
Race and Ethnicity in the 2020 Census: Improving Data to Capture a Multiethnic America

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This report seeks to identify and document specific civil rights uses of census race and ethnicity data and evaluate the consequences of possible changes in the collection and reporting of those data. We hope our partners throughout the country benefit from the report’s narrative and associated resources, as we work to advance our collective goal of ensuring a fair and accurate 2020 census.

The author and publisher are solely responsible for the accuracy of statements and interpretations contained in this publication.



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Introduction

Since the first decennial enumeration in 1790—conducted in accordance with Article I, Section 2, Clause 3, of the U.S. Constitution, or the “census clause”—the census has collected data on the racial and ethnic composition of the U.S. population. For more than 150 years, civic leaders used that information to advance discriminatory policies and maintain positions of privilege and power for the majority White population, even in the face of constitutional amendments abolishing slavery, establishing equal protection under the law, and guaranteeing voting rights for all Americans, regardless of race, ethnicity, and national origin.

But census data also became a powerful tool for overcoming the nation’s legacy of slavery, racism, and discrimination. School desegregation plans in the wake of *Brown v. Board of Education*, for example, relied on census race and ethnicity data to establish new school zone boundaries that would facilitate integrated learning environments. Census data objectively illuminated unequal opportunity and access to affordable housing, jobs, and institutions of higher learning, a portrait of inequality in America that helped spur passage of seminal civil rights protections.

Today, the collection of accurate, comprehensive race and ethnicity data in the census is central to implementing, monitoring, and evaluating a vast range of civil rights laws and policies, from fair political representation and voting reforms, to equal opportunity and access across all economic and social sectors of society, including housing, education, health care, and the job market. The data provide evidence of disparate impact of governmental and private sector policies and practices, and assist civic and business leaders in devising solutions that promote equality of opportunity and address the needs of a diverse population.

The U.S. Office of Management and Budget (OMB) defines the race and ethnicity categories that federal agencies must use to collect data. The U.S. Census Bureau may—and does—collect and publish more detailed data, as long as it

can aggregate the results to fit the official categories. In the description of its current classification protocols, OMB notes that it developed standards for race and ethnicity data collection in the late 1970s, largely because of new government responsibilities to enforce civil rights laws.¹

Each decade, the Census Bureau reviews the questions on race, ethnicity, and ancestry (currently asked only on the American Community Survey, the modern version of the census long form) to determine if the categories and wording continue to reflect our diverse and rapidly changing population.² The bureau began its research and testing program to evaluate prospective changes to the race and ethnicity questions for the 2020 census during the 2010 census, with the Race and Hispanic Origin Alternative Questionnaire Experiment (AQE) program.

The AQE included nearly half a million experimental census forms with various alternative questions on race and Hispanic origin, reinterviews of households in the sample, and focus groups across the country. The Census Bureau released the initial AQE results in August 2012 and has conducted additional research and testing based on those findings and discussions with stakeholders.

The civil rights community supports the ongoing evaluation of census questions on race and ethnicity, especially at a time of continued, broad demographic change, and applauds the Census Bureau’s early start to its research program. We consider ourselves a strong and valuable partner in the Census Bureau’s commendable quest to achieve a fair and accurate accounting of the nation’s population every 10 years. However, the Census Bureau must ensure that any changes to these questions do not diminish the quality and accuracy of data used for civil rights purposes. In fact, the goal should be to improve these data whenever possible, in a way that maintains the usefulness of the statistics for implementing and enforcing civil rights laws and facilitates a better under-

standing of social and economic progress and outcomes for diverse communities throughout the country.

To that end, The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund launched a comprehensive review of how census race and ethnicity data are used to advance equal opportunity and social justice, whether through statutes, regulations, or case law, and the potential implications of proposed revisions to the 2020 census race and ethnicity questions for continued, effective implementation, monitoring, and enforcement of civil rights protections.

The Leadership Conference, in conjunction with its Census Task Force,³ brought together civil rights organizations in the fall of 2013 to discuss the Census Bureau's research and testing of ways to improve the collection and reporting of race and ethnicity data in the 2020 census. An initial briefing was followed by ongoing consultations with civil rights advocates to explore further their concerns about possible revisions to the race and ethnicity questions and their goals for improving the data. The Leadership Conference and Census Task Force members also communicated directly with Census Bureau and OMB staff to review the progress of 2020 census research and efforts to address concerns that civil rights stakeholders had raised in various forums. Finally, The Leadership Conference, The Education Fund, NALEO Educational Fund, and Asian Americans Advancing Justice | AAJC hosted a day-long roundtable in July 2014, bringing together a group of respected civil rights litigators and civil rights law experts, community leaders, and researchers to document specific civil rights uses of census race and ethnicity data and to discuss goals and concerns with respect to the collection of these data in the 2020 census.⁴

This report is the culmination of The Leadership Conference's year-long project to examine the Census Bureau's research and testing program from the perspective of civil rights stakeholders and to ensure that any revisions to the 2020 census race and ethnicity questions continue to yield data that support the advancement of fairness and equity in all facets of American life. Chapter I reviews, in brief, the history of race and ethnicity data collection in the decennial census, and describes the Census Bureau's race and ethnicity data research and testing program for the 2020 census. This multi-year program is broad and deep, and it is not the purpose of this report to document all facets and findings of the bureau's research. Rather, we have focused on information most relevant to the effective implementation of civil rights laws and continued advancement of civil rights in a nation of unsurpassed diversity. Chapter II describes specific uses of census race and ethnicity data for the implementation, monitoring, and enforcement of civil

rights laws, regulations, and policies, in a number of important arenas, including redistricting and voting rights, education, the workplace, housing, and criminal justice. Chapter III discusses civil rights stakeholder goals and concerns with respect to the collection and reporting of race and ethnicity data in the next decennial census.

The report concludes with a set of recommendations for both the Census Bureau and OMB, encompassing suggestions for further research and testing, ways to strengthen the partnerships between these agencies and the civil rights community, and principles to guide final decision-making on this critical aspect of the 2020 census.

Chapter I: Collecting Race and Ethnicity Data in the Census

The Office of Management and Budget (OMB), not the Census Bureau, defines the race and ethnicity categories used for federal government purposes. The Census Bureau may collect and publish more detailed data, as long as it can aggregate the results to fit the standard categories. By law, the Census Bureau must submit topics to be covered in the next decennial census to Congress three years before the enumeration (i.e. by April 1, 2017) and the actual questions to be included on the census form two years before the count (i.e. by April 1, 2018).⁵ The law does not require congressional approval of the submissions, but as a practical matter, Congress could express its disapproval informally and urge the bureau to make changes, or it could pass legislation to require changes in topics or question wording, as happened before the 1990 census.

The classification of race and ethnicity for federal statistical purposes must navigate a tension between (1) collecting race and ethnicity data in ways that maximize opportunities to self-identify, self-describe, or place oneself within a group that feels welcoming and right, and (2) collecting data that decisionmakers—and the public that holds them accountable—can use effectively to advance equality of access and opportunity in social, economic, and political institutions.

From Slavery to the Present: Measuring the Diversity of a Changing Nation⁷

In the early decades of the nation’s history, the census collected minimal data on race that served a shameful purpose: to sustain a system of governance that sanctioned slavery. The first census specifically identified White males and females only, with the remainder of the population described as “other free persons” and “slaves.”

The distinction between White persons and slaves facilitated the apportionment of seats in the U.S. House of Representatives; the original census clause based apportionment on the whole number of free persons and three-fifths of all other

Key Census 2020 Dates:

- **July 2014:** Census site test in Rockville, Maryland, and Washington, D.C., involving roughly 195,000 households. Test of Internet response and contact strategies using modern technologies includes new ways to collect detailed (subgroup) information electronically in a combined race and Hispanic origin question.
- **September 2015:** National Content and Self-Response Test. Tentatively scheduled for September 1, 2015, Census Day, this test will cover roughly one million households and will evaluate, in part, collection of race and ethnicity data using revised question(s).
- Proposed revisions to the race/Hispanic origin questions *could* trigger an OMB review of the official standards for race and ethnicity data and the accompanying implementation guidelines, which must go through the formal regulatory process.⁶
- **April 1, 2017:** Submission to Congress of topics to be covered in the next decennial census.
- **April 1, 2018:** Submission to Congress of the actual questions to be included on the census form.
- **April 1, 2020:** Census Day

persons (i.e. slaves). The Fourteenth Amendment eventually supplanted that so-called “political compromise” after the Civil War, when the census clause was changed to include the “whole number of persons” residing in each state, regardless of race or condition of servitude. The original census clause also excluded “Indians not taxed” from the population counts used for congressional apportionment; while

the Fourteenth Amendment retained this exclusion, the reference has no practical effect today. However, the collection of data on race and ethnicity took on increased importance as racial and ethnic minorities fought to realize the promise of the amendment's equal protection clause (Section 1) in virtually every social and economic arena.

By 1820, the census had started to distinguish non-White people by color—literally, as the marshals who conducted the census asked if a person was White, a slave, or a “free colored” person. For the first time, the census asked if a person was a non-citizen “foreigner,” but in 1830, the census only inquired about White foreigners. The 1850 census introduced separate questionnaires for collecting information about free persons and slaves, including their “color.” While the default category was White⁸, enumerators could record both free persons and slaves as Black (enumerators recorded a “B”) or Mulatto (“M”). This census also introduced the concept of national origin, or ancestry; it asked for the native country of free persons who were born outside of the United States.

The first post-slavery census in 1870⁹ expanded the categories for racial and ethnic identification with the addition of Chinese (“C,” which included all East Asians) and American Indian (“I”). This enumeration also asked about “place of birth” (a state, territory, or foreign country) and whether a person’s mother and father were foreign born. The census first used the term “race” and distinguished between East Asian subgroups — Chinese, Japanese, and Indian (Asian) — in 1890. That enumeration also introduced two categories that reflected the nation’s ingrained racial discrimination: Octoroon and Quadroon. At the end of the 19th century, the government collected race and ethnicity data not to foster self-identity and cultural pride, but to carry out policies designed to maintain the White majority’s influence and power in the political, social, and economic arenas.

Through the early decades of the 20th century, the census race question continued to evolve in ways that reflected current political and policy goals of the governing majority. The 1900 census offered five categories: White, Black, Chinese, Japanese, and American Indian. The 1910 questionnaire was the first to use a “catch-all” category for “other races.” The 1930 enumeration specified several new races (or “color”): Mexican, Filipino, Hindu, and Korean. The 1950 census identified African Americans only as “Negro,” not Black.

