeing a large increase in low income children living in the close-in suburbs, plus a large increase in white children in poverty.) The task would be formidible. I know of hundreds of communities in which white, black, Asians, Hispanics and "urban Indians" live together as friends and neighbors. But there are few if any poor people there. I know no community in which *rich and poor people* live as neighbors and friends. The fuss white parents made about having their kids go to school with minorities would be as nothing compared to the explosion if we demanded that wealthy kids go to school with poor kids. The Kentucky State Supreme Court decision effectively desegregated the state's schools economically, arguing the enormous difference in per-student spending between its poorest and richest school districts. Many other states have had similar court judgments. But the courts have not yet tested the equally great differences in equity between the richest suburban schools and those of their inner city, much less economic equity *within a single school.* If the Census categories are to correct economic injustice, what should they be?

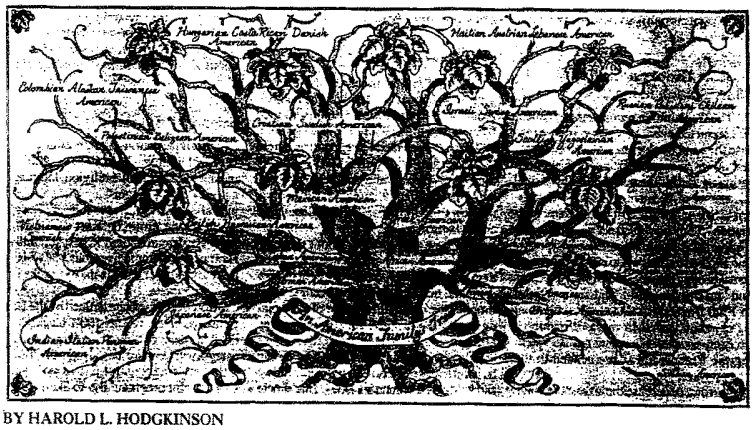
If I know that a household contains a married couple, one or both college graduates with one or more children, I do not need to know their ethnicity for equity purposes. If I wish to sell things to them (a major function of the Census, the most widely used marketing tool in the nation) I would like to know their nations of origin and how many generations their ancestors have lived in the US.

All of the various groups representing ethnic minorities will be against any changes in the Census, particularly allowing "mixed ancestry" as this would lower their numbers, on which many federal and state assistance programs are based. Federal aid to the 114 or so Historically Black Colleges would certainly not be increased if the mixed ancestry box cut the "Black" population from 31 million to 28 million. (And none of the surveys of how people would use a mixed ancestry category can be trusted - we'll have to actually put the mixed ancestry box on the Census form and see.) But if there were a federal category to aid colleges that have historically taken in large numbers of poverty students from homes without a college graduate parent, all of the traditionally black institutions would be included, without a doubt.)

In summary, it is my hope that Congress will look not just at adding a mixed ancestry box, but at the broader question: what do we need to know about the American people's ethnic background? For what purposes? Why?

What Should We Call People?

Race, Class, and the Census for 2000



BY HAROLD L. HODGKINSON

Racial and ethnic categories in the U.S. Census are whimsical, changeable, and unscientific, Mr. Hodgkinson maintains. He suggests that the Census for 2000 call attention instead to the most urgent issue facing this nation: poverty.

THE IMPENDING debate over the definition of race to be used in the U.S. Census for the year 2000 could be the most divisive debate over racial issues since the 1960s. Moreover, the subject is of great importance to education at all levels. In this article I will attempt to explain the problem, review its history, and examine the options for the future.

HAROLD L. HODGKINSON is director of the Center for Demographic Policy, Institute for Educational Leadership, Washington, D.C.

Who Defines Race?

In the U.S. the answer to this question is crystal clear: the Office of Management and Budget (OMB), reporting to the House Committee on Post Office and Civil Service, Subcommittee on Census, Statistics, and Postal Personnel. While this subcommittee does not represent the most desirable political plum in the Congress, it has been at the center of a swirling debate on the nature of racial designations, as seen in hearings that began in 1993 and continued into 1994, though they were virtually ignored by the news media. Since 1977 the racial/ethnic categories that can be used on all federal forms have come from OMB Statistical Directive 15, which allows only four racial groups, designated by the following headings: American Indian/Alaskan Native; Asian/Pacific Islander; Black; and White. Ethnicity is broken down into Hispanic and non-Hispanic.[1]

These are the categories that are used on application forms for jobs, on school enrollment forms, on mortgage applications, and on college scholarship and loan applications. They are also the boxes we

Illustration by Susan Hunsberger

must check (choosing only one) on the U.S. Census form. The government does not gather information of this kind just out of idle curiosity: these categories are used by federal agencies to search for job discrimination and segregated schools and to give out large chunks of federal aid. There could be other ramifications as well. For example, it was clear that the suggestion in late 1993 that Hawaiians be classified not as Asian/Pacific Islanders but as Native Americans was made at least in part to allow Hawaiians to operate gambling casinos, a right currently reserved only for Native Americans.

A Short History of Racial Classification in the U.S.

The Constitution requires that a census be conducted every 10 years in order to revise the structure of the House of Representatives so that it reflects the real population — one of the more radical political ideas ever implemented. Since the original U.S. Census of 1790, which was supervised by Thomas Jefferson, virtually every Census has defined race differently. The first one allowed for free white males, free white females, other persons (including free blacks and "taxable Indians"), and slaves.[2] Even in 1790 it was clear that many slaves had lighter skins than their masters, making a division between black and mulatto seem logical. But mulattos were needed in the slave pool.

In order to increase the size of the slave population, the "one drop of blood" rule appeared. That is, even one drop of "black blood" defined a person as black and meant that any child of a slave and a slaveowner would be considered eligible for slavery. Over time, this rule enlarged the slave pool considerably. (The issue of whether one drop of white blood defined you as white apparently never came up. The "one drop" rule has never been applied to Asians or Hispanics, but it was affirmed as the law of the land by the U.S. Supreme Court as late as 1986.[3]

In our time, the 1960 Census allowed only two categories: white or nonwhite. In 1970 we could be white, black, or "other," but by 1990 we had the four racial/ethnic categories established by OMB Statistical Directive 15, with 13 choices within the "Asian" group, ranging from Chinese to Thai, and with ethnicity broken into Hispanic subcategories for Mexican, Puerto Rican, Cuban, and other. Through most of our history, we believed that "black blood" was a reality, although today we know that there are four major human blood types — A, B, O, and AB — that are distributed across all racial categories. If you are a black person with type O blood, your blood is more like that of other people with type O blood, regardless of their "race," than it is like the blood of black people who do not have type O blood. If you need a blood transfusion, you need the blood of a person of your blood type regardless of that person's "race."

Skin Color and Race

The notion that there are three racial groups — Caucasoid, Mongoloid, and Negroid — has been thoroughly discredited for half a century. There is more variation within each such racial category than across them. Yet the notion persists. Although we think of people as white, red, yellow, brown, and black, in fact a single protein colors the skin of all humans. It is called melanin, and it is brown.

The best way to think about these issues is to assume that skin color exists on a single continuum, from very light to very dark, and that as people have become more mobile, the original function of skin pigment and the original functions of many other so-called racial characteristics have largely disappeared. The word *African* can be used to describe both the world's tallest and its shortest human societies. That should give us pause.

Race Versus Citizenship

Indeed, the very idea of race did not appear in any language until the 14th century. The ancient Greeks and Romans defined people by their citizenship: to be a member of the *polis* was to be fully human, regardless of the shape of one's nose or the color of one's skin, both of which were considered accidents of birth.[4] Of course, when the Athenians went to the agora to vote or speak, each citizen left a dozen or so slaves at home. Thus the first Western democracy was a slave-owning society, though their slaves were white and came from the areas we now call Slavic, a fact that gives us the derivation of the word *slave*. The ancient Greeks also referred to a person who was not a citizen as, roughly translated, a subhuman idiot. The Greeks could treat these noncitizens in barbaric ways with no qualms of conscience whatsoever, much as slaves were once treated in the U.S.

But the early Greeks and Romans might be appalled at our willingness to make very complex and subtle distinctions with regard to nose shape, lip shape, and skin color and use these as measures of an individual's innate worth. It might be said that race/ethnicity has displaced citizenship as a badge of identity in our time. We are trained to make exquisitely fine distinctions between people according to their physical characteristics for one reason: these distinctions allow us to make quick judgments about people. What's more, we are trained to develop this expertise from birth.

Science or Subjectivity?

Different nations define ethnicity in very different ways. In Canada ethnicity means ancestry, while religion, language, and caste are distinguishing characteristics in Malaysia, India, and Indonesia. Recognition by the group defines ethnicity for most American Indian tribes, for native Hawaiians, and for indigeneous Malaysians. Race and ethnicity are in the eye of the beholder.

Moreover, if you are defined by the Census as black, you are 100% black. Thus the "one drop of blood" rule applies to all categories; you are not allowed to be "a little" of any category, just as you can't be a little bit pregnant. But to liken the biological certainties of pregnancy to these ephemeral judgments of "race" is comedic. Earlier in our history, Census-takers had diagrams of nose and lip shape, eye configurations, and so on from which to determine what "race" a given interviewee was. That caused such confusion that the decision was made to allow the respondent to choose the racial/ethnic category he or she belonged in (as long as it was one of the "approved" categories).

Yet in reality, especially if you go back four generations, most of us are a "little bit" Chinese or a little bit something else. Even though OMB Statistical Directive 15 was developed by a federal interagency committee on which I once served, the first caution it contained was: "The racial and ethnic categories set forth in the standard should not be interpreted as being scientific or anthropological in nature."[5] Yet that is precisely how the categories have be[illegible]

ed. When we read that 18% of a state's population is black, Hispanic, Asian, or Native American, we have to assume that everyone in the category belongs completely in that box. The fact is that, on direct measurement, the darkest quarter of the white population is darker than the lightest quarter of the black population. Although racial data sound very scientific (Michigan is 23.5% black), the reality is that the categories are entirely subjective. Even some trained anthropologists have argued that there are three "races," while others have argued for 37 races. Stephen Thernstrom calls this "the figment of the pigment."[8]

Even if we grant that the intention of the OMB was simply to offer neutral, nonscientific statistical descriptions for use in the Census, not to create or define "race," that is precisely what Directive 15 has done for most Americans. The fact that "Hispanic" has become widely used only in the last 20 years is due in large part to the fact that the term entered the Census lexicon in 1970. (When the Census form mentioned "South Americans" as a category, over a million residents of Alabama, Mississippi, and other southern states said that they were South Americans.) Every time "Hispanic" is used in any Census table, a proviso is added that "Hispanics can be of any race." Even language is not a common factor, since more than 10% of California residents with Spanish surnames do not speak Spanish. Moreover, Brazilians, from the largest nation in Latin America, speak Portuguese, not Spanish.

'Hispanic' — A Conceptual Nightmare

If "Hispanic" is used to define a race in the Census for 2000, which seems likely, horrendous difficulties will arise. First, there are a minimum of three million black Hispanics in the U.S. (If you are from the Caribbean, have dark skin, and speak Spanish, you are, by default, a black Hispanic.) To refer to black Hispanics as African Americans might just add to the confusion. Then, too, Argentines are primarily of white European ancestry. Because of the pervasiveness of mestizo influences, most Mexicans could be counted as American Indian if they were born in the U.S. Today, a mestizo blood line is a primary background factor among Hispanics, most Native Americans, and most people from South and Central America.

This conceptual quagmire is the reason that the Census employed Hispanic or non-Hispanic as the only category of "ethnic group," given that no one knows what an ethnic group is. Now it appears that the Census for 2000 may well say that "Hispanic," having been an "ethnic group," will become a "race" — an idea that resembles science fiction far more than science. Given that the racial/ethnic categories in the Census are a scientific and anthropological joke, why do we keep the categories at all? The answer is a deeply American irony: we need the categories in order to eliminate them.

Without knowing who our oppressed minorities are, how can we develop remedies so that they will no longer be oppressed? Thus many people can benefit from checking off Native American, because special scholarships are available. In fact, the 1990 Census count of more than two million Native Americans is a demographically impossible increase over the 1980 numbers. Clearly, some people decided to change categories. (And almost five million respondents in 1990 said that they had Native American "heritage," even though they were

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not Native American. It is certainly possible that two million of these five million will seek to reclaim that heritage in the 2000 Census, doubling the number of Native Americans with no increase in births.) Whatever this is, it isn't science.

Is a 'Multiracial' Category The Solution?

If a box labeled "multiracial" — meaning any racial/ethnic mixing back four or more generations — were added to the next Census, estimates are that 80% of blacks and a majority of Americans in general would check the box.[7] Thus the current black population of 30 million could decline in 2000 to a Census count of three million. At that point, there would probably be no federal aid to the 114 "traditionally black colleges." Asian Americans, most of whom are now marrying non-Asians, and Native Americans, who are producing more children in mixed marriages than in marriages involving two Indian parents, could virtually disappear from the demographic landscape. Hispanics could either become the largest racial minority or they could disappear, depending on how many of them think their ancestry is mixed and on how the notions of "Hispanic race" and "mixed" are defined.[8]

Consider some of the mind-boggling possibilities. If a Chinese American marries a Mexican American, is that marriage "mixed" in the same sense as if a black person marries a white person? What if the Chinese American marries a Japanese American? And most important, what if the Brazilian American who does not speak Spanish marries the Mexican American who does? What if your great-grandmother entered into a multiracial marriage? Does that mixing still count today? And do we want to force the children of mixed marriages to choose between their mother's ancestry and their father's? With what results?

It is painfully clear that our use of racial/ethnic categories as official data for the federal government needs a major overhaul, as the information these categories provide has become a political reality with virtually no scientific or intellectual validity. Millions of dollars hang in the balance, of course. Black, Hispanic, and Native American tribal colleges could close. Students could lose scholarships. Affirmative action programs might be dealt a death blow. Even departments of African American studies and other minority studies programs and departments could be at risk. Native Americans' rights to run gambling casinos might be reviewed. If we really want children to be judged by the content of their character rather than the color of their skin, as Martin Luther King, Jr., proposed, how do we make that happen? Still, the irony of arguing that we need racial categories in order to eliminate them is akin to the irony of the statement from the Vietnam era, "We had to destroy the village in order to save it."

We are also using combined (often hyphenated) forms more frequently, by which we can give our national origin but not say much about "race." Saying that someone is a Brazilian American and someone else is a Korean American does not help if the one marries the other. Indeed, with about 240 nations in the world — almost all having some residents in the U.S. — this system could get very complex very fast. (When Jim Henson was alive, he recommended that Kermit the Frog apply for citizenship as an "Amphibian American.")

A Modest Proposal: Substitute Poverty for Race

When *Brown* v. *Board of Education* was decided by the Supreme Court more than 40 years ago, virtually all black children in the public schools of Topeka were poor. Today, approximately 40% of black households in the U.S. are in the middle-income range, and, as of 1995, one-quarter of black households have higher incomes than the average white household. Similar changes have taken place with regard to Hispanics and to Asians[9] — if you assume that access to the suburbs is roughly equivalent to middle-income status. While it is good news that the American mobility machine is still in high gear, it would be very dangerous to let down our guard. The concentration of income in the top one-half of 1% of Americans is greater than that in any other nation, and, at the other end of the scale, a higher percentage of America's children are below the poverty line today than in the previous 30 years. The size of the middle-income group is declining, and we now find more very rich individuals and more very poor ones.

While race has always been at least partly a marker variable for poverty, it may be time to go directly to poverty and see about desegregating it. To a large degree, the Kentucky State Supreme Court decision overturning the school finance system was just such a move. The state v spending as much as $20 on some students and as little as $2 on others, and *that* was what was deemed unconstitutional in a state that guaranteed all children a thorough and efficient education. Race is seldom mentioned in the decision, which is clearly an attempt to desegregate the state economically by raising the spending floor in poor districts and (perhaps) lowering the spending ceiling in others (although some Kentucky districts are allowed to raise their own funds to increase ceiling levels). This view of economic desegregation is a strategy of narrowing the spending range between districts to increase equity in the system and to come closer to the ideal of spending an "equitable" amount on every child. (It is well to remember that *equitable* need not mean *identical*. For example, a handicapped child might require a higher spending level than other children in order to be treated equitably.)

The real legal test of the criterion of fiscal equity has yet to occur, and that test must be at the school building level. Differences in spending levels across districts within a state are easier to deal with than the problem of having children of wealthy, well-educated parents going to the same school with children of poor parents who are not well-educated. Rich and poor students almost never live in the same block or neighborhood. Economic desegregation (like racial desegregation) would inevitably mean moving some children out of their neighborhoods, as virtually all neighborhoods are economically segregated, whatever their racial makeup. I am frequently asked, "Are there places in the U.S. where blacks, Hispanics, Asians, whites, and Native Americans can live together in peace and harmony?" My answer is, "Of course. Such places abound. Shaker Heights, Ohio, to name but one." But there are virtually no poor people in Shaker Heights. Next question: "Are there places in the U.S. where rich people and poor people can live together on the same block in peace and harmony?" My answer is, "I have never seen such a place anywhere in the U.S."

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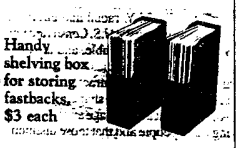

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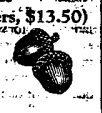

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educational research, it is that poverty is at the core of most school failures. And this is as true for white children from Appalachia as for black and Hispanic children from inner-city slums. (Most children in poverty in the U.S. are white.) Black children whose parents are college graduates and who live in the suburbs are not by definition candidates for "affirmative action." Given that 40% of black households are solidly middle class and that the number of minorities living in suburbs (a rough indicator of middle-class status) has increased,[10] it may be time to make a more complex, as well as more useful, statement on the relationship between race and class.

Research from the National Educational Longitudinal Survey (NELS) shows clearly that the wealthiest one-fourth of white, black, Hispanic, and Asian eighth-graders do at least twice as well in math as the poorest quarter of their racial/ethnic group — and sometimes three or four times as well. Wealthy black children do better at math than poor Asian children do. If you know the educational level of the parents, which correlates well with household income, you have a better predictor of educational success than scores on the SAT I. Since the 1930s, research has shown that, while schools allow a certain amount of social movement, they also reflect and support the class structure of the communities they serve.

Seemingly, we have been far more successful at leveling the racial "playing field" than at leveling economic differences. While 20% of black households are now above the average income level for white households, which represents significant economic progress for minorities, the data early in 1995 indicated that some six million children in the U.S. under age 6 were still living below the poverty line. (There has been no economic progress for these children, regardless of their racial or ethnic backgrounds.) Thirty years ago, 40% of the poor were elderly and 10% were children. Today the numbers are almost exactly reversed. Yet my point remains: the furor some whites showed when informed that their children would have to go to school with minority children is mild compared to the reaction of upper- and middle-income parents (of *any* race or ethnic background) when told that their children will have to go to school with poor children (of *any* race or ethnic background).

Consider the issue of relative deprivation. Is a child with dark skin more likely to be disadvantaged in terms of life chances than a child born into poverty? Today, the answer is clearly no: poverty is a more pervasive index of social disadvantage than is minority status.

This emphatically does *not* mean that we can ignore poor minority children: it means that a successful strategy will have to lift the largest number of children out of poverty, regardless of their race. If there are particular programs that are of unusually high effectiveness for blacks but *not* for Hispanics, let us say, then we would have a good argument for not having the "mixed ancestry" box on the Census form, as we would need to be able to locate the individuals for whom these programs were effective. It is my view that programs that improve family stability, that increase the earning power of parents, that provide adequate nutrition for children who cannot be sure of it through the best efforts of their families, that allow preschoolers to develop self-confidence and learning skills, and that provide mentors and role models when most needed will be successful for *all* children, with but minor fine-tuning for children of some groups. Such programs should be made available to all children whose low household income makes them eligible.

There is clear evidence from the U.S. Government Accounting Office and from other sources that a number of social programs are effective in mitigating the effects of poverty. Head Start, WIC (Women, Infants, and Children feeding program), AFDC (Aid to Families with Dependent Children), and Upward Bound are programs that reduce the effects of poverty and help reduce the number of America's youngsters who remain in poverty. In addition, the prevention agenda — ensuring that bad things do not happen to young children — is "color blind" in its effectiveness for all poor children. We have at our disposal a set of proven programs for reducing poverty for *all* children, from birth to age 18. Why is this agenda not fully implemented?

Who Cares About America's Children?

The answer is: an astonishingly small percentage of the U.S. adult population. The demographic reasons are clear: only about one household in four has a child of school age. My conservative guess is that at least one-third of the U.S. adult population has no daily contact with a child under age 18, and the fraction could be far higher. As the median age of Ar[illegible]cans continues to rise and as childre[illegible] come an even smaller percentage of the population — down from 34% in 1970 to 25% projected for 2000 — the situation is likely to get even worse. People tend to vote their self-interest, and, as fewer adults have contact with children in their daily lives, there will be even less political support for programs benefiting poor children, most of whom live in central cities and rural areas while most adults live in suburbs.

Even the national leadership of groups that style themselves "pro-life" or "pro-choice" has demonstrated scant concern for the lives of the children who are *already* born. It was 30 January 1995 when the news was released that six million U.S. children under age 6 were living in poverty (up one million between 1987 and 1992) and that three-fourths of these poor children had working parents. None of the six newspapers that I checked carried the story on the front page, and two didn't even mention it. Apparently, the fact that 26% of the nation's future students, workers, voters, parents, and taxpayers have been born into the most debilitating condition of all was not deemed newsworthy. Giv[illegible]ch a general lack of interest, it seems [illegible]kely that there will be an increase in concern about or action in response to the amazing facts regarding poverty among America's youth.

CLEARLY, racial and ethnic categories in the U.S. Census are whimsical, changeable, and unscientific. It is also clear that distinguishing such physical characteristics as skin color or nose and eye shape is "taught" to Americans at an early age as a way of judging other people and that those distinctions have been used by our government since the first Census in 1790. As more of us marry across racial and ethnic lines, such differences will become even more blurred and less useful. And this leads to questions as to why they should continue to be used by the Census, even though a large amount of money is involved in the administration of these categories.

It is also clear that desegregation efforts have not been successful in reducing childhood poverty in the U.S. Of course that was not their focus. To some extent race diverted our attention from no[illegible]

urgent issue: *poverty reduces the quality of the lives of all children, regardless of race or ethnicity.* Had we spent the 40 years since the *Brown* decision systematically seeking to lower the poverty level for *all* American children, we would be in a different, and probably better, condition today. As racial and ethnic characteristics blur over the coming decades, poverty will become an even more obvious problem than it has been.

While attempting to mix rich and poor families in each block seems utopian (one reason people move to the suburbs is to get away from the poor), there are many ways of improving the lot of poor children where they live. As the prevalence of drugs, violence, and guns increases and as juvenile death rates rise in the suburbs as well as in the slums, questions must be raised as to what suburbs and cities owe one another. For example, today "successful" people almost always live in the suburbs. Can't we provide people with safety, comfortable housing, and good schools wherever they choose to live? In most European cities, the best housing is in the middle of the city.

We have more effectively segregated people by wealth than we ever did by race: 37% of America's wealth is owned by only 1.5% of the people, yet one-quarter of our youngest children live in poverty. More rich people and more poor people will necessarily mean fewer people in the middle, and having the largest middle class has long been one key to America's greatness. Questions of income redistribution are usually political suicide for politicians, but, when youth poverty rates are destroying the future of the entire society, one must wonder whether there can be any long-term winners. Kentucky may have hit upon the key strategy: make sure that all children have a minimum "floor" of services that are sufficient to allow each child, through effort and achievement, to fulfill his or her potential.

Each of us, as we age, becomes dependent on the generation that follows us to take care of us when we can no longer do it ourselves. With the huge increase in the elderly population just around the corner (the first baby boomers turn 50 in 1996), it is imperative to ensure that every young person becomes a productive member of society. We will soon have a ratio of one dependent adult per dependent child. The "race" of each is irrelevant. If a quarter of our youngest children are poor and have limited hope of growing out of that poverty, who will earn the wages to pay the taxes to take care of the rest of us when these children grow up? It matters not whether this issue appeals to liberals or conservatives, for it must finally appeal to pragmatists.

1. *Federal Register*, 9 June 1994, p. 29834.
2. Lawrence Wright, "One Drop of Blood," *New Yorker*, 25 July 1994, p. 47.
3. Tom Morganthau, "What Color Is Black?," *Newsweek*, 13 February 1995, p. 64.
4. Ivan Hannaford, "The Idiocy of Race," *Wilson Quarterly*, Spring 1994, pp. 12-15.
5. *Federal Register*, op. cit.
6. Stephen Thernstrom, "The Declining Significance of Race," *The American Experience*, Summer 1993, p. 6.
7. Hannaford, p. 47.
8. Juanita Tamayo Lott, "Do United States Racial/Ethnic Categories Still Fit?," *Population Today*, January 1993, p. 6.
9. Harold Hodgkinson and Anita Obarakpor, *Immigration to America: The Asian Experience* (Washington, D.C.: Institute for Educational Leadership, 1994), pp. 14-15.
10. William P. O'Hare and William H. Frey, "Booming, Suburban, and Black," *American Demographics*, September 1992, pp. 30-38.

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New Teacher Training Programs For Quebec

BY JON G. BRADLEY

Quebec has forcefully decreed that there will be no "90-day wonders" and that the combination of skills and knowledge that new teachers need can be effectively acquired only through a rigorous university-level program pursued over a number of years, Mr. Bradley reports.

DURING THE past year I have followed with great interest and a slight sense of bemusement the reactions to Linda Darling-Hammond's exposé of Teach For America (September 1994 *Kappan*). While the issues are somewhat removed both geographically and philosophically from those of us in Quebec, the attacks, counterattacks, and denunciations that the article elicited have provided a great deal of insight into teacher training programs in the U.S. and, by implication, into the teaching profession's standing with the American public at large and with U.S. policy makers specifically. While our very different educational and governmental structures make it impossible for us to identify with many of the specifics of the Darling-Hammond article or of a program such as Teach For America, there is nonetheless a single overriding issue concerning the initial preparation of professional educators with which we Canadian educators can identify.

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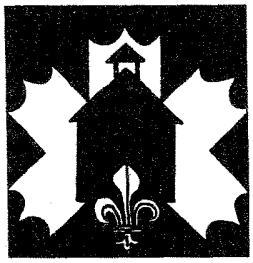

Although I do not profess to be widely read in or deeply knowledgeable about the history and development of other professions, I think that I'm fairly safe in noting that no profession or professional organization outside of education is actually talking about *less* training for its initiates. I have yet to see a program that purports to train medical doctors, for example, via a two-month postbaccalaureate internship or one that advocates a six-week field course for students with undergraduate degrees in mathematics who wish to become mechanical engineers.

The Quebec school system is founded on the belief that education benefits all of society; therefore, the province heavily subsidizes all aspects of the public education system up to and including graduate studies. For example, the actual fees that university students pay are much lower than the real cost of a college education; an academic year (30 credits) at any of Quebec's universities will cost students about $1,500. Notwithstanding Tom McConaghy's legitimate concerns (In Canada, December 1994 *Kappan*), the Quebec government, at least for the foreseeable future, will continue to subsidize university education heavily, if for no other reason than that a suitable and publicly acceptable alternative is not in sight. The responsibility of training teachers for the public sector rests with the universities, [illegible] which must offer programs approved [illegible] accredited by the *Ministère de l'Education du Québec* (MEQ). The MEQ is a very large governmental agency, headed by a cabinet-level elected member of Parliament, which oversees all aspects of education in the province of Quebec from primary school through teacher training.

During the last three decades, great strides have been made in the strengthening of teacher training programs, and certification standards have constantly been raised. It is no longer possible, for example, to obtain a teaching certificate in the province without an initial degree and a minimum of 30 credits in an approved teacher training program. However, during this same period of time, Quebec's dozen or so universities have developed a myriad of programs in order to respond to perceived professional needs as well as to attract students into specific programs. There are now literally hundreds of different and specialty programs on the books. Some of these programs cater only to a very select group of people, others are effectively "dead," and some have been permitted to [illegible]

Illustration by Sharon Siskind

Mr. HORN. Thank you.

Dr. Vazsonyi, you are next. And maybe you could tell us a little bit about the Center for American Founding, of which you are the director.

Mr. VAZSONYI. Thank you, Mr. Chairman. We advocate and practice a discussion of national issues as they relate to America's founding principles. We believe that too many issues are being discussed without reference to the principles, as I think my testimony might also reflect upon.

It is a great privilege to be here. It is my first time and the last thing that I would like to do is abuse the privilege. So I hope that I am not offending the panel and my fellow witnesses if I suggest——

Mr. HORN. None of us get offended at anything, I can assure you.

Mr. VAZSONYI [continuing]. If I suggest that I believe we are in the wrong debate altogether. And this is one of many such instances because as all of the difficulties referred to already by everyone, the question is not whether we need more categories, but the question is should there be any categories at all.

And I would like to recall that when I think about the most memorable moments of my life, it is not when I played in Carnegie Hall or in the Kennedy Center—I am a pianist by profession—but those moments happened in a courtroom in Grand Rapids, MI in 1964 on the day when I became an American citizen.

And I will never forget the judge, after administering the oath of citizenship, looking over the courtroom at the people and said, "Now please remember, you are not Dutch-American,"—being Michigan, there were many from Holland—"and you are not Hungarian-American, or any other hyphenated American. You are American."

And so, Mr. Chairman, on April 20, 1964, when I was 28 years old, I was for the first time in my life a human being with equal rights. Never before, because I grew up in Hungary, never before had I achieved that status. And I will come back to Hungary in a few moments.

But I would like to spend a minute talking about equality before the law, this most noble and most elusive attribute or asset that humanity may avail itself of. It was a long hard road. And although the English began to dream about it some 800 years ago, ours is the only country that committed itself to that concept in the moment of its birth.

And the relevance, the overwhelming importance of equality before the law is such because we are unequal in every other respect. You can just look around this small gathering, Mr. Chairman, as I am sure that Thomas Jefferson did when he wrote that memorable sentence, to realize that we are unequal in every other aspect. The only way that we can be equal is before the law.

It is a very precious thing. And the fewest people, the fewest nations, have ever gotten there, which is why I would like to disagree, and I am very sorry that Representative Maloney is not here, because in her opening statement, she said that the reason we are here is that there was slavery in America 200 years ago. And there were very unsatisfactory conditions even 100 or even 50 years ago.

I would like to disagree, because that is not why we are here. There was slavery everywhere, in every corner of the globe, and still is, if our newspapers are correct. The reason that we are here, Mr. Chairman, is that 200 years ago some people got together and decided to build a better life. And it was in America, and they were Americans, and that is the reason that we are here today.

The road to it is very hard, and nobody suggests that equality before the law was accomplished the moment it was declared. It is like announcing that we will climb Mount Everest. That is an intention announced. It does not mean that we are at the summit. It means that we are committed to the hard and arduous road of getting there. And I think that this Nation has an unequaled record in trying to do just that.

I spoke of the memorable moments in my life. There was another one that I would like to relate. And that was the first time that the mail delivered an affirmative action form to me. I remember staring at it. And I remember the night when I walked out of Hungary, dodging Soviet military search lights, and mine fields, and all of those things. I thought that I would never see anything like that again. And I could not understand what was happening in my new homeland.

It seemed to fly in the face of common sense. Because the university that sent it to me described itself as an affirmative action/equal opportunity employer. And I looked at it and asked, what happened to the country of common sense? It cannot be both. You are either one or the other.

Then it seemed to me that it flies in the face of what is the essence of America, which is that we are not locked into our origins. This entire society came into being to offer the peoples of this earth a place where they can come and not be locked into their origins.

And then, of course, I remembered my first 20 years in Hungary, first under the Nazis and then under the Soviet occupation. People were locked into their origins. And people were judged by the forms that they had to fill out, and the categories they had to choose.

And it is a horrible proposition to even mention those abhorrent regimes that we all detest in the country that we all love. But unfortunately, there are really no two ways about collecting data with the force of law behind them, and enforcement behind them, of people's origins.

It was never done for a good purpose. It cannot be done for a good purpose. Because it flies in the face of freedom and equality before the law.

I would like to refer to three important documents. Thomas Jefferson, of course, said that all men are created equal.

Mr. Chairman, I see the red light. I was asked to prepare a 10-minute oral testimony. I hope that you will permit me to do that.

So in the Declaration, we are committed to the idea of equality before the law. The Constitution in its preamble, as the very first purpose of its being, says "in order to create a more perfect union."

And then we come to the Bill of Rights, which recognizes the rights of persons as individuals, or the people as a whole, but there is absolutely no mention or no provision for groups of any kind. And this was true in 1776 and in 1791. It still seemed to be true in 1964, when a distinguished American who now serves in another

chamber of this august body with the minority, his name is Daniel Patrick Moynihan, wrote that groups do not have rights in America, only individuals do.

And so what we are really looking at, Mr. Chairman, is the question of the rule of law. And the law is not a smorgasbord. And by law, I mean the supreme law of the land, the Constitution. It will not do that a generation, any generation, looks at it and says, "these laws I like, the others I do not, so let me just observe the ones that I like." It will never do.

So therefore, it seems to me, even though I am not so naive as to think that one testimony late Thursday afternoon is going to change what so many people are committed to, but I think that the compassion which dictated so many of these processes is misplaced here.

Although compassion should prevail when we write the law and compassion should prevail perhaps when we apply the law, but it should never take the place of law. And therefore, it seems to me that both the law, and the spirit, and the nature of America requires that there be no categories. And this is not to say that the census should not collect data about ancestry, which people are free to write in any way they want. But that is a very different thing from preexisting categories, which freezes people into a condition.

And I thank you for your attention.

[The prepared statement of Mr. Vazsonyi follows:]

Mr. Chairman:

The question before you is whether the categories of race and ethnicity about which the Federal Government collects information should be expanded in some way.

I spent my first 20 years in Hungary where I was subject to a wide range of classifications, first according to categories established in the Third Reich, then to categories established in the Soviet Union — both in turn occupying Hungary and dictating policy. The very concept of classifying people based on origin is an invention of the National Socialists in Germany, and practiced extensively by the Bolsheviks of Russia. These classifications were invariably used to administer and regulate individual opportunity as well as restrictions based on membership in a particular group.

By contrast, America's Founders set this nation on a different course from the very first day onward. The first "self-evident truth" stated by the *Declaration of Independence* is that "all men are created equal." The first purpose stated in the *Preamble* to the *U.S. Constitution* is to "form a more perfect union." The *Bill of Rights* established that all rights are vested either in persons as individuals, or in "the people" as a whole. The existence of groups was not contemplated.

Mr. Chairman, the concept of equal standing before the law — the only form of equality that is possible in the real world — has been the noblest aspiration of mankind, and is the most precious asset of the United States of America. That aspiration was first articulated in England nearly eight centuries ago, but ours was the first nation committed to it in the hour of its birth. The history of America is the noble effort to make this noblest of aspirations a reality.

Before there can be equality before the law, there must be law. That is why the

there was as yet no answer to the challenge of coexistence with the inhabitants of this continent whose presence predated the arrival of European settlers.

But, unlike in other societies, there was concern, debate, and attention paid to these matters. Neither the Founders nor their successors laid claim to being perfect, but there has always been genuine effort on the part of most. Eventually, this nation engaged in its only internal war so that slavery would be abolished once and for all. Eventually, advances in medical science reduced drastically both infant mortality and the plague of mothers dying as a result of child birth, opening the path for women to the full range of activities and participation. Above all, the Constitution provided for peaceful change, as it did for the peaceful transition of power. While the rest of the world continued to lurch from revolution to revolution, from war to war, the people in the United States of America could spend their creative energies on building the most prosperous society known to man. They could do so because they were free. They were free because they lived under the Rule of Law.

Some, however, were less free than others. The wall of segregation still stood in the South in 1959 when I arrived in this country. I remember well my bewilderment when I realized the full implication of that arrangement. I also remember that right around the time I became a citizen, in 1964, a major effort was undertaken by millions of Americans to deal with these last vestiges of the past. Indeed, the promise of equality before the law was about to become as much a reality as is possible in an imperfect world, among imperfect human beings.

But it was not to be. What began as the removal of the last obstacles soon turned into the erection of walls hitherto unknown in this land, never intended, and intolerable. The positive energy that had saved the civilized world not once but twice in this century, that

had dealt successfully with a devastating depression, was defeated by a practice imported from places and times that are customarily cited as the absolute worst humanity has produced. The places and times, as I recalled at the outset, were Nazi Germany and Soviet Russia. The practice is the classification of human beings based on origin.

I shall consider this practice from the legal, moral, and practical points of view.

The legal case. This is the simplest of the three. The arbitrary division of American citizens into race-based and/or ethnicity-based groups not only lacks *any constitutional authority whatsoever*, but makes mockery of the "uniform Rule of Naturalization" mandated under Article (I) of the Constitution. Classification by origin creates automatic and permanent divisions at the very moment of naturalization.

Among the Amendments to the U.S. Constitution, the Fourteenth Amendment clearly prohibits "any law which shall abridge the privileges...of citizens of the United States," while it guarantees the "equal protection of the laws." Some might argue that the establishment of categories of race and ethnicity by the Federal Government, in and of itself, is an innocent exercise not necessarily intended to apply the information so collected to affect the fortunes of persons so classified. The response would be not only that such an assertion flies in the face of history, but that the expenditure of large sums of the taxpayers' money on an exercise in futility would be equally detestable.

In any event, a proper legal foundation does not appear to exist.

The moral case. The chief argument in favor of maintaining categories of race and ethnicity is the perceived need for different treatment under the law for persons of different origins. Since such a proposition is clearly inconsistent with the Constitution, one must presume the presence of a strong moral reason. Indeed, there exists an assumption that

certain races and ethnic groups have been at a disadvantage in the past and therefore are now entitled to legally mandated advantages. Because the assumption is that the disadvantages were based on race and/or ethnicity, a remedy made of the same cloth has been advocated.

The fallacy of the foregoing position should be obvious even without appealing to adages of conventional wisdom, such as "two wrongs don't make a right." While a case can be made for many black Americans whose ancestors, until 1865, were forced into slavery and who were denied access to many amenities for another century, a similar case cannot be made for others. This is not to say that prejudice and discrimination did not exist in the past or do not exist now. They always have, and always will. But the conditions now subject to unceasing condemnation have in reality been a variable blend consisting not only of prejudice and discrimination, but as well of established tradition, a natural preference for the accustomed, and discomfort with those who are different. In more sober times this blend used to be known as human nature.

(If I may digress, no society has labored more consistently than this one to balance the downside of human nature with good thoughts, good habits and good deeds. No society has established a historic record of unselfishness comparable to this one. It is appropriate, Mr. Chairman, to state for the record every once in a while that Americans have always scrutinized their own shortcomings, and that our record compares favorably with any known nation or group of humans living on this planet.)

Returning now to the main argument, we know that wave after wave of immigrants landed on these shores, arriving literally from every corner of the globe. To begin with, most of them faced a difficult time — including prejudice and discrimination. Most,

nonetheless, have succeeded in one or two generations. It is also undeniable that certain individuals of every conceivable racial and ethnic origin have been known to succeed. That was true in the past; that is overwhelmingly the case today. Such a record would suggest that any statement of a generalized nature tends to be at variance with the facts. Sustaining the moral argument, therefore, is tenuous at best.

But the main difficulty with the moral argument lies elsewhere. History teaches us that translating moral convictions into a political agenda, and arming them with the force of law leads ultimately to great tragedies. Assertions about the "lofty and helpful" nature of moral crusades have been heard as much at the time of the Spanish Inquisition — assisting heretics to cleanse their soul — as in Nazi Germany where certain people (they called them "Jews") were said to have an unfair advantage over others. The fact is that moral and ethical convictions are matters of conscience and should never be enforced by government. The Founders understood this and, accordingly, decided to separate church and state.

Approaching the same quandary from a different angle, a classification by race and ethnicity with the purpose of "righting past wrongs," raises another fundamental question. Were the "wrongs" of the past committed by individual citizens, or were they inherent in the American construct? If the answer is the latter, then we must conclude that our country has been founded on the wrong principles and enacted the wrong constitution. Those who believe this to be the case must argue for a new constitution, instead of introducing inadequate half-measures which satisfy no one. If, however, the law is good and it is the conduct of individuals we find wanting, then we must preserve the law and endeavor to observe it more faithfully. Those who feel unfairly treated by their fellow-citizens must have

recourse to the law, and those who administer the law must afford them relief.

Yet, were we to stretch moral justifications to new extremes, the mind must pause in amazement by what is being proposed by the advocates of classification by racial and ethnic origin. It is proposed that a "wrong" committed to a person, say, 150 years ago should be made good today to a person who probably is in no way related to the first person, except by racial or ethnic origin. Worse still, this "righting of wrong" should occur at the expense of a third person whose ancestors had nothing to do with the "wrong" inflicted on the ancestor of the first person — in fact they may have been in a part of the world thousands of miles removed. If this sounds like a ridiculous proposition, it does so because it is one. There is no moral foundation here, only a perhaps well-intended but short-sighted creation of a vicious cycle.

The practical case. The very question of adding categories to the existing ones demonstrates the futility of the practice. In truth, classification of people in this manner would require as many categories as there are individuals. Arbitrary simplifications serve only to perpetrate and perpetuate injustice based on stereotypes and a predetermined outcome. The current racial and ethnic classifications, whether in the Census or on affirmative action forms, are in their crude generalizations an insult to intelligence. Worse still, they are a slap in the face of people of genuine goodwill who seek increased harmony and, to quote the Founders, "domestic Tranquility." Indeed, the continued encouragement of group identity and corresponding tension between groups threaten not only our union, but any semblance of "general welfare."

There may have been, there may still be good intentions on the part of those who advocate these practices. The time has come, however, to take note of the ominous origins

of the practices, the absence of legitimacy, the lack of moral foundations, and the ultimate futility of the exercise. Secular law has never been successful at inducing moral conduct in people. Only religion is capable of so doing. Secular law can dictate behavior, but it invites severe reaction the moment the law is no longer backed by brute force. An American government should never engage in placing obstacles in the path of the citizen. Governments in other societies who had done so were certain to fail sooner or later. All a government can accomplish successfully is the removal of obstacles. That, however, is possible only if all citizens are affected in equal measure.

Accordingly, whereas our founding principles might accommodate surveys which inquire about a person's ancestry without predetermined categories, the questions now in use and those contemplated by the Federal Government, I submit, have no place in the Census as mandated in Article (I) of the Constitution of the United States.

Mr. HORN. Well, I thank you for that eloquent statement. My father happened to be an immigrant from Germany in 1903. You sound much like him. I have always found that immigrants have a greater appreciation for the Constitution than most people born here regardless of race or ethnicity. Because you saw the difference between where you came from and where you came to. I thank God for immigrants who renew our faith in America when they come here.

Since you mentioned that point of groups versus individuals, I am going to take the liberty of the Chair without objection to put in at this point in the record a dissent that I wrote when I was on the U.S. Commission on Civil Rights when some of my colleagues were saying well, we have to translate our ballots, and this started in the Federal courts in *Lau* v. *Nichols,* into particular languages.

[The information referred to follows:]

Statement of Commissioner Stephen Horn on the Minority Language Provisions of the Voting Rights Act

I do not concur with the arguments made by the Commission staff and my colleagues in chapter 7, "The Minority Language Provisions of the Voting Rights Act." Nor do I concur with recommendations 1, 2, 3, 4, and 5 in chapter 8 as they pertain to the extension and implementation of that portion of the act.

To argue that the provision of "equal protection of the laws" includes voting rights assistance in the language of some minority group members and not others is to pervert the meaning of a Constitution which was designed to protect the individual. Equal protection is not a matter of group protection; it is a matter of individual protection. The 1970 national census recorded 96 mother tongues where languages other than English were the *primary* languages in the households in which many of our fellow citizens were raised. The 1980 census coded 387 non-English-language possibilities, 180 of which were spoken by various tribes and groups of American Indians. As we can readily see, to continue to aid with specialized electoral services those who are in a few but not most minority language groups is itself discriminatory. To provide *governmental* assistance to aid one or even a handful of speakers of any of these possible 387 languages is also absurd. To assure equal protection of the laws, there is one solution which is dictated by common sense: "If one wishes to cast a ballot in the United States of America, one should learn as much English as is necessary to fulfill that limited, but fundamental, aspect of citizenship." Such a national policy would not stop a friend or relative who speaks the primary language of the citizen from writing out instructions or from marking a sample ballot for the individual who needs assistance. Such a national policy would not stop community-based ethnic groups from rendering assistance to those less familiar with English than others. Such groups have been readily available for each immigrant wave. What such a policy would stop is the illusion that for every language group in the Nation a government agent must be employed or some form of government assistance must be made available to aid all members who understand English less well than their native language.

Presumably, naturalized citizens had to learn some English in order to receive citizenship. Before this Nation goes the way of Quebec or engages in the bitter language-based quarrels of some of the fragmented states of India, I recommend that we call a halt to what many of us have long recognized as a misguided experiment. I thus urge Congress not to extend the minority language provisions of the Voting Rights Act.

Mr. HORN. Of course, that is sheer idiocy under the Constitution. And yet, we are still doing it, and it is wrong. This Congress should have the guts to deal with that matter when we get to it. It was not in the original Voting Rights Act, I can assure you. It was added later, I am sure, with well meaning people with compassion.

But if we are going to start carrying out the equal protection clause as being based on helping groups and not individuals, then we will need 300 or 350, if you include Indian dialects, of different types of ballots printed in the United States. And since that is so absurd, maybe we all ought to speak English, and read English, if we are going to be citizens.

That was the tenor of my remarks. But I am going to put in the full remarks, and take advantage of you opening up that question.

I am going to yield the time now to my colleague from Illinois, Mr. Davis. We will each take 7 minutes to question and maybe a little longer.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman. I had a feeling that this group might bring out the academician in you. I was sitting there hoping that you did not pack up your books and run back to academe.

But it was certainly delightful to hear the testimony coming from each one of you. And I do think that academe provides a foundation of hope for not only America but indeed for the world.

Dr. Vazsonyi, I could not help but think when you raised the question of Thomas Jefferson relative to the creation of men how one can bridge the gap to the practicality or the reality when I think of the fact that Jefferson actually owned slaves, but made this lofty statement.

How do you bridge the gap between what one says and what one does?

Mr. VAZSONYI. Congressman, I think that I began responding to this when I mentioned the climbing of Mount Everest. That there can be little doubt that Mr. Jefferson looked around him and saw a very unequal world both in his household and the world at large.

And it seems to me that the phrase that he wrote is the expression of an aspiration, one that was not reality anywhere else at that time, or in the very fewest places. And mostly those who spoke English even described it as an aspiration to achieve at some later date.

So it was a long and arduous road, and there were realities which happened to exist at that time. I have a Ph.D. in history, so I have done a certain amount of reading and thinking about these things. It seems to me that there are two things that people cannot do. One is to change the past, and the other is to foretell the future. And it seems to me that there is no disagreement today about the way that we viewed the past, but we cannot change it.

I do not think that Mr. Jefferson would have been in a position even to change his present beyond a certain extent, but it was possible for him to propose that the Nation be committed to an idea.

And I wonder if you might agree with me, Congressman, if I suggest that the only test that America ever failed was when measured against American standards. America certainly never failed by any standards established or existed in other nations, only its own.

Mr. DAVIS OF ILLINOIS. Well, I would agree with that. But I was taught never to compare yourself with others, because you might become vain. Because there is always someone greater and far lesser and so the only true measurement is against or compared to self.

The other question that I would ask, we had a little bit of it, but I would ask each one of you, if you could respond to it.

Since politicians have to make decisions, I mean we ultimately may have to decide something on the basis of something, do you think that the categories which currently exist really help to fight discrimination and help move us closer to that state that Jefferson may have been talking about?

Mr. VAZSONYI. I would just like to report that I arrived here in 1959, and I happened to end up in Tallahassee, FL, because there was a great musician with whom I wanted to study. And I found myself in the middle of a segregated State and community.

I do not mind telling you that I simply could not believe that this could exist in America, in the America that I had hoped to come to.

But I was also here in 1964 when I became a citizen, and I saw what was happening. And that America was always famous for self-examination, more than others. I claim this vanity, I permit myself the vanity, because I was not born here, and am not as prejudiced.

So I know where we come from. Because I have experienced it, and I fought it in my own little way, you know, before I was a citizen or could speak English.

But your question is have we accomplished something? And my answer would have to be that if I compare the spirit, the intent, the genuine good will that I felt about 30 years ago really sweeping the country, my honest answer under oath would have to be that I think that we are worse off today than we were then.

And I take up something that one of the witnesses mentioned. I think that if we seek information, then a question about ancestry is helpful. The sense is that these categories are really about benefits, or to even put it more crudely, money and that is not a good recipe for good feelings to develop.

Mr. HODGKINSON. I think that the categories are getting less useful, partly because of something that Dr. Waters said. And that is the fact that we are now finding much more things going on within each category as well as the costs.

Shirley Halzlett has a wonderful book called "The Sweeter the Juice," which describes a black family in which two children have light skins and go North, and two stay in the South. And the description of what happens to them in terms of their lives is deeply moving for a white person.

My feeling is that the categories will continue to get less useful, because of the fact that the population is going through some very major shifts that we never encountered before. And it seems to me that those shifts can only get larger.

Several indications are that we have roughly 2 million Native Americans, and 4 to 5 million people who will claim in one form or another, in one venue or another, that they have Native American ancestry.

All of those things, I think, are going to begin to boil over. And people are going to become aware of the fact that these categories are not scientific. And there may be a disillusionment with this whole process, which would be a bad thing for everybody.

So my concern is that these be as accurate as we can possibly make them. And I do not think that the current categories are as accurate as we could possibly make them.

