

## U.S. COMMISSION ON CIVIL RIGHTS

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## COMMISSION BRIEFING:

## RACIAL CATEGORIZATION IN THE 2010 CENSUS

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FRIDAY, APRIL 7, 2006

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The Commission convened in the Dirksen Senate Office Building, Room 226, Washington, D.C., at 9:00 a.m., Abigail Thernstrom, Vice Chairman, presiding.

PRESENT:

ABIGAIL THERNSTROM, Vice Chairman  
 PETER N. KIRSANOW, Commissioner  
 ARLAN D. MELENDEZ, Commissioner  
 MICHAEL YAKI, Commissioner

STAFF PRESENT:

JOHN BLAKELEY  
 RACHELLE BRACEY  
 TERESA BROOKS  
 CHRISTOPHER BYRNES, Attorney Advisor to the Office  
 of the Staff Director  
 PAMELA A. DUNSTON, Chief, Administrative Services  
 and Clearinghouse Division  
 SOCK FOON MACDOUGALL  
 EMMA MONROIG, Solicitor/Parliamentarian  
 EILEEN RUDERT  
 AONGHAS ST. HILAIRE  
 AUDREY WRIGHT

COMMISSIONER ASSISTANTS PRESENT:

CHRISTOPHER JENNINGS  
 LISA NEUDER  
 KIMBERLY SCHULD

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## P-R-O-C-E-E-D-I-N-G-S

(9:09 a.m.)

## INTRODUCTORY REMARKS BY CHAIRMAN

VICE CHAIRMAN THERNSTROM: I don't mean to start out sounding as if it's some kind of unserious business around here, a little bit of laughter around the room, and I very, very much welcome you.

Mr. Connerly, nobody has been able to get hold of. So I think we just assume he's not coming. And we are notably short of our usual members here, and our staff director is also not here. This is very unusual.

And each one of the absent people has a very good excuse for not being here. This is not delinquency or evidence of a lack of interest in this very important topic. I am really personally pleased that we are discussing it.

And, of course, there will be a full

1 record. And I assure you that everybody will be  
2 reading it and then eventually, of course, a written  
3 report on this briefing.

4 So, even though our numbers are a little  
5 short this morning, the eventual product will not  
6 reflect that, nor will we have commissioners  
7 uninformed by your statements this morning.

8 So, on behalf of the Commission, I do  
9 welcome you. And, as you probably know, the  
10 Commission frequently has briefings on important  
11 issues.

12 I want to thank as well the Judiciary  
13 Committee staff, Judiciary Committee and its staff,  
14 for providing us with this venue.

15 This briefing will continue until -- well,  
16 as long as it continues but certainly no later than  
17 noon. Then I think we are going to try to conduct  
18 some of the business meeting since we have some  
19 commissioners who need to leave early, but we will  
20 play that a little bit by ear depending on when the  
21 briefing ends.

22 I would also like -- yes?

23 COMMISSIONER YAKI: Madam Chair, in our  
24 prior discussion, I wanted to just pull one item out  
25 and table it right away. So if we could do that?

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1 VICE CHAIRMAN THERNSTROM: Sure.

2 COMMISSIONER YAKI: I would like to make a  
3 motion that we amend the agenda and take the report  
4 from the briefing on the Native Hawaiian Government  
5 Reorganization Act and table that until the main  
6 meeting.

7 VICE CHAIRMAN THERNSTROM: Do I have a  
8 second on that?

9 COMMISSIONER MELENDEZ: I second that,  
10 Chair.

11 VICE CHAIRMAN THERNSTROM: Okay. All in  
12 favor?

13 (Whereupon, there was a chorus of  
14 "Ayes.")

15 VICE CHAIRMAN THERNSTROM: Anybody  
16 opposed?

17 (No response.)

18 VICE CHAIRMAN THERNSTROM: It is carried  
19 unanimously. So that item is now postponed. We will  
20 not discuss it at all today.

21 COMMISSIONER YAKI: Thank you, Madam  
22 Chair.

23 VICE CHAIRMAN THERNSTROM: Two other short  
24 announcements. One, I do want to say to the  
25 Commission staff that I understand from the staff

1 director they have done a magnificent job in his  
2 absence. And I very much appreciate the staff members  
3 who have made that possible.

4 Do I understand -- I have got my reading  
5 glasses on. So that I can't see. Well, do I  
6 understand that Ward Connerly has arrived? He is  
7 printing something out. Ward Connerly will join us.

8 I also want to mention that the Commission  
9 recently issued an important set of findings and  
10 recommendations on a briefing we held in November. It  
11 was a briefing on campus anti-semitism, which we  
12 regarded as a serious problem.

13 And the findings and recommendations which  
14 were approved by the Commission on a four-one vote, we  
15 believe, those of us who voted for it, we believe,  
16 represents an important contribution towards  
17 addressing a major issue on campuses involving higher  
18 education that has not received sufficient attention.

19 Copies of the Commission's findings and  
20 recommendations are available for anybody who is  
21 interested in them.

22 And I very much welcome Ward Connerly, my  
23 old friend. So delighted that you made it. We  
24 thought for a minute, for a few minutes that you were  
25 not going to do so.

1           So let's get going on this panel of  
2 experts before us who will advise the Commission  
3 concerning the legal and policy implications of the  
4 racial categories that will be used in the 2010  
5 census.

6           Office of Management and Budget  
7 established in 1997 revised standards for the  
8 classification of racial data. Census Bureau  
9 administered the 2000 census based on those standards,  
10 which included five racial categories, black, white,  
11 American Indian or Alaska Native, Asian, and Native  
12 Hawaiian or Pacific Islander, and a separate ethnicity  
13 question as well as allowing respondents to check more  
14 than one selection to indicate a multiracial identity.

15           OMB later provided rules for federal  
16 agencies using the responses for civil rights  
17 compliance and monitoring, general program  
18 administrative and grant reporting, and statistical  
19 reporting.

20           The experts testifying at this briefing  
21 will address the following issues: one, the  
22 usefulness of current racial categories in the census  
23 2010; two, the usefulness of alternative or no racial  
24 categories on census 2010; and, three, the legal  
25 policies, policy implications, of OMB guidance to

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1 federal agencies on allocation of multiple race  
2 responses.

3 We have before us this morning, are very  
4 pleased to have before us this morning, four true  
5 experts on various aspects of racial categorization.  
6 First, we have in a separate presentation the director  
7 of the Census Bureau, Charles Louis Kincannon. I  
8 understand, though it's written out Charles Kincannon,  
9 he calls himself Louis.

10 Then there will be a panel of three  
11 experts on various aspects of the issue: Sharon Lee,  
12 Kenneth Prewitt, and Ward Connerly. Again, I welcome  
13 all of you on behalf of the Commission. I will  
14 introduce everyone, describe your activities, and call  
15 on you according to the order you have been given for  
16 the record.

17 Charles Louis Kincannon, Director of the  
18 Census Bureau, began his career as a statistician at  
19 the U.S. Census Bureau in 1963, after graduating from  
20 the University of Texas at Austin, held positions of  
21 increasing responsibility in the economic,  
22 demographic, and administrative areas of the Census  
23 Bureau before leaving in September 1975 during the  
24 Ford administration to join the staff of the Office of  
25 Management and Budget, where he worked on statistical

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1 and regulatory policy.

2 He also served as the statistical liaison  
3 to Vice President Nelson Rockefeller's office -- I  
4 think only I at this panel go back that far  
5 remembering that era perfectly well -- and provided  
6 administrative leadership that supported the  
7 successful implementation of the first Paperwork  
8 Reduction Act of 1980.

9 Mr. Kincannon returned to the Census  
10 Bureau in September 1981, appointed Deputy Director  
11 and Chief Operating Officer in January '92 by  
12 President Reagan's first Director of the Census  
13 Bureau, Bruce Chapman; served as Deputy Director to  
14 John G. Keane in the Reagan administration and Barbara  
15 Everett Bryant in the George H. Bush administration;  
16 also served as Acting Director from July 1983 to March  
17 1984 and again from January to December 1989.

18 During that time, he directed the final  
19 preparations for the 1990 census. Throughout his  
20 tenure with the federal government, Mr. Kincannon  
21 received several awards recognizing his contributions,  
22 including the presidential rank award of meritorious  
23 service and the Department of Commerce Gold Award.

24 In October 1992, Mr. Kincannon was  
25 appointed as the first chief statistician in the



1 Organization for Economic Cooperation and Development,  
2 OECD, in Paris, where he coordinated the  
3 organization's statistical programs and advised the  
4 OECD Secretary General on statistical policy.

5 He attended the University of Texas at  
6 Austin, did postgraduate work at the George Washington  
7 University, Georgetown University, and the University  
8 of Maryland.

9 And I am going to break with the materials  
10 I have been given and ask since you are speaking  
11 separately from the other three panelists, ask you to  
12 speak and then introduce the other three because they  
13 then -- yours is a separate session, as I understand  
14 the organization here. And then the other three  
15 speakers come along.

16 So, rather than running through all of  
17 these words on everybody else, why don't we have you,  
18 Mr. Kincannon, start? And I will introduce the other  
19 speakers after you.

20 DR. KINCANNON: Thank you, Madam Chair.

21 I don't know quite why I am separate, but  
22 I will --

23 VICE CHAIRMAN THERNSTROM: I don't know  
24 either. I didn't --

25 COMMISSIONER YAKI: You have the word

1 "Director" beside your name. I think that gives you -

2 -

3 DR. KINCANNON: Well, these are also my  
4 colleagues of longstanding in several instances.

5 VICE CHAIRMAN THERNSTROM: They're not  
6 going to be short-shrifted.

7 DR. KINCANNON: Okay. Good, good. I want  
8 them to have all of their history.

9 VICE CHAIRMAN THERNSTROM: I promise. I  
10 promise they will. I just wanted to liven it up a  
11 little bit by interrupting these descriptions of  
12 people with some substance on the topic.

13 DR. KINCANNON: Thank you, Madam Chair.

14 **SPEAKERS' PRESENTATIONS**

15 DR. KINCANNON: Good morning. And thank  
16 you for this opportunity to discuss the racial  
17 categorization in the 2010 census.

18 Race is a part of the American identity.  
19 It is a part of our ongoing effort to describe  
20 ourselves as a nation and to achieve the promise made  
21 at the beginning when the framers wrote "We, the  
22 people."

23 The history of race classification is also  
24 an instructive lesson in American history telling how  
25 we became the most uniquely diverse nation in the

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1 world. Race classification reveals how we became the  
2 nation of immigrants that we are. The 2010 census is  
3 another chapter in this history, and it is part of our  
4 ongoing effort to describe ourselves.

5 The 2010 census also reveals the evolution  
6 of race classification. Beginning in 1790, the census  
7 implicitly recognized three race categories: white,  
8 black, and Indian. These categories reflected the  
9 political realities of slavery and of first  
10 inhabitants.

11 It is worth noting that while this  
12 classification was originally used as a means of  
13 maintaining the parameters of the three-fifths  
14 compromise, by 1850, it revealed the expansion of our  
15 frontiers and exposed the truth that slavery had to  
16 come to an end.