In 1960, as the civil rights movement took hold across the country, the census underwent a significant opera-

tional change, with the Census Bureau mailing questionnaires to homes in urban areas. For the first time, many respondents could identify their race without the observation of enumerators influencing their selection. When the Census Bureau implemented a universal mail-out, mail-back system in 1970, the “Color or Race” question included the following choices: White; Negro or Black; Japanese; Chinese; Filipino; Hawaiian; Korean; American Indian; and “Other,” with space to write-in a race or Indian tribe. The 1970 census “long form,” sent to a sample of households to gather more extensive demographic, social, and economic information, also included a new question on Hispanic origin, in recognition of the growth of the Hispanic population in the U.S.

The 1980 census was the first to include an ethnicity question, separate from the race question, asking if a person is of Hispanic or Spanish origin (Latino was added to the description in 2000) and, if so, if they were Mexican, Puerto Rican, Cuban, or another Hispanic subgroup. The new “Hispanic origin” question was added in response to the promulgation, in 1977, of OMB Statistical Policy Directive 15, which set forth federal standards for reporting data on race and ethnicity.¹⁰ The new standards included four races — American Indian or Alaska Native; Asian and Pacific Islander, Black, and White. Hispanic origin was designated an ethnicity, and Hispanics could be of any race. Federal agencies could collect more detailed information, as long as they could aggregate the data to the four race and two (of, or not of, Hispanic origin) ethnicities. In fact, the term “Asian and Pacific Islander” (API) did not appear in the 1980 census race question, which instead offered nine API subgroup check-off boxes and space to write-in a different subgroup. The Census Bureau’s proposal to collapse the API subgroups into an Asian and Pacific Islander category (with a subgroup write-in space) for the 1990 Census met stiff resistance in Congress and among API community advocates, who cited test results showing diminished accuracy of national origin data with this proposed approach. The bureau eventually relented, and the 1990 questionnaire offered the same subgroup check-off options as the 1980 form, listed under the heading “Asian and Pacific Islander.”

The 2000 census was the first to offer respondents the option of selecting more than one racial category. This seminal change followed an extensive review of OMB Directive 15, which considered, among other proposals, ways to measure the growing multiracial population in the United States. The review led to revised Standards for the Classification of Federal Data on Race and Ethnicity (formerly Directive 15), which set forth the

minimum five race categories and two ethnicity categories in use today:

Race:

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White

Ethnicity:

- Hispanic or Latino
- Not Hispanic or Latino

The 2020 Census: Improving Responses, Maintaining Accuracy

Research into new strategies for collecting race and ethnicity data in the 2020 census began during the last census. During the 2010 census, the Census Bureau conducted the Race and Hispanic Origin Alternative Questionnaire Experiment (AQE), the largest and earliest effort it had ever undertaken to examine how people identify their race and ethnicity.

The AQE focused on several issues of interest to the civil rights community. Prominent among those issues were:

1. Should the census continue to include separate questions on race and Hispanic origin, or use a *combined* question that offers both race and ethnicity categories in a single list?
2. Should the 2020 census offer a subgroup write-in option for all race and ethnicity groups, and how would such a change affect the accuracy of reporting for some groups (such as Asian, Hispanic, and Native Hawaiian or Pacific Islander) that used “check-off boxes” to report subgroups or national origins in previous censuses?

Additionally, many civil rights advocates have urged the Census Bureau and OMB to create a new, separate ethnicity for Americans of Middle Eastern and North African (MENA) descent, who currently are defined as “White” in the OMB Standards. The AQE did not test a new MENA category, but the AQE focus groups revealed widespread agreement that the classification of people of Middle Eastern and North African origin as White was inappropriate. The bureau now plans to test a MENA category during field tests for the 2020 census scheduled for 2015.

The Census Bureau had several goals for the AQE program:

1. *Increase reporting in the race and ethnicity categories established by OMB.* The 2010 census race question offered respondents the option of checking “Some other race,” as did several previous censuses. In 2010, about 40 percent of respondents who identified as Hispanic in the “ethnicity” question, checked “Some other race” in the race question, requiring the Census Bureau to *impute* a race based on statistical models that considered the characteristics of similar households in the relevant neighborhood. The Census Bureau hopes to reduce the percentage of people selecting “Some other race” through revisions to the race and ethnicity questions.
2. *Lower the incidence of missing answers (called “item nonresponse,” when a person does not mark any answer to a question) in the race and ethnicity questions, to improve data quality.* In the 2010 census, about 20 percent of Hispanics left the race question completely blank.
3. *Improve the accuracy, completeness, and reliability of responses to the race and Hispanic origin questions.*
4. *Elicit and improve reporting of detailed subgroup race and ethnicity data.* Examples of subgroups are Chinese, Dominican, Nigerian, Polish, Lebanese, Cherokee, Aleut, Samoan, Haitian, Pakistani, Mayan, and Cuban. The 2010 census race question did not include space for any subgroup identification (check-off or write-in) for the White or Black race categories.

AQE Design

The AQE incorporated three design strategies encompassing both quantitative and qualitative research. First, the Census Bureau mailed alternative 2010 census questionnaires to a national sample of almost 500,000 addresses, with an oversampling of non-White race and ethnicity groups to ensure representative responses. In the second part of the AQE, the Census Bureau reinterviewed, by telephone, one in five households in the sample to compare their questionnaire responses to each respondent’s “true” self-identification, and to evaluate the consistency and accuracy of responses to the experimental questions. The third stage of the AQE consisted of 67 focus groups, conducted in 26 cities across the country and in Puerto Rico, to understand more thoroughly how people reacted to the 2010 census race and ethnicity questions, as well as how and why they identified their own race and ethnicity, especially within the constraints of the current OMB categories.

Civil rights advocates are concerned about several limitations of the AQE design that might have influenced

The AQE Questionnaires

The experimental AQE forms were divided into 17 panels that offered variations of the 2010 census race and Hispanic origin questions.

- Four panels tested a version of a *combined race and Hispanic origin* question.
- Seven panels evaluated separate race and Hispanic origin questions with modified instruction wording and subgroup examples. Some of these panels allowed respondents to check more than one Hispanic origin subgroup.¹¹
- Four other panels tested additional modifications to question wording, such as omitting the term “race” from the question instruction.¹²
- There were two control panels.

the findings for historically hard-to-count population groups. First, while the 2010 census questionnaires were available in six languages (English, Spanish, Chinese (Simplified), Vietnamese, Korean, and Russian), with assistance guides available in 52 languages, the AQE was conducted using English-language questionnaires only. Therefore, the AQE sample did not include respondents who needed to answer the census “in language.” Census respondents whose primary language is not English are likely to have been born outside of the United States and may not be familiar with the American constructs and definitions of race and ethnicity reflected in the census questions. The research findings, therefore, do not speak to the accuracy of data collected under revised question format and wording for many immigrant communities.

Second, the AQE focus groups were conducted mostly in English, while six were conducted in Spanish. There were no other in-language consultations.

Finally, the AQE only covered mail-out/mail-back areas—that is, households that received and returned a census form by mail. While most of the country was enumerated using this method, American Indian reservations, Alaska Native villages, remote communities, and areas with special enumeration needs, such as the colonias along the U.S.-Mexico border, were enumerated using alternative methods and, thus, were not included in the AQE.

This testing and research ahead of the 2020 census continues a decennial effort to improve how we measure the nation’s racial and ethnic composition through a contemporary, sociopolitical lens.

AQE Findings

The Census Bureau released its report on the results of the AQE in August 2012.¹³

Perhaps not surprisingly, the focus groups revealed that there is no consensus on the meaning of the terms “race”

and “origin.” Many focus group participants recommended that the Census Bureau should define these terms more clearly. Other notable, more specific findings from the AQE are summarized below.

1. **Race and Hispanic Origin reporting generally**

- The percentage of respondents selecting “Some other race” alone was significantly lower for the combined questions (0.2 percent) than for the separate race and Hispanic questions (5.6 - 7.1 percent).
- The percentage of respondents reporting as Hispanic was similar across all experimental questionnaire designs, ranging from 13.0 to 14.5 percent.
- Based on the reinterview portion of the AQE, the Census Bureau believes that the *combined question format* more accurately reflects the distribution of the Hispanic population.
- There were notable increases in American Indian and Alaska Native, and Hispanic, reporting when examples were added for each category.
- The percentage of respondents marking more than one race and/or ethnicity was significantly larger for the combined question format (5.8 - 6.8 percent for three of four combined question designs tested) than for the separate question format (3.8 - 4.8 percent).
- Many focus group participants commented that the 2010 census did not treat all race and ethnic groups equally. Some participants did not understand why Hispanics were counted in a separate question, either believing this could be discriminatory or viewing it as “special treatment.” Many Hispanic participants did not identify with any of the current

five race categories and said that the instruction noting, “*Hispanic is not a race,*” prevented them from marking a race in that question on the 2010 census.

2. Subgroup (detailed) data

- There were “small but significant” *decreases* in both Asian and Hispanic subgroup reporting for the combined question panels that allowed respondents to choose one of the five race categories, Hispanic origin, and/or “Some other race,” and to *write-in* a subgroup, Tribe, or national origin, but did not offer *check-boxes* for subgroups (such as Chinese, Filipino, Mexican, Puerto Rican), as the 2010 census did.
- The percentage of Hispanics reporting a subgroup (e.g., Puerto Rican, Dominican, Peruvian) was significantly lower for the combined question panels (77.7—88.9 percent), compared to the separate question panels (92.0—94.7 percent). The focus group research indicated that English language literacy might affect how a respondent reports their race and national origin. In addition, the combined question panels did not offer check-off boxes for specific Hispanic subgroups, which the 2010 census Hispanic origin question did.
- A significant focus group concern was that Whites and Blacks did not have a way to identify a subgroup in the 2010 census.
- Many focus group participants did not believe that including Middle Eastern subgroups (e.g., Egyptian, Lebanese) as examples for the White category was accurate, a view that is consistent with Arab community interest in establishing a separate ethnicity category for people of Arab, Middle Eastern, and North African descent.

Subsequent analysis and stakeholder views

Since releasing its findings from the AQE, the Census Bureau has discussed its research with OMB and other federal statistical agencies; the bureau’s advisory committees; stakeholder organizations; and professional scientific associations, academics, and scholars with expertise in race and ethnicity data. It also has analyzed the AQE results in more depth to address stakeholder concerns about maintaining data quality and breadth.

Although the Census Bureau is continuing to research the two-question and combined-question approaches, and emphasizes that it has not made any final decisions, it believes that a combined question would best meet its original goals for improving the collection of race and ethnicity data, and that this approach offers “balance”

and “equity” in question design. The Census National Advisory Committee on Racial, Ethnic, and Other Populations’ Working Group on Race and Hispanic Origin, at its Spring 2014 meeting, generally favored a “streamlined” combined question that includes a new MENA category, but recommended further testing on a number of issues to address primary stakeholder concerns.