Ms. WATERS. Yes. I think that the current categories are very useful for protecting people and for helping people.

As part of the National Academy of Science's workshop on OMB Directive 15 a couple of years ago, they wrote to every Federal agency and said how do you use these categories. And we had a binder about that thick. It was extremely informative to me about the incredible range to which these data are put in protecting people and helping people in all kinds of different ways.

I do think that you are facing a technical problem though, which is as the population changes, the categories have to change along with them. And that is partly a technical question and it is partly a political question. And clearly, those lists of races on the census are a political result. No person I trained in demography or social science would come up with that list of categories.

But you do need to walk a fine line between changing them enough to keep them useful, and not destroying the uses to which they are being put currently.

Mr. DAVIS OF ILLINOIS. So you are saying the ultimate bottom line. I guess when you raised the question of the benefits, I could not help but think of Voltaire who suggested that there were a lot of people who took the position that the purpose of politics was to take as much money from one group of people as you could, and give it to another group. Also, I guess that he was a philosopher.

And I am not sure that much has changed in the way of thinking. I am saying that practically everybody that I know thinks in terms of a certain kind of self-interest, and then figures out a way to rationalize the self-interest, so that it does not sound or seem to be self-serving.

So there is a tremendous gap that already exists, but it is being generated even more between those who have and who have not. And all of the groups are concerned about how do I get. You know, not how I get what may rightfully belong to someone else, but how do I get my fair share.

And I think that civil rights groups take the position that somehow the addition will decrease the ability to get their fair share.

How do we allay those fears, or how do we respond to those feelings and questions?

Mr. VAZSONYI. I think that the first problem, Congressman, is what fair share is. And I think that since you bring up Voltaire, I would like to take the liberty of referring to what I think is the real debate that has been going on for 300 or 400 years between two fundamentally different views of the world. And I think that we are in the middle of it here right now.

One view believes in perfection that can be and must be achieved at any cost. And another view holds that we are imperfect, and so was Thomas Jefferson incidently, and we all are. And that we need to go with the best possible.

I would like to submit to you that only if you believe that perfection is possible can you define what fair share is. Because it is a very relative thing.

I really do not mean to get melodramatic. But believe me that if you are 8 years old and you are in the siege of Budapest as I was, followed by 2 or 3 years with basically no food for anyone, then relatively speaking, the poor of America appear to have generally a better lot than a whole lot of people in all sorts of conditions elsewhere. Which is not to say that they are not poor relatively speaking. But because it is relative, what is fair?

Mr. DAVIS OF ILLINOIS. I think that I understand you. I often debate the question of is it fair for birds to eat worms? And I take the position that if you ask the bird, you get one answer. And if you ask the worm, then you get a different answer most likely. And so there are dilemmas I guess that we really face as we try to arrive at a conclusion.

I am finished, Mr. Chairman. I think that you have been more than generous. If the other two would respond, that would conclude my questions.

Ms. WATERS. Well, I think that what I would try to do is to think creatively about how to allow people their ability to self-identify, but then be able somehow to come back to the categories that you need for legislative needs. And that may mean having some kind of a combination question, and I have seen a couple sort of floating around, in which you have the categories that you need for legislative purposes, and you also allow people somehow to tell you what they really are. There is a small percentage of Americans that really do want to tell you that they are a combination of different things.

And I think that it is important for you to recognize that that has become a real sense that people have that when they fill out these forms, that they are really asking for recognition of something. They are some dignity issues that come up with people about being recognized for who they are.

So I think that some combination there where you can allow people to answer a question to say who they are, and then get back to the categories that you need for legislative needs.

Mr. HODGKINSON. I would also suggest that you look carefully at the national origin issue. Because there are some nations that were clearly put in the form as examples, because of political pressure. And I see nothing wrong with that as long as everybody has the right to compete. But why out of 200 and some nations in the world, we have a list of some nations on the census and we do not have others, when every nation has somebody living in the country, it seems to me to be a disequity in itself.

I find it sort of a hodge-podge of different kinds of information. And to my mind, there has to be some self-scoring. But there also has to be a sense on the part of people to understand what this is all about. And I do not think that most people do. I think that there is vast confusion about what this thing actually is. My feeling is that we have seen the tip of the iceberg in terms of people who actually do come from mixed circumstances. And I think that once it becomes socially acceptable to talk about it, you are going to see

a large increase in the number of people who will so record themselves.

Mr. DAVIS OF ILLINOIS. I really hate that the press left so soon. Because I think that it would have been just great or it would be great for the American public to experience this discourse. And I certainly again appreciate your responses.

Mr. HORN. I thank the gentleman, and I agree with him on his last comment. That maybe we are going to get you back here on the third hearing on this subject, which will be July 25, 1997.

OMB, the Office of Management and Budget, is supposed to receive a preliminary recommendation on Directive 15 sometime in July. And the subcommittee will convene to consider that recommendation.

I just have a few closing questions here that interest me. I happened to serve in President Eisenhower's administration, believe it or not, and I think that I am one of the few that is still in Congress, except for Strom Thurmond and Senator Byrd. I remember living through the Depression.

Eisenhower had a great comment. He lived through, not the Depression I lived through—he was in the military and a major—but when he was a young boy in the early part of the century in Kansas. Kansas was not exactly the well off section of America. He said, "I guess that we were poor, but we did not know it."

And that is exactly the way I was. My father was completely wiped out in the Depression. He lost everything he had, except 13 acres of a hillside and a house that he had built with his own hands. That is where I was born. So I did not know any different. I thought that it was the best life I could find. I thank God every day that I was not born in urban America, be it Los Angeles, Long Beach, or anywhere else.

Some of this is consciousness of one's relative deprivation. I think that probably one of the most influential books that I ever read was Crane Brinton, one of your colleagues a few decades ahead of you, at Harvard in the history department, who wrote "The Anatomy of Revolution, Phase I, Alienation of the Intelligentsia." That could cause the Government more trouble than most people think. Ideas are important.

And I remember, as a young man in my eating club, having Kerensky over for dinner. He had been one of the great democrats—small d—in Russia, who had actually led the Duma in trying to get democratic policies and putting the Czar aside peacefully.

As he warmed up, you saw what might have been Russia, instead of 70 years of communism and totalitarianism and killing 26 million people. But that did not happen, because of a mistake here and there.

But what I am particularly curious about, Dr. Waters, since you have written so much on the subject, and I regret that I did not have time to read all of your books before this hearing, but this has been a bad week in terms of reading anything but budget resolutions.

But you wrote one, "From Many Strands, Ethnic and Racial Groups in Contemporary America," then "Ethnic Options, Choosing Identities in America," and numerous articles.

What I am curious about, since you might have been here when I noted that groups were concerned that the U.S. Commission on Civil Rights was not thinking about national origin discrimination, and correctly came and berated us, and I agreed with them. They should have berated us.

The original focus of the U.S. Commission on Civil Rights under President Eisenhower was first on black voting, voting discrimination as to blacks in the southern United States. That was point one.

The Commission came in unanimous. He never thought that they could agree. They did agree, even with southerners on it. No one could say that that was not true.

Then in 1961, they issued major reports on housing, education, administration of justice, and so on. Six major reports. Which those of us on the Hill in a staff position tore apart and put into legislation, and beat on the door of the Kennedy administration for about 3 solid years. We finally forced out of them—they were very reluctant to do anything believe it or not—a civil rights draft in June 1963.

Now the Civil Rights Commission broadened its base. Well, by late 1969, they at last thought about discrimination against Mexican-Americans. They issued a Mexican-American education report. They had not done anything about it. I would hate to tell you that we finally forced them to think about the Native American, the American Indian. And we held hearings on the Navaho Reservation in October 1973 and all of that.

And women, they did not bother themselves with women. So we had to force them into thinking about that. And shame them in as fellow commissioners, they finally went along with that.

The bias of the staff was simply, and I can certainly understand it, no group has been discriminated as much against in this country as African-Americans historically, and still to some degrees in some places. But it has been a slow evolution of groups coming into their own with their problems. Since we had review of the administration of justice in the country, we would look at what was happening to the gay Americans, nobody on the staff wanted to touch that one. I mean it was just a wall that went up. And police abuse was going on, and nobody was facing up to it. So I faced up to it. And so it went. Even groups of Government people that mean well sometimes have to be kicked, dragging their feet, or pulled into the 20th and 21st century.

So what I am curious about with your writings is do you feel in this day and age that we are several decades or three generations past the large East European ethnic migration to the United States in the 1870's, 1880's, and 1890's, the turn of the century, I would just be curious as to what your feeling is on this, how much discrimination if any has been suffered in the East European communities as they met the cultures that came ahead of them?

And this includes my Irish ancestors who felt that the Yankees were beating them up politically, economically, and every which way, and then by the 1940's they were beating the yankees up in terms of politicals and all of their neighbors. You know, you had the Italian gangs in one block and the Irish gangs in another.

My assistant, I remember, when I was president of the University at Long Beach, I said, "How did you learn to be a track star?" He said, "I learned by running like heck when the neighborhood gang came after me." One learns to be very fleet of foot at that point.

But I would be curious as to how you would sum it up with your research on this. Is ethnic discrimination still with us, and is it worthy of anything the Government agencies are supposed to be doing to fight discrimination?

Ms. WATERS. I think that you can find individual instances of discrimination based on a particular national origin or European origin ethnic group. I think that what we have learned, and really the census ancestry data has been incredibly important for answering these questions. Before we had that ancestry question we could not even really talk about later generation European origin ethnic groups.

But I think that most of the data points to the fact that for most of these groups, even from Eastern Europe, they have experienced what sociologists Andy Greeley calls the ethnic miracle. That in most cases that there is no evidence of systematic occupational discrimination. They earn the same incomes for people at the same educational levels.

Even the occupational concentrations that you had seen for Slavic groups, and Greeks, and Italians, et cetera by 1980 and 1990, you can see some vestiges of it, but you really cannot see much of it at all. So in most cases, I think that you have seen real social progress over a couple of generations for those European ethnic origin groups.

Whether or not there are particular people who still experience particular discrimination, I would say that I am sure that there are. But I think that systematically the data points to real ethnic progress for those groups.

Mr. HORN. So then the question would be why do we need the ancestry question?

Ms. WATERS. Well, you know what is interesting about the ancestry question is that the census tends to always be designed to solve yesterday's problems, because that is what you are thinking about when you design it. So, of course, the ancestry question was designed to really give information about European groups, because the groups were aging generationally.

But in fact, it is being used for instance to look at Arab Americans, discrimination against Arab Americans. And in fact, if it is on the year 2000 census, there will be another group that it will turn out that we did not even think about them when we were designing the census. But there are people who will self-identify that way, and you will actually find red lining against them, systematic discrimination, and income problems.

And so I do not think that you necessarily know before you collect the data who you might be actually best using it for. We collected it to find out how Eastern Europeans were doing. It actually gave us a lot of info about Arab-Americans. And it is the only source of information about Arab-Americans, some of whom experience very virulent discrimination.

Mr. HORN. We have major refugee groups in various parts of the country. In my own city of Long Beach, there are roughly 50,000 Cambodians. If you go over to Orange County and Westminster Garden Grove, they even have a sign that the State has put on the highway, Little Saigon. If you go into central Los Angeles on the freeway, there is a sign Korea Town. That is all put up with the excited part of the businessmen and women in those communities, who would like the tourists to come there, sample the food, and so forth and so on.

So you think that by having an ancestry category on the census form, that is we wanted to do an economic analysis or other type, a school progression analysis or whatever, we could find where those clusters are, and see if they are going at the same pace as the majority of American citizens?

Ms. WATERS. Well, the reason that we have everybody lobbying you to be on the short form which is the race and Hispanic question is that sometimes that kind of question that you have, the ancestry data will not be very good for it, because you will not be able to get it at a low enough level of concentration, because it is from the sample, it is from the 20 percent sample.

So sometimes if you have, for instance, school enrollment kinds of data that you are looking for, the ancestry data is not as helpful as if you had it on the race or Hispanic question. So Koreans are a race category and you can get that data for the school enrollment for Koreans. The Cambodians are not. You have to find them in the other Asia category. So it is a hit or miss kind of thing in terms of the politics of who is listed separately.

Mr. HORN. As you suggest, that is very misleading. Look at the Mung people, the poorest of Asias that came over here as refugees. They certainly deserved to come here given all of the service they rendered to the U.S. Government. You have thousands of them in the central valley. I have probably a thousand in my district adjacent and mixed into the Cambodian areas of Long Beach. They certainly are as poverty ridden in many ways and less adaptable to adjustment to the United States, because they were an older generation really. It is difficult to learn the language and so forth.

I guess that if we have that question of whether people know what they can write down there, and even what it is. I can see value in that, as you do a random check of different groups and try to look at their relative standing. I think that there are one or two good studies that I saw 20 years ago where people actually did that kind of analysis.

Now, I do not know that the Government is doing it. It should. It should be exploiting these things. So you see where the trouble spots are. And as we go through this argument on what is the effect of changes in the welfare law with legal immigrants, that is also a major problem. Because you have an older generation that faces a lot of problems that any older generation in poverty would face. They are living on very little, which is whatever the SSI check under Social Security puts in their mail box.

But anyhow, those are certainly some of the things that I think would affect many districts in this country. Now there are a lot of other arguments that we can go through. And the courts have been doing it piece by piece.

You have got places in West Virginia that are still speaking Elizabethan English. There has not been much movement out of there. And some of them are still in deep poverty with the end of mining and all the rest, or the others left, and left them behind. So you have pockets of this all over the country.

I do not know if any of you have any other comments that you want to make on this. We will welcome them. And then we are going to adjourn this. The House is going to reconvene at 6:30. So we are just in time.

Mr. HODGKINSON. If I could have 10 seconds, I would like to commend your attention to the Kentucky State Supreme Court decision, which desegregated schools economically. Rural districts brought suit against basically Louisville. And without any census data being used as far as I could tell, the State went through a significant shift in terms of building a floor under every poor child in the State of Kentucky.

That is a model for what we may have to do more often in the future. I commend that sort of issue to your attention.

Mr. HORN. Frankly, I could not agree with you more. When you look at the economic deprivation, I think that all of this shows up. There has been substantial discrimination. And there are enough idiots in this country as well as anywhere else that would discriminate based on color. But often, that will come up in the economic data.

And affirmative action, the word fraud was used in some of that. There is no question that nonminority students have checked the column, because they feel that universities will not admit them otherwise. That is a pretty sad commentary on where we are in university admissions.

Of course, California now is having to grapple with how you deal with that when you cannot use the quota system. Affirmative action ought to be used, and a good personnel policy. That is all it is. But if it ends up with a quota, that was never the intent of the Civil Rights Act of 1964.

Hubert Humphrey was adamant on this, as the co-floor manager with my own mentor, Senator Kuchel. When we had a major briefing for the whole Senate, those questions came up and it was absolutely clear, there is no quota related to anything in this legislation.

And all of that was both Executive orders of President Johnson and President Nixon, one Democrat and one Republican, who thought that they were doing good deeds. Well, they were to a certain extent. But good deeds sometimes get turned into things you wish you had not started, because it can be so misused. And that is where we are sort of making the circle right now.

Well, I thank you all for coming. It has been very helpful. Keep in touch with us. We would be glad to have any other thoughts you have, and we will put them in the record at this point, if on the way home and back to your offices you have other thoughts.

Mr. VAZSONYI. May I make one final observation, Mr. Chairman?

Mr. HORN. Surely.

Mr. VAZSONYI. It seems to me that discrimination and other atrocities are committed by individuals against other individuals. Groups can't do things, and groups can't sustain things, people do.

And it would seem to me that if the effort that we are putting into remedies through groups would be put into maximum enforcement of the law and remedy of the law for every individual who suffers, we may be further down the road. Thank you.

Mr. HORN. Well, I thank you.

And I am now going to thank the staff who worked on this hearing starting with our very able staff director and counsel for the Government Management, Information, and Technology Subcommittee, Russell George, against the wall there quietly observing this, once the wheels start. And John Hynes, who is right next to me, is the professional staff member responsible for this hearing. Andrea Miller is the clerk for the majority subcommittee is over there waiting to scoop everything up, as soon as we get out of here. David McMillen, a professional staff member for the minority and Ellen Rayner, the chief clerk for the minority.

Our court reporter here, committee reporter, Charlie Smith.

We thank them all for what they did to make a very useful and enjoyable hearing.

And we thank you all. We appreciate you coming.

With that, this meeting is adjourned.

[Whereupon, at 6:20 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

STATEMENT

WILLIAM DENIS FUGAZY
CHAIRMAN
NATIONAL ETHNIC COALITION OF ORGANIZATIONS, INC.

MR. CHAIRMAN: On behalf of the National Ethnic Coalition of Organizations, Inc. (NECO), I am pleased to provide this testimony. I applaud the leadership of the Chairman and this Subcommittee for conducting these series of hearings on Federal measures of race and ethnicity with a special focus on the upcoming Census in the year 2000. Your objective of getting the views of all affected individuals and groups is commendable before the Government embarks on any course of action.

NECO, with more than five million members, is the largest organization of its kind in the United States. Our mandate is to preserve ethnic diversity, promote equality and tolerance, combat injustice and bring about harmony and unity among all peoples.

My main focus today can be succinctly stated. The 2000 Census must count for everyone! NECO, as an original member of the Working Group on Ancestry in the U.S. Census, supports the retention of the long form and the inclusion of the ancestry question in the next Census. There are those who would seek to eliminate both of these in a false pursuit of economy. Yet, the simple fact is we are a far poorer country if we lack the appropriate data that allows our nation to keep an accurate count of all our peoples, especially the rapidly increasing ethnic populations.

The ancestry question has many beneficiaries beyond the people who are counted as a result of it. The data from the ancestry question proves important and useful for social scientists, journalists and other researchers as well as local and state governmental entities who need it to do outreach, particularly to the needy of the various communities. This data has important economic value to the business and corporate community.

There is still one further and critically important reason why this data is important. It allows advocacy organizations such as ours to work with our different constituencies to ensure they fully participate in our great democracy. Over the years, millions of immigrants have come to our shores escaping tyranny. We must do all we can to ensure that once they are here they are fully mainstreamed into our democratic system.

NECO views the retention of the ancestry question and the long form as being essentially inseparable. To eliminate either or both guarantees that millions of individuals will be disenfranchised from the Census -- something we should avoid at all costs.

Finally, let me add my voice to those who want to ensure that this Census achieves the highest possible and most accurate count possible in the year 2000. The Census Bureau as the lead federal agency vested with the responsibility for the Census, should be given the maximum flexibility to pursue traditional and newer methods to achieve the best count.

Again, I salute this Subcommittee for its interest in obtaining the views of the many constituencies concerned about the 2000 Census.

UNIVERSITY OF WASHINGTON

DEPARTMENT OF AMERICAN ETHNIC STUDIES
Program of Afro-American Studies
Program of Asian American Studies
Program of Chicano Studies

Statement of Maria P. P. Root, PhD
Submittedto the Subcommittee on Government Management, Information, & Technology
Mr. John Hynes
Chairman Stephen Horn
FAX: (202) 225-2373
Attn: Ms. Andrea Miller
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Rayburn House Office Building
Government Reform and Oversight Committee
Subcommittee on Government Management, Information and Technology

From: Maria P. P. Root, Ph.D.
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Box 354380
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May 15, 1997

TESTIMONY

Dear Chairman Stephen Horn,

I am a social scientist and clinical psychologist writing to your committee to support a change in census taking methods on the race question of categorization. I am a tenured professor at the University of Washington in Ethnic Studies with adjunct appointments in Psychology and Women's Studies. I am also part of the governance structure of the American Psychological Association as the representative from the Division for the Study of Ethnic Minority Psychology. My research and publications have been in the area of race relations, multiracial people, and minority mental health. Two of my edited books provide foundation for understanding why there is a need consider a multiracial response on the census.[1] Over 40 people from around the country with expertise on this subject have contributed to these volumes in terms of theory, research, and analysis of the meaning of this emerging population.

[1] **Racially Mixed People in America** (Thousand Oaks, CA: Sage Publications, 1992), was the first contemporary volume written predominantly by persons of multiracial heritage spanning two generations. The second book, **The Multiracial Experience: Racial Borders As the New Frontier** (Thousand Oaks, CA: Sage Publications, 1996). Subsequently, Naomi Zack has edited a volume (**American Mixed Race**, New York: Routledge, 1995). Several popular books examining the constructing of race have been published in the last five years: essays, poetry, autobiographies, and novels.

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The demographic landscape of this country is changing. Allowing people to check more than one box in response to the race question for those groups **with which they identify** would provide a more accurate accounting of the population than is possible now. I emphasize the phrase, with which they identify, because of concerns that have been expressed by various representatives of different communities. Persons of mixed heritage, for example, black and white, who do not identify with their white heritage may only choose to check one heritage. Those persons of Hawaiian heritage (which is already very mixed) may only choose Hawaiian. However, there are a growing number of persons of mixed ancestry who wish to claim and identify with more than one racial heritage.

In reviewing this issue, it is of utmost concern that race and the concern over racial identification be extended beyond the boundaries between black and white. Of all ethnic groups and racial groups, intermarriage is highest for Asian Americans. Concomitantly, the birthrates of multiracial babies and the young people of mixed heritage growing up together has increased. Demographic research from sociologist, Harry Kitano at UCLA, among others, demonstrates that with each succeeding generation in this country intermarriage rates become higher for Asian Americans. Based on LA County data, rates for Japanese, Chinese, Filipino, Korean, and Vietnamese Americans was high, often over 40%.

The number of young people of biracial and multiracial heritage is significantly increasing. Concomitantly, an increasing number of biracial people are insisting that they are of both heritages, racially and ethnically, rather than applying monoracial, hypodescent rules. This is a trend rather than a phenomenon. In contrast to previous eras, the tendency of many multiracial people to identify as both Asian and white, black and Asian, white and black, black and Native American, etc., stems from the circumstances of their birth as well the success of the civil rights era of the third quarter of a century. In essence, that these young people insist upon identifying outside of the simple categories of race that we have in this country is a testament to the success of previous civil rights efforts.

I teach an upper division class at the University of Washington entitled *Racially Mixed People in America*. The young people in this class are not all of mixed heritage, but have many overlapping attitudes with those students of mixed heritage. Most of these students inherit the consequences and benefits of the civil rights era in which their parents reached adulthood. They constantly question the archaic and illogical racial constructions created in this country. They like other students in other professors' courses around the country, whether it be in California, Washington, Arizona, question how long we can continue to define race as rigidly as we do. Many of these young people are interracially dating, married, or have biracial children. They wonder about how to explain the illogical system of race to which their children are subjected.

The increase in the numbers of multiracial people is directly related to the civil rights legislation enacted by the U.S. Congress in the third quarter of this century. Fair Housing laws, desegregation of schools, and equal employment opportunities set the stage for

people from different backgrounds to meet each other, get to know each other as individuals, and be intimate to the point of having children. This same quarter of this century also was witness to ethnic and racial pride movements that made the point that part of empowerment was determining which labels were to be used to identify individuals of a racial and/or ethnic group. Subsequently, some of the civil rights generation and their children, and their children's children, have acted on the attitudes that are behind civil rights legislation. They embrace civil rights for all and desire to correct the inequities and unequal treatment of people on the basis of race, ethnicity, gender, and other statuses that have been related to oppression.

I have conducted a series of studies in this last two years trying to understand what psychosocial factors explain why intermarriage contemporarily occurs despite the social taboos that still exist. The results from my studies in the Northwest corroborate findings of psychologist Belinda Tucker at the Neuropsychiatric Institute in Los Angeles, CA. In summary, there are three main findings from my studies that are relevant to thinking about the trend in changing demographics. Increased divorce rates seem to be correlated with a diminishment of parental control over their children's choices of partners. Thus, adult children often have less parental pressures to conform to social norms in second marriages. The explanation coming from my study and already found in Dr. Tucker's work is that persons are older in second marriages and this seems to foster more independence of choice. Secondly, I'm also finding with societal changes in control of women and women's increasing ability to support themselves, young women are also freer to pursue their choice of partner even if it meets with parental disapproval. Thirdly, people are voicing thoughts and attitudes in focus groups and in individual interviews that are highly suggestive that the civil rights efforts in this country in the third quarter of this century has affected their thinking. With antimiscegenation laws repealed in 1967, people feel more able to follow their hearts across racial lines, despite social taboos.

That contemporary young people of mixed heritage can identify as multiracial stems from their belief that the races should not be treated unequally, thus, they do not apply one-drop rules for racial classification, i.e., one drop of non-white (black, Asian, etc.) blood makes you non-white. An increasing number of young people are born of two parents of color from different groups, e.g., black and Asian. Many of these young people feel that they are both and see in the mirror that they are both. Furthermore, these young generation of multiracial people are not the result of rape or concubinage. They are wanted and even planned children. Although many young people say it is difficult and confusing to be both, many have found a way to integrate their backgrounds into an identity which embraces all of their heritage. This success in and of itself is a hopeful message for our country.

Work of mine that is completed and in press for publication includes a schematic model to explain why people of seemingly similar background can racially identify differently as well as similarly. Geographic region and the history and politics of race must be considered in such models. I contend that the thinking about race has some different dynamics on the west coast compared to the east coast. In part, this is also explained and driven by the distribution of the population. The west coast has the majority of the Asian and Pacific

Island American population in the United States. Necessarily, the conversations and racial frameworks must extend beyond black white. The west coast and southwest has the majority of the population identified as Hispanic. Again, necessarily the racial and ethnic discussions must expand beyond black white. I would also contend that the majority of race mixing is occurring west of the Mississippi.

There is a generation of multiracial young people of school age and young adult age on the west coast and through the southwest. In a study of the adjustment of preteens in Seattle of African and Asian heritage, the author had to perform a preliminary analysis of her results because 20% of each sample derived from the public schools in Seattle was of mixed racial heritage.[2] Two well constructed studies studying identity patterns of black Japanese Americans took place even before that in two different areas of the country, Los Angeles, CA, and Michigan. The respective authors found that many of the participants were simultaneously black and Japanese American identified.[3] Situation and context determine the identification that is elicited. In another series of studies conducted by a researcher from the University of New Mexico comparing mixed heritage samples in Honolulu, Hi, and mixed heritage samples in Albuquerque, NM, Stephan found that racial identity is highly contextual and the assumptions commonly made about the influence of cultural exposure to ethnic identity and racial identity were not always well-founded. She concluded that the young people included in this study are the portent of some changes in the way identity is being constructed contemporarily.[4] A recent documentary film made in Berkeley, CA captures the visual images and emotions of African heritage young adults of mixed race heritage of Latino, white, Jewish, and Asian combinations. Whereas some interviewees identify solely as African American, many identify as mixed and are emotionally torn by being forced to deny one part of their heritage which feels like an integral part of themselves.[5] Similarly, sentiments are expressed in the narratives of numbers of participants from all over the country who were interviewed for Lise Funderburg's book, *Black, White, Other*.[6]

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[2] Cauce, A. M., Hiraga, Y., Mason, C., Aguilar, T., Ordonez, N., & Gonzales, N. (1992). Between a Rock and a Hard Place: Social Adjustment of Biracial Youth. In M. P. P. Root, (Ed.), **Racially Mixed People in America** (pp. 207-222). Thousand Oaks, CA: Sage Publications.

[3] Hall, C. C. I (1980). **The ethnic identity of racially mixed people: A study of Black-Japanese**. Doctoral dissertation. University of California, Los Angeles. Thornton, M. C. (1983). **A social history of a multiethnic identity: The case of black Japanese Americans**. Doctoral dissertation. University of Michigan.

[4] Stephan, C. W. (1992). Mixed-heritage individuals: Ethnic identity and trait characteristics. In M. P. P. Root (ed.), **Racially Mixed People in America** (pp. 50-63). Thousand Oaks, CA: Sage.

[5] Twine, F. W., Warren, J. W., & Ferrandiz, F. (1991). **Just black? Multiracial identity**. New York: Filmakers Library.

[6] Funderburg, L. (1994). **Black, white, other: Biracial Americans talk about race and identity**. New York: William Morrow.

This nation is at a crossroads. An unequaled opportunity to reconsider what it means to either change or to continue the same strategy of census taking regarding race presents itself in this time of change. I truly hope that a multiracial way of classifying, specifically checking more than one box, will be possible for the next decennial census. If this change isn't made for this census, inevitably, we will be spending the time and money again to reconsider this issue for the next decennial census.

I realize that many arguments have been offered against multiracial classification. However, as a scholar whose specialty is race, identity, and mental health, it is apparent that many of these arguments are the reiteration of old ways of thinking about race that are derived from how mix race people came to exist in this country (through rape and concubinage) and the strategies they used to contend with their racial status in an extremely divided society. Declaring that someone is black and white is no longer a statement of shame about being black. Similarly declaring that one is white and Asian is not a wish to deny one's Asian heritage. It is a reflection of a multitude of experiences that result in an integrated identity that values both. Similarly race is not only about black and white in this country. The Asian American population, specifically, is growing rapidly. And within this population composed of many different ethnic groups, mixed race identity is an issue that is increasingly being acknowledged and recognized because so much of the young population is mixed. The last two end of the year issues of the *Pacific Citizen*, the national paper of the Japanese American Citizens League, dedicated articles to this issue of multiracial Asian Americans. In her dissertation, Amy Mass explored identity in mixed race Japanese Americans. She concluded that people had found ways to blend aspects of heritage both racially and ethnically which made it difficult to pull them apart.[7] I have no doubt that this will become increasingly difficult for more and more persons of Asian descent in this country as they have a generation to support their deeply felt identity as both.

I advocate for a multiracial way of classifying so that we have an accurate way of cataloguing the population if we are going to continue to use the problematic construct of race which is confounded with ethnicity in the census race question. Change is difficult, particularly when we do not know exactly where it will take us. I certainly hope that the Office of Management and Budget and all the dedicated professionals who have spent an enormous time and energy on this issue will consider the ripple effects of this change. Although I do not believe that miscegenation and mixed race people are the solution to this nation's long-standing racial problems, I do believe the mixed race people often provide an ability to see both sides and provide a fairness and honesty about race that is often missing from dialogues about race. A change in the census that would allow them to declare more than a single allegiance, loyalty, and identification would not only declare them visible, which is essential to positive mental health, but may open dialogues about race that have been virtually impossible until this contemporary time. People are often

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[7]Mass, A. I. (1992). Interracial Japanese Americans: The Best of both worlds or the end of the Japanese American community? In M. P. P. Root (Ed.), **Racially Mixed People In American** (pp. 265-279). Thousand Oaks, CA: Sage.

more anxious anticipating the change than actually dealing with the change. I think this may well be the case for changing the way in which we think about racial classification.

Respectfully,

Maria P. P. Root, Ph.D.
Associate Professor, Am. Ethnic Studies
Adjunct Professor, Psychology and Women's Studies

FEDERAL MEASURES OF RACE AND ETHNICITY AND THE IMPLICATIONS FOR THE 2000 CENSUS

FRIDAY, JULY 25, 1997

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2154, Rayburn House Office Building, Hon. Stephen Horn (chairman of the subcommittee) presiding.

Present: Representatives Horn, Davis of Virginia, Portman, Maloney, Davis of Illinois, and Owens.

Also present: Representative Norton.

Staff present: J. Russell George, staff director and counsel; John Hynes, professional staff member; Andrea Miller, clerk; David McMillen, minority professional staff member; and Ron Stroman, minority counsel.

Mr. HORN. The Subcommittee on Government Management, Information, and Technology, quorum being present, will come to order. We will begin with opening statements.

This is the third in a series of hearings on how the Federal Government measures race and ethnicity. Today's hearing follows a major decision on this issue. After 4 years of review, a task force set up by the Office of Management and Budget, known as the Interagency Committee, has issued a detailed recommendation for changes to the standard measures of race and ethnicity.

This is not a casual matter. It is highly personal for millions of Americans who take pride in their full heritage. It also is a vital issue for the enforcement of the civil rights laws of our Nation.

The current measures include four basic categories of race: black, white, Asian or Pacific Islander, and American Indian or Alaskan native. These categories and other standards for the collection and reporting of data on race and ethnicity are set forth in OMB Directive 15.

A major issue is whether these categories are adequate to measure our society now and in the coming decade. In particular, there is growing concern that asking individuals to identify with only one of these four categories on the census questionnaire and other forms fails to accommodate people of multiple racial heritages.

It is not hard to understand this problem. All you have to do is imagine you are Tiger Woods, perhaps without the Nike endorse-

ment, and someone is telling you to identify with only one part of your heritage.

The challenge is to allow for multiracial identification without harming the usefulness and accuracy of the data. One proposal for multiracial identification is to create a fifth racial category called "multiracial." Another proposal is to keep the current four categories but allow respondents to check off more than one.

On July 9, the Interagency Committee recommended against a multiracial category but in favor of allowing people to identify with more than one of the existing categories, to reflect their diverse backgrounds. In its recommendations to the Office of Management and Budget, the Interagency Committee stated that the multiracial population is growing and needs to be measured, but that a separate multiracial category is not the best way to do this.

The recommendation notes that years of surveys and public town meetings did not show a general consensus on the definition of "multiracial," and that such a category is likely to be misunderstood by individuals responding to questions concerning race.

As Edmund Burke once observed, "All government, indeed, every human benefit and enjoyment, every virtue and every prudent act, is founded on compromise and barter." The Interagency Committee did just that. In effect, the task force has advised the Director of the Office of Management and Budget to preserve the current usefulness of racial and ethnic data, and also to acknowledge the desire of individuals to identify their heritage.

Some will say this recommendation tries to please all sides, and therefore pleases none. There are two distinct aspects to this issue: The first is individual identification. People need to be treated with dignity, especially when they are being asked to identify themselves. The second aspect is the utilization of these data. They are put to some very important purposes, purposes that many would say outweigh concerns over individual identification.

The Interagency Committee recommendation leaves the questions about tabulation and reporting of the data largely unanswered. That is a problem, and we need to address it. Will people who check two racial categories be counted twice, significantly inflating the numbers of two particular races in a particular area?

We begin today with very distinguished witnesses. The Speaker will be delayed, because he is in some negotiations now on major issues before the closing of next week's session, and we have told him he will be able to speak any time he walks through the door. So we are pleased when he can join us.

We also will be hearing from other Members of Congress. We will then hear from a number of individuals who are experts in this area, as well as the administration witnesses, who will appear after we have heard all the rest of the discussion, so that they can integrate the views of the Interagency Committee with what they have heard.

We will then hear the reaction of various witnesses. We will finally get the testimony, not only from the Office of Management

and Budget, but also the Bureau of the Census, and the Department of Justice.

We thank you for joining us. Now I will call on the ranking Democrat, Mrs. Maloney of New York, for an opening statement.

[The prepared statement of Hon. Stephen Horn follows:]

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ONE HUNDRED FIFTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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BERNARD SANDERS, VERMONT
INDEPENDENT

"Federal Measures of Race and Ethnicity and the Implications for Census 2000"

July 25, 1997

OPENING STATEMENT
REPRESENTATIVE STEPHEN HORN (R-CA)

Chairman, Subcommittee on Government Management, Information, and Technology

This is the third in a series of hearings on how the Federal Government measures race and ethnicity. Today's hearing follows a major decision on the issue. After four years of review, a task force set up by the Office of Management and Budget -- the Interagency Committee -- has issued a detailed recommendation for changes to the standard Federal measures of race and ethnicity.

This is not a casual matter. It is highly personal for millions of Americans who take pride in their full heritage. It also is a vital issue for the enforcement of civil rights laws in our Nation.

The current measures include four basic categories of race: Black, White, Asian or Pacific Islander, and American Indian or Alaskan Native. These categories and other standards for the collection and reporting of data on race and ethnicity are set forth in OMB Directive No. 15.

A major issue is whether these categories are adequate to measure our society now and in the coming decades. In particular, there is growing concern that asking individuals to identify with only one of these four categories on the Census questionnaire and other forms fails to accommodate people of multiple racial heritages.

It is not hard to understand this problem. All you have to do is imagine you are Tiger Woods -- perhaps without the Nike endorsement -- and someone is telling you to identify with only one part of your heritage.

The challenge is to allow for multiracial identification without harming the usefulness and accuracy of the data. One proposal for multiracial identification is to create a fifth racial

category called "multiracial." Another proposal is to keep the current four categories but allow respondents to check off more than one.

On July 9, the Interagency Committee recommended against a "multiracial" category but in favor of allowing people to identify with more than one of the existing categories to reflect their diverse backgrounds. In its recommendation to the Office of Management and Budget, the Interagency Committee stated that the multiracial population is growing and needs to be measured but that a separate multiracial category is not the best way to do this. The recommendation notes that years of surveys and public town meetings showed no general consensus on the definition of "multiracial" and that such a category is likely to be misunderstood by individuals responding to questions concerning race.

As Edmund Burke once observed, "All government -- indeed, every human benefit and enjoyment, every virtue and every prudent act -- is founded on compromise and barter." The Interagency Committee did just that. In effect, the task force has advised the Director of the Office of Management and Budget to preserve the current usefulness of racial and ethnic data and also to acknowledge the desire of individuals to identify their heritage. Some will say this recommendation tries to please all sides and therefore pleases none.

There are two distinct aspects to this issue. The first is individual identification. People need to be treated with dignity, especially when they are being asked to identify themselves. The second aspect is the utilization of these data. They are put to some very important purposes -- purposes that many would say outweigh concerns over individual identification.

The Interagency Committee recommendation leaves the questions about tabulation and reporting of the data largely unanswered. That is a problem and we need to address it. Will people who check two racial categories be counted twice, significantly inflating the numbers of a particular race in a particular area?

We begin today with a very distinguished witness, the Speaker of the House of Representatives, the Honorable Newt Gingrich. We are very pleased that he joins us to offer his thoughts on this complex and important issue.

Following the Speaker, we will hear from other Members of Congress who have taken an active interest in this issue. They are all highly knowledgeable and highly respected. We value their views.

We will then hear reaction to the Interagency Committee recommendation from advocates and experts outside of the Government. We have received testimony from some of them before and we are pleased to welcome them back for further analysis of this issue.

Finally, we will turn to a panel of Federal officials. They will give us the agency view where so much time and energy has been spent reviewing measures of race and ethnicity. We look forward to the testimony of the Office of Management and Budget, the Bureau of the Census, and the Department of Justice.

###

Mrs. MALONEY. Thank you, Mr. Chairman.

As you know, I am committed to assuring that the next census is the most fair and most accurate that has ever been conducted. The measurement of race is central to that effort. Unfortunately, all of my colleagues are not committed to this effort. In fact, there are those who would have us pay a higher price for a 2000 census that is less accurate and, in some instances, will render the race question moot by not even counting them.

The 2000 census will be the 22d census conducted by this Nation. Many are surprised that 3 years before the census there is so much discussion about what data to collect and how to collect it. That's really no surprise. At this point prior to the last census, the Commerce Department was already in court over how much that census would cost and how that census would be conducted.

The measurement of race is essential to our understanding of the accuracy of the census. Shortly after the 1940 count, the Census Bureau started looking at the accuracy of the census using birth and death records. In preparation for World War II, the Census Bureau provided the Army with an estimate of the number of men eligible for active duty.

It turned out that those estimates were low. Thirteen percent more black males turned up than the Census Bureau had predicted. It was then that they began to understand the relationship between race and a gross undercount.

Now, more than 50 years later, we have quite a collection of data regarding census errors. The methods used in the 1990 census caused nearly 26 million errors. That is an error rate of more than 10 percent. The 1990 census missed people, double counted people, and created fictitious people. Nearly 6 million people turned up in the wrong place.

These errors were made by using the same methods that are being touted by those opposed to sampling. As a result of those errors, millions of dollars in Federal aid designed to provide assistance to the poor, are being misdirected. Millions of people are not being included in apportioning representation.

Our first understanding of the undercount in the census was that young black males were missed at a much higher rate than others. But we now know more. We know that people in rural areas are almost as likely to be missed as those in urban areas.

We know that African-Americans are missed at a much higher rate than whites. In 1990, the undercount for African-Americans was almost 10 times that of non-Hispanic whites. Fifty-two percent of those who were undercounted are children. I believe issues of counting minorities need to be resolved before we decide how they will be categorized.

Thank you, Mr. Chairman.

Mr. HORN. Thank you.

I now yield to the gentleman from Virginia, Mr. Davis, for an opening statement.

Mr. DAVIS OF VIRGINIA. Mr. Chairman, thank you. I'm going to be brief.

I appreciate that you are holding this hearing today. I represent a district that is 25 percent minority, very multiethnic. One of the kids I was talking to the other day asked, "Well, I'm an American:

25 percent Vietnamese, 25 percent African-American, 100 percent American." That was the way they defined themselves, and I'm not sure that the categories that we've dealt with over the past few decades encompass all that Americans believe themselves to be.

So I approach these hearings with an open mind. I appreciate the opportunity to hear a number of different viewpoints as we move through this today.

Thank you very much.

Mr. HORN. I thank the gentleman.

I now recognize the gentleman from Illinois, Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

I thank you for convening this hearing regarding the very important issue of how the Federal Government should measure race and ethnicity for the Census 2000. I would also like to acknowledge and thank our distinguished panel of witnesses for taking the time to come and share with us their expertise and feelings as it relates to the issues of race, ethnicity, and the census.

We gather here today to discuss the recommendations of the Interagency Committee for the review of the racial and ethnic standards on changes to OMB's Directive 15. This is an issue of critical importance to our Nation. This issue is directly tied to the accuracy of count for the Census 2000.

When I think about the census and its importance, I am reminded of a quote from Thomas Jefferson, referring to the question of slavery, when he likened it to a fire bell in the night that filled him with terror. I submit that the issue of race, as it relates to the census, is one of the fire bell issues of the day, because race divides us, defines us, and in many ways strengthens us.

We stand today at a crossroad. We can go forward, or we can go backward. I say, let's go forward. We have measured race in this country since 1790, during the first census. We counted free white male property owners as a whole person and black slaves as three-fifths of a person. Now we're being told that we should be counted as a multiracial person.

While blacks are now recognized as 100 percent of a person, we have not fully realized full participation in the systems of this Nation. We have not reached the day where equal opportunity and equal justice prevail. Discrimination is alive and well in America today.

We are not a color-blind society. Income inequality between blacks, Latinos, Asian-Americans, Native Americans and whites continues to persist. In education, race differences persist in high school completion rates, college enrollment, and graduate degrees granted. Blacks and other minorities are not receiving a fair share of Federal, State, or local procurement opportunities.

The question of how we measure race in the Census 2000 has some profound consequences. Census data is used to reapportion Congress, State legislatures, city councils, county boards, and other special political subdivisions. In addition, census data is used to enforce the Voting Rights Act, the Fair Housing Act, and the Equal Credit Opportunity Act. Millions of dollars of Federal resources are determined on the basis of the census.

I have a great sensitivity toward American citizens who have a mixed ancestry, whether it be interracial, biracial, or multiracial.

In fact, I am certain that a large number of Americans could be considered technically multiracial, and especially within certain minority groups, but I do believe that a "multiracial" category and other major changes could dilute the political, economic, and social progress that minority groups have worked so hard to attain. Such a category could take us back a number of years.

However, I look forward to hearing our witnesses. And I do believe that, after all is said and done, we will realize that although possibilities exist, the American people will take a course of action that will not take us back away from the gains that have been made by large minority groups in this country.

I thank you very much and look forward to the testimony of our witnesses.

Mr. HORN. I now yield to the gentlewoman from the District of Columbia, Eleanor Holmes Norton, for an opening statement.

Ms. NORTON. Thank you very much, Mr. Chairman.

I appreciate the opportunity to sit in with the subcommittee this morning. I am a member of the full committee but not the subcommittee, and I am here because I believe this is an important subject and hope we will all be able to come to some rational response.

The census itself, for a long time now, has been a very controversial and complicated subject. Into this controversy, we now plunge race. The one thing we did not have to worry about in the last census was how we categorized people. We have made a very complicated and very important subject much more complicated.

At the last hearing, Mr. Chairman, where I was privileged also to sit, it was not then clear whether the census was going to move us to a new category, a multiracial category. They have come to their senses and understood, it seems to me, the rank confusion that such a category would impose upon the census.

Now they come, apparently, with a set of categories that may pose some of the same difficulties. I have come this morning particularly, to hear about the new proposal to allow people to check multiple boxes. All I can say is watch out. I can't imagine what kind of confusion may come from multiple boxes.

I know this much: Those who come forward wishing a category to recognize their mixed parentage are very sincere, and I very much sympathize with what they are doing. They come forward seeking a real solution to their dilemma. My problem is, I do not believe that solution is found in an official document of the United States.

As to several categories, indeed, even as to the multi category, I hope we do not now bring down upon us fun and games in the census, as people try to identify themselves in multiple ways and in ludicrous ways. We have to not only ask ourselves what are we after, but how will Americans receive this question.

I cannot imagine how Generation X, for example, would have received the multiethnic question or the multiracial question, not to mention the ability to check off as many boxes as you feel like checking off. This is serious business. There is much at stake here.

I very much look forward to hearing how OMB describes the discipline in its multiple boxes, because that's what I'm interested in. I am also interested in finding a way for people of mixed heritage,

or at least mixed parentage, if they desire, to indicate that mixed parentage. I don't believe we want to intrude on these categories that we have learned to live with.

Finally, Mr. Chairman, let me say this: We are not, when we talk about a multiracial category, in this country, only talking about a category. We are talking about, not a new category, but a new race. And if you do not believe that this is the case, I invite you to look at the history of the West Indies, of Brazil, and of South America where, indeed, there has long been a multiracial category.

That is not a category. What attaches to that category has been a whole set of distinctions, privileges, benefits, and lack of the same. The last thing we need in this country, given the role race has played, is a new category that develops into a new race.

I ask that we understand that we are not dealing with this unrelated to history, either of our country or the world, and that we not plunge into new racial directions in an official way, without understanding all the implications.

Thank you, Mr. Chairman.

Mr. HORN. Thank you.

I now yield to the gentleman from New York, Major Owens.

Mr. OWENS. Thank you, Mr. Chairman.

The designation of a racial or ethnic category is not just a statistical, abstract government procedure. In America, racial designations are very political and they were made that way by the majority population a long time ago.

There was a time when the designation "octoroon" or "quadroon" were not enough. They would not be accepted. It was decreed that if you had one drop of black blood, one drop of Negro blood, you were automatically a Negro. You were automatically considered a descendant of African slaves.

I think that there are many constructive reasons why that designation still should continue, not for the same negative political reasons provided before, but for very positive reasons. We don't want to lose the identity of the descendants of African slaves.

We have a situation now where the President has called for a dialog to move America forward and to own up to the problem of a multiracial society. At the heart of that dialog has to be a discussion of what happened with the African slaves. And you cannot talk about justice unless you talk about what happens to the descendants of those African slaves.

For 232 years, we had a group of people who were forced to give their labor to the building of this country for free; for 232 years, an accumulation of problems that resulted from the fact that the owners of slaves found it profitable to try to obliterate the humanity of the slaves. They didn't want to annihilate slaves.

The obliteration was very different from the Holocaust, where the hatred in the Holocaust was so great until they wanted to annihilate people. The slaves were valuable property. Nobody wanted to annihilate them as living entities, but they wanted to annihilate their humanity.

It was profitable to have them become more efficient beasts of burden. It was profitable to have them operate more like machines. It was profitable not to have them establish bonds related to families. It was profitable to continue the practice of refusing to recog-

nize marriages and families, to sell children away from parents and to deny any sense of belonging among families or any sense of a society, which had mores and traditions before it came to these shores.

Every effort was made to obliterate any past traditions and any things which established the humanity of the African slaves. Great injustices were done.

The Emancipation Proclamation and, more importantly, the 13th amendment, 14th amendment, and 15th amendment began to change all that. But there are some residues that still exist. Because of those residues, because of the kind of damage that was done over the 232-year period, its lingering aftereffects, we still need to have distinctions which clearly tell who the descendants of the African-American slaves were.

Other groups may have other kinds of concerns, but we don't want to have obliterated, at this point, that distinction before the justice—if not the justice, at least the truth and the recognition of the injustice is confronted.

I wholeheartedly applaud the President's efforts to raise the level of the dialog on race relations and the dialog on a multiracial society to a new level. We are the indispensable Nation, as the President said in his inaugural address. We are the indispensable Nation. In order to remain in that position, we ought to try to build on the positive factors that flow out of being a very diversified society.

We are a diverse society ethnically, but we have a problem. At the heart of our diversity, there is still a core problem related to the relationships between blacks and whites, and this grows out of the long years of slavery. The descendants of slaves, just probably as the descendants of Native Americans, have a special distinction. That special distinction should be kept for a long time to come, until we deal with the problems that the long years of oppression and injustice generated. I thank you.

Mr. HORN. I thank the gentleman.

We will now begin with our Members' panel. Will Representative Thomas Sawyer of Ohio, Representative Thomas Petri of Wisconsin, Representative Maxine Waters of California, and Representative John Conyers of Michigan please come forward.

I think Mr. Sawyer is second there.

Mr. SAWYER. We're going down in the order you said, Mr. Chairman.

Mr. HORN. I am going to call on Mr. Sawyer and Mr. Petri first, because they are former chairmen and ranking members of the committee that had jurisdiction over the census before it was merged into the Committee on Government Reform and Oversight at the beginning of 1995. We have looked to them as our experts in this area. They have been kind enough to come to a number of our hearings and testify on various aspects of the census. So we will begin with Representative Thomas Sawyer of Ohio.

STATEMENTS OF HON. THOMAS SAWYER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO; HON. THOMAS PETRI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN; HON. MAXINE WATERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA; AND HON. JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. SAWYER. Thank you, Mr. Chairman.