17 With the Fourteenth Amendment, the census  
18 clause was amended. And the census became a true  
19 count of every person. By 1890, several new race  
20 classifications emerged, acknowledging the presence of  
21 Asian immigrants from China and Japan.

22 Throughout the Twentieth Century, race  
23 classification continued to evolve, to include  
24 Filipino, Aleut, Hawaiian, and other categories. In  
25 1970, a separate question for Hispanic origin was

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1 added to the questionnaire as part of the long form  
2 sample, the extended questionnaire of population and  
3 housing characteristics obtained from approximately  
4 one in every six households. This question has been  
5 included ever since as part of the census short form,  
6 the questions answered by every household.

7 Also, since 1970, the census has relied on  
8 self-identification in its procedures. Now race  
9 reflects what individuals have chosen and not  
10 enumerator observations, as with earlier censuses.

11 The present race and Hispanic origin  
12 categories options descended from the Department of  
13 Management and Budget statistical policy directive  
14 number 15 issued in 1978.

15 These are the federal standards that  
16 govern the collection tabulation and presentation of  
17 race and ethnic data for government programs. At that  
18 time, OMB identified four separate race categories,  
19 including white, black, American Indian or Alaska  
20 Native, and Asian or Pacific Islander, as well as  
21 Hispanic as an ethnicity.

22 Within each of these categories, the  
23 census has traditionally presented examples, check  
24 boxes, within each category. For example, the Asian  
25 category includes check boxes for Chinese, Japanese,

1 Korean, and Vietnamese.

2 In addition, the census also offers the  
3 option of some other race as a category. This  
4 category does not exist for most federal programs but  
5 is increasingly popular, especially among the Latino  
6 community who do not identify with any of the  
7 traditional race categories.

8 In 1997, OMB issued substantial revisions  
9 to statistical policy directive number 15, as the  
10 Chair mentioned. These changes were implemented with  
11 the census in 2000, which is the parent of the  
12 present-day census questions.

13 The OMB revisions split the Asian/Pacific  
14 Islander category to give us five separate race  
15 categories: white, black or African American,  
16 American Indian and Alaska Native, Asian, and Native  
17 Hawaiian or Pacific Islander. Hispanic origin remains  
18 a separate category and is asked for a separate  
19 question that precedes the race question.

20 These revisions also allow for the  
21 collection of data on people with two or more races,  
22 meaning that someone can choose to identify as white  
23 and African American or American Indian and Asian or  
24 as well as any other combination.

25 For purposes of civil rights enforcement

1 and monitoring, nine race groups were identified,  
2 including the five basic groups as well as four most  
3 frequently reported double race groups, which include  
4 white and black or African American, white and  
5 American Indian or Alaska native, white and Asian, and  
6 black or African American and American Indian or  
7 Alaska Native. There are now hundreds of race,  
8 Hispanic origin combinations possible.

9 The Census Bureau implemented these  
10 changes in census 2000. And the results of the census  
11 indicate that the challenge is of the 2010 census, as  
12 previously mentioned, an increasing number of people  
13 choose to identify as some other race. Both the  
14 number and proportion of people reporting some other  
15 race as a single race increased from approximately 7  
16 million in 1980 to over 15 million in 2000.

17 Some other race is the third largest race  
18 group in the United States according to census  
19 results. This is a challenge because many federal  
20 programs do not include some other race. Neither do  
21 many household surveys conducted by the Census Bureau  
22 for other federal agencies.

23 The Census Bureau initially intended to  
24 drop the "some other race" category for 2010, but we  
25 received congressional guidance as part of the 2005

1 appropriations that we must include this option for  
2 2010, and we shall.

3 For 2000, those who identified some other  
4 race alone, 97 percent were Hispanic or Latino. In  
5 fact, 42 percent of the Hispanic population that  
6 identified a race indicated some other race. Forty-  
7 six percent indicated that they were white. But many  
8 Hispanics did not answer the race question.

9 In census 2000, the Census Bureau asked  
10 Hispanic origin before the race question in an effort  
11 to get better data for the Hispanic population. We  
12 did get higher reporting for Hispanics than in 1990,  
13 but we did not capture the detailed Hispanic origin  
14 groups, such as Mexican, Puerto Rican, or Cuban, as  
15 well as in the 1990 census.

16 With these results in mind, the Census  
17 Bureau has worked for the past several years to  
18 improve the race, Hispanic origin questions for the  
19 2010 census. The 2010 census will be conducted using  
20 the 1997 official OMB guidance.

21 We have conducted a series of tests,  
22 starting with comp. tent tests in 2003, in an attempt  
23 to improve the questions. We have conducted test  
24 censuses in 2004 and are now conducting test censuses  
25 in Austin, Texas and the Cheyenne River Reservation in

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1 South Dakota this year. These tests are operationally  
2 focused, but they offer important opportunities to  
3 observe and evaluate content as well.

4 An important content test was conducted in  
5 2005 as part of the national census test, a test that  
6 included multiple panels. This test examined the need  
7 for examples for the Hispanic origin and race  
8 question. We are currently evaluating these results.  
9 And evaluations will be available later this year.

10 Throughout these tests, we have been  
11 mindful of several emerging challenges, including the  
12 increasing concerns about privacy and confidentiality  
13 of the data as well as the production of small area  
14 data for certain population groups. These concerns  
15 must be balanced with the increasing interest to  
16 obtain detailed information about the diversity of our  
17 country.

18 The 2010 census will also be the short  
19 form-only census -- well, if you don't count 1790 --  
20 that it will be conducted in connection with the  
21 American community survey, which will provide the  
22 information of greater detail on the population's  
23 characteristics.

24 We will have a limited amount of space on  
25 the actual 2010 form. We must carefully choose and



1 test any wording or additional examples used on the  
2 form.

3 To that end, we have tested whether we can  
4 reduce the number of check boxes for the major race  
5 categories on the forms and provide simple "Yes"/"No"  
6 responses for the Hispanic origin question.

7 We are also testing whether to include a  
8 separate tribal enrollment question for the American  
9 Indian and Alaska Native group.

10 Finally, we are testing whether we should  
11 include a modified ancestry question to elicit  
12 specific race and Hispanic origin groups as well as  
13 other ancestries, such as German, French, or Scotch  
14 Irish.

15 The results of the 2005 national census  
16 test will be available later this years. And this  
17 will be an opportunity for the Census Bureau and  
18 stakeholders to discuss the implications of question  
19 wording on the data. This opportunity is an important  
20 feature of the 2010 census planning effort, a much  
21 more systematic and expanded effort than in the past.

22 We have been fortunate throughout this  
23 decade to receive the necessary support from the  
24 administration and from Congress to conduct these  
25 tests as well as other research and planning

1 activities. We have been given the opportunity to  
2 truly test different options.

3 And this is not limited to Hispanic origin  
4 and race questions. We're also testing other content  
5 issuance as well as improvements in the processes of  
6 the Census Bureau for the census, including the use of  
7 bilingual questionnaires in targeted areas, the use of  
8 mobile computing devices for field data collection,  
9 and other long-sought coverage improvement efforts.

10 This testing is crucial to the test of the  
11 census because it will allow us to learn what can be  
12 accomplished successfully and what is operationally  
13 feasible; in short, what will work.

14 Another equally important part of the  
15 testing program is to learn what will not work. In  
16 fact, in many ways, this may be more important.  
17 Knowing what not to do means we can focus our efforts  
18 at what we can do well. Accurate data is the ultimate  
19 goal of the census to not only help tell the story of  
20 our people, but they ensure that the promises of  
21 nations can be kept.

22 Thank you for your patience. I will be  
23 pleased to answer your questions.

24 VICE CHAIRMAN THERNSTROM: I think we will  
25 hold all questions until the end because I think

1 commissioners probably will have questions that will  
2 be directed at several of you at once. And we can get  
3 a robust discussion going at that time.

4 COMMISSIONER YAKI: I just want to make  
5 one comment, though, --

6 VICE CHAIRMAN THERNSTROM: Yes?

7 COMMISSIONER YAKI: -- which is that you  
8 can tell this man is a pro. He ended at exactly one  
9 second left on the timer.

10 VICE CHAIRMAN THERNSTROM: Commissioner  
11 Yaki, I made the same observation myself. And can I  
12 add he set a standard for the other speakers?

13 Sharon M. Lee is professor and Director of  
14 Graduate Studies at the Department of Sociology,  
15 Portland State University. Her research focuses on  
16 social demography, immigration, immigrant experiences,  
17 race and ethnicity, particularly measurement issues,  
18 Asian Americans, and intermarriage, and language and  
19 cultural diversity, and health care.

20 She recently completed a study of the  
21 effects of interpreter services on limited English  
22 proficient patients, health care use, and is currently  
23 studying how cultural differences influence foreign-  
24 born, Chinese, Filipino, Vietnamese, women's health  
25 attitudes, police behaviors and experiences.

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1 She represents the Population Association  
2 of America on the Census Advisory Committee of  
3 Professional Associations and is a member of the  
4 American Sociological Association's task force on race  
5 statement, the steering committee of the scholars'  
6 network of -- I'm going to get this wrong because my  
7 Spanish is nonexistent -- Hablamos Juntos, a Robert  
8 Wood Johnson Foundation funded initiative to improve  
9 patient-provider communication among Spanish-speaking  
10 patients and the Office of Minority Health Advisory  
11 Committee for its pilot project on culturally and  
12 linguistically appropriate service, CLAS in health  
13 care.

14 Kenneth Prewitt, Carnegie professor of  
15 public affairs at Columbia University. Mr. Prewitt's  
16 research includes the use of ethnoracial  
17 classification in national statistics and the recent  
18 changes the classification has undergone.

19 He serves on many professional advisory  
20 committees and is currently most active on the  
21 Committee on National Statistics of the National  
22 Research Council.

23 His publications include *Politics and*  
24 *Science and Census Taking, 2003, Introduction to*  
25 *American Government, Sixth Edition, in 1991; and The*

1        *U.S. Decennial Census: Political Questions,*  
2        *Scientific Answers, Population and Development Review.*

3        He has authored or co-authored a dozen books, more  
4        than 100 articles and book chapters..

5                    Mr. Prewitt also has had a long  
6        professional career outside the classroom. I should  
7        say Professor Prewitt also had a long professional  
8        career outside the classroom as Director of the U.S.  
9        Census Bureau from 1998 to 2001, Director of the  
10       National Opinion Research Center, President of the  
11       Social Science Research Council, and Senior Vice  
12       President of the Rockefeller Foundation.

13                   He is a fellow of the American Academy of  
14       Arts and Sciences, the American Academy of Political  
15       and Social Science, the American Association for the  
16       Advancement of Science, and the Center for the Advance  
17       Study in the Behavioral Science.

18                   Other awards include honorary degrees from  
19       Carnegie-Mellon University and Southern Methodist  
20       University. In 1990, he was awarded the Officer's  
21       Cross of the Order of Merit from the Federal Republic  
22       of Germany.

23                   He earned his B.A. from Southern Methodist  
24       University in 1958. He received an M.A. from  
25       Washington University in 1959, attended the Harvard

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1 Divinity School in 1960 as a Danforth fellow.