Chief among those concerns is diminished accuracy in detailed reporting for the Asian American, Native Hawaiian and Other Pacific Islander, and Hispanic populations, when subgroup check-boxes are eliminated and replaced by a write-in box. In a June 2014 letter to the Census Bureau, more than 120 organizations and academic experts representing the Asian American and Native Hawaiian and Other Pacific Islander (AANHOP) communities put forth two key principles for the 2020 census: (1) the number of subgroup check-boxes and examples used in the 2010 census should be the baseline for collecting detailed data in the 2020 census; and (2) the 2020 census must collect accurate detailed data on the AANHOP populations. Recommendations for future testing included oversampling AANHOP ethnic groups, testing revised questions in languages other than English, and providing language assistance for limited-English proficient households.¹⁴

In a July 2013 letter to the Census Bureau, organizations and scholars from the Middle Eastern and North African (MENA) communities proposed a new ethnicity category for the 2020 census that would facilitate the collection of data on MENA subgroups across racial lines, similar to the “Hispanic origin” ethnicity category.¹⁵

In July 2014, the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund hosted a convening of Hispanic scholars, civil rights experts, and community leaders to discuss proposed revisions to the 2020 census race and ethnicity questions, including the merits of the two-question and combined-question approaches to collecting Hispanic origin data.¹⁶

The Census Bureau is continuing to refine the 2020 census race and ethnicity questions through further testing, cognitive research, and focus groups, along two tracks: (1) a combined race and Hispanic origin question; and (2) separate race and Hispanic origin questions. Key issues the bureau is evaluating include:

- Congressional and stakeholder support for a combined question approach.
- Ways to improve detailed subgroup reporting for all race and ethnicity groups in a combined question format.
- Ways to optimize the use of examples, to elicit the

most accurate race and ethnicity, and subgroup or national origin, reporting.

- The possibility of adding a new Middle Eastern and North African (MENA) ethnicity category, which the Census Bureau has not yet tested in the field.

In a July 2014 site test in parts of Montgomery County, Maryland, and Washington, D.C., which explored ways to promote online response to the census (a key new initiative for the 2020 census), the Census Bureau tested expanded formatting options for a combined race and Hispanic origin question. The test involved using prompts on the electronic questionnaire to offer more examples, guidance, and check-off options to elicit detailed, subgroup reporting for the five discrete races and Hispanic ethnicity—enhancements to a race and ethnicity question that would not be possible on the printed questionnaire due to space limitations. The bureau will conduct a large National Content Test in late summer of 2015 (with a September 1 “Census Day”) that presents another opportunity to test further refinements to the 2020 census race and ethnicity question(s). The 2016 American Community Survey Content Test also will serve as an additional and, likely, final test-bed for 2020 census questions before the Census Bureau reports the question topics to be included on both the 2020 census and the ACS to Congress by April 1, 2017.¹⁷ Appendix I includes selected versions of modified race and Hispanic origin questions that the Census Bureau tested in the AQE and the 2014 Census Site Test or plans to evaluate in field tests in 2015.

Chapter II: The Essential Role of Race and Ethnicity Statistics in the Quest for Civil Rights

Accurate data on the racial and ethnic composition of the U.S. population are required to ensure equality of access and opportunity in virtually every social and economic sector, allowing advocates to evaluate progress and outcomes and to monitor program administration and enforcement. To that end, the census and related American Community Survey (ACS) are the most comprehensive sources of detailed information about the nation's social, economic, and housing characteristics and conditions, comparable over time and consistent across geographies, from the national level to the community and neighborhood levels.

Areas of focus for civil rights advocates and policymakers include voting rights, employment, education, housing and lending, health care, criminal justice, and economic security, among other issues. Measuring racial and ethnic discrimination, whether intentional or shown to have a discriminatory impact, is necessary to illuminate and address barriers to equal opportunity and social justice through the advancement of laws, policies, and practices that promote fair and equal treatment of all Americans. The following section highlights some of the ways census data on race and ethnicity are used to achieve these goals.

Voting Rights

Stripped down to its primary purpose—set forth in Article I, Section 2, of the U.S. Constitution (the *census clause*)—the decennial census provides the basis for implementing our nation's democratic system of governance, through the apportionment of seats in the U.S. House of Representatives based on a count of the population. The Fourteenth Amendment (which, in part, revised the census clause to remove the reference to counting slaves as three-fifths of a person for apportionment purposes) later provided the basis for equal representation—one person-one vote—at all levels of government. The Fifteenth Amendment prohibits the federal and state governments from abridging or denying a citizen's right to vote based on "race, color, or previous condition of servitude."

Redistricting

The first set of data released after each decennial census is the total population of each state, along with the resulting apportionment of seats in the U.S. House of Representatives.¹⁸ Next, by April 1 of the year following a census year, the Census Bureau sends to each State a set of detailed population counts and selected characteristics for that state, commonly known as the redistricting or *P.L. 94-171 file* (named after the public law requiring the data).¹⁹ The redistricting file includes population data on race, Hispanic origin, and voting age (age 18 and older), as well as the occupancy status of housing units, down to the census block level. States use those data to draft redistricting plans for congressional and state legislative seats; local governments also use the data to allocate representation on county and city councils, school boards, and other governing bodies. While the broader five race categories and one ethnicity category are useful for demonstrating the cohesiveness of districts, the detailed, subgroup race and ethnicity data are essential for establishing "communities of interest" in redistricting plans.

Race and ethnicity data have been a useful tool in examining the consequences of prison gerrymandering and in spurring states to enact remedies that counter the disproportionate results of this practice on communities of color. Prison gerrymandering occurs when states and localities draw representational districts that incorporate a significant percentage of people who are incarcerated and cannot vote, a circumstance stemming from the Census Bureau's policy of counting all people at their "usual place of residence" on Census Day (April 1 of a decennial census year). For example, prisons in rural areas of a state often house disproportionate numbers of inmates from far-away urban communities, resulting in some districts with far fewer eligible voters and undermining the principle of *one-person, one-vote* embodied in the U.S. Constitution. Prisons are disproportionately populated by people of color, depriving the communities where inmates lived prior to incarceration of their fair share of political

representation, while boosting the clout of voters in prison-host communities, which are less likely to be racially and ethnically diverse and to have political interests in common with incarcerated individuals.²⁰ In recent years, advocates have successfully campaigned for laws to end the practice of prison gerrymandering in New York and Maryland, while California and Delaware have passed similar statutes that will take effect after the 2020 census.

The Voting Rights Act of 1965

Section 2 (42 U.S.C. §1973), a permanent provision of the Voting Rights Act (VRA), prohibits discrimination on the basis of race, color, or membership in a language minority group, in voting practices and procedures, including redistricting, election systems, and voter registration procedures (such as requiring certain forms of identification in order to register). The provision gives Black, Hispanic, Asian American, American Indian, and other minority voters an avenue to challenge discriminatory practices that deny or abridge the right to vote, even in jurisdictions not covered by Section 5 of the VRA (see below). The attorney general or private plaintiffs can challenge discriminatory laws or practices in federal district courts, with plaintiffs bearing the burden of proof. Section 2 bars not only intentional discrimination, but also practices with a racially discriminatory result, making paramount the collection of accurate and historically comparable data on race and ethnicity.

Race and ethnicity data are especially important in Section 2 cases involving vote dilution. Under *Thornburg v. Gingles*, 478 U.S. 30, plaintiffs in Section 2 cases alleging vote dilution in a redistricting plan must demonstrate three threshold conditions: (1) it is possible to create a geographically compact “majority minority” district; (2) the minority group is politically cohesive; and (3) historically, the White majority has voted as a bloc against minority or minority-supported candidates, resulting in racially polarized voting patterns. Plaintiffs who have met the threshold requirements also must show that the challenged plan improperly dilutes the minority group’s voting power, based on the “totality of circumstances.”

After considering the history of litigation under the original Section 2, Congress amended the statute in 1982 to give plaintiffs an avenue for establishing a violation of the section if the evidence showed, through a lens of “the totality of circumstances in the local electoral process,” that the challenged redistricting plan or electoral practice denied a racial or language minority group an equal opportunity to participate in the political process. Factors that courts can consider in evaluating alleged violations of Section 2 include a history of voting-related discrimination, racially polarized voting, and the extent to which a jurisdiction’s voting practices

and procedures tend to increase opportunities for racial or language minority discrimination. Another factor Congress cited in adopting the 1982 amendments was the extent to which discrimination in education, employment, and health care disproportionately affects minority groups and hinders their ability to participate effectively in the political process—data that are available primarily from the Census Bureau’s American Community Survey (ACS), the modern version of the census long form.²¹

The 1982 amendments also extended Section 2 protections to voters who require assistance in the voting process due to limited English language ability. Sections 4(e) and 4(f) of the Voting Rights Act, enacted as part of the 1975 reauthorization and which protect the right to register and to participate meaningfully in the electoral process of people with limited English language abilities, defines “language minority groups” as persons who are American Indian, Asian American, Alaska Native, or of Hispanic origin. These provisions of Section 4 work in tandem with Section 203 of the VRA, which requires certain jurisdictions to provide all election materials and information, such as the location of polling places, in a language other than English, if the director of the Census Bureau determines that there are more than 10,000 voting-age citizens of the same language group in an area whose limited English proficiency would hinder their full participation in the political process. The determinations are made using data on language ability from ACS, as well as race and ethnicity data from the census and ACS. Accurate subgroup data, particularly for Asian American national origins, are especially important in light of the statutory threshold.

Section 2 protections from discrimination in the electoral process have taken on new importance in the wake of *Shelby County v. Holder*,²² a case that challenged the criteria in Section 4(b) for determining the jurisdictions that would be covered by the pre-clearance requirements of Section 5. Section 5 (42 U.S.C. §1973c), together with the formula established in Section 4, targets states and counties with a history of discriminatory electoral practices or low minority voting registration rates. The provision requires “covered” jurisdictions²³ to obtain approval—known as “pre-clearance”—from the U.S. Department of Justice or the District Court of the District of Columbia before implementing changes to voting laws. In the wake of the Supreme Court decision on June 25, 2013, civil rights litigators and the Justice Department are examining alternate pathways to challenge a rash of post-*Shelby County* state voter identification laws that make it harder for many people of color and low-income individuals to participate in the electoral process.²⁴

Legislation introduced in the 113th Congress that seeks to restore and update the voting rights protections

embodied in Section 5 likely would require census race and ethnicity data to implement several provisions.²⁵ The Voting Rights Amendment Act of 2014 establishes criteria for determining which jurisdictions would be subject to heightened scrutiny in the adoption of changes to voting practices and procedures, based, in part, on population data by race, Hispanic origin, and voting age.