I am grateful for your designation as an expert. I guess I would say thank you and recognize that maybe the most that we can claim is that we have long familiarity with this issue, as a matter of census practice and other statistical systems of the United States.

In that sense, I am grateful to you and Congresswoman Maloney and members of the subcommittee for the opportunity to share some additional thoughts beyond those that I shared at your last hearing on this subject, as you continue to review the categories for collecting data on race and ethnicity in the 2000 census.

Let me begin by congratulating OMB for all of the work that is has done on this important issue. After 3 years of careful and thorough consideration of alternative ways to measure race and ethnicity, OMB has recently released its proposed recommendations for Directive 15.

While I believe that its recommendations properly address the concerns of those on both sides of the multiracial issue, I would really like to begin and end today by encouraging OMB to address something that you discussed, and that is establishing guidelines for how the Federal Government is to tabulate and publish and use this data.

When I testified in April, I discussed the importance of understanding what racial categories are and what they are not. Clearly, they are culturally determined descriptors that reflect societal concerns and perceptions. They are not grounded in genetic or anthropological or scientific bases, and they are not fixed and unchanging.

OMB has historically sought to establish categories, therefore, that are discrete, are few in number, are easy to use because they are broadly understood, and which yield consistent responses. The categories are also intended to maintain continuity and comparability of that data over time. That's a tall order, but I believe OMB's recommendations meet those goals.

First, the task force that dealt with this was composed of 30 Federal agencies who regularly use racial and ethnic data. The panel voted unanimously to recommend that to OMB that a multiracial category not be used when collecting racial and ethnic data.

Instead, they suggested the individuals be given the opportunity to provide multiple responses to the race questions when they identify personally with more than one category. Second, they recommended that "Hispanic" remain as a separate ethnic category and not be added as a new racial category.

Additionally, they found through testing that arranging the Hispanic origin question so that it preceded the so-called race question proved to minimize confusion. This is important to yield a more accurate count, particularly among all of the populations that have been undercounted in past censuses.

Taken together, these recommendations, in my opinion, are an important step forward in measuring racial and ethnic and change that is currently taking place in our country and may, in fact, be a fundamental characteristic of our age.

By providing respondents with the choice to mark all that apply, OMB satisfies a compelling human need for self-identity, while allowing for measurement in the aggregate of the changing racial and ethnic makeup of our Nation. Adopting OMB recommendations would also enable us to preserve, with consistency, the comparability and continuity of data over time.

While its recommendations are sound, let me again urge OMB to look carefully at the data that will be produced by this new collection system, and accompany these changes with clear and meaningful guidelines for tabulating and publishing and using the data once it's collected.

Let me give you an example: The Civil Rights Division of the Justice Department is charged with enforcing the Fair Housing Act. It prohibits discrimination in the granting of home mortgages. Monitoring and enforcement generally involve a comparison of census data with reports of lending activity for minority applicants for a specific geographical area.

If the census data on race and ethnicity for a given census tract includes a percentage of residents who checked off white and black or Asian-American, the question is, should the Justice Department consider that portion of the population to be minority or nonminority for the purposes of determining whether there is a pattern of discrimination in that neighborhood? It is particularly important to understand how and when to use aggregated or disaggregated data when more than one category is checked.

There are not easy answers to this and similar kinds of questions, but they need to be clear, because the soundness of OMB's proposed changes to Directive 15 must be judged, in part, by whether clear and consistent guidelines can be developed to provide a rational and consistent response that is comparable with similar data over time.

Otherwise, the Federal Government may inadvertently erase the gains that the Nation has made over the last few decades in an effort to create a more inclusive society.

Thank you, Mr. Chairman. I appreciate the opportunity that you and members of the subcommittee have given to participate in your continued oversight of this important issue.

[The prepared statement of Hon. Thomas Sawyer follows:]

Statement of the Honorable Tom Sawyer
on the Interagency Committee Recommendations
on the Measurement of Race and Ethnicity

Committee on Government Reform and Oversight
Subcommittee on
Government Management, Information and Technology

July 25, 1997
9:30 a.m.

Mr. Chairman, Congresswoman Maloney, Members of the subcommittee: Thank you for this opportunity to share my additional thoughts as you continue to review the categories for collecting data on race and ethnicity in the 2000 census.

I want to start by congratulating the Office of Management and Budget (OMB) for all of its work on this important issue. After four years of careful and thorough consideration of the alternative ways to measure race and ethnicity, OMB has recently released its draft recommendations for changes to Directive 15.

While I believe the recommendations properly address the concerns of those on both sides of the "multi-racial" issue, I would encourage OMB to address the equally critical issue of establishing guidelines for how Federal agencies should tabulate, publish, and use the data once it is collected.

When I testified before this subcommittee in April, I discussed the importance of understanding what racial categories are and are not. Racial categories are culturally determined descriptors that reflect societal concerns and perceptions. They are not grounded in genetic, anthropological, or scientific bases, and they are not fixed and unchanging.

OMB has historically sought to establish categories that are discrete, few in number, easy to use, broadly understood, and yield consistent response. The categories also are intended to maintain continuity and comparability of the data over time. That is a tall order, but OMB's recommendations appear to meet those goals.

First, let me review the highlights of the proposal, and then comment on how they can be strengthened to meet the important purposes these categories serve. The OMB task force was composed of 30 federal agencies which regularly use racial and ethnic data. The panel recommended unanimously to OMB that a "multi-racial" category not be used when collecting racial and ethnic data. Instead, individuals would be given the opportunity to provide multiple responses to the race question when they identify with more than one category.

The panel also recommended that "Hispanic" remain as a separate ethnic category and not be added as a new racial category. Additionally, arranging the Hispanic origin question so that it preceded the race question proved to minimize confusion. Clearly, this would lead to a more accurate count of the entire population, particularly of Hispanics and other groups that have been undercounted disproportionately in past censuses.

Taken together, these recommendations, in my opinion, take an important step forward in measuring the racial and ethnic change that is currently taking place in our nation.

By providing respondents with the choice to "mark all that apply", OMB satisfies the compelling human need for self-

identity, while allowing for measurement in the aggregate of the changing racial and ethnic make-up of our nation. Adopting OMB's recommendation would also enable us to preserve the consistency, comparability, and continuity of data over time.

While its recommendations are sound, I urge the OMB to consider carefully the data that will be produced by this new collection system and to accompany these changes with clear and meaningful guidelines for tabulating, publishing, and using the data once it is collected.

Let me provide an example to illustrate the importance of such guidance. The Civil Rights Division of the Justice Department is charged with enforcing the Fair Housing Act, which prohibits discrimination in the granting of home mortgages. Monitoring and enforcement generally involve a comparison of decennial census data with institutional reports of lending activity for minority applicants, for a specified geographic area.

If the census data on race and ethnicity for a given census tract includes a percentage of residents who checked off "White" and "Black" or "Asian American", the question is, should the Justice Department consider that portion of the population to be "minority" or "non-minority" for purposes of determining whether there is a pattern of discrimination in that neighborhood? It is particularly important to understand HOW and WHEN to use aggregated or disaggregated data when MORE THAN ONE category is checked. It is equally important to ensure that those kinds of decisions are applied consistently across agency and programmatic

lines.

There are no easy answers to these and similar questions. However, there needs to be clarity in the response, because the soundness of OMB's proposed changes to Directive 15 must be judged, in part, by whether they can be applied in a meaningful and consistent manner over time. Otherwise, the Federal government may inadvertently erase the gains this nation has made over the last few decades in the effort to create a more inclusive society.

Thank you, Mr. Chairman, and Members of the subcommittee for this opportunity to participate in your continued oversight of this important issue.

Mr. HORN. I thank the gentleman and I think he put his finger on the key question.

I now yield to his colleague who has spent many years working with the census, Mr. Petri of Wisconsin. He is the introducer of the Tiger Woods bill, H.R. 830, of the House of Representatives, which would create a multiracial category.

Mr. Petri.

Mr. PETRI. Mr. Chairman, thank you for holding this hearing and continuing to take an interest in the issue of racial categorization.

Last April, I testified before this subcommittee on behalf of the bill you referred to, H.R. 830, to add a multiracial category to the census and other Federal forms which ask respondents to categorize themselves by race. In the course of that testimony, I briefly mentioned some concerns on how the data would be tabulated if, instead of a multiracial category, we were to allow people to check more than one of the existing categories.

As you know, the Office of Management and Budget recently issued its preliminary recommendations which indeed call for a "check all that apply" system. I would like to reemphasize that there should be at least one compilation of data from the race issue on the census in which the total is not greater than 100 percent, and therefore, in which multiracial individuals are included as a separate group when the tabulation occurs.

The numbers can be tabulated in several different ways, of course. If the Bureau wants to publish information about how many people checked off a certain category, including multiracials who checked off that one and another, I certainly have no objection. It might be useful information for certain purposes.

That is done with each of the categories. Those who check off more than one category will be counted more than once, but for some uses of the data that may be OK. For other purposes, however, it is necessary, in order for policymakers to get a clear picture of the situation, that the individual categories do not add up to more than 100 percent of the total.

Thus, we need one compilation in which multiracial individuals who have checked more than one box are counted in their own category and only in that category. These two ways of compiling the data, and perhaps still others, are not mutually exclusive.

I have been briefed by OMB officials on their plans for compiling the data, and I was encouraged by that briefing. Officials there seem to be aware of the need for data in which multiracial individuals are grouped together separately from the other categories.

Although I would like to see a separate box on the form for the multiracial category, counting separately those who have checked more than one box comes close, and if the OMB follows through, would, in my opinion, accomplish the goals of H.R. 830.

I thank you for allowing me to appear here this morning.

[The prepared statement of Hon. Thomas Petri follows:]

Testimony of Rep. Tom Petri
Subcommittee on Government Management Information and Technology
Committee on Government Reform and Oversight

July 25, 1997

Thank you Mr. Chairman for holding this hearing and continuing to take an interest in the issue of racial categorization.

Last April I testified before this committee on behalf of my bill H.R. 830 to add a multiracial category to the census and other federal forms which ask respondents to categorize themselves by race. In the course of that testimony I briefly mentioned some concerns with how the data would be tabulated if, instead of a multiracial category we were to allow people to check more than one of the existing categories. As you know, the Office of Management and Budget recently issued its preliminary recommendations which indeed call for a "check all that apply" system.

I want to reemphasize that there should be at least one compilation of data from the race issue on the census in which the total is not greater than 100% and therefor, in which multiracial individuals are included as a separate group. The numbers can be tabulated in several different ways, of course, and if the Bureau wants to publish information about how many people checked off a certain category, including multiracials who checked off that one and another, I have no particular objection. If that is done with each of the categories those who checked off more than one category will be counted more than once but for some uses of the data that may be okay. For other purposes however, it is necessary, in order for policymakers to get a clear picture of the situation, that the individual categories do not add to more than 100% of the total. Thus we need one compilation in which multiracial individuals who have checked more than one box are counted in their own category and only in that category.

These two ways of compiling the data and perhaps still others are not mutually exclusive. I have been briefed by OMB officials on their plans for compiling the data and was encouraged. Officials there seem to be aware of the need for data in which multiracial individuals are grouped together separately from the other categories. Although I would like to see a separate box on the form for the multiracial community, counting separately those who have checked more than one box comes close and, if the OMB follows through, would accomplish the goals of H.R. 830.

Mr. HORN. Well, again, I think the gentleman has put his finger on one of the key questions. If people do not like the multiracial aspect, maybe we just check a category that says, "I have checked more than one above." We will get into that with the Chief Statistician of the United States and the representatives of the Office of Management and Budget.

I now yield to the gentlewoman from California, Ms. Maxine Waters.

Ms. WATERS. Thank you very much, Mr. Chairman, for the opportunity to testify before the subcommittee today.

The subject of today's hearing is one which potentially impacts every African-American citizen in our country: the recent Federal Interagency recommendation that the Office of Management and Budget make changes to its current standards for measuring race and ethnicity.

The Interagency Committee, a task force with representation from 30 Federal agencies, recently rejected the proposal for creation of a multiracial category, but recommended that individuals be permitted to select one or more of the current categories of race used in the census.

Today, I join with this viewpoint, which is shared by several civil rights organizations, including the Lawyers Committee for Civil Rights Under Law, the National Urban League, the NAACP, and the Joint Center for Political and Economic Studies, in strong opposition to the addition of a multiracial classification in the 2000 census.

The use of a multiracial or biracial category in the 2000 census would jeopardize the ability of individuals in the United States to seek legal redress for continued racial discrimination.

Currently, the United States has made substantial progress. We still have substantial progress to make in the area of racial equality. There is discrimination practiced daily in housing, employment, voting rights, and education.

Federal law enforcement efforts to deter such discrimination often use data collected pursuant to Directive 15 and the U.S. census. Legal redress of persistent racial and ethnic discrimination is contingent on current racial classifications which show disparities in racial treatment in a variety of instances.

I believe that the inclusion of a multiracial or biracial classification is counterproductive to effectively enforcing the civil rights laws of this country. Directive 15 has been indispensable in facilitating the information required to move the Nation's equal opportunity agenda forward.

The data compiled under this policy have been used to enforce requirements of the Voting Rights Act, to review State redistricting plans, to establish and evaluate programs and plans to get rid of discrimination both in the public and private sectors, to monitor and enforce desegregation plans in the public schools, to assist minority businesses under the Minority Business Development Program, and to monitor and enforce the Fair Housing Act.

You also heard, from Congressman Sawyer, how the HUM data is used. I serve on the Banking Committee, and that information has been extremely valuable in helping the banks and financial institutions of this country correct their lending practices.

When they unveiled this valuable data and they saw that loans were being made to whites who had less income, who had less favorable paying records, et cetera, and were able to compare that in communities and census tracts where minorities had been turned down, even though they had the income, they had the records, they had all that you would think would cause a bank to lend to them to buy homes, it was not being done.

The record indicates that significant improvements have occurred in all of these respects. For nearly two decades, Directive 15 has been greatly instrumental in that progress. However, the evidence is equally clear that much more remains to be done. Racial discrimination is still prevalent in American life, and the residual effects of past discrimination continue to limit progress.

Recently publicized discrimination cases, such as that involving Texaco's executives referring to African-Americans as "bright jellybeans" in their board room, are highly instructive on the persistence of discriminatory treatment based on race.

In closing, I would emphasize that I will continue to resist any effort to complicate, reduce, or deter progress toward equal opportunity and racial fairness in American society. The multiracial proposal poses a risk to the ability of Federal agencies to collect useful data on racial classifications. For this reason, I must vigorously oppose any use of a multiracial category in the 2000 census.

Mr. Chairman, prior to closing, I would just like to say that I had an opportunity to look over Mr. Gingrich's testimony, where he had some discussion in here of Tiger Woods. I wanted to engage him in some discussions about another golfer, whose name is Mr. Lee Elder, who was a prominent golfer.

When he was young like Tiger Woods, he would have loved to have been able to participate. I think that his handicap was probably zero, and he was excluded for all of the years. Finally, a big fight was put up to get him finally on the senior tour.

After many, many years and long fighting and organizing by African-Americans and some others, we finally got him on the senior tour, maybe about 8, 9, 10 years ago. If he had had the opportunity to participate back when he was as young as Tiger Woods, you would have seen another Tiger Woods a long time ago.

That story can be told time and time again. Yes, Tiger Woods is extraordinary, but we would like to live in a society where someday other African-Americans with handicaps of 10, 8, and 9 can get to compete just like whites do out on these tours.

All of those—well, let me just say it this way: We should not have to be super, super, super stars to be able to integrate, whether it's golf or anything else. We should be afforded the same opportunity that any other average American is afforded.

While people can point to Tiger Woods and try and relate this to our need to have a multiracial category, let me assure you that this super, super, super human being is a fabulous young man, but there are a lot of other fabulous young African-Americans, had they had the opportunity to participate, like a Lee Elder, too would have excelled on the same tours.

Thank you very much.

[The prepared statement of Hon. Maxine Waters follows:]

Testimony of Rep. Maxine Waters
Hearing on Federal Measure of Race and Ethnicity
and the Implications for the 2000 Census

July 25, 1997

Thank you Mr. Chairman for the opportunity to testify before this subcommittee today. The subject of today's hearing is one which potentially impacts every African American citizen in our country: the recent Federal Interagency recommendation that the Office of Management and Budget (OMB) make changes to its current standards for measuring race and ethnicity.

The Interagency Committee, a task force with representation from 30 Federal agencies, recently rejected the proposal for creation of a "multiracial" category but recommended that individuals be

permitted to "select one or more" of the current categories of race used in the Census.

Today, I join with this viewpoint which is shared by several civil rights organizations, including the Lawyers' Committee for Civil Rights Under Law, the National Urban League, the N.A.A.C.P., and the Joint Center for Political and Economic Studies, in strong opposition to the addition of a "Multiracial" classification to the 2000 Census. The use of a "Multiracial or biracial" category in the 2000 Census would jeopardize the ability of individuals in the United States to seek legal redress for continued racial discrimination.

Currently, the United States has substantial progress to make in the area of racial equality - there is discrimination practiced daily in housing, employment, voting rights, and education. Federal law enforcement efforts to deter such discrimination often use data collected pursuant to Directive 15 and the United States Census. Legal redress of persistent racial and ethnic discrimination is contingent on current racial classifications, which show disparities in racial treatment in a variety of circumstances. I believe that the inclusion of a "Multiracial" or "Biracial" classification is counterproductive to effectively enforcing the civil rights laws in this country.

Directive 15 has been indispensable in facilitating the information required to move the nation's equal opportunity agenda forward. The data compiled under this policy have been used:

* **to enforce requirements of the Voting Rights Act;**
* **to review State redistricting plans;**
* **to establish and evaluate Federal affirmative action plans and evaluate affirmative action and discrimination in the private sector;**
* **to monitor and enforce desegregation plans in the public schools;**
* **to assist minority businesses under the Minority Business Development Program; and**
* **to monitor and enforce the Fair Housing Act.**

The record indicates that significant improvements have occurred in all of these respects, and, for nearly two decades, Directive 15 has been greatly instrumental in that progress. However, the evidence is equally clear that much more remains to be done. Racial discrimination is still prevalent in American life, and the residual effects of past discrimination continue to limit progress. Recently publicized discrimination cases, such as that involving Texaco's executives referring to African Americans as "black jelly beans" in their boardroom, are highly instructive on the persistence of discriminatory treatment based on race.

In closing, I would emphasize that I will continue to resist any effort to complicate, reduce or deter progress toward equal opportunity and racial fairness in American society. The "multiracial" proposal poses a risk to the ability of federal agencies to collect useful data on racial classifications. For this reason, I must vigorously oppose any use of "multiracial" category in the 2000 Census.

Mr. HORN. We thank you.

It is now good to welcome back the gentleman who presided, for many years, in this room, the former chairman of what was then the Government Operations Committee, Mr. Conyers of Michigan, the ranking Democrat on the Committee on the Judiciary.

Mr. CONYERS. Thank you very much, Mr. Chairman, Mrs. Maloney, members of the subcommittee.

I am very pleased to be here with you today to continue this very important dialog, and I look forward to being here with the Speaker of the House. It indicates how important this matter is.

Of course, we can understand his busy schedule, and the prevalence of coups on the Hill makes it rather difficult for him to always be where he wants to be. So let's just hope that all is well on the Republican side. Well, most of us hope all is well on the Republican side and the Speaker will soon be able to join us in this important discussion that has been going on in this subcommittee.

I commend you all, first of all, because we can talk about this and lower our voices and keep the rhetoric to as low a minimum as is possible on the Hill. The President invited the Nation to do that and I think we are doing that if we have this discussion in the manner that we have been. I commend all of my colleagues at the table. They have done an enormously important job and have been working at this for quite a while.

I am heartened by Mr. Petri, my dear friend, indicating that he might be willing to do something that I had been thinking about yesterday. I asked to testify last night; this wasn't something I was planning for a long time. But the reason is I thought that there might be something in here that we could talk about, because I feel that it is important that we identify who is in this country, not only from the national point of view, but from the point of view of the people who are in the country. They have a right to be identified.

Nobody decided to pick mixed parentage. As a matter of fact, nobody decided to be black——

Ms. WATERS. Or white.

Mr. CONYERS [continuing]. Or white. So we come here trying to untangle a legislative problem that has very deep social roots. And the one improvement that I might be willing to consider—and my chairperson of the Congressional Black Caucus always deeply influences my legislative thought processes, especially when she's sitting so close to me. [Laughter.]

The one thing that I might be willing to consider is the identification of a category in which people would be allowed to check more than one box. Now why does that become important? It becomes important because some people want to let everybody know their parentage, just as I, and I presume all of you are proud of, but they don't want to become the victim of what Major Owens said, a category in a government office. They would also like to indicate their preference, if you are biracial, of which identity they choose.

I thought I heard the gentleman from Wisconsin indicate that such a further rethinking of his legislation would be possible. It is in that vein that I come to this hearing to express interest. I had

no idea the gentleman was going to take the words out of my mouth this morning, and I'm very happy about that.

So please count me in on this dialog. As you can see, my views are not in concrete here, but I think that there is a constructive discussion going on, and I thank you for allowing me to participate in it.

Now, I close on a subject that is not on the agenda today, but I urge the continued openness that I hear here, and that is with the subject of sampling. Please, if you are bringing open minds and stretching your understandings of this to the limit, please do not apply it to the subject of sampling.

In some respects, here we are dealing with a way of remedying an admitted problem, a problem that everyone has confessed, that we've been undercounting African-Americans by the millions for decades, and we're trying to figure out how to do it. So we want to keep those avenues as open, as well.

I thank you for the generosity of your time, Chairman Horn.

[The prepared statements of Hon. John Conyers, Jr., and Hon. Carrie P. Meek follow:]

Statement of Congressman John Conyers

House Government Reform and Oversight
Subcommittee on Government Management, Information, and Technology

July 25, 1997

Chairman Horn, Ranking Member Maloney, I thank you for giving me the opportunity to testify before the subcommittee today. I applaud you for having this open and fair discussion on the issue of the inclusion of a "multiracial" category on Census 2000.

Mr. Chairman, what I am going to propose is a solution to this problem that is not going to be welcomed by all of my Congressional Black Caucus colleagues or by all of my friends on the other side of the aisle. Like my CBC colleagues, I am concerned that allowing people to identify themselves as "multiracial" could present some very difficult problems when trying to enforce civil rights laws, but I feel very strongly that people of mixed ancestry must have a way to identify themselves on the census if they desire to do so.

I would like to propose what I believe is a very simple solution for the OMB -- we should include a "multiracial" category on the next census AND within the same question allow people to check all of the racial categories with which they identify. This way, people who wish to assert that they are indeed "multiracial" would be allowed to do so, while we could continue to keep careful track of the racial makeup of our nation

For generations, African Americans have fought for their right to be accurately counted on the census and represented in the government. There are those who are concerned that if we allow a distinct "multiracial" category that we will undermine these rights for which so many battles have been fought. Indeed, if people were allowed to only pick one racial category, I agree that this is likely to be the case However, my solution would both allow people to self-identify as "multiracial" and then identify more specifically the racial data which help us to enforce civil rights laws. **My solution will not only help individuals to identify themselves in the way they are most comfortable, but would also allow the government to continue to fight all racial discrimination.**

I believe that we are becoming a more color-blind society, but we cannot guarantee equality for people of all races if we do not allow people to identify their complete racial background We must not create a divide between multiracial people and other minority communities by denying multiracial people their right to stand up and be counted on the census

Thank you for giving me the opportunity to testify before you on this topic and I urge you and the OMB to consider my solution to this difficult problem.

Statement on proposed changes to the way the Federal government measures individuals according to race and proposals to create a "multi-racial" category for the 2000 census
Subcommittee on Government Management, Information and Technology
Committee on Government Reform and Oversight
July 25, 1997
Representative Carrie P. Meek

Mr. Chairman, I thank you very much for holding another hearing on this very important matter. This hearing may be what President Clinton had in mind when he called for a national dialogue on race.

I applaud the Office of Management and Budget for its hard work. It gets an "A" for effort.

But we cannot yet give it any grade for accomplishment. That is because the proposed regulation does not answer in detail a critical question -- how will the data be tabulated and presented if individuals are instructed that they can check several racial categories on the census form.

The regulation proposed by OMB on July 9 is a serious effort to deal with the complex matter of race. OMB spent four years studying this problem. It consulted with more than 30 Federal agencies. It held hearings in four cities in 1994. It conducted research on how individuals would respond to different forms of the race question.

At your hearing on April 23 you heard different views. Some Members argued for creating a "multiracial" category. I, along with other Members, opposed creating a multiracial category.

I applaud OMB's decision to not create a multiracial category.

But I am very troubled by OMB's alternative of letting people check as many racial categories as they desire. I understand that this alternative allows the children of racially-mixed marriages to avoid choosing between their parents when answering the census questions.

But we must remember that the primary purpose of the racial questions on the census is to permit enforcement of both the equal protection provision of the 14th amendment of the Constitution and the anti-discrimination laws that past Congresses have enacted. These data also give Congress guidance on future legislation.

Permitting people to check several racial categories will not end racial discrimination in this country.

Let me refer to Tiger Woods because his success has focused public attention on this issue. The press reports that he is one-eighth Native American, one-eighth African-American, one-quarter white, one quarter Chinese, and one-quarter Thai. The press also reports that as a child Tiger Woods was barred from playing golf at the Navy Golf Course near Los Angeles even though white children were allowed to play. Does anyone believe he would have been treated differently if he had checked five racial categories?

So we must focus on how the Federal government will present the statistical results of the individual census forms and how this change will affect enforcement of our anti-discrimination laws. If these results are not comparable with the results from our previous censuses, then we will not be able to discern trends over time. How can the courts decide a particular case of alleged racial discrimination over, for example, the Voting Rights Act if there are no historically comparable data? We cannot judge OMB's proposal until we have a clear answer from the Department of Justice on this critical point.

OMB recognizes this issue when it says that "reliable and consistent information is important for enforcing Federal laws." OMB goes on to acknowledge that its proposed change could make it more difficult for the government to comply with the 14th amendment as now interpreted by the Supreme Court.

OMB recognizes the problem, but OMB does not answer it.

On the last page of the 139 page proposed rule OMB says "More research still is needed." OMB goes on to say that "Tabulation methods are particularly important in the case of reporting more than one race, and Federal and state agencies are encouraged to work together, under the auspices of OMB, to develop methods that would produce consistent results for program purposes and for comparison with historical data."

That is not enough. Simply urging everyone to work together is not the answer.

In conclusion, Mr. Chairman, we cannot approve what OMB has done so far until we know the answer to this problem. It is not sufficient to call for more research. If more research is needed, then OMB should wait on making any changes in the current racial classifications until we have the answers from that research.

Mr. HORN. We thank the gentleman for coming.

I will now yield 5 minutes to Mr. Davis of Virginia to begin the questioning for the majority, and then we will alternate with the minority.

Mr. DAVIS OF VIRGINIA. Thank you.

Let me start, Mr. Conyers, I was reading your written statement, which is a little bit at variance to what you said orally. Your written statement says, "I'm going to propose a solution," and throughout it says, "my solution," "my solution," and then you get up here, and you sit next to Ms. Waters, and you said you might be willing to consider your solution.

I don't know, Ms. Waters, if you've looked at Mr. Conyers' proposed solution, what you think of that.

Ms. WATERS. No, I have not, but I listened to his statement, and I think what I heard him say is he knows there is a need to solve this problem. He's still somewhat open. He was pleased to hear Mr. Petri this morning talk about a multiracial category and other categories that could be checked by someone who falls in that definition.

So what I really heard was Mr. Conyers coming here to seek a solution with somewhat of an open mind.

Mr. DAVIS OF VIRGINIA. Do you agree with that? In other words, you could check "multiracial" and then go down and check the other.

Ms. WATERS. No, I came with a little bit of a point of view. However, I do not think that we should simply disregard Mr. Petri's testimony or Mr. Conyers' desire to give further thought to it.

I came pretty much decided that, in fact, the work that is being done by the interagency task force, with the background and the experience, really should be paid attention to. These agencies are looking at all that they must do with the forms that they have in their various agencies, and how we can have some consistency in government, and what would make sense for everybody.

So when I took a look at their work, I thought the recommendation not to have a multiracial category, but to have a number of categories that people could check, made a lot of sense. Then I questioned them very closely that if someone checked more than one category, how then would you count? And they are in the process now of making that determination.

I would really like to see them continue that work so that we can have the benefit of a concentrated effort in making sense out of all of this. While all of us have some opinions, and we deal with 999 things on any given day, none of us are as concentrated and as focused as the interagency task force that is designed to do this kind of work. So that's where I'm coming from.

Mr. DAVIS OF VIRGINIA. Mr. Petri, let me ask you, in your written testimony you make reference to the need for data in which multiracial individuals are grouped together separately from other categories. What are some specific needs, whether in public policy, research, or elsewhere, do you think, for data on the variety of people selecting more than one race?

Mr. PETRI. Well, I think there are a couple of reasons for having people select more than one race.

When Tom Sawyer and I had these hearings, when he scheduled the hearings and I attended, to review the 1990 census, a number of individuals, and perhaps a few representing small groups or newly organized groups, came forward and said they did not think it was fair for their children to be forced to choose between one-half of their heritage and another half of their heritage. They stated that they may have had a Korean mother and an American black father, and why couldn't they say that instead of having to say that they were black or say that they were Asian, or whatever it happened to be.

I found that persuasive and thought that it made sense not to force people into that untenable and uncomfortable position. My solution was to say, well, maybe we should have the current categories, or whatever the experts think makes sense, and then, by the way, if they don't fit, provide another category that wasn't as off-putting as "other," which sounds sort of whatever, but that would reflect the fact they were multiracial.

That's what the bill provided for. But the panel of some 30 agency representatives, under OMB's direction, came up with the idea of why not just, instead of directing people to choose only one category, period, say choose one or more than one as you feel appropriate. Then that eliminates the uncomfortable situation that we were forcing people in by requiring them to choose just one. So that's one benefit.

Now my testimony basically goes to how is that going to be presented for useful purposes by policymakers at the State level and National level, in business, and so on. It seems to me, if when they do the compilation of the census, the different categories total more than 100 percent in a particular area, it starts getting very confusing for redistricting, for example.

So, at least in one iteration, and they can do it many different ways, they ought to have something, whether it's called "multiracial" or people check more than one box, or whatever, a separate category so that all of the percentages total 100 percent. That's the point of my testimony here today.

How it can be used, there are many different ways it can be useful. The census is supposed to be an accurate picture of the American population at a particular point in time. I think this would make it more accurate.

Mr. DAVIS OF VIRGINIA. OK. Thank you. Do you want to add anything to that, Mr. Sawyer?

Mr. SAWYER. If I can add something. I am not going to disagree with what Tom has said. Let me just say, though, that it is important that the data be collected in a way that makes it possible to tabulate, in a variety of ways, for a variety of purposes, so that they can be aggregated and disaggregated for specific applications.

This proposal makes that possible. A multiracial category, on its own, would not, and would, I believe, add to the confusion in the terms that Tom has just described, rather than to clarify it. I believe that what the multiagency task force has suggested will yield the result that all four of us across here are talking about.

Mr. DAVIS OF VIRGINIA. Thank you.

Mr. HORN. We thank the gentleman.

I now yield 5 minutes to the ranking member, Mrs. Maloney of New York, for the purpose of questioning the witnesses.

Mrs. MALONEY. Thank you very much, Mr. Chairman.

I welcome all the witnesses, particularly the former chair of the committee on which I served, Mr. Sawyer and Mr. Petri, the two former chairs of the subcommittee. Really, I want to thank you for the many hours that you have dedicated so far in testifying before this subcommittee. And always, Maxine, you add a lot of spark to all the hearings you participate in. It's always good to see you.

I would like to ask the same question to each of you.

The voting rights laws and the civil rights laws were written to really address discrimination against certain groups of people. Should we accept the recommendations of the interagency task force, which allowed individuals to check various combinations of their heritage that they feel they are, in their self-expression, should that person check one of the areas of protected status, would that person be a protected group, in terms of civil rights laws and voting rights laws?

Mr. SAWYER. Let me begin by referring to Directive 15. I can only assume that the same kinds of limitations that apply to Directive 15 today would apply in the future, and that is to understand that the purpose for which these categories are used is not for personal identification nor qualification for eligibility of any Federal program. It is used to provide aggregate measurement of population in ways that reflect the reality of the Nation.

So it's very important to understand that these categories are not used for eligibility identification; rather, it's so that we can understand the direction and the shape and the change of the country, in the aggregate and in its many components.

Mr. PETRI. Yes. At least in the case of the census form, it's confidential; it's guaranteed to be confidential. All information provided is absolutely confidential and cannot be used by Federal law or any other to, in any way, benefit or hurt an individual.

So the answer to your question really is, what will the courts, lawyers, and administrators make of this change in data. And I don't know. I would think, myself, that an individual would still have all of the protections that they have now. Many people are being forced into one category or another who are, in fact, multiracial. They still deserve protection, and I don't think this would lessen it.

Mr. SAWYER. May I just go back and read from Directive 15. "These classifications should not be interpreted as being scientific or anthropological in nature." We've already talked about that. "Nor should they be viewed as determinants of eligibility for participation in any Federal program." That's the fundamental, underlying principle of these categories.

Mrs. MALONEY. Maxine.

Ms. WATERS. I agree.

Mr. CONYERS. It's an interesting subject that the committee, I now serve on, is going to watch carefully. I'm not asking you to share jurisdiction this morning, or anything like that. But obviously, as has been referred to by many of us this morning, we don't need any more monkeying with the civil rights and voter rights leg-

islation in America. I don't think there's a Member in this room that would support anything that would have that effect.

I think that the gentleman from Ohio's rereading of 15 keeps us all on the same point, and I agree with you, Tom.

Mrs. MALONEY. I just have one last question. I would just like to ask each of you, yes or no, do you support the recommendations of the interagency task force?

Mr. SAWYER. Yes.

Mr. PETRI. As I understand it, I do. I expressed my concern about how the data that's collected is presented, and I assume that, when they think about it, they will not at least have one thing that doesn't total more than 100 percent. In some ways, it's better than H.R. 830.

Ms. WATERS. Yes, I certainly do. And I think the recommendation that they have come forth with so far is reasonable, it is logical, and I think it satisfies, basically, most concerns. And I await the additional information that will further explain the tabulating of that. I'm really pleased to have this concentrated group of individuals who work in all of these agencies working on this.

Mr. CONYERS. Well, I'm not a wishy-washy guy, by my staff instructed me to say, "for the most part." [Laughter.]

Mrs. MALONEY. OK.

Mr. CONYERS. I'll find out what that means. But Mr. Davis, I hope, will give me permission to revise my statement so that it will comport with what I said, with what was written for me. Thank you.

Mrs. MALONEY. Thank you. I yield back the balance of my time.

Mr. HORN. I thank the gentlewoman.

I yield 5 minutes to the gentleman from Ohio, Mr. Portman, for questioning the witnesses.

Mr. PORTMAN. Thank you, Mr. Chairman, and I thank the panelists for the information today.

This is my first hearing on this. I'm the newest member of this committee. I came back, Chairman Conyers, after being away for a few years. I was on with you for my first year. So I really am new at this issue and probably reflect, therefore, most of the other Members of the Congress who have not had the opportunity to spend as much time on this. I found both the opening statements of my colleagues here interesting, as well as informative, and yours.

I have a couple very elementary questions, I suppose. The first is, it does seem important to me that all of us understand better, not those of you here, but those of us in the Congress who are not so close to it, what this data is used for.

I think I have a better sense of that now, Tom, after your explanation. This is really aggregate data. It's not for eligibility for a specific program, but it's data that would be used for such things as redistricting, probably the most sensitive issue, but other general directional policy questions where you need to have the aggregate.

Mr. SAWYER. That's correct.

Mr. PORTMAN. With that in mind, I guess my fundamental question is, how do you avoid the double counting?

I'm intrigued. I did read your statement, John, and also heard your oral statement, and it seems to me that to give people an opportunity to identify themselves as multiracial, if indeed they are and view themselves that way, is only fair. On the other hand, one would want to have a further breakdown, as you indicate in your written statement. It seems to me inevitable, then, you have double counting.

How do you avoid that? Can someone respond to that for me?

Mr. CONYERS. Yes. Having never thought about this subject that you've asked me before in my life, let me say that it is my view that double counting is not the world's worst thing. There's one way to get a total number of the people in the United States. The fact that some of the total number of people check more than one box, I don't think will even throw the Census Bureau people off too much. I mean, this is not rocket science.

Some people check two boxes. So don't, Census Department, add up all the boxes and say we got more than 100 percent. Got it, Census?

So my view is that this may be, you know, a complex problem, but from this point of view of this Member, I just don't see that as what we really have to worry about too much.

Mr. PORTMAN. Other panelists want to comment?

Mr. SAWYER. I'm going to urge you strongly to ask the folks from OMB about this and to refer that question specifically to the career professionals at the Census Bureau.

But what John just said is correct. Each response counts as a single response. It may have more than one dimension to it, but that does not count for more than one response. So each person responding only counts as one person, no matter how many different categories they may check.

Mr. PETRI. Yes. I would just add, if people were going to be counted as more than one response if they check more than one box, I guarantee you, for redistricting purposes, I will work as hard as I can to get everyone in Wisconsin to check every box on the census form. [Laughter.]

Mr. PORTMAN. You'd have four or five more Members of Congress from Wisconsin.

Mr. PETRI. And I suspect every other Governor, Senator, and State legislator in the country will do exactly the same.

So what we are wanting to do is to have a more accurate census and accommodate changes in our population. It seems to me that checking more than one, and those that check more than one, the multiracial cut on it, doing other cuts on it, all makes sense.

I would think it would be a mistake, myself, in doing the total, to try to deaggregate it. So if someone checked three boxes, say, well, we'll add one-third of a vote to this category and another third to that category, and so on. That strikes me as probably easily creating confusion rather than making a more accurate situation. In sociology and in our society, some people think of themselves as mixed, so why not admit it and reflect that in the data.

Mr. PORTMAN. Let me clarify one point, then, for my edification. Maybe I missed something here, but you indicated earlier that you supported the interagency recommendation, which rejects the idea of a multiracial category. Is that correct?

Mr. PETRI. No, it doesn't really reject the notion of a multiracial category. It accommodates the concern I had in introducing legislation to provide for a multiracial category, which was that if you are told you must classify yourself as one or another, and you don't feel, as Tiger Woods is an example and a lot of other people, that that is accurate, that you're a bit of each, you are, right now, not accommodated in the census form.

Telling people that they could check "multiracial" struck me as a way of solving that problem. The census task force thinks telling people that they don't have to check just one, they can do more than one, that's fine, too.

When it's presented, then, though, my only concern is that you then don't go ahead and end up with 110 or 120 percent in your totals. Instead, when you present it, if you want to call it a multiracial category, or whatever, you would have a separate category, for statistical reporting purposes, that would reflect those who checked more than one box.

Mr. PORTMAN. I will yield back to the chairman because my time is up.

Ms. WATERS. OMB asked us to wait until they come back with a recommendation about how to do it. And I'm just reserving my opinion on that aspect of it until they come back, having given some real thought to it, to suggest to us how it should be done.

Mr. PORTMAN. Maxine, are you still concerned—and this goes to your written statement, John, really—that given that—as I understand the procedure you're suggesting, Tom—still individuals who consider themselves to be multiracial might not have the opportunity, at the outset, to identify themselves in that manner. Is that correct?

Mr. CONYERS. No, they would.

Mr. PETRI. No, they would.

Ms. WATERS. No, no.

Mr. PORTMAN. They would?

Mr. PETRI. They would, because they could put down black and Asian, or black, Asian, and Caucasian.

Mr. PORTMAN. So they would have the opportunity to identify themselves by one or more.

Ms. WATERS. That's right.

Mr. PORTMAN. But not as multiracial, as a category.

Mr. PETRI. Yes. You wouldn't have to choose between your black mother; you could put down both. You're a bit of each.

Mr. SAWYER. If I might offer a clarification. The question that Tom is concerned about is one of tabulation. We don't want to have tabulation that confuses the issue about how many people we're talking about. The issue that we're dealing about here is one of identification as you fill out the form. The recommendations that all of us are suggesting to OMB is that they make sure, in their instructions, that the tabulation be done with absolute clarity.

So there are two separate questions.

Mr. PORTMAN. Thank you, Mr. Chairman.

Mr. HORN. I yield 5 minutes for the purpose of questioning to the gentleman from Illinois, Mr. Davis.

I might add, before he begins, we have a vote in progress. Fifteen minutes to get over there. There might be other votes. This is a

motion on the previous question. So we will try to complete the questioning, if you're not coming back. If you can come back, we've got 15 minutes of questioning here, potentially.

Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Let me just say that I appreciate the testimony of each one of our distinguished witnesses. Let me just ask, we know that there are political as well as cultural consequences of the census. I observed, as I listened to the dialog, it occurred to me that if all of us were as close and congenial as the four of you, that in all probability we could work out, with relative ease, most situations that we face.

But my question is, looking at the political and cultural implications, in your minds does one outweigh the other, or how do we consider the two? I think what I'm looking for are some instructions from OMB.

I know, Representative Waters, you indicated that you wanted to hear their position, but I think that this may be an excellent opportunity to give them some ideas and instructions as they wrestle with what these boxes would actually mean.

Ms. WATERS. Well, Mr. Davis, let me just say, I agree with the first recommendation to be able to check more than one box. I think that is a good, sound recommendation, and I think that that recommendation takes care of the concern about those who see themselves as multiracial. There is no need for a box called "multiracial."

I don't have a clue about how to tabulate it. That's a different question. I don't know and I have no recommendation about how they would take an individual who checks three boxes and tabulates that so you don't get more than 100 percent. I just don't know how to do that.

But I would like to add—and this may be a little bit outside of your question—that for those people who may be concerned about having a multiracial category, they may be of the opinion that this information is somehow seen and identified with them as an individual, when in fact it is not.

This information, compiled and used in a general way, needs to be explained, I think, to the public, so that people won't think that Ms. Jones is somehow going to be identified other than what Ms. Jones believes she is, because they have checked this form. It does not work that way.

What Ms. Jones needs to understand is, if she is not given the opportunity to check a category that would ensure that we protect her from discrimination, and we are able to count in ways that will identify where certain things are occurring and help to make those corrections, she must understand that she will be a lot better off in this society by having those kinds of protections than not.

That's the kind of discussion we have not had an opportunity to get into, in this overall education process.

Mr. DAVIS OF ILLINOIS. Anyone else?

Mr. CONYERS. Well, I don't have a University of Chicago in my district, Danny, so I can't deal with these kinds of questions this morning.

Mr. DAVIS OF ILLINOIS. We'll help you.

Let me just say—and I think it's time to go—I think you raise a very interesting point, because many of the individuals with whom I have spoken, who indicated that they were looking for a multiracial category, have indicated that is was a very personal feeling and item to them.

We have often suggested to them that, yes, that's important and that's one thing, but just as important as your personal feeling really is where you fit as part of a group, especially if you're a member of a minority group and you're seeking equal protection and equal opportunity under the law.

So I thank you very much.

Ms. WATERS. Thank you.

Mr. HORN. We thank the gentleman.

The subcommittee stands in recess for approximately 12 minutes.

[Recess.]

Mr. HORN. The subcommittee will reconvene.

We will begin with panel III: Susan Graham, president of RACE; Carlos Fernandez, coordinator of law and civil rights, Association of Multiethnic Americans; Harold McDougall, director, Washington Bureau, NAACP; and Dr. Mary Waters, Department of Sociology, Harvard University.

If you would please come forward, we will begin.

I might add, for the benefit of the audience, we could have several votes coming up, presumably, they say, maybe within 10 minutes. I thought I would come back, since I've seen those things last an hour before they go, and we will just keep plugging away.

We have a tradition on this subcommittee, which is an investigating subcommittee, of swearing all witnesses except Members of Congress to the oath, as to their testimony. So if you would stand and raise your right hands.

[Witnesses sworn.]

Mr. HORN. The clerk will note that all four witnesses affirmed the oath.

We will just take them in the order that they are in our agenda, and that means we begin with Susan Graham, president of Project RACE.

I believe you are from Georgia, are you, Ms. Graham?

Ms. GRAHAM. Yes, I am from Georgia.

Mr. HORN. Well, the Speaker had very much hoped to be here to introduce you, but he and Mr. Lott and a few of the White House people are working together, so that will have to be postponed. So please begin.

STATEMENTS OF SUSAN GRAHAM, PRESIDENT, PROJECT RACE; CARLOS FERNANDEZ, COORDINATOR FOR LAW AND CIVIL RIGHTS, ASSOCIATION OF MULTIETHNIC AMERICANS; HAROLD McDOUGALL, DIRECTOR, WASHINGTON BUREAU, NAACP; AND MARY WATERS, DEPARTMENT OF SOCIOLOGY, HARVARD UNIVERSITY

Ms. GRAHAM. Thank you.

I am pleased to be with you again today, representing the national membership of Project RACE. I testified before the subcommittee on May 22 about the plight of multiracial children in America who are without a racial classification. My son Ryan also

testified. He told you that he wants a classification that describes exactly who he is, multiracial.

This time I've brought two other young ladies from Georgia along with me. They have a vested interest. They are both multiracial. One is my daughter, Megan Graham; and the other is Ashleigh Miller. Ashleigh's mother filed a suit against OMB so that Ashleigh and her brother could be considered multiracial.

I have been asked to come back today to address the interagency recommendation to the Office of Management and Budget. The national membership of Project RACE expressed feelings of elation at the "mark one or more" parts of the recommendation. For the first time in the history of this country, our multiracial children will not have to choose just one race. It is progress.

But after the elation came the sad truth. Under the current recommendation, my children and millions of children like them, merely become "check all that apply" kids, or "check more than one box" children, or "more than one race" persons. They will be known as "multiple checkoffs," or "half-and-halfers," or as John Hope Franklin, chairman of President Clinton's Race Relations Commission referred to them, "half-white Negroes and half-black whites."

They are none of the above. They are multiracial children.

The worldwide readership of "Interracial Voice" and the national membership of A Place for Us join with Project RACE in strongly advocating for a multiracial category. We want the message to be very clear: multiracial category children exist, and the Federal Government recognizes them.

You must understand that the proposal, in effect, says, multiracial persons are only parts of other communities; they are not whole. When I was in school, one-half plus one-half equalled a whole. I think it still does, unless you're multiracial.

Let's be very clear. The compromise for "check one or more," without a multiracial identifier, was not a compromise with the multiracial community. It was a compromise with the opponents of the category.

I have brought short comments from Project RACE members from across the country, of all ages and races, voicing their opinions about the recommendation and the need for the multiracial classification. I ask that they be entered into the record.

Mr. HORN. They will be in the record at this point.

[The information referred to follows:]

COMMENTS FROM PROJECT RACE MEMBERS IN RESPONSE TO THE INTERAGENCY RECOMMENDATION

"My strong support of the multiracial category comes from experience and hope to be recognized as my own unique person, not an outcast."
T. Suzette Newman, South Carolina

"Being able to check-off more than one racial designation is half-a-loaf. Our children must have the option of multiracial as a fully recognized category."
Ron Brawer, New York

"It should not be the government's responsibility to dictate to an individual how they are to identify themselves. As a parent of a multiracial child, it is imperative that he not only has the opportunity, but also has the freedom to identify as a multiracial person. This can only be accomplished by including a multiracial category on all forms that require this information."
Michelle Erickson, Illinois

" I am brown. Where do I fit in?"
Alex McHenry, Age 9, Illinois

"I have been teaching on the college level for over 25 years. Students of mixed ancestry I have taught have become more and more expressive of their desire to self-identify as multiracial. Although opponents of a multiracial category have indicated that other groups will suffer because of the existence of a multiracial identifier, that has not been the case here in North Carolina, one of the few states which uses such a term."
William Javier Nelson, Ph.D., North Carolina

"Perhaps by official recognition that all people do not belong to single racial groups, we can move closer to the day when we will see each other as Americans or simply fellow human beings."
Fred S. Kirby, Virginia

"White Americans have never had to fight for their identity. One-race minorities have had to struggle for respect—but they are clearly identified. Biracial Americans have a right to be identified."
Pamela Watkins, Colorado

"I am writing the committee to encourage the passage of a Multiracial Classification. I have lived 29 years of my life without a category that accurately expresses my racial makeup. It is an extremely frustrating process."
K. Michelle Smawley, New York

"It is good to see some movement by OMB, but another examination would seem to be warranted as regards the multiracial classification. If nothing else that would accomplish two things: It would lend deserved dignity to those involved, and it would keep it simple."
David Goodnow, Georgia

"I am concerned about multiracial for 2000 cenuens (I 'm not sure how to spell it!)"
Michelle Trzecinski, Wisconsin

"My children are biracial and whenever I am forced to write race down I continue to use multiracial as I feel the barriers have been set up for years in this troubled country of America and need to be dismantled."
Louisa M Toews, Georgia

"Multiracial children and adults deserve the right to be recognized as a racial category just as Hispanic, Caucasian, American Indian and Black individuals currently are today."
Susan Young, Virginia

"The "Multiracial" category is no more or less "vague" or " confusing" than the "white," "black," "Asian," etc. categories. Opponents of the multiracial category sneer that an Asian/white person has nothing in common with a white/black person or an Indian/white person, etc. What does a Swedish Lutheran have in common with a Turkish Muslim or a Portuguese Catholics with an Anglo-Saxon Southern Baptist? Yet, our Census Bureau claims they are all equally "white." What does an African American Methodist from Mississippi have in common with a Nigerian Muslim or a Somali or an upper-class Jamaican Anglican? Yet, the Census Bureau claims they are all part of one "black" race and/or community. To attack the multiracial category as "vague" is DISCRIMINATION because no other category has such rigid and ridiculous standards."
A. D. Powell, Wisconsin

"I am both heartened and troubled by the recent news that the OMB has seen fit to make recommendations for a 'check all that apply' category on the 2000 Census. This is, as many who have been following this struggle in the last few years will attest, progress. 'Progress' is a tormenting thing at times and *this* would appear to be one of those times. While I have no first-hand knowledge of what it is to be multiracial in this culture, I know individuals who do, and these people, many of them young, need to feel that they are not just afterthoughts in a government machine that couldn't care less about the individual. They breathe. They have emotions and feelings. They are human beings."
Sam Pereira, California

"As an interracial family we feel that this (adding a multiracial category) is important for our children. It is important for our children to be able to identify a category that defines who they are."
Zeke and Angela McDaniel, Georgia

"I feel that an actual "multiracial" category is in order and that people should be able to check all that apply. Considering the millions of children and adults who consider themselves multiracial, this is long overdue!"
Marsha Alston, Triangle Interracial & Multicultural Experience, North Carolina

"As the mother of two multiracial teenagers and an early childhood professional with Head Start, I must urge the Committee and OMB to **reconsider** its recommendation 6.1.1 "when a list of races is provided...the list should not contain a 'multiracial' category"...I ask on behalf of a growing segment of our nation's children, that the OMB refine its progressive recommendation to enumerate Multiracials by **adding a "Multiracial" classification along with the instructions to check all racial categories that apply.** This method will insure an easier way to access the growth of this population, historic comparability, and more detailed information for health and social service program planning."
Kimberly Crafton, Michigan

"I am 50 years old and a clinical psychologist. I am also biracial with a white appearance. My father was African American and my mother was European American. I am not an "other" nor does any other category on the census form accurately represent my racial makeup. I implore you to assist multiracial citizens to feel accepted by the U. S. government by recommending to Congress that a multiracial category be placed on the 2000 Census. When a multiracial category is achieved, a model will have been established that would create a place for us to belong. It has been documented that a feeling of belonging leads to increased self esteem, a very important aspect of a well adjusted individual."
Juanita O. Brooks, Psy.D., Florida

"[a]ccurate racial designations may help multiracial children receive proper medical screening for diseases that effect certain racial groups."
Dr. J. C. Bolen, Georgia

"I urge Congress to let the real truth be known—a multiracial option on federal forms and surveys is a desperately needed and entirely appropriate act of inclusion. Please recognize the right of all multiracials to accurately and completely self-identify. Establish a distinct multiracial category, in addition to OMB's recommendation of "mark one or more."
Nathan Douglas, Maryland

Ms. GRAHAM. Thank you.

