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## The Honorable Darren Soto

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

# RE: KEEP HISPANIC ORIGIN AND RACE AS SEPARATE QUESTIONS FOR 2020 CENSUS FOR BETTER SERVING VULNERABLE COMMUNITIES

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

The Census recently completed the 2015 National Content Test (NCT) to identify the optimal question format for racial and ethnic measurements for the 2020 Census (See also 2010 Alternative Questionnaire Experiment [AQE]). The Census is recommending combining Hispanic origin and race into one single question. The Office of Management and Budget (OMB) is currently seeking comments on the proposed changes outlined in the 2015 NCT. As scholars with a research record of research, teaching, service and many publications on racial and ethnic social inequalities in the Latina/o/x community, we welcome the OMB and Census efforts to improve race and ethnic data infrastructure that can help us advance civil rights; however, the problem with the 2015 NCT recommendation to combine Hispanic origin and race into one question is that it may flatten the difference between race and national origin. We ask: Does knowing someone checks their race as "Hispanic" and checks off their national origin (s) help us discern if there is color line operating among Hispanics that may be of the same national origin or even the same biological family? How would data that flattens the real differences between Hispanic origin and race shape our ability to document inequalities in the voting booth, housing, employment, education, health and other relevant civil rights policymaking arenas?

After carefully reviewing the 2015 NCT and 2010 AQE as well as the extensive scholarly research evidence across multiple disciplines, we have come to the conclusion that asking Hispanic origin and race in one question is a false equivalency. Although well intentioned, the 2015 NCT and the 2010 AQE recommendations to combine Hispanic

origin and race – two analytically distinct axes of oppression into one question – may contribute to an ontological / conceptual flattening of the real differences between Hispanic origin and race. We respectfully request your support for keeping the current two-part question on Hispanic origin and race as separate questions for the 2020 Census. Below we provide just a few examples of the extensive social scientific empirical studies that provide research evidence for our recommendation that the OMB Guidelines and the 2020 Census retain separate questions on Hispanic origin and race.

## VOTING RIGHTS

A 2006 National Association of Latino Elected Official (NALEO) report conducted by Tucker (2011) shows that through mechanisms of implicit bias, some poll workers rely on visual cues about a person's perceived race in deciding whether to accept or reject valid identification or provide information about provisional ballots. This means that people who may be from the same national or ethnic origin were treated differently according their "street race" and "street race-gender": If you were walking down the street, what race do you think other Americans who do not know you would assume you were based on what you look like? (Vidal-Ortiz, 2004; López et al., forthcoming).

#### FAIR HOUSING

In documenting the contours of housing discrimination, the Urban Institute conducted an audit study that employed 8,000 testers in 28 cities across the country. They wanted to detect if there was there was housing discrimination against racial and ethnic minorities at two stages. Stage one involved just a phone call. This stage would help us detect if there was discrimination based on a person's name, language/accent when they called to inquire about housing. The second stage of the test involved sending testers that were matched in age, gender and economic profile to actually go and look at apartments. The Urban Institute found little if any discrimination against racial and ethnic minorities at stage one where presumably a potential landlord could assume a person's ethnic background or national origin based on their name or accent; however, at stage two the Urban Institute did find ample evidence of discrimination when you showed up at the door. If you were a "visible minority" you were told that there were no more apartments available or you were shown significantly less apartments. These findings have implications for how we collect data. This means that people who are of Hispanic national origin may have very different experiences that are correlated with their race or what they look like, which is not the same as their ethnic or national origin. Logan (2003) finds that Hispanics who mark that their race is white live in neighborhoods that are predominantly White when compared to Hispanics that mark "some other race" or "Black." Massey and Denton (1993) find a similar dynamic among Hispanics in terms of residential segregation.

## **EMPLOYMENT**

Saenz and Morales (2015) use the 2011 Census American Community Survey to explore the diversity of experiences and outcomes of the Latina/o/x community with social inequality and they find the presence of a color line within diverse Latino national origin

groups even at the same levels of educational attainment. They find that those Latino national origin groups that have the highest number of people identifying their race as White in the 2010 Census (e.g. 85% of Cubans and 66% of South Americans) had the lowest disparities in wages when compared to other groups that have the lowest numbers of individuals identifying as White (e.g., Dominicans, Guatemalans, etc.) (See also Rodriquez et al. 2011; Morales 2008). Indeed if the combined question goes forward the data that Saenz and Morales (2011) used from the two-part question would not be comparable to the proposed combined question format. This means that our ability to discern if there are differences in wages among Latino groups most likely to identify and to be seen by others as racially white and have very different labor market experiences, would be severely compromised.