2 In 1963, he earned his Ph.D. in political  
3 science from Stanford University. From 1965 to 1982,  
4 he taught at the University of Chicago as an  
5 assistant, associate, and then full professor.

6 His other academic appointments include  
7 the Dean of the Graduate Faculty at the New York New  
8 School University and faculty positions at Stanford  
9 University, Washington University, the University of  
10 Nairobi, and Makerere University in Uganda. Thank you  
11 for being with us, Mr. Prewitt.

12 And Ward Connerly, Chairman of the  
13 American Civil Rights Institute, which is a national  
14 not-for-profit organization aimed at educating the  
15 public about the need to, as ICR describes it, move  
16 beyond racial and gender preferences.

17 Mr. Connerly has gained national attention  
18 as an outspoken advocate of equal opportunity for all  
19 Americans, regardless of race, sex, or ethnic  
20 background. As a member of the University of  
21 California Board of Regents, Mr. Connerly focused the  
22 attention of the nation on the university's race-based  
23 system of preferences in its admissions policy.

24 On July 20th, 1995, following Mr.  
25 Connerly's lead, a majority of the regents voted to

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1 end the university's use of race as a means for  
2 admissions.

3 He was appointed to a 12-years term as US  
4 regent in 1993. In 1995, Mr. Connerly accepted the  
5 chairmanship of the California Civil Rights  
6 Initiative, which was prop. 209 campaign.

7 Under his leadership, the campaign  
8 successfully obtained more than a million signatures  
9 qualified for the November '96 ballot. And California  
10 voters passed prop. 209 by a 55 percent to 45 percent  
11 margin.

12 Mr. Connerly's efforts have led to several  
13 honors and awards from supporters around the nation;  
14 including the Patrick Henry Award in 1995 from the  
15 Center for the Study of Popular Culture and Individual  
16 Rights; the National Columbia Award in 1996 from the  
17 Washington Institute for Public Policy Studies; the  
18 Lincoln Award for Leadership in 1997 from the  
19 Independent Women's Forum; the Courage in Leadership  
20 Award, 1997 from Black America's Political Action  
21 Committee; Lieutenant General Edward J. Bronars  
22 Defender of Freedom Award in 1997 from the Freedom  
23 Alliance; the Spirit of Lincoln Award in 1998 from the  
24 Log Cabin Republicans; State Achievement Award from  
25 the Conservative Political Action Conference that same

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1 year; the Thomas Jefferson Award that same year from  
2 the Council for National Policy; also in '98 the  
3 Ronald Reagan Award from the California Republican  
4 Party; the Racial Harmony Hall of Fame Award in 2000  
5 from A Place for Us; the Black Students Association  
6 Award from the University of Tennessee in Chattanooga  
7 in 2001; and the Individual Freedom Award from the  
8 Sovereign Fund that same year.

9 Mr. Connerly has been profiled on Sixty  
10 Minutes, the cover of Parade Magazine, the New York  
11 Times, Wall Street Journal, Newsweek Magazine,  
12 virtually every other news magazine in America.

13 He's also appeared on the News Hour with  
14 Jim Lehrer, Crossfire, Firing Line, Hannity and  
15 Colmes, the Crier Report, Meet the Press, Rivera Live,  
16 Dateline, Politically Incorrect, NBC Nightly News,  
17 CNN, and C-SPAN.

18 He is the President and Chief Executive  
19 Officer of Connerly and Associates, a Sacramento-based  
20 association, management, and land development  
21 consulting firm founded in 1973 by Mr. Connerly and  
22 his wife, Ilene.

23 He is regarded as one of the housing  
24 industry's top experts, possessing a comprehensive  
25 knowledge of housing and development issues. He has

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1 been inducted as a lifetime member into the California  
2 Building Industry Hall of Fame. Mr. Connerly is  
3 currently a member of the Rotary Club of Sacramento.

4 I thank you as well as, again, everyone  
5 else for being here. And I believe, Ms Lee, you have  
6 got the floor for ten minutes.

7 DR. LEE: Thank you, Madam Chairman.

8 Good morning, everyone. Thank you for the  
9 opportunity to offer a presentation for the U.S.  
10 Commission on Civil Rights' briefing on racial  
11 categorization in the 2010 census.

12 I have a longstanding interest in racial  
13 categories of the U.S. census having worked and  
14 published on this topic for over 15 years. My  
15 comments this morning reflect my perspective as a  
16 social demographer and sociologist who has used  
17 census-based data extensively to study racial and  
18 ethnic issues in the United States and my experience  
19 for the last six years as an adviser under the U.S.  
20 Census Bureau's Advisory Committee of Professional  
21 Associations.

22 Here is an outline of my presentation. I  
23 am going to begin with a brief history of racial  
24 statistics in the census. The U.S. has a long history  
25 of collecting racial statistics. In this history, the

1 U.S. census plays a key role as both collector and  
2 disseminator of racial statistics for the nation.

3 For much of this history, racial  
4 statistics functioned to maintain a social order and  
5 policies that excluded non-white groups from civil and  
6 political rights. Anti-miscegenation even extended  
7 race-based policies into the private personal sphere  
8 of marriage.

9 The era of civil rights dramatically  
10 changed the role of racial statistics. Racial  
11 statistics were used to document racial  
12 discrimination, leading to new laws and policies to  
13 address systemic racial inequalities.

14 In their contrasting roles as maintained  
15 or redress of racial inequality, racial statistics  
16 shed a similar fundamental premise. That is, the  
17 population can be categorized into distinct, separate,  
18 mutually exclusive groups.

19 The number and labels of these racial  
20 categories in a census may and do change from census  
21 to census, as I and others have noted. But the  
22 statistical protocol was constant. Each resident of  
23 the U.S. was assigned to one race in the census; that  
24 is, until the 2000 census.

25 Now turning to the 2000 census, the U.S.

1 population has grown and changed dramatically since  
2 the first census of 1790. How the census categorizes  
3 and counts the U.S. population by race has also  
4 changed.

5 Almost every census for the past 200 years  
6 has collected racial data differently than the one  
7 before it. This is a key point to bear in mind  
8 because the argument of consistent racial categories  
9 across censuses is not a valid argument against future  
10 changes in census racial categories.

11 There were two significant features of the  
12 2000 census that I believe are instructive for today's  
13 briefing. The first was the change to allow Americans  
14 to report more than one race in response to the  
15 growing population of multiracial Americans.

16 Second was the inclusion of a sixth racial  
17 category, "some other race," on the census form with  
18 OMB's approval. This was intended to reduce non-  
19 response to the race question by Hispanics,  
20 particularly Hispanics of Mexican origin, who are  
21 among the largest groups of immigrants in recent years  
22 and who do not identify with existing racial  
23 categories.

24 Interracial unions and immigration have  
25 continued into the Twenty-First Century, with

1 important consequences for the future racial  
2 composition of the U.S. population.

3 In addition, despite civil rights  
4 legislation and substantial progress in reducing  
5 racial inequalities in the U.S., evidence of racial  
6 disparities in many areas, including health and health  
7 care, education, employment, and poverty persist.

8 The growth of the Hispanic population has  
9 also highlighted gaps between some Hispanic groups and  
10 the non-Hispanic white majority on many indicators of  
11 social well-being.

12 Therefore, there are compelling reasons  
13 for the federal government to continue to collect  
14 racial statistics and for the census to continue with  
15 this key role in this process.

16 Now, looking ahead to the 2010 census, in  
17 the remainder of my comments, I focus on two specific  
18 aspects of this issue: first, a possible redesigning  
19 of the race question for the 2010 census; and, second,  
20 potential impacts of how the 2010 census is conducted  
21 on the quality of racial statistics.

22 A number of researchers, including myself,  
23 believe that a single redesigned census question on  
24 race and Hispanic origin has several advantages over  
25 the current two-question format used in the 2000

1 census.

2           You can see from exhibit A the four main  
3 features of exhibit A. First, the race and Hispanic  
4 questions have been combined. Second, the lead-in  
5 question does not specify race or ethnicity. Third,  
6 it allows reporting of multiple responses. And,  
7 fourth, it includes the category "some other race." I  
8 will briefly expand on each of these four features.

9           Researchers commonly make Hispanic a co-  
10 equal category with racial categories such as white,  
11 black, or Asian. Merging the race and Hispanic  
12 questions and making Hispanic a co-equal category with  
13 the other categories has additional advantages.

14           It more accurately reflects how some  
15 Hispanics view themselves, particularly the largest  
16 Hispanic group, Mexican Hispanics, who do not identify  
17 with OMB's five official racial categories.

18           Merging the two questions may lower non-  
19 response rates. And data from the single question  
20 will be just as, if not more, effective for civil  
21 rights compliance and monitoring.

22           Second, given the option of Hispanic as a  
23 co-equal category, the lead-in question need not refer  
24 to either race or Hispanic ethnicity.

25           This question format is not new. For

1 example, the 1980 census, the lead-in to the question  
2 on race did not refer to race and read "Is this  
3 person?"

4 This question format has the additional  
5 advantage of eliminating the current distinction  
6 between race and ethnicity where ethnicity is limited  
7 to Hispanic or non-Hispanic.

8 The third feature, the change to allow  
9 reporting more than one race in the 2000 census was  
10 the right change in response to demographic and social  
11 reality. The 2010 census should continue to allow  
12 more than one race and instruct responders to select  
13 all that apply.

14 Finally, the inclusion of some other race  
15 complies with legislation passed by Congress last  
16 November and will offer an additional choice for many  
17 groups, such as Mexicans, Puerto Ricans, North  
18 Africans, Brazilians, and others, who do not identify  
19 with the current five official OMB races.

20 I will now turn to the third part,  
21 actually, the last part of my presentation, which is  
22 the impact of data collection methods. The census has  
23 been conducted in many ways. Prior to the 1970  
24 census, census enumerators visited each household and  
25 determined a person's race in the personal interview

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1 and based on observation.

2 The 1970 census form was designed to be  
3 completed by respondents, rather than an enumerator.  
4 So respondents chose their race from the categories  
5 listed on the form. Beginning with the 1980 census,  
6 responses to the race question were based primarily on  
7 self-identification.

8 In step with new technologies, I believe  
9 that the Census Bureau had initially planned to use  
10 the internet in its data collection for the 2010  
11 census. Households may be answering the census form  
12 via the internet or other media. But I understand  
13 that these plans are now temporarily put on hold  
14 because of financial constraints.

15 It is well-known that the mode of  
16 administering surveys can affect both response rate  
17 and content of responses. Many researchers have  
18 reported the responses to questions about race and  
19 ethnicity are particularly susceptible to such  
20 situational and contextual effects.

21 I, therefore, urge that if the Census  
22 Bureau should be using the internet or other modes of  
23 media to collect data for the 2010 census, that the  
24 Census Bureau should conduct testing across modes of  
25 data collection to evaluate the potential effects on

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1 response rates and quality of data. The introduction  
2 of internet census operations will be something new  
3 and needs careful testing and monitoring if it does  
4 happen.