Representatives of OMB stated in a media briefing held on July 8, 1997, that a multiracial classification would "no doubt add to racial tension and further fragmentation of our population." This statement is racist, untrue, and inflammatory.

In the seven States which currently have a multiracial category, there has been no racial tension or fragmentation of the population as a result of the multiracial classification. In fact, people of all races have been glad to have the multiracial category. I have heard of no race riots, hate crimes, protests, or the slightest bit of tension in those seven States because of the multiracial classification.

And incidentally, those seven States include Mr. Sawyer's and Mr. Portman's State of Ohio, Mr. Conyers' State of Michigan, Mr. Davis' State of Illinois, and Speaker Gingrich's State of Georgia.

The Interagency Committee obviously recognizes the need for appropriate racial labels. They have recommended adding African-American to the black category, changing Hawaiian to Native Hawaiian, and changing Alaskan Native to Alaska Native. Terms like Latino can be added to Hispanic. Why can't multiracial be used in addition to "check more than one"? Why is it unimportant to be multiracial but important to be African-American or Latino?

Why does OMB object to the word "multiracial"? First, because they do not want to define the word. In fact, they don't have to define it at all. OMB Directive 15 should state, "A multiracial person may have origins in two or more of the listed groups." OMB Directive 15 could state, "Multiracial persons can but are not required to report more than one race" instead of "Persons of mixed racial origin can but are not required to report more than one race."

Second, some of the leadership of the other minority communities just do not like the term "multiracial." Their irrational fear of loss of numbers was addressed during the last hearing. It is simply ridiculous that multiracial children should have to have the sanction and approval of other minority groups in order to have their own identity.

Equally disturbing is the lack of information on how persons who check more than one box will be counted. The recommendation speaks of tabulation in algorithms. They say they won't be able to figure it out until January 1, 1999. The recommendation states, "Data producers are encouraged to provide greater detail about the distribution of multiple responses." Encouraged but not mandated.

There are 10 additional combinations under the "check one or more scheme." Six persons who check two boxes, three persons who check three boxes, and one person who would check four boxes. That's it; 10 combinations is all we're talking about.

The only accurate and complete way for the government to report the breakdown of this racial group is to report on the additional 10 categories under the major heading of "multiracial." It should be mandatory to report this way. Not only is it the most accurate way to count, but it gives us the information absolutely necessary for medical purposes. To allow people to check more than one box and then revert to some kind of scheme to reaggregate them into one racial category is discriminatory.

It doesn't take 50 task forces and 50 government statisticians running around to find out how other countries do this, to see how

it can be done accurately. It certainly shouldn't take 2 years, and it should have been decided in the 4 years of OMB investigation. Thus, we are being asked to comment on a recommendation which has not answered a very important part of the outcome.

I listened to comments of Representative Tom Sawyer the other day about sampling on the census. He repeatedly said, "The goal is accuracy." If the goal is accuracy for the argument of sampling, then the goal should be accuracy in counting people who do fill out their census forms. Can we afford to have two different standards when it comes to the accurate portrayal of the makeup of race in America?

Further, it must be made very clear that respondents to race can report more than one race. It is not enough to have it hidden within OMB's Statistical Directive 15; it must be stated clearly on forms. The Project RACE recommendation, which we presented before, "if you consider yourself to be biracial or multiracial, check as many as apply," is far more preferable to ambiguous language. We must have clarity if accuracy is our goal.

I want to wrap up with talking about who is confused here. President Clinton said last week that his high profile panel on race would focus on multiracialism, yet his administration is afraid to define "multiracial."

One of the reasons given by the Interagency Committee under "Findings not favoring adoption of a method for reporting more than one race," is that there are no Federal legislative requirements for information about the multiracial population. But there are also no Federal legislative requirements for an African-American identifier either.

This subcommittee should recommend passage of H.R. 830 so that no one is confused or, as Mr. Conyers from Michigan said, we should include a multiracial category with the same questions and checkoffs below it. That would also be another way that we could do it.

The recommendation is for an implementation of the "mark one or more" scheme by the year 2003. Is this so confusing that it will take 6 years to implement? My son, who first testified on this issue when he was 8 years old, will be 18 years old in the year 2003. He will be old enough to vote and still not have a multiracial classification. I wonder who he will vote for?

When I told my son Ryan about the interagency recommendation, he looked at me and said, "Mom, what's the Federal Government going to call me next—gray—Why can't they let me be multiracial?" Perhaps you can answer that question for him better than I.

Thank you.

[The prepared statement of Ms. Graham follows:]

STATEMENT OF SUSAN GRAHAM
PRESIDENT
PROJECT RACE, INC.
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT, INFORMATION, AND TECHNOLOGY
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
U.S. HOUSE OF REPRESENTATIVES
JULY 25, 1997

Mr. Chairman and members of the Subcommittee, I am pleased to be with you again today representing the national membership of Project RACE. I testified before this subcommittee on May 22 about the plight of multiracial children in America who are without a racial classification. My son, Ryan, also testified. He told you that he wants a classification that describes exactly who he is—multiracial.

I have been asked to come back today to address the Interagency recommendation to the Office of Management and Budget. The national membership of Project RACE expressed feelings of elation at the "mark one or more" part of the recommendation. For the first time in the history of this country our multiracial children will not have to choose just one race. It is progress. But after the elation came the sad truth.

Under the current recommendation, my children and millions of children like them merely become "check all that apply" kids or "check more than one box" children or "more than one race " persons. They will be known as "multiple check offs" or "half and halfers." Or as John Hope Franklin, Chairman of President Clinton's Race Relations Commission referred to them, "half-white Negroes" and "half-black whites." They are none of the above—they are multiracial children. The message should be very clear: ***Multiracial children exist and the Federal government recognizes them.***

You must understand that the proposal in effect says multiracial persons are only parts of other communities. They are not whole. When I was in school one-half plus one-half equaled a whole. I think it still does—unless you are multiracial.

Let's be very clear: The compromise for "check one or more" without a multiracial identifier was not a compromise with the multiracial community. It was a compromise with the opponents of a multiracial category. Malcolm X said, "You don't stick a knife in a man's back nine inches and then pull it out six inches and say you're making progress."

Cornel West, Harvard professor and author of *Race Matters* says, "When we talk about identity, it's really important to define it. Identity has to do with protection, association, and recognition. People identify themselves in certain ways in order to protect their bodies, their labor, their communities, their way of life; in order to be associated with people who ascribe value to them, who take them seriously, who respect them; and for

purposes of recognition, to be acknowledged, to feel as if one actually belongs to a group, a clan, a tribe, a community." Please take my children's multiracial identity seriously. Show respect for them and the fact that they DO belong to a community. It is important and it is very, very real. Again, the message should be very clear: ***Multiracial children exist and the Federal government recognizes them.***

OBJECTIONS TO THE WORD "MULTIRACIAL"

Representatives of OMB stated in a media briefing held on July 8, 1997 in Washington, "There should not be [a] separate racial category (a check box) called "multiracial." (this stand alone category provided no useful information and the research showed that there is no general understanding of what the term means. Further, having a separate category would, in effect, create another population group, and no doubt add to racial tension and further fragmentation of our population)."

The statement that a multiracial classification would "no doubt add to racial tension and further fragmentation of our population" is **racist, untrue and inflammatory.** In the seven states which currently have a multiracial category there has been no racial tension or fragmentation of the population as a result of the multiracial classification! In fact, people of all races have been glad to have the multiracial category. I have heard of no race riots, hate crimes, protests, or the slightest bit of tension in those seven states because of the multiracial classification. **OMB is perpetuating the "parade of horribles" from the same racist circus which the minority communities began.**

The Interagency Committee obviously recognizes the need for appropriate racial labels. In Section 5.3.4.1. of the *Federal Register* notice, titled "Should the term 'Black' or 'African American' be used?" it is stated that "Smith (1992) notes that the terms can be important because they are used by the particular group's members to indicate achievement of standing in the greater community." They therefore recommended adding "African-American" to the "Black" category, changing "Hawaiian" to "Native Hawaiian," and changing "Alaskan Native" to "Alaska Native." Terms such as "Haitian" or "Negro" can be used in addition to "Black" or "African-American." Terms such as "Latino" or "Spanish Origin" can be used in addition to "Hispanic." Why can't multiracial be used in addition to "check more than one"? **Why is it unimportant to be multiracial, but important to be African-American or Latino?**

Why does OMB object to the word "multiracial"? First, because they do not want to **define** the word. In fact, they don't have to define it at all. OMB Directive 15 should state:

A multiracial person may have origins in two or more of the listed groups.

OMB Directive 15 could state "Multiracial persons can, but are not required to, report more than one race" instead of "persons of mixed racial origin can, but are not required to, report more than one race."

Second, some of the leadership of the other minority communities do not like the term multiracial. Their irrational fear of loss of numbers by using the multiracial category was addressed during the last hearing. It is simply ridiculous that multiracial children should have to have the sanction and approval of other minority groups in order to have their own identity.

THE BIG QUESTION

Equally disturbing is the lack of information on how persons who check more than one box will be counted. The recommendation speaks of "tabulation" and "algorithms." They say they won't be able to figure it out until January 1, 1999! The recommendation states, "Data producers are encouraged to provide greater detail about the distribution of multiple responses." *Encouraged? Not mandated?*

There are ten additional combinations under the "check one or more" scheme:

6	-	persons who check 2 boxes
3	-	persons who check 3 boxes
1	-	persons who check 4 boxes
10		

That's it. Ten combinations. The only accurate and complete way for the government to report the racial breakdowns is to report on the additional ten categories **under the major heading of multiracial.** It should be mandatory to report this way. Not only is it the most accurate way to count, but it gives us the information absolutely necessary for medical purposes.

To allow people to check more than one box and then revert to some kind of scheme to re-aggregate them into one racial category is **discriminatory**. Yes, it may uphold the one-drop rule and satisfy the minority communities, but do we want that or do we want accuracy? It doesn't take task forces and 50 government statisticians running around to find out how other countries do this to see how it can be done most accurately. It certainly shouldn't take two years and it should have been decided in the four years of OMB investigation. Thus, we are asked to comment on a recommendation which has not answered a very important part of the outcome.

I listened to comments of Representative Tom Sawyer (D-Ohio) the other day about sampling on the Census. He repeatedly said, " The goal is accuracy." If the goal is accuracy for the argument of sampling, then the goal should be accuracy in counting those who **do** fill out their Census forms. Can we afford to have two different standards when it comes to the accurate portrayal of the make-up of race in America?

The recommendation format for Directive 15 also states when the combined racial and ethnic format is used, "When data are reported, a minimum of two additional categories designated "Hispanic and one or more races" and "More than one race", must be included if the criteria for data quality and confidentiality are met and both race and ethnicity and multiple races were collected." Can someone tell me what the "criteria for data quality and confidentiality" means? OMB can't seem to tell me, yet we are being asked our response to this.

Further, it must be made very clear that respondents to race can report more than one race. It is not enough to have it hidden within OMB Statistical Directive 15—it **must** be stated clearly on forms. The Project RACE recommendation of "If you consider yourself to be biracial or multiracial check as many as apply" is far more preferable to ambiguous OMB language. **We must have clarity if accuracy is our goal.**

WHO IS CONFUSED?

President Clinton said last week that his high-profile panel on race would focus on "multiracialism," yet his administration is afraid to define "multiracial."

One of the reasons given by the Interagency Committee under "Findings not favoring adoption of a method for reporting more than one race" are that there are no Federal legislative requirements for information about the multiracial population." There are no Federal legislative requirements for an "African-American" identifier either. This subcommittee should recommend passage of H.R.830 so that no one is confused.

The Committee goes on to say, "Most Americans are probably of mixed ancestry, depending on how ancestry is defined, and could confuse ancestry or ethnicity with race." It seems to me that they are making a case for doing away with the ancestry and ethnicity questions, and removing the Hispanic identifier as well.

The recommendation is for implementation of a "mark one or more" scheme by the year 2003. Is this so confusing that it will take **six years** to implement? My son, who first testified on this issue when he was 8-years-old will be **18-years-old** in the year 2003. He will be old enough to vote, and still not have a multiracial classification. I wonder who he will vote for.

The recommendation of this subcommittee should be clear: ***Multiracial children exist and the Federal government recognizes them.***

When I told my son Ryan about the Interagency recommendation he looked at me and said, "Mom, what's the Federal government going to call me next—gray? Why can't they let me be multiracial?" Perhaps you can answer that question for him better than I.

Mr. HORN. We thank you for your testimony. It has been very helpful.

Without objection, the testimony of Representative Carrie P. Meek will be put in the record at the end of the Members' panel.

We now go to Carlos Fernandez, coordinator for law and civil rights, the Association of Multiethnic Americans.

Mr. Fernandez.

Mr. FERNANDEZ. Thank you, Mr. Chairman.

My name is Carlos Fernandez. I am here speaking for myself and also on behalf of the Association of Multiethnic Americans. I am the association's coordinator for law and civil rights, and served as its founding president in 1988.

The Association of Multiethnic Americans is a nationwide confederation of multiethnic, interracial groups, representing thousands of people from all walks of life, and includes individuals and families of various racial and ethnic origins and mixtures.

On June 30, 1993, I had the opportunity to testify on behalf of AMEA before the House Subcommittee on Census, Statistics, and Postal Personnel, to present for the first time an overview of our concerns with respect to the acknowledgement of multiracial, multiethnic people by our government.

I hereby incorporate that testimony herein by reference.

Mr. HORN. Without objection, it will be put in the record at this point.

[The information referred to follows:]

Testimony of
the ASSOCIATION OF MULTIETHNIC AMERICANS
Before the Subcommittee on Census, Statistics and Postal Personnel
of the U.S. House of Representatives

Washington D.C.
June 30, 1993

Presented by Carlos A. Fernández, Esq. President (San Francisco)
Assisted by Edwin C. Darden, Vice President, Eastern Region (D.C.)
and Ramona E. Douglass, Vice President, Central Region (Chicago)

The Association of MultiEthnic Americans offers this testimony regarding the federal government's classification of people whose racial or ethnic identification encompasses more than one of the designated classifications currently in use.

Introduction

The Association of MultiEthnic Americans (AMEA) is the only nationwide confederation of local multiethnic/interracial groups representing thousands of people from all walks of life and includes individuals and families of various racial and ethnic origins and mixtures. We represent one of the fastest-growing populations in the United States. (According to the Population Reference Bureau, children born to parents of different races went from 1% to 3.4% of total births from 1968 to 1989; from 1970 to 1991, the number of mixed race couples excluding Hispanics increased from 310,000 to 994,000. See Appendix 10.)

AMEA was founded on November 12, 1988 by representatives of local interracial groups, many of which emerged around the country during the late 1970s and early 1980s. In many cases, these groups formed as parents, multiracial adults and others began to challenge the official classification of multiracial, multiethnic people, particularly in connection with the public schools.

This issue of racial classification served to highlight the more general concerns of multiracial/multiethnic people in the United States and elsewhere. Of special concern to us then and now is that peculiar form of bigotry aimed at interracialism and interculturalism which is present in all ethnic communities. Many of us who fit into more than one of the official categories realize that our very identity is a challenge to this deeply ingrained prejudice of a divided world.

Consequently, AMEA's primary goal is to promote a positive awareness of interracial and multiethnic identity, for ourselves and for society as a whole.

We believe that every person, especially every child, who is multiethnic/interracial has the same right as any other person to assert a identity that embraces the fullness and integrity of their actual ancestry, and that every multiethnic/interracial family, whether biological or adoptive, has the same right to grow and develop as any other, and that our children have the right to love and respect each of their parents equally.

We also believe that a positive awareness of interracial and multicultural identity is

an essential step toward resolving America's, and also the world's, profound difficulty with the issues of race and interethnic relations. We are convinced that our community is uniquely situated to confront these issues because of the special experiences and understanding we acquire in the intimacy of our families and our personalities.

AMEA seeks to accomplish it's goals by winning recognition from government---local, state and federal---as well as from the media, and engaging every opportunity to express our views and provide information on issues which concern our community. We have sought out and received the support of academics and professionals who recognize the social significance and magnitude of our concerns. We are establishing a national resource center and legal fund.

The Racial/Ethnic Classification Issue

The issue of racial/ethnic classifications on government-regulated forms is the most immediate tangible concern of most members of our community. Each and every time we confront one of these forms, we are faced yet again with the awkward, irrational, and for many of us, the offensive task of selecting a "race" or "ethnicity" which does not truthfully identify us and has the further result of failing to count our community.

This is why we are here today. To let you know our concerns about government racial classifications, and to offer our proposal for meeting these concerns in a workable manner.

Our Proposal -
Acknowledging Multiracial/Multiethnic People on Forms

In general, AMEA wants to see a government-wide reform to accommodate and acknowledge the particular identity of people whose racial or ethnic identification encompasses more than one of the designated classifications currently in use.

For instance, whenever a question calls for "racial" classification, the category "multiracial" should be included. Whenever a question calls for "ethnic" classification, the category "multiethnic" should be included. Whenever racial and ethnic information is sought in a combined format, the category "multiracial/multiethnic" should be included.

Additionally, the categories "multiracial", "multiethnic" and "multiracial/multiethnic" should each be followed by a listing of the racial and/or ethnic groups appearing on the main list. This secondary listing should be used to signify the racial/ethnic identifications or origins of the parents of the individual being tallied.

Current Government Race/Ethnic Classifications -
OMB Statistical Policy Directive 15

The most important and far-reaching rule affecting governmental classifications is set forth in Office of Management and Budget (OMB) Statistical Policy Directive 15. (Appendix 1). The stated purpose of this directive is to facilitate the exchange of racial and ethnic statistics among governmental agencies by standardizing the reporting of this information.

OMB Directive 15 affects all governmental agencies including the census, the

public schools, Social Security, etc. Additionally, the Directive sets the example for the private sector. If reform is to be made affecting the counting of multiracial people anywhere in government, OMB Directive 15 must be changed.

OMB Directive 15 sets forth five racial/ethnic categories and requires reporting in one category only for each individual counted ("check-one-only"). "Other" is not one of the reporting categories.

OMB Directive 15 forces government agencies at all levels to design their racial/ethnic query forms in such a way that the information provided can be reported in terms of one of the Directive 15 categories only. Thus, people whose parentage encompasses more than one of the designated categories cannot be counted, except monoracially. This causes tremendous problems, not only for the individuals involved, but also for the government agencies who must develop forms and rules which offend both multiracial/ethnic people as well as any rational standard of accuracy.

AMEA proposes that OMB Statistical Directive 15 be changed in order to allow the accurate counting of multiracial/ethnic people. This change may be accomplished quite simply by (1) the addition of a "multiracial" and/or "multiethnic" category and (2) providing a subsection for those choosing to identify as multiracial/ethnic to signify their racial/ethnic parentage in terms of the other listed categories. (Appendix 2)

This proposal (1) counts people accurately according to their actual identity; (2) provides statistical continuity by accounting for the racial/ethnic component(s) which may be relevant for various government studies and programs; and (3) avoids unnecessary and unwarranted government influence and interference in the very sensitive and private matter of personal identity.

The Census

The 1990 Census, as in past censuses, maintains its own format for asking about racial/ethnic information. However, even the Census Bureau must ensure that its statistics are reportable in the terms dictated by OMB Directive 15. This meant that in 1990 monoracial/ethnic responses were required in the race and Hispanic questions (#4 & #7), although multiple answers were permitted in the ethnic ancestry question (#13) on the long form. (Appendix 3).

Census officials inform us that responses to "other race" were assigned to monoracial categories for OMB reporting purposes when the various racial components were stated. (Appendix 4). One version of the rule applied in these instances of which we are aware is that the first race stated was the one to which the response was assigned. Responses such as "multiracial" or "mixed" required either a visit by a census taker to obtain a monoracial response, or else they were not counted.

Additionally, responses such as "multiracial" when written in cannot be discovered from any publicly-available reports of the Census Bureau although presumably, the individual responses are there.

Thus, one of the principal agencies of government charged with supplying important demographic information for government and business is hamstrung when it comes to counting the community we represent. This is primarily a consequence of the

reporting requirements of OMB Statistical Directive 15.

The Public Schools

Perhaps nowhere is the impact of OMB Directive 15 more keenly felt by members of the multiracial/ethnic community than in the public education system. (Appendix 5). Indeed, the initial impetus in the formation of many local interracial groups across the country has been the classification of multiracial/ethnic children in public schools.

Beginning with the success of the AMEA-affiliated group "Interracial Intercultural Pride" (I-Pride) in California which succeeded in getting the Berkeley Public Schools to adopt an "Interracial" category in 1981 (limited to internal uses by OMB Dir 15) (Appendix 6), and continuing with the efforts of others, notably of Project RACE in Georgia, the Cincinnati Multiracial Alliance in Ohio, Michelle Erickson and her supporters in Illinois (Appendix 7), Patricia Whitehead in San Diego, students at Harvard University and of others including AMEA, the multiracial/ethnic community has been spurred on by the particularly offensive application of OMB Directive 15 in the realm of public education.

Why?

First, when government compels the multiracial, multiethnic family to signify a factually false identity for their child, it invades their fundamental right of privacy. Every multiracial/ethnic family is entitled to safeguard its integrity against unwarranted intrusions by the government. No child should be forced to favor one parent over the other by any governmental agency.

Second, it violates a fundamental right of privacy of the multiracial/ethnic individual to require that they deny their factual identity and heritage, including the right to their own distinctive identity as a multiracial/ethnic person. Such a requirement offends personal dignity and interferes in a negative way with the development of self-esteem of multiracial/ethnic students.

Third, it is especially offensive as well as a violation of privacy to require that school officials "visually inspect" for purposes of racially classifying a student who does not identify monoracially. This procedure has more in common with the sorting of animals than it does with the ordinary respect supposed to be accorded human beings. We cannot conceive of any reasonable basis for this procedure.

Fourth, it is appalling that an educational institution should require the giving of factually false information on school census forms. The teaching of facts and truth is the essence of education. A multiracial, multiethnic child or her parents cannot give a monoracial response and be truthful at the same time. It is wrong for government to make such a requirement of its citizens, parents and children alike.

There is also an argument to be made from the standpoint of religious belief. For example, the central tenet of the Baha'i Faith is the oneness of humanity. As a consequence, members are encouraged to marry across racial and cultural lines. For the offspring of such marriages, any requirement by school officials to identify by monoracial category places them in double jeopardy, challenging both their personal integrity and religious belief. (ref. Peter Adriance, National Spiritual Assembly of the Baha'is of the

United States, Washington DC) (Appendix 8).

Public Health

The practice of not recognizing racial/ethnic mixture even reaches into the area of public health. Unbelievably, the National Center for Health Statistics denies the identity of multiracial, multiethnic people. In fact, this denial reached such absurd proportions that in 1989, the race of children of single mothers changed from race of the father to race of the mother! At no time was the race of the child recorded accurately as *multiracial* when this was actually the case. This sort of statistical method might serve someone's social views of race, but in public health where such statistics are required for life and death decisions such as allocation of research and health program funds or the rendering of medical assistance, there is no excuse.

Certainly, patterns of gene expression are different in racially and ethnically diverse individuals than they are in people whose genes are more closely similar. Thus, ignoring the fact of multiracial people in the gathering of these statistics can lead to false conclusions about the health needs of various population groups. Recent findings lend support to this conclusion. (See for instance the recent study in the New England Journal of Medicine showing significant differences in the metabolizing of drugs such as Inderal among different population groups; also, the ongoing efforts to improve the availability of compatible organ transplant donors).

Moreover, we have anecdotal evidence of multiracial/ethnic people whose identity is confused by health care professionals, particularly in potentially life-threatening emergency situations.

Multiracial people can be characterized in various ways by different individuals, but rarely are we characterized as multiracial! This has as much to do with cultural training as with traditional, unscientific notions of race and race mixture inappropriately applied in the keeping and reporting of medical records and statistics.

Assessing the Needs of the Multiracial/Ethnic Community

Disallowing the specific identity of multiracial/multiethnic people also deprives our community of basic data required to objectively assess or even discover those of its needs which might require legislative or even judicial action. Indeed, this is one of the rationales for keeping racial/ethnic statistics on the various other minority populations.

There is, for example, a form of discrimination arising from the special bigotry against racially mixed people which deserves attention and can only be gauged statistically if this population is counted specially and not just as "other" or as monoracial.

Certainly, there is no shortage of anecdotes and specific cases wherein bigotry against interracial people and families has occurred throughout US history, continuing even today. One need look no further than the cases involving the anti-miscegenation laws for evidence of this fact. The record of the 1967 case of *Loving v. Virginia* which AMEA commemorated last year [see *NY Times* June 12, 1992] was filled with the most nonsensical pseudo-scientific pap about the supposedly debilitated progeny of interracial

unions, and hysterical fears that society might become "mongrelized" and thereby eventually collapse.

We are painfully aware that such prejudices persist in this country, even among members of minority groups. Whether these prejudices exist in patterns of discrimination can only be determined if accurate statistics are available. Because of current government classification rules, these patterns cannot at present be known with any reasonable certainty or accuracy.

Public Policy Considerations

In keeping with its origin in the Executive Branch of the Federal Government, OMB Statistical Directive 15 is supposed to aid the administration of government programs dealing with various racial and ethnic populations in the United States. In and of itself, Directive 15 in theory cannot dictate public policy, only facilitate its implementation.

Unfortunately, in its current form, Directive 15 unnecessarily incorporates a policy denying the fact of interracial/ethnic mixture, as well as failing to provide statistics that are accurate, a fundamental requirement if government is to function effectively, by mischaracterizing multiracial/ethnic people. It enshrines highly questionable and controversial notions of racial and ethnic group affiliation, in particular, the idea that individuals cannot transcend racial/ethnic lines even when they do!

It may be true that Directive 15 does not provide for the counting of multiracial/ethnic people only incidently and inadvertently. This may be because the Legislative Branch, the Congress, has not acted to establish a public policy which explicitly acknowledges the existence of multiracial/ethnic people. Until it does so, OMB may not feel compelled to count us.

Now is the time for the Congress to make its concerns known to the Executive Branch in this area. Indeed, this hearing today is a positive development in that regard.

Congress has already enacted laws to encourage and improve the civil rights of all citizens, especially those who have historically suffered discrimination based on their race or ethnicity. One of the most important public policies upon which these enactments were made was, and remains, the desire to strengthen the unity of this country by eliminating barriers between individuals and communities based on race. Some of this was accomplished under the gun of Supreme Court decisions, some because it was believed to be sound public policy.

In keeping with this broad policy of national unity, it might be argued that racial and ethnic classifications should be done away with entirely. But such a view is utopian and also distorts the reality of continuing communal divisions based on race and ethnicity.

The better argument is that we must step up our efforts to improve the chances of all our citizens against the forces of prejudice, bigotry and separatism, thereby rendering racial and ethnic classifications increasingly irrelevant.

In the meantime, we should take advantage of the socially unifying force that is superbly represented by the multiracial, multiethnic community. As stated previously, our community is uniquely situated to confront racial and interethnic issues because of the

special experiences and understanding we acquire in the intimacy of our families and our personalities. Ideally, our community has the potential to become the stable core around which the ethnic pluralism of the United States can be united.

In order to take advantage of the multiracial community's potential, this society must first recognize and acknowledge our existence. In concrete terms, this means accommodating our identity on official forms if not in common parlance. Once the concept of people whose identities transcend traditional racial and ethnic boundaries is accepted, the idea of social unity becomes easier to visualize. Without this concept, we enshrine racial and ethnic divisions.

Many sociologists agree that the degree of intermarriage and multiracial families in a society is a good gauge of the degree of racial/ethnic harmony of that society (For citations, see Murguia, *Chicano Intermarriage*, 1982). What that degree might be at any given moment and over time cannot be known accurately unless it is measured.

International Implications

Accommodating the multiracial/ethnic community in America by recognizing its specific identity also has important global implications.

For instance, a recent study by the World Affairs Council of Northern California found that racism and ethnic division hurts the U.S. economically (San Francisco Chronicle, October 5, 1992). Conversely, it is reasonable to assume that racial and ethnic harmony, which is best represented by the multiracial community, can be an enormous advantage to this country. However, we cannot make full use of this advantage if we refuse to recognize the existence of the multiracial community, and we cannot recognize its existence if we deny its identity.

There is also the question of interracial, interethnic harmony across the world. This question bears on the health of the world economy as much as it does on the simple matter of peace.

Certainly, the experiences attendant to the breakup of the Soviet Union and Yugoslavia demonstrate the critical need for new thinking and new models for establishing and maintaining world peace and order. One important component of any new thinking must necessarily involve families and individuals whose very identities transcend racial and ethnic divisions and who therefore cannot abide the prejudices and bigotry that feed the fires of intercommunal wars. Of all the countries in the world, it should be the one whose motto is "E Pluribus Unum", the one nation that has the advantage of having drawn upon all the nations of the world for its people, the only nation that has the power, momentarily, to influence the other countries of the world in the ways of multiethnic living, that sets the example for others. Certainly this is at least an ideal to which we should aspire.

One important aspect of international relations of which we should be particularly concerned in this regard is the silence of the international community including the United States on the rights of multiethnic peoples caught in the conflicts between ethnic communities asserting their recognized rights of self determination and sovereignty. This may seem a distant concern for consideration by this Subcommittee, but in fact, it is the

same failure to recognize and acknowledge multiracial, multiethnic people there as here. We cannot hope to influence others to protect the rights of anyone if we cannot first demonstrate our own ability to do so within our own borders. We cannot do this if we cannot even recognize the existence of multiracial/ethnic people who are the links between our own diverse racial and ethnic communities.

Questions Submitted by the Subcommittee and Responses

1. What are the primary purposes of the racial and ethnic categories?

A race question has appeared in every census beginning with the first one in 1790. The original utility of this question was to help ascertain the number of "free white persons" as distinguished mainly from black slaves and Native Americans. These two non-white groups were the only ones of any numerical consequence at the time.

Questions relating to ethnicity or "national origin" have appeared on most censuses, particularly in connection with the large-scale immigrations beginning in the late 19th century. Presumably the purpose here was to account for the newcomers in order to then legislate a restriction on their continued immigration.

The other most notable use of racial classifications occurred at the state level in the regulation of marriages and the tabulation of birth and death records, mainly for discriminatory purposes.

In recent years, racial and ethnic questions have been continued. However, their primary purpose has fundamentally changed. With the advent of the civil rights movement and the US Supreme Court decisions that accompanied it, these questions have acquired a new importance. The information thus provided has become essential in the implementation of court decisions involving civil rights as well as in the allocation of government resources to meet the needs of various identifiable population groups who have suffered from discrimination. Recent court rulings have affirmed this purpose citing especially 13 USCS §141 (Texas v. Mosbacher 1992 SD Tex, 783 F.Supp 308).

The Office of Management and Budget (OMB) specifies its own purposes for the collection of racial and ethnic information. Statistical Policy Directive 15 which reaches to and affects all governmental entities including the census and the public schools, specifies that: "The minimum standard collection categories shall be utilized for reporting...Civil rights compliance reporting...General program administrative and grant reporting...(and) Statistical reporting" where required by statute or regulation.

2. How well are the current categories working (in terms of data accuracy and public acceptance)?

AMEA cannot answer this question except with respect to the interracial/multiethnic community we represent.

On behalf of this community, we state emphatically that the current categories on the census, school enrollment and other governmental forms are wholly inadequate and grossly inaccurate in that there is no category or procedure by which multiracial/multiethnic people can identify themselves comfortably and accurately. The

requirement on most forms to identify with only one specified category is a solicitation for inaccurate information when a factual response by a multiracial or multiethnic individual would require identification with more than one of the specified categories. This means (1) that multiracial people are not being accounted for and (2) other population groups are being mischaracterized.

Many people in the multiracial/multiethnic community are not accepting of the census categories currently employed and are often highly offended. They are particularly disturbed by the requirements of the OMB Directive 15 as it affects the forms used in the public schools and encountered by their children where even the option "other" is not available. And it must be said, the "other" category, when it is available, is also unacceptable to us, for both practical and philosophical reasons.

3. If the current categories are inadequate, how best can we increase their usefulness without compromising data comparability and public acceptance?

AMEA has outlined elsewhere in this written statement how questions calling for racial or ethnic information might be changed to accommodate the need for accuracy and acceptance by our community. We believe these proposals provide a method by which the need for statistical continuity can be met.

4. Would use of an ethnic identifier, or another set of categories, be more useful than a racial one?

Limited strictly to the question of "usefulness", racial and ethnic identifiers are probably equally effective. However, everything hinges on the meaning of the two terms "race" and "ethnicity". People typically use the terms interchangeably depending on what they are interested in (see Saint Francis College v. Al-Khazraji, 481 US 604 (1987)). There are individuals among the community we represent who choose to identify monoracially when what they really mean to indicate is the community to which they most closely interact (particularly if they grew up in a segregated environment) or for whose interests they wish to express support. In a real sense, they are identifying ethnically, although racially, strictly speaking, they would be considered multiracial. If the census and other governmental agencies wish to have any hope of getting a handle on all this, they must present the questions and categories in such a way that these phenomena can be properly discerned.

For instance, many if not most ethnically-identified African Americans are "multiracial"; so, incidentally, are most "Hispanics". Thus, simply adding a multiracial category would introduce unnecessary confusion. A deracialized approach would serve better because it takes into account the actual divides between communities which are not based on the 3-race theory, but rather on real cultural communities with historic origins in legal segregation and/or the presence of international borders; the multiracialism with which we are concerned is more properly a question of ethnicity, and therefore, the type of identity we are really concerned with is multiethnic in nature. And certainly, for most multiracial persons, the issues associated with this heritage have as much to do with the integration of different cultures as with the issue of skin color, even in the case of

children of European American and African American parentage.

Of course, any deracializing of classifications on government forms must contend with the reality of popular perceptions. Thus it might make sense to employ a transitional scheme where "race" is used interchangeably with "ethnic". This is more easily understood by most people. "Ethnic" is a good term because properly, it incorporates both "race" and "culture" i.e. an ethnic group is primarily endogamous (racial) and shares a common culture based on social interactions occurring mainly within the community.

5. Should the federal government adopt a "bi-" or "multiracial" category, and what are the legal implications of such a category?

The census and all governmental entities should adopt a "multiracial" category when the question posed is "racial", "multiethnic" when the question is ethnicity, and both when racial and ethnic information is sought in a combined format. The prefix "multi-" is preferred to "bi-" since there are many instances of persons whose ancestry includes more than two racial or ethnic groups.

There is no particular legal implication that we can see arising from the adoption of a "multiracial/ethnic" category, though we do see legal problems arising from the current requirements of OMB Directive 15, some to which we have already alluded.

Of course, there is the question of how the adoption of such a category might impact various minority benefit programs since presumably, many persons now counted monoracially would then be counted as multiracial.

Furthermore, we understand the concern of government demographers and statisticians for continuity in their records.

Our proposal takes both of these questions into account by requiring that the races/ethnicities of parents be signified for each individual identifying as multiracial or multiethnic. In this way, it is possible to continue including multiracial people in various minority benefit programs if Congress deems such to be appropriate. Since many multiracial people have traditionally been discriminated against as if they were monoracial, their continued inclusion in at least some of these programs would seem justified. The need for continuity is preserved insofar as the sudden statistical "disappearance" of monoracial individuals from particular racial categories can be accounted for in the multiracial category in the manner proposed.

V. Conclusion

The Association of MultiEthnic Americans believes that now is the time for the Congress to take and recommend whatever actions are necessary to accommodate and acknowledge the particular identity of multiracial, multiethnic people. In particular, OMB Statistical Policy Directive 15 must be changed as we have proposed.

It is unacceptable to AMEA and the community it represents that what purports to be a mere administrative device should be the reason we are denied our identity. Directive 15 as it currently reads must be changed because (1) it fails its own test of accuracy and (2) it too conveniently corresponds to traditional notions of bigotry directed

Mr. FERNANDEZ. Thank you.

I submitted written testimony to this subcommittee, in May of this year, reviewing the legal and constitutional issues which pertain to the Government's racial and ethnic classifications as they affect multiracial, multiethnic individuals. I hereby also incorporate that testimony herein by reference.

Mr. HORN. Without objection, it will be put in at this point.

[Note.—The information referred to can be found on p. 558.]

Mr. FERNANDEZ. Following the enactment of the 1965 Civil Rights Act, the newly created Equal Employment Opportunity Commission.

Mr. HORN. 1964. I think you mean 1964.

Mr. FERNANDEZ. Excuse me, it is a typo. Yes.

The newly created Equal Employment Opportunity Commission required employers to report on the numbers of Negroes, Orientals, American Indians, and Spanish-Americans, and produced Standard Form 100 for this purpose. Other agencies followed suit.

By the 1970's, racial statistics gathered from agencies of government at all levels were becoming unwieldy and standardization was deemed necessary. Mindful of this, the Office of Management and Budget produced Statistical Policy Directive 15 in 1977. Directive 15 remains to this day the supreme authority for racial classifications in the United States, affecting all Governmental agencies, including the census, the public schools, Social Security, and so forth.

The directive also dictates classification policy to the private sector through the EEOC, the Small Business Administration, as well as by way of example. OMB Directive 15 sets forth five racial ethnic categories: white, black, Asian/Pacific Islander, Native American/Alaskan Native, and Hispanic. Additionally, the directive requires reporting in one category only for each individual counted, the so-called "check one only" rule. "Other" is not one of the reporting categories.

Directive 15's stated purpose is to require government agencies at all levels to design their racial and ethnic query forms in such a way that the information provided can be reported in terms of one of the Directive 15 categories only. Thus, people whose parentage encompasses more than one of the designated categories cannot be counted except monoracially. No reason is stated as to why an individual must report in only one category.

The OMB's Interagency Committee for the Review of the Racial and Ethnic Standards announced this month its recommendations regarding OMB's Statistical Directive 15. In particular, the Interagency Committee recommended that Directive 15 be amended to permit multiple checkoffs on government forms whenever racial and ethnic information is requested.

Additionally, the Interagency Committee specifically ruled out the addition of a new classification for multiracial individuals. The Interagency Committee did not issue any proposed draft for the amended Directive 15. The committee recommended that the proposed changes be used in the 2000 decennial census and that all agencies conform to the changes no later than January 1, 2003. There wasn't any mention as to whether any agency might be permitted to implement the proposed changes before the year 2000.

The Association of Multiethnic Americans and allied organizations and individuals regard the Interagency Committee recommendations as a necessary and revolutionary change. If implemented appropriately, we believe the proposed changes to OMB Directive 15 will meet our most fundamental concern; namely, acknowledgement by our government that multiracial/multiethnic people do, in fact, exist and have a right to be counted.

Additionally, the proposed changes will resolve the legal and constitutional problems presented by the current Directive 15, which I pointed out to this subcommittee in May.

While we have proposed that the directive be changed to also include a new classification for multiracial/multiethnic individuals, a proposal that we stand by, we nonetheless regard the Interagency Committee's recommendations as the best compromise possible at this time, and will wholeheartedly support them.

There are, however, three major concerns we have about the final wording about the amended Directive 15, all of which are, in our view, critical. One, Directive 15 must ensure that the total number of individuals returning multiple responses to racial and ethnic questions can be discerned.

The tabulation procedure to be adopted must be one that allows us to distinguish both the numbers and composition of people returning multiple responses. Our understanding is that the OMB wishes to ensure this, as well, and has solicited assistance in devising a practical means to accomplish this.

Without such a tabulation, the numbers of multiracial/multiethnic people will be lost among the other classifications. Among other things, this would impede assessing the health needs of our population and would serve no fathomable purpose.

Directive 15 must include clear language that will allow for multiple checkoffs for individuals who are both Hispanic and non-Hispanic. It would be grossly inconsistent, and again would serve no fathomable purpose, to single out one particular segment of the population by denying them the same right to indicate, in a factual manner, their identity.

The Interagency Committee's recommendations were unclear on this point, making reference only to racial identification, and saying nothing about whether the amended Directive 15 will retain its dual interchangeable formats, one of which racializes the Hispanic classification, the other which treats Hispanics as an ethnic group.

Third, Directive 15 must not include any prohibition on the use of a multiracial/multiethnic classification by any government agency. The Interagency Committee recommended against the addition of a multiracial/multiethnic classification but said nothing about explicitly prohibiting the use of such an identifier by any agency subject to Directive 15.

The committee explained its position by saying that "Having a separate category would, in effect, create another population group, and no doubt add to racial tension and further fragmentation of our population."

We do not agree with this opinion of the Interagency Committee and still believe that a multiracial/multiethnic classification should be included, albeit only together with the multiple checkoffs that have been recommended. However, we believe that the probable in-

tent of this opinion was to explain why they were not recommending a new classification in the directive itself and not a prohibition on its use.

Several States and other public bodies have already legislated the use of a multiracial classification. We believe these laws should stand and that, prospectively, other public bodies be permitted to enact such laws, as long as they are amended or enacted to include multiple checkoffs.

We disagree that a multiracial/multiethnic classification would "create a new population group." The population group to which they refer already exists and is growing rapidly. We also take issue with the opinion that a multiracial/multiethnic classifier would "add to racial tension" and "fragment our population." The essence of the multiracial/multiethnic population is one of racial and ethnic unity.

As we have stated before, our community is specially situated to confront racial and interethnic issues, precisely because of the special experiences and understanding we acquire in the intimacy of our families and our personalities. Of all populations, ours has the unique potential to become the stable core around which the ethnic pluralism of the United States can, in fact, be united.

We thank the subcommittee for hearing our views.

[The prepared statement of Mr. Fernandez follows:]

Testimony of
the ASSOCIATION OF MULTIETHNIC AMERICANS
and Carlos A. Fernández
Before the Subcommittee on Government Management, Information, and Technology
of the U.S. House of Representatives

Washington D.C.
July 25, 1997

Presented by Carlos A. Fernández, Esq.
Coordinator for Law and Civil Rights
Association of MultiEthnic Americans, Inc. (AMEA

The Association of MultiEthnic Americans and Carlos A. Fernandez hereby offer this testimony in support of the recommendations issued this month by the Interagency Committee for the Review of the Racial and Ethnic Standards regarding the federal government's classification of people whose racial or ethnic identification encompasses more than one of the designated classifications currently in use.

Introduction

The Association of MultiEthnic Americans (AMEA) is a nationwide confederation of multiethnic/interracial groups representing thousands of people from all walks of life and includes individuals and families of various racial and ethnic origins and mixtures.

On June 30, 1993, I had the opportunity to testify on behalf of AMEA before the House Subcommittee on Census, Statistics and Postal Personnel to present for the first time, an overview of our concerns with respect to the acknowledgment of multiracial/ethnic people by our government. I hereby incorporate that testimony herein by reference.

I submitted written testimony to this subcommittee in May of this year, reviewing the legal and constitutional issues which pertain to the government's racial and ethnic classifications as they affect multiracial/ethnic individuals. I hereby also incorporate that testimony herein by reference.

OMB Statistical Directive 15

Following the enactment of the 1965 Civil Act, the newly-created Equal Employment Opportunity Commission required employers to report on the numbers of "Negroes", "Oriental", "American Indians", and "Spanish Americans" and produced Standard Form 100 (EEO-1) for this purpose. Other agencies followed suit.

By the 1970's, racial statistics gathered from agencies of government at all levels

were becoming unwieldy and standardization was deemed necessary. Mindful of this, the Office of Management and Budget (OMB) produced Statistical Policy Directive 15 in 1977. Directive 15 remains to this day the supreme authority for racial classifications in the United States, affecting all governmental agencies including the census, the public schools, Social Security, etc. The Directive also dictates classification policy to the private sector, through the EEOC, the Small Business Administration, as well as by way of example.

OMB Directive 15 sets forth five racial/ethnic categories: "White", "Black", "Asian/Pacific Islander", "Native American/Alaskan Native", and "Hispanic". Additionally, the Directive requires reporting in one category only for each individual counted ("check-one-only"). "Other" is not one of the reporting categories.

Directive 15's stated purpose is to require government agencies at all levels to design their racial/ethnic query forms in such a way that the information provided can be reported in terms of one of the Directive 15 categories only. Thus, people whose parentage encompasses more than one of the designated categories cannot be counted, except monoracially. No reason is stated as to why an individual must report in only one category.

Recommendations of the Interagency Committee

The OMB's Interagency Committee for the Review of the Racial and Ethnic Standards announced July 9, 1997 it's recommendations regarding OMB Statistical Directive 15. In particular, the Interagency Committee recommended that Directive 15 be amended to permit multiple check-offs on government forms which ask for racial and ethnic information from individuals.

Additionally, the Interagency Committee specifically ruled out the addition of a new classification for multiracial individuals.

The Interagency Committee did not issue any proposed draft for the amended Directive 15.

The Committee recommended that the proposed changes be used in the 2000 decennial census, and that all agencies conform to the changes no later than January 1, 2003. There was no mention as to whether any agency might be permitted to implement the proposed changes before the year 2000.

Assessment of the Recommendations

The Association of MultiEthnic Americans and allied organizations and individuals regard the Interagency Committee's recommendations as a necessary and revolutionary

change. If implemented appropriately, we believe the proposed changes to OMB Directive 15 will meet our most fundamental concern, namely, acknowledgment by our government that multiracial/ethnic people do in fact exist and have a right to be counted. Additionally, the proposed changes will resolve the legal and constitutional problems with the current Directive 15 which I presented to this subcommittee in May.

While we had proposed that the Directive be changed to also include a new classification for multiracial/ethnic individuals, a proposal we standby, we nonetheless regard the Interagency Committee's recommendations as the best compromise possible at this time, and will wholeheartedly support them.

There are, however, three major concerns we have about the final wording of the amended OMB Directive 15, all of which are, in our view, critical.

1) Tabulation: Directive 15 must ensure that the total number of individuals returning multiple responses to racial and ethnic questions can be discerned. The tabulation procedure to be adopted must be one that allows us to distinguish both the numbers and composition of people returning multiple responses. Our understanding is that the OMB wishes to ensure this as well and has solicited assistance in devising a practical means to accomplish this. Without such a tabulation, the numbers of multiracial/ethnic people will be lost among the other classifications. Among other things, this would impede assessing the health needs of our population, and would serve no fathomable purpose.

2) Hispanic-non-Hispanic: Directive 15 must include clear language that will allow for multiple check-offs for individuals who are both Hispanic and non-Hispanic. It would be grossly inconsistent, and again, would serve no fathomable purpose, to single out one particular segment of the population by denying them the same right to indicate in a factual manner their identity. The Interagency Committee's recommendations were unclear on this point, making reference only to "racial" identification, and saying nothing about whether the amended Directive 15 will retain its dual, interchangeable formats, one of which "racializes" the Hispanic classification, the other of which treats Hispanics as an "ethnic" group.

3) Multiracial/ethnic Category: Directive 15 must not include any prohibition on the use of a multiracial/ethnic classification by any government agency. The Interagency Committee recommended against the addition of a multiracial/ethnic classification, but said nothing about explicitly prohibiting the use of such an identifier by any agency subject to Directive 15. The Committee explained it's position by saying that "having a separate category would, in effect, create another population group, and no doubt add to racial tension and further fragmentation of our population."

