

**COUNTING AND CLASSIFYING BY RACE:  
THE AMERICAN DEBATE**

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Americans are racially classified literally from the cradle to the grave. Their race is recorded on their birth certificate, when they enroll in school, when they apply for a passport, when they apply for jobs, for mortgages, for university admittance, when they take part in medical experiments, when they are arrested for a crime, when they receive treatment at the hospital, and when they die. This is such a taken for granted part of everyday life that it becomes routine for most individuals, and sometimes it is done without the person being classified even knowing it is happening or being consulted. Thus a mother and father are asked their race and the race of their baby when a birth certificate is created at a hospital. But death certificates are most often filled out by funeral directors or hospital workers who “observe” the race of the dead body. Teachers often fill out forms observing the race of their students, and police judge the race of suspects and report it as they take crime reports from victims. The most attention Americans pay to this issue is every ten years when the census is taken and every American must report their race, and a national discussion about why we ask about race and whether we use the right categories occurs. But demographic and political changes have begun to highlight this issue and whether and how we classify people by race is increasingly being debated.

While we have always classified the population by race, the reasons for doing so have changed over time. The institution of slavery meant we had to classify blacks and whites separately for the first part of our history. After the abolition of slavery, we still classified blacks separately in order to segregate and discriminate against them. Immigration and conquest brought other “races” into the population, and we also counted them separately, mostly for purposes of differential treatment. Currently, however, we count and classify by race, not for nefarious purposes, but to meet two public policy goals. The first goal, the equal treatment and non-discrimination of minorities in the public and private spheres, is relatively non-controversial. The second goal, redressing past discrimination and ensuring diversity in mainstream institutions, through affirmative action and other diversity policies is hotly contested. Both goals rely on an extensive and increasingly beleaguered racial statistics system. This system is increasingly controversial and contested because of challenges arising from politics and ideology as well as demographic change. Ironically, improvements in race relations – epitomized by growing racial intermarriage, along with high rates of immigration, are undermining the logic of racial counting and the integrity of the categories used in that counting. At the same time new uses of racial data and sources of racial identity, most notably in health and genetics research, are creating new sources of support for racial counting and classifying. These political, demographic and scientific factors create strange cleavages and alliances in a debate that is being waged in the nation’s courts, in state and local elections and in the media. This debate concerns both whether we should count and classify the population by race at all, as well as whether the categories and questions we currently use are the best ones.

#### WHY AND WHAT WE MEASURE

Leading up to and especially following the Civil Rights Movement in the 1960s, a number of laws were passed to redress past wrongs and prevent future discrimination, including the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968, the Equal Credit Opportunity Act of 1974 and the Home Mortgage Disclosure Act of 1975. These laws took for granted the racial statistical system we had in place and built them into the enforcement bureaucracy, refining and adding to them as necessary. By law, we

were then required to continue to count and classify by race, not to discriminate, but to prove to the government and to each other that we were treating everyone equally, regardless of race and ethnicity. Thus the litany of incidents cited above where a person is classified racially corresponds with the arenas where our statistical system maps inequality. We ask about race on birth and death certificates, and in the hospital, to measure whether health and lifespan are equal across races (they are not). We ask about race in schools and on achievement tests to measure whether children of different races are learning and performing equally (they are not). We ask about race on mortgage applications to see whether people of different races have equal access to homeownership (they do not). We ask about race in job applications and employment rolls to see whether people of different races are hired and retained at equal rates (they are not). We ask about the race of people who are arrested to see whether they are treated equally by the criminal justice system (they are not). And we ask about race in the census in order to provide the denominator for many of the rates cited above and for a very specific legal reason – to comply with one of the most important civil rights laws – the Voting Rights Act of 1965.

The Voting Rights Act was designed to end the century long practices used to prevent black people from voting, and from having their votes make a meaningful difference. The law required states and political subdivisions, such as city and town councils to demonstrate that they were not designed to reduce the voting strength of minorities through practices such as separating minority voters into subdivisions where they would never be in the majority. Because congressional districts in the United States are redrawn every ten years to account for population change and movement (reapportioning for example seats in Congress away from Midwestern states that are losing population and towards southern and western states that are growing rapidly), the census is the basis to determine not only who gains and loses Congressional seats but also how to design a district where minority voters have a chance of electing a candidate from their districts. Although a 1993 Supreme Court decision stated that race could not be the predominant factor in deciding the geographic boundaries of a district, it is definitely a major factor taken into account as the law requires states to demonstrate that minority voters are not being disenfranchised. And

the fact that it must be taken into account is the legal reason the American census asks every citizen to identify their race.