5 To conclude, I am mindful that any  
6 recommendation for redesigning the race question and  
7 racial categories in the census is likely to be  
8 controversial. However, as I noted earlier, such  
9 change has commonly occurred in the past. And there  
10 is no good reason for such change not to happen in the  
11 future.

12 It is a challenge to meet scientific and  
13 statistical standards of data quality and coverage;  
14 fulfill legislative, programmatic, and administrative  
15 requirements of the federal government; and satisfy  
16 other advocacy and interest groups all at the same  
17 time. So it is a very difficult balancing act.

18 However, as long as there are compelling  
19 reasons to continue to collect racial data, there  
20 should be continuing efforts to improve how the census  
21 does this.

22 Thank you for listening. And I will be  
23 very happy to answer questions later on.

24 VICE CHAIRMAN THERNSTROM: Professor  
25 Prewitt?



1 DR. PREWITT: Thank you for this  
2 opportunity.

3 VICE CHAIRMAN THERNSTROM: And thank you  
4 for your economy as well. Go ahead. I'm sorry.

5 DR. PREWITT: I believe that the racial  
6 categorization used in the 2000 census has  
7 deficiencies that make it poorly matched to the public  
8 policy challenges it should be helping our society to  
9 address.

10 Modifications in question format for the  
11 2010 census that offer a better match are feasible and  
12 should be introduced and in my judgment are not  
13 precluded by the standards issued by OMB in '97.

14 The current system is unstable: the  
15 blurring of racial boundaries through intermarriage;  
16 the introduction of the multiple-race option in  
17 official statistics; multiculturalism as a way to  
18 describe the society and ever prescribe its proper  
19 feature; increased use of census categories in the  
20 quest to assert group identities; the rhetorical and  
21 even legal references to diversity as a goal in  
22 education and employment, largely displacing the  
23 vocabulary of social justice; the very real increase  
24 in demographic diversity resulting from a million or  
25 more new immigrants each year coming from every region

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1 in the world; the growth of the Latino population,  
2 which in federal statistics has now been emphasized as  
3 counted as an ethnic group, though in many other  
4 venues as a race group; the human genome project,  
5 which, at least in health statistics, reintroduces the  
6 issue of whether race is biologically real in ways  
7 that might have policy consequences; using DNA testing  
8 as a fashionable way to uncover individual ancestry;  
9 and, of course, as we will hear in a moment, political  
10 effort to eliminate race and ethnicity from the  
11 statistical system altogether. It is a chaotic  
12 situation. The government should provide a clear  
13 answer to a simple question.

14 What purposes should guide official race  
15 and ethnic statistics? Many of the problems with the  
16 present categories emerge from a failure to address  
17 this prior question.

18 My answer, the primary purpose is to  
19 inform the government and the society if there are  
20 population groups that continue to suffer from past  
21 discrimination or are today being discriminated  
22 against in ways that fall within the scope of anti-  
23 discrimination policies.

24 The secondary purpose is to provide a  
25 portrait of the society in order to learn whether the

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1 nation is achieving its announced goal of moving  
2 beyond the dismal legacy of racism.

3 To sharpen my point, it is not the task of  
4 the federal government to collect statistics so that  
5 one population group can assert that it is larger than  
6 or growing more rapidly than another population group.

7 It is not the task of the federal  
8 government to collect statistics so that population  
9 groups can embrace their identity. It is not the task  
10 of the federal government to collect statistics that  
11 measure diversity unless that term is subjected to an  
12 analytic rigor that is thus far absent in public  
13 discourse and in Supreme Court rulings.

14 With this in mind, the 2010 question that  
15 is with these purposes in mind, the primary purpose is  
16 to inform the government whether there is and  
17 continues to be discrimination.

18 I recommend a two-question format for the  
19 2010 census that differs in significant ways from the  
20 format used in 2000. The first step is to discard the  
21 distinction between race and ethnicity and in the  
22 process move away from the term "race" altogether.

23 I recommend the following question, "What  
24 is this person's population group? Mark one or more  
25 of the groups to indicate what this person considers

1 himself or herself to be." I then would list  
2 "American Indian or Alaska Native; Asian; black,  
3 African American; Native Hawaiian and Pacific  
4 Islander; Spanish, Hispanic, Latino; and white"; that  
5 is, the five primary race categories plus including  
6 Hispanic, Spanish, Latino as a category in a merged  
7 question.

8 This merged question format jettisons the  
9 conceptually and methodologically flawed distinction  
10 between race and ethnicity. It also gets rid of the  
11 word "race," a term that reaches back to a thoroughly  
12 discredited Eighteenth Century science that took  
13 physiological markers as indicative of moral worth and  
14 intellectual ability.

15 The government does not have to use the  
16 term "race" -- it did not appear in the 1980 question,  
17 but it is used six times in the 2000 question -- any  
18 more than it has to use the term "ethnicity" to count  
19 Hispanics. That term does not appear on the 2000  
20 census form.

21 If this wording is thought by some, as it  
22 is, as too radical, then I would urge that the stem of  
23 the question simply read, "What is this person's race  
24 or ethnic group?" and again repeating all five plus  
25 Hispanic as one list.

1           Each of these versions would minimally  
2           disrupt statistical series. "Mark one or more" is  
3           retained. The government can still enforce the Voting  
4           Rights Act and the civil rights laws that center on  
5           the 1977 classification.

6           Data quality would be improved, especially  
7           for millions of Hispanic residents, respondents who  
8           now select the merely meaningless "some other race"  
9           category. The merged format eliminates the awkward  
10          "non-Hispanic white" category that now appears in the  
11          statistical record, government reports, the media,  
12          academic research. And it would deny the nonsense  
13          that there are only two ethnic groups in America:  
14          Hispanic and non-Hispanic. It would reduce, I  
15          believe, non-response to the race question.

16          This question format would no doubt result  
17          in marginally different counts than with the 2000  
18          question format, though in which direction is  
19          difficult to anticipate. But there is no statistical  
20          or scientific reason to assert that the 2000 format  
21          produces a more accurate enumeration of the nation's  
22          population groups than one produced by the format I  
23          propose for 2010.

24          This merged question should be paired with  
25          a second open-ended question designed to allow

1 respondents to describe themselves outside the forced  
2 choice of the six-category question.

3           What is this person's ancestry,  
4 nationality, ethnic origin, or tribal affiliation?  
5 Details of the sort provided by the open-ended  
6 question permit tracking discrimination in ways not  
7 now possible and permit more focused anti-  
8 discrimination policy when specific groups, some  
9 recent immigrant groups, for example, experienced  
10 discriminatory barriers to job, schooling, or home  
11 ownership, barriers that a nation committed to a  
12 policy of inclusiveness is obliged to remove.

13           There remain strong reasons for official  
14 statistics that can detect patterns of discrimination  
15 and our classification scheme needs to catch up with  
16 the ways in which discrimination occurs across a very  
17 diverse population.

18           Categories as broad as Asian do not  
19 capture the different life chances of, for example,  
20 Japanese Americans or Southeast Asians and with  
21 respect to the Hispanic category, the different life  
22 chances of Cuban Americans and Mexican Americans.

23           I would urge that this question -- it's  
24 now, of course, being pretested, as the director has  
25 just said, by the Census Bureau -- I would urge that

1 it be on the American community survey only and not on  
2 the short form for reasons unrelated to the agenda of  
3 this particular Commission. But, nevertheless, I feel  
4 very strongly that the Commission might consider such  
5 a question and where its proper location would be.

6 Many thoughtful Americans, certainly  
7 including myself, wish that anti-discrimination law  
8 were not necessary. We wish that we lived in a  
9 society that is truly colorblind. But if we are to  
10 create that society, we need to know what is happening  
11 to various population groups across the country.

12 America endorses the goal of eliminating  
13 discrimination and will, I believe, continue to  
14 support statistics robust enough to determine whether  
15 groups historically excluded are overcoming the legacy  
16 of slavery and racist government policies and to  
17 indicate whether more recently arrived groups are  
18 being unfairly held back or penalized by virtue of  
19 their country of origin or related arbitrary group  
20 characteristics.

21 More than two centuries after the  
22 Constitution started the nation down the road of  
23 racial classification, there remain compelling reasons  
24 to continue such measurement. It follows that the  
25 government should state clearly what those reasons are

1 and then design the most policy-relevant  
2 classification feasible. On moral and methodological  
3 grounds, the categories used in census 2000 should be  
4 improved for the 2010 census.

5 Thank you.

6 VICE CHAIRMAN THERNSTROM: Thank you very  
7 much.

8 Last, but not least, Ward Connerly.

9 DR. CONNERLY: Thank you, Madam Chair,  
10 members of the Commission. I appreciate the  
11 opportunity of sharing the views of the American Civil  
12 Rights Institute with regard to the topic that you are  
13 considering.

14 The perspective I share is also informed  
15 by a 12-year sentence as a member of the Board of  
16 Regents of the University of California, an experience  
17 that happily and mercifully ended roughly a year ago.

18 Classifying and subdividing the American  
19 people into what amounts to five food groups, Asian,  
20 black, Hispanic, Native American, and white, is a  
21 process that I find to be highly objectionable.  
22 Unless these racial categories within our existing  
23 classification system have scientific validity,  
24 something that is very much in dispute, I find them to  
25 be repugnant; inhuman, to use the characterization of

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1 Nelson Mandela; and socially regressive for a nation  
2 that proclaims as its creed "One nation indivisible."

3 Where I am powered to do so, I would purge  
4 immediately from the public arena all classification  
5 of Americans based on skin color, texture of hair,  
6 nose width, lip size, and slanted eyes, all attributes  
7 that serve to define race.

8 I recognize, however, that my view is an  
9 idea that is not yet ready, if ever, for  
10 implementation in a society in which race seems to  
11 seep out of every pore of the public domain.  
12 Therefore, it would be an act of utter futility for me  
13 to propose that there be no racial categories on the  
14 census 2010. Instead, I will accept that which is and  
15 offer a proposal that would at least improve the  
16 existing system.

17 While I see no compelling need for  
18 classifying individuals on the basis of their race, if  
19 we must have a system of government classification, it  
20 is obvious, for a variety of reasons, that the system  
21 must be based on self-identification. I believe the  
22 overwhelming majority of Americans and interest groups  
23 involved with issues of race accept this premise  
24 without much disagreement.

25 However, this generally universal view

1 crumbles when government agencies deny individuals  
2 their right to identify themselves as multiracial.

3 As you know, OMB guidance to federal  
4 agencies and, indeed, all agencies that seek to be in  
5 conformance with federal guidelines allows agencies to  
6 permit individuals to select any or as many race boxes  
7 as they wish.

8 That system essentially forbids agencies,  
9 however, from allowing the category of multiracial.  
10 Instead, those who select one or more boxes are  
11 collapsed into a category that comports with so-called  
12 government civil rights enforcement objectives.

13 The centerpiece of this approach is the  
14 odious one-drop rule that has guided America's  
15 struggle throughout our nation's history. It is the  
16 root of all evil, it seems to me, in our country with  
17 regard to the realm of race.

18 To provide freedom of choice and then to  
19 limit what one might choose is not freedom of choice  
20 at all. When the government refuses to acknowledge  
21 the existence of multiracial identity. It is  
22 affecting, I would suggest, the civil rights of those  
23 who choose this identity for themselves.