Employment and Public Contracting

Title VII of the Civil Rights Act of 1964²⁶, as amended, prohibits discrimination on the basis of several personal characteristics, including race, color, and national origin, in the workplace. The Act protects employees or groups of employees against not only intentional discrimination, but against workplace policies not required by business necessity that have a discriminatory effect, or disparate impact, on groups of employees of a certain race, color, or ethnicity.²⁷ The Equal Employment Opportunity Commission (EEOC) enforces the provisions of Title VII.²⁸ The agency investigates claims of both individual and systemic employment discrimination, including complaints against state and local governments. Under Title VII, the Justice Department also may file a civil action in federal district court against a person or group of persons it believes is engaged in a “pattern or practice of resistance” related to the Act’s equal employment rights protections. Race and ethnicity data collected in the ACS and cross-tabulated with data on gender, occupation, and income are especially helpful in evaluating equal pay, wage gaps, and paycheck fairness.

Similarly, Executive Order 11246,²⁹ as amended, prohibits federal contractors from discriminating on the basis of race, color, national origin, and other personal characteristics, in their recruitment, hiring, training, and other employment practices, and requires federal contractors to take affirmative action to provide equal opportunities in all aspects of their employment activities. The U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) oversees and enforces the requirements of this longstanding federal policy. American Indian and Alaska Native, Asian American, Native Hawaiian and Pacific Islander, Black, and Hispanic individuals are considered minorities for purposes of the Executive Order.

Two notable cases involving affirmative action in public contracting, *City of Richmond v. Croson*³⁰ and *Adarand Constructors v. Peña*,³¹ highlight the importance of census race and ethnicity data in crafting programs to promote equal opportunity in employment and contracting. In both cases, and in broad terms, the Supreme Court found that constitutionally permissible affirmative action programs must be narrowly tailored to address specific patterns and trends of discrimination and held to a standard of “strict scrutiny” by courts.³²

Federal agencies responsible for monitoring discrimination in the workplace and enforcing equal employment opportunity laws rely on race and ethnicity data from the census and the ACS. After each census, the Census Bureau prepares the EEO Tabulation file, which includes data on sex, race, and Hispanic origin, cross-tabulated by educational attainment, occupation and industry, age, earnings, unemployment status, and citizenship.³³ The EEOC, Department of Justice, OFCCP, and Office of Personnel Management (OPM) sponsor this decennial data set, which is the primary benchmark for comparing the relevant characteristics of an organization’s internal workforce with the broader labor market, for specific geographies, occupations, and job categories.

In addition, under Executive Order 13583,³⁴ OPM and the EEOC are tasked with spearheading a government-wide initiative to promote diversity and inclusion in the federal workforce. The initiative’s goals include identifying ways to improve workforce diversity through appropriate recruitment and hiring activities. Census data serve as both a benchmark for measuring diversity and a guide for targeting employment outreach and human resources development efforts.

Related to efforts to ensure equal employment opportunities are programs to help small minority-owned businesses compete in the marketplace. The Section 8(a) Business Development Program,³⁵ overseen by the Small Business Administration (SBA) and applicable to all federal agencies, is a statutorily authorized pathway for small businesses owned and controlled by individuals from socially and economically disadvantaged population groups to earn federal government contracts. The law, which presumes that certain groups are likely to be disadvantaged, specifically refers to African Americans, Hispanic Americans, Asian-Pacific Islander and Subcontinent Asian Americans, and American Indians.³⁶ Other small business owners may apply for certification by showing, through a “preponderance of evidence,” that they are disadvantaged based on race, ethnicity, and other factors. The SBA must certify that a small business is qualified for the program; certified entities are then eligible for competitive and sole-source federal contract awards set aside for Section 8(a) participants.

Education Equity

Education is fundamental to virtually every aspect of social and economic opportunity and advancement in America. Race and ethnicity data have a well-known place in the historic civil rights struggle to ensure equal opportunity in the nation’s education system. As local governments took steps to comply with the basic tenets of *Brown v. Topeka, Kansas, Board of Education*,³⁷ analysis of a school district’s demographic composition

became a key tool in implementing desegregation plans. Sixty years after *Brown*, with segregation still widespread in America's public schools, those data continue to play a vital role in efforts to ensure access to a quality education for all students.³⁸

Title VI of the Civil Rights Act of 1964 bars recipients of federal financial assistance from discriminating on the basis of race, color, and national origin.³⁹ The Department of Education's Office for Civil Rights (OCR), in conjunction with the Department of Justice, enforces Title VI in the education arena. Agencies and institutions subject to Title VI nondiscrimination requirements include state and local education agencies and systems, colleges and universities, proprietary institutions, and libraries and museums. Programs and activities receiving federal education funds may not discriminate in areas such as admissions, recruitment, financial aid, classroom assignment and grading, discipline, and employment. Examples of discriminatory policies that the OCR monitors include assignment of minority students to classes designed for students with mental disabilities; maintenance of separate facilities for students based on their race, ethnicity, or national origin, by some state higher education systems; and discriminatory discipline policies that subject minority students to harsher penalties for school infractions.

Title VI provided a platform for the former U.S. Department of Housing, Education, and Welfare (HEW) to challenge racially segregated higher education systems, although it took a private lawsuit against HEW to spur meaningful enforcement of Title VI antidiscrimination protections.⁴⁰ The Department of Education most recently confirmed its support for racially and ethnically diverse student bodies at institutions of higher education in the case of *Fisher v. University of Texas at Austin*,⁴¹ in which the Supreme Court upheld the established legal principle that colleges and universities have a compelling interest in pursuing diversity through their admissions policies. Race and ethnicity data are essential tools in the development and implementation of successful, lawful affirmative action programs in higher education; stakeholders also rely on the data to ensure meaningful enforcement of Title VI protections.

Title VI also provides the context for Executive Order 13166,⁴² *Improving Access to Services for Persons with Limited English Proficiency*. The order requires federal agencies to identify the need for services among individuals with limited English proficiency and to develop programs that ensure meaningful access to agency services for all who need them. Census race and ethnicity data, along with ACS data on "language spoken at home," help agencies and advocates for immigrant communities identify areas where the need for services is likely.

Title VII of the Elementary and Secondary Education Act of 1965, as amended,⁴³ focuses on the unique education needs, including early childhood intervention, of American Indians, Native Hawaiians, and Alaska Natives. Administered by the Department of Education, Title VII programs rely on race data to evaluate federally assisted programs, explore effective approaches to meet education needs in culturally and linguistically appropriate ways, and analyze data on the education status of these populations.

Census data inform a wide range of policies and programs under Titles III and V of the Higher Education Act, as amended, which are designed to enhance higher education opportunities for historically disadvantaged population groups. Race data are required for the formula that promotes equal opportunity in higher education for Black Americans through the Black College and University Act.⁴⁴ The data support the accreditation process for Tribal Colleges and Universities (TCUs) and the work of the White House Initiative on American Indian and Alaska Native Education, which seeks to improve educational opportunities for students attending TCUs.⁴⁵ The Higher Education Act also authorizes assistance to improve and enhance the capacities of Asian American and Native American Pacific Islander-serving institutions. Eligible projects include academic instruction in disciplines in which these populations are underrepresented.⁴⁶ Similarly, the Act includes several programs that support the efforts of Hispanic-serving institutions to improve access to and the quality of post-secondary educational opportunities for Hispanic Americans.⁴⁷

Race and ethnicity data from the decennial census have been an essential tool for promoting education equity between high- and low-wealth communities and for language minorities. For example, in a series of rulings in New Jersey over the past 35 years, known collectively as the *Abbott* decisions,⁴⁸ the state supreme court broke ground in requiring parity in funding for schools in wealthy and poor communities, as well as supplemental programs to address the significant disadvantages that schools in distressed urban areas face. The court continues to exercise jurisdiction over enforcement of more than 20 *Abbott* decrees as education equity advocates strive to address disparate outcomes for children of color in poor communities. The *Aspira* consent decree,⁴⁹ in place since 1974, established the right of Puerto Rican and Latino students in New York City with limited English language skills to bilingual instruction. Advocates continue to rely on census data to monitor the outcomes of programs designed in accordance with the agreement. On the federal level, new guidance from the OCR offers educators detailed information to identify and address inequities in the distribution of school resources, includ-

ing academic and extracurricular programs, effective teaching, technology, and safe school facilities.⁵⁰ The guidance highlights legal obligations under Title VI of the 1964 Civil Rights Act to provide students with equal access to educational resources without regard to race, color, or national origin.

Fair Housing

Where a person or family lives directly affects their access to jobs, good schools, health care, and many other opportunities. Cross-tabulation of race and ethnicity data with other demographic and housing characteristics, such as type of housing, family structure, educational attainment, and veteran status, helps policymakers understand the full implications of housing discrimination for achieving equal opportunity in all sectors of society.

Fair housing laws aim to prevent housing discrimination and to advance diverse, inclusive communities. Census race and ethnicity data are vital tools in establishing that a housing-related policy or practice has a disparate, adverse impact on a group of people, preventing them from fully exercising their right to choose the community in which they will live. The Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended⁵¹) prohibits discrimination in housing-related transactions, including the sale, rental, and financing of homes, based on race, color, national origin, and other personal and household characteristics.⁵² The Act addresses both intentional discrimination and facially neutral policies that limit housing opportunities for members of protected groups. The Department of Housing and Urban Development (HUD) also is charged with furthering the goal of fair housing in federal housing and urban development programs under Executive Order 12892,⁵³ which also established the President's Fair Housing Council.

Census race and ethnicity data provide a benchmark for investigations and audit studies, which public enforcement agencies, researchers, and fair housing advocates use to identify instances of “redlining” and other prohibited, discriminatory practices that deny access to housing based on factors other than a prospective buyer’s or renter’s ability to afford the home. Using census data as a guide, research and investigations have uncovered discriminatory mortgage foreclosure practices, denial of credit and a general lack of financial services, and predatory lending practices in predominantly minority communities.⁵⁴

HUD’s Office of Native American Programs seeks to increase access to safe, affordable housing for American Indian, Alaska Native, and Native Hawaiian families, and to improve living conditions and economic opportunities for Tribes and tribal members. Funds under the Indian Housing Block Grant Program are allocated, in

part, based on population, income, and housing condition data from the Census Bureau.⁵⁵

Health Care

Researchers use race and ethnicity data to explore disparities in medical conditions and health care outcomes and in access to quality health care. Before passage of the Patient Protection and Affordable Care Act in 2010,⁵⁶ 50 million Americans lacked health insurance, which reduces opportunities to seek appropriate and timely medical care. Socioeconomic factors, such as one’s level of education, household income, where one lives, and language and cultural barriers, also affect health outcomes and have consistently contributed to health disparities, research shows.