#### <mark>HEALTH</mark>

Policy makers in public health rely on our ability to document the contours of both racial and ethnic diversity and heterogeneity among Latinas/os/x (López et al., forthcoming. See Jones et al. 2008; Gravlee and Dressler 2005). LaVeist-Ramos (2011:5) and colleagues used the National Health Interview Survey to disentangle whether Black Hispanics are more similar to their co-ethnics or to Black non-Hispanics. They found that co-ethnics shared similar health outcomes regardless of race; however, for health services outcomes, "Black Hispanics visual similarly with non-Hispanic Blacks may lead to similar social status and subject to similar levels of discrimination." Research on cancer mortality outcomes among Hispanics varies significantly between ethnic groups (See also Peneihro 2017 for more on the value added of separate questions for targeting cancer interventions). The 2015 NCT finds that the separate question on Hispanic origin yields more detailed data for specific national origin groups, meaning that if we go to the combined format we risk losing more detail.

## **POVERTY**

It is telling that in the two-part question, those Hispanic national origin groups marking their White race alone as White have the lowest levels of poverty than all other Latina/o/x groups, regardless of national origin. Using the 2008-2012 Census American Community Survey, Hogan (2017) finds that among Hispanics 88% of Cubans and 84% of South Americans report their race as White compared to a low of 34% among Dominicans. Under the combined question, this nuance may be lost, which could have profound and negative consequences for equity-based policy making and the allocation of resources for the most vulnerable in our communities.

## **CRIMINAL JUSTICE**

Although many civil rights cases tend to lump all Hispanics into one category, a growing body of research is beginning to examine the value added by disaggregated data that uses the separate two-part question on Hispanic origin and race. Steffenmeier and Demuth (2005) find that sentencing for Hispanics differs not by national origin but by race, whereby Black Hispanics are sentenced more harshly than White Hispanics, all things being equal. The New York City Police Department recognized the value added by collecting data on Hispanics as separate by race (e.g., they collect data on White Hispanics and Black Hispanics). This proactive data infrastructure can help us see if Hispanic experiences with racial profiling, arrest and sentences vary by race. Again if the combined question, which asks for Hispanic origin and race in one question goes forward, we would be undermining our ability to interrogate these two distinct axes of inequality with in Latino groups. While it is true that many individual states can always do this on their own (e.g., ask about Hispanic origin and race in two separate questions), because the OMB and Census set the tone for how to collect data in the entire country, it is unlikely that we would have other municipal and state agencies will engage in collecting a two-part question on Hispanic origin and race. Moreover, given that the 2015 NCT finds that the two-part question did a better job than the combined question for collected detailed national origin on Latinos, it may even be important to invite police departments to include detailed national origin questions in the two-part Hispanic origin and race question.

# ROBUST CIVIL RIGHTS ENFORCEMENT MUST ENSURE THAT FEDERAL, STATE, MUNICIPAL DATA INFRASTRUCTURE CAN DETECT WHETHER THERE IS A COLOR LINE THAT MAPS ON TO INEQUALITIES AMONG LATINOS

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

S. Bill 106 and H.R. 482 are being considered in Congress to PROHIBIT race data collection for housing (memo pasted below). If we have two separate questions on Hispanic origin and race today, why are we giving one up particularly when there are active efforts to bar racial data collection? If we go to a combined question format where race and national origin are treated as if they were the same thing, we lose the ability to document the very different experiences with voting rights, law enforcement and civil rights enforcement experienced by the most vulnerable groups.

The Census is testing questionnaire formats that omit the word "race." Regardless of intention, formats that eliminate the word "race" from their questionnaire would add to the confusion about what the question is asking for (e.g., ethnic origin, race, ancestry?). At worst it may again undermine Civil Rights enforcement and pave the way for eventual dismantling of the statistical infrastructure for Civil Rights. For example, France does not collect racial data and many Latin American countries are just beginning to collect this type of data because they recognize that colorblind data collection may impede our ability to address inequalities (Telles 2014; Bonilla-Silva 2004). "Refusing to acknowledge the fact of racial classification, feelings, and actions, and refusing to measure their consequences will not eliminate racial inequalities. At best, it will preserve the status quo" (ASA 2003:4). We cannot go backward to a time when we had "color-

evasive" data among Latinos. Ignoring the fact that indeed Hispanics can be of any race and that this reality may translate into distinct experiences with inequality at the voting booth, applying for a mortgage, seeking employment or interacting with immigration official and other law enforcement, will not help us advance civil rights for the most vulnerable communities. We must retain separate questions on Hispanic origin and race for documenting the presence of a color line among Latinos as a necessary first step in advancing civil rights for all.