24 The presumption is that only pure race  
25 individuals are confronted with issues of

1 discrimination in the workplace by those from other  
2 races; white against black, for example. In reality,  
3 those who identify as multiracial may be subject to  
4 discrimination from those of all races, especially  
5 from those most visibly linked to a multiracial  
6 individual.

7 For example, Tiger Woods has been battered  
8 throughout his public life by those who see him as  
9 black and nothing more than that. He has borne the  
10 brunt of cruel and tasteless jokes on BET comedy shows  
11 by those who refuse to acknowledge the fullness of his  
12 identity. These attitudes reveal themselves in the  
13 course of everyday transactions for multiracial  
14 individuals.

15 Some say that it is impractical to  
16 acknowledge multiracial identity until a greater  
17 critical mass of individuals embrace this identity.  
18 In truth, that critical mass has already been reached.

19 At the University of California, in a  
20 study conducted about two years ago, those who would  
21 select multiracial as their identity greatly exceeded  
22 the combined total of those who identify as black or  
23 Native American. This phenomenon is in evidence at  
24 many universities throughout the nation.

25 Multiracial identity is a matter of choice

1 for many families and individuals that want to blend  
2 their respective races into an identity that all  
3 members of the family can share. It is cruel for  
4 parents to have to contend with the agonies of  
5 separate racial identities for siblings who may not  
6 look related in families in which the families are  
7 interracial.

8 For this and other reasons, I believe the  
9 time has come for the census to acknowledge the  
10 obvious reality of multiracial identity and to offer  
11 this as a choice on census 2010. Your Commission  
12 could provide critical leadership if it were to so  
13 recommend.

14 Thank you for allowing me to share my  
15 views with you.

16 VICE CHAIRMAN THERNSTROM: Thank you very  
17 much. This has clearly been clearly a wonderful  
18 panel. And, once again, I am so grateful to all of  
19 you for coming.

20 **QUESTIONS BY COMMISSIONERS AND STAFF DIRECTOR**

21 VICE CHAIRMAN THERNSTROM: It is now open  
22 to questions from commissioners. Why don't I start  
23 with one. I was very pleased to hear the degree of  
24 consensus on the fact that there is something very  
25 wrong with the current structure of the questions.

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1 I mean, we just start with this notion  
2 that there are only two ethnic groups in America. Are  
3 you Hispanic, "Yes" or "No"? So we've got two ethnic  
4 groups: Hispanic, non-Hispanic. Then these racial  
5 groups, as has been readily admitted, are categories  
6 that come from a long and ugly past in America.

7 So I'm very pleased by the suggestions for  
8 alternatives. And, by the way, I think, you know, one  
9 of the things that has always puzzled me -- and I  
10 understand that there is a history here, but one of  
11 the things that has always puzzled me if we are really  
12 trying to draw a portrait of important groups in  
13 America, we have no question on religion on the  
14 census. And I do know that history, but I do think,  
15 again, if we're collecting data trying to talk about  
16 the fabric of American society, that religion is  
17 obviously an important component.

18 But I wondered, Professor Prewitt, you  
19 suggest, really, a -- but anybody else can chime in  
20 here -- two-tiered solution. You have the first  
21 question. You know, I am trying to get, certainly as  
22 I think we should try and get, rid of the distinction  
23 between race and ethnicity in what is a person's  
24 population group.

25 And then, second, you allow more fine-

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1 grained answers to the categorization so that the  
2 umbrella terms "Hispanic" and "Asian," for instance,  
3 are broken down. Those are intellectually  
4 indefensible categories, it seems to me, as is the  
5 category white.

6 But I wonder whether there isn't a way  
7 that you see of not having a two-tiered approach.  
8 That is, it seems to me as long as you keep that  
9 initial group of categories, you are reinforcing their  
10 existence in a world in which they are, the edges are,  
11 not only blurring, but we would like to promote that  
12 process further.

13 And I just wondered why one question --  
14 and here I am moving closer to what Ward Connerly is  
15 saying or as his roll-back position -- that didn't  
16 reinforce those categories and did allow for one  
17 ancestry question.

18 And one of the ancestry questions,  
19 obviously, in order to capture African Americans could  
20 be African American/black but wouldn't solve a problem  
21 without the down sides that seem to be apparent  
22 anyway.

23 DR. PREWITT: Yes. If the title of this  
24 hearing were "Racial Categorization in Future Censuses  
25 as Against the 2010 Census," I would offer a quite

1 different argument.

2 In fact, in my longer written testimony, I  
3 say, "Were it not for the schedule and statutory  
4 constraints faced by the 2010 planning, I would  
5 recommend a more radical transformation for the  
6 nation's racial categorization, which indeed will get  
7 rid of the five primary categories altogether, would  
8 turn to simply an ancestry origin, ethnicity, open-  
9 ended question. And we aggregate up into whatever  
10 combinations either a government agency wants to  
11 aggregate up into our analytic purposes or what have  
12 you.

13 I am bound by my responsibility as a past  
14 director not to make a recommendation.

15 VICE CHAIRMAN THERNSTROM: I see. Okay.

16 DR. PREWITT: But I think that is  
17 absolutely inconceivable for 2010.

18 VICE CHAIRMAN THERNSTROM: Right.. Right.

19 But I do think that's an important part of your  
20 message as to what we should be striving for here.

21 DR. PREWITT: Yes. I would hope that by  
22 2020, we could have erased the racist pentagon with  
23 its hierarchical assumptions, but that partly depends  
24 on civil rights laws, of course.

25 VICE CHAIRMAN THERNSTROM: Right.

1 DR. PREWITT: And our job I think as a  
2 statistical agency, the director's job, is to provide  
3 the statistics that allow the country to administer  
4 its policies.

5 VICE CHAIRMAN THERNSTROM: Sure. I  
6 understand that. Yes.

7 Does anybody else have anything they want  
8 to add to that?

9 (No response.)

10 VICE CHAIRMAN THERNSTROM: Other  
11 questions? Yes, Commissioner Kirsanow?

12 COMMISSIONER KIRSANOW: Thank you. Thanks  
13 very much for coming. And thanks to staff for putting  
14 together such a splendid panel.

15 I have a number of questions. I am sure  
16 others do, too. But I'll just ask one discrete one of  
17 Professor Prewitt. I think you indicated that the  
18 primary purpose for gathering racial statistics or  
19 ethnic statistics in the census is for civil rights  
20 purposes. And that necessarily raises the question.

21 It seems to me that there is a different  
22 assessment of race/ethnicity when it comes to how the  
23 law views such terms, how anthropologists view such  
24 terms, how sociologists view such terms. And, in  
25 fact, because I have no life, yesterday I tried to

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1 determine how many ethnicities there were determined  
2 by various anthropological departments; the CIA, for  
3 example. And there are over 3,000.

4 So it necessarily also raises the  
5 question, isn't a breakdown of, say, 6 categories or  
6 in the current case 63 or I think we have almost 126  
7 options necessarily inherently arbitrary. And how  
8 reliable are such categorizations if, in fact, there  
9 is this multiplicity of potential ethnicities in  
10 racial groups?

11 DR. PREWITT: All taxonomies are  
12 inherently arbitrary and necessarily create sharp  
13 divisions where they don't exist. That's true whether  
14 you're dividing the country between urban, rural, and  
15 suburban, for example, or in the industrial  
16 classification system.

17 So all category systems in statistical  
18 decision-making have to have some arbitrary  
19 characteristics. But to go more directly to your  
20 question about the race, ethnicity categories, the  
21 argument I am prepared to make is that -- and it  
22 starts with an answer to the question of why the  
23 nation is asking its population to sort itself into  
24 racial and ethnic categories.

25 I do not think -- and here I really

1 strongly differ with my colleague, Mr. Connerly that  
2 identity, expression of identity, is the proper  
3 function of a statistical system.

4 And I think that the debate about the  
5 multi-race option in the 1990s introduced for the  
6 first time officially the argument that we need to put  
7 into our category system something to allow people to  
8 express their identity. That is not the purpose of  
9 the statistical system as it has been designed. It  
10 could become. But then the government has to say that  
11 is its purpose.

12 And then, as I was saying to my colleagues  
13 earlier this morning, I asked a group of students what  
14 categories would they have. And this nice little  
15 Indian student put her hand up and said, "Well, I  
16 would like a category for the Patels. There are,  
17 after all, more Patels in the area where I live than  
18 any other category," perfectly reasonable response if  
19 the purpose is identity expression. Why not a  
20 category for the Patels?

21 I think that we are in this chaotic, messy  
22 situation because the government doesn't say clearly  
23 why we are doing it. My answer is discrimination,  
24 civil rights. Somebody could have a different answer:  
25 identity. Somebody could have an altogether different

1 answer: sociological research. I don't think the  
2 government can have multiple answers to that question  
3 and come up with a coherent system.

4 COMMISSIONER KIRSANOW: Just one quick  
5 follow-up. And I have got a lot of others, but I'll  
6 defer to others. The follow-up to that is under Title  
7 VII, we have got areas of protective classifications:  
8 race, sex, age, national origin. There's nothing in  
9 there about ethnicity. National origin might  
10 implicate ethnicities.

11 So the question is, if the premise for  
12 doing this kind of categorization is for civil rights  
13 enforcement purposes, we have got some type of a  
14 database by which to gauge whether or not certain  
15 types of policies or practices are discriminatory.  
16 Then it seems to me that if you arbitrarily truncate  
17 the number of ethnicities to 63, 126, 6, whatever it  
18 may be, that you're not adequately or precisely  
19 informing the issue of Title VII enforcement, for  
20 example. Would you agree with that?

21 DR. PREWITT: Yes, that's right. Just to  
22 go back to the second question that I recommend, which  
23 is certainly the wording that the Census Bureau is now  
24 considering and has used a version of this in the  
25 past, what is this person's ancestry, nationality,

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1 ethnic origin, or tribal affiliation. It's a catch-  
2 all. It's how do you want to define yourself?

3 That would then give us a very, very  
4 complicated matrix across the country where we could  
5 track discriminatory action toward very particular  
6 groups.

7 As I say, Mexican Americans could be  
8 discriminated against but not Cuban Americans,  
9 Haitians but not Argentineans, although they're both  
10 lumped into the Hispanic category.

11 So this more refined system would allow us  
12 still to track discrimination and act upon it  
13 according to civil rights laws. And it would be a  
14 more realistic picture of what is going on in society  
15 than these old racial pentagon, which we inherited  
16 from Linnaeus, five colors.

17 And I worry that we may reinscribe that  
18 system with some of the human genome project. And  
19 that's a very dangerous place for the society to be.  
20 So I would like to get away from that racial pentagon  
21 that we got from a flawed, flawed science in the  
22 Seventeenth Century.

23 VICE CHAIRMAN THERNSTROM: Other  
24 questions?

25 COMMISSIONER MELENDEZ: Commissioner

1 Melendez. I would like to just ask a question to Mr.  
2 Connerly. If, you know, the statistics for the census  
3 are used basically to identify discrimination, is your  
4 position that if we got rid of all the categories,  
5 there would be some other way to measure  
6 discrimination?