We do not agree with this opinion of the Interagency Committee and still believe

that a multiracial/ethnic classification should be included, albeit only together with the multiple check-offs they have recommended. However, we believe that the probable intent of this opinion was solely to explain why they were not recommending a new classification, and not to recommend a prohibition on its use.

Several states and other public bodies have already legislated the use of a multiracial classification. We believe these laws should stand, and that prospectively, other public bodies be permitted to enact such laws, as long as they are amended or enacted to include multiple check-offs.

We disagree that a multiracial/ethnic classification would "create" a new population group. The population groups to which they refer already exists and is growing rapidly. We also take issue with the opinion that a multiracial/ethnic classifier would "add to racial tension" and "fragment our population". The essence of the multiracial/ethnic population is one of racial/ethnic unity. As we have stated before, our community is specially situated to confront racial and interethnic issues because of the special experiences and understanding we acquire in the intimacy of our families and our personalities. Of all populations, ours has the unique potential to become the stable core around which the ethnic pluralism of the United States can be united.

Conclusion

The Association of MultiEthnic Americans supports the recommendations of the Interagency Committee for the Review of the Racial and Ethnic Standards and pledges to assist the OMB and any other government agency or body in implementing them in a practical, accurate, fair and just manner.

We thank the Subcommittee for hearing our views. We stand ready to be of further assistance as you may request.

APPENDIX

1. Written Testimony of Prof. G. Reginald Daniel

STATEMENT OF G. REGINALD DANIEL
SUBMITTED TO
THE COMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
U.S. HOUSE OF REPRESENTATIVES

WRITTEN TESTIMONY

Mr. Chairman and Members of the Subcommittee:

I am a Professor in the Department of Sociology at the University of California, Santa Barbara. My research, publications and teaching focus on comparative issues of race and identity in global perspective, particularly as this relates to multiracial individuals in Brazil, South Africa and the United States. Since 1989, I have taught three of the first university courses in the United States to compare multiracial identity in the United States with diverse parts of the world: "Betwixt and Between: Multiracial Identity in Global Perspective," "Close Encounters: Racial and Cultural Blending in the Americas," and "Converging Paths: Multiracial Identity in Brazil, South Africa and the United States."

I also identify as multiracial and have spent much of the last forty years exploring the complexities of this topic. Consequently, I fully support the current Interagency Committee report recommending revisions in statistical surveys that will make it possible for individuals to mark more than one box if they identify with more than one of the current single-racial/ethnic groups recognized in Directive No. 15. Indeed, the most consistent grievance I hear expressed by multiracial-identified students in my classes--and multiracial-identified individuals generally speaking--centers around not being able to indicate their identity accurately on official forms that request information on race/ethnicity.

In order for you to address these concerns, I recommend that you provide a combined format that includes a "multiracial" identifier, but that ALSO allows individuals to check off all the single-racial/ethnic categories that apply. The most feasible way of achieving this would be to include the following instructions: "If you consider yourself to be biracial or multiracial, check more than one box." This format would help respondents understand that they are not simply being asked to report their ancestry (as is the case in question no. 14 on the census long form) but rather, their identity. If this distinction is not made, many individuals who have multiple ancestries, but actually have a single-racial identity, may misinterpret the questions intent.

Furthermore, it will be very important to tabulate and report this data in a way that acknowledges both "single racial" responses and "multiracial" responses, or "multiple racial" responses, since one of the purposes of making this change is to provide more accurate data on contemporary demgraphics.

However, the inclusion of a multiracial identifier, along with the "check more than one box" format, would also help alleviate the psychological oppression perpetuated by current methods of data collection and help change a wide variety of societal attitudes reinforced by these methods which currently force multiracial-identified individuals to make an inauthentic choice. In this sense, changes in current data collection methods would be another logical step in the progression of civil rights--not to mention human rights--and help deconstruct the very means by which racist ideology and racial privilege are enforced in the United States, which is the notion of racial "purity."

Sincerely,

G. Reginald Daniel
Department of Sociology
University of California, Santa Barbara

Mr. HORN. We thank you very much for coming.

Our next witness is Harold McDougall, the director of the Washington Bureau of the NAACP.

You have the title of, I think, one of your predecessors, who was one of the finest people that ever walked Capitol Hill, and that was Clarence Mitchell. He happened to be one of my three mentors when I came to the Hill, in 1960, as a Senate staff person. So you are filling a very honorable office.

Mr. MCDOUGALL. Thank you, Mr. Chairman.

I'm also trying to fill very large shoes. As you mentioned, he was referred to as "the 101st Senator" and "the Lion of the Lobby."

I am Harold McDougall, the director of the Washington Bureau of the NAACP, the Nation's oldest and largest civil rights organization, over 600,000 members in the 50 States and the District of Columbia, and around the world.

I would like to summarize my testimony, Mr. Chairman, and have it incorporated into the record.

Mr. HORN. Without objection, all testimony is automatically incorporated the minute I introduce you.

Mr. MCDOUGALL. Certainly.

Mr. HORN. Feel free to summarize.

Mr. MCDOUGALL. Also, I will just make the formality of requesting that my May testimony be incorporated, as well.

Mr. HORN. Absolutely. Without objection.

[Note.—The information referred to can be found on p. 307.]

Mr. MCDOUGALL. Thank you.

Currently, the Federal Government uses race data for statistical and administrative purposes, including monitoring civil rights compliance pursuant to OMB Directive 15. The data cumulated under OMB Directive 15 has been used to help enforce the Voting Rights Act, State redistricting plans, to monitor discrimination in the private sector, and to establish, evaluate, and monitor affirmative action plans.

As Congressman Conyers indicated, the Home Mortgage Disclosure Act is impacted by census data, as well as the Equal Credit Opportunity Act, desegregation plans in the public schools, minority business development programs, the Fair Housing Act, and to monitor environmental degradation in communities of color, just to name a few.

So this data, obviously, is very important. As I think some of the members in the previous panel indicated, much remains to be done with respect to racial discrimination in this country, and the data, of course, is so very important in that respect. Racial discrimination is still prevalent in American life, and the residual effects of past discrimination continue to limit the advancement of African-Americans and other racial minorities.

I did get an opportunity to take a look at Mr. Gingrich's testimony. One of the things that he said was that it would be good if we could just call each other "Americans" and all this would be behind us. It's as if we could change reality by changing what we call ourselves.

For those who say our society is color-blind, I have to reiterate that saying is not the same thing as doing. If we are to reach the deep roots of the legacy of slavery, involuntary servitude, segrega-

tion, discrimination, and hate violence, we must commit ourselves not merely to undo the words of forced division but also to undo the consequences of oppressive acts.

The census has been critical in documenting for the American public the deep racial inequalities which still exist in virtually every dimension of American social, economic, and political life. Under these conditions, any effort that threatens to complicate, retard, or thwart the collection of this useful data will meet vigorous resistance from the NAACP.

I want to talk briefly about the aspirations of individuals with multiple racial heritages.

Mr. HORN. Why don't we, at that point, have a recess so that you can finish your statement.

We are faced with this situation on the floor: We have one vote now. The 15 minutes will end in 4 or 5 minutes, and I need to get over there to vote. There will then be a series of 5-minute votes. So I suggest—and I'm aware of Ms. Katzen's problem, and we will get you out of here by 12:40—but I think we're going to have to be in recess till at least 10 of 12.

Mr. MCDOUGALL. Thank you, sir.

Mr. HORN. So let's all relax, and we will come back to hear the rest of your testimony.

[Recess.]

Mr. HORN. The hearing will resume.

Mr. McDougall, please pick up where you left off.

Mr. MCDOUGALL. Maybe I'll let you catch your breath, Mr. Chairman.

Mr. HORN. No, I'm in good shape.

Mr. MCDOUGALL. OK. I was just emphasizing that, for us, the question of the integrity of data collection over time is of utmost importance in terms of the vigorous enforcement of the civil rights laws.

I also wanted to make some comment about the aspirations of individuals with multiple racial heritages. The NAACP has always supported the right of individual self-determination and self-identification in defining one's racial makeup. For medical reasons and for reasons of possible discrimination against individuals precisely because they are of diverse racial backgrounds, the NAACP supports the legitimate aspirations of this community for a fair and accurate count of their numbers.

I want to talk a little bit about the Interagency Committee recommendations of "select one or more" rather than a separate multiracial category. In Chapter 6, the committee recommended that the method for census respondents to report more than one race should take the form of multiple responses to a single question; i.e., select one or more rather than a separate multiracial category.

The "select one or more" option, according to the committee, gives the most accurate picture of changing racial and ethnic identification among our citizens without creating discontinuities with historical data collection, such as those associated with a separate multiracial designation.

This accords with my earlier testimony in which the NAACP expressed concern that creation of a separate multiracial category might disaggregate the apparent numbers of members of histori-

cally protected minority groups, diluting benefits to which they are entitled as a protected class under civil rights laws and under the Constitution itself.

We know that a small minority of advocates from the community of persons of multiple racial backgrounds continue to advocate for a multiracial category exclusively, apparently because they wish to be considered a new race. The NAACP believes that all people of color, all facing discrimination and with similar aspirations, should, wherever possible, work together and not in opposition to one another.

The proposal by the Interagency Committee of a "select all that apply" approach rather than a multiracial category approach facilitates that process. Let me reiterate the NAACP's continued opposition to the collection of the data, in the first instance, in any multiracial category.

The Interagency Committee cautions that the use of a separate multiracial category rather than a "select one or more" approach would create needless confusion. It gives an example in the fact that the States of Georgia, Indiana, and Michigan define "multiracial" as having parents of different races; whereas, California is now considering legislation which would define "multiracial" as having parents, grandparents, or great-grandparents of different races.

Now, under those definitions, I, myself, would be black in Georgia, Indiana, and Michigan, but I would be multiracial in California. So now I'm getting confused.

So I think we have to be very careful about this. Speaker Gingrich, in his testimony, indicated that he wanted to avoid the creation of subgroups to further fractionate America. I would caution, then, about developing a multiracial group for that very reason. I guess, in that respect, the Speaker and I agree.

We must take care not to recreate, reinforce, or even expand the caste system we are all trying so hard to overcome. The NAACP believes that most individuals of diverse racial and ethnic backgrounds do not think of themselves as a new race, but instead wish to celebrate all their heritages rather than blend them into a new category reminiscent of the "colored" category of South Africa's very sad history of apartheid. For those who treasure each and every forebear, a "check one or more" option should suffice.

I want to talk a little bit about the methods of data tabulation and get past the cultural questions. The remaining question now is not the collection of data. The "select one or more" option of the Interagency Committee has admirably split the Gordian Knot that separated many of the traditional civil rights organizations from the emerging multiethnic and multiracial groups. As people of color, we greatly appreciate that.

Now the question moves further down the pipeline of the data process to the point of tabulation. What is needed now are protocols to modify existing tabulation procedures to accommodate census responses reporting more than one race. Our concern, obviously, is that such protocols maintain the integrity of civil rights enforcement.

In addition, we must bear in mind that multiple race respondents might encounter discrimination as people of mixed race, as

people visually identified with one or more of the single-race categories, either, or both. Under those circumstances, we believe it is important to be able to count all the acts of discrimination that an individual might face.

The interagency report identified three possible tabulation methods. There are some others, somewhat more esoteric, that we don't find satisfactory. I think my colleague, Dr. Waters from Harvard, will go more deeply into those.

But the three that we found most interesting were presented by the interagency report as bridges between existing classification systems and those to be developed. And they are the single-race approach, the all-inclusive approach, and the historical series approach.

The single-race approach approximates the use of a multiracial category. It involves assigning single-race responses to a single race category and multiple-race responses to a multiple-race category. Now, how the responses to the multiple race category would be then disaggregated and reaggregated, we don't have any guidance, and obviously that's something we would be very interested in finding out about.

The all-inclusive approach, obviously, we like. Congressman Conyers indicated that adding up to more than 100 percent of a person is a problem for capitation, not for the ability to track instances of discrimination. The all-inclusive approach involves assigning all those who check more than one race into every category that they check off.

Tiger Woods, "Cablanasian," as he calls himself, Caucasian, black, Native American, and Asian, would be counted four times. Now, you know, I think a lot of us would like to see four Tigers out there.

Each community of his diverse heritage would have the opportunity to claim him, without an unseemly parents' battle to be resolved Solomon-like by offering to cut him into quarters. Each community would also have the ability to protect him from each active institutional or individual discrimination he might face, whether as a member of a single race group or as a mixed race individual.

As the committee notes, this would result in percentages for each of the four separate racial categories exceeding 100 percent, because multiple-race responses would be counted in each reported racial category. Still, the report continues, the all-inclusive approach would provide information on the total number of times the racial category had been elected.

It would also enable organizations like the NAACP to record the number of times that an individual might face different kinds of discrimination. So we, obviously, favor that approach. We wish to know each time such discrimination occurs, for whatever reason.

The third approach, the historical series approach, seeks to fine-tune the tabulation so that multiple-race respondents are assigned to single race categories from the outset, based on the likelihood that persons who check off at least one of the historically protected categories, black, Asian or Pacific Islander, and Native American, will encounter discrimination.

This approach meets many of the goals of the all-inclusive approach in keeping track of likely acts of discrimination, while also

meeting many of the objectives of the single-race approach in keeping the capitation or head count at no more than 100 percent of the population. The only problem area, and it may be a small one, exists with regard to multiple-race respondents who check off more than one protected category. Tiger Woods, again, is our example.

Tiger would not be assigned to white, because he also checked off a protected category. He would not be assigned to Asian, black, or Native American, because he could be claimed by all three, driving the capitation rate in each single race category over 100 percent. Instead, he would stay in a multiracial category. This, obviously, needs to be examined further.

In conclusion, we can say that it may be that the single-race, the all-inclusive, and the historical series approaches, singly or in combination, might be used by different agencies for different purposes, in the kind of aggregation and disaggregation exercises that Congressman Sawyer referred to earlier in the day.

What is important for our purposes is that evidence of every act of discrimination be preserved. What would be important from the standpoint of the Census Bureau and the Federal agencies, and obviously Congressmen concerned about the size of their districts, is that protocols be adopted that would enable the different agencies and the different formulas to talk to one another and share data in a meaningful way.

As a general matter, we favor the all-inclusive approach and would not favor the single-race approach, and the historical series approach appears to us to be a compromise. All in all, we appreciate the spirit of compromise and creativity the Interagency Committee has shown, and look forward to a successful resolution of the remaining questions.

Surely this is a matter we would all like to get past and through, so that we can focus on issues of fair and accurate methods of assuring that the entire population is actually counted. In this regard, the issue of statistical sampling, which was mentioned earlier in the day, is key.

Such modern methods of ensuring an accurate count are necessary in our ever-changing society. Just as we have been innovative in resolving the issue of how our citizens identify themselves, so, too, we hope for innovation in ensuring that all our citizens are fairly counted, especially minorities and the poor.

I thank you for your time and for receiving my testimony.

[The prepared statement of Mr. McDougall follows:]

Multiracial Categories

I. Introduction

Mr. Chairman and Members of the Committee, I am grateful for the opportunity to testify before you today on behalf of the National Association for the Advancement of Colored People (NAACP). I am Harold McDougall, Director of the Washington Bureau of the NAACP.

The NAACP is the nation's oldest and largest civil rights organization, with over 600,000 members in the fifty states and the District of Columbia, and throughout the world. The NAACP is committed to the protection of the civil, legal, political, economic and human rights of African-Americans, and other citizens of color here in the United States.

II. The Need for Accurate Data in the Census

Currently, the federal government uses race data for statistical and administrative purposes, including monitoring civil rights compliance, pursuant to OMB Directive No. 15 ("Race and Ethnic Standards for Federal Statistics and Administrative reporting"). As stressed by the Coalition of Groups opposed to the Proposed Modification of OMB Directive No. 15 in 1995, the Directive has been instrumental in the significant progress made in the enforcement of civil rights laws in the last two decades. Census data aggregated in its present form, respecting historically protected categories, has been used:

* to enforce requirements of the Voting Rights Act;
* to review State redistricting plans;
* to collect and present population and population characteristics data, labor force data, education data, and vital and health statistics;
* to monitor discrimination in the private sector and to establish, evaluate and

monitor affirmative action plans;

* to monitor the access of minorities to home mortgage loans under the Home Mortgage Disclosure Act;
* to enforce the Equal Credit Opportunity Act;
* to monitor and enforce desegregation plans in the public schools;
* to assist minority businesses under the minority business development programs;
* to monitor and enforce the Fair Housing Act; and
* to monitor environmental degradation in communities of color.

Much remains to be done, however: racial discrimination is still prevalent in American life, and the residual effects of past discrimination continue to limit the advancement of African-Americans and other racial minorities. For those who say our society is "color-blind," *saying* is not the same as *doing*. If we are to reach the deep roots of the legacy of slavery, involuntary servitude, segregation, discrimination and hate violence, we must commit ourselves not merely to undo the words of forced division, but also to undo the consequences of oppressive acts.

The census data has been critical in documenting for the American public the deep racial inequalities which still exist in virtually every dimension of American social, economic, and political life. Under these conditions, any effort that threatens to complicate, retard or thwart the collection of this useful data will meet vigorous resistance from the NAACP.

III. Aspirations of Individuals with Multiple Racial Heritages

The NAACP has great sensitivity to the aspirations of American citizens who claim mixed ancestry, whether it be interracial, biracial, multiracial, or multiethnic. We have always supported the right of individual self-determination and self-identification in defining one's racial makeup. For medical reasons and for reasons of possible discrimination against

individuals precisely *because* they are of diverse racial backgrounds, the NAACP supports the legitimate aspirations of this community for a fair and accurate count of their number.

IV. Interagency Committee Recommendations: "Select One or More," rather than "Separate Multiracial Category"

The Census Bureau and OMB have in recent years come under increasing pressure to meet the aspirations of individuals of multiple racial heritages, who believed the minimum racial categories set forth in OMB Directive No.15 did not reflect the increasing racial and ethnic diversity of our nation's population. After considerable review, and comments from both the public and from government officials, the Interagency Committee for the Review of the Racial and Ethnic Standards gave its report to the Office of Management and Budget concerning "changes to the standards for the classification of federal data on race and ethnicity." The report was published in the Federal Register July 9, 1997.

In Chapter 6 of its Report, the Committee recommended that the method for census respondents to report more than one race should take the form of multiple responses to a single question, i.e., "select one or more" rather than a separate "multiracial" category. The "select one or more" option," according to the Committee, gives the most accurate picture of changing racial and ethnic identification among our citizens without creating discontinuities with historical data collection methods such as those associated with a separate "multiracial" designation. This accords with our earlier testimony, in which we expressed concern that the creation of a separate multiracial classification might disaggregate the apparent numbers of members of historically protected minority groups, diluting benefits to which they are entitled as a protected class under civil rights laws and under the Constitution itself.

We know that a small minority of advocates from the community of persons of multiple racial backgrounds continue to advocate for a multiracial category. However, this is not the position of the larger groups, such as the Association of Multi-Ethnic Americans and the Hapa

organization, both membership organizations with a broad base. Since our testimony before the Committee in May, we have had very good and productive discussions with these, the most broad-based of the organizations in the multiracial community, and reached agreement that the "select one or more" option best suits all our purposes.

The NAACP, AMEA, and Hapa have achieved a preliminary consensus that, as we are all people of color, all facing discrimination and with similar aspirations, we should wherever possible work together and not in opposition to one another. The proposal by the Interagency Committee of a "select all that apply" approach, rather than a "multiracial category" approach has facilitated that consensus.

In conclusion on this point, let me say that the Interagency Committee cautions that the use of a separate multiracial category, rather than a "select one or more" approach, would create needless confusion. The Committee observes that there is no consensus on the definition of "multiracial" revealed in public comment or state legislation. To give examples, the public seems to confuse "multiracial" with "multiethnic." The states of Georgia, Indiana, and Michigan define "multiracial" as "having parents of different races,." but California is considering legislation which defines "multiracial" as "having parents, grandparents, or great-grandparents as different races."

We must take care not to recreate, reinforce or even expand the caste system we are all trying so hard to overcome. Most individuals of diverse racial and ethnic backgrounds do not think of themselves as a "new race," but instead wish to celebrate all their heritages, rather than blend them into a new category reminiscent of the "Colored" category of South Africa's sad history of *apartheid*. For those who treasure each forbear, a "check one or more" option should suffice.

V. Interagency Committee Recommendations: Methods of Data Tabulation

The remaining question now is not the *collection* of data. In that respect, the "select one or more" option has admirably split the Gordian Knot that separated many of the traditional civil rights organizations from the emerging multiethnic and multiracial groups. As people of color all, we greatly appreciate that.

Now, the question moves further down the pipeline of the data process, to the point of *tabulation*. What is needed now are protocols to modify existing tabulation procedures to accommodate census responses reporting more than one race. Our concern, obviously, is that such protocols maintain the integrity of civil rights enforcement, such as under the Voting Rights Act and the Fair Housing Act. In addition, we must bear in mind that multiple-race respondents might encounter discrimination as people of mixed race, as people visually identified with one or more of the single-race categories, either, or both. Under these circumstances, we believe it is important to be able to count *all* the acts of discrimination which an individual faces.

There may need to be one uniform tabulation protocol, applied by all federal agencies that use census data. Or each agency may need some minimum level of flexibility to insure that its tabulation of data corresponds closely to its own particular objective. The Interagency Report identifies three possible tabulation methods, based on classification techniques used in the "1996 Race and Ethnic Targeted Test" (RAETT) published by the Census Bureau on May 14, 1997. (The report hints at other approaches, some employing algorithms. None of these seem satisfactory, and we will not discuss them further here.) The three primary methodologies discussed below were presented in the report as "bridges" between existing classification systems and those to be developed. They are:

The single-race approach — this involves assigning single-race responses to a single-race category, and multiple-race responses to a multiple-race category. The issue of how to classify the multiple-race responses, particularly as possible "targets" of discrimination, is postponed to a second-order calculation.

All-inclusive approach -- this involves assigning all those who check more than one race into multiple single-race categories. Tiger Woods, as "Caucasian, Black, Native American and Asian," would be counted four times. Each community of his diverse heritage would have an opportunity to claim him, without an unseemly parent's battle to be resolved, Solomon- like, by offering to cut him into quarters. Each community would also have the ability to protect him from each act or institution of discrimination he might face, whether as a member of a single-race group or as a mixed-race individual.

As the Committee notes, this would result in percentages for each of the four separate racial categories exceeding 100 per cent, because multiple-race responses would be counted in each reported racial category. Still, the report continues, "the all-inclusive approach would provide information on the total number of times the racial category had been elected." The NAACP favors this approach, as it would enable us to keep track of discrimination against African-Americans, for example, regardless of whether they were mixed with other races. In most cases, people encounter discrimination based on their appearance, rather than how they describe or identify themselves. It is our view (indeed, our experience) that persons who are genetically even part African are subject to discrimination in our society. We wish to know each time such discrimination occurs, whether in the form of residential segregation, employment discrimination, discrimination in lending, or obstacles to the right to vote such as at-large districts or gerrymandering. (There is some precedent for the all-inclusive approach: it was possible even in the 1990 Census for Hispanics to be counted as both Hispanic and Black, for example, or as both Hispanic and White or Asian.)

Historical series approach — this approach seeks to fine-tune the tabulation, so that multiple-race respondents are assigned to single-race categories from the outset, based on the likelihood that persons who check off at least one of the historically- protected categories-- Black, Asian or Pacific Islander, and Native American-- will encounter discrimination. Thus multiple-race respondents who check off "black" and white," would be classified as"black," because it is as people of African, not European descent, that they would encounter

discrimination. Similarly, a multiple-race respondent who checked "Asian" and "White" would be classified as Asian, because it is as a person of Asian, rather than European descent, that they would encounter discrimination

This approach meets many of the goals of the all-inclusive approach in keeping track of likely acts of discrimination, while also meeting many of the objectives of the single-race approach in keeping the capitation, or head-count at no more than 100% of the population. The only problem area, and it may be a small one, exists with regard to multiple-race respondents who check off more than one protected category. Tiger Woods, again, is our example. Tiger would not be assigned to white, because he also checked off a protected category. He would not be assigned to Asian, Black, or Native American, because he could be claimed by all three, driving the capitation rate in each single-race category over 100%. Instead, he would stay in a "multiracial" category. This needs to be examined further.

VI. Conclusion

In conclusion, we can say that it may be that the single-race, all-inclusive, and historical series approaches, singly or in combination, might be used by different agencies for different purposes. What is important for our purposes is that evidence of every act of discrimination be preserved. What would be important from the standpoint of the Census Bureau and federal agencies, is that protocols be adopted that would enable the different agencies to talk to one another and share data in meaningful ways. As a general matter, we favor the all-inclusive approach, and would not favor the single-race approach. The historical series approach is a compromise.

All in all, we appreciate the spirit of compromise and creativity the Interagency Committee has shown, and look forward to a successful resolution of the remaining questions. Surely, this is a matter we would all like to get past and through, so that we can focus on issues of fair and accurate methods of assuring that the entire population is actually *counted*. In

this regard, the issue of statistical sampling is key. Such modern methods of ensuring an accurate count are necessary in our ever-changing society. Just as we have been innovative in resolving the issue of how our citizens identify themselves, so too we hope for innovation in ensuring that all our citizens are fairly counted, especially minorities and the poor.

Thank you.

SOURCES

Prof. Jack Forbes, Journal of Ethnic Studies, Vol.17, "The Manipulation of Race Caste and Identity: Classifying Afro-Americans, Native Americans and Red-Black People p.1-51 (1990)

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Tucker, et al, "Testing Methods of Collecting Racial and Ethnic Information: Results of the Current Population Survey Supplement on Race and Ethnicity," BLS Statistical Notes No. 40 (June 1996)

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"Challenges of Measuring an Ethnic World: Science, Politics and Reality," Proceedings of the Joint Canada-United States Conference on the Measurement of Ethnicity, April 1-13, 1992

Mr. HORN. We thank you.

We are going to adjust panels. I had planned that Dr. Waters would sit with both panels. So if we can get some extra chairs in there, I'm going to have Ms. Katzen first, because I'm conscious of her time commitment. If the staff will move some extra chairs in there, we're going to keep this panel; we're going to add to it the administration panel; and we're going to get to a dialog once we get through the testimony and the formal statement each one wants to make.

As I say, Dr. Waters, we're not going to forget you. You are going to help bring peace and harmony here.

All government witnesses can come forward, and we will just integrate you. So we have Sally Katzen, the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget; we have Isabelle Katz Pinzler, Acting Assistant Attorney General for Civil Rights, Department of Justice; and Nancy Gordon, Associate Director for Demographic Programs, Bureau of the Census.

All who are going to be testifying, including staff backing you up—if you turn, for instance, to Ms. Wallman—I want them all taking the oath. So if you will all stand, with all staff that are going to be testifying sometime in the course of this hearing.

[Witnesses sworn.]

Mr. HORN. All witnesses have affirmed, including staff. The clerk will make a note.

Dr. Katzen, I'm aware that you have a tight time schedule. You have appeared here many times, and you and I have talked privately on this, but let's get it on the record as to where we are, how we got there.

I think the basic question that everyone has asked, the members of this panel as well as congressional Members, and Ms. Meek mentions it in her testimony, which I've put in the record—she couldn't make it this morning—and that is, how are we going to realistically use those data to help us in civil rights enforcement, in benefits received, and so forth?

I am assuming that you will get into some of that.

STATEMENTS OF SALLY KATZEN, ADMINISTRATOR, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET; ISABELLE KATZ PINZLER, ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS, DEPARTMENT OF JUSTICE; AND NANCY GORDON, ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS, BUREAU OF THE CENSUS

Ms. KATZEN. Thank you very much, Mr. Chairman.

I appreciate your inviting me here today. As in the past, I want to commend you for your leadership in this area, and the series of hearings that you are holding. I think they are very beneficial.

I have found sitting here and listening to the witnesses who preceded me to be very informative. I appreciate having the opportunity to add a little bit of background and perhaps a little bit of prognosis of where we are going from here to the discussion that we have had so far.

As you will recall, the last time I testified was on April 23. At that point I gave you a detailed report of our progress, but we had

not yet received the results of the last of a series of tests in the research that was a very important part of our work.

Our work was a two parallel track study: one of public comment and public suggestions, and one of research and testing. We received the results of the last research in May, and then I received from the Interagency Committee its recommendations and report, which we made available to the public in a Federal Register notice on July 9 of this year, requesting comments for a 60-day period.

What you have heard this morning underscores some of the salient facts. First, this is the report of the Interagency Committee that consists of 30 Federal agencies that use or generate data. Second, the recommendations were unanimous. There was not a single dissent or separate concurrence, which is somewhat unusual when you gather 30 Federal agencies together on any issue of policy.

Third, there has been a lot of discussion this morning about the recommendations. With the exception of Congressman Sawyer, who mentioned one or two of the others, the witness have been focusing on the treatment of persons who have multiple racial heritages.

All of the recommendations of the Interagency Committee are set forth in Chapter 6 of the document. I would encourage those who have an interest in this area to look at Chapters 1 through 5, as well, because I believe that they provide both a context and the basis for the Interagency Committee's recommendations.

I also want to emphasize here, as I have in other instances, that while this hearing is talking about the implications for the decennial census, OMB Directive 15 applies to all Federal forms for statistical and administrative or programmatic reports.

As a result, it is not just the census, but these standards, these minimum sets of categories that would be determined, would apply for housing assistance applications, for school registrations, and for medical research. It is not just the census, although that has been the sole issue that has been discussed to date.

I also would like to mention, in light of some of the comments that I heard this morning, that this is the recommendation of the Interagency Committee. OMB has asked for public opinion on it. What I am saying now will be drawn from the report and recommendations.

Ultimately, at the conclusion of the public comment period, I will be making a decision with respect to changes, if any, in the existing standards. I am assuring myself that I will keep an open mind and listen to all comments. Therefore, if I'm making a statement, it is drawn from the report that we have received rather than representing my own or OMB's views of this. Our views will be made known in October.

I think, however, one comment that may be appropriate is to respond to the comment that this is an attempt to compromise, or that it is seeking to appease one group or another. My view is that this is the effort of professional statisticians wrestling with—and I think that is the appropriate verb to use—wrestling with a very difficult statistical policy issue, and that they were addressing it as professional statisticians.

Indeed, over the 4-year period, we have had very little comment, and certainly very little negative comment about the process that we have used to keep this on that basis. The objective was not to

read the tea leaves or figure out what might be a politically attractive solution, but actually to try to come up with the best policy for the government for statistical purposes.

Therefore, rather than viewing this as a compromise, I believe they believe it is a principled accommodation of the legitimate interests that have been presented.

I also would note in this connection that we have heard some talk about how long it has taken. I believe actually that's a sign of the seriousness of purpose that was addressed to this. It has been 4 years. There has been a comprehensive review, which is what I committed to in a congressional hearing when we started this.

There was also some question in terms of the timing. The recommendation of the Interagency Committee is that all Federal agencies implement whatever changes are adopted no later than 2003. In answer to Mr. Fernandez, yes, some can implement them sooner.

The 2003 date was used because any changes will be reflected in the decennial census, and the results of the decennial census will not be available until the early part of the next millennium. Since they provide the denominator for many of the programmatic offices, it may be inappropriate for some of the Federal agencies to use the revised forms before then. But it is an outside date, not necessarily an end date.

I guess the other comment I would make as a general comment is that we heard this morning a number of comments about the good work that was done. I want to emphasize that whatever kudos were given or compliments stated, they belong to the Interagency Committee, which is a group of professional statisticians from the civil service, under the leadership of Clyde Tucker, who is in the audience, from BLS, and under the supervision of Katherine Wallman, who is the Chief Statistician and head of my Statistical Policy branch.

Whatever good has been done, it is to their credit, and not to mine or to OMB's generally. This is their effort and their work. I have been, in some instances, a spokesperson on this issue, but they deserve whatever credit is received on this.

Now, you have already heard a lot about the actual recommendations, and I think it is not very useful to go through them again, except to underscore a few points that may clarify what many of the previous witnesses have been talking about.

You have heard that there should not be a separate racial category, a box to be checked off, called "multiracial." One of the findings, again, from the Interagency Committee report, is that the term "multiracial" frequently was misunderstood by respondents to mean not only persons of mixed race, using the four general categories of race that we have previously identified, but also to include multiethnic heritages.

Irish-Americans, or someone with a parent who is Irish-American and a parent who is Italian-American, identified themselves as multiracial, as did persons who had a Jewish parent and a non-Jewish parent, because they saw Judaism as not only a religion but a race. There were a number of different variations in the testing that showed that the term "multiracial" had a variety of meanings.

The other finding of the Interagency Committee was that "multiracial," standing alone, was not particularly informative, since even if it were limited to combinations of the four categories that are already provided for, it would be unclear from simply checking a box, "multiracial," whether the person had a parent or heritage that was both black and white, or whether it was American Indian and Asian-American, or black and Asian-American, or one of the other combinations. So, standing alone, a multiracial box was not particularly informative.

There was a call this morning for accuracy and clarity. The finding of the Interagency Committee was that a multiracial box standing alone did not provide that.

On the other hand, the committee was very clear that individuals should be able to check one or more of the historical categories. This, I think, reflected the Interagency Committee's belief that, as you, Mr. Chairman, pointed out in your opening statement, this is a deeply personal, individual issue. On self-identification, persons should be able to celebrate their entire heritage and not be forced to choose. As a matter of principle, this was very important to the Interagency Committee.

One of the recommendations of the committee that has gotten the most attention this morning is how these data will be reported. I think there is unanimity of opinion that that is the most telling point. Our goal is accuracy; our goal is clarity. So the recommendation of the Interagency Committee is that, when the data are reported, a minimum of one additional racial category designated "more than one race," would be included, so long as the criteria for data quality and confidentiality are met.

We also envision appreciably more data being available. In response to the questions that have been raised, I don't have answers, but I am aware of the importance of providing as much data as possible.

I have said that I am from the Office of Information and Regulatory Affairs. "Information" is my first name, and I believe that we should have robust information that provides the kind of information that would be used in different circumstances. Remember, this applies to a variety of different types of forms, and therefore, in many different circumstances, different presentations of the data can be more informative than others.

We are in the process, even as we speak, of compiling a group of experts, drawn from those who worked on the Interagency Committee in doing the research, to begin to put together recommendations for the tabulation. Our mandate or our charge to this group is to provide as much information as possible, in as many different ways as possible, so that we will have this information available for the purposes that we might like. And we need it to be done in a way, as Congressman Sawyer said, that is rational and consistent with historical data, so that we do not lose the data that we have over the last 20 years.

This is a not insignificant issue, and I am not at all surprised by people who say, "But you don't have all the answers yet, and yet you want us to comment on your proposal. We need more information." The reason for our proceeding as we have is because of the tremendous interest that was generated in the underlying re-

port. Until the final research was concluded in May, we were not in a position to receive the basic recommendations. But as those are being formulated, as I say, we are putting together a group to do the follow-on work and present recommendations and guidance for the reporting and tabulating of this information.

Because the time this morning is short, I will just identify other areas that are important for those who are interested in this issue.

In addition to the multiracial question, there is the set of issues surrounding the request for information on ethnicity, Hispanic origin, not of Hispanic origin, and the sequencing of that question with the racial questions: whether it should be combined, whether it should be separate, and whether it should precede or follow. We have, again, interagency recommendations on that that are supported by the findings, that should produce more complete data, both on Hispanics and of non-Hispanics that would be very useful.

There is another area of the report that deals with whether additional categories, apart from a multiracial category, should be included. We heard from Middle Easterners, Arabs, Cape Verdeans, European-Americans, German-Americans, Creoles, all asking that they have a box identifying them.

The Interagency Committee's recommendation was that there should be no racial or ethnic categories added to the minimum standards, and I stress "minimum," because in the long form on the census, we have a lot of national origin type questions. In other kinds of surveys, you can always ask additional classifications, so long as they can be reaggregated to the major categories.

But if you set a minimum standard and you include additional boxes, if you will, then those additional boxes would have to appear on each and every Federal form. We have found that the size and the geographic concentration of several of these populations would mean that the inclusion of these in all of the forms would yield very little data. That's not to say they can't be included where they are needed or necessary.

There also was a lot of discussion in the hearings that we had and this is reflected in the report on where Native Hawaiians should be included. I have already had one briefing with members of the Hawaiian congressional delegation on this issue. There were also questions about terminology that were raised.

What I am trying to do here is simply reflect that, while the attention has been on the multiracial issue, this report goes well beyond that. This report speaks to a much broader base and covers a lot of other issues. Again, I would encourage those who are interested to read the whole report, and then comment. We are in the middle of a comment period. We want to hear what the American public thinks about what has been recommended to OMB.

There is a set of general principles that has guided this review. They may well serve as a very good basis for people to comment, to see if we have met our principles. We think it is very important that what we end up with is something that the American people understand and appreciate and accept, because then we will have greater responsiveness and even more accurate data. So I cannot overemphasize how important the public comment period is.

I'm sorry I've run over my time, but I wanted to respond to some of the issues that were raised this morning. I thank you again for your leadership in this area.

[The prepared statement of Ms. Katzen follows:]

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

STATEMENT OF SALLY KATZEN
ADMINISTRATOR
OFFICE OF INFORMATION AND REGULATORY AFFAIRS
OFFICE OF MANAGEMENT AND BUDGET
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT MANAGEMENT,
INFORMATION, AND TECHNOLOGY
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT
U.S. HOUSE OF REPRESENTATIVES

July 25, 1997

Mr. Chairman and members of the Subcommittee:

I appreciate your inviting me here today to continue our discussions about the review of the Office of Management and Budget's (OMB) Statistical Policy Directive No. 15 on "Race and Ethnic Standards for Federal Statistics and Administrative Reporting." When I last appeared before you on April 23rd, I provided a progress report on the OMB review process. As you know, that process began following Congressional hearings in 1993 and has included both public comment to suggest changes and research to explore possible implications of those suggested changes on the quality of the resulting data. (Highlights of the review process are summarized in Attachment 1.)

At the time of my last testimony, we were awaiting the release of the Bureau of the Census report, *Results of the 1996 Race and Ethnic Targeted Test* (RAETT), which was issued on May 15th. That report presented results from the third major test of alternative approaches to collecting Federal data on race and ethnicity. The release of the RAETT report marked the completion of the research phase of our review process. The Research Working Group of the Interagency Committee for the Review of the Racial and Ethnic Standards (a group of 30 Federal agencies that use or generate data on race and ethnicity) then proceeded to evaluate the RAETT results, along with the other research findings and public views, and to complete the report to OMB.

Interagency's Committee Report to OMB

OMB published the full report of the Interagency Committee, including the Committee's recommendations for how OMB should revise Directive No. 15, in the *Federal Register* on July 9, 1997 (62 FR 36873 - 36946) for a comment period of 60 days. The Interagency Committee's *Report to the Office of Management and Budget on the Review of Statistical Policy Directive No. 15* consists of six chapters. Chapter 1 provides a brief history of Directive No. 15, a summary of the issues considered by the Interagency Committee, an overview of the research activities, and a discussion of the criteria used in evaluating the findings. Chapter 2 discusses a number of general concerns that need to be addressed when considering any changes to the current standards. Chapters 3 through 5 report the results of the research as they bear on the more significant suggestions OMB received for changes to the Federal categories for data on race and ethnicity. Chapter 6 outlines the Interagency Committee's recommendations, and presents a summary of findings related to the suggested changes based on the Committee's review of public comment, testimony, and the research results. I would encourage reading the full report, since Chapters 1 through 5 provide both a context and the bases for the Interagency Committee's recommendations outlined in Chapter 6. I would also note that the Interagency Committee's report and recommendations were adopted without dissent or any separate concurrences.

Highlights of Recommendations to OMB

Briefly, I would like to provide an overview of the Interagency Committee's recommendations to OMB for how the Federal standards for classifying data on race and ethnicity should be changed.

Multiracial Issue

The most controversial and sensitive issue that the Interagency Committee considered was how to classify data on race and ethnicity for individuals who are of mixed racial heritage

and wish to identify with more than one race. The research explored the effects of both adding a "multiracial" category and the alternative methods for selecting more than one race. The studies carried out under the auspices of the Research Working Group indicated that less than two percent of the population identified with two or more races when given the opportunity to do so, but that the proportion of the population with a mixed racial heritage appears to be growing. Moreover, a significant number of respondents currently select more than one racial category even when instructed to mark only one. In addition, research in this area indicated that the term "multiracial" frequently was misunderstood by respondents. Permitting respondents to select one or more categories to designate their racial heritage, on the other hand, would provide data that would be analytically powerful for a variety of purposes. The Interagency Committee recommended that:

- *The standard should allow individuals who wish to do so to reflect more than one race when responding to Federal data collections.*

- *There should not be a separate racial category (a check box) called "multiracial."*

- *To provide information about their mixed racial heritage, individuals should be able to check one or more of the historical categories that have been used for the past 20 years.*

- *When the data are reported, a minimum of one additional racial category, designated "More than one race," must be included, if the criteria for data quality and confidentiality are met, in order to report the aggregate number of multiple race responses. Data producers are encouraged to provide greater detail about the distribution of multiple responses.*

Hispanic Origin

The Interagency Committee considered the research on the issue of whether there should be a combined race/Hispanic origin question instead of two separate questions to gather data on race and Hispanic origin. In the 1990 census, which used separate questions -- with the race question *preceding* the Hispanic origin question -- a high percentage of Hispanics selected "Other race." Moreover, nonresponse rates for the Hispanic origin question were exceptionally high. Thus, the research agenda explored both the issue of a single versus separate questions, and the ordering of questions when they are separate. These tests were designed to ascertain which format produces more complete data on Hispanics and non-Hispanics; that is, which format worked best in terms of reducing nonresponse to the Hispanic origin question and reducing reporting as "Other race" in the race question. With respect to the Hispanic origin question, the Interagency Committee recommended that:

- *The Hispanic origin question should be asked separately, before the race question, if self-identification is used.*

Minimum Set of Categories

Public comment and testimony of witnesses at OMB and Congressional hearings included a variety of requests to expand the minimum set of categories by establishing additional categories for specific populations groups, including Middle Easterners/Arabs, Cape Verdeans, European-Americans, German-Americans, and Creoles. Currently, the minimum set of categories includes four categories for data on race (American Indian or Alaskan Native; Asian or Pacific Islander, Black; and White) and two categories for data on ethnicity ("Hispanic origin," and "Not of Hispanic origin"). This minimum set is used in all Federal data collections, including the decennial census, which has used an "ancestry" question on the long form to collect additional information on population groups such as those that requested that new categories be established. The review considered, among other matters, legislative needs, definitional issues,

the size and geographic concentration of several of these populations, and the feasibility of gathering representative information in all Federal data collections. The Interagency Committee recommended that:

- *There should be no racial or ethnic categories added to the current minimum standard.*

Classification of Data on Hawaiians

The Interagency Committee studied the request expressed in public comments to reclassify Native Hawaiians (the descendents of the original inhabitants of what is now the state of Hawaii) in the American Indian and Alaskan Native category so that all indigenous peoples would be in the same category, as well as the request in public comments to classify Native Hawaiians in a separate category. The review focused particularly on the effects a reclassification would have on social and economic data for the respective population groups and on the utility of resulting information for legal and program purposes. The Interagency Committee recommended that:

- *Data on Hawaiians should continue to be classified in the "Asian or Pacific Islander" category.*

Terminology

Research carried out under the auspices of the Interagency Committee also included tests of several suggestions offered in public comment for changing the current names of some categories. These tests were designed to determine respondents' preferences for terminology, their understanding of the meaning of the terms, and whether, and in what ways, any proposed changes in terminology may affect reporting. With respect to terminology, the Interagency Committee recommended that:

- *The name of the "Black" category should be changed to "Black or African American." Additional terms, such as Haitian or Negro can also be used.*

- *The term "Hispanic" should be retained, but terms such as "Latino" or "Spanish Origin" can also be used.*

- *The term "American Indian" should not be changed to "Native American."*

- *The term "Hawaiian" should be changed to "Native Hawaiian."*

Implementation Schedule

The Interagency Committee recommended that these changes and the others that are detailed in Chapter 6 of its report, if adopted by OMB, should be used in the 2000 decennial census, and that all other Federal data collections should conform to the new standards no later than January 1, 2003.

The second attachment to my testimony shows the effects on the current standards if OMB were to adopt the Interagency Committee's recommendations.

Comment Process

The recent *Federal Register* Notice requests comments on the recommendations OMB has received from the Interagency Committee. The set of general principles that has guided this multi-year review, reprinted in Chapter 1 of the Interagency Committee's report, may serve as an aid in evaluating the recommendations. The Interagency Committee developed the principles at the beginning of the Directive No. 15 review process -- a process that has attempted to balance statistical issues, needs for data, social concerns, and the personal dimensions of racial and ethnic identification. The Interagency Committee recognized from the outset that these principles may

in some cases represent competing goals for the standard. For example, having categories that are comprehensive in the coverage of our Nation's diverse population (Principle 4) and that would facilitate self-identification (Principle 2) may not be operationally feasible in terms of the burden that would be placed upon respondents and the public and private costs that would be associated with implementation (Principle 8). The following are just a few examples of questions that might be considered in assessing the recommendations using the general principles:

- Do the recommendations provide categories for classifying data on race and ethnicity that are: generally understood and accepted by the public (Principle 3); comprehensive in coverage (Principle 4); and useful for statistical analysis, as well as for Federal statutory and programmatic requirements (Principles 5 and 6)?

- Are the recommendations based on sound methodological research (Principle 9)?

- Do the recommendations take into account continuity of historical data series (Principle 10)?

As we receive and evaluate public comment on the recommendations, we should bear in mind that the standards are intended to provide a minimum set of categories that are used throughout the Federal Government for record keeping, collection, and presentation of comparable data on race and ethnicity. The categories are used not only in the decennial census (which provides the "denominator" for many measures), but also in data collections in areas such as school registration, housing assistance, and medical research.

It is also important to recall that the categories for data on race and ethnicity do not identify or designate certain population groups as "minority groups." As the current standard explicitly states, the categories are not to be used for determining eligibility of population groups for participation in any Federal programs. Moreover, the standard does not contain criteria or

qualifications (such as blood quantum levels) that are to be used in determining a particular individual's racial or ethnic classification. The standard does not tell an individual who he or she is, or specify how an individual should classify himself or herself; self-identification continues to be the preferred means of obtaining data about an individual's race and ethnicity.

The principal objective of the review of the current standards has been to enhance the accuracy of the demographic information collected by the Federal Government by better reflecting the growing diversity of our Nation's population. The starting point for the review was the current minimum set of categories for data on race and ethnicity that have provided information over the past 20 years for a variety of purposes. The review has explicitly recognized the importance of being able to maintain this historical continuity.

I would like to stress that none of the recommendations has been adopted and no interim decisions concerning them have been made. OMB can accept, modify, or reject any of the recommendations, and has the option of making no changes at all in the current standards. OMB believes that the recommendations are worthy of public discussion and that OMB's decision will benefit from obtaining the public's views on them. We are looking forward to receiving comments on any aspects of the Interagency Committee's recommendations, as well as on the extent to which the recommendations are successful in meeting the goals of the governing principles.

As we have stated previously on many occasions, input from the public has been an essential element of the review process. Only with the public's general acceptance and understanding of the Federal categories for data on race and ethnicity are we able to obtain respondents' cooperation in providing information. The Notice invites the public to participate once again in the review process by commenting on the recommendations of the Interagency Committee before OMB reaches a decision.

Thank you, Mr. Chairman. I would be pleased to answer any questions you may have.

Attachments

Attachment 1

Classification of Data on Race and Ethnicity
Review of the Standards -- Highlights

July 1993	OMB committed to a comprehensive review of the standards for the classification of data on race and ethnicity at a Congressional hearing
February 1994	National Academy of Sciences' Committee on National Statistics convened a workshop of stakeholders, at the request of OMB, to identify issues to be addressed
March 1994	OMB established and held the first meeting of the Interagency Committee for the Review of the Racial and Ethnic Standards (more than 30 Federal agencies that use or produce these data)
June 1994	OMB published a *Federal Register* notice requesting public comment on (1) the adequacy of the current categories; (2) principles that should govern the review process; and (3) specific suggestions for changes that have been offered by various individuals and organizations
June 1994	OMB held public hearings in Boston, Denver, San Francisco, and Honolulu (94 witnesses)
November 1994	Interagency Committee approved three major survey efforts to research and test significant suggestions for changes
August 1995	OMB published a *Federal Register* notice summarizing the public comment received in letters (nearly 800) and testimony, and presented the agenda for conducting research on significant issues
October 1995	First research test results released by the Bureau of Labor Statistics -- May 1995 Current Population Survey Supplement on Race and Ethnicity
December 1996	Second research test results released by the Bureau of the Census -- National Content Survey questions on race and ethnicity
May 1997	Third research test results released by the Bureau of the Census -- Race and Ethnic Targeted Test
May 1997	Interagency Committee transmitted to OMB its report and recommendations for revising the standards
July 9, 1997	OMB published in the *Federal Register* (62 FR 36873 - 36946) the Interagency Committee's recommendations (and accompanying report) to OMB for a 60-day public comment period
Mid-October 1997	OMB will announce its decision on the standards

Attachment 2

Interagency Committee for the Review of the Racial and Ethnic Standards

Recommended Standards

The following shows how the current Federal standards for data on for race and ethnicity would be changed if OMB were to adopt the Interagency's Committee's recommendations. The recommended changes are presented in **bold** type.