Most anti-discrimination laws were designed with African Americans in mind, however other racial/ethnic groups have been added to the list of included groups, sometimes with very little or no public discussion. While the rationale for being included as a race was societal discrimination, past historical and legal rulings created constraints and omissions in which groups were counted and in what ways. Mexicans had been severely discriminated against in the US, particularly in the early part of the 20<sup>th</sup> century. But in 1930 when Mexican was listed as a race on the census the Mexican government protested and argued that Mexicans were white. After that incident, and to this date, Mexican and other Spanish origin groups are counted separately than other races.

Jews were also a group that had suffered discrimination. In 1957 the Current Population Survey, a sample survey run several times a year by the federal government, included Jewish as an ethnic category for respondents to check off. Jewish organizations went to court citing the separation between church and state, and also arguing that after the experience of Nazi Germany they did not want the federal government to have a list of Jewish people. The court ruled that the government could not collect data on the religious identity of the population and that the data collected in that survey should be destroyed. Currently if someone writes Jewish as an answer to a question about ethnicity on a federal survey or census the answer is not recorded. (This stands in marked contrast to Canada's census which does allow people to choose Jewish as an ethnic identity).

This ruling that the federal government cannot gather data on religion also means there are no government statistics on Muslims in the United States. Interestingly, prior to the 2000 Census Arab American groups had lobbied the census to add an Arab American category to the race question on the grounds that the group was subject to discrimination and hate crimes and data were needed to monitor and combat this discrimination. After 9/11/2001 many Arab Americans became opposed to the government collecting data on them, particularly after a publicized incident in 2002-2003 when the Census Bureau produced data on the location of Arab Americans for the Department of Homeland Security. Arab American leaders

likened it to the assistance the Census gave to the government when Japanese American citizens were detained during World War II. (In 2000 the Director of the Census apologized to the American people for the actions of the Census Bureau in assisting the detention of Japanese Americans during the war)

#### RACIAL JUSTICE, DIVERSITY AND AFFIRMATIVE ACTION

Anti-discrimination policies and laws enjoy considerable support from the American people. These policies resonate well with the American ideology of equal opportunity and do not contradict notions of meritocracy. But anti-discrimination laws only allow for the redress of individual injustices after injustices have already happened and do not prevent them (Harper and Reskin, 2005). Furthermore, since discrimination against a person on the basis of any of the specified characteristics (race, gender, ethnic or national origin) is illegal, both racial and ethnic minorities and whites can seek protection under anti-discrimination laws. In contrast, affirmative action, a more controversial race-based policy that has garnered much political protest on both sides of the political spectrum, is aimed at preventing exclusion to occur in the first place by ensuring that protected-minority groups are included in various spheres of economic, educational and political life. Similar to the various anti-discrimination laws that came out of the 1964 Civil Rights Act, affirmative action policies owed their existence to the black civil rights movement and were initially intended to redress the injustices incurred against the descendants of African American slaves (Skrentny, 2002). Yet when these policies were first implemented they included not only African Americans, but also Native Americans, Hispanics, Asians and women.

In its simplest and least contested form, affirmative action policies are almost indistinguishable from anti-discrimination policies. This type of regulation is referred to as “soft” affirmative action. It entails activities such as outreach to protected-minority communities, providing career advancement training, and fair assessments for promotions. On the other end of the spectrum is what scholars call “hard” affirmative action policies, which are usually implemented as preferential treatment or *compensatory* affirmative action. The most extreme and controversial form of affirmative action is quotas – a practice requiring that a specified percentage of jobs or university

seats go to a specified group. But despite public perception that affirmative action always translates into quotas, they are actually rarely enacted (Graham, 2001).