7 Otherwise you would have to say that at  
8 some point discrimination is nonexistent. But it  
9 seems to me that the categories would always have to  
10 be present in some form because we always have  
11 discrimination.

12 DR. CONNERLY: Commissioner, I think that  
13 the issue of discrimination, measuring discrimination  
14 is pretty low on the totem pole of why most people  
15 check these boxes.

16 The census frames the structure of how  
17 Americans see themselves and how all the different  
18 government agencies throughout the land gather and  
19 tabulate this data. Discrimination is pretty low down  
20 there.

21 And it seems to me that people are  
22 expressing identity. That's why they check the box,  
23 "What are you? Who are you?" That's the only reason  
24 that we check the boxes generally.

25 And so if we're going to provide a

1 framework for people to designate how they see  
2 themselves, I think that we have to evolve to a place  
3 where we capture how people generally see themselves.  
4 They don't see themselves as Asian. They might see  
5 themselves as Chinese, but we don't provide that  
6 option. It is collapsed into, as I say, one of the  
7 five food groups.

8 So I think we have to start from the whole  
9 question of identity, not civil rights enforcement.  
10 And I think that is where this thing goes wrong  
11 because we're measuring something that really is not  
12 the real world.

13 The University of California gathers this  
14 data, not because of discrimination but because it's  
15 trying to construct some amorphous goal of diversity.  
16 And different agencies have different reasons, but  
17 civil rights enforcement is pretty low down the list.

18 COMMISSIONER YAKI: I have difficulties  
19 with that statement that you just made.

20 DR. CONNERLY: That is your --

21 COMMISSIONER YAKI: I certainly -- and let  
22 me just say that I come from this from the position of  
23 someone who when he was in California vehemently  
24 opposed proposition 209 --

25 DR. CONNERLY: I know you did.

1 COMMISSIONER YAKI: -- and spoke out  
2 against it on many occasions. And I would say --

3 VICE CHAIRMAN THERNSTROM: Michael, would  
4 you just identify yourself for the record here?

5 COMMISSIONER YAKI: Are we on tape?

6 VICE CHAIRMAN THERNSTROM: Yes. That's  
7 the point.

8 COMMISSIONER YAKI: I'm Commissioner  
9 Michael Yaki.

10 VICE CHAIRMAN THERNSTROM: Yes.

11 COMMISSIONER YAKI: And I would just note  
12 for the record that the two West Coasters made it here  
13 to the hearing today.

14 I would sincerely disagree with the idea  
15 that it's very low on the priority list. And I think  
16 that certainly the -- I don't know how you would  
17 categorize discrimination, but I would certainly say  
18 that for a number of the federal agencies that we deal  
19 with on a regular basis, that it is not something that  
20 is seen as very low priority or toss away or just  
21 something that is a bonus in terms of how we gather  
22 the data.

23 And I would like to ask the other three  
24 panelists, who have been part of this and seen the  
25 data being used, how you would respond to that

1 statement by Mr. Connerly.

2 DR. CONNERLY: Well, before you do that,  
3 with all due respect, let me make sure that you are  
4 accurately portraying what I said. And that is that  
5 when people check these boxes, civil rights  
6 enforcement is not upper most in their mind. It's  
7 pretty low down the list.

8 COMMISSIONER YAKI: I know, but that goes  
9 to the question of why are they checking the boxes.  
10 And it goes to the question that Mr. Prewitt put  
11 forth, which is that these boxes are used by the  
12 government for various purposes.

13 It is not, I think, a place where someone  
14 is there to say, "This is kind of how I feel about  
15 it," whatever. They know this data is being used, how  
16 it is being used. Perhaps we can enunciate better why  
17 it is being used. But certainly there are advocacy  
18 groups out there who have worked on the census over  
19 the years.

20 I was part of the group in the '80s that  
21 started going, asking for the sub-check-off under the  
22 Asian category for Chinese, for Japanese. I have my  
23 own personal reasons for doing that. I am half  
24 Chinese, three-eighths Japanese, one-eighth Hawaiian.  
25 To this day, I still don't know how to check those

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1 boxes. I probably ruined one of your forms in 1990 or  
2 2000.

3 But I also understand that there are very  
4 significant public policy reasons for doing it. My  
5 convenience or my sort of whim as to, well, today I  
6 kind of feel Japanese or today I kind of feel today or  
7 today I want to stir fry my sushi, so I'm both, you  
8 know, it just doesn't matter. What it is is what the  
9 form is asking for. What the form asks and what we do  
10 with the form is a wholly different matter than how I  
11 approach the form as I see it as a civic duty.

12 Part of what we did in San Francisco and  
13 other communities was working with the census on  
14 outreach teams to say, "It is a civic duty to answer  
15 this." This is not sort of a convenience. This is  
16 not sort of a way for you to express who you are. It  
17 is to get accurate data that is going to help the  
18 government make policy decisions down in the future.

19 I think that messages goes out there  
20 pretty loud clear.

21 DR. CONNERLY: And my position, as you  
22 know, has been it's your civic duty to tell them, "No,  
23 thanks. I won't answer." So do we just happen to  
24 disagree in that regard?

25 COMMISSIONER YAKI: As we disagree on the

1 prop. 209.

2 DR. CONNERLY: Right.

3 DR. LEE: Madam Chair, may I add to that?

4 VICE CHAIRMAN THERNSTROM: Sure. I'm  
5 delighted to have you add something.

6 DR. LEE: This is Sharon Lee.

7 I think census data are used by many  
8 people for many reasons. And one of them is -- and in  
9 this case I do agree with Mr. Connerly that people do  
10 see those boxes as a form of self-identification, but  
11 I also respectfully disagree with your earlier point  
12 about wanting a multiracial box for people to express  
13 their multiracial identity because, as we know from  
14 looking at the 2000 census data, where people were  
15 allowed for the first time to check more than one  
16 racial box, that this more than one race population is  
17 extremely heterogeneous.

18 And this heterogeneity is not just in  
19 terms of what the combinations are but also in terms  
20 of other important characteristics, such as education,  
21 employment, and so forth. So I respectfully disagree  
22 with you on that.

23 I also want to reaffirm Commissioner  
24 Yaki's point, which is that there are many groups  
25 involved in how the census gets done and what choice

1 is offered to people on the race question because many  
2 community advocacy groups are very involved as we move  
3 towards the census and lots and lots of outreach  
4 programs and education efforts to try to first get  
5 people to answer the form and send it back; and,  
6 secondly, to answer it in a particular way because of  
7 concerns about civil rights and apportionment and  
8 voting and things like that.

9 VICE CHAIRMAN THERNSTROM: Yes. Professor  
10 Prewitt?

11 DR. PREWITT: For the record, I am sure  
12 that the director will agree to this statement. The  
13 long form in the 2000 census had some 54 questions.  
14 Roughly that many will now be produced, reproduced in  
15 American communities survey.

16 There is no single question on any census  
17 form which is not put there for a programmatic  
18 purpose, as announced by the United States government.  
19 The Census Bureau does not write the questionnaire.  
20 The United States Congress writes the questionnaire,  
21 in effect, doesn't write it but confirms all  
22 questions.

23 Every question on the census is tracked  
24 back to some statutory or programmatic purpose.  
25 Whatever the people think of when they're answering

1 it, that is why they are there.

2 So the question has to be asked of Mr.  
3 Connerly whether if he wants to undo some programmatic  
4 or statutory purpose. Then we can take a question off  
5 the form.

6 But as long as that exists on the books --  
7 and the civil rights laws do exist on the books,  
8 fortunately. The Voting Rights Act still is on the  
9 books.

10 As long as those statutes are on the  
11 books, the census is obligated to ask a question which  
12 will allow the government to administer that law.

13 VICE CHAIRMAN THERNSTROM: Yes. I mean, I  
14 was about to say and ask a question very much in  
15 keeping with that, which is in response to Mr.  
16 Connerly. I'm not sure why we care what is in  
17 people's heads, what the priorities of the respondents  
18 are.

19 I mean, the central question, it seems to  
20 me, is what sort of information does the government  
21 need for what sort of programmatic or statutory  
22 purposes. And if we don't like those programmatic or  
23 statutory purposes, that should be the discussion, it  
24 seems to me, the use that is made of these categories  
25 and what we have got on the books and whether, you

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1 know, with respect to -- Dr. Prewitt just mentioned  
2 the Voting Rights Act, whether, you know, it makes  
3 sense to be racially and ethnically gerrymandering all  
4 of those districts.

5 But that is the question, it seems to me,  
6 rather than what the census form should have on it,  
7 given the fact that the Voting Rights Act, as he said,  
8 is sitting there.

9 DR. CONNERLY: I appreciate that, but I  
10 would submit to you that allowing the people the  
11 additional option of multiracial does not impair all  
12 of these other programmatic reasons that you may have.  
13 To wipe out the race categories altogether would  
14 probably do that.

15 But to say, "We acknowledge that there is  
16 now a group of Americans who identify themselves as  
17 multiracial. They are a multiracial family. They see  
18 themselves as multiracial, to allow them that option  
19 does not diminish in any way the ability to enforce  
20 all of these different programs. It's just adding one  
21 more group to the equation.

22 COMMISSIONER YAKI: But with all due  
23 respect, Mr. Connerly, that is almost indulgent in a  
24 way that you characterize it because let's take, for  
25 example, fair housing programs that the government is

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1 trying to enforce.

2 Say that you are of mixed parentage. Your  
3 one parent is white, your one parent is African  
4 American or black. And the siblings may take one or  
5 more characteristics or the other. One of those  
6 siblings goes out and tries to get housing in a  
7 different community.

8 And they look at that person. This other  
9 person looks at them, makes their own subjective  
10 interpretation that this person likes they're black or  
11 African American to me and I really don't want them in  
12 my neighborhood. So I am going to say "No."

13 Now, the indulgency may be on the part of  
14 the parents or the kids or whoever to check that  
15 multirace category, but when that person goes and  
16 says, "I got discriminated against because they think  
17 I am African American" or whatever, that is a whole  
18 different ball game.

19 And I think that if you are losing track  
20 of those kind of statistics by allowing the sort of  
21 globular amorphous and, I would say, highly  
22 unscientific taxonomic category called "multirace,"  
23 you are depriving the government of the means of  
24 tracking and identifying and responding to issues that  
25 are out there.

1 I mean, why not -- I mean, you know,  
2 should someone be barred from raising that claim if  
3 they chose on the form to claim multirace without any  
4 other specification?

5 DR. CONNERLY: Commissioner, you are once  
6 again, it seems to me, with respect, imposing your  
7 will on those individuals who say, "I am multiracial."  
8 You think that the government's reasons are far more  
9 important than the right of that individual to express  
10 themselves as they see themselves.

11 COMMISSIONER YAKI: I don't see how this -

12 -

13 DR. CONNERLY: Let me finish, please.

14 COMMISSIONER YAKI: No. Seriously, Mr.  
15 Connerly, with all due respect, I am not imposing my  
16 will upon anybody. No one is going to deny you or Mr.  
17 Prewitt or Ms. Lee or Mr. Kincannon the right to go  
18 out there and say, "I am Chinese," "I am Irish," "I  
19 am" whatever. That is who you think you are.