The Census argues that we need to eradicate the number of Latinos that mark "some other race" and write in their national origin. Indeed the 2015 NCT calls statistics on Hispanics that include write-in responses to race that list a national origin "inaccurate;" however, the reality is that the vast majority of Latinos do select one race whether white, "some other race," black, etc. Latinos who write in "some other race" are most likely affirming that they are "mestizo/brown." The idea that the combined question is needed because Hispanics are writing in "some other race" or not answering the race question is distracting from the reality that OMB does count these individuals as Hispanic. In addition, the reference in the National Content Test to the word "Chicano" as an outdated and offensive term and akin to the word "Negro" is inaccurate and problematic. We urge the Office of Management and Budget and the Census to keep the word Chicano/a/x as its omission may contribute to undercounts. If there is concern that some individuals may not identity with that term, it can be listed as a separate category, just like we list Mexican, Mexican American, Puerto Rican and Cuban.

# PLANNING FOR 2030 CENSUS: FOCUS ON CIVIL RIGHTS USE, COMMUNITY BASED PARTICIPATORY RESEARCH AND INTERSECTIONALITY

Looking ahead to the 2030 Census, we hope that due diligence includes a focus on the civil rights use by focusing on the civil rights use of this data. One step in this direction could be a commitment to community based participatory research methods in the coconstruction of the question format tests for all future tests of the Census (Wallerstein and Duran 2006). Although the Census should be applauded for engaging a variety of communities about their on-going research projects, it is not clear that the Census and OMB Interagency committees have considered engaging in co-constructing knowledge and power-sharing with scholars and communities with expertise from a vast array of empirical, epistemological, ontological, disciplinary communities. Given that intersectionality or the importance of examining the simultaneity of privilege, power and oppression vis-à-vis race, gender, ethnicity, class, sexual orientation, disability, and other axes of inequality is very important for advancing civil rights, we also hope that the Interagency Committee on Racial and Ethnicity can have a joint meeting with the Interagency Committee on Sexual Orientation and Gender Identity (SOGI). For example, SOGI has come to the conclusion that gender identity and sexual orientation are analytically distinct and cannot be captured using one question. Perhaps this could be a productive dialogue around the value added by distinct measures of Hispanic origin and race as distinct aspects of identity, privilege, power, oppression and sites of resistance for social justice.

No proposed change in question format for the 2020 Census should undermine our ability to track Civil Rights outcomes for any marginalized community. While we have focused on the experiences of Latinas/os/x, the analytical distinction between race and ethnicity is also important for many other groups in the U.S. Other vulnerable groups that have experienced historic and on-going discrimination include Native Americans, Blacks, Asians and Middle Eastern communities, etc. (See Huyser et al. 2009).

If there concern about "equity" because other groups may not see their ancestry in the census, we already have a question that asks about ancestry in the American Community Survey (ACS) that could easily be added to the 2020 decennial census as a separate question that would not undermine our ability to collect a separate question on Hispanic origin and race. Researchers have found that Hispanics tend to be more acculturated, English Speaking and have been living for multiple generations in the U.S. may not identify themselves as Hispanic origin or write in a Hispanic national origin in the race question (Emeka and Vallejo 2011). These Hispanics also tend to have very different social outcomes than those who readily identify as Hispanic. Again, if the combined question goes forward, these differences may not be discernible and they could cloud our ability to serve the most vulnerable Latino communities. Equity does not mean "sameness." Sometimes achieving equity will require using different questions on Hispanic origin and race for better serving communities that have been subjected to contemporary and historic discrimination in housing, voting, employment, law enforcement and other civil rights areas.