The **minimum categories for data on race and ethnicity** for Federal statistics and program administrative reporting are defined as follows:

a. American Indian or **Alaska** Native. A person having origins in any of the original peoples of North **and South America (including Central America)**, and who maintains cultural identification through tribal affiliation or community recognition.

b. Asian or Pacific Islander. A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, **Hawaii,** and Samoa.

c. **Black or African-American**. A person having origins in any of the black racial groups of Africa.

d. Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

e. White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

To provide flexibility **and assure data quality**, it is preferable to collect data on race and ethnicity separately. **When race and ethnicity are collected separately, ethnicity should be collected first. Persons of mixed racial origins can, but are not required to, report more than one race.** If **race and ethnicity are collected separately**, the minimum designations are:

a. Race:
--American Indian or **Alaska** Native
--Asian or Pacific Islander
--Black **or African-American**
--White

b. Ethnicity:
--Hispanic origin
--Not of Hispanic origin

When the data are reported, a minimum of one additional racial category, designated "More than one race," must be included, if the criteria for data quality and confidentiality are met, in order to report the aggregate number of multiple race responses. Data producers are encouraged to provide greater detail about the distribution of multiple responses. Terms such as "Haitian" or "Negro" can be used in addition to "Black" and "African-American." Terms such as "Latino" or "Spanish origin" can be used in addition to "Hispanic."

. If a combined format **must be** used to collect racial and ethnic data, **both race and ethnicity or multiple races should be collected when appropriate, although the selection of one category will be acceptable. If a combined format is used, the minimum categories are:**

American Indian or **Alaska** Native
Asian or Pacific Islander
Black **or African-American**
Hispanic
White

When the data are reported, a minimum of two additional categories, designated "Hispanic and one or more races" and "More than one race," must be included if the criteria for data quality and confidentiality are met and both race and ethnicity and multiple races were collected.

In no case should the provisions of this Directive be construed to limit the collection of data to the categories described above. **In fact, the collection of subgroup detail is encouraged.** However, any reporting required which uses more detail shall be organized in such a way that the additional categories can be aggregated into these **minimum** categories for data on race and ethnicity.

Mr. HORN. Let me begin the questioning. Each Member will have 5 minutes. We will go a second round, if we can, and then we will get to the other witnesses.

I know you have to leave. Let's just get a few facts straight. When you mentioned the national origin question, that's on the long form only.

Ms. KATZEN. Long form of the census, yes.

Mr. HORN. And how many people get the long form, what percent of the American citizenry?

Ms. KATZEN. One-sixth.

Mr. HORN. One-sixth get the long form. Is that national origin based on where they came from or where their parents and grandparents came from?

Ms. KATZEN. Nancy.

Ms. GORDON. The question is left for the respondent to answer. It follows the same principle of self-identification, so it's the person's desire to express whatever national origin he or she identifies with.

Mr. HORN. Has the Census Bureau, which you represent, ever followed up with an interview to see just how accurate that is—to know how people are interpreting it and whether the data of any use based on that variety of self-identification?

Ms. GORDON. There was a small reinterview program for the 1990 census, and I could get you the results of that for the record.

Mr. HORN. Do you remember offhand just the general conclusion?

Ms. GORDON. I'm sorry, I'm not familiar with it.

Mr. HORN. Without objection, it will go in the record at this point.

[The information referred to follows:]

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(Feel free to delete the table if it is too much detail.)

The census national origin (i.e., ancestry) question provides unique information on the ethnic composition of the United States. Scientific research and evaluation techniques were used in the development of the ancestry question for the 1990 Census of Population and in the analysis of quality of the results (via the Content Reinterview Survey) alluded to above.

The evaluation of the ancestry data is complicated by the fact that the question permits multiple responses. Analysis of single ancestry reporting for the 36 ancestry categories usually used in census reports yielded a moderate, but acceptable level of inconsistency. The following table provides more detail:

Persons Reported Ancestry

1990 Content Reinterview Survey (CRS) response	Census response	Total persons		Native born		Foreign born	
		Number matched	Percent matched	Number matched	Percent matched	Number matched	Percent matched
Single	Single	7,515	(2)68	6,667	(2)67	848	(2)79
Single	Two	1,277	(3)65	1,265	(3)65	12	(3)83
Multiple (1)	Single	2,453	(4)64	2,380	(4)64	73	(4)77
Multiple (1)	Two	3,952	(5)94	3,934	(5)94	18	(5)100
		3,952	(6)55	3,934	(6)55	18	(6)78
Total		15,197	(7)75	14,246	(7)75	951	(7)79

Mr. HORN. Now I'm interested in who will make the decision—the President, the Director of OMB, or Administrator Katzen—after you summarize all the Federal Register comments? That's the hierarchy, isn't it?

Ms. KATZEN. That is the hierarchy. The Vice President is there as well.

Mr. HORN. He is not in the hierarchy. Sorry, he is a legislative official. Presidents can give him assignments, but there is no Constitutional assignment for him.

Ms. KATZEN. The Director of OMB has asked me to supervise this process. On an issue like this, I fully expect to keep him well informed of my thought processes when we reach that stage. And I believe, actually, that this will be reflected in an OMB directive, which would then be signed by the Director of OMB.

Mr. HORN. Very good. Now the real question everybody is sort of asking is, how do we avoid double counting? What is your view on that?

Ms. KATZEN. My view is that, where we provide different cuts of the information, we can use the information in a way that assures the most precise measure for the purposes needed. In some instances, one can provide, as we recommend here, at least one alternative that adds to 100, so there is no double counting. In other instances, I wouldn't call it double counting.

If one were interested in finding out, for example, the aggregate number of persons in this country who view themselves as Asian-Americans, it would be fair, I believe, to include all of those who check Asian-American and only Asian-American, plus those who check Asian-American and one other or two others or three others, because such persons are saying they view themselves, in whole or in part, as Asian-American. If one is looking for a number, that is one way of presenting it.

Now it is true, if you were to add up all the people who check all the boxes, but we don't need to get there, so depending upon the purposes for which the information is being used, you may have different cuts of the same data. One of the attractive features that we have heard or that I have heard spoken of about the Interagency Committee's recommendations is it provides those different cuts, so that the most appropriate tabulation would be used for the purposes needed.

Mr. HORN. OK. On my time, Dr. Waters, since you are our expert witness on both panels, is there a question you would like to ask Ms. Katzen before she leaves, based on your own research?

Ms. WATERS. I don't think so. I think her testimony covered and the report covers everything.

Mr. HORN. Very good. Would any other members of panel III like to ask Ms. Katzen a question while she is here?

OK. Mr. Fernandez. Pull a chair up here, Mr. Fernandez. We're going to lose track of you. Just grab one of those chairs. We can do what we want with this room. We want our witnesses happy.

Mr. FERNANDEZ. Yes, I am interested in the handling of the so-called "ethnic question." In essence, we're really discussing the Hispanic population, and in particular, with reference to those individuals who are both Hispanic and non-Hispanic.

Now, in the census, the question appears as a separate question, and it asks you to indicate whether you are Hispanic or non-Hispanic, in which instance, I would answer both questions. I would answer yes and no. And there are a growing number of individuals who could do that, and who could also give a multiple response on the race question. Many Mexicans are of Native American and Spanish or European ancestry, and many Puerto Ricans are part African and part European, as well, and understand this.

What is not clear from the recommendations is the concentration on the racial categories in the discussion of new permissiveness, as far as the multiple checkoffs is concerned. I'm not sure that that was intended, but maybe it was. What I'm asking is for some clarity as to how you're going to handle that.

Ms. KATZEN. That is a very good question. I think the Interagency Committee took some steps toward providing information on that, but has not provided answers to all of your questions.

One of the steps that they had talked about was that where there is self-identification there would be two separate questions. Where there is not self-identification, as in, for example, death certificates or emergency rooms, where a person is not able to self-identify, that you could have a combined, and then check all that may be appropriate.

There has also been some significant discussion that would ensure that, regardless of how one responded on the ethnic question, one had full opportunity to choose among all of the different racial questions, as well.

But those are, I think, several steps toward an answer to your question. It is not a complete answer. This is one of the issues that we would be very interested in receiving additional consultation and help as we go through the public comment period.

Mr. FERNANDEZ. I will be happy to provide that. There was one other aspect of that which I raised in my testimony and in other venues, and that relates to the ultimate appearance of the new OMB 15.

The current OMB 15, as I understand it, is in two interchangeable formats. In other words, you are supposed to be able to integrate the two formats when you get the numbers together. In one of them the Hispanic category is treated as a race, and in the other it's treated as a so-called "ethnic group." If that problem is not resolved regarding the multiple checkoffs applying or not applying to the Hispanic group, and the two interchangeable formats are retained, I think you're going to have a serious dilemma.

Ms. KATZEN. I think, on the latter point, the recommendation of the Interagency Committee would be that where there is self-identification to have two separate questions, with the ethnic question preceding the racial question. It would be only in the instance where self-identification is not possible that you would use a combined. So they wouldn't be interchangeable formats; they would be alternative formats, depending on whether it was self-identification or third-party identification.

But, again, this is in the report and the recommendations, and this is an area in which, if there are issues that we have not anticipated, or if there are unintended consequences of some of the recommendations that have not yet been fully discussed, the purpose

of the public comment period is to bring those to our attention. We very much would like to work with your group and other groups in answering those questions.

Our objective is to enhance the accuracy and the utility of this information, not to confuse or complicate the issues. So we appreciate your assistance.

Mr. HORN. We thank you.

I now yield 5 minutes to Mrs. Maloney, the ranking Democrat. I'm sorry, we're going to have to, because of the timing, but we will try to get it in.

Mrs. MALONEY. Thank you.

Ms. Katzen, we've heard from a number of witnesses that, while the interagency recommendations are indeed a step in the right direction, the problem of how this data will be used remains a major obstacle.

It's my understanding that it will be sometime in 1999 before that guidance will be offered. That concerns me for two reasons: First, it seems to be premature to change the way the information is collected prior to determining how it's going to be used. And second, it means another 2 years of uncertainty for those who rely on this data for enforcement purposes and for discrimination cases, and so forth. What can be done to shorten this timeframe?

Ms. KATZEN. We, too, were concerned about proceeding with a recommendation without having answered the followup questions regarding reporting and tabulation, therefore, we have chosen to accelerate that timeframe appreciably. We are already in the process of putting together the committee, and I have asked the chair of the committee to please do absolutely everything humanly possible to have preliminary recommendations for the reporting and tabulating guidance by October of this year, when we have to reach our final decisions.

I got a sort of stony, cold, "OK. We'll do what we can." But I think it is important, and I'm going to put as much emphasis on that as possible, because those questions need answers.

Mrs. MALONEY. Do we have any guidance from the courts regarding how they would evaluate statistics in discrimination cases which include people who claim mixed ancestry?

Ms. KATZEN. I would prefer to defer on this question to our witness from the Justice Department who may know of past cases. For the future, I hope we would be able to present to the court compelling reasons to look at the various ways in which we are tabulating this information and the justification for using the best information available.

Ms. PINZLER. If you like, I can respond to that question. There is no case law specifically on that point. But I would echo what Ms. Katzen said, that we would obviously try to frame arguments to use this data in the best way possible for enforcement mechanisms.

Mrs. MALONEY. As you know, we have certain protected categories for civil rights and voting rights. My question is, how would those persons who check mixed ancestry be treated? Would they be treated as a protected status? Just to come down to a specific example, under your proposed guidelines from the Interagency Committee, how would you count a person who is half-black and half-Asian, for the purpose of litigating employment discrimination

cases, for example, and other discrimination cases, for example? Would that be a protected category?

Ms. PINZLER. Again, I think that that is part of the information that has to be developed, on how it is going to be tabulated. But I think that it would depend, frankly, on the particular kind of case, the facts of a particular case you were trying to develop, assuming that you had the data available, that a certain number of people were in both categories. It would also depend on the region of the country, whether there was a significant number of people who fell into that category to even register on the published data.

Ms. KATZEN. I would add that, in terms of the protections that have been afforded based on past discrimination, I do not belive a person should lose equal opportunity because he or she is a member of two different minority groups that have been discriminated against in different ways at different times.

As I illustrated earlier, in the different ways of tabulating the information, it seems to me that, for purposes of determining whether there has been discrimination against Asian-Americans, one would look to see the number of Asian-Americans who view themselves wholly as Asian-Americans and therefore checked only one box, but also include those who checked Asian-American along with whatever other categories they saw, because they do see themselves as Asian-American as part of their heritage which they want to celebrate and to defend.

Mrs. MALONEY. To simplify the question, for the purpose of litigating discrimination cases, is the option to check several racial categories more useful than a general multiracial category?

Ms. KATZEN. Absolutely, because it tells you which categories they are in. You would have much better, more precise information, and therefore I believe that you will have a more accurate picture; again, based on the findings and the recommendations that the Interagency Committee has presented, and still waiting to hear the public comment.

Mrs. MALONEY. Well, under the proposed changes, how would you count a person who indicated a black and white racial heritage, for the purpose of evaluating the impact on minority voting dilution under the Voting Rights Act?

Ms. KATZEN. For purposes of determining that, if they saw themselves as black, and black is a group that is, under these circumstances, protected?

Mrs. MALONEY. That would be protected.

Ms. KATZEN. They are protected. They are not less protected because they also claim white heritage.

Mrs. MALONEY. Now, just to clarify, who will be tabulating how this will be determined? Will your interagency task force do this?

Ms. KATZEN. These would be guidelines for how the Federal agencies and programs that have programmatic responsibilities for the particular areas are to treat the data. So I would look to the Civil Rights Division of the Justice Department, the Equal Opportunity Employment Commissions and others.

Mrs. MALONEY. Just to clarify, each agency, then, will be allowed to determine how to tabulate the data for civil rights programs; is that correct?

Ms. KATZEN. Subject to the overall guidance that will presumably be set to use the most accurate data for the purposes selected, but it is the Federal agency that will better understand the particular purposes for which it will be using this data.

Mrs. MALONEY. But if we go back to the agencies, won't we be going back to the same chaos that we had before we had Directive 15, with each agency determining. Didn't Directive 15 come out to clarify?

Ms. KATZEN. Well, in that instance, they were using different definitions for the different categories.

Mrs. MALONEY. Oh, I see. So you will have the same definitions, but each agency will tabulate.

Ms. KATZEN. That's correct.

Mrs. MALONEY. OK. Thank you.

Mr. HORN. Five minutes to the gentleman from Illinois, Mr. Davis, for questioning the witnesses.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman.

Ms. Katzen, you indicated that you felt that the interagency task force had done an outstanding job, and I certainly share that. I think, from what we've heard, there are many others who also share that position. Do you feel that, professionally, they answered the main questions, seemingly, that individuals have raised in terms of the ability to identify, in a concrete way, with their racial roots?

Ms. KATZEN. Yes, sir, I do.

Mr. DAVIS OF ILLINOIS. If that be the case, in terms of the additional information that would be generated as a result of the ability to generate that information, do you see any other useful—I mean, what other purposes, perhaps, could one suggest that information would be useful for?

Ms. KATZEN. One of the questions that the Interagency Committee struggled with initially was whether the number of persons who would choose a multiracial box, if there were an opportunity to do so, was large enough to acknowledge and was growing. I think what we might see, if this recommendation were accepted, would enable to better track the increase in immigration and in interracial marriages that are occurring.

Some speak of the melting pot. We will now have, I think, better information. That's one form of information that may come from a "mark one or more" approach that is the essence of this.

As to other types of use of this information, I would defer to the experts in the social sciences who may foresee other uses. But our attempt has been to, again, reflect, as accurately as possible, the demographics of this country and not create new categories or new protections or new areas in that regard.

Mr. DAVIS OF ILLINOIS. Did I understand you to say or suggest or indicate that, in your mind, protected categories that already exist, in all probability, would not lose their protection, even though they may secondarily, or even not secondarily, designate that they are part of another race?

Ms. KATZEN. That would be my view, as I look at the materials that are being generated. I'm reflecting here what I believe to be the view of the Interagency Committee that sought to enhance the accuracy without diluting in any way the valid information that we

have from the past, and without affecting in any way the protections that Congress has already decided.

Mr. DAVIS OF ILLINOIS. I would suggest, if ultimately that was the case, and we had the acceptance of the task force's recommendation in terms of the ultimate, then those individuals would maintain their protection; other individuals will have had an opportunity to be accurately depicted, in terms of their sense of being. I think that this task force would have just done the American people a tremendous service. That's the position that I hold.

I just have one other question, and that is, has there been much conversation about providing instructions for people in such a way that it would perhaps decrease the likelihood of their making an error because they just didn't quite understand what was being asked for?

Ms. KATZEN. Yes, and one of the tasks of this committee that we're pulling together now to work on the tabulation and reporting is to include training—actually the wording of the instructions on the forms themselves, as well as the training of those who would be administering them. This is, again, another effort that would be governmentwide, to enhance the accuracy of the information.

Mr. DAVIS OF ILLINOIS. I thank you very much.

I would like to ask Ms. Graham; Ms. Graham, from listening to the dialog today, do you feel that the interagency task force's recommendation takes care of some of the concerns that you have expressed?

Ms. GRAHAM. It does take care of some of the concerns. As I said in my testimony, it's as if we got half a loaf. It takes care of children like mine having the ability to check more than one, so that they don't have to choose to be the race of one of their parents or deny, actually, the race of one of their parents. But it still does not give them the ability to have a sanctioned category called "multiracial," or even a sanctioned name called "multiracial."

It's very interesting, the day after the interagency recommendation came out, the media started to say "mixed race" again. Up until that point, they were using "multiracial." And then the recommendation was no multiracial category, and it reverted back to "mixed race," and some other things. But the word "multiracial" was suddenly gone, and that's what we are fighting to keep.

Mr. DAVIS OF ILLINOIS. You were here when Representative Owens made a comment this morning relative to the creation of new races, in some instances. Did that bother you any, in terms of the possibility of not just the designation but actually the creation of a new racial group?

Ms. GRAHAM. That bothers me, as well, and that is not what we are trying to do at all. As a matter of fact, our recommendation has always been to have a multiracial identifier with "check all the apply" underneath that. So, actually, we're talking about the same thing and not creating a new racial category. We are in agreement.

Mr. DAVIS OF ILLINOIS. I think the only concern would be that oftentimes intent is not the same thing as result. I'm saying, oftentimes we intend one set of things, but something other than what we were seeking ends up being the result.

I thank you very much, and I have no further questions.

Mrs. MALONEY. And we have to go vote.

Mr. DAVIS OF ILLINOIS. And we've got to go vote.

Mr. HORN. Yes, I'm conscious that we have to vote here, and I'm conscious that the Assistant Attorney General also needs to be somewhere else. I do want to hear her testimony.

Let me ask my colleagues. If we recessed until 2 o'clock, would that be convenient for you. Would you be here, or are you on an airplane?

Would that solve the Assistant Attorney General's problem, if we could recess till 2 o'clock? We have got two or three votes here.

Ms. PINZLER. Well, I'm already—my 1 o'clock appointment with the Attorney General is already—I'm late. That will be fine.

Mr. HORN. All right. If we can, let me just end this session, before Ms. Katzen leaves, we appreciate very much your testimony. We know we've detained you here. Mr. McDougall did have a question, and I'd like him to be able to ask it.

Mr. MCDOUGALL. Thank you very much, Mr. Chairman.

I was just interested in Ms. Katzen's description of some of the instances in which self-identification would not be possible—for example, death certificates and emergency room certificates.

I wondered, Ms. Katzen, if you could identify for us if there were any other circumstances in which self-identification would not be appropriate or possible?

Ms. KATZEN. I'm not aware of any offhand. Again, this would depend largely upon how the Federal forms are being used in different circumstances. One of our very important principles was self-identification, but we have to recognize that there are certain circumstances where it simply is not possible to rely upon the individual to respond.

Mr. HORN. Well, we thank you. We are in recess until 2:05 p.m.

Ms. KATZEN. Thank you very much, Mr. Chairman.

[Recess.]

Mr. HORN. The subcommittee will resume.

We thank you for your patience today. We had an unusual series of votes on the floor, and I know it wrecked everybody's schedule, but that's democracy in action. Since this is democracy in action when we work in committee, we're glad we could have our key witnesses back.

Assistant Attorney General Pinzler, I'm going to start with you, and then Ms. Gordon, and then Dr. Waters, since I'm using you as an expert on two panels. Please all stay there, and we can have a dialog and solve some problems, perhaps.

So, as you know, we put your statements immediately in the record, and you can summarize them. Generally, we'd like you to do it in 5 or so minutes, so we can have time for questions. And I know you've got a busy day anyhow.

So Attorney General Pinzler, if you will start.

Ms. PINZLER. Mr. Chairman, members of the subcommittee, I am pleased to join my colleagues on this panel.

The Department of Justice participated on the Interagency Committee and commend its efforts to address this difficult issue. We believe that the country will be well served by the changes recommended by the Interagency Committee.

If adopted, they will address the concerns of those members of the public who find the existing standard does not allow them com-

fortably to report their identities, while at the same time allowing the Federal Government to continue to collect accurate and reliable data, thus enhancing the effectiveness of the enforcement of the civil rights laws.

It will be necessary to evaluate this newly collected data so that their use is consistent with historical precedent. This will ensure that the information is presented in a fashion that is reliable and useful to agencies and organizations, such as the Department of Justice, that have law enforcement responsibilities.

Since my administration colleagues have already presented the recommendations of the Interagency Committee and the work that is ongoing, I thought it would be helpful to tell you how the Department of Justice relies on racial and ethnic data to carry out its law enforcement mission.

The Civil Rights Division of the department, of course, enforces the civil rights laws that were enacted by Congress to combat historical and continuing discrimination against racial and ethnic minorities, among others. The evidence of discrimination that served as a basis for enacting those laws has been compelling, as reflected in legislative history, and led to overwhelming support that these laws garnered when enacted.

The division relies extensively on demographic data in the course of our efforts to identify and remedy violations of the civil rights laws for which we have enforcement responsibility, including the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, and the Equal Credit Opportunity Act.

Our law enforcement efforts depend heavily on demographic data that are accepted by the courts as reliable and presented in a usable format. They also depend on data that allow individuals to identify themselves as members of groups that are subjected to discrimination on the basis of race or ethnicity.

I would like to just briefly outline some, but not all, of the ways that the division relies on race and ethnicity data in our law enforcement work. Obviously, I can't be exhaustive in the time allowed. We need accurate data for purposes of enforcing the Fair Housing Act and the Equal Credit Opportunity Act, both of which prohibit discrimination on the basis of race and national origin.

The data assist in a variety of ways in determining whether a housing or a lending practice is unlawful. For example, having accurate information about the racial composition of neighborhoods is critical in determining whether a real estate company is steering minority homeseekers away from white neighborhoods.

Racial and ethnic census data are particularly useful in our efforts to ensure that lenders do not discriminate in making home mortgages and other types of loans. This helps in determining, for example, whether a lender designating its geographical service areas has excluded areas where large concentrations of racial minorities live.

Race and ethnic census data also assist in analyzing marketing practices. For example, we consider whether a lender used methods such as direct mail solicitation in select areas that avoid minority borrowers, or on the other hand, targeted minority borrowers for predatory lending practices, such as very high-priced mortgages.

Our fair housing and lending cases require complex statistical analysis usually designed to determine the extent to which racial and ethnic differences in mortgage in prices or the denial rates could have occurred by chance. Here we control for various combinations of racial, ethnic, and economic data to assess their possible impact on the price or denial of rate differentials. Accurate identification of race and ethnicity of borrowers is critical to such analyses.

Accurate data play an essential role in our enforcement of Title VII of the Civil Rights Act. As you may know Title VII prohibits employment discrimination, and we enforce Title VII as to State and local governments. Race and ethnic data are essential to establish a prima facie case that an employer has engaged in an employment practice that has either intentionally disadvantaged individuals or has had an illegal discriminatory impact on the basis of race or national origin.

In general, a statistical prima facie case depends on comparison of, for example, the racial and ethnic composition of a relevant labor pool as compared to the racial and ethnic composition of those hired for a particular position. The absence of accurate aggregated race and ethnic data that can be used to determine the impact of an employment practice would hurt the department's ability to pursue cases of illegal employment discrimination.

In the area of voting rights, these data are particularly important for the enforcement of Section 5 of the Voting Rights Act, which requires covered districts to obtain preclearance of proposed changes in election practices to ensure that they do not have the purpose or effect of disadvantaging minority voters on the basis of race and ethnicity. Under Section 5, census data provide decisive information in cases when it is alleged that the proposed election rules will have differential impact.

Enforcement of Section 2 of the Voting Rights Act also requires accurate data, especially when courts must determine whether a State, county, or local redistricting plan has the effect of diluting minority voting strength. These data are also crucial to demonstrating polarized racial bloc voting patterns, which the Supreme Court has found to be of importance in proving a violation of Section 2.

Mr. Chairman, I would like to briefly address the issue of the multiracial category versus the "one or more" races debate. The Division has been concerned that the inclusion of additional categories, such as "multiracial," or "other," or an open-ended response would fragment the racial and ethnic group data and make enforcement more difficult, because the additional categories would confuse respondents, lead to less reliable data, and make it difficult to prove that members of a particular racial and ethnic group are subject to discrimination.

The research conducted by the Interagency Committee bore out our concerns. The committee concluded that the best means of measuring the growing multiracial population while continuing to conduct an accurate census and to collect reliable demographic data would be to choose, as appropriate, the "one or more" races rather than the single "multiracial" category, and we agree.

In addition, further work is needed, as has been pointed out, to ensure that these data will be used so as not to have adverse impact, in particular, on relatively small groups with relatively high intermarriage rates, such as AsianPacific Islanders, Native Americans, and Alaskan Natives, as indicated by the research conducted by the Interagency Committee.

Federal statistical agencies who are members of the Interagency Committee will continue to look at how the newly collected and complex data will relate to the historical use of race and ethnic categories, and we look forward to working with these agencies to address these issues.

The question has come up, as I've heard it, of double counting people. What it caused me to think about is that this "problem" has been raised in the past with respect to women and minorities, whether black women are counted twice or Hispanic women are counted twice, and it simply hasn't been a problem.

What we do is, we disaggregate the data. If we have a sex discrimination case, then all women, black or white, are regarded as women for those purposes. If we have a race discrimination case, then all members of whatever the protected minority in question is are counted for those purposes.

In our litigation, I would presume that we would continue to handle the data in that fashion, to disaggregate it when necessary and not when it is not necessary. A lot of our cases, especially in the area of employment discrimination, are combined cases. Not only are they race and sex, but they may be on behalf of a number of racial minorities, and therefore this additional data can only help, actually.

The questions raised by Federal measures of race and ethnicity are difficult and often emotional ones, and have been well addressed by the Interagency Committee, and we commend them. The bottom line for law enforcement for the Civil Rights Division is that we need complete, accurate, and reliable data in order to combat effectively the types of discrimination against racial and ethnic minorities that are prohibited by these vital laws passed by Congress.

We look forward to continuing to work on the question of how to interpret the data that are collected. I look forward to any questions that you may have.

[The prepared statement of Ms. Pinzler follows:]

Mr. Chairman, Congresswoman Maloney, and members of the Subcommittee, thank you for the opportunity to testify today on Federal measures of race and ethnicity, and specifically on the recommendations of the Interagency Committee for the Review of Racial and Ethnic Standards for changes to OMB Statistical Policy Directive No. 15.

Directive 15 was promulgated in 1977 and it has served the country well in standardizing the collection of racial and ethnic data by various agencies of the Federal government, most importantly from our perspective, the Bureau of the Census. Moreover, Directive 15's categories have been widely adopted by state and local government agencies and private organizations that collect and report demographic data. Thus, for many years there have existed uniform and effective standards for collecting, reporting and presenting demographic data on the racial and ethnic characteristics of the United States' population.

Times and needs change, however, and it has become necessary to evaluate how well a standard that is more than 20 years old continues to serve the purposes for which it was designed. Our

review of the research suggests that changes to Directive 15 are necessary to better capture the demographic characteristics of the nation. We commend the Interagency Committee for undertaking this most difficult and controversial task. Indeed, the Department of Justice was pleased to be part of the Interagency Committee and we support its recommendations. The Civil Rights Division believes that the country will be best served by the changes recommended by the Interagency Committee because, if adopted, they will address the concerns of those members of the public who find that the existing standard does not allow them accurately to report their identities, while allowing the Federal government to continue to collect accurate and reliable data, and thus enhancing the effectiveness of the enforcement of our civil rights laws.

It will still be necessary to evaluate these newly collected data so that their use is consistent with historical precedent. This will ensure that information is presented in a fashion that is reliable and useful to agencies and organizations such as the Department of Justice that have law enforcement responsibilities. In addition, further work will be needed to ensure that these data will be used so as not to have an adverse impact on certain

groups, such as Alaskan Natives, Asian Pacific Islanders, and Native Americans, as indicated in the research conducted for the Interagency Committee.

To understand the reasons why we support the Committee's recommendations, it is useful to explain how the Department of Justice relies on racial and ethnic data to carry out its law enforcement mission. The Civil Rights Division of the Department enforces civil rights laws enacted by Congress to combat historic and continuing discrimination against racial and ethnic minorities, among others. The evidence of discrimination that served as the basis for enacting these laws has been compelling, as reflected in the legislative history, and led to the overwhelming support these laws garnered when enacted.

The Division relies extensively on demographic data in the course of our efforts to identify and remedy violations of the civil rights laws for which we have enforcement responsibility, including the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, and the Equal Credit Opportunity Act. Our law enforcement efforts depend heavily on demographic data that are accepted by the courts as reliable and

are presented in a usable format. They also depend on data that allow individuals to identify themselves as members of groups that are subjected to discrimination on the basis of race or ethnicity. Among other sources, the Division uses data that are collected, analyzed and published by the Census Bureau, data in Equal Employment Opportunity Commission reports filed by employers, data filed by lenders under the Home Mortgage Disclosure Act, and data collected from schools by the Department of Education. The recommendations of the Interagency Committee would apply to each of these sources of Federal data.

Let me describe briefly some of the ways the Division relies upon measures of race and ethnicity from census and other demographic data in its law enforcement work.

FAIR HOUSING AND FAIR LENDING. It is important to have accurate race and ethnic data for purposes of enforcing the Fair Housing Act, 42 U.S.C. 3601, and the Equal Credit Opportunity Act, 12 U.S.C. 1691, which prohibit discrimination on the basis of race and national origin. The data assist in a variety of ways in determining whether a housing or lending practice is unlawful. For example, having accurate information about the

racial composition of neighborhoods is critical in determining whether a real estate company is steering minority homeseekers away from white neighborhoods. Racial and ethnic census data are particularly useful in our efforts to ensure lenders do not discriminate in making home mortgage and other types of loans. Such data will help in determining, for example, whether a lender designating its geographic service areas has excluded areas where large concentrations of minorities live.

Race and ethnic census data also assist in analyzing marketing practices. For example, we consider whether a lender used methods (direct-mail solicitation in select areas, for example) that avoid minority borrowers or, on the other hand, targeted minority borrowers for predatory lending practices, such as very high-priced mortgages. Further, our cases frequently require complex statistical analyses, usually designed to determine the extent to which racial or ethnic differences in mortgage prices or denial rates could have occurred by chance. Here, we control for various combinations of racial, ethnic, and economic data to assess their possible impact on the price or denial rate differences. Accurate identification of race and ethnicity of borrowers is critical to such analyses.

EDUCATION. Accurate race data play an essential role in our efforts to ensure equal educational opportunities under Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c-6 and the Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703. These data help the Division target investigations, detect violations, and monitor and enforce desegregation plans.

EMPLOYMENT. The Division enforces Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, against public (non-Federal) employers, and Executive Order 11246 against Federal contractors. These laws prohibit discrimination in employment on the basis of race, sex, religion, and national origin. Our enforcement efforts rely heavily upon reliable data regarding the composition of the labor force according to race, national origin, sex, education, age, occupation, and residence.

Race and ethnic data are essential to establish a prima facie case that an employer engaged in an employment practice that either intentionally disadvantaged individuals, or had an illegal discriminatory impact, on the basis of race or national origin. In general, a statistical prima facie case depends on a comparison of, for example, the racial or ethnic composition of

the relevant labor pool to the racial or ethnic composition of those hired for a particular position. See Hazelwood School Dist. v. United States, 433 U.S. 299, 307-308 (1977); Wards Cove Packing Co. v. Atonio, 490 U.S. 642, 650-651 (1989). The absence of accurate aggregated race and ethnic data that can be used to determine the impact of an employment practice would be detrimental to the Department's ability to pursue cases of illegal employment discrimination.

VOTING RIGHTS. The Department relies on census data to determine the racial and ethnic composition of voting jurisdictions, pursuant to the Voting Rights Act of 1965. These data are important to enforcement of Section 5 of the Act, 42 U.S.C. 1973c, which requires covered jurisdictions to obtain preclearance of proposed changes in election practices to ensure that they do not have the purpose or effect of disadvantaging voters on the basis of race or ethnicity. Under Section 5, census data provide decisive information in cases when it is alleged that proposed election rules will have a differential impact on minority citizens.

Similarly, enforcement of Section 2 of the Voting Rights

Act, 42 U.S.C. 1973, requires accurate census data regarding race and ethnicity, especially when courts must determine whether state, county and local redistricting plans have a discriminatory result. These data are also crucial to demonstrating racial bloc voting patterns which the Supreme Court found to be of signal importance in proving a violation of Section 2. See Thornburg v. Gingles, 478 U.S. 30 (1986).

Finally, the Division uses census data to enforce Section 203 of the Act, 42 U.S.C. 1973aa-1a, which requires language assistance to voters in jurisdictions in which over 5% or a total of 10,000 of the residents are members of a language minority group and are limited-English proficient. Although the proposed changes to Directive 15 would not directly affect the collection of language usage data, racial and ethnic data are used in conjunction with that data in enforcing the language provisions of the Voting Rights Act.

Mr. Chairman, perhaps the most prominent issue with regard to the Interagency Committee's recommendations has been whether the existing standards are adequate to reflect the nation's increasingly diverse population. We recognize the importance of

this question. Throughout the interagency process the Division has been concerned that the inclusion of additional categories such as "multiracial," "other," or an open-ended response would fragment racial and ethnic group data and make enforcement more difficult because the additional categories could confuse respondents, lead to less reliable data, and make it difficult to prove that members of a particular racial or ethnic group are suffering discrimination.

The work done by the Office of Management and Budget, the National Academy of Sciences, the Bureau of the Census and the Bureau of Labor Statistics, and cited in the report of the Interagency Committee, considered these concerns. Based upon this work, the Interagency Committee concluded that the best means of measuring the growing multiracial population while continuing to conduct an accurate census and to collect reliable demographic data would be to have respondents choose, as appropriate, "one or more" races, rather than a single "multiracial" category.

Allowing respondents to choose the appropriate racial categories was found by these tests and studies to produce a more

accurate and useful measure of racial characteristics than the adoption of a new "multiracial" category. In addition, these studies found that collecting data in this manner would not, in most cases, significantly affect the reporting of racial or ethnic information. Given these research findings, the concerns of the Division were addressed as to the vehicle for the collection of multiracial data, but more work needs to be done. The statistical Federal agencies who are members of the Interagency Committee will continue to look at how this newly collected and complex data will relate to the historical use of racial and ethnic categories, and we look forward to working with these agencies to address these issues.

Mr. Chairman, the issues raised by Federal measures of race and ethnicity are difficult and often emotional ones, and have been well addressed by the Interagency Committee as we move towards the 21st century. But the bottom line for the law enforcement work of the Civil Rights Division of the Department of Justice is that we need complete, accurate, and reliable data in order to combat effectively the types of discrimination against racial and ethnic minorities that are prohibited by the vital civil rights laws enacted by the Congress. We look forward

to working on the questions of how to use and interpret the data collected to ensure effective civil rights enforcement.

Thank you for providing this opportunity for the Department of Justice to present its views. I look forward to answering any questions members of the Subcommittee may have.

Mr. HORN. We will proceed with the two other witnesses, then we will have general questions.

The next witness is Nancy Gordon, the Associate Director for Demographic Programs of the Bureau of the Census.

Ms. Gordon.

Ms. GORDON. Thank you very much, Mr. Chairman.

It is a pleasure to appear before you again today to testify.

Mr. HORN. Now remember, you did take the oath. Tell the truth now.

Ms. GORDON. Yes, I do remember.

Mr. HORN. OK.

Ms. GORDON. And I promise that I will tell the truth, and it is a pleasure to be here again today. [Laughter.]

What I think perhaps might be most useful, in terms of the time available—but I am seeking your advice here—is to make a brief opening remark or two, and then go directly to the section at the end of my testimony that deals with the implications of the recommendations of the Interagency Committee for the Census Bureau's programs.

Mr. HORN. That's fine if you'd like to proceed that way.

Ms. GORDON. Let me observe, then, that if the OMB does make any changes to Directive 15, the Census Bureau intends to collect and produce data consistent with those changes. We believe that it is essential that there be such standards for use by all Federal agencies to ensure that data are consistent and comparable.

The Census Bureau's role in this process has been primarily to conduct research. The second of the major tests we conducted was the Race and Ethnic Targeted Test. Some results from that work that relate especially to recommendations of the Interagency Committee are summarized in my statement. If we turn to the bottom of page 7, that starts the section on implications of the recommendations for our programs, and in particular for the decennial census.

We have reformatted the forms we currently plan to use in the Census 2000 dress rehearsal, which is planned for 1998, to determine the feasibility of accommodating the changes recommended by the Interagency Committee, should they be adopted by the OMB.

We have, therefore, placed the Hispanic origin question before the race question, used the instruction "mark one or more races," and made the proposed changes in terminology. We were able to do so without any technical difficulties or lengthening of the form. We published a Federal Register notice about questions on race and ethnicity on July 17, and public comments will be accepted during the following 60 days.

We plan to capture multiple responses to the race question with the data capture hardware and imaging technology, regardless of whether or not Directive 15 is modified. We also expect to be able to capture unrequested multiple responses to the Hispanic origin question. Doing so was recommended by our Hispanic Advisory Committee and brought up earlier today by Mr. Fernandez. We plan to do that in order to provide the information for further analysis and research on the topic of multiethnic responses.

This imaging technology can read written characters as well as marked circles. While some technical issues remain about the exact coding of the write-in responses and about the exact format of the permanent electronic census file, we intend to maximize the amount of information we retain.

As in the past, Census 2000 will collect more detailed data on race than the minimum required by the Office of Management and Budget, and those data will be processed in such a way as to maintain maximum flexibility for data users. Census data, including those on race, will be available to users through the Census 2000 tabulation and publication series, all of which will follow whatever standards and guidelines the OMB ultimately issues.

The Data Access and Dissemination System will allow even more options and broader access for users to generate customized tabulations. This system will be available through the Internet, so that people can either access tabulations that have already been produced by the Census Bureau, or they can create instructions and then automatically receive the tables that they are interested in.

Selected micro data files will also be available, but the confidentiality of individual respondents will always be maintained.

Mr. Chairman, I would be happy to answer any questions.

[The prepared statement of Ms. Gordon follows:]

PREPARED STATEMENT OF

NANCY M. GORDON

ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS

U. S. BUREAU OF THE CENSUS

Before the Subcommittee on Government Management, Information, and Technology

Committee on Government Reform and Oversight

U.S. House of Representatives

July 25, 1997

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to testify today on the recommendations made to the Office of Management and Budget (OMB) by their Interagency Committee for the Review of Racial and Ethnic Standards, which included the Census Bureau as one of more than 30 federal agencies. The Census Bureau complies with the guidance to all federal agencies for collecting and reporting data on race and ethnicity that the OMB issues in Statistical Policy Directive No. 15. If, as a result of the Interagency Committee's recommendations and public comment, the OMB makes any changes to the existing directive, the Census Bureau intends to collect and produce data consistent with those changes. We believe that it is essential that there be such standards for use by all federal agencies to ensure that data are consistent and comparable.

The Census Bureau's major role in this process has been to conduct research on concepts and questions about race and ethnicity, consult with a wide variety of data users, and undertake two major tests that helped the Interagency Committee to develop its recommendations. These tests

also provide information on the wording and placement of questions for use in Census 2000. I described the results of the first of these tests--the 1996 National Content Test--when I testified before this Subcommittee on April 23. I have been asked to describe briefly the results of the second test--the Race and Ethnic Targeted Test--in the context of our overall research program. Then I will turn to implications of the Interagency Committee's recommendations for Census Bureau programs.

THE CENSUS BUREAU'S RESEARCH PROGRAM

We are confident that we can collect data on race and ethnicity in conformance with all of the recommended revisions to Statistical Policy Directive No. 15, because we have been undertaking a multi-year testing program of various formats and questions on race and ethnicity. These tests are an integral part of our program to structure the questions for Census 2000 so that they meet the government's need for data on race and ethnicity.

We began our research program for Census 2000 by evaluating the adequacy of data on race and ethnicity from the 1990 census. Although the evaluations indicated the data were of overall high quality, we identified several problems with the questions, mostly related to misreporting, nonresponse, and inconsistent reporting.

We consulted with a broad array of advisors and stakeholders, including members of our four census advisory committees on race and ethnicity; a census advisory committee of professional

associations; and the Secretary of Commerce's 2000 Census Advisory Committee. We also sought advice from a diverse panel of experts on data about race and ethnicity; representatives of federal, state, tribal, and local governments; representatives of various groups with differing views on classifying data about race and ethnicity; attendees at a conference on the measurement of ethnicity organized jointly between the Census Bureau and Statistics Canada; and hundreds of data users to whom we have sent our plans for comment.

Over the last several years, we have also conducted cognitive research, focus groups, and classroom experiments to test the questions. Several of the proposals for testing came from the research agenda developed by the Research Working Group of the Interagency Committee. In both the National Content Survey and the Race and Ethnic Targeted Test, we asked the race and Hispanic origin questions in the traditional way (as in the 1990 census) and also asked them with numerous changes in question format, sequencing, and terminology, including several of those being recommended to OMB by the Interagency Committee.

The National Content Survey, which we conducted from March through June 1996, is the principal vehicle for testing and evaluating the full subject content for Census 2000. Its sample consisted of thirteen panels spread over 94,500 households, but our analyses of ways to collect data on race and Hispanic origin were based on four panels with about 4,500 households each. The National Content Survey was designed to provide nationally representative data, but not to collect data specifically to examine small population groups, such as American Indians, Alaska Natives, detailed Asian and Pacific Islander groups (such as Chinese or Hawaiians), or detailed

Hispanic origin groups (such as Puerto Ricans or Cubans).

In order to do that, we conducted the Race and Ethnic Targeted Test in the summer of 1996. This test consisted of a sample of about 112,000 housing units drawn from census tracts with high concentrations of racial and ethnic populations including American Indians, Alaska Natives, Asians and Pacific Islanders, Blacks, Hispanics, and White ethnics. Because of the "targeted" design, the samples are not representative of the total population; however, they are designed to detect differences in responding to various questionnaire designs among those specific populations in areas where they are highly concentrated. It should also be noted that since targeted samples are drawn from the entire population in selected census tracts, they contained a diversity of population groups. That is, a census tract selected because it had a high concentration of Asians and Pacific Islanders might also contain a number of Whites, African Americans, and so on.

SELECTED RECOMMENDATIONS OF THE INTERAGENCY COMMITTEE

Except for changes in terminology, there are no changes recommended by the Interagency Committee to the broad categories of racial and ethnic classification. (There is one proposed realignment that would place Central and South American Indians in the American Indian category.) The four major race categories would continue to be American Indian or Alaska Native, Asian or Pacific Islander, Black or African American, and White and the categories of ethnicity would remain Hispanic origin, and Not of Hispanic origin. In addition, the Interagency

Committee has recommended that when race data are tabulated, at a minimum, an additional category-- "more than one race"-- be added and that more detail be provided whenever possible without compromising confidentiality or data quality.

As in the current Directive No. 15, the recommendations are designed to provide *minimum* standards for federal data on race and ethnicity. The recommendations continue to permit the collection of more detailed information on population groups to meet the needs of specific data users, provided the additional detail can be aggregated to comply with minimum standards.

Several specific recommendations by the Interagency Committee were based in part on results from the Census Bureau's research program. They include:

- When self-identification is used, a method for reporting more than one race should be adopted;
- When the two-question format is used, the Hispanic origin question should precede the race question, when self-identification is used;
- The name of the Black category should be changed to "Black or African American," and additional terms, such as Haitian or Negro, can be used if desired; and
- The term "Hawaiian" should be changed to "Native Hawaiian."

SELECTED RESULTS OF THE RESEARCH PROGRAM

I will now briefly report on results from our research program that relate to the Interagency

Committee recommendations listed above.

Wording of the Instruction on the Race Question

Perhaps the most interesting finding from the Race and Ethnic Targeted Test was that some respondents provided unrequested multiple responses to the race question even when they were asked to "mark one" box. These percentages were highest in the Alaska Native targeted sample (about 5.2%) and lowest in the Black targeted sample (less than one percent). In the 1990 census, we estimate that perhaps half of one percent of the general population gave multiple responses to the race question when asked to "mark one."

We also tested separate Hispanic origin and race questions and asked respondents to "mark one or more" categories in the race question. In this case, multiple responses ranged from a low of 1.4 percent in the White targeted sample to a high of 10.0 percent in the Asian and Pacific Islander targeted sample.

However, we found that the instruction "mark one or more" races had no statistically significant effect on the percentage who reported a *single race* of White, Black, American Indian, or Asian and Pacific Islander in their respective targeted samples. The instruction for multiple reporting was not included in the Alaska Native targeted sample because the sample of Alaska Natives in the targeted test was too small.

The Sequencing of the Questions on Race and the Hispanic Origin

Research results show that placing the Hispanic origin question before the race question seems to ameliorate, but not eliminate, two problems that existed in the 1990 census. Asking the Hispanic origin question before the race question reduced the percentage not answering the Hispanic origin question from about 9 percent to about 5 percent in the National Content Survey. This ordering also decreased the percentage reporting as "other race" in the race question from 25 percent to 16 percent in the Hispanic targeted sample of the Race and Ethnic Targeted Test.

Changes in Terminology

Results from the National Content Survey and from other tests indicated that a plurality of Black respondents still prefer the term "Black," but a sizeable number prefer the term "African American." In the Race and Ethnic Targeted Test, we tested the substitution of "Native Hawaiian" in place of "Hawaiian", combined with listing this category immediately after the "American Indian and Alaska Native" category as the first of the Asian and Pacific Islander groups. The changes combined increased reporting of Hawaiians in the Asian and Pacific Islander targeted sample.

IMPLICATIONS FOR DATA COLLECTION

We have reformatted the forms we currently plan to use in the Census 2000 Dress Rehearsal (and

in Census 2000) to determine the feasibility of accommodating changes recommended by the Interagency Committee, should they be adopted by the OMB. We have, therefore, placed the Hispanic origin question before the race question, have used the instruction "Mark one or more races," and have made the proposed changes in terminology. We were able to do so without any technical difficulties or lengthening of the form. We discussed the proposed form for the Census 2000 Dress Rehearsal, which is planned for 1998, with the Secretary's 2000 Census Advisory Committee, the Census Bureau advisory committees of the professional associations, and the four committees on race and ethnicity earlier this month and published a Federal Register notice about the questions on race and ethnicity on July 17. Public comments will be accepted during the following 60-day period.

We plan to capture multiple responses to the race question with the census data capture hardware and imaging technology, regardless of whether Statistical Directive No. 15 is modified or not. We also expect to be able to capture unrequested multiple responses to the Hispanic origin question. This technology can "read" written characters as well as marked circles. While some technical issues remain about the exact coding of the write-in responses and the exact format of the permanent electronic census file, we intend to maximize the amount of information retained.

As in the past, the Census 2000 will collect more detailed data on race than the minimum required by OMB and those data will be processed in such a way as to maintain maximum flexibility for data users. Census data, including those on race, will be available to users through the *Census 2000 Tabulation and Publication Series* (the predetermined, standard publications for

the census), all of which will follow whatever standards and guidelines the OMB ultimately issues. The Data Access and Dissemination System for Census 2000 (and other data products) will allow even more options and broader access for users to generate customized tabulations. This emphasis on meeting the needs of users is an integral part of the vision for all Census 2000 topics and products. Selected microdata files also will be available, but the confidentiality of individual respondents will always be maintained.

Mr. Chairman, that concludes my testimony. I will be happy to answer any questions.

Mr. HORN. We will get to that shortly.

We now have Dr. Waters, professor of sociology, Harvard University.

Dr. Waters.

Ms. WATERS. Thank you for inviting me to talk with the subcommittee today.

I am just going to summarize my written statement and talk a little bit about some of the issues that have been brought up in earlier testimony.

I think that the interagency report synthesizes an enormous amount of new research that the government has done in the last 4 years, and that it will really be a while before we've been able to go through all of the research that they have come up with. But I was very impressed with the interagency report and the ways in which they incorporated that new research into their recommendations.

I have three reactions to the interagency report. The first has to do with tabulating results. In my written statement, I went through five different methods of tabulating results that were mentioned, even if briefly, in the interagency report. The first three were discussed by Harold McDougall earlier in his testimony.

The first was the single-race approach where everyone who checked more than one would go into a multiple response category. The second was an all-inclusive approach in which we would sum up to more than 100 percent. The third was the historical series approach, which was defined in detail in the rate report.

The fourth was the proposal for an algorithm that distributes responses from a multiracial category in proportion to the distributions of the current single-race categories, and I think that was rightly dismissed in one sentence in the report.

The fifth was the idea that there are algorithms currently which take people who either put themselves in an "other" category or, in some States, into a multiracial category, that use certain characteristics of people to try and match them to the existing historical categories. So that's another possibility.

Then there were two others that I outlined in my written report that we have actually used looking at ancestry data, which does come in in multiple categories. One is to assign a weight to a person, and this is something statisticians and demographers do all the time, although it sounds kind of awful when you describe it as doing to a person. You're certainly not doing it to a person; you're doing it to a number.