The Office of Minority Health, Department of Health and Human Services, is charged with improving health and health care outcomes for racial and ethnic minorities through programs that seek to eliminate health disparities.⁵⁷ The office assesses the impact of social, economic, environmental, and other factors, as well as the impact of programs and policies, on access to quality health care and on health outcomes. Extensive research, which would not be possible without detailed and comparable race and ethnicity data, shows that African Americans, Hispanics, American Indians and Alaska Natives, Asian Americans, and Native Hawaiians and Pacific Islanders have poorer health outcomes compared to non-Hispanic Whites. These outcomes include higher rates of illness and death from medical conditions such as specific cancers, HIV/AIDS, heart disease, stroke, obesity, and diabetes, as well as higher incidence of health concerns, such as substance abuse. The collection of Hispanic origin data, starting with the 1970 census, has allowed researchers to identify and study health disparities between Hispanic subgroups, between Hispanics and non-Hispanics, and between recent immigrants and Hispanics who are second-plus generation Americans. For example, studies show that newer immigrants tend to be healthier, overall, than second and third generation Latinos, due in part to the latter group incorporating less healthy behaviors attributable to the general population. Further research to dissect and understand these outcomes will require detailed race and ethnicity data that are comparable over time.

The National Institute of Minority Health and Health Disparities is tasked with leading scientific research efforts to improve the health of racial and ethnic minorities and to eliminate health disparities. Public and private research into health care practices, access to health care, the quality of health care available to people of different socioeconomic backgrounds, the incidence of medical conditions, and other health-related issues

allows policymakers, program administrators, and stakeholders to identify, prioritize and address disparities and to implement strategies aimed at achieving health equity among all population groups. Detailed, accurate data on ethnic subgroups within the broader federal race categories are especially important to understanding different health experiences for Americans of specific national origins.

Criminal Justice

Census data are central to understanding disparities in the criminal justice system, helping policymakers, law enforcement agencies, community leaders, and advocates devise remedies aimed at restoring equitable treatment and fostering constructive outcomes. While criminal justice laws in the United States are neutral on their face, both enforcement and outcomes of many laws are substantially biased against certain race and ethnicity groups. The data make possible research that consistently shows higher rates of arrest, conviction, and incarceration, and tougher sentencing, including disproportionate imposition of the death penalty, for Black Americans and Hispanics. Disparate criminal justice outcomes—such as longer prison sentences imposed on people of color, compared to Whites, for the same crimes—have a host of collateral consequences for individuals and their families, adversely affecting access to jobs, education, and housing, as well as participation in the electoral process.

Research based on census data has spurred policymakers to address racial and ethnic disparities in the criminal justice system, such as the Department of Justice’s initiative, “Smart on Crime,” unveiled in 2013. Legislative actions to reform the penal system include the Second Chance Act of 2008;⁵⁸ the Fair Sentencing Act of 2010,⁵⁹ addressing disparities in sentencing for cocaine use that resulted in racially biased sentencing; and the Smarter Sentencing Act of 2013⁶⁰. Civil rights advocates continue to press state legislatures for abolishment of the death penalty, an area of sentencing especially fraught with racial bias, especially against Black Americans, research shows.

Efforts to identify and challenge racial profiling by police, private security firms, and government agencies—such as during traffic and street stops and airport screenings—rely on census data to establish patterns of disproportionate targeting and investigation of people based on race and ethnicity. The data support efforts to combat racial profiling through broad initiatives, such as litigation, anti-profiling legislation, law enforcement training programs, and public education campaigns.

Poverty and Economic Security

The struggle for civil rights and the fight against poverty have been closely aligned for many decades. Analysis of

census and other Census Bureau survey data shows consistent and significant disparities between many racial and ethnic minorities and non-Hispanic Whites, in key indicators of economic well-being, including household and family income and wealth, earnings, incidence of poverty, health insurance coverage, and employment status.⁶¹ These findings help shape projects, such as the *Half in Ten* campaign, to address the persistence of poverty and to promote public policies that support economic opportunity and income security for all Americans.⁶²

Racial and ethnic differentials in economic well-being manifest themselves in many aspects of life. Affordable, dependable transportation is not readily available in all communities, affecting people’s access to jobs, good schools, and quality health care. Census data show racial and ethnic disparities in Internet access and computer usage, factors that can influence educational and employment opportunities.

Accurate, detailed data on race, ethnicity, and national origin are especially important for understanding differential indicators and outcomes among population subgroups. For example, analyses of Census Bureau data have shown that some Asian American communities face greater challenges in finding affordable housing, have higher incidences of poverty and unemployment and lower educational attainment, and encounter greater language barriers, than other subgroups within this broad race category.⁶³

Chapter III: Revising the Census Race and Ethnicity Questions: The Civil Rights Perspective

Civil rights stakeholders are quick to confirm the vital importance of census race and ethnicity data for identifying, documenting, monitoring, and establishing discrimination and discriminatory practices against race, ethnicity, and language minority groups under a wide range of federal and state laws and regulations. They also are keenly attuned to issues of data accuracy and usability that influence the effectiveness of civil rights laws, regulations, and policies.

At the Leadership Conference roundtable on census race and ethnicity data, participants identified their primary uses of the data for civil rights activities, characterized the strengths and weaknesses of current data sets for their work, and assessed both advantages and disadvantages of prospective changes in how the Census Bureau collects and reports race and ethnicity data. Chapter II of this report discussed specific civil rights statutes, case law, and policies that rely on race and ethnicity data.

Over the course of The Leadership Conference’s project, several common themes emerged among civil rights litigators and experts, working across a range of social and economic sectors, who considered the strengths and weaknesses of current race and ethnicity data, and the potential consequences of revising the census questions to gather these data in the future.

- First, for purposes of implementing and enforcing many civil rights laws—especially in the voting rights arena—data on the Hispanic or Latino population are treated on par with data on the five race groups, experts note. This hands-on perspective translates into a general consensus that combining the census race and Hispanic origin questions would not, in and of itself, hinder the implementation and enforcement of civil rights laws.
- Second, there is strong agreement that detailed data on race and ethnicity (that is, data on subgroups or national origins) are necessary to advance effectively the civil

rights of all race and ethnic populations in the United States. Advocates cited the lack of detailed data on the Black and Middle Eastern/North African populations as a significant weakness of current census data, making it difficult (if not impossible) to assess disparate treatment and access, as well as opportunities in employment and business, for example, for all diverse communities. Therefore, the availability and accuracy of detailed data is an important factor in evaluating the efficacy of any changes to the census race and ethnicity questions.

- Third, many advocates believe that data on second generation immigrants would enhance their ability to understand better the barriers this significant demographic cohort faces, and to evaluate progress and needs, across many sectors, including housing, health care, employment, and education. Neither the decennial census nor ACS collect data on parental place of birth, making it difficult to assess the experiences of immigrants over time.
- Fourth, there is universal support for maintaining a robust, comprehensive ACS, the only source of neighborhood-level demographic, social, and economic data, including race and ethnicity data, for every community in the country. Cross-tabulation of race and ethnicity data with a host of other ACS data—on English language proficiency, industry and occupation, employment status, educational attainment, veteran status, income, disability, transportation, and housing—provides a framework for comprehensive analysis of trends and needs among diverse population groups. Loss of these data, either by weakening the survey through voluntary response or by eliminating the ACS altogether (both of which the U.S. House of Representatives has sanctioned in recent years), would substantially hinder civil rights endeavors across all sectors. In fact, advocates recommend increasing the ACS sample size to improve measurement of conditions for smaller population groups at the lowest geographic

levels. Asian American community leaders note, for example, that ACS data for detailed race subgroups are vital to understanding disparate outcomes in housing access, health care, poverty and incarceration rates among Asian American subgroups, and are needed for enforcement of Section 203 of the VRA, which ensures access to the electoral process for language minorities.⁶⁴

- Finally, civil rights stakeholders agree that the ability to compare race and ethnicity data over time is critical to their work. Protocols and guidance for reaggregating data, or “bridging” sets of data collected through different formats, must accompany any revisions to the census race and ethnicity questions.

Redistricting and Voting Rights

As discussed above, census race and ethnicity data play a significant role in establishing violations of the VRA and subsequent amendments, and in developing case law through challenges brought under the Act. State voting rights laws also depend on census data, as states do not have the infrastructure to collect accurate, granular, small-area statistics on their own.

Redistricting experts note that the simplicity of data sets with five race groups and two ethnicity groups makes it easier to establish *cohesiveness* of political interest in drawing majority-minority districts. Nevertheless, detailed data, with respect both to geography and to race and ethnicity subgroups, are essential for determining communities of interest in redistricting plans that meet the standards for protecting the voting rights of minority populations. The granularity of data becomes more important as the size of political districts becomes smaller—for example, state legislative, city council, and school board districts. In the redistricting context, as in other areas of civil rights law, advocates are deeply concerned about the current lack of detailed data for the Black/African American and Middle Eastern/North African communities, as well as the accuracy of data on Afro-Latinos, Dominicans, Salvadorans, and other Hispanic national origin groups. Civil rights stakeholders prefer having detailed data that users can aggregate to larger categories, rather than aggregated data for which greater detail is not available.

While census data collected through self-reporting (i.e. by mail or telephone) or door-to-door household interviews are generally of high quality, civil rights advocates struggle with the quality of race and ethnicity data for the population in so-called “group quarters,” which include prisons, college dormitories, military barracks, nursing homes, and the like. In many cases, the Census Bureau must rely on administrative records gathered by

institutions and facilities, rather than allowing individuals to complete their own (slightly modified) questionnaires, to include group quarters’ residents in the census count, a practice that is likely to increase as tight fiscal constraints on the 2020 census push the bureau to cut costs. Regrettably, the quality of administrative data on the incarcerated population is poor, with prison staff observation often replacing inmate self-identification to record race and ethnicity, resulting in data that are inaccurate or incomplete, inconsistent across facilities and in comparison to the general population, and less detailed.

Civil rights advocates are cautiously optimistic about the possibility of more accurate data on the Latino population from revised 2020 census race and ethnicity question(s), but they remain concerned about the possible loss of race data through a combined race and Hispanic origin question, the diminished accuracy of detailed Hispanic subgroup data, and the ability to compare data over time to monitor trends.

Education

Race and ethnicity data from the census, often combined with socioeconomic characteristics data from the ACS (such as data on household income, educational attainment, and language spoken at home), are a valuable resource for civil rights advocates and education policymakers, both in their own right and as a supplement to data schools and institutions of higher education collect and report independently. For example, the data aid in the development of culturally competent and sensitive resources, including classroom materials and curricula, and help identify school districts that might require language assistance programs for students and parents. Child rights advocates use census data to identify priorities for education reform, such as expanding access to early childhood education programs, reducing funding and resource inequities between wealthier and poorer school districts, and improving education and life outcomes for racial, ethnic, and language minorities.