Thank you for your attention to this important matter. We have submitted these comments to OMB as the comment period to the Office of Management and Budget (OMB) regarding the race and ethnicity question formats on the Census 2020 ends April 30, 2017. We understand that comments can emailed to Dr. Jennifer Park (Senior Advisor to the U.S. Chief Statistician, U.S. Office of Management and Budget) at Race-Ethnicity@omb.eop.gov. Please confirm receipt of these comments. It is also our understanding that the OMB will be making their recommendation about question format and any potential revisions to racial and ethnic data collection guidelines by Summer 2017. Again, we want to reiterate our deep appreciation for the work conducted by the Census to improve racial and ethnic data collection for the 2020 Census; however, we respectfully disagree with the recommendation to flatten the difference between Hispanic origin and race by combining the current two-part question into one question. We believe this will impede our ability to provide data for the protection of civil rights and targeting resources to the most vulnerable in our community today and for generations to come. Please do not hesitate to contact Dr. Nancy López, Director and Co-founder of the Institute for the Study of "Race" & Social Justice at the University of New Mexico (nlopez@unm.edu) if you have any questions about this issue (nlopez@unm.edu). Dr. López and the undersigned individuals would be happy to reschedule the congressional briefing that was cancelled due to the snow storm in Washington DC on March 16, 2017.

## Sincerely,

Nancy López PhD, Associate Professor, Director & Co-Founder, Institute for the Study of "Race" and Social Justice University of New Mexico

William Darity PhD, Professor, Duke University

Lourdes Torres PhD, Editor, Latino Studies Journal

Darrick Hamilton PhD, Associate Professor, The New School

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Thomas LaVeist PhD, Professor, George Washington University

Jomaira Salas, Rutgers University

Clara Rodriguez PhD, Professor, Fordham University

Loida Maritza Perez

P.S. Again, we submitted a copy of this letter to OMB by the 4/30/17 comment period deadline. In the meantime, below we provide additional rationale for our position.

We are concerned that a combined question format for Census 2020 may contribute to undercounts of the racial and ethnic heterogeneity of Latinas/os/x and particularly the most vulnerable as the data will not be comparable to the previous social locations that we could discern with the two-question format (Saenz and Morales 2015; Emeka and Vallejo 2011). Below is a vignette that illustrates our concern.

Consider what would happen if three Latino/x men, Ricky Martin, a white-looking lightskinned Puerto Rican American singer, Sammy Sosa, a Black-looking dark-skinned Dominican American baseball player, and George López, a mestizo looking (indigenous and Spanish background) dark-skinned Mexican American comedian, were not recognized as celebrities. Picture them standing in the same block near Ground Zero in Lower Manhattan, New York City. Even if they were wearing suits, who do you think would be able to catch a cab first or at all for that matter? What if they went looking to rent the same apartment? Applied for a mortgage? Interviewed for the same job? Who would be asked for ID when they went to go vote or drove through a border checkpoint and interacted with Immigrant Control and Enforcement (ICE)? What if they were stopped by a police officer for a traffic violation? Ended up in medical gowns in the same emergency room presenting the same symptoms?

A hefty research evidence base that was not considered in the AQE 2010 or the 2015 NCT tells us that even if they were all of the same nationality, ethnic background, cultural and geographic origins, Sammy, George and Ricky would most likely experience very different treatment based on what they look like or "race," which is not the same thing as their ethnic, national or geographic origin. The research evidence that relies on the two-part question suggests that even if they were all homeowners with the same level of education, income and wealth in the same city, Ricky, Sammy and George would most likely live in very different neighborhoods (Logan, 2003; Massey and Denton 1993).

The basic problem with the proposed changes is that the difference between Hispanic origin and race is real and they require separate questions. Flattening this difference could be described as a conceptual/ontological inaccuracy. The proposed combined question format tested by Census treats ethnic origin and race as if they were the same thing and did not evaluate the merits of one question format over the other in terms of a single social outcome, such as housing segregation. This effectively e-races the racial heterogeneity of Latinas/os/x making it harder to provide a statistical evidence base for civil rights purposes such as documenting racial profiling at the voting both, housing, education, employment, law enforcement and other civil rights policy areas.

Another problem is that the data collected under the 2010 Census two-question format will not be comparable to data collected under the proposed combined question format because more Hispanics will just check Hispanic as their race making the experiences of white Hispanics and those who would have ordinarily checked "some other race" as analytically equivalent categories of experience. Regardless of intent, this will undermining our efforts to map and interrupt inequality in important policy related areas by making it more difficult to detect differences in employment, health, criminal justice for Hispanics according to their racial status.