What you would do is count somebody in both, say, the Asian and the white categories, but you would give them a weight of 0.5. Then you would add all of your percentages in the end, and you would come back out to 100 percent. You wouldn't have any more people counted than you had people.

Then the seventh would be to just randomly assign people in proportion. So if you were half and half, half of the people who said that they were that combination would be put into one race and another.

I'm sure there are other ways, actually, to tabulate. These are just some of the ones that were mentioned and a few that we've used before. I think that the issue which was raised by many peo-

ple earlier this morning, the concern about double counting, is something which is definitely for professional demographers and statisticians to worry about how you would actually do it. It actually is common to have to do that for particular kinds of counts.

In a way, actually, you can think about the Hispanic and the race question as already doing that, to some extent, because people are in the Hispanic question and they are in the race question. So sometimes, when you are looking at, say, incomes, people may appear in the Hispanic category, and they may also appear in the white or the black category, depending on how savvy the researcher is who is actually preparing those reports.

So I think we do have some experience with dealing with this overlap, but of course it really will be a new question as to how those tabulations are done. Of course, there are a lot of political implications for what choice you make about how to do that.

Let me just talk briefly about two other questions which came to my mind reading the interagency report. One is the issue of the implementation of how these data are actually gathered, and the question that was touched on briefly before about different agencies that collect data by observer and by self-identification. The question really is, and I'm not sure we have enough research to tell, whether or not observers might assign more races to people or less races to people than the people themselves would.

The question would be, if you allow more than one race, how will that affect data that is gathered by observers? That happens, for instance, in school data. Often teachers will sum up how many kids of particular races there are. The error rate, I am sure, if somebody is guessing about multiple races, is going to be greater than if they are guessing about one race. So that's a question I think that we need some research on.

Second, the instructions to respondents will be extremely important in how these data are collected. I think that there should be some attention paid to whether or not the word "identify" is in there or not, sort of whether people feel like they are being asked for their genealogy or sort of who they think they are. Sometimes that has been confused in earlier questions on earlier censuses, so I think we need to pay attention to that.

The third reaction I had to the report, and it's really just been reinforced sitting through everyone else's testimony today, is that, politically, all of the attention has been on blacks and whites. Most of the attention has been on African-Americans and whites, and that's very understandable given our political history.

But all of the research that is summarized in this report points to the fact that it's American Indians and Asians who will be most impacted by this change, because they have very high intermarriage rates, because they have a very high population that could claim more than one ancestry, and because they are small groups, so that a few people changing can have a greater proportional impact.

The research actually finds that a lot of these changes won't have much effect at all on the overall counts of blacks and whites, but it will on American Indians and Asians. So I would stress that I would want to get reactions from the American Indian and Asian

communities to this issue, because I think they really are the ones who stand to have the most impact.

I think that the question that came up often today about the tabulation and how that will be handled really touches on the issue where there are competing principles at play here, which is the issue of historical continuity with earlier data and self-identification.

That's kind of why the issue has come up in the first place. People are trying to say we have more than one race, and historically we haven't let that happen. So the question of how you bridge historical data to the current data that you're going to collect, which will allow people to have more than one race, is very important for this census.

I think the thing I would also stress is to really think about the fact that you are also setting up for the censuses that will follow, so the 2010 census. One point that is very important to make is that, if you make a small change now, that will provide perhaps the bridge to the society that we will be in 2010, which may have even very different things that we can't even foresee. But putting off making the change would make a much greater disruption, I think, in the historical series.

So there may be a real disjuncture between this issue of self-identification and historical continuity. It may play out, I think, in terms of this issue of responding categories and reporting categories. How you tabulate may be different than how you collect.

That's a question that I would like to see the OMB describe the real—maybe even have a matrix. If you answer these particular categories, where will you end up, in what kind of tabulations?

[The prepared statement of Ms. Waters follows:]

Testimony of Professor Mary C. Waters
Department of Sociology
Harvard University
Before the Subcommittee on Government Management, Information and Technology
of the Committee on Government Reform and Oversight
United States House of Representatives

July 25, 1997

Thank you Mr. Chairman and Members of the Committee for inviting me to speak to you today about the very important issue of how the federal government should measure race and ethnicity. My name is Mary Waters and I am a sociologist and demographer who specializes in racial and ethnic identity. I have written extensively about how Americans think about their ancestry and backgrounds and how they answer censuses and surveys that ask about those backgrounds. I was a participant in the National Academy of Sciences workshop on the federal standards for racial and ethnic classification and I have consulted to the Census Bureau and Bureau of Labor Statistics on how to test various ways of measuring a multiracial category and on the design and reporting of the census ancestry question. I currently have a grant from the NICHD to examine patterns of intermarriage and the identity choices parents make for their children when filling out the census form, and how interracial children should be counted in long run population projections.

I will be commenting today on the Recommendations of the Interagency Committee for the Review of the Racial and Ethnic Standards, as published in Part II of the Federal Register for July 9, 1997. I think the report does a very good job of summarizing the pros and cons of each of the actions the committee considered taking. I also think the report does a very good job summarizing the four years of research on this topic that the government has undertaken. I will concentrate my remarks today on the recommendation of the committee regarding the issue of allowing people to report more than one race. I will try to outline some of the issues the report raises but does not answer completely, and some questions and issues I

think the recommendations raise that need to be thought about before adopting the committee's recommendations. My approach is to think about the social science issues and the demographic and statistical questions this new approach raises, I leave it to others to debate the political pros and cons of the recommendation.

My reading of the recommendation of the committee to allow people to "mark one or more" or "select one or more" race is that this recommendation tries to meet concerns on both sides of this issue. Allowing people to check more than one race does allow people the recognition of their ancestries they have been requesting. It no longer forces a person with parents of different races to identify only with one parent's race. Allowing people to "mark one or more" also allows a greater degree of historical continuity with previous federal categories by not including a separate "multiracial" category and by preserving information about which races an individual chooses.

Of course like most middle roads, it does not necessarily satisfy either side. It does change the way we measure race, thus upsetting those who want to preserve the status quo, and it does not provide a separate multiracial category, thus upsetting those people who have requested such recognition.

I see two important unresolved issues in this recommendation. The first and most important has to do with the methods and principles for tabulating and reporting the counts of people that will result from this new method. The second has to do with implementation of this new method in the field and resulting problems.

TABULATING RESULTS

The recommendation to allow people to choose more than one race effectively decouples response from reporting. The committee does not specify how federal agencies will process the data to meet legislative needs, or how the general counts of the population from the census will be presented. Allowing more than one response means that there needs to be consistent rules on how those who choose more than one race will be tabulated. These rules will be necessary in order to have comparable data across agencies and to meet requirements of the law to have mutually exclusive and exhaustive data. The interagency committee report summarizes three possible ways of tabulating the data that were outlined in the Race and Ethnic Targeted Test (RAETT) report. The report also briefly suggests two

other possible methods. There are two other methods the report does not mention that I will also introduce here. Thus I will briefly describe seven possible methods:

The three possible tabulation methods illustrated in the RAETT test are:

1-Single race approach. This approach would count all people who marked more than one race in a "multiple race" category, similar to the "other" race category that the census uses now. The information then that a person identified as Asian and White, for example, would be lost. The benefit of this approach is that there is no ambiguity in counting and no chance of double counting.

2-All inclusive approach. This approach would count a person in each race that they marked. This would involve double or triple counting. If a person said they were Asian and White they would be counted in both of those categories. This would mean that the counts would add to more than 100% and you would end up with a count of races, not of people.

3-Historical series approach. This approach would reclassify those who chose more than one race back into a single race in a set of mutually exclusive categories that add up to 100%. This approach, it was stressed in the report (page 37), produced counts that were statistically the same as those produced by the status quo race question, for all groups except for the Alaska Native targeted sample.

Two other possibilities that were mentioned in the interagency report, but not used in illustrative samples in the RAETT report are:

4-An algorithm that distributes responses from a multiracial category in proportion to the distributions of the current single race categories (page 61 of the interagency report). The report correctly notes that this method could misrepresent the multiracial respondents, even though it would not change the relative sizes of the single race categories.

5-An algorithm similar to the one used now by the National Center for Health Statistics to impute multiracials from states such as Georgia, Indiana and Michigan into the standard race categories. These individuals are first classified as "other" and then using other characteristics are given an imputed or "estimated" race.

Finally, there are two other possibilities that could be used to process these data:

6-Assign a weight to a person reporting more than one race, and then count them as a fraction of a person in each race that they report. For instance if you were calculating the income of Asians and Whites in a particular census tract and a person said they were both Asian and White, you would count their income in each race's count, but with a weight of .5. Likewise if a person reported three races, they would be counted in all three races but with a weight of .33. This would be similar to a sampling weight and is done often in work using the census ancestry question which allows multiple responses. However this method has very negative historical connotations as we shamefully began as a country, counting slaves as 3/5 of a person for congressional apportionment. It also would yield fractional counts of people for geographic areas and I am not sure how counts which include fractions of people would be viewed legally in discrimination cases and the like.

7-Assign multiracial people randomly and equally to one of their races. Thus of all people who say they are Asian and American Indian, 50% would randomly be chosen to be Asian and 50% would randomly be chosen to be American Indian.

My impression from reading the interagency report is that the method described as the "historical series approach" is the most likely approach because it affords the greatest continuity with previous data. As I understand it, the historical series approach assigns a person who reports their race to be both white and any one of the other OMB categories, (Black, Hispanic, Asian, or American Indian) to be in the latter category, not white. Since the majority of current intermarriage does involve a white spouse this method would classify a large number of multiple race people into a single race. In effect however the "historical series approach" uses the "one drop rule". Those people who are part white are classified as the nonwhite race. This may be the current "best guess" about how these people are "socially identified" in their communities, but it does recreate the classification dilemma that the self identified multiracial community is trying to move beyond.

Under this method if a person reports two of the nonwhite groups--say a person who identifies as Asian and Black, they would be put into a "multiple race" category. I assume people who listed three races would also be classified into the multiple race response. This method leaves open the question of how those in the multiple race

category would be classified if the intent of the classification was to exactly replicate current OMB categories, with no room for the category of multiple race.

As the interagency report makes clear we do have some experience with overlapping categories now because of the separate race and Hispanic categories. When data on race and Hispanic origin are presented based on the two question format, we in effect double count, because Hispanics can be of any race. Directive 15 states that when a single question is used to report data, in effect Hispanic trumps race. If a person is both Hispanic and White, they are counted as Hispanic, and the category white does not include Hispanics. The illustration of the historical series in the RAETT report seems to operate on a similar principle. I think it will be very important for OMB to very clearly lay out all of the combinations of responses possible to the question and how each one will be classified if this approach is the one suggested. It also should be specified if a "multiple response" category will be allowed for all purposes or if further imputation and allocation will be used for this category for some legislative or reporting needs.

IMPLEMENTATION

Federal data on race and ethnicity are gathered in many different agencies using a variety of different forms and techniques. I think the biggest possible impact of this change of allowing more than one race to be reported will be between data sets that are based on self identification and those based on observer identification. Self identification will allow people to report more than one race. Some data however is collected through observation. It is often difficult for observers to accurately estimate one race; the error rate will increase dramatically if they estimate more than one race. This is especially true if we consider that while a very small proportion of Americans report more than one race in any of the tests conducted thus far--the CPS, NCS and the RAETT--a large proportion of Americans have some mixed ancestry in their backgrounds. This is particularly true of the American black population, many of whom may have distant white ancestors, but who would never identify as anything other than black. If an observer were "guessing" about whether any one individual African American was multiracial or not, this could wildly inflate the counts of multiple race people. I would therefore suggest that attention be paid to the federal agencies that now collect data based on observer identification, and to

the kinds of instructions about this issue that would be given to such observers. One possible solution to this problem would be to only allow reporting more than one race if the data are collected through self identification. The implications of two different rules for two different modes of data collection would have to be discussed further however. This issue of the disjuncture between self identification and observer identification might call for further research or at least increased vigilance in reconciling these two methods.

Finally, if people are instructed to mark one or more races on the census and other self identification forms, the instructions to respondents will be extremely important. Will the instructions to respondents ask them to choose races they "identify" with? Will the instructions specify how many generations to go back in determining race? It will be important not only to come up with understandable instructions which help respondents, but also to standardize those instructions across all methods of gathering data. If the census for instance asks for races you identify with, but schools ask for the races of parents and then assign them to children, there could be a disjuncture between the different methods of collecting the data.

CONCLUSION

In conclusion, I would like to stress a point I made in my last testimony before this committee and I think it is worth repeating again today. The political debate about this issue has tended to concentrate on the counts and identities of African Americans. This is very understandable given the history of race relations in this country. All of the statistical and demographic research however points to this change having the biggest effect on American Indians, Alaskan Natives, and Asian and Pacific Islanders. These groups could be very much changed by this new method because of their relatively small size and their relatively high intermarriage rates. Law makers and government statisticians should pay particular attention to how these groups will be affected and should probably make a special effort to make sure they are consulted.

Mr. HORN. Well, thank you very much.

Let me pose a basic question here. The whole reason for the census, very frankly, as we all know, the first one being done in 1790, is how you apportion the House of Representatives, so each representative truly does represent even numbers of people. What was 30,000 at one time is now 600,000 and we have, by our own action, stopped the size of the House at 435 Members.

Now, let me give you an example. Let's say this is a congressional district. And I'm particularly interested in the Justice Department, because this is what people that draw up reapportionment lines have to think of. To take California, the last time the majority in the legislature, their action, was vetoed by the Governor of an opposite party, and it was thrown into the Supreme Court of California. This was the 1990 census.

The Supreme Court said, we really don't know much about it. Let's appoint three retired judges, representing both parties, and have them go and examine the evidence, draw the line. I call the 1990 apportionment the only honest apportionment since California became a State in 1850, because the three judges did a terrific job.

But one question comes to mind, and that is the Voting Rights Act of 1965, as amended—I underline the "as amended"—the judges felt they could not diminish the voting strength of a minority population. So they reached out to try to combine as much of that minority population as they could. In a sense, they diluted the strength of the minority population, because whereas it was in two congressional districts, it became overly focused in one congressional district.

When you go at this situation of the historic racial discrimination in this country, I think the Supreme Court recognizes—and you can correct me if I'm wrong—that obviously the black African-American race has had the most discrimination. That doesn't mean Mexican-Americans aren't discriminated against; and it doesn't mean Asian-Americans weren't discriminated against. They were in California. They never were in voting, to my knowledge. Mexican-Americans in Texas were discriminated against.

So there are different patterns for other minorities as to whether there was a historic discrimination that relate to certain areas of government policy. So I would be curious what you're thinking would be on; were the judges right to combine the minority population across several districts because they didn't want to dilute their voting power? Yet, they would have had more voting results by being spread over two congressional districts, or three congressional districts.

How do you tackle that one?

Ms. PINZLER. Well, as you rightly point out, this is a very, very complex question. There are a number of variables that anyone drawing districts has to consider. The first being one person, one vote.

Mr. HORN. That's the easy one.

Ms. PINZLER. Right. Then, not diluting minority voting strength or retrogression from previous strength, which is the Section 5 standard, I have to tell you that I'm not familiar enough, if at all, with the California reapportionment, so I don't really feel that I can comment on that with any degree of intelligence. I do think,

apropos of what we're discussing here, which is the change in data collection, that how people will be tabulated for these purposes is a very key question and is the question which is still undergoing analysis.

So I know this comes across as a dodge, but the truth of the matter is, I don't know the answer.

Mr. HORN. Well, you're absolutely correct. It's a very difficult value judgment call. Maybe you could go at it this way, saying, based on your experience as a civil rights lawyer, what are the courts' standards when different cases come before it? For example, one basic question is, do women have the same imprimatur of the Constitution on their issues, compared to African-Americans? I wish you would give us a little summary there of how the court has, over the years, adopted sort of a hierarchy to worry about.

Ms. PINZLER. Well, the 14th amendment's equal protection analysis, at one time, created basically two categories: those categories which were subject to the so-called "strict scrutiny" test, which was only race and national origin and religion, on the one hand, and all other kinds of categories or classifications that the legislature might do, which was absolutely everything else were subject to the "rational basis" test.

In other words, urban versus rural, and income distinctions were all subject to the rational basis test, which is a fairly low test as compared to the strict scrutiny, which is a very stiff test. Over the years, starting around 1970, there was a so-called "intermediate level" test that was developed by the courts, which is referred to as heightened scrutiny or intermediate scrutiny, and that's the classification to which gender has been subjected.

It is sometimes viewed as being between the two, although, with the most recent Supreme Court decision on this matter, the *Virginia Military Institute* case, moved it closer to strict scrutiny, it's not all the way there.

So the short answer is that classifications or discrimination on the basis of gender does not have the same degree of scrutiny by the courts as discrimination on the base of race, national origin, and religion. Even though women, of course, didn't get the vote until 1920, they are not covered. Sex discrimination is not covered under the Voting Rights Act at all. Race discrimination and national origin discrimination are.

On the other hand, just to sort of close the circle, gender is included, for instance, in Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination. For those purposes, with one exception that doesn't really apply to this discussion, it's the same standard for gender and race, if that was what you were looking for.

Mr. HORN. Well, it's just, as I'm saying, the court has had different values to review in different periods.

Ms. PINZLER. Right.

Mr. HORN. There is a steady evolution, however, and you sort of summed up where it is now. But when you have, let's say, a district of 14 percent white, 40 percent black, 35 percent Hispanic, 10 percent Asian, 1 percent American Indian, that is not a myth. Those are real districts in the State of California.

Then I would try to say, what does the tabulation from the various racial checkoffs mean when judges, in this case, retired judges, if we go that route again, or legislatures, have to look at it and say, well, which group in there seems to be the most discriminated against? Well, historically, you would have to say the black voter—or nonvoter, because they wouldn't let them register—was the most discriminated against.

As I said, in Texas, Mexican-Americans were discriminated against in Texas. That was not true in California. Some might say it is, but the facts are, you didn't have a problem registering. And American Indians, for various other reasons, have probably a low registration turnout because of moving from reservation to urban America and back, and so forth.

That's what they are going to have to deal with, and I just wonder if one would like to speculate on whether adding those checkoffs, that is now being recommended by the Interagency Committee, will either enlighten us and we will be able to make better reapportionment decisions, or simply confuse us.

Ms. PINZLER. As I said in my testimony, I think, on balance, that it's a step in the right direction. The fact is that our society is more complex than it was previously, and that's a reality that the courts and Congress simply have to deal with.

I also should say that, as I said, precisely that question of the tabulation, the use and interpretation that this data will be subjected to for purposes of redistricting, is not something that there is a specific recommendation on at this point.

As an attorney, I always depend on demographers and statisticians, frankly, to tell me what the best approach is. I'm not an expert in that respect.

Mr. HORN. Well, let me put another factor in here.

After 13 years on the Civil Rights Commission and being on the drafting team for the Voting Rights Act of 1965 and the Civil Rights Act of 1964, the fact is, there is one basic factor that nobody ever faces up to, and that's socioeconomic class and income. They used to just look at me with glazed-over eyes when I would raise the obvious.

What you have to do—you're not dealing with Ralph Bunche; you're dealing with the person that's poor. How do we relate those data? A lot of government programs are relevant to it. When we get to voting data, perhaps also economic class should be taken in to see if there is an under or overrepresentation in a particular area, and how are these people registered?

Ms. PINZLER. Mr. Chairman, there is obviously an interaction of those factors, and socioeconomic status is very important. It's also true that Ralph Bunche could be subject to discrimination on the basis of race. In fact, Deval Patrick, the former assistant attorney general, you know, had taxicabs pass him by outside the White House. So we can't ignore race in these discussions, when we're discussing discrimination.

Mr. HORN. I don't want to ignore it; I want to get it into realism though.

Ms. PINZLER. Well, again, as I say, my eyes don't glaze over when you talk about socioeconomic data, because I do, in fact, believe that that's a very important factor. One of the things that

these data allow you to do, by the way, is to see what the overlap is, to see to what degree race and poverty, frankly, correlate.

Mr. HORN. Right.

Ms. PINZLER. That's an important piece of information to have. It's true with educational data as well. I mean, just across the spectrum, it's very important, and we would use that kind of data for various purposes, in a regression analysis, for instance. So basically—I agree with you.

Also, as I mentioned when I was talking about equal protection analysis, of course, the Supreme Court has steadfastly refused to take into account socioeconomic status and give it any form of heightened scrutiny, and that's the way the law is right now.

Mr. HORN. Dr. Waters, do you want to comment on any of this discussion?

Ms. WATERS. Well, I think that one advantage of this way of collecting data is that, for the first time, we will actually have information on, say, whether people who are black and white, or Asian and white look similar to people who are black or people who are white, or have their own characteristics.

One of the questions earlier was, should people who are part one race and part another be subject to equal protection? Should they be subject to antidiscrimination laws specifically for them? One of the problems up until now is that we haven't had the data to answer the question as to whether or not their incomes are higher or lower, whether their infant mortality rate is higher or lower. This proposal would actually allow you to begin to describe the demographic characteristics of those people.

So it might actually reassure us that some things are better than we thought, or it might point us to some problems that we hadn't thought about before.

Mr. HORN. Would anybody from some of the advocacy groups like to question the administration witnesses at all? Let's see what your concerns are and their answers, and vice-versa.

Mr. MCDOUGALL. Yes. It's really more in the way of a comment. Thank you, Mr. Chairman, for the time.

Mr. HORN. Mr. McDougall from the NAACP.

Mr. MCDOUGALL. I want to thank Ms. Pinzler for her example of the cases in which women and minorities are discriminated against, because, for me, that crystallizes the whole issue. Mr. Conyers earlier today said it wasn't rocket science. And I was thinking to myself, au contraire, you know. But I think she just really broke it right down.

I think the difficulty that everybody is having, and particularly the representatives who are concerned about apportionment.

I think I said in my testimony that the interagency group had cut the Gordian Knot by moving the issue down the pipeline. In other words, we are now no longer concerned, or at least hopefully we won't be if some of these little nuances get fixed, we won't be concerned with the way the data is collected. And the data is going to be collected in a way that seems to meet everybody's concerns.

The issue now is, how do you put Humpty Dumpty back together again? I mean, does he have an arm, all of those pieces? Is he now twins?

As long as we understand that the data is going to be used for different purposes, I think we can kind of come away from this hearing with fairly clear heads. One of the principal purposes, of course, for census data is capitation or head count. There's nothing inconsistent with collecting data this way and having an exact tabulation of the number of people that there are who live in a certain area, in the United States generally, or a certain congressional district.

You can then use the data, as it has been collected, to demonstrate that there are a certain number of women in the population in a certain metropolitan economic market area, and you can determine that they are overrepresented or underrepresented in terms of certain levels of employment.

The same thing with race, as, you know, Ms. Pinzler so aptly pointed out. They have never had problems like this. This data has never created a problem. You can disaggregate the data to show all the women that there are. You can disaggregate the data to show all the members of minority groups that there are.

And now, the way that the data is being collected, we will be able to show all the people who are of one race or who are partially of that race. And having that information might very well be useful. So I just want to emphasize that the double counting problem in some ways is a red herring. I think that the Census Bureau has already demonstrated that they are able to handle that.

As I mentioned earlier, we continue to be concerned about instances in which people are identified by the observers rather than through interview, because once you are identified by an observer, we fall back into some of the problems that we've had before. I think we've heard already that those instances are situations where you're talking about a death certificate, or you're talking about an admission into the emergency room of a hospital, let's say. There might be other circumstances. Obviously, we would be very concerned about which ones those would be.

Finally, just to emphasize the piece about wanting to be able to track all instances of discrimination, which is the NAACP's primary concern, again, Ms. Pinzler has given us, I think, the light that shines through that. I thought about this over lunch. Think about a guy, we'll call him Joe Walker, OK, who is part Native American, he's part black, and he's part Asian. He lives on a reservation in California, or he has family on the reservation. He has enough contact with the reservation so that he gets a certain allotment from the Bureau of Indian Affairs, and we need census data to make that allotment.

He goes off the reservation and he looks for a job. He is discriminated against looking for the job because he's black, or he's part black. We want to know that.

Let's say that he's part Asian, because his grandfather was Japanese, who was interned in an internment camp in California during World War II, and his grandfather was one of the people who was owed reparations under the Korematsu decision. We would want to make sure that he got what was coming to him.

So the way that this data has been collected enables us to perform all three of those operations. And the notion that Joe Walker becomes three people instead of just one, I think Ms. Pinzler and

the people from the OMB have demonstrated to us, is a statistical absurdity that we don't have to get into.

So I stuck around here today because I wanted to hear what the rest of the folks had to say. I must say, I've been enlightened by their testimony.

Thank you.

Mr. HORN. Ms. Graham, do you have a comment?

Ms. GRAHAM. I agree with what Mr. McDougall said.

Mr. HORN. Pull the microphone close to you. It's hard to hear with this system.

Ms. GRAHAM. I agree with what Mr. McDougall said on tracking all instances of discrimination, and I think that's very important. I'm not a lawyer, or a statistician, and I'm really trying to understand this. Maybe some people on the panel here can help me out.

I'll give you a real live instance. You've met my son Ryan. He's been here; he's testified. He's testified twice before Congress. When he was in kindergarten, his kindergarten teacher decided, at the end of the school year, that he should not be passed to first grade.

She also decided not to pass to first grade one other child in the class whose last name was Rodriguez, who had a black Hispanic father and a white mother. They were the only two multiracial children in the class.

We went to the principal. We proved that Ryan was indeed able to be passed. He's now an honor student in middle school, so I think it worked out well for us. The Rodriguez child was put back into kindergarten again.

Now, these children are both multiracial. It's important—and I'm sure that Mr. McDougall will agree—to track black children, minority children in the schools to see who are placed into the remedial classes, who are put into the advanced classes. We do track those by race for a reason.

In this instance, if I said, well, my child was discriminated against because two multiracial children were going to be held back out of the entire rest of the population of the class, from what I'm hearing, what I would get back is, no, one of them is black and white, and one of them is black and Hispanic, so they are not the same.

This is not going to be acceptable to our part of discrimination problems, and I'm wondering how this would be worked out under the interagency recommendation.

Ms. PINZLER. May I?

Mr. HORN. Please.

Ms. PINZLER. We should probably talk later. But may I ask you, were there black and white children in those classes, or were all the rest of the children white?

Ms. GRAHAM. Predominantly white.

Ms. PINZLER. It is possible, and you can't really draw from a sample of two and make any kind of a statistical analysis, but if that were large, you might begin to see a pattern of discrimination against children who are mixed race, the animus being about that. There is nothing in this formulation that would keep us from making that analysis. In fact, it would be very helpful in making that analysis.

Ms. GRAHAM. You can look at all the children who are of mixed race as a whole, then?

Ms. PINZLER. Absolutely. Yes, sure.

Ms. GRAHAM. OK.

Ms. PINZLER. You could take all the various categories and do that, if that's what you thought was happening, if you had a large enough sample to believe that that was what was happening. This would present no problem with respect to that.

Ms. GRAHAM. Let's you and I talk later, then.

Ms. PINZLER. As I said before, there are race and sex discrimination cases, and every once in a while you will have somebody being required to pick, was it race or sex discrimination that happened to you? And sometimes you don't know until you get into the process. Again, we can look at those kinds of cases and analyze it, and it may be both there, or it may be a combination.

So I'm not troubled, from a perspective of making discrimination cases, by the fact that it would be reported in a more varied way, that you would have more information rather than less information.

Ms. GRAHAM. That's why, to us, seeing how this is going to be reported and tabulated is important.

Ms. PINZLER. Oh, yes, and we all agree with that.

Mr. HORN. Let me ask this question for the record and see what your response is to it. Assistant Attorney General Pinzler, the written testimony seems to mention a variety of areas in which data on race are used to enforce civil rights laws. Often you need to know the size of the minority population in an area, as we both noted, a labor pool, a housing market, for example, in order to see if the population is underrepresented and possibly facing discrimination.

Now, how would you count a minority population, for these purposes, under the Interagency Committee recommendation? Would multiracials who check black as one of their races be counted as black? If this were the case, how would you avoid overcounting when you consider more than one minority group in the same area?

Wouldn't firms find themselves vulnerable to charges of low minority representation even if they employ the right "percentage" for their labor pool, because many in that labor pool will be counted twice or more; isn't that true?

Ms. PINZLER. No, actually, I don't think so. I was actually heartened by what Ms. Katzen had to say about that, that you could disaggregate the data so you wouldn't be counting people more than once. You might have more and varied categories, but you wouldn't be counting people more than once, so you would know how many people of the various groups. Black and Asian or black and white, those might all be counted as minorities.

It really depends on what the local labor market looks like, and what the employer's labor pool looks like, as to whether that even becomes a factor, statistically, frankly.

Mr. HORN. Well, I can recall a State official in California coming to my campus. He was off-the-wall on his understanding of the Civil Rights Act. Since I'd had something to do with it, I knew it, and I just kept quiet. We just simply had everybody write a memo when he drifted around the university.

What he said to one of our people was, "I'm not interested in the discrimination against blacks. I'm not interested in the discrimination against American Indians. I'm here strictly to help women or to help Hispanics." Now, you know, this is a civil rights enforcement officer.

Could not a firm simply play games, though, with this system, where if you're taking all the mixtures here, and they say, "OK, they want to see Hispanics? Great. Run that tabulation through the pool where we've got people that are Hispanic. Give them that one, and see if that keeps them quiet." Or you could say, "Run the black data census through the pool." Isn't that subject to manipulation?

Ms. PINZLER. Well, again, no, I don't think so, if it's properly tabulated. And I'm sorry that a civil rights enforcer had that kind of view. It is, I think, a very unusual view among civil rights enforcers.

Mr. HORN. That's what his supervisor told him after we got fully fed up with him.

Ms. PINZLER. I imagine so.

Mr. HORN. He said my interpretation of the law was correct.

Ms. PINZLER. My experience with various groups or organizations that may represent specific groups is that they interact on that. I spent most of my career, prior to coming to the government, doing women's rights cases, sex discrimination cases. If we looked into a situation and saw that there might be data indicating race discrimination, we always took notice of that.

I really don't know how else to answer your question. I'm put in mind of the famous quote from Sojourner Truth, "Ain't I a woman?" A black woman may be discriminated against because she's a woman, or she may be discriminated against because she's black. Any kind of sophisticated look at these situations will want to have as much information as possible.

That's the best answer I can give you to that question. They are always, I suppose, subject to possible abuses with these things, but we would hope that that would be at a minimum.

Mr. HORN. Dr. Waters.

Ms. WATERS. I think whenever you're dealing with multiple responses on any one question, you do have to be extremely careful about how you calculate the denominator and how you calculate the numerator. I would say that there is a danger, if you have different agencies using different methods of tabulating the denominators and numerators, and if you don't have some standardization from OMB.

And maybe you need three sets of standardization for three different kinds of purposes: one for apportionment, one for discrimination, and one for something else. But you can get very confused. In fact, you can even see it sometimes if you look at reports that include Hispanics with racial categories, in terms of reporting things.

Sometimes people themselves, analysts, are confused as to whether or not somebody is in both categories or not. So I think you're right to be worried that there is a potential for confusion there, but the potential is different, I think, than saying you can't do it.

I think it really does rest on OMB or someone having some rules about—and maybe you have to have different sets of rules for different purposes, but you do need some rules so that agencies can talk to one another, especially since denominators often come from the Census Bureau, numerators come from National Health Statistics. If one is double counting and one is using weights, or something like that, it could be a statistical nightmare.

So I do think you have to pay attention to it. That's not to say that you can't do it at all.

Mr. HORN. Now, we don't have anybody here representing, say, the Centers for Disease Control, but to what degree have they been involved in approving of this interagency report? Ms. Wallman might know.

I think it would be important to get that on the record, since some diseases are ethnic or race-related. It would be helpful, I think, in health data to know that. Perhaps this is one way to go, as a result.

Ms. Wallman. Why don't you identify yourself for the record.

Ms. WALLMAN. Thank you. I'm Katherine Wallman, from the Office of Management and Budget, and I was sworn in.

Mr. HORN. Chief Statistician of the United States.

Ms. WALLMAN. Thank you, sir.

Mr. HORN. It has a nice ring to it.

Ms. WALLMAN. Thank you.

Mr. HORN. Go ahead.

Ms. WALLMAN. I would like to confirm that multiple parts of the Department of Health and Human Services were involved in this 30-agency task force, including the National Center for Health Statistics, which is part of the Centers for Disease Control. There was actually another representative directly from CDC, as well. There were other folks from the department overall.

So the health agencies, indeed, were quite well covered in this initiative and were part of the 30-agency group that has been referred to.

Mr. HORN. So they are very supportive of this recommendation?

Ms. WALLMAN. Indeed they are.

Mr. HORN. OK. Any other questions any of you would like to ask?

I have two things left to do, then. I'm going to read into the record the Speaker's remarks. He's still in negotiations with the Senate, and we're trying to clear a few things out of here to prove we did cut taxes, we did cut spending, and we did save Medicare.

So let me just read his statement, and then I want to thank the staff that has been involved with this hearing. And I thank all of you as witnesses. I'm sorry we had to go through all these votes on the House floor, but you've been very patient, and we appreciate getting your thoughts in the record.

The Speaker's comments are these:

"Mr. Chairman, America is a Nation of immigrants. We have in America people who have, for various reasons, come to America for a better opportunity. Before there was a Nation called the United States, Pilgrims, fleeing religious persecution, landed in a place they called the New World.

"In the 1800's, the Irish came to these shores fleeing a famine which had devastated their country. As recently as the 1970's, Viet-

namese fled a homeland wounded by decades of war. These and so many others saw hope and opportunity in America. They came here for a chance to succeed. They made the conscious decision to become a part of a new family, to become Americans. And becoming an American is a unique experience which comes with certain responsibilities, certain habits that one has to absorb and accept to successfully finish the process.

"An American is not 'French' the way the French are, or 'German' the way the Germans are. You can live in either of these countries for years and never become French or German. I think one of the reasons Tiger Woods has had such a big impact is because he is an American. He defines himself as an American. As Tiger described himself, 'I just am who I am, whatever you see in front of you.'

"I think we need to be prepared to say, the truth is, we want all American to be, quite simply, Americans. That doesn't deprive anyone of the right to further define their heritage. I go to celebrations such as the Greek festival in my district every year.

"It doesn't deprive us of the right to have ethnic pride, to have some sense of our origins. But it is wrong for some Americans to begin creating subgroups to which they have higher loyalty than to America at large. The genius of America has always been its ability to draw people from everywhere and to give all of them an opportunity to pursue happiness in a way that no other society has been able to manage.

"Andria Brown, writing in the Chicago Tribune on April 18, 1997, wrote about Tiger Woods: 'We might be saved by the amazing grace of golf. And by a kid with a swing whose mixed heritage could be a recipe for hope, proving to the world that it's not what color you are but the way you carry yourself, the way you persist to reach your dreams. When he steps to the tee, Tiger Woods does not represent the struggle of African-Americans. When he sinks a putt, the athletic future of Chinese-Americans does not rest on his shoulders. Rather, what Tiger Woods does embody each time he walks a golf course is the potential of youth and the reward of diligence. What Tiger Woods typifies is the best of what we all can be.'

"America," says the Speaker, "is too big and too diverse to categorize each and every one of us into four rigid racial categories. The administration has made a decision to force us to choose artificial categories that do not accurately reflect the racial identity of America. Millions of Americans like Tiger Woods or my constituent, Ryan Graham, who testified before you earlier this year, have moved beyond the Census Bureau's divisive and inaccurate labels. We live in a technicolor world where the government continues to view us as only black and white.

"It is time for the government to stop perpetuating racial divisiveness. It is time to treat individuals as individuals and to adopt the attitude about or fellow Americans that Lou Ann Mullen, a Native American Texan who fought valiantly to be allowed to adopt two black children, expressed about her own family when asked about their multiracial makeup." said Ms. Mullen, "'We are often described that way, but I don't think of us that way. To me we are just my family.'"

Said the Speaker, "That should be our goal for the way we as Americans feel about one another. That is why, ideally, I believe we should have one box on Federal forms that simply reads, 'American.'

"But if that is not possible at this point, we should at least stop forcing Americans into inaccurate categories aimed at building divisive subgroups and allow them the option of selecting the category 'multiracial,' which I believe will be an important step toward transcending racial division and reflecting the melting pot which is America."

[The prepared statement of Hon. Newt Gingrich follows:]

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TESTIMONY OF SPEAKER NEWT GINGRICH
BEFORE THE HOUSE SUBCOMMITTEE ON GOVERNMENT MANAGEMENT, INFORMATION, AND TECHNOLOGY HEARING ON MULTIRACIAL IDENTIFICATION

FRIDAY, JULY 25, 1997
9:30AM

MR. CHAIRMAN. America is a nation of immigrants. We have, in America, people who have, for various reasons come to America for a better opportunity. Before there was a nation called the United States, Pilgrims, fleeing religious persecution, landed in a place they called the New World. In the 1800's the Irish came to these shores fleeing a famine which had devastated their country. As recently as the 1970s, Vietnamese fled a homeland wounded by decades of war. These and so many others saw hope and opportunity in America. They came here for a chance to succeed. They made the conscious decision to become part of a new family -- to become Americans. And becoming an American is a unique experience, which comes with certain responsibilities, certain habits that one has to absorb and accept to successfully finish the process.

An American is not "French" the way the French are or "German" the way Germans are. You can live in either of those countries for years and never <u>become</u> French or German. I think one of the reasons Tiger Woods has had such a big impact is because he is an American. He defines himself as an American. As Tiger described himself, "I just am who I am, whatever you see in front of you." I think we need to be prepared to say, the truth is we want all Americans to be, quite simply, Americans. That doesn't deprive anyone of the right to further define their heritage -- I go to celebrations such as the Greek festival in my district every year. It doesn't deprive us of the right to have ethnic pride, to have some sense of our origins. But it is wrong for some Americans to begin creating subgroups to which they have a higher loyalty than to America at large. The genius of America has always been its ability to draw people from everywhere and to give all of them an opportunity to pursue happiness in a way that no other society has been able to manage.

Andria Brown, writing in the Chicago Tribune on April 18, 1997, wrote about Tiger Woods: "We might be saved by the amazing grace of golf. And by a kid with a swing, whose mixed heritage could be a recipe for hope, proving to the world that it's not what color you are, but the way you carry yourself and the way you persist to reach your dreams. When he steps to the tee, Tiger Woods does not represent the struggle of African-Americans. When he sinks a putt,

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the athletic future of Chinese-Americans does not rest on his shoulders. Rather, what Tiger Woods does embody each time he walks a golf course is the potential of youth and the reward of diligence...What Tiger Woods typifies is the best of what we all can be."

America is too big and too diverse to categorize each and every one of us into four rigid racial categories. The administration has made a decision to force us to choose artificial categories that do not accurately reflect the racial identity of America. Millions of Americans like Tiger Woods or my constituent, Ryan Graham, who testified before you earlier this year, have moved beyond the Census Bureau's divisive and inaccurate labels. We live in a technicolor world where the government continues to view us as only black and white.

It is time for the government to stop perpetuating racial divisiveness. It is time to treat individuals as individuals and to adopt the attitude about our fellow Americans that Lou Ann Mullen, a Native American Texan who fought valiantly to be allowed to adopt two Black children, expressed about her own family when asked about their multi-racial make-up, "We are often described that way but I don't think of us that way. To me we are just my family."

That should be our goal for the way we as Americans feel about one another. That is why, ideally, I believe we should have one box on federal forms that simply reads: "American."

But, if that is not possible at this point, we should at least stop forcing American into inaccurate categories aimed at building divisive subgroups and allow them the option of selecting the category "multiracial", which I believe will be an important step toward transcending racial division and reflecting the melting pot which is America.

Mr. HORN. Now I would like to thank the following people that have prepared this hearing: Our staff director and counsel for the Subcommittee on Government Management, Information, and Technology is Russell George. The one directly responsible for most of this hearing is John Hynes, professional staff member, on your right, my left. Andrea Miller, our clerk, and her staff of interns I thank as well.

David McMillen for the minority, professional staff member; Jean Gosa, clerk for the minority. The interns are Darren Carlson, Jeff Cobb, John Kim, and Grant Newmann. Our court reporter is Barbara Smith.

Thank you very much. With that, this hearing is adjourned.

[Whereupon, at 3:05 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

○

SUE W. KELLY
19TH DISTRICT, NEW YORK

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July 24, 1997

The Honorable Stephen Horn
Chairman
483 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Chairman: Steve

I was recently contacted by my constituent, Valerie Wilkins Godbee, Assistant Chief National Director of *A Place for Us*, an organization which works to promote racial harmony. Valerie requested my help in getting the *A Place for Us* position on H.R. 830 reviewed by the Subcommittee for the July 25th hearing.

Enclosed, please find the letter, authored by the President and Vice President of *A Place for Us*, outlining their organization's position for the Subcommittee's review. Thank you in advance for your help with this matter.

Sincerely,

Sue

Sue W. Kelly
Member of Congress

SWK:amj

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V.P.: Ruth Bryant White
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Canada * London, England

Honorable Sue W. Kelly
Congresswoman 19th District, New York
1222 Longworth House Office Building
Washington, D.C. 20515

July 23, 1997

Dear Congresswoman Kelly:

"A Place For Us"/*National* is honored to know that you have been supportive of our efforts to promote racial harmony, and that you are working closely with our **Asst. Chief National Director Valerie Wilkins Godbee of New York** to get our position regarding the **"Multiracial"** Category into the official record books for the hearings taking place **Friday July 25, 1997**.

Would you please express to the Subcommittee Hearing that "A Place For Us"/National Hereby States:

"All children should have the right to have a racial category that identifies them accurately. This is especially true for Biracial and Multiracial Children. Therefore we must have the word 'Multiracial', and the subidentifiers that have 'Mark all That Apply.'

The OMB made a decision to exclude the word 'Multiracial', because they said it was racially divisive. The term 'Multiracial' actually includes people by letting them acknowledge all of their heritage.

"Those of us who are of Multiracial Heritage can bring more racial harmony and understanding than any other group of people in this country. We've made and kept commitments to each other, we've shown steadfastness, determination, and willingness to contribute positive things into our society in spite of continuing racist attitudes towards us, and our families."

In light of our contributions to America, we deserve to be recognized and validated with the word "Multiracial" and its subindentifiers "Mark All That Apply."

Thank you again for your support and assistance!

Sincerely,

Steve White
Steve White
Founder/President
"A Place For Us"/*National*

Ruth Bryant White
Ruth Bryant White
Founder/Vice President
"A Place For Us/*National*

I. Introduction

The National Asian Pacific American Legal Consortium (Consortium) is a nonprofit, non-partisan organization whose mission is to advance and protect the legal and civil rights of the nation's Asian Pacific Americans. The Consortium and its affiliates, the Asian American Legal Defense and Education Fund in New York, the Asian Law Caucus in San Francisco and the Asian Pacific American Legal Center of Southern California in Los Angeles, collectively have over half a century of experience providing direct legal services, community education and advocacy on issues affecting Asian Pacific Americans.

The Consortium and its affiliates work with the Census Bureau, policymakers, and community groups to ensure that Asian Pacific Americans are fully counted and that appropriate sub-ethnic group data is collected in the census and by other key federal and state agencies. The Consortium has followed the issue of racial classification extensively. We previously testified at an Office of Management and Budget (OMB) hearing on Directive 15 and have reviewed the results of Census Bureau research and the recommendations presented by the Interagency Committee.

As we have stated many times, we recognize and are sympathetic to the desires of those who wish to identify their multiracial heritage. We applaud the Interagency Committee for recognizing that racial and ethnic categories are not primarily biological or genetic, but reflect social and cultural characteristics.

We also reiterate the importance of census data and federal government data on race in

developing public policy and in enforcing civil rights. We are deeply concerned about the possible changes to OMB Directive 15 because these changes will have a direct impact on the lives of many Asian Pacific Americans. For example, different racial and ethnic groups face different health issues and policymakers have allocated resources to provide services appropriate to particular racial and ethnic communities as identified by census data. The Asian Health Services, a community health center in Oakland, CA, was able to secure government funds as a result of detailed census data on ethnicity, infant mortality, and poverty rates which demonstrated the need for culturally appropriate health services in the area.

Effective and proper enforcement of civil rights laws can only occur with the collection and reporting of accurate data. Racial data is needed to enforce the requirements of the Voting Rights Act, including redistricting and section 203 covering requirements for bilingual voting materials. It is needed to monitor the access of minorities to home mortgage loans under the Home Mortgage Disclosure Act. It is needed to enforce the Equal Credit Opportunity Act. These are only some of the civil rights laws which are influenced by the accurate collection and reporting of racial data.

II. Interagency Committee Recommendations for OMB Directive 15

In Chapter 6 of its report, the Interagency Committee recommends that for federal agency forms in which self-identification is used, there should be an option for individuals to select one or more of the four racial categories that are presently used. Although we do not oppose this

recommendation, neither can we endorse it. We ask that the recommendation not be implemented until the government has set forth a plan for tabulating, reporting, and using the data and has addressed the concerns we raise in this testimony.

The Committee specifically recommends against using a "multiracial" category. We agree with the Committee's recommendation against the use of a "multiracial" category for the reasons stated in the report. We particularly agree with its findings that a "multiracial" category would more likely result in greater misreporting and that there is a lack of Federal legislative requirements for information about the multiracial population.

A "select one or more" approach potentially may address our concerns about the historic continuity and comparability of data because it allows the government to maintain the data about which races an individual selects.

However, the Consortium is concerned about the Committee's "select one or more" recommendation because the recommendation tries to decouple individual reporting of racial data from the government tabulation and reporting of the data. The collection of the data is inextricably linked to the tabulation and reporting of the data. It seems irresponsible to make this recommendation when the Committee has failed to provide recommendations on how the government would propose to tabulate, report, and use the data.

This concern is heightened given the Committee's own findings that one reason against adopting a method that allows reporting more than one race is the "potential for lowering counts for some groups, such as American Indians and Alaskan Natives and Asians and Pacific

Islanders." Even though it explicitly recognizes this issue, the Committee makes no recommendations to address the issue. The Committee essentially dismissed this concern as not important enough to merit a recommendation to maintain the current approach until the concern could be addressed. Such a change should not go forward unless this issue has been squarely addressed and steps taken to eliminate the potential impact on Asian or Pacific Islander and American Indian or Alaska Native counts.

We have many other unanswered questions about this new approach. Among them are would data users have access not only to the number of those who selected multiple races, but also to which specific races were selected? In determining whether employment discrimination exists in a particular situation, how will a person who is part Asian be classified in identifying the racial composition of a particular labor pool? How would those who select white and a minority group be treated for the purposes of the Voting Rights Act? These and other questions must be answered before policymakers can thoroughly evaluate the impact of the recommended changes.

Already it is hard to obtain useful data on Asian Pacific Americans and particular ethnicities within the Asian Pacific American population. Many times federal agencies do not solicit, record or report data on Asian Pacific Americans separately because they may not view it as necessary or cost effective to report information on small populations. For instance, in the Census Bureaus' survey of minority-owned businesses, data on Asian and Pacific Islanders is combined and reported with data on American Indians and Alaska Natives. Many agencies claim

that it is difficult to obtain data on the Asian Pacific American population and subethnicities because the populations are small.

Without knowing how the data will be tabulated, we believe there is a strong possibility that the "select one or more approach" will cause data on Asian Pacific Americans to be fragmented into smaller and smaller pieces by classifying those of multiple races in several separate categories. Without the ability to aggregate the fragmented data back to a larger whole, the Asian Pacific American community will be greatly harmed and not accurately represented.

III. Data Tabulation and Reporting

The Census Bureau has already identified three primary alternatives for tabulating racial responses in its Report on the Results of the Race and Ethnic Targeted Test (RAETT). The Committee mentioned these possibilities in its recommendations and touches upon two additional possibilities.

The Committee has made no recommendations regarding the reporting or the use of the data collected. The recommendations do not address our concern that information breakdowns on Asian Pacific Americans is not being made available and that the addition of more check-off boxes may exacerbate the problem. For example, the Census Bureau's Statistical Abstract of the United States reports characteristics of workers and median weekly earnings and further breaks down the data by some races, including White, Black , and Hispanic origin. The information, however, is not available on Asians and Pacific Islanders. If proper tabulation and reporting

guidance is not established, policymakers and civil rights enforcement agencies will have even greater difficulty accessing information that will help to measure the community's characteristics and progress.

We urge the Committee and OMB to consider whether in some circumstances a combination of methods might be the best solution especially because the data is used for so many different purposes.

A. Single-Race Approach

Of all the approaches, the single-race approach is the least likely to address our concerns. By aggregating all those selecting more than one race into a "multiple race" category, the government would be creating a *de facto* "multiracial" category. As we have already stated, we do not believe a multiracial category would adequately provide meaningful data for policymaking and civil rights enforcement that would be comparable over time. This approach would not provide any more accurate data for health purposes in which it is useful to have more specific data on people's racial makeup. Access to information on the composition of those selecting more than one race is essential.

B. All-Inclusive Approach

We also recognize the drawbacks to following an all-inclusive approach in which totals could result in more than 100% and that some people might be double and triple counted for no

purpose. We believe, however, that for purposes of tracking and preventing discrimination, the all inclusive approach would be beneficial. The all-inclusive approach would provide an individual protection from discrimination on the basis of any of the races to which the individual belongs. This approach makes sense because the "select one or more" approach does not differentiate between a person who is 3/4 Asian Pacific American and 1/4 of another race and some one who is 1/4 Asian Pacific American and 3/4 of another race. Whether someone is discriminated against or not often depends on appearance or last name. Society would benefit from counting every time discrimination occurs so that it can better understand the problem and address it.