Stakeholders emphasize, however, that census data and school enrollment data are not always comparable with respect to the categories used and the level and range of detail collected, making it more difficult to evaluate trends in education outcomes and their relationship to broader community conditions, such as poverty, unemployment, and access to health care, that can influence performance in school. The Department of Education requires educational institutions to collect race and ethnicity data on students and staff, but individuals are not required to provide those data (resulting in a category of “Race and Ethnicity unknown”). The department only updated its data collection guidelines in 2007—10 years after OMB finalized the new standards for race and ethnicity data—for implementation in the 2010-11 school

year. The updated Education Department categories do not ask Hispanics to report a race; they also collapse multiple race responses into one, unspecific category of “Two or more races,” instead of assigning multiracial individuals to their respective race choices.⁶⁵ The latter practice is especially worrisome to civil rights data users, given the growth in the multiracial and multiethnic populations. The percentage of the population reporting multiple races grew by nearly a third (32 percent) between 2000 and 2010, compared to an overall 10 percent growth in the U.S. population.⁶⁶ Failure to capture multiple race responses as part of specific race groups can adversely affect the ability of educational institutions to meet minority student enrollment thresholds under various education programs.

More generally, disproportionate undercounts of people of color in the census can directly affect the resources that schools receive through federal and state education programs. Title I grants under the Elementary and Secondary Education Act, as amended, for example, are allocated under a formula based, in part, on the number of children in poverty, as tabulated by the Census Bureau. Historically, the census has undercounted young children, people of color, rural residents, and low-income households at higher rates than other population groups.

Employment

Experts in equal employment opportunity cite concerns about census race and ethnicity data that are similar to those of their education equity advocates: Employers often collect and report data that are not consistent, with respect to race and ethnicity categories, to the data the Census Bureau collects and publishes, making it more difficult to use census data as a framework for evaluating trends and outcomes in workplace affirmative action programs, hiring practices, and employment opportunities for all race and ethnic groups. Advocates also pointed to a lack of strong inter-governmental coordination with respect to the collection and use of race and ethnicity data that support civil rights enforcement.

Stakeholders support the collection of more granular data in the census for all race groups, to understand the barriers diverse communities face in the labor market and to devise specific strategies for improving employment opportunities, both for individuals and minority-owned businesses. The absence of data on Americans of Middle Eastern and North African origin is especially problematic in the context of promoting contracting opportunities for small business owners; alternative sources of data, to the extent they exist at all, are not acceptably accurate.

Other observations about current census race and ethnicity data, for civil rights purposes, include concerns about the accuracy of data on multiracial and multiethnic

populations, especially Afro-Latinos; the need for more detailed and accurate data on Americans of South Asian origin and Native Hawaiians; and the need for expanded data sets on industry, occupation, and employment status, by race and ethnicity, including for American Indian tribes, to assist in the enforcement of equal employment opportunity laws. Employment experts generally believe that a combined race and Hispanic origin question would produce data of acceptable (if not higher) quality and enhanced granularity for all race groups to support their efforts. They emphasized the importance of detailed, subgroup data to promote diversity and prevent discrimination in the labor market, since many people of color, and especially immigrants, are concentrated in “ethnic enclaves.”

Other Civil Rights Issues

Civil rights work across all social and economic sectors relies heavily on census race and ethnicity data to identify and understand inequalities, to establish evidence for antidiscrimination claims, and to monitor the progress of diverse populations. Advocates look to the Census Bureau as a primary (and, sometimes, only) source of high quality, detailed race and ethnicity data. Fair housing experts, for example, cite the utility of census data in tracking progress (or lack thereof) in access to affordable, quality housing for people of color and in neighborhood integration initiatives.

Nevertheless, a lack of granular data on smaller population groups can hinder efforts to document discriminatory practices with objective evidence. For example, Arab American community advocates do not have data on persons of Middle Eastern and North African origin to establish patterns of racial profiling by law enforcement and transportation agencies. Less detailed data can mask the true effects of programs and policies in housing, health care, education, and other sectors, civil rights stakeholders point out. Asian American community leaders, for instance, emphasize that accurate, detailed data on the Asian-Pacific American population are essential for studying trends in incarceration rates, poverty, access to health care, and other key indicators, which often show less favorable conditions and outcomes for some subgroups than others.

Civil rights experts also cite as problematic the inconsistencies in defining American Indians and Alaska Natives across federal agencies and programs, and urge the Census Bureau to improve the collection of data on tribal enrollment and affiliation in the 2020 census. In addition, American Indian advocates raise concerns about the quality of census data on American Indian reservation households that lack traditional addresses. During the decennial census, the Census Bureau counts many

Indian reservations through door-to-door interviews only, allowing census takers to confirm the location of a housing unit and gather responses at the same time.⁶⁷

Civil rights advocates note that census race and ethnicity data are the most comprehensive, objective tool for understanding the intersection of issues that can be barriers to equality of opportunity and social justice. For example, the data support research on how community characteristics (such as housing conditions, educational attainment, and poverty) might relate to disparate treatment and outcomes in the criminal justice system.

Finally, stakeholders are encouraged by the possibility that an Internet response option for the 2020 census will allow the Census Bureau to solicit more detailed data on race and ethnicity subgroups and to provide more examples of subgroup identification that represent a broader spectrum of diverse national origins and self-identities. They strongly caution, however, that many historically hard-to-count populations are less likely to have broadband access and to use the Internet, which could result in greater reliance on paper census forms to count people of color. Paper questionnaires have limited space to offer detailed instructions, examples, and subgroup check-off boxes for all race and ethnic groups. Furthermore, advocates are deeply concerned about the possible use of administrative records to count non-responding households in the 2020 census, in light of a lack of thorough, consistent, and detailed race and ethnicity data in federal and state government databases. They note, for instance, that records from Medicaid, Medicare, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program (SNAP), and other programs do not cover undocumented residents or include the detailed data on subgroups on which civil rights advocates rely.

Chapter IV: Recommendations

General

Race and Ethnicity Question Deliberations

1. The 2020 census should collect and publish the most detailed, accurate data possible for all race and ethnicity groups, including race groups for which the 2010 census race question did not provide space to report subgroup identity. The accuracy of these data from the 2010 census should be the baseline for assessing the quality of data collected under revised question formats and wording.
2. The Census Bureau should establish and communicate to stakeholders the criteria by which it will determine the final format and wording for the questions on race and ethnicity in the 2020 census, and offer stakeholders an opportunity to provide feedback on those criteria.

Combined Question Approach

3. While the civil rights community is open to the prospect of a combined question format for collecting race and ethnicity data in the 2020 census, we strongly urge the Census Bureau to continue testing refined formats and wording, taking into consideration concerns expressed by civil rights advocates with respect to data quality and usefulness, to ensure that a combined question yields the most accurate, detailed data possible for *all* race and ethnic groups and represents an improvement over the 2010 census questions.
4. If the Census Bureau determines that a combined race and ethnicity question will yield the highest quality data in the 2020 census, the Office of Management and Budget (OMB) should take immediate steps to revise its guidelines for implementing the Standards for Classification of Federal Data on Race and Ethnicity to ensure (a) comparability of data over time (bridging); (b) consistent tabulations of data, by federal agencies and federally funded programs, collected through a combined question with respect to both race and ethnicity; and (c) clear protocols and guidance for data users to follow

in comparing 2020 census race and ethnicity data with data collected earlier in time. The development of new guidance for comparing data will be especially important if the Census Bureau and OMB add a new ethnicity category for people of Middle Eastern and North African origin, and if the Census Bureau does not impute a race for people who select an ethnicity (e.g. Hispanic/Latino or Middle Eastern/North African) but not a race category.

5. The Census Bureau should conduct additional research on the consequences of not assigning a race to respondents who identify as Hispanic or Latino only in a combined question, and should discuss its findings with civil rights stakeholders before finalizing the 2020 census questions.

Use of Administrative Records

6. The civil rights community is alarmed by the potential loss of accurate, thorough, and detailed race and ethnicity data if the Census Bureau relies on administrative records to count households that do not self-respond to the census (that is, online or by paper questionnaire or telephone) in the Nonresponse Follow-Up phase of the 2020 census. The Census Bureau should consult with civil rights stakeholders about its plans for replacing door-to-door visits to unresponsive households with administrative data, to address this significant concern.

Stakeholder Engagement

7. The Census Bureau and OMB should keep civil rights stakeholders apprised of research and testing plans and outcomes, and establish opportunities for meaningful and timely dialogue and consultation with civil rights leaders, experts, and organizations, before key decisions are made with respect to the 2020 census race and ethnicity questions and the Standards for Classification of Federal Data on Race and Ethnicity and related implementation guidance.

Federal Agency Race and Ethnicity Data Collection

8. OMB should establish a forum and process for a broad, in-depth review of federal agency collection of race and ethnicity data for the implementation and enforcement of civil rights laws, regulations, and policies, with a goal of improving the consistency, comparability, and usefulness of these data across programs, agencies, and departments. Any such task force, committee, or working group should include knowledgeable civil rights community leaders and civil rights legal experts, as well as federal agency personnel responsible both for data collection protocols and for the administration of civil rights laws.
9. OMB should convene a working group of experts from the Census Bureau, Department of Justice, state correctional departments, prison reform advocates, and other knowledgeable civil rights stakeholders, to evaluate the quality of race and ethnicity data on the incarcerated population and to recommend ways to improve the accuracy, completeness, and consistency of these data.

The American Community Survey

10. It is critical to provide full funding for a robust, comprehensive American Community Survey that yields useful, reliable data for small geographic areas and small population groups. Further, the ACS should be continued as a mandatory survey, in recognition of the survey's position as an integral part of the decennial census and its role as an essential foundation for prudent decision-making and resource allocation in the public, private, and nonprofit sectors.
11. The Census Bureau should take steps to improve ACS data on smaller population groups, including immigrants and those with limited English language abilities, by increasing the ACS sample size, expanding language assistance programs, and offering the questionnaire in more languages.

Additional research and testing

12. The Census Bureau should test, as soon as practicable, the possibility of adding a new ethnicity category for persons of Middle Eastern and North African descent. OMB, working with advocates and experts for these communities, should provide guidance on an acceptable, appropriate definition for this new category, and should invite additional viewpoints through a Federal Register notice.
13. OMB should review the inclusion of indigenous peoples from Central and South America in the definition of the American Indian and Alaska Native race category, to determine if the current definition continues to be appropriate and to ensure

that this broad definition does not adversely affect the usefulness of data on recognized federal and state tribes and Alaska Native populations. The review should include consultation with advocates and experts for all of these communities, as well as with federal agencies responsible for administering programs that assist American Indian Tribes and Alaska Native areas.