The 2015 National Census Test states that there is scant literature on the value added by combined and separate questions for doing research related to Latinos; however, this assertion may be misleading as there is a vast evidence-based literature on social inequalities and across social sciences, law, health sciences and humanities that was not referenced. Comments in support of the proposed combined Hispanic origin and race question format point to the 2015 NCT and the 2010 ACT as the sole source of evidence for recommending the combined question format. As Latinos are projected to be the largest minority group in the next few decades, we hope that in addition to the 2015 NCT and the 2010 AQE, the OMB also considers the plethora of social scientific evidence across many disciplines including sociology, economics, public health, demography and law that would suggest that separate questions on Hispanic origin and race are optimal for interrogating inequalities and advancing civil rights among Latinas/os/x.

Again, how would the conflation of race and national origin in the 2020 Census undermine our ability to produce evidence in civil rights cases that would document racial segregation and redistricting civil rights implications of conflating origins and race for the allocation of resources that are targeted to protect the most vulnerable communities? Because the proposed combined question format is asking about "origins" and "race" as if they were the same thing, our ability to use this data for civil rights enforcement would be severely comprised (Bonilla-Silva 2002). Below are several quotes that underscore these issues:

## "The problem of the Twentieth Century is the problem of the color-line

#### (Du Bois 1900: 5)."

"Race is *ocular* in an irreducible way. Human bodies are visually read, understood, and narrated by means of symbolic meanings and associations...Not because of any biologically based or essential difference among human bodies for purposes of domination—and because these same distinctions therefore became important for resistance to domination as well—racial phenotypes such as black and white have been constructed and encoded through the language of race. We define this process as *racialization*—the extension of racial meaning to a previously racially unclassified relationship, social practice or group (Omi and Winant 2015: 13)."

"Antiracism begins with understanding the institutional nature of racial matters and accepting that all actors in a racialized society are affected materially and ideologically by the racial structure. This stand implies taking responsibility for your unwilling participation in these practices and beginning a new life committed to the goal of achieving real racial equality" (Bonilla-Silva 2014:15).

"When it comes to social inequality, people's lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other. Intersectionality as an analytic tool gives people better access to the complexity of the world and of themselves" (Collins and Bilge 2016:2).

"Sexism, racism, and heterosexism contain the 'ism' that makes them recognizable as unjust systems of power, nuance that is lost when gender, race, and sexuality become redefined as identity categories" [that are decontextualized from actual social locations embedded within systems of power, privilege and disadvantage] (Collins and Bilge 2016:201).

We invite you to reflect on the simultaneity of your own race-gender-class-ethnic-sexual orientation, etc. social location and life long experience in systems of privilege, power and disadvantage (See attached tool for inviting critical intersectional self-reflexivity and praxis—action and reflection). Consider how your understandings of race, gender, class, ethnicity, citizenship, disability, and sexual orientation inequalities at the individual, institutional and structural levels are shaped by your own life long experiences? How can your intersectional understandings of inequality and justice help you work toward creating a more perfect union for all (Collins and Bilge 2016)?

# Below is the question that Dr. Nancy López posted to the Census Bureau at the March 6, 2017 Convening of the

#### National Association For Latino Elected Officials (NALEO) in Washington, DC

Is combining two separate aspects of identity and social status, namely Hispanic origin and race into one question, ethical for civil rights purposes in housing, employment, education and voting rights? Hispanic origin is about having geographic, ethnic, national, ancestral cultural and geographic origins in Spanish speaking cultures, which is not the same as your race. Racial discrimination is about how others in positions of power treat you based on what you look like or your race (See studies in Latin America Telles 2014; Sue 2014; Candelario 2007; also see studies in the U.S. on housing and segregation Turner 2012; Massey and Denton 2013); Health Access (LaVeist-Ramos et al 2011; Pinheiro 2017); Employment and Education (Saenz and Morales 2015) and voting rights (Estrada 2000; Gordon and Rosenberg 2015; Tucker 2006); Criminal Justice (Steffensmeier and Demuth 2000); Employment (Rodriguez et al. 2011) and education (Murguia and Telles 1996). Even poverty rates among Latinos vary by race regardless of ethnic origin (Hogan 2017). We cannot use lay definitions to make civil rights policy. If people are confused about the difference between Hispanic origin and race, do we have an ethical responsibility to do outreach to explain the difference between gender and sexual orientation as well as Hispanic origin and race? I believe that is our ethical responsibility (ASA 1999). We should explain that the reason this data are collected is for Civil Rights purposes. We can detail how Hispanic origin is about having an ethnic, cultural, geographic, ancestral background or origin that is part of Latin America and the Spanish speaking Caribbean and former Spanish territories in the U.S, which is not the same as race or what you look like. Why did the Census test question formats that eliminated the word race? Right now S. bill 106 and H.R. 482 is being considered in Congress to PROHIBIT race data collection for housing. E-racing race among Latinos and testing question format that eliminate the word race will only make civil rights legislation harder to enforce. If we have two separate questions today, why are we giving one up? Why is the Census testing question formats that eliminate the word race? Could this be the beginning of the dismantling of data infrastructure for informing Civil Rights Policy? The combined question e-races race among Latinos and it will make it harder for us to serve the most vulnerable communities affected by racial profiling at the polls, in housing, education, employment and law enforcement.