C. Historical Series Approach

The RAETT reported that data tabulated according to the historical series approach resulted in counts that were within the range of those produced when only single racial categories were asked. The use of this approach would address our concern that Asian or Pacific Islander census counts using the "select one or more" approach would not accurately reflect the number of Asians and Pacific Islanders in the United States. This approach also appears to best address our concerns about continuity and comparability with previously gathered data. We are unclear, however, about how those of three or four races would be treated and if a new "multiracial" category would be created.

D. Other Methods for Tabulating

Other approaches for tabulating require the use of algorithms, assigning weights, or assigning people to categories based on estimates apparently with the goal of arriving at counts that can be aggregated into the existing racial categories. These options are complex and would require more study. The drawbacks that we have identified so far to using these methods is that they appear somewhat arbitrary and may count individuals as portions of a person.

Lastly, the recommendations do not appear to allow for a test of new tabulating and reporting methods. Testing the chosen tabulation and reporting methods should be performed before wholesale changes occur. Because this information is crucial to civil rights enforcement and developing important public policy, drastic changes should not be made unless we are sure what the effects will be. Testing the chosen methods will allow the government, data users, and members of the public to find any problems and to solve those problems so that not everyone will be forced to confront them.

IV. Native Hawaiians

We agree with Committee recommendation 6.1.9 to use the term "Native Hawaiian" instead of "Hawaiian."

However, we are concerned about the committee's recommendation that Native Hawaiians should continue to be classified in the Asian or Pacific Islander category. It is our understanding that Native Hawaiians believe that they should be included in the American Indian

and Alaska Native category or in the alternative, have a separate category. This change might more accurately reflect the common discrimination and history that Native Hawaiians as indigenous people have faced under United States policies. Native Hawaiians face both discrimination as indigenous peoples and also as persons of "nonwhite" or non-European heritage, and thus, they are dependent on the civil rights laws, e.g. Title VII of the Civil Rights Act of 1964, that protect other racial minorities.

IV. Conclusion

The Consortium does not oppose the recommendation that individuals be able to select more than one of the current racial categories, but we cannot endorse the recommendation as well. We are asking that this change not be made until the government has set forth a specific plan for tabulating, reporting, and using the information and has addressed the concerns raised in this testimony and in our previous testimony.

A.D. Powell
1667 Capital Ave
Madison WI 53705
608/233-4228

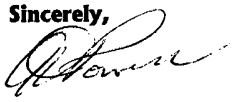
July 22, 1997

The Honorable Stephen Horn
Chairman
Subcommittee on Government Management, Information and Technology
Room B-373
Rayburn House Office Bldg.
Washington DC 20515

Dear Rep. Horn:

Please accept the following documents as testimony in favor of a multiracial census category. These are for the July 25, 1997 hearing of your subcommittee. Please see that the other members of the committee receive them.

Sincerely,



A.D. Powell

LATINO VIEWS ON MULTIRACIALITY IN OPPOSITION TO THOSE OF THE NATIONAL COUNCIL OF LA RAZA

Race Not as Stark a Proposition as Americans Like to Think

By: Roger Hernández
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The Census Bureau is trying to sort out the touchy question of race and ethnicity for the next time it takes on the population count, in the year 2000. So this past summer the Bureau of Labor Statistics decided to help out, conducting a survey that asked 60,000 households how they prefer to be classified. The results, released last week, show the distorted notions of race that are taken for truth in this country.

Once upon a time things were clear, or so people thought. You were black or you were white, with a few Asians and Indians thrown in, but nobody in between. Then in the 1960s people from Latin America began coming to the U.S. in large numbers, and everything changed.

The cause lies in the different ways the United States and Latin America understand race. In Latin America people are able and willing to consider themselves as being of mixed race. Race is seen as a continuum in which one group of people gradually blends into another. At each end of the spectrum there are whites, blacks, or Indians; for those in the middle racial identity is a matter of subtle gradations marked by Spanish words like mestizo (Indian and white) and mulato (black and white).

No such nuances exist in the U.S., where racial boundaries are starkly drawn. The result is that millions of non-Hispanic Americans are considered--and consider themselves-- unquestionably "black" even though they may be of racially mixed ancestry. American culture accepts what sociologists call the "hypo-descent" rule---one drop of black blood makes you black. In English there is no equivalent for "mestizo," and the English word "mulatto" is unusable, loaded with connotations of racism.

Such conflicting ways of understanding race have brought about tremendous confusion. American culture takes a look at its Hispanic population and sees the majority is of mixed race--a reality that it is unable to understand. So Hispanics are converted into a separate, distinct racial category. The fact that some of us are white and some of us are black seems not to matter.

The U.S. Census has been one organization that did not fall into this trap. On the forms distributed since 1980 the basic racial classifications are: American Indian or Alaskan Native; Asian or Pacific Islander; black; and white. The category "Hispanic" formed part of a separate question on ethnic origin, thereby allowing Hispanics to also describe themselves under any of the racial categories.

Good, but not good enough, because there is no allowance for people of mixed race. The Census Bureau has been smart enough to understand Hispanics may be of any race, but not smart enough to understand that Hispanics -- as well as many others -- may also be of *more than one* race. It is the one-drop rule in action, the wrong-headed American assumption that one cannot possibly be of mixed race.

Because of the criticism of those who would like to see a "Mixed Race" category added to the census in the year 2000, the people- counters offered respondents of this recently completed survey the option of identifying themselves as "multiracial."

And the survey shows... that most Americans accept the hypo-descent rule. Only 1.5 percent of

respondents identified themselves as being of mixed race, even though strictly speaking, the number is far larger. Of the "mixed race" respondents, the majority were Hispanic. In fact, as many as one third of Hispanics identified themselves as "biracial," or "mixed race," or "mestizo," or "multiracial." The taboo term "mulatto" was not used in the questionnaire.

There are understandable reasons for the American unwillingness to accept the complexities of racial identity, chief among them the fear that a "Mixed Race" category will dilute the cultural identity and political power of non-Hispanic blacks. But even the noblest of political causes ought not deny a reality that, it seems, only Hispanics in the United States know how to accept.

Last change: Nov. 12, 1995

Roger Hernández writes this weekly syndicated column for King Features. He can be reached via email at TRMG60A@prodigy.com.

To share your thoughts about this article or any other in LatinoLink, send email to latino@latinolink.com. Please indicate whether your words are for publication. Gracias!

This article was brought to you thanks to:

Charles Schwab

Census Bureau Paints the U.S. White

By: Roberto Rodriguez and Patrisia Gonzales
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One of the first things children in Mexico, Central America, the Caribbean or South America learn in school is that their ancestors built magnificent pyramids, equal to those in Egypt.

It is an even greater thrill for them to learn that their ancestors were great scientists and astronomers; that they built observatories and invented the mathematical concept of zero.

But when these children migrate to the United States, something phenomenal happens: despite their distinct indigenous, nonwhite ancestry, most of them, and their parents, are suddenly considered by the U.S. government as "white."

In its quest to conform to U.S. government definitions of race, an inept U.S. Census Bureau effectively manages to do what no European conquistadores were able to do: wipe out entire peoples off the face of the planet.

We consider this practice demographic genocide.

In the 1990 Census, half of all Latino households checked off "white" as their racial category. The other half checked the "other" or nonwhite categories. Interestingly, of the 10 million people who checked the "other" category in 1990, 98 percent also checked off "Hispanic" as their ethnic identity.

Checking the "other" box is considered a wrong answer by the Bureau and an indication that something is wrong. This is not merely a polemical dispute over names.

The Bureau erroneously assumes that the nearly 10 million Latinos who chose "other" are actually white and were simply confused by a complex questionnaire.

But this is a false assumption and this practice robs millions of people of their identity. The Bureau in effect "disappears" their lineage -- an ancestry that is not only Indian and mestizo, but African and mulatto as well. Meanwhile, teaching in schools that emphasizes Eurocentric history contributes to erasing their language, history and culture.

In spite of this, the government, through its issuance of reports -- whether about health, the economy or education -- and the media, through its faulty coverage of these reports, continue to erroneously depict Latinos or Hispanics as primarily a white population. Instead, the media almost always reports the news in black and white racial terms.

It's an odd trend in that it is occurring only on paper. Yet in an information age, what's on paper can become reality -- with dire consequences, such as entire groups or races of people being ignored by society.

What the Census Bureau should investigate is why half of all Latino households claim to be white. The answers, if the Bureau ever bothered to ask, are fascinating.

The Bureau's faulty questionnaires view the world in racially "pure" terms that harken back to 19th century pseudoscience. In a society that is depicted as either black or white, many

respondents who fit into neither category simply mark a wrong answer. But in a sense, it's not so much a wrong answer as it is a wrong question.

It's interesting to note that at one time, the Census categorized Mexicans as Asians, at another time, Mexican was considered a race in and of itself.

Due to miseducation and schools that resist offering a multicultural education, some Latinos are not aware of their true history, don't even know there are pyramids in the Americas, and thus by default, come to believe that since they are "Americans," they must be white.

Some check the white category due to misinformation from the census, while others, due to a racial inferiority complex, simply choose to identify themselves as "white," out of a sense of shame.

"Passing" as white in the United States theoretically entails privileges. So, many who identify themselves as "Hispanic" on official questionnaires also check off the category "white" because they recognize dual benefits -- of being perceived socially as white, yet being eligible for affirmative action consideration, as a member of a minority.

If Latinos who consider themselves white were not eligible for affirmative action, it is certain that the number who check off the "white" box would go down substantially.

However, while that would increase the number in the "other" box, it would still not reveal the true, multi-racial character of the Latino population.

The solution to reducing the number of people who check the "other" racial category is simple. The Bureau should allow Latinos and other peoples to check mixed (mestizo), Native American, or multiple race categories. Until this nation's fixation with race is done with, there is no other sensible alternative.

If not, it may not be long before Latinos are indeed categorized by the government as "white," not only robbing them of their rich cultural history, but rendering Latinos ineligible for affirmative action remedies. No doubt, that would make the opponents of multiculturalism and affirmative action very happy.

Last change: Jan. 14, 1996

Latino Spectrum is a nationally syndicated column, distributed by Chronicle Features. Rodriguez/Gonzales can be reached at XColumn@AOL.COM.

To share your thoughts about this article or any other in LatinoLink, send email to latino@latinolink.com. Please indicate whether your words are for publication. Gracias!

This article was brought to you thanks to:

Charles Schwab

SOME HISTORICAL DOCUMENTS SHOWING GOVERNMENT (VIRGINIA) ATTEMPTS TO PERSECUTE AND DENY THE EXISTENCE OF MULTIRACIAL AMERICANS.

MULTIRACIAL AMERICANS ARE OWNED AN ACKNOWLEDGEMENT(CENSUS CATEGORY) BY GOVERNMENT AS A FORM OF REPARATION. NO OTHER GROUP HAS BEEN ATTACKED BY STATE GOVERNMENTS WITH THE PURPOSE OF DENYING THEIR EXISTENCE (DOCUMENTARY GENOCIDE).

NOTE: W.A. Plecker, acting as Virginia's first Registrar of Vital Statistics, was determined to "mark" all Melungeons as not-white. Here is one of many articles and essays that he wrote and published on behalf of the American eugenics movement, a movement with haunting similarities to Hitler's genocide against European Jews and Gypsies. The views expressed below are those of W.A. Plecker and his racist colleagues; they are presented here to illustrate the hostility and vigor he showed in persecuting mixed-ancestry Americans. An excellent discussion of Plecker's dubious "legacy" can be found in Pocahontas'People *by Helen Rountree.*

VIRGINIA'S ATTEMPT TO ADJUST THE COLOR PROBLEM*

W. A. Plecker, M.D., FELLOW A.P.H.A.
State Registrar of Vital Statistics, Richmond, Virginia

*** Read at the joint session of the Public Health Administration and Vital Statistics Section of the American Public Health Association at the Fifty-third Annual Meeting at Detroit Michigan, October 23, 1924. This copy from** *The American Journal of Public Health*, **1925.**

The Settlers of North America came not as did the Spanish and Portuguese adventurers of the southern continent, without their women, bent only on conquest and the gaining of wealth and power; but bringing their families, the Bible, and high ideals of religious and civic freedom.

They came to make homes, to create a nation, and to found a civilization of the highest type; not to mix their blood with the savages of the land; not to originate a mongrel population combining the worst traits of both conquerors and conquered.

All was well until that fateful day in 1619 when a Dutch trader landed twenty negroes and sold them to the settlers, who hoped by means of slave labor to clear the land and develop the colony more quickly.

Few paused to consider the enormity of the mistake until it was too late. From this small beginning developed the great slave traffic which continued until 1808, when the importation of slaves into America was stopped. But there were already enough negroes in the land to constitute them the great American problem. Two races as materially divergent as the white and the negro, in morals, mental powers, and cultural fitness, cannot live in close contact without injury to the higher, amounting in many cases to absolute ruin. The lower never has been and never can be raised to the level of the higher.

This statement is not an opinion based on sentiment or prejudice, but is an unquestionable scientific fact. Recently published ethnological studies of history lead to this conclusion, as do the psychologic tests of negro and negroid groups, especially the tests made by the United States Army for selective service in the World War. It is evident that in the hybrid mixture the traits of the more primitive will dominate those of the more specialized or civilized race. It is equally obvious that these culturally destructive characteristics are hereditary, carried in the germ plasm, and hence they cannot be influenced by environmental factors such as improved economic, social and educational opportunities. On the contrary, such opportunities often accelerate the inevitable decadence. Dr. A. H. Estabrook in a recent study, made for the Carnegie Foundation, of a mixed group in Virginia many of whom are so slightly negroid as to be able to pass for white, says, "School studies and observations of some adults indicate the group as a whole to be of poor mentality, much below the average, probably D or D- on the basis of the army intelligence tests. There is an early adolescence with low moral code, high incidence of licentiousness and 21 per cent of illegitimacy in the group."

When two races live together there is but one possible outcome, and that is the amalgamation of the races. The result of this will be the elimination of the higher type, the one on which progress depends. In the mixture the lower race loses its native good qualities which may be utilized and developed in the presence of a dominant race

The mongrels are superior in mental power to the lower race. They are more cunning and more capable, but they lack the creative power of the higher race, and cannot sustain a lasting civilization that will rank with the best of the world.

History affords many examples. Egypt in the day of her greatness was white. But the white Pharaohs began to extend their dominion south into the negro land, and to bring back multitudes of captives for laborers and soldiers, special mention being made also in their records that women in large numbers were included. Interbreeding with these negroes began and continued through many centuries until the country became largely negroid.

The climax was finally reached when one of the Pharaohs took to himself a negro wife and his mulatto son Taharka succeeding to the throne. The color line had vanished and with it Egypt's greatness. Assyrian invaders met with no effective resistance. From that day to this Egypt has been a mongrel nation, incapable of initiative, and now dependent upon foreign protection and leadership.

India affords a parallel example. Four thousand years ago the invasion of India by Aryans occurred. These came into contact with a mixed population of white-yellow- black composition. The conquerors attempted to prevent their own amalgamation with the natives by establishing a rigorous caste system, which was not like the present one based upon occupation, but upon color. This system failed, and though caste is still in force in India the reason for it no longer exists.

Modern South Africa is a melancholy example of what may occur when the intermixture which inevitably results is hastened by fanatical religious teaching and misguided legal interference from the mother country. Major E. S. Cox, who spent years in that region and in other countries studying race conditions, in his book "White America," (White America Society, Richmond, VA) gives a graphic account of the struggle made by the determined colonists against the imposition. They lost out, and the population of Cape Colony province is today largely mixed, showing how quickly this condition results when the natural process is speeded up by negrophilism and the law.

Let us return now to our own country, and, as we are considering Virginia, to that state in particular.

There are about twelve million negroes; of various degrees of admixture in the Union today. Of the population of Virginia, nearly one-third is classed as negro, but many of these people are negroid, some being near-white, some having actually succeeded in getting across into the white class.

The mixed negroes are nearly all the result of illegitimate intercourse. The well known moral laxity resulting from close contact of a civilized with a primitive race makes illegitimate intermixture an easy matter. This is illustrated by the fact that the illegitimate birth-rate of Virginia negroes is thirty-two times that of Rhode Island, while the District of Columbia rate is thirty-seven times, and that of Maryland forty-six times.

In the days when slavery was still a blight upon our state, it was quite a common occurrence for white men to father children born to the negro servants. The history, as related to me, of at least one colony of people known as "Issue" or "Free Issue," now spread over several counties, is that they originated in part in that manner.

It was considered undesirable to retain these mulattoes on the place, bearing the family name, and a number from one county were given their freedom and colonized in a distant county. These intermarried amongst themselves and with some people of Indian- negro-white descent, and received an additional infusion of white blood, either illegitimately or by actual marriage with low-grade whites.

At present these people are claiming to be white, or Indian, and under the former law when a person with

one-sixteenth negro blood could be declared white, they were able in some instances to establish their claim legally.

These mixed breeds are not classed as white by the people of the community, and they will not associate with the genuine negroes. Five hundred or more in number they thus constitute a class of their own, and a serious problem in that county and others to which they migrate. If refused classification as white they claim to be Indian, and as such have been accepted in the birth reports to avoid listing them as white.

In a recent test case, the court upon evidence submitted from our birth records reaching back to 1853, and from the testimony of old residents, decided that these people under the new "Racial Integrity" law cannot be permitted to intermarry with whites.

Another large colony which extends over into North Carolina probably has a similar origin. We have also compromised with these, and accept certificates as Indians, which indicates to us that they are not white.

In another county are about forty descendants of an illegitimate mating of a negro man and white woman four generations back. All of these have formerly succeeded in being classed as white. though under the new law our office has supplied to the clerks who issue marriage licenses, school authorities, commonwealth's attorneys, physicians and local registrars, a complete family tree, with the injunction to class them as colored.

Similar conditions exist in other localities, though not yet so far advanced. A case was recently discovered where a white man married a mulatto woman (probably in another state), and now has nine children, four of them being reported to our office as white. Investigation revealed the fact that two other women bearing the same family name had mated with white men and were raising large families of children.

Another man whose birth was reported in 1878, both parents being registered as colored, had the court declare him a white man under the one-sixteenth law; married a white woman, and has four children reported as white by physicians.

The question of their color was referred to our office by the school authorities when the facts were discovered, and the white school advised under the new law not to receive them, though they engaged a lawyer to assist them.

These examples illustrate the fact that even in Virginia where the questions of race and birth receive as much attention as anywhere in the country, the process of amalgamation is nevertheless going on, and in some localities is well advanced. Complete ruin can probably be held off for several centuries longer, but we have no reason to hope that we shall prove the one and only example in the history of the world of two races living together without amalgamation.

In Mexico, much of South America and the West Indies the process is practically complete, the mixture being Spanish or Portuguese, Indian and negro. Some portions of southern Europe have undergone a similar admixture. Immigrants from these lands to this country, while really negroid, are classed as white.

Several South American countries, or portions of them, still retain a considerable degree of race purity, which is being maintained by European immigration.

The immigration law recently passed by our Congress will stop the legal admission of Mongolians and will check much of the negroid immigration from elsewhere in the old world, but it will not prevent negro and negroid immigration from other parts of the western hemisphere. It is estimated that there are today from 500,000 to 750,000 Mexicans in the state of Texas alone, and that Mexicans compose more than half of the population of Arizona.

We come now to the question of a solution of the problem.

There is but one absolute solution which is acceptable and feasible, and that the one advocated by Lincoln and other far seeing statesmen of the past-- the separation of the races by gradual repatriation of the colored races. This measure is still possible, but the longer it is deferred the greater the task.

In the lifetime of some now living we may expect the present twelve million colored population to increase to twenty or possibly thirty millions, and that perhaps to one hundred millions during the next century, to say nothing of the prolific Mongolians who are already firmly established upon our western coast. With the competition of this large number of people of low ideals and low standards of living, and the great effort to secure the means of maintaining a family up to the desired standard, the white population will to that extent be crowded out.

Virginia has made the first serious attempt to stay or postpone the evil day when this is no longer a white man's country. Her recently enacted law "for the preservation of racial integrity" is, in the words of Major E. S. Cox, "the most perfect expression of the white ideal, and the most important eugenical effort that has been made during the past 4,000 years." Of course this law will not prevent the illegitimate mixture of the races although a law requiring the father to share with the mother the responsibility of the birth would have a deterring effect. When more than one man is involved, all should be held equally responsible in sharing the cost, as I am informed is the case in Norway.

But it is possible to stop the legal intermixture, and that Virginia has attempted to do in the above mentioned law, which defines a white person as one with "no trace whatsoever of blood other than Caucasian," and makes it a felony punishable by confinement for one year in the penitentiary to make a willfully false statement as to color.

Clerks are not permitted to grant licenses for white persons to marry those with any trace of colored blood. It is needless to call attention to the sad plight of a white person who is thus imposed upon or of a white woman who under such circumstances would give birth to a child of marked negro characteristics, as will occur from time to time under Mendel's law.

The new law places upon the office of the Bureau of Vital Statistics much additional work, but we believe it will be a strong factor in preventing the intermarriage of the races and in preventing persons of negro descent from passing themselves off as white.

We are greatly encouraged by the interest and cooperation of physicians, local registrars, clerks, school authorities, the general public, and even the midwives. Our success during the first four months of the enforcement of this law, in securing more accurate statements as to color on our birth certificates and in correcting previously existing errors is far beyond our expectation.

The states which now permit free intermarriage of the races, as listed in "American Marriage Laws", (Russell Sage Foundation, New York, 1919) are: Connecticut, District of Columbia, Illinois, Iowa, Kansas, Maine, Michigan, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Rhode Island, Pennsylvania, Vermont, Washington, Wisconsin, and Wyoming. The most urgent need is the speedy adoption by these states and the District of Columbia of a law forbidding the intermarriage of the white and colored races.

We are all interested in reducing the death rate from preventable diseases, and of increasing our birth rates. Is that however, the only thought that may occupy the mind of health workers? Is it not of greater importance to the welfare of the state to give some thought to the quality and value of its future citizens than to lavish all of its energies an money upon prolonging the lives and in creasing the number of the unfit, who

are already increasing far more rapidly in proportion than the more desirable?

The white race in this land is the foundation upon which rests its civilization, and is responsible for the leading position which we occupy amongst the nations of the world. Is it not therefore just and right that this race decide for itself what its composition shall be, and attempt, as Virginia has, to maintain its purity?

This is working no hardship and no injustice upon the other races; for the same effort tends at the same time to maintain the purity of their races as well.

That the mongrel races are liable to perpetuate the undesirable qualities of both their constituent stocks is abundantly demonstrated by a study of the larger and older of the mongrel groups in Virginia, as well as upon a study on a far larger scale in various other parts of the world.

The colored races therefore should be equally zealous in preventing both the legal and illegal admixture of the races. We are glad to say that the true negro of Virginia is beginning to appreciate this point and is agreeing to the wisdom of this movement. Our chief trouble is with some of the near-whites who desire to change from the colored to the white class.

By firm adherence to the standard which has been set, we believe that it is possible within a reasonable time to secure through our office an adjustment of the larger number of racial differences, and by constantly securing correction of our vital statistic records, and by stopping all further legal and much of the illegitimate intermixture, at least to hold the situation in check until Lincoln's real remedy can be adopted.

This, however, is but the beginning, and our efforts will be of less avail until every state in the Union joins in the move to secure the best marriage laws possible, and a wholesome public sentiment on this the most important of all questions confronting us as a nation.

Four hundred years ago there were nations whose ships sailed the waters of the world and whose armies and navies made England tremble with fear. They claimed continents as their own, they grew rich upon their vast trade in slaves, selling thousands of them in a day from one block.

These slaves have disappeared, not by transportation, but by assimilation. Today families of the old type are rare, and these peoples are scarcely thought of in the councils of nations.

Today the eyes of the world are turned with envy upon us, and millions crave the privilege of landing upon our shores.

We are now engaged in a struggle more titanic, and of far greater importance than that with the Central Powers from which we have recently emerged.

Many scarcely know that the struggle which means the life or death of our civilization is now in progress, and are giving it no thought.

What odds will it make in the year 2500 or 3000 to the few Caucasic remnants of our present day - Americans, when they look around upon the half billion or perhaps more brown skinned descendants of the races now occupying our land, whether the typhoid death rate of 1924 was one, or one hundred, per 100,000?

What they find in that day will depend upon how we of today think and act. The very existence of our race in that time is dependent upon the thought and action of us today. Let us then accept our responsibility and meet its demands with wisdom and courage.

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State of Virginia
Enacted 1924
An Act To Preserve Racial Integrity

1. Be it enacted by the General Assembly of Virginia That the State Registrar of Vital Statistics may as soon as practicable after the taking effect of this act, prepare a form whereon the racial composition of any individual as Caucasian, Negro, Mongolian, American Indian, Asiatic Indian, Malay or any mixture thereof or any other non-Caucasic strains, and if there be any mixture, then the racial composition, of the parents and other ancestors, in so far as ascertainable, so as to show in what generation such mixture occurred, may be certified by such individual, which form shall be known as a registration certificate. The State Registrar may supply to each local registrar a sufficient number of such forms for the purposes of this act; each local registrar may personally or by deputy, as soon as possible after receiving said forms, have made thereon in duplicate a certificate of the racial composition as aforesaid, of each person resident in his district, who so desires, born before June fourteem nineteen hundred and twelve, which certificate shall be made over the signature of said person, or in the case of children under fourteen years of age, over the signature of a parent, guardian, or other person standing in *loco parentis*. One of said certificates for each person thus registering in every district shall be forwarded to the State registrar for his files; the other shall be kept on file by the local registrar.

Every local registrar may, as soon as practicable, have such registration certificate made by or for each person in his district who so desires, born before June fourteen, nineteen hundred and twelve, for whom he has not on file a registration certificate, or a birth certificate.

2. It shall be a felony for any person wilfully or knowingly to make a registration certificate false as to color or race. The wilful making of a false registration or birth certificate shall be punished by confinement in the penitentiary for one year.

3. For each registration certificate properly made and returned to the State Registrar, the local registrar returning the same shall be entitled to a fee of twenty-five cents to be paid by the registrant. Application for registration and for transcript may be made direct to the State Registrar, who may retain the fee for expenses of his office.

4. No marriage license shall be granted until the clerk or deputy clerk has reasonable assurance that the statements as to color of both man and woman are correct.

If there is reasonable cause to disbelieve that applicants are of pure white race when that fact is stated, the clerk or deputy clerk shall withhold the granting of the license until satisfactory proof is produced that both applicants are "white persons" as provided for in this act. The clerk or deputy shall use the same care to assure himseslf that both applicants are colored, when that fact is claimed.

5. It shall hereafter be unlawful for any white person in this State to marry any save a white person, or a person with no other admixture of blook than white and American Indian. For the purpose of this act, the term "white person" shall apply to the person who has no trace whatsoever of any blood other than Caucasian; but persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed to be white persons. All laws heretofore passed and now in effect regarding the intermarriage of white and colored persons shall apply to marriages prohibited by this act.

6. For carrying out the purposes of this act and to provide the necessary clerical assistancce, postage, and other expenses of the State Registrar of Vital Statistics, twenty per cent of the fees received by local registrars under this act shall be paid to the State Bureau of Vital Statistics, which may be expended by the said bureau

for the purpposes of this act.

7. All acts or parts of acts inconsistent with this act are, to the extent of such inconsistency, hereby repealed.

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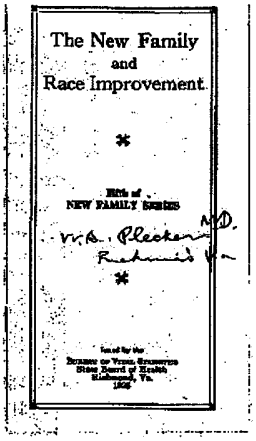
Virginia Health Bulletin, November 1925
Vol. XVII, Extra No. 12

Virginia "Indians"

by W. A. Plecker

From the booklet:

THE NEW FAMILY AND RACE IMPROVEMENT
Fifth of NEW FAMILY SERIES
Issued by
Bureau of Vital Statistics
State Board of Health
Richmond, VA
1925



When the Racial Integrity law was being enacted, it was the desire of all to recognize as an integral and honored part of the white race, the descendants of John Rolfe and Pocahontas, and to protect also other white citizens of Virginia who are descendants in part of members of the civilized tribes of Oklahoma and who are of no other admixture than white and Indian.

In order to protect these persons, an exception was made admitting as members of the white race all persons of one-sixteenth or less of the blood of the American Indian, with no other non-Caucasic blood.

It is believed that it was the desire of no one to admit into the white race other families or groups of people who may have been recognized as Indians or who may claim to be such.

Neither the framers of this act, nor any legislator perhaps, foresaw the problem that this general exception would create.

The Bureau of Vital Statistics, upon which naturally falls the difficult responsibility of establishing the racial standing of the people of the State, quickly discovered that this exception constituted a great problem.

While there are many families of mulattoes scattered throughout the State, some of whom have succeeded in securing partial or complete recognition as white and others striving for such recognition, these can be investigated and classified as individual families upon the evidence without great difficulty.

It has been found quite a different question however, to deal with the several organized groups of mulattoes who may have an infusion of Indian blood in greater or less amount, or who may claim to have it but with insufficient evidence to substantiate the claim.

These groups wherever found have loudly and persistently claimed to be pure Indians, unmixed with other than white blood.

The old birth, marriage, and death records of the Bureau, going back to 1853, have with equal uniformity shown the individual families of these groups listed as "colored" and in some cases before the emancipation as "free colored" or "free negroes" to distinguish them from the slave negroes. These people were almost always mulattoes and were usually colloquially designated as "free issue" or "issue," though some of them may have had some Indian admixture also.

In every instance also the white and the true negroes of their counties have as uniformly affirmed that these "issues" were of negro descent.

In almost every case there are now living old persons, both white and black, who know their pedigree. In a number of cases these colored people are their near relatives.

The State in early colonial days set aside in King William county two tracts of land for the use of small remnants of the Pamunkey and Mattaponi Indians. This was an act of common right and justice.

These Indians began almost at once to admit into their reservation the freed negroes or mulattoes and to intermix with them.

By 1845 Howe in his history of Virginia records the fact that "their Indian character ia nearly extinct by intermixing with the whites and negroes."

This statement is confirmed by the United States Bureau of Ethnology and by various other authorities.

In 1843 one hundred and forty-four citizens of King William county sent a lengthy petition to the legislature praying that these reservations as a matter of safety to that county be abolished and the land sold.

Their opening paragraph reads as follows:

> "The petition of the undersigned freeholders and other white inhabitants of the County of King William respectfully represents to the legislature that there are two parcels or tracts of land situated within the said county on which a number of persons are now living, all of whom by the laws of Virginia would be deemed and taken to be free mulattoes in any court of justice, as it is believed they all have one-fourth or more of negro blood, and as proof of this they would rely on the generally admitted fact that not one individual can be found among them of whose grandfathers and grandmothers one or more is or was not a negro, which proportion of negro blood constituted a free mulatto. See R. C., Vol. 1st page."

They say also:

> "The claims of the Indian no longer exist-- his blood has so largely mingled with the negro race as to have obliterated all striking features of Indian extraction. Your petitioners express the general voice of the free white people of the county and as slave holders they protest against this dangerous and anomalous institution, for it has assumed all the features of a legally established body of free negroes, the general resort of free negroes from all parts of the county-- the haunts

of vice, where the worthless and abandoned white man may resort to find everything to gratify his depraved appetite; where spirituous liquors are retailed without license; the ready asylum of runaway slaves, and a secure harbor for every one who wishes concealment."

Mr. J. Churchill Cooke, an old citizen of the county, eighty-six years of age, an ex-Confederate soldier and deputy sheriff, whose official duties required frequent visits to the reservation, recently testified that owing to their being the "resorts of worthless and abandoned whites" the color of the skin of their occupants has become much lighter during his life time. He, as well as others, white and black, who testified before the Richmond School Board assert that there is today not an Indian in Virginia unmixed with negro blood. Their light color makes them more dangerous to the white race than when darker.

About the time of the passage of the law requiring separate coaches for white and colored people a group of mulattoes of Charles City and New Kent counties gave a "fish-fry" to white men of those counties. These men in a spirit of benevolence and good humor, consented to aid them in their desire to be transformed into the Chickahominy, or as they were described by white and colored people before a hearing of the Richmond School Board, the "Fish-fry" Indians. Lawyers aided them in putting it across, and they now carry around "Indian" cards which enable them to ride with white people.

Seeing how easily this was done some of them have gone to Richmond and as "Indians" claimed the right to send their children to the white schools. Some have gone the limit and married white persons. On November 2, 1925, the Richmond grand jury found a true bill against one of this group for marrying a white woman.

In King and Queen and Essex counties another similar group have been transformed by a certain professor connected with a northern foundation into the "Rappahannock Indians." It is said that they too then attempted to send their children to a white school, but that the boys took the matter in hand and brought the attempt to a speedy ending.

This professor announces in his report his purpose of creating in Virginia six other "Indian tribes."

Do the white people of Virginia desire to admit some 3,000 of these organized mulattoes into their race, under the guise of Indians? If so it is only necessary to sit still and do nothing. Those Mulattoes and their northern allies will do the rest. These are but the advance guard of 176,000 other mulattoes ready to follow under their own colors.

Go to Plecker's Introduction of this booklet
or
Go to Plecker's Essay # 1 in this booklet: "Shall America Head For Race Suicide..."
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VIRGINIA HEALTH BULLETIN

Virginia Health Bulletin, November 1925
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Shall America Remain White? *

By W. A. Plecker, M. D.

From the Booklet:

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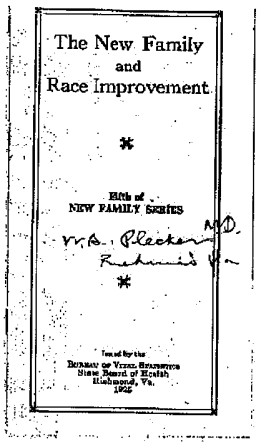
The New Family
and
Race Improvement

*

Fifth of
NEW FAMILY SERIES

W. A. Plecker M.D.
Richmond Va

*

Issued by the
Bureau of Vital Statistics
State Board of Health
Richmond, Va.
1925

* Read before Section on Public Health, Southern Medical Association, Eighteenth Annual Meeting, New Orleans, La., Nov. 24-17, 1924.

This question may be answered in the affirmative today, but if delayed for several generations it may be forever too late.

"Taxation without representation" was the slogan that fired the colonists of 1776; "states' rights" was the cry that called forth the determined resistance of the South in 1861, and "making the world safe for democracy' was the thought that mobilized the resources of our land and hurried millions of our young men to arms when the rights of mankind were trampled upon.

As momentous as these questions were, in neither instance did losing to our foes mean absolute and irretrievable disaster. In each case our conquerors were, or would have been, of our own blood and kind.

The change of rulers and the downfall of our government would not mean the change of ideals and the destruction of white civilization.

The South rose in majesty and strength after defeat by her Northern brethren. As horrible as may be the thought, even domination by the Central Powers, people of our own race, would not have meant absolute and hopeless ruin.

These dangers were apparent to all and were met by armed and united resistance, but few realize that for 300 years the white race of America has been subjected to a process which, though more destructive than war, has aroused no popular fear, and has called forth only the most feeble and ineffective resistance.

In 1620, thirteen years after the first landing of English colonists at Jamestown, there came to them a temptation from the Evil One, in which the alluring thought of cheap and controllable labor was held out to them. They fell, and permitted a Dutch trader to land as a start twenty negro slaves. They quickly realized the possibility of utilizing this form of labor in the difficult work of felling the forests and breaking the new ground. They became willing partners in this nefarious traffic, and then was introduced the great American problem.

Slave trade became immensely profitable and thousands of black savages were poured in upon our shores. This continued for nearly 200 years, when, in 1808, the further importation of negroes was forbidden.

Jefferson, Madison, Webster and Lincoln, all in their time, realized the danger and raised their voices against it. They went deeper into the problem than did the clamorous abolitionists who fanned the flames that broke forth into civil war. They realized that the problem was not slavery, but the presence of the negro in this, a white man's land.

Lincoln in particular repeatedly called public attention to the danger, and at the time of his death, a most unfortunate event for the South, was formulating plans for gradually returning the negro to his home in Africa.

The negro as a laborer is valuable, and if it were possible to preserve the race in purity with him in our midst, he would be a great asset. Because this cannot be done, and because the mixed breeds are a menace and not an asset, we have them as the greatest problem and most destructive force which confronts the white race and American civilization

Both remote and recent history of many nations shows that in none of them have white and colored races lived together without ultimate amalgamation, and without the final deterioration or complete destruction of the white or higher civilization.

We behold with awe the evidences which we now find in Egypt of the wonderful civilization of the past, when that country was white. The Pharaohs extended their conquest south and brought back as captives large numbers of negro men and women. Intermixture of the races began and progressed to such a point that one of the Pharoahs took as wife a negro woman whose son succeeded to the throne. This was about the time when Jeremiah the Prophet warned Israel to break with Egypt and affiliate with Babylon. His warning was disregarded, Egypt was as a broken staff upon which to lean. The fall of Jerusalem and the Babylonian captivity resulted.

Egypt, then a mongrel nation, soon went down before Assyria and is today a feeble and helpless nation of brown-skinned people devoid of initiative and dependent upon white leadership and protection.

Four thousand yenrs ago, India was ruled by Aryan conquerors, who instituted an elaborate caste system to prevent intermixture of the races.

This sytem failed and the few survivors who might be called white are now looked upon as curiosities.

South America and Mexico were subdued by Spanish and Portugese adventurers, who began at once to raise up a mixed breed.

Indians would not make docile slaves, and negroes in large numbers were brought in.

Much of South America and Mexico is today inhabited by a mongrel race of white-black-red mixture, one of the most undesirable racial intermixtures known, as I can testify from my own observation of similar groups in Yirginia.

Major Earnest Sevier Cox m his recent book, "White America," gives a thrilling account of the results in South Africa following from the mixing of races, a mixing indirectly aided by the zeal ot misguided missionaries who sought to show that all men are brothers and equals. White women in South Atrica are in constant danger of attack by male negroes.

Professor A. E. Jenks, of the University of Minnesota, and his assistant, made a house-to-house study of families the result of mixed marriages, the marriage records not even showing the color of the man and woman. These people have in Minneapolis an organization known as the Manassas Society, membership in which is dependent upon the intermarriage of a negro man and white woman. Already 200 such families are included in this society, with probable omissions.

Similar conditions exist in many parts of the North and West. That condition alone, if unchecked, will in a few centuries legally mongrelize that portion of our country.

If we turn our eyes southward, we find a different but even more serious situation.

None of our Southern States permits the intermarriage of whites and pure blacks, but all except Virginia and perhaps two others allow the intermarriage of whites with those of one-sixteenth or one-eighth negro blood.

This serious situation calls for the speedy enactment of laws based upon that of Virginia, which defines a white person as one with no trace whatsoever of any blood other than Caucasian and forbids the intermarriage of whites with those with the slightest trace of negro blood.

Clerks who issue marriage licenses are required to assure themselves that both parties are white, according to the new definition, when that fact is claimed and are instructed to withhold the license, when in doubt, until satisfactory proof is submitted to them.

The enforcement of the law naturally falls upon the Bureau of Vital Statistics, to which are reported the births, deaths, marriages and divorces of the State, all of which require a statement as to color.

Our office has accepted this task and has undertaken seriously, as far as possible, to secure from all sources the truth as to this point.

Circular letters have been sent to all clerks physicians, local registrars, undertakers and midwives, with copies of the law, urging them to use all possible care to furnish us with correct statements.

School authorities have been reached through their journal, and the public is being instructed by newspaper articles and lectures.

Much interest has been aroused and many cases of mixture are being called to our attention.

When this condition is found on the birth certificate if the mother has other children, we refer back to previous births to the same parents and make the certificates agree. We have thus caught a number of families in the act of passing over from the colored to the white class, some of their children being already recorded as white and some as colored.

Our custom is to notify the head of the family that this situation cannot be allowed and that if one of his children is colored, they are all colored.

The case is different, however, when the process of intermixture has so far advanced that communities of mixed breeds have been formed, particularly if they have or claim to have some intermixture of Indian

blood.

One community of about 600 of this triple intermixture in one county on the eastern side of the Blue Ridge Mountains, with a branch colony perhaps half as large across the mountain in another county, has been carefully studied by Professor Ivan McDougle , then of Sweetbriar, now of Goucher College, and Dr. Arthur Estabrook, of the Carnegie Foundation; their report soon to be published. They find these people of low moral standard, as evidenced by the fact that twenty-one per cent of their births are illegitimate. The army draft enlistment mental tests showed them very low, about D or D minus. A capable school teacher has never been developed from these people, in contrast with the true negro. They differ from the true negro in the further fact that they show little disposition to attempt to build a church or maintain religious worship, depending entirely upon mission work by white people. Their ambition seems to be limited to securing recognition first as white and if that fails as Indians.

In the United States Census of 1920, 304 succeeded in being listed as Indians, while in 1900 there were none such, and in 1910 only seven.

Another group of considerable size, making vociferous claims to being Indians, is being shown to be chiefly of negro and white composition and will be forbidden further intermarriage with whites.

A number of cases has already been called to my attention of reversion under Mendel's law when children of marked negro characteristics were born when both parents were supposed to be white, investigation revealing the fact that one of the parents was of mixed blood

Can a more humiliating occurrence be imagined for a white woman of refined sensibilities7

The first eighteen months of our experience with this new law reveals a degree of racial intermixture previously unknown, and shows that our State has already made a decided start in race amalgamation.

The situation is certainly as bad in all of the Southern States, and worse in some.

The only positive remedy for the situation is that advocated by Lincoln and other far-seeing statesmen, the absolute separation of the races.

This will meet with opposition on the part of those who are willing to sacrifice the future salvation of the white race for the temporary and selfish gain to be derived from the use of cheap negro labor.

Unless this can be done we have little to hope for, but may expect the future decline or complete destruction of our present civilization, as has already been brought about in Egypt, India, South Africa, South America and the portions of Southern Europe which have been supplying us with the larger part of our immigrants.

Under the new act of Congress much of this immigration and that of Mongolians will be stopped; but people of all grades of mixture from South America, Mexico, and the West Indies still have free access to our country.

In the attempt to solve this problem the best that we can hope for is to attempt, as we have done in Virginia, to hold off the evil day until the American people see the danger and are ready to adopt radical methods of cure.

The first thing to do, and in that members of the Southern Medical Association can take a leading part, is to arouse a more healthy public sentiment against racial intermixture, whether it be legally by marriage, or by illegitimate births.

The second effort must be to secure rigorous laws in all the States preventing the intermarriage of white persons and those with even a trace of negro blood.

The third measure, and the most difficult embraces both of the others, and will be aimed at preventing the greatest amount of intermixture which is of illegitimate origin.

This can be best accomplished by the public instruction of tho young men and schoolboys as to the crime against society and the white race of being a party to illegitimate mixture.

Along with this, adequate laws should be enacted to prevent illegitimate births by making the father responsible for the expense to the mother during her confinement and for the maintenance of the child afterwards.

This would tend to make men more cautious and prevent many cases of illegitimacy frequently considered by them as a joke.

Aside from its deterring effects in the prevention of racial intermixture, it is but a matter of common justice that the man should share with the woman the odium and burden of such misdeeds.

Much of the money and effort now being expended by health departments is directed to increasing the number and prolonging the lives of the unfit. All know that when work of a personal nature is done, this class is much more accessible than more worthy neople who may be in equal need of advice and assistance, and as nearly all workers follow the lines of least resistance, theae undesirables are apt to receive more than their share of attention.

Our Bureau deems it a special privilege to be so situated that its efforts can be projected into the distant future. May not others be able so to shape their work as to embrace not only the points outlined above, but to include eugenics aa a whole or a part of regular and legitimate health work?

The future of the white race and its civilization in America, and the welfare of our ohildren are in the keeping of this generation. Shall we arise to the situation and save our country from the terrible calamity which awaits us if we are indifferent? Shall we meet the situation with courage and determination, and secure our land forever for the unmixed descendents of those who have made it what we find it today?

Since this is our only course, let us stand shoulder to shoulder, with unyielding front, determined to preserve our racial integrity at all costs.

Let us turn a deaf ear to those who would interpret Chriatian brotherhood to mean racial equality.

Those who would have America perform her full part in the evangelization of the world must not lose sight of the fact that this will be done by us only as a white nation.

The colored race of the South has shown commendable zeal in providing for its own religious needs, but who can point to an example of any great concerted effort on their part to provide for the religious or physical needs of those afar off?

The mongrel groups of Virginia, which have descended lowest unlike the true negro, are lacking in the initiative and zeal to provide for their own religious, educational, and even physical needs but depend upon the white people to build their houses of worship and supply them with the Gospel and old clothes, under the guise of "Indian Missions."

These groups point clearly to the condition when our whole population is mongrelized. In that day we will be

a helpless mass of mental weaklings, incapable of strong government, and effective resistance to any nation of pure race which chooses to exploit us.

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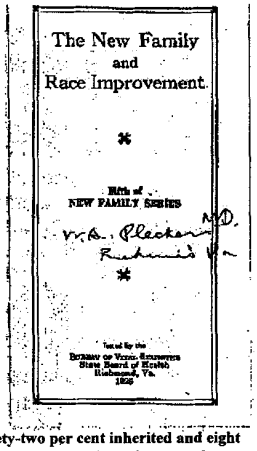
Discussion (by other doctors)


The New Family
and
Race Improvement

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Fifth of
NEW FAMILY SERIES

W. A. Plecker M.D.
Richmond Va

*

Issued by the
BUREAU OF VITAL STATISTICS
State Board of Health
Richmond, Va.
1925

From the booklet:

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Dr. A. T. McCormack, Louisvile, Ky. **-- The very important matter presented so ably by Dr. Plecker is of a great deal of practical importance unquestionably and, at the same time, one of the best statements that can be presented in regard to the value and integrity of vital statistics. I think it is of extreme importance and should be kept before the public mind.**

Dr. Plecker's statement has caused me to think of a remarkable incident at the State Health Convention in Chicago, when we heard Judge Olsen in an address on criminology that covered this whole matter. Judge Olsen is making a study of crime from his extensive experience as a criminal judge, and says that criminal instincts are ninety-two per cent inherited and eight per cent from environment. He has established a laboratory in connection with the criminal courts of Chicago in which examination of criminals is carefully made, and he is confident that with careful segregation of the criminal element of the country crime can be exterminated in several generations. Criminal law should be determined not by the present type of courts, but by experienced judges after careful psychical and medical examinations and criminal segregation. He made an appeal for the immortality of the body: that the chromosome we transmit in marriage develop to remain here, that the child be trained from the beginning in the responsibility of what he is to transmit to his offspring. I had the opportunity of going to Panama, where every race had contributed something, and the negroid influence was predominant, and where degeneration of all races had been more rapidly brought about by that element. I think it of extreme importance to white civilization to prevent the contamination.

Dr. W. A. Evans, Chicago, Ill. **-- We have been studying pneumonia in Chicago for a year. One of the things we found out is that the negro ia about four times as liable to die from pneumonia as is the white man. It is not a matter of environment or economics, but of racial peculiarity.**

Dr. Plecker calls attention to the fact that, independent of the strength or weakness of the strain, when

s'rai) are crossed there is begotten a something which fails to have the characteriatics of either parent stock. .hat is well recognized in animal breeding.

The health officer, whether working in epidemiology or not, who does not recognize racial hygiene and racial peculiarities, the advantages and disadvantages of mixing these stocks, is failing in the responsibility that rests upon his shoulders.

Dr.Geo. Dempsey, New Orleans, La. -- Dr. Plecker has given the study of vital statistics more attention, I believe, than any Southern registrar.

In the State of Louisiana, we have a situation that corresponds to that in all Southern States. We have the negro problem and have overcome it, to some extent, by access to former records kept in the churches. Some years ago, after emancipation, when a negro went to marry in the church it was recorded: John Brown, free man of color, to Mary Jones, free woman of color. The registrar went into the churches and got these records and has kept a record of every marriage of free man of color and whites. We have not the same condition throughout the State. The registrar for the State was established some fifty or sixty years after that of the city.

A term that used through the country parishes is the "Red bone" or "Indian." It refers to the long black, straight haired type, a cross between the mulatto and the Indian. We classify these as colored. Usually when we ask the negress the name of the father the reply is that she doea not know or that she does not wish to have anything to do with him. The name generally recorded is that of the mother. We have 400,000 people in New Orleans and about a third of them are negroes. But fifty per cent of the deaths in the city of New Orleans are negroes, showing that they are losing ground very fast. The word "Creole" refers to a high type of the white race. A league of white supremacy is the solution of the question. The highest type through the world is the Caucasian. No mixture of Japanese, Chinese, negro, etc., has ever attained the high pinnacle for which the white race is known. The mixture of German-French, Spanish-Italian, etc., is the typical Caucasian.

Dr Carl F. Raver, Charleston, W. Va. -- In West Virginia there are many negroes who are happy and prosperous, frequently owning their own homes and driving their own automobiles. The idea of marriage between whites and negroes is abhorrent. During slave days it no doubt was advantageous, from a commercial standpoint, to produce as many offspring of negro parentage as possible and many slave owners must have encouraged the mixing of the races.

This produced the mulatto. Now it is this mulatto, or his offspring, that is causing all the trouble. They do not wish to be classed as negroes and, if light enough in color, try to pass as white and marry into white families. Every possible means should be used to prevent this. The strongest weapon is public opinion. Public opinion allowed the mulatto to become started as an institution. It condoned the situation.

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