14. The Census Bureau should test revised race and ethnicity question(s) in languages other than English. In addition, the Census Bureau should conduct additional focus groups in languages other than English and Spanish to gain further insight into how and why people who communicate primarily in other languages answer the race and ethnicity questions.
15. The Census Bureau should evaluate and publish, as soon as practicable, Internet response rates, by race and ethnicity (including by subgroup whenever possible), from recent and upcoming 2020 census field tests, to determine the extent of differential participation by this new method of response among race and ethnicity groups. The Census Bureau is testing the possibility of offering more granular subgroup response options for those who respond via the Internet rather than a paper questionnaire. Civil rights advocates are concerned that lower rates of computer usage and access among some traditionally hard-to-count population groups might prevent larger proportions of communities of color from taking advantage of enhanced detailed race and ethnicity reporting options offered on the Internet.
16. Future tests of revised race and ethnicity question(s) should incorporate communities that were not included in the Alternative Questionnaire Experiment (AQE)—namely, areas that were not in the 2010 census mail-out/mail-back universe, such as American Indian reservations, Alaska Native villages, and the colonias along the Texas-Mexican border. It is vitally important to understand how these and other historically hard-to-count communities might respond to significant changes in the format and wording of the race and ethnicity questions.
17. The Census Bureau should test the possibility of adding a question on parental place of birth to the 2020 census questionnaire or, if this is not possible, to ACS, to provide data that are essential to understanding the circumstances, experiences, and progress of “second generation” immigrants, their households, and their communities.

Endnotes

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1. Standards for the Classification of Federal Data on Race and Ethnicity, http://www.whitehouse.gov/omb/fedreg_1997standards/.
 2. The American Community Survey (ACS), considered part of the decennial census, replaced the traditional census ‘long form’ starting in 2005. The ACS is an on-going survey of roughly 3.5 million housing units a year (295,000 housing units per month) that produces annually updated estimates of demographic and socio-economic characteristics for the nation, states (including District of Columbia and Puerto Rico), places and minor civil divisions, census tracts, and block groups. It is the only source of reliable, comparable small area data on many vital characteristics, including race and ethnicity, educational attainment, language spoken at home, labor force status and occupation, income, housing costs, commuting patterns, veteran status, disability, and health insurance coverage.
 3. The Leadership Conference’s Census Task Force is co-chaired by the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund and Asian Americans Advancing Justice | AAJC (Advancing Justice | AAJC).
 4. The July 31, 2014, roundtable, “Race and Ethnicity Data in the 2020 Census: Ensuring Useful Data for Civil Rights Purposes,” was an invitation-only, closed door, and off-the-record event. It took place in Washington, DC.
 5. Title 13, U.S.C. §(f)(1) & §(f)(2).
 6. The last major revisions to the OMB Standards for the Classification of Federal Data on Race and Ethnicity occurred in the 1990s, when OMB considered how to accommodate respondents who were “multiracial.”

The final Standards did not add a new “multiracial” category but allowed respondents to report “Two or more races,” starting with the 2000 Census. These revisions, which were promulgated in 1997 after a multi-year process of consultation with stakeholders and Congress and a formal Federal Register comment period, also split the former “Asian-Pacific Islander” race category into two new categories—“Asian” and “Native Hawaiian or Other Pacific Islander.”
 7. See generally, the History section of the Census Bureau’s website, Index of Questions (http://www.census.gov/history/www/through_the_decades/index_of_questions/) and Questionnaires (http://www.census.gov/history/www/through_the_decades/questionnaires/). Also, National Research Council, *Measuring Racial Discrimination*, The National Academies Press, 2004, http://www.nap.edu/catalog.php?record_id=10887.
 8. In 1860, enumerators marked “W” for White; previously, enumerators left the space blank if a person was White.
 9. The Thirteenth Amendment to the Constitution, which abolished slavery, was ratified in 1865.
 10. Adopted on May 12, 1977. http://www.whitehouse.gov/omb/fedreg_race-ethnicity/ (Appendix).
 11. The Census Bureau tested eliminating the term “Negro” as one descriptor of the Black or African-American race category. While the 2010 census included the term, The Leadership Conference and other civil rights groups urged the Census Bureau at the time to drop the reference in future censuses, noting that the term was outdated and viewed as offensive by many people. Based on initial AQE results that showed no diminished data quality in experimental panels that did not include

- the term, the Census Bureau announced in 2012 that it would drop the word “Negro” from future race questions, which it has already done for the American Community Survey starting in 2014.
12. The Census Bureau also tested use of a “spanner,” which clarified that Asian, Native Hawaiian, and Pacific Islander subgroups listed in the race question as “check off” options were part of broader race categories. Evaluation of the AQE results suggested that the spanners confused many respondents, instead of helping to clarify why there were check-off boxes for so many of these subgroups, and the Census Bureau has not pursued further research and testing of this design strategy.
 13. The final report, “2010 Census Race and Hispanic Origin Alternative Questionnaire Experiment,” is available at http://www.census.gov/2010census/pdf/2010_Census_Race_HO_AQE.pdf.
 14. The June 24, 2014, AANHOP letter is available at http://ncapaonline.org/index_413_3467654512.pdf.
 15. The July 24, 2013, letter spearheaded by Arab American organizations is available at <http://civilrightsdocs.info/pdf/general/Arab-Institute-Letter-to-Enrique.pdf>.
 16. The NALEO Educational Fund is preparing a report on the July 10, 2014, proceedings. The convening, held in Washington, D.C., was cosponsored by Google.
 17. The ACS incorporates all of the questions on the decennial census questionnaire.
 18. 13 U.S.C. §141(b). The Census Bureau must report state population totals and the resulting congressional apportionment to the president by December 31st of a census year.
 19. 13 U.S.C. §141(c).
 20. More information on prison gerrymandering and efforts to challenge the practice is available through the Massachusetts-based Prison Policy Initiative at <http://www.prisonpolicy.org>.
 21. S.Rep. No. 97-417, 97th Cong., 2d Sess. (1982), pages 28-29.
 22. 570 U.S. —, 133 S. Ct. 2612, 2013.
 23. Section 5 affects all or part of the following 16 states: Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, and Texas, and most of Virginia; 4 counties in California; 5 counties in Florida; 2 townships in Michigan; 10 towns in New Hampshire; 3 counties in New York; 40 counties in North Carolina; and two counties in South Dakota. (Source: The Leadership Conference on Civil and Human Rights, <http://www.civilrights.org/voting-rights/vra/faq.html#question3>).
 24. See, for example, Field, Joshua, “The Voting Rights Playbook: Why Courts Matter Post-*Shelby County v. Holder*,” Center for American Progress, January 2014, <http://cdn.americanprogress.org/wp-content/uploads/2014/02/VotingRightsPlaybookReport1.pdf>.
 25. S. 1945 and H.R. 3899, 113th Congress.
 26. P.L. 88-352.
 27. See, for example, *Griggs v. Duke Power Company*, 401 U.S. 424 (1971). While subsequent Supreme Court rulings in the 1980s substantially narrowed the reach of Title VII protections, Congress restored the broad protections in Title VII with enactment of the Civil Rights Act of 1991 (P.L. 102-166).
 28. Employment-related policies and practices that the EEOC scrutinizes include recruitment (e.g. job referrals, job advertisements); applications and hiring; job assignments, training, and promotions; pay and benefits; and disciplinary action.
 29. Promulgated September 24, 1965.
 30. 488 U.S. 469 (1989).
 31. 515 U.S. 200 (1995).
 32. *Strict scrutiny* is the most stringent standard of judicial review, when courts are asked to weigh the government’s interest in a policy or practice against a constitutional right or principle.
 33. Starting with the 2010 census, the Census Bureau’s EEO tabulation file was based on the 2006-2010 five-year American Community Survey estimates, instead of the short form-only 2010 decennial census. The 2010 tabulation file is comparable to the EEO files from the 1970 through 2000 censuses.
 34. Promulgated August 18, 2011.
 35. 15 U.S.C. 637(a).
 36. The original statute included “Native Americans” among the groups presumed to be disadvantaged; the SBA defined the term (in regulations) to

- include “American Indians, Eskimos, Aleuts, and Native Hawaiians.” In 2011, SBA revised the regulations to clarify that “American Indians” must be members of federally- or state-recognized Indian Tribes to receive the presumption of social disadvantage in the certification process. The reference to “Eskimos” and “Aleuts” in the regulations was changed to “Alaska Native.”
37. 347 U.S. 483 (1954).
 38. *USA Today*, “Still apart: Map shows states with most-segregated schools,” May 15, 2014, <http://www.usatoday.com/story/news/nation-now/2014/05/15/school-segregation-civil-rights-project/9115823/>.
 39. 42 U.S.C. 2000d et seq.
 40. *Adams v. Richardson*, 356 F.Supp. 92 (1973).
 41. 631 F.3d 213 (5th Cir. 2011).
 42. Promulgated August 11, 2000.
 43. The Elementary and Secondary Education Act of 1965, as amended, was reauthorized by the No Child Left Behind Act of 2001 (Public Law 107-110).
 44. 20 U.S.C. §1061.
 45. Executive Order 13592.
 46. 20 U.S.C. §1058(b).
 47. 20 U.S.C. §1101, et seq., §1103 et seq., §1067q.
 48. *Abbott v. Burke*, 100 N.J. 269 (July 1985).
 49. *Aspira v. Board of Education of New York City* (1972).
 50. <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf>.
 51. 42 U.S. 3601 et seq.
 52. In addition, Title VI of the Civil Rights Act of 1964, bars discrimination on the basis of race, color, or national origin in programs receiving federal assistance through HUD, and Section 109 of the Housing and Community Development Act of 1974 prohibits discrimination in Community Development Block Grant programs.
 53. Promulgated on January 17, 1994.
 54. See, for example, “Zip Code Inequality: Discrimination by Banks in the Maintenance of Foreclosed Homes in Neighborhoods of Color,” National Fair Housing Alliance, September 3, 2014, <http://www.advancingjustice-aaajc.org/news-media/publications/community-contrasts-asian-americans-native-hawaiians-and-pacific-islanders>.
 55. 25 U.S.C. §4101 et seq.
 56. P.L. 111-148.
 57. The Office of Minority Health was created in 1986 and reauthorized by the Patient Protection and Affordable Care Act of 2010 (P.L. 111-148). The Patient Protection and Affordable Care Act also required six HHS agencies to establish an Office of Minority Health.
 58. P.L. 110-199.
 59. P.L. 111-220.
 60. S. 1410, pending before the 113th Congress.
 61. See, for example, U.S. Census Bureau, *Income, Poverty, and Health Insurance Coverage in the United States: 2012*, September 2013 (<http://www.census.gov/prod/2013pubs/p60-245.pdf>) and *Dynamics of Economic Well-Being: Spells of Unemployment, 2004-2207*, July 2010 (http://www.census.gov/newsroom/releases/archives/employment_occupations/2010-07-21_employment.html).
 62. Half in Ten, a campaign to cut the U.S. poverty rate in half in 10 years, is a collaboration of the Center for American Progress Action Fund, the Coalition on Human Needs, and The Leadership Conference on Civil and Human Rights. (<http://halfinten.org>).
 63. See, for example, Asian Americans Advancing Justice, *A Community of Contrasts: Asian Americans, Native Hawaiians and Pacific Islanders in the Northeast*, 2013 (http://www.advancingjustice-aaajc.org/sites/aaajc/files/A%20Community%20of%20Contrasts_2013.pdf).
 64. See, for example, “A Community of Contrasts: Asian Americans, Native Hawaiians, and Pacific Islanders in the Northeast, 2013,” Asian Americans Advancing Justice-AAJC, <http://www.advancingjustice-aaajc.org/news-media/publications/community-contrasts-asian-americans-native-hawaiians-and-pacific-islanders>.
 65. See, for example, “Changes to Race/Ethnicity Reporting to IPEDS,” Integrated Postsecondary Education Data System, at http://nces.ed.gov/ipeds/news_room/ana_Changes_to_10_25_2007_169.asp.