The Census argues that we have to reduce the number of people who check "some other race" and write in their national origin; however this is a fetish and a distraction. The reality is that the vast majority of Latinos do select one race whether white, some other race or black. Those Latinos who write in "some other race" are still reclassified as Hispanic by the Office of Management and Budget (OMB) for Civil Rights purposes. High quality data should be defined in terms of ethical accuracy for Civil Rights Policy use. Like the difference between gender and sexual orientation, the difference between Hispanic origin and race is real and we need two separate questions for civil rights policy making and serving the most vulnerable. How can the we create a community of practice committed to ethical accuracy for Civil Rights not aesthetic accuracy for civil rights? Please speak to you colleagues in the congress and the house and tell them that we need to retain the two-question format on Hispanic origin and

race separate for serving the most vulnerable in our community. The comment period for the Office of Management and Budget (OMB) and Census plans for Census 2020 ends April 30, 2017. Ultimately the OMB will be making the decision by Summer 2017. These decisions will impact the federal standards for Hispanic origin and race data collection and it will affect our community today and for generations to come. Please contact your congressional representatives today and voice your support for keeping the two-part question, Hispanic origin and race, as separate questions. The difference between Hispanic origin and race is real and consequential for advancing civil rights protections, policy and practice.

If we are interested in identifying and ameliorating racial and ethnic discrimination and advancing Civil Rights, we must not make national origin and race analytically equivalent by mixing two different concepts into one question. Treating country of birth, national origin, geographic origins, genetic ancestry, language, ethnic and or cultural background as equivalent to race (i.e., the social meanings assigned to a conglomeration of individual's physical appearance, such as skin color, hair texture, and facial feature, etc.) by asking about "origins" and race-- two concepts in one question is a *false equivalency* – a conceptual/ontological flattening of two analytically distinct concepts -- that may compromise civil rights monitoring and enforcement and the allocation of resources to the most vulnerable communities.

Cutting edge social scientific studies show that in order to measure two different concepts we need two separate questions. The proposal to ask about "origin" and "race" in the same question would be equivalent to asking sex assigned at birth, gender and sexual orientation in one question. The federal interagency committee on Sexual Orientation and Gender Identity (SOGI) recommends separate questions for these measurements because they recognize that sexual orientation and gender are each are aspects of an individual's identity they are different and require separate questions.

\*\*\*BELOW ARE THE QUESTIONS POSED BY DR. LOPEZ APRIL 26, 2017 AT THE CONVERSATIONS WITH THE INTERUNIVERSITY PROGRAM FOR RESEARCH ON LATINOS AND THE CENSUS BUREAU\*\*\*\*

IF DATA ARE USED FOR CIVIL RIGHTS OUTCOMES WHY WEREN'T THE RELATIVE MERITS OF ONE QUESTION FORMAT (E.G., SEPARATE HISPANIC ORIGIN AND RACE VS. COMBINED QUESTION FORMAT) EVALUATED IN TERMS OF A SINGLE SOCIAL OUTCOME IN THE TWO TESTS EXAMINED FOR THE 2010 ALTERNATIVE QUESTIONAIRE EXPERIMENT (2010 AQE) AND THE 2015 NATIONAL CONTENT TEST (2015 NCT) CONDUCTED BY THE CENSUS? BEFORE WE CONSIDER MAKING ANY CHANGES, WE NEED A SIDE BY SIDE COMPARISON OF HOW EITHER FORMAT SHINES A LIGHT ON THE COLOR LINE WITHIN LATINO COMMUNITIES AND CIVIL RIGHTS POLICY ARENAS SUCH AS HOUSING, EMPLOYMENT, EDUCATION, AND SOCIAL OUTCOMES. THIS IS A MATTER OF ETHICAL ACCOUNTABILITY AND ETHICAL ACCURACY FOR CIVIL RIGHTS FOR THE USE OF FEDERAL *FUNDS THAT ARE MEANT TO PROTECT THE DATA INTEGRITY OF THE FEDERAL, STATE AND LOCAL DATA INFRASTRUCTURE FOR VULNERABLE POPULATIONS THAT HAVE BEEN SUBJECTED TO HISTORIC AND ON-GOING DISCRIMINATION. BELOW ARE ADDITIONAL QUESTIONS.* 