Affirmative action in education, employment, and federal contractors/small businesses are covered by different regulations, executive orders, and statutes. They also differ in implementation. For example, not all employers are required to enact affirmative action policies. In the private sector, only large companies with substantial government contracts must practice affirmative action (Harper and Reskin, 2005: 365). The bulk of affirmative action regulations in education, particularly higher education, have been for the most part, voluntary. Assessment of exclusion is usually based on proportional representation, i.e., whether a minority group is represented in schools or companies in proportion to their numbers in the general population (Harper and Reskin, 2005).

#### WHAT WE MEASURE

As the laws and practices described above were put into practice it became clear that different local governments, corporations, schools and other institutions as well as different branches of the federal government were all using different categories and questions to classify the population. In 1978 the federal Office of Management and Budget (OMB) issued a directive (number 15) designating standards for collecting data on race and ethnicity. This directive set up what historian David Hollinger (1995) came to call the American ethnoracial pentagon, enshrining the five federal reporting categories – white, black, American Indian or Alaska Native, Asian or Pacific Islander, and Hispanic. The guidelines followed a long standing federal policy since 1930 of declaring that Hispanic was a different category than the rest. Hispanics are an ethnic category that can belong to any of the other races. The other races were meant to be mutually exclusive, one could not identify in this system as both black and white, for instance. The directive declared that government agencies could collect more detailed data if there was a need but that the detailed data (on national origin or ethnicity) needed to be able to be aggregated into this five fold system.

In 1997, after a series of Congressional hearings and a vigorous and active social movement by a small but determined group of activists, the OMB revised the statistical categories, most notably and significantly by allowing people to claim more than one race, and allowing multiple race reporting. They decided not to add a multiracial category as some activists had advocated for, but rather decided to allow people to “check all that apply” (Perlmann and Waters, 2002).

The decennial census collects data in considerably more detail than the OMB requires in order to meet the data needs of the laws and policies described above. There are currently three questions on the census that collect the bulk of the demographic data on race and ethnicity in the United States. These questions are the race question, the Hispanic origin question and the ancestry question. The race question was a closed-ended question that provided a list of possible responses, which included the categories White, Black, African American or Negro, American Indian or Alaska Native, Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, Other Asian, Native Hawaiian, Guamanian or Cahmorro, Samoan, Other Pacific Islander, and Some Other Race (with a blank space to fill in an answer). The question was labeled race in 2000, 1990 and 1970; in 1980 it just provided the categories without a title for the question. Until the 2000 census the question specifically told respondents that they were not to give two answers, but to only choose one response. In 2000 the race question instructed people to “mark one or more race” and 2.4% of the population chose two or more races.

The Hispanic origin question also provided the respondent with fixed response categories. The choices given to respondents included No (not Spanish/Hispanic), Yes, Mexican, Yes, Puerto Rican, Yes, Cuban, and Yes, Other Spanish/Hispanic, with a space to write in the specific response. Finally, the ancestry question 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 name more than one group. The instructions said “Persons who have more than one origin and cannot identify with a single group may report two ancestry groups”.

#### CHALLENGES TO THE CURRENT SYSTEM

Challenges to the current system include political and ideological attacks on the idea of collecting data by race or using racial data to support affirmative action. The other challenge to the current system stems from demographic changes – immigration and intermarriage, which create instability and uncertainty in the categories used to measure race and ethnicity, potentially undermining both the technical ability to classify by race and the common understandings of the population of the “naturalness” of this process. Each of these challenges is discussed below.

#### CHALLENGES TO COLLECTING OR USING RACIAL DATA

Minorities themselves and those who support the aims of the Civil Rights Movement have generally been the most vocal and steadfast supporters of the collection of racial and ethnic statistics. This is because there is a demonstrated history of the statistics being used for the purposes of documenting and combating racial prejudice and discrimination and empowering minority groups politically. Racial data demonstrated the gerrymandering that created congressional districts which ensured that minority voters could not elect leaders because the minority voters were purposely split up into separate districts where their votes were diluted. After the passage of the Voting Rights Act, districts were redrawn taking race into account and creating districts where minorities were in the majority and thus able to elect officials who reflected their political goals. Biases and discrimination in hiring, in home lending, in rental housing access, and in access to medical care were demonstrated statistically with racial data from the census and public and private records.