20 But the census is a totally different  
21 animal. The census is a form designed by the  
22 government to measure data for the purposes of the  
23 federal government programs that we all are a part of  
24 one way or another.

25 So I don't see. It just seems to me

1 rather self-indulgent.

2 DR. CONNERLY: As I was saying before you  
3 cut me off there, this whole thing is a balancing act.

4 There is nothing pure about this. There is nothing  
5 scientific about this. It's a balancing act. And I  
6 am saying balance it by allowing individuals who have  
7 accepted for themselves multiracial as their identity.

8 This is not a multiple choice question for  
9 them. They see themselves as multiracial. Allow them  
10 that option. Your desire to say, "Well, we want to  
11 put you in this box because it's cleaner for us to be  
12 able to enforce it," that, it seems to me, should be  
13 subordinate to the question of how people see  
14 themselves. It's a system of self-identification.

15 COMMISSIONER YAKI: It may be a system of  
16 self-identification, but I still believe that what you  
17 are talking about is a very self-indulgent idea of  
18 self-identification that does not comport with what  
19 the true goals and what the priorities of the census  
20 are.

21 Again, no one is restraining you or anyone  
22 else from going out and say, "I am a multiracial  
23 person." Myself, to this day, I still am not sure  
24 exactly how I characterize myself.

25 When I'm in Chinatown, people go "Are you



1 Chinese or Japanese?"

2 I go, "Well, I'm both." When I am in  
3 Japantown, they say the same thing. It doesn't matter  
4 how I characterize or what I say. But the question  
5 is, -- and I think this is perhaps the most important  
6 part of why we have the civil rights laws to begin  
7 with -- not everyone looks at you the same way.

8 You may proclaim yourself to be "I am  
9 multiracial," but someone else may decide to look at  
10 you as they have looked at Tiger Woods and said, "You  
11 know what? The kid is black. He's not golfing in my  
12 club. The kid doesn't match my characteristics. I'm  
13 not going to let him tee off, you know, with my  
14 friends."

15 The purpose is not simply to say who I am.  
16 The purpose is to track data because other parts of  
17 this great society that we live in are not perfect,  
18 are not pure, battles continue, Voting Rights Acts  
19 still are on the books, the Civil Rights Act of '64  
20 still on the books, fair housing laws still on the  
21 books.

22 The reason why is because as much as we  
23 would like to be -- and I join you, Mr. Connerly, in  
24 wanting that utopian society, where people aren't  
25 judged by what they look like, their skin color, the

1 texture of your skin, whatever, however you called it,  
2 but we're not there.

3 And the census is a way to ensure how we  
4 can remedy how other people act in response to how you  
5 are perceived. That's why I think it is important.

6 COMMISSIONER KIRSANOW: Madam Chair?

7 VICE CHAIRMAN THERNSTROM: Yes?

8 COMMISSIONER KIRSANOW: Real quick  
9 question. Actually, two questions, one a follow-up to  
10 what Commissioner Yaki is saying. It's just simply a  
11 logical question. That is, because if the purpose of  
12 gathering this data is, for example, to enforce civil  
13 rights laws and to accurately gauge it and if, then,  
14 Mr. Connerly's premise that a multiracial category or  
15 counter to Mr. Connerly's premise that a multiracial  
16 category then would somehow disrupt our ability to  
17 enforce civil rights laws, it seems to me that the  
18 census is, in large part, self-reporting.

19 So if enforcement is contingent upon how  
20 others perceive you, wouldn't the data suffer as a  
21 result? If you report yourself, for example, as being  
22 Chinese but someone discriminates against you because  
23 they view you as something other than Chinese, then we  
24 have got a disconnect in the data.

25 And so the very premise that is self-

1 reporting is to report something that is based on what  
2 somebody else sees you as seems to be a huge  
3 disconnect. In other words, to properly enforce the  
4 civil rights laws, we should have an enumerator  
5 identify who you are because that is how a  
6 discriminator would identify who you are.

7 DR. CONNERLY: Precisely.

8 COMMISSIONER KIRSANOW: Second, if the  
9 purpose of gathering this data is to inform a  
10 programmatic activity, can someone cite for me what  
11 specific lawful governmental function has been  
12 demonstrably improved by the proliferation of racial  
13 categories in the census?

14 VICE CHAIRMAN THERNSTROM: Well, is the  
15 question improved or simply the mandate of the law  
16 met? I mean, isn't that --

17 COMMISSIONER KIRSANOW: Well, even that  
18 one. I'll even derogate or degrade the question to,  
19 is the mandate of the law met? And I think the first  
20 question I asked raises the question of whether or not  
21 it is.

22 For this reason, let's talk about Title  
23 VII, for example. For almost 30 years, I have been  
24 involved in Title VII litigation. And I would be  
25 hard-pressed to find one occasion in which census data

1 was ever introduced into the equation.

2 In the discovery process, what happens is  
3 usually you have got data that is introduced related  
4 to how many blacks, Hispanics, Asians, what have you  
5 are in a given subset of a class but no reference in  
6 my 30 years -- I have been doing this a little bit --  
7 is ever made to what the general population is out  
8 there.

9 Now, I know that the EEOC, for example,  
10 just about two days ago issued a guidance indicating  
11 that they were going to pursue systemic instances of  
12 discrimination on a greater basis.

13 But even when the EEOC tries to introduce  
14 demographic data -- and I am not the greatest  
15 litigator in the world -- we can blow that out of the  
16 water so simply it's amazing. They try to introduce  
17 it, and we blow it out of the water, saying it's not  
18 applicable or relative to this particular case because  
19 it's just too big and hand-handed.

20 I don't mean to be making observations. I  
21 mean to be asking questions. But let me ask this one  
22 more discrete question. This is of Mr. Kincannon.

23 I think it's 42 USC 1973 is the provision  
24 that permits the U.S. Commission on Civil Rights to  
25 make an inquiry to the Census Department so that the

1 Census Department will conduct surveys to gather  
2 statistical evidence with respect to voter  
3 registration and race for given political subdivisions  
4 or states.

5 Do you know if there is any existant  
6 inquiry in that regard, existing right now? I mean, I  
7 just don't know. Have we done that? Are there any  
8 states that the Civil Rights Commission has identified  
9 as subject to a statistical gathering mandate by the  
10 Department of Census?

11 DR. KINCANNON: I'm not aware of that.  
12 I'm not particularly aware of the details of the  
13 provision of law you cite. We do collect statistics  
14 on race and ethnicity and other factors state by  
15 state; in fact, block by block, for purposes of the  
16 Voting Rights Act and related court decisions and work  
17 directly with the Justice Department.

18 All of those statistics are publicly  
19 available when they are produced. And so that would  
20 seem to answer most questions of that sort. I would  
21 have to see what the law says, but --

22 COMMISSIONER KIRSANOW: Well, it is very  
23 simple.

24 DR. KINCANNON: Yes.

25 COMMISSIONER KIRSANOW: It simply says

1 that either Congress or the U.S. Commission on Civil  
2 Rights can ask the director of the census to conduct a  
3 survey as to voting patterns and the registration for  
4 political subdivisions or states that are subject to,  
5 for example, the pre-clearance provisions of the  
6 Voting Rights Act. And I was just ignorant of whether  
7 or not we had done so.

8 DR. KINCANNON: I am not aware of whether  
9 you have done so or not. We do a regular survey  
10 following national elections, every two years, to ask  
11 people about registration and participation in voting.

12 We don't ask them how they voted, of course, but just  
13 whether they registered and participated.

14 These data are certainly available at the  
15 national level. They may be available at the state  
16 level, at least for some states. We don't ask that on  
17 the American community survey or on the census.

18 And requests for authority to ask the data  
19 have to be accompanied with resources in some fashion  
20 or another. So that would be the next step to be  
21 taken in a request for data.

22 COMMISSIONER KIRSANOW: Thank you.

23 One other question. In terms of programs  
24 that are informed by the gathering of racial or ethnic  
25 data, aside from the purported attempt to enforce

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1 Title VII, are there any other programs that are  
2 informed by the gathering of racial and ethnic data,  
3 programs or policies of the government?

4 And I appreciate that you are probably not  
5 the right panel to ask that. We should get Congress  
6 up here. Is anyone aware of what programs are  
7 specifically informed by that data?

8 VICE CHAIRMAN THERNSTROM: Well, voting  
9 right, the enforcement of the Voting Rights Act, of  
10 course.

11 COMMISSIONER KIRSANOW: Other than  
12 enforcement of civil rights laws.

13 VICE CHAIRMAN THERNSTROM: I see.

14 DR. KINCANNON: Red lining of loans and  
15 things like that.

16 COMMISSIONER KIRSANOW: Absolutely.

17 DR. KINCANNON: Discrimination in  
18 education, schooling. There are a lot of things where  
19 specifically statistics are used in the measurement of  
20 what is going on and enforcement of both laws.

21 COMMISSIONER YAKI: We used statistics  
22 from the Census Bureau in our Adarand report on the  
23 growth of minority small businesses in this country in  
24 terms of ownership, whether they are simply owner-  
25 owned or had employees that break down in terms of

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1 size.

2 That was very much a part of the Adarand  
3 stats. They came out, as a matter of fact, the day  
4 before we considered the report and it had to be  
5 incorporated into the final report that came out.

6 I mean, I can name a ton of different  
7 things over the time, but, as the commissioner said,  
8 the Community Reinvestment Act relies a lot on  
9 information gathered from the census. The issues  
10 regarding, I think, the Indian housing program depend  
11 on the census.

12 In terms of estimating shares, state  
13 shares, under the Medicaid program, census becomes  
14 very much a large factor in determining how many, what  
15 percentage of people are under poverty and in what  
16 areas, et cetera.

17 So I think there is a fair amount of data.  
18 It is amazing how much does come out of the census.  
19 It's amazing how many different groups and  
20 organizations rely on that in helping form judgments  
21 and policies and whether programs are succeeding or  
22 failing over time.

23 DR. CONNERLY: Community Development Block  
24 Grant Program, of course, relies on this. But  
25 frequently the data is just pure garbage.



1                   COMMISSIONER KIRSANOW:       Well, it's  
2                   interesting.   Again, going back to data quality,  
3                   regardless of the merits of gathering racial  
4                   information or ethnic information, it goes to data  
5                   quality again because race isn't necessarily or  
6                   ethnicity isn't necessarily a proxy for better  
7                   metrics, such as poverty, income, health status,  
8                   geography, a whole variety of matters that may better  
9                   implicate the programmatic activity that we're talking  
10                  about.

11                  I note that in some of the materials that  
12                  were distributed to us in terms of data quality again,  
13                  when the Office of Management and Budget examined the  
14                  races as identified by birth certificates versus death  
15                  certificates, the races changed for a given individual  
16                  between that time, from the time they were born to the  
17                  time they died.

18                  For Mexicans, I think it was 47 percent of  
19                  Mexicans changed their race or ethnicity from the time  
20                  they were born to the time they die. For Cubans, it's  
21                  67 percent.