# NEED DETAILED NATIONAL ORIGIN AND RACE OF LATINOS THAT PARTICIPATED IN 2015 NCT FOR THE TWO QUESTION FORMATS WITH SIDE BY SIDE COMPARISONS THAT INCLUDE SOCIAL OUTCOMES SUCH AS IMPLICATIONS FOR VOTING RIGHTS/REDISTRICTING AND HOUSING SEGREGATION, ETC.

- 1. What was the national origin breakdown of the Latina/o/s that participated in the NCT (actual number and percentages)? How did different National Origin groups mark the race question? The percentage of Latinos marking white on the census varies tremendously according to national origin group (e.g., high of 85-87% among Cubans to about 66% among South Americans to 50% among Mexicans and Puerto Ricans to a low of 30% among Dominicans (Ennis 2011 ; Hogan 2017). The 2015 NCT provides aggregate percentages for Latinos marking white that fall to less than a fifth, but it's not clear how this affects the percentages by national origin groups. Can the NCT include a demographic breakdown of the raw numbers and percentages of Latinos by national origin and how their race reporting may differ from the combined question format?
- 2. We know that social scientific research studies have documented that poverty rates and other outcomes like residential segregation are very different for Latino groups (e.g., White Latinos live in very different neighborhoods than those who identify as some other race and/or Black, Native etc.) regardless of national origin. Decontextualized data on Latinos without a focus on
- 3. How does our ability to interrogate and allocate resources for racially stigmatized segments of the Latina/o/x community get impacted by a given question format? Will the Census take this into consideration when making a recommendation to OMB about question format?

# KEEP THE HISPANIC ORIGIN AND RACE AS TWO SEPARATE QUESTIONS; ADD THIRD ANCESTRY QUESTION FOR DETAIL/GRANULARITY

2. If the Census is interested in getting ancestry information for everyone, why don't we just add the existing ancestry question that is currently used in the American Community Survey as a third question people can answer after they have answer the Hispanic origin and race question (two-question format)? You can do this easily because the ancestry question has technically been used for decades and needs no separate question. Just as sex assigned at birth, gender and sexual orientation require separate questions, so do Hispanic origin, race and ancestry require three separate questions.

It appears that there is an "ontological contest" about the meaning of race. The proposed combined question format is flattening the real difference between being of

Hispanic origin (e.g., having cultural origins in the Spanish Speaking countries of the Caribbean, Latin American, U.S. Southwest and Spain) and being racialized as Hispanic. Moreover, it is very problematic to give examples of national origin under each race category as it implies that nationalities are races. For example, even though a Black French person could technically check Black and write in French, the way French is listed under the "white" race implies that the "authentic" French person is supposed to be of the White race.

LOOKING AHEAD-VALUE ADDED BY CO-CONSTRUCTING KNOWLEDGE WITH INTERDISCIPLINARY SCHOLARS WITH EXPERTISE THAT REPRESENTS THE HETEROGENEITY OF LATINOS IN THE US AND FOCUS ON THE BEST QUESTION FORMATS FOR SHINING A LIGHT ON SOCIAL INEOUALITIES FOR BETTER SURVIVING MARGINALIZED GROUPS 3. Census data are used for redistricting purposes as well as for the allocation of resources to vulnerable communities that suffer segregation, housing discrimination, and other inequities in law enforcement, employment and other civil rights outcomes. Going forward, will the Census commit to co-constructing knowledge on the best question format by embracing Community Based Participatory Research Methods (Wallerstein and Duran 2010) for the testing related to 2030. We can produce better research and insights about the most promising question formats, if the IUPLRand other interdisciplinary scholars with substantive expertise in social inequalities that embody the heterogeneity of Latina/o/x communities work together as equal partners and co-investigators anchored in the principals of Community Based Participatory Research (CBPR) methods (e.g., power-sharing, equity-focused, do no harm, etc.). This would mean a change from the current status quo where these groups are "consulted" but are not equal co-investigating partners in creating question format designs for testing optimal question format. We urge that CBPR approaches be taken for other marginalized communities that continue to survive historic and ongoing inequalities in housing, education, employment and other civil rights outcomes, such as Native Americans, Middle-Eastern, Asian American, African American communities, etc.