While the use of racial data for enforcing laws against discrimination enjoys popular support, the path to challenging all racial statistics has come through the much less popular policies of affirmative action. Activists opposed to affirmative action successfully drafted and campaigned for a ballot resolution in California to ban the state’s use of race, sex, color, ethnicity or national origin both to discriminate or to provide “preferential treatment”. This proposition, known as Proposition 209 (but called the “California Civil Rights Initiative” by its supporters) passed in 1996 by a vote of 54 to 46 %. Similar propositions were passed by the state of Washington, supported by 58 % of the vote, and in 2006 in Michigan, where



Proposition 2 passed by 58 %. Similar ballot measures have now been proposed for the November 2008 election in the states of Colorado, Arizona, Missouri, Oklahoma, and Nebraska (Slevin, 2008). These ballot initiatives are all called “Civil Rights” bills, and are coordinated by a national organization called the American Civil Rights Institute. This social movement uses the language of non discrimination to attack affirmative action and diversity initiatives. Although the rhetoric and titles they give themselves invoke a color blind society and the Civil Rights movement, they are generally opposed by organizations and individuals associated with the Civil Rights Movement who argue that affirmative action policies are necessary to create racial justice (Williams, 2005).

The leader of this ballot initiative campaign against affirmative action is a conservative Californian named Ward Connerly. In 2004, Connerly and his organization proposed a much more far reaching ballot initiative in California, Proposition 54, or the “Racial Privacy Initiative”. This proposition would have prevented the state from classifying individuals by race, ethnicity, color or national origin at all. While in early polls voters seemed to agree with the idea that the government should no longer collect any data on race, opinions changed as the election grew closer and a wide range of arguments were mounted to defend the practice of racial statistics. Voters were swayed by the arguments that gathering racial statistics was still necessary to prevent discrimination, but perhaps the most persuasive arguments came from the field of health. Arguments were made that racial statistics were necessary to document health disparities among groups and to effectively develop drugs and treat diseases that differentially impact different ethnic groups. A broad range of organizations and officials came together to oppose the proposition including the Republican governor elect Arnold Schwarzenegger, the civil rights community, environmentalists, labor unions, educators and health care providers. The proposition was decisively defeated at 64 % opposed, and 36 % in favor. This outcome shows that while support for affirmative action is low, there is continued support for racial statistics collected in the service of anti-discrimination law and for the purposes of health and medicine research and monitoring.

In addition to electoral challenges to race based affirmative action at the state level, there have been a number of legal challenges to the use of racial statistics. Perhaps the most far reaching was the 2003

case of the University of Michigan's law school's affirmative action program which was reviewed by the Supreme Court. The court upheld the right of universities to use race in admissions but not for purposes of "racial justice" or redressing past harms, but based on the rationale that the university had established that there was a "compelling educational interest in assuring a diverse student body". This case "Grutter *vs.* Bollinger" allowed public and private universities to continue to use race in admissions decisions, but not in a numeric or formulaic way. Thus universities cannot have a different numerical score for admission for whites and for non whites. They can take race into account, along with other non-academic factors in a student's background such as geographic origin, leadership qualities, athletic abilities, in order to construct a "diverse" student body (Pollak, 2005)

At the elementary school level, the Supreme Court recently reviewed voluntary desegregation cases in Seattle Washington and Louisville Kentucky that involved assigning children to schools based on their race in order to make sure that schools had a certain percentage of minority and white students across the different schools. In June 2007 the Court prohibited this practice, In a close decision the justices ruled 5-4 that race should not be taken into account in school assignments even if the goal is to prevent racial segregation in schools. Chief Justice John Roberts, writing for the majority, invoked the landmark 1954 Supreme Court decision outlawing school segregation, *Brown vs. Board of Education*. Roberts argued that striking down these two cities integration plans was consistent with the 1954 decision because in both instances students must not be told "where they could and could not go to school based on the color of their skin". The Court did not rule out the use of race completely. Roberts said that race could be taken into account if the goal were not just to achieve diversity but to reverse the effects of past official segregation policies. Thus further lawsuits about when and where one can take race into account will surely be forthcoming.