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66. “The Two or More Races Population: 2010,” by Nicholas A. Jones and Jungmiwha Bullock, U.S. Census Bureau, 2010 Census Briefs series, September 2012, available at <http://www.census.gov/prod/cen2010/briefs/c2010br-13.pdf>.
67. This special counting procedure is called “list-enumerate.” The Census Bureau conducts the list-enumerate operation in many rural, remote, or unique (such as *colonias* along the U.S.-Mexico border) areas where housing units lack traditional addresses.

Appendix I: Selected Modified Versions of Census Race and Hispanic Origin Questions: The AQE through 2015 Census Tests

2010 Census Hispanic Origin and Race Questions

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

8. Is Person 1 of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — *Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.* ↴

9. What is Person 1's race? Mark one or more boxes.

- White
- Black, African Am., or Negro
- American Indian or Alaska Native — *Print name of enrolled or principal tribe.* ↴

- | | | |
|---|--|--|
| <input type="checkbox"/> Asian Indian | <input type="checkbox"/> Japanese | <input type="checkbox"/> Native Hawaiian |
| <input type="checkbox"/> Chinese | <input type="checkbox"/> Korean | <input type="checkbox"/> Guamanian or Chamorro |
| <input type="checkbox"/> Filipino | <input type="checkbox"/> Vietnamese | <input type="checkbox"/> Samoan |
| <input type="checkbox"/> Other Asian — <i>Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.</i> ↴ | <input type="checkbox"/> Other Pacific Islander — <i>Print race, for example, Fijian, Tongan, and so on.</i> ↴ | |

- Some other race — *Print race.* ↴

Separate and Combined Question Approach for Paper Questionnaires

Combined Question – “Streamlined” Approach (2010 Census AQE)

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

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

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

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

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

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

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

Some other race or origin — Print race(s) or origin(s). ↴

Combined Question – “Very Streamlined” Approach (2010 Census AQE)

→ NOTE: Please answer BOTH Questions 8 and 9 about race and origin.

8. What is Person 1's race or origin? Mark one or more boxes.

White
 Black, African Am., or Negro
 Hispanic, Latino, or Spanish origin
 American Indian or Alaska Native
 Asian
 Native Hawaiian or Other Pacific Islander
 Some other race or origin

9. Write in Person 1's specific race, origin, or enrolled or principal tribe – For example, African Am., Argentinean, Chinese, Egyptian, German, Marshallese, Mexican, Mexican Am., Mongolian, Native Hawaiian, Navajo, Nigerian, Tlingit, and so on.

Write in the specific race(s), origin(s), or tribe(s). ↴

Refinements to Combined Question – PAPER (Mid-Decade Testing)

What is Person 2's race or origin? Mark (X) one or more boxes AND print the specific race(s) and/or origin(s).

White – Print origin(s), for example, German, Irish, English, Italian, Lebanese, Egyptian, and so on. ↴

Hispanic, Latino, or Spanish origin – Print origin(s), for example, Mexican or Mexican American, Puerto Rican, Cuban, Dominican, Salvadoran, Colombian, and so on. ↴

Black or African Am. – Print origin(s), for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somalian, and so on. ↴

Asian – Print origin(s), for example, Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese, and so on. ↴

American Indian or Alaska Native – Print name of enrolled or principal tribe(s), for example, Navajo Nation, Blackfeet Tribe, Muscogee (Creek) Nation, Mayan, Doyon, Native Village of Barrow Inupiat Traditional Government, and so on. ↴

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

Some other race or origin – Print race(s) and/or origin(s). ↴

Refinements to Separate Questions Approach (Hispanic Origin) – PAPER
(Mid-Decade Testing)

Is Person 2 of Hispanic, Latino, or Spanish origin? Mark one or more boxes **AND** print the specific origin(s).

No, not of Hispanic, Latino, or Spanish origin

Yes, Mexican, Mexican Am., Chicano

Yes, Puerto Rican

Yes, Cuban

Yes, another Hispanic, Latino, or Spanish origin — Print origin(s), for example, Salvadoran, Dominican, Guatemalan, Colombian, Spaniard, Ecuadorian, and so on. ↴

Refinements to Separate Questions Approach (Race) – PAPER
(Mid-Decade Testing)

What is Person 2's race? Mark one or more boxes **AND** print the specific race(s) and/or origin(s).

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

Black or African Am. — Print origin(s), for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somali, and so on. ↴

American Indian or Alaska Native — Print name of enrolled or principal tribe(s), for example, Navajo Nation, Blackfeet Tribe, Muscogee (Creek) Nation, Mayan, Doyon, Native Village of Barrow Inupiat Traditional Government, and so on. ↴

<input type="checkbox"/> Asian Indian	<input type="checkbox"/> Japanese	<input type="checkbox"/> Native Hawaiian
<input type="checkbox"/> Chinese	<input type="checkbox"/> Korean	<input type="checkbox"/> Guamanian or Chamorro
<input type="checkbox"/> Filipino	<input type="checkbox"/> Vietnamese	<input type="checkbox"/> Samoan
<input type="checkbox"/> Other Asian — Print origin(s), for example, Pakistani, Cambodian, Hmong, Thai, Laotian, Bangladeshi, and so on. ↴		<input type="checkbox"/> Other Pacific Islander — Print origin(s), for example, Tongan, Fijian, Palauan, Marshallese, Tahitian, Papua New Guinean, and so on. ↴

Some other race — Print race(s) ↴

Combined Question Approach, With Prompts, for Internet Response; 2014 Census Site Test

Combined Question Approach – INTERNET

AN OFFICIAL WEBSITE OF THE UNITED STATES GOVERNMENT

United States[™]
Census
Bureau

2014 Census Test

[Instructions](#) [FAQs](#) [Save and Log Out](#)

What is John Doe's race or origin? Select one or more boxes [\(Help\)](#)

- White — For example, German, Irish, English, Italian, Lebanese, Egyptian, and so on.
- Hispanic, Latino, or Spanish origin — For example, Mexican or Mexican American, Puerto Rican, Cuban, Dominican, Salvadoran, Colombian, and so on.
- Black or African Am. — For example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somali, and so on.
- Asian — For example, Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese, and so on.
- American Indian or Alaska Native — For example, Navajo Nation, Blackfeet Tribe, Muscogee (Creek) Nation, Mayan, Doyon, Native Village of Barrow Inupiat Traditional Government, and so on.
- Native Hawaiian or Other Pacific Islander — For example, Native Hawaiian, Samoan, Guamanian or Chamorro, Tongan, Fijian, Marshallese, and so on.
- Some other race or origin

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Combined Question Approach – INTERNET

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United States[™]
Census
Bureau

2014 Census Test

[Instructions](#) [FAQs](#) [Save and Log Out](#)

You said that John Doe is:

Hispanic, Latino, or Spanish
Black or African Am.

Next, we will collect detailed information for each race or origin listed above.

What is John Doe's **HISPANIC, LATINO, OR SPANISH** origin? — Enter origin(s), for example, Mexican or Mexican American, Puerto Rican, Cuban, Dominican, Salvadoran, Colombian, and so on. [\(Help\)](#)

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Combined Question Approach – INTERNET

AN OFFICIAL WEBSITE OF THE UNITED STATES GOVERNMENT

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Bureau

2014 Census Test

Instructions FAQs Save and Log Out

You said that John Doe is:

Hispanic, Latino, or Spanish
Black or African Am.

What is John Doe's **BLACK OR AFRICAN AM.** origin? — Enter origin(s), for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somalian, and so on. [\(Help\)](#)

AFRO DOMINICANO

Previous Next

Combined Question Approach for Internet Response; 2015 Census Tests

Combined Question Approach – INTERNET

What is JOHN A DOE's race or origin? Select one or more boxes AND enter the specific race(s) or origin(s). [\(Help\)](#)

White – For example, German, Irish, English, Italian, Lebanese, Egyptian, and so on.

Hispanic, Latino, or Spanish origin – For example, Mexican or Mexican American, Puerto Rican, Cuban, Dominican, Salvadoran, Colombian, and so on.

Black or African Am. – For example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somalian, and so on.

Asian – For example, Chinese, Filipino, Asian Indian, Vietnamese, Korean, Japanese and so on.

American Indian or Alaska Native – For example, Navajo Nation, Blackfeet Tribe, Muscogee (Creek) Nation, Mayan, Doyon, Native Village of Barrow Inupiat Traditional Government, and so on.

Native Hawaiian or Other Pacific Islander – For example, Native Hawaiian, Samoan, Guamanian or Chamorro, Tongan, Fijian, Marshallese, and so on.

Some other race or origin

Combined Question Approach for Internet Response; 2015 Census Tests (Continued)

Combined Question Approach – INTERNET

Mark one or more boxes **AND** enter more specific details about your origin(s).

BLACK OR AFRICAN AM.

- African American
 - Jamaican
 - Haitian
 - Nigerian
 - Ethiopian
 - Somali
 - Other (enter below)
- _____

Mark one or more boxes **AND** enter more specific details about your origin(s).

HISPANIC OR LATINO

- Mexican or Mexican America
 - Puerto Rican
 - Cuban
 - Dominican
 - Salvadoran
 - Colombian
 - Other (enter below)
- _____

Mark one or more boxes **AND** enter more specific details about your origin(s).

ASIAN

- Chinese
 - Filipino
 - Asian Indian
 - Vietnamese
 - Korean
 - Japanese
 - Other (enter below)
- _____



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