I RESPECTFULLY REQUEST A MORATORIUM ON ANY FURTHER CHANGES UNTIL THIS ANALYSIS IS CONDUCTED WITH A FOCUS ON INTERROGATING SOCIAL INEQUALITIES IS DONE (E.G. HOUSING, REDISTRICTING, VOTING RIGHTS, ). AGAIN, THIS WOULD MEAN A SIDE BY SIDE COMPARISON OF VALUE ADDED BY ONE QUESTION FORMAT OVER THE OTHER. BELOW ARE OTHER QUESTIONS THAT SHOULD BE CONSIDERED.

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

February 21, 2017

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

Dear Senator Lee and Congressman Gosar,

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

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

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

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

## Sincerely,

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

#### Figure 2: CONCEPTUALIZING INTERSECTIONALITY

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



\*Age \*Disability Status \* Body / Embodiment \* Socioeconomic Status (Parents Educational Attain Parents Occupation; Pare Income; Parents Wealth; Indi Educational Attainment; Indi Occupation; Individual Inco Individual Wealth; Partm Educational Attainment; Pa Occupation; Partner Incomo Wealth; Household Net Wo Social Networks; Social Ho Esteem, etc.)

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	White — Print origin(s), for example, German, Irish, Lebanes
	Black, African Am., or Negro — Print origin(s), for a Haitian, Nigerian, and so on.
	Hispanic, Latino, or Spanish origin — Print origin Mexican Am., Puerto Rican, Cuban, Argentinean, Colombian, Do Salvadoran, Spanlard, and so on. Z
C	American Indian or Alaska Native — Print name example, Navajo, Mayan, Tlingit, and so on. Z
C	Asian — Print origin(s), for example, Asian Indian, Chinese, Vietnamese, Hmong, Laotian, Thai, Pakistani, Cambodian, and s
	Native Hawaiian or Other Pacific Islander — I Native Hawaiian, Guamanian or Chamorro, Samoan, Fijian, Tong
C	Some other race or origin — Print race(s) or origin(s

A SEPARATE ANCESTRY QUESTION ALREADY EXISTS ON THE AMERICAN COMMUNITY SURVEY. NOTICE THAT NONE OF THESE ANCESTRIES ARE PEGGED TO A PREDETERMINED RACE LIKE IN THE PROPOSED COMBINED QUESTION. IT IS VERY PROBLEMATIC TO ASSIGN ANCESTRIES TO THE RACE CATEGORIES AS IT CREATES THE FALSE ASSOCIATION THAT A GIVEN RACE CORRESPONDS TO A GIVEN NATIONAL ORIGIN. ARE ALL FRENCH PEOPLE WHITE? ARE ALL SOUTH AFRICANS BLACK? THE CENSUS 2010 ALTERNATIVE QUESTIONNAIRE EXPERIMENT AND THE 2015 NATIONAL CONTENT TEST CLAIM THAT THE COMBINED QUESTION FORMAT IS BETTER BECAUSE IT ALLOWS FOR GREATER EQUITY FOR ALL BY LETTING EVERYONE WRITE IN AN ANCESTRY; HOWEVER, EQUITY DOES NOT IMPLY SAMENESS. SOMETIME ACHIEVING GREATER EQUITY MEANS THAT WE NEED DIFFERENT QUESTIONS TO MAKE SURE THAT THE NEEDS OF THE MUST VULNERABLE ARE PROTECTED. MOREOVER, IF YOU WANT GRANULARITY YOU CAN JUST MAKE THE CURRENT ANCESTRY QUESTION AVAILABLE FOR THE DECENNIAL QUESTION AND LIST ALL THE COUNTRIES THAT YOU WOULD LIKE. AGAIN ANCESTRY, NATIONAL ORIGIN, ETHNICITY IS NOT THE SAME AS RACE, WHICH REFERS TO WHAT YOU LOOK LIKE. WE NEED THREE SEPARATE QUESTIONS ON: 1.) HISPANIC ORIGIN; 2.) RACE; AND, 3.) ANCESTRY.

2010 AMERICAN COMMUNITY SURVEY QUESTION FORMAT



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