#### DEMOGRAPHIC CHANGE

While political and legal challenges to the use of racial statistics for affirmative action have had success, the defeat of Proposition 54 in California would seem to signal that there is still majority support for the use of racial statistics for monitoring discrimination and

differential health outcomes. Yet demographic changes are also accelerating that challenge the racial statistics system and create questions about the categories in use. Demographic and social changes are shifting the boundaries and meanings of race and ethnicity in the United States. The demographic transformation of our population through immigration along with rising intermarriage and growing recognition of multiracial ancestries both by individuals and by the state are blurring the boundaries between traditional racial/ethnic groups.

Rising intermarriage rates mean that a greater proportion of the population can effectively be members of more than one racial group, thus causing problems for anti-discrimination legislation such as the Voting Rights Act that require that people be put into mutually exclusive racial categories. In addition, immigration contributes to growing heterogeneity within racial and ethnic categories – including variation by social class, generation, language ability, skin color, and national origin. While the category black in 1965 overwhelmingly referred to people who were descended from slaves brought to the US before the early 1800's, it now includes African Americans with deep roots in the US, as well as recent immigrants from the Caribbean and Africa. While most Asians in the US were Chinese or Japanese prior to 1965, the category Asian now includes people from India, Cambodia, Vietnam, the Philippines and Korea. The category Hispanic had referred to Puerto Ricans and Mexicans, it now includes immigrants from throughout the Caribbean and Central and South America. If programs such as affirmative action are partly designed to compensate for past historical discrimination and its lasting effects, including new immigrants in the category of beneficiaries seems logically inconsistent and contributes to growing public unease with the policies.

#### IMMIGRATION

In 1965, Congress passed the Hart-Celler Immigration Act, which repealed the restrictionist admissions system based on discriminatory nationality quotas that had severely limited immigration to the United States since the 1920's. This act installed a new global admissions system under which immigration reached all time high levels by the end of the 20<sup>th</sup> Century. It also put numerical limits on immigration from the Western Hemisphere for the first time – limits that would

lead to growing undocumented or illegal immigration in the coming decades. At the same time, worldwide demographic and political changes, often referred to collectively as globalization, created a number of conditions that encouraged international migration.

From 1971 to 2000 19.9 million legal immigrants arrived in the United States, along with millions more undocumented, eclipsing the 18.2 million immigrants who came in the 30 year period from 1891 to 1920 (once remembered as the high-water mark in American immigration). Between 2000 and 2005 an estimated 7.9 million immigrants arrived, the largest number arriving in a five year period in the nation's history. As a result, the foreign born population has steadily increased since 1960 rising from 9.7 million in that year to 35.2 million in 2005. The foreign born of the early 21<sup>st</sup> Century are more numerous than ever before, but at 12.1 percent of the population, they constitute a smaller proportion of the total population than they did a century ago, when they were 14.7 %.

Another 10 % of the US population are the children of immigrants – referred to by scholars as the second generation. So currently at least one in five Americans are first or second generation. Only 14 % of the foreign born in the United States are from Europe. The largest group (43 %) are from Latin America (including Central America, South America and the Caribbean), while 25 % are from Asia, and 8 % are from other regions of the world, such as Africa and Oceania. Mexicans are the largest single group of the foreign born and now compose 27 % of all foreign born. In addition to Mexico, the top ten countries of birth of the foreign born are China, India, Korea, the Philippines, Vietnam, Cuba, the Dominican Republic, and El Salvador.

This immigration has transformed the major ethnic-racial groups in America. In 1970, 88 % of the U.S. population was white, 11 % was Black and less than 1% consisted of American Indians, Asians and Hawaiians. Hispanics, who are counted differently in the census and can be of any race, were only 5 % of the total 1970 U.S. population. By 2000, the effects of immigration were readily apparent in the demographics of the country – 75 % of the population was white, 12 % black, 4 % Asian and 13 % Hispanic. American Indians increased in number over the thirty years (through new people

claiming or discovering their Indian heritage) but still were less than 1 % of the population.

In addition to changing the relative numbers of different races and ethnic groups in the United States, immigration has also changed the generational distribution within American race and ethnic categories. Asians are the most impacted by immigration. Only 12 % of Asians are third generation or higher, 61 % are foreign born and 27 % are second generation. As Suro and Passel (2003:6) point out, in the mid 20<sup>th</sup> Century the Latino population in the U.S. was dominated by the 3+ generation – it was primarily a group distant from immigrants who could be considered a native minority. It was primarily composed of Mexican Americans and Puerto Ricans. By 2000 the majority (68 %) of Latinos are first or second generation – but one third are third generation or higher. In addition to long time Mexican Americans and Puerto Ricans, the Latino group includes immigrants and their children with origins in the Caribbean, Central and South America. Indeed only Blacks and American Indians in 2000 are a majority non-migrant stock. Even blacks – the group whose experience most racial policies in the United States are designed to address – are now 10.2 % first or second generation, as African Americans have been joined by groups such as Nigerians, Haitians, West Indians and Cape Verdeans. In their generational distribution they are quite similar to non Hispanic whites, who are also about 10 % first or second generation.

The growth of immigration has led to two specific challenges for the current racially based statistical system. First, immigrants have specific needs and pose specific public policy issues that racial data are not designed to address. Thus schools currently gather data on race, but increasingly need data on the immigration status of children and their parents. Children of immigrants – both first and second generation – often have specific needs for language instruction. They often travel back and forth to home country schools and so their preparation and progress differs a great deal from native children. Yet schools often have no statistical knowledge of whether students are immigrants or not.

The other challenge of immigration for racial statistics is the political one of whether affirmative action and diversity policies should include people who do not have the historical experience of

discrimination. The expansion of affirmative action to include seemingly arbitrary racial and ethnic minority groups who may not necessarily have a history of injustice inflicted against them raises questions about affirmative action's legitimacy. The opposition to conferring affirmative action benefits on other racial and ethnic groups – including immigrants – stem mainly from the public understanding that, at its inception, affirmative action was supposed to only remedy the issue of African American exclusion.

By allowing voluntary immigrants (i.e., non-citizen, racial and ethnic minorities) to take advantage of affirmative action benefits, the government may in effect be further undermining the intentions of affirmative action by ignoring the continued exclusion of African Americans now that black representation in employment and education is on the rise (albeit partly due to the high participation rates of foreign born blacks) (Graham, 2001). Indeed a front page article in the summer of 2004 in the New York Times was entitled “Top Colleges Take More Blacks, But Which Ones?” The article reported on the deep consternation among black alumni from Harvard University who discussed the fact that a majority – perhaps as much as two-thirds of the “black” students at Harvard – are first or second generation immigrants or the children of interracial couples. The question debated at a meeting held on the subject was whether “African-American students whose families have been in America for generations were being left behind.” (Rimer and Arensen, 2004). This is not an issue for just one university – a study by Douglas Massey and colleagues (2003) found that 41 % of “black” students at 28 selective colleges and universities nationwide were of immigrant stock or multiracial.

Recent empirical studies of the young adult children of immigrants in the U.S. find that they are doing better in terms of educational attainment and labor market achievements than native born Americans of the same racial backgrounds. In the New York Second Generation Study, we surveyed a large group of young adults in New York City whose parents had come from Asia, Latin America, the Caribbean, and Russia (Kasinitz *et al.*, 2008). We found impressive educational and occupational mobility. While most of the immigrant parents had “immigrant jobs” – working in low-level service and manufacturing jobs, their adult children all resembled other New Yorkers at the same age much more than their parents did. And they

all had high school and college graduation rates higher than native New Yorkers of the same racial backgrounds. Dominicans had higher educational attainment than Puerto Ricans; West Indians had higher attainment than native blacks; and Chinese had higher attainment than any other group by far. In national studies, these patterns of social mobility hold for many groups, including Mexican Americans (Rumbaut and Portes, 2006; Smith, 2003, Perlmann, 2005). An emerging consensus in the research on the second generation reaches an optimistic conclusion – immigrant parents’ sacrifices are paying off, with significant socioeconomic integration among their children. And despite the urgent fears of many Americans about the place of English as our national language, all the research shows rapid language assimilation – the second generation is overwhelmingly fluent in English and the third generation speaks only English.

This success of the second generation of non white immigrants may in part be due to diversity policies in education and corporate America that include them based on their non-white status. Yet the very successes of immigrants and their children – despite the fact that they are non-white, are undermining the use of racial statistics for affirmative action purposes overall. This is very evident in the challenges intermarriage poses for a system of classifying the population by race.

#### INTERMARRIAGE

High intermarriage rates between Hispanics and whites and Asians and whites have led to a substantial multiracial population who refuses to self-identify as monoracials or monoethnics. The census recognized these changes by allowing respondents to check more than one race in the 2000 census for the first time. Seven million people, or 2.4 % of the population said they identified with two or more races. While only a relatively small percentage of Americans did identify with more than one race in the census, the entire federal statistical reporting system needed to change to accommodate the potential of multiracial reporting. Thus the 2000 census results by race both in printed form and electronically reflect great complexity. Statistics are reported now for the six major single race categories – white, black, Asian, American Indian, Native Hawaiian and other Pacific Islander, and “some other race”. These are then reported for each possible multiple combination, including the six single race

categories, the 15 unique biracial combinations, the 20 unique three way combinations, the 15 unique four race combinations, the 6 five way combinations, the one possible six combination – thus yielding 63 unique racial categories. Since Hispanic is measured separately by the census and Hispanic people can be of any race, the 63 race combinations are also reported by whether the individual is Hispanic or non-Hispanic yielding 126 unique racial/Hispanic categories. A number of commentators have wondered how long a statistical system based on such complexity can function for important political purposes such as congressional redistricting? How long before the difference in how one counts multiracial black-white people, tips the balance in a given district in a way that affects how lines are drawn? (Perlmann and Waters, 2002).

The number of people choosing to identify with more than one race is bound to increase as interracial marriage has been increasing a great deal. In 1970 less than 1 % of all couples in the United States were from different races. By 2000, 5 % of couples in the U.S. were from different races. Intermarriage rates are generally shaped by group size with smaller groups having higher out-marriage rates than larger ones. For Asians and Hispanics the foreign born have lower intermarriage rates than the American born, for whites and blacks the foreign born are more likely to out-marry. Among American Indians who are overall a very small group, a very large proportion, 57 %, have out-married. Among Asians the out-marriage rate is 16 %, among Blacks 7 % and among Whites 3 %. But among U.S. born Asian women 44 % have a non-Asian spouse, among U.S. born Asian men, 32 % have a non-Asian spouse. Among U.S. born Hispanic women 31 % have a non-Hispanic husband, among U.S. born Hispanic men, 29 % have a non-Hispanic wife.

These intermarriage patterns are growing and yet the current system for allocating social benefits ignores this diversity. In fact, for purposes of affirmative action programs and for enforcement of the Voting Rights Act, the government top-codes multi-race and multi-ethnic self identification on the census and forces them into monoracial and monoethnic categories (Perlmann and Waters, 2004). The Office of Management and Budget issued guidelines for allocating mixed minority and white race individuals to the minority race; thereby, inflating the statistics for both (1) proportional representation estimates and (2) projections of the number of



minorities that could potentially be eligible for affirmative action benefits. The growth of the multiracial population, and the logical result of growing intermarriage means that the boundaries between groups are becoming more permeable and harder to define. This has legal implications for all kinds of anti-discrimination laws. If people can be counted as both white and black and discrimination in voting, for instance, is measured by whether the voting population matches the underlying demographics, how does one determine the base number for the denominator? And how much legitimacy can a system based on so many different permutations of multiple race reporting have in determining access to special treatment in hiring and promotions? (Goldstein and Morning, 2002; Harrison, 2002; Prewitt, 2002).

Intermarriage has reached rates that are unprecedented in American history, and most Americans would agree that this is a very good thing. Yet the resulting ambiguity about the boundaries and meanings of our standard racial groups means that this success story of American diversity is undermining the bedrock of the system of laws and policies we have in place for protecting and ensuring that diversity. Political scientist Kenneth Prewitt, who served as director of the US Census during the 2000 enumeration has written that “when the history of that census is written the issues surrounding sampling and other aspects of measurement theory will be a footnote...to the real story of this count: multiracial identity. With Question 8: What is this person’s race? Mark one or more, we turned a corner about how we think about race in this country.”

#### SUPPORT FOR CLASSIFYING BY RACE

In addition to those who support classifying the population by race to monitor and combat discrimination and inequality, others support racial statistics for affective or instrumental reasons. Many people claim a right to affirming a racial identity, and find government recognition of their racial or ethnic identity to be a source of pride and respect. This was partly behind the social movement seeking a multiracial category . Thus many of the people who were involved in advocating for a multiracial option on the census framed their arguments in terms of the dignity and respect of individual choice regarding race. The positive psychological benefits of having your identity officially recognized in the census or a

government survey was touted as something that was denied to multiracial individuals. Many people find that the act of identifying with their race or ethnicity in the census or on a government survey is self-affirming and brings honor and recognition to their group.

In recent decades this largely symbolic function of racial identification has been joined by an instrumental reason for identifying and classifying by race – the growing use of race and ethnicity in health and genetics research. Social scientists who support the gathering of racial statistics have been in the position of arguing for the most part that race is a social construction, not a biological phenomena, but that it should be measured because it has real social and political consequences. Some scientists and medical doctors have begun to argue that race has real biological consequences, and that a sophisticated genetically based model of race can be useful in predicting disease, in developing and targeting specific types of drugs, and in matching organ and bone marrow donors.

This is a remarkable change. For decades biologists were cautioning social scientists that there was little scientific basis for the divisions we call race. The journal *Nature Genetics* for instance had an editorial in 2001 that stated “scientists have long been saying that at the genetic level there is more variation between two individuals in the same population than between populations, and that there is no biological basis for race”. The same journal in 2004 published a guide to the medical and genetic uses of racial and ethnic classification (Smart *et.al.* 2006).

The new science of genetics has led to the development of drugs targeted at groups such as African Americans or Asian Americans (Kahn, 2004). Separate racial registries for finding matches for bone marrow transplants have become common, and matching on race may also be useful for procedures such as kidney transplants (Creemers and Kahn, 1998). Hochschild (2005) reports that the dean of Howard University Medical School, the leading historically African American university in the United States, has advocated collecting dna samples from black patients in order to conduct research on diseases that disproportionately affect African Americans such as high blood pressure, asthma and prostate cancer.

Indeed it was the promise of medical research and disease classification by race that led to the support of voters in California to defeat the proposal to end the gathering of racial statistics. Supporters of racial statistics argued that medical research into genetic variability of different diseases and the promise of genetically tailored drugs to combat those diseases would be stopped by the legislation banning racial statistics. This argument resonated with voters and public opinion changed over the course of the political debate.

#### CONCLUSION

The debate over racial statistics in the United States has created shifting rhetorical positions and strange bedfellows. The color blind language of equality that had been the bedrock of the civil rights movement has shifted from the left to the right. Now right wing politicians support “color blindness” and the abolition of racial statistics while minorities and left wing politicians support continued racial classification of the population. Critics who had once made very clear that race was a social construction with no biological basis now argue for the continued use of race because of its usefulness in genetic and biological research (Hacker, 2005). Meanwhile demographic changes involving growing immigration and intermarriage make the categories we use for this classification more unstable and arbitrary.

What will the future hold? It is unlikely that a major change in the American ethno-racial pentagon will occur in the near future. The census will continue to gather data on race and ethnicity and for purposes of anti-discrimination law, government bureaucrats will have to make decisions about how to handle multiracial individuals. Growing use of race in health and medical research will also shore up the desire of the population to continue identifying racially and ethnically.

Yet the growing population of multiple race individuals, the growing recognition of the inadequacy of our categories to capture the identities of immigrants and their descendants and the growing use of genetic tests which show that most people have ancestors from many different racial and ethnic groups will lead to more nuanced and complex understandings of race and ethnicity. The political figure of Barack Obama brings many of these trends into public view. Obama identifies as African American, yet he very publicly embraces his

white mother and her family, his Kenyan immigrant father's ancestry and he acknowledges his current privileged class background. Already opponents of affirmative action have used the success of Obama as a reason for the obsolescence of race and of affirmative action policies, arguing that his racial identity has not prevented him from high, perhaps the highest, political office in the land. Supporters of affirmative action and race based statistics point to his candidacy as proof that these programs are working and that continued vigilance in the fight against discrimination requires the tools of racial classification, no matter how arbitrary and anachronistic they may seem. The debate rages on, and so does the counting and classifying.

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