22                  So to what extent is data actually -- I'm  
23                  not trying to be facetious about this, but there seems  
24                  to me to be an inherent problem in the reliability of  
25                  this data when people's races seem to change over the

1 course of their lifetime.

2 And I also note one other thing in terms  
3 of the data that was submitted. There was an inquiry  
4 as to whether or not in the policy number 15 the  
5 ethnicity of -- I think it's Cape Verdeans -- should  
6 be included in the census.

7 And so that intrigued me as to why we  
8 would want to break it down because I was not aware of  
9 a great amount of discrimination against Cape  
10 Verdeans. At least I hadn't heard about that or what  
11 programs we have for Cape Verdeans.

12 And I found out that three-quarters of the  
13 states do not even have any Cape Verdeans in the  
14 population and Cape Verdeans is not even an ethnicity.  
15 Cape Verdeans are 80 percent Creole, 6 percent black,  
16 and 3 percent French, 4 percent something else. So  
17 there are ethnicities within that ethnicity.

18 So, again, it goes to data quality. I  
19 wonder what we're actually measuring.

20 DR. PREWITT: Could I just add a word or  
21 two on this important exchange about data quality?  
22 Vital statistics, of course, emerge for administrative  
23 records, not census records; that is, birth rates and  
24 birth certificates and death rates. And they are  
25 recorded by medical authorities or coroners or what

1 have you.

2 So that would account for some of these  
3 shifts. It has nothing to do with what the Census  
4 Bureau collects. This is real collection.

5 COMMISSIONER YAKI: And as they are dying,  
6 they are not changing their race is what you're  
7 basically saying.

8 DR. PREWITT: The Census Bureau collects a  
9 statistical portrait of the society at a given point  
10 in time if people actually change their judgment about  
11 how they want to be recorded for the next census, that  
12 would be irrelevant to the census purposes. The  
13 census purpose is to collect a statistical portrait at  
14 a given time.

15 But a more complicated answer to your  
16 earlier question, if I may, many people mistake --  
17 they say, "Well, we spend \$200 billion each year in  
18 federal funding based upon government statistics,  
19 especially census data, and presume that a lot of that  
20 is given to particular racial groups. And that is  
21 simply not true.

22 There is not a single federal dollar that  
23 is categorized for a particular racial group, maybe  
24 categorized for an income group or a housing group or  
25 geographic group but not for a racial group.

1           You may not appreciate but the federal  
2 government in its statutory language has never  
3 described race. It has never defined it or identified  
4 any races.

5           All of the race categories that we use  
6 emerged from a bureaucratic process, if you will,  
7 initially from EEOC, then standardized in 1977 under  
8 OMB leadership, and then reconsidered in the 1997  
9 change to directive 15.

10           There is no congressional legislation that  
11 mentions any race group. It mentions groups  
12 historically discriminated against, but no particular  
13 race group is ever identified.

14           The only identified group in federal  
15 legislation is Hispanic. There is a law which the  
16 government -- I think it's 1977. I think it's 93.  
17 174-93 is the law, which says if you collect  
18 statistics, you also have to collect statistics on  
19 Hispanics. And the word "Hispanic" or "Latino" -- I'm  
20 not sure which in that time -- is identified in the  
21 legislation.

22           So it is left, if you will, to the  
23 agencies to sort of come up with these categories.  
24 The U.S. government; that is, the United States  
25 Congress, doesn't want to have a conversation about

1 race, quite honestly. And it's left to things like  
2 the Commission to have to hold these hearings and  
3 struggle with the consequences.

4 Finally, if I may add one more footnote to  
5 the earlier conversation? I just have to point out to  
6 Mr. Connerly that the Census Bureau was constantly  
7 under pressure to ask a question of sexual orientation  
8 so people can express their identity on that  
9 dimension. There's even been urging that the Census  
10 Bureau ask in its gender question, offer the option of  
11 transgender. And there are people who say, "That is  
12 who I am, and I want to find myself on the Census  
13 Bureau."

14 The Census Bureau says, "There are no  
15 programmatic government reasons for asking that  
16 question, and we won't ask it." Unless the government  
17 says, "We want to have a programmatic reason for  
18 knowing about sexual orientation or knowing how many  
19 transgender people there are in the United States,"  
20 unless the government says that, the Census Bureau  
21 doesn't ask the question.

22 So I just have to ask you if you want to  
23 turn the Census Bureau into an expression of who I am  
24 and who I want to be, should we put on the census  
25 questionnaire a question on sexual orientation and

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1 transgender?

2 DR. CONNERLY: No, I wouldn't put it. I  
3 would wipe out race, as you know. But I'm saying that  
4 what you have in mind, not you but what the government  
5 has in mind when it asks these questions, which is  
6 programmatic reasons, when I am filling out those  
7 forms, I and others, that's not going through our  
8 head. What is going through our head is "Well, what  
9 am I?"

10 And so individuals are filling out,  
11 they're expressing their entities, regardless of what  
12 the government has in mind. And so I am saying that  
13 since the Congress has not ordained what these races  
14 are and individuals are self-identifying and we're  
15 going to keep this ridiculous system that we have that  
16 is largely useless in my view, then we may as well  
17 allow individuals who are growing in numbers who would  
18 see themselves a multiracial that right to express  
19 what they see as their identity.

20 COMMISSIONER KIRSANOW: The question,  
21 again, goes back to if the primary purpose of  
22 gathering racial and ethnic statistics is to inform a  
23 programmatic function, aside from the civil rights  
24 enforcement component of it, then, how do we inform it  
25 if none of those programs have a racial component?

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1           In other words, if those programs don't  
2 identify on the basis of race; then why are we  
3 gathering information on the basis of race, especially  
4 when a race is a very poor proxy for other legitimate  
5 reasons for a program to exist, such as poverty,  
6 income, medical reasons, and so on and so forth?

7           DR. LEE: If I may, Commissioner Kirsanow,  
8 that is a very, very good question. From my  
9 perspective as a demographer and sociologist and also  
10 being familiar with the kinds of research that many of  
11 my colleagues in the profession engage in, we make  
12 extensive use of the census and other Census Bureau  
13 data to study different population groups in terms of  
14 opportunity, achievements, and so forth.

15           And I think that is because we are as  
16 social scientists very committed to understanding  
17 whether there are inequalities and disparities in this  
18 country. And I agree with everyone who has spoken so  
19 far that we all wish, I definitely sincerely wish that  
20 we no longer have to have data on race in order to  
21 document disparities and inequalities.

22           One area of research that I am familiar  
23 with is in the health care and access to health care  
24 and health status. Many of the research that I have  
25 seen and I am familiar with, we try our best using our

1 methods and data that we have to try to control for  
2 many, many, many variables that we think might explain  
3 why there are disparities in health status and health  
4 care.

5 For example, we know that certain  
6 population groups in this country continue to have  
7 extremely poor outcomes in terms of medical and health  
8 status. And after you have controlled for other  
9 things that we often think of race as a proxy for,  
10 socioeconomic status, income, so forth, there is still  
11 disparity.

12 And it's true. It's very hard to say that  
13 this disparity is evidence for actual discrimination  
14 by a particular health provider or particular  
15 institution. It is very, very hard. And I think  
16 that's why a lot of cases, court cases, find it very  
17 hard to succeed.

18 But after you have tried to take care of  
19 all the factors that one can theoretically think of,  
20 if there is still a disparity, then without the data  
21 on race, we cannot say that it was because these  
22 groups differed on race.

23 Now, I am not saying that I then feel very  
24 confident to say that this means that there is racial  
25 discrimination in this area. As a researcher, one is



1 obviously very cautious in coming to conclusions.

2 But I just offer this as a comment to your  
3 comment --

4 COMMISSIONER KIRSANOW: Thank you.

5 DR. LEE: -- and a very good question.

6 And then, you know, I just really want to affirm,  
7 along with everyone else, that the current system of  
8 race and ethnic data gathering is horrible, is  
9 cumbersome. It makes no sense. We really need to  
10 change it, but, again, for the 2010 census, there is  
11 no time. But this is something that hopefully there  
12 will be future efforts by OMB and others.

13 VICE CHAIRMAN THERNSTROM: Did you want to  
14 say something? I'm sorry. You looked as if you  
15 wanted to say something. Am I correct or incorrect?

16 DR. KINCANNON: Yes. I wouldn't mind  
17 saying just a few things --

18 VICE CHAIRMAN THERNSTROM: Sure.

19 DR. KINCANNON: -- to sort of go back over  
20 some of the points raised here.

21 VICE CHAIRMAN THERNSTROM: Sure.

22 DR. KINCANNON: One is that because race,  
23 ancestry, ethnicity are not really scientific  
24 concepts, we can't really verify that they're true or  
25 not. We can measure consistency of reporting. But

1 people evolve in the way that they regard themselves.  
2 We can tell whether the correct age is given and so  
3 forth.

4 A second thing to say is that people do  
5 not know why they answer any of these. Well, they  
6 would understand age, and they understand gender.  
7 They understand relationship to other people in the  
8 household. They don't understand very well why we ask  
9 race, although you don't have to live so long in this  
10 society to understand that it is an important factor  
11 in what is going to happen to you.

12 They certainly don't understand why we ask  
13 about things like journey to work. They just think  
14 there is a committee of sociologists or somebody up  
15 here meddling with a lot of curious questions. And,  
16 yet, that is one of the most important and useful  
17 questions on the census or on the ACS.

18 The second thing to say is, as was  
19 observed, the census is a product of government. It  
20 doesn't have any independent life itself. It  
21 originated in the Constitution and in repeated acts of  
22 law or legal decisions that result in what we have.  
23 That's true of the statistical system generally.

24 We are guided by the law. In fact, the  
25 Constitution says the census will be taken in such

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1 manner as the Congress shall by law direct. It  
2 doesn't say that in every part of it, but even though  
3 it's always true, I think, in other parts of it.

4 We are not going to make any untested  
5 changes in the questionnaire. I mean, this is why we  
6 are really almost out of time for 2010 because of the  
7 lead time in testing, evaluating, getting comment, and  
8 incorporating.

9 And I would say that unless there is some  
10 decision by a high court or an act of Congress, that  
11 we're not going to do anything that hasn't been tested  
12 about the race question because if we haven't tested  
13 it, then we don't know what is going to happen. And I  
14 know where that blame will fall: on my successor.  
15 But that's all right.

16 (Laughter.)

17 DR. KINCANNON: I still am concerned.

18 COMMISSIONER YAKI: Or predecessor,  
19 whatever way you want to --

20 DR. KINCANNON: That's right. That's  
21 right. I am not sure that "race" is a useful word,  
22 although a lot of Americans understand it. I am  
23 personally convinced, although without any scientific  
24 evidence, that ethnicity and ancestry are not very  
25 useful labels on a questionnaire except to the

1 scholars and bureaucrats that are putting the  
2 questionnaire together. It helps us keep our records  
3 tidily.

4 Finally, I lived for eight years in  
5 France. And it's against the law in France to ask a  
6 question about race, national origin, ancestry, or  
7 religion. In French society, discrimination exists.  
8 It's just that they can't measure the effects of that.

9 So there are many differences of how our government  
10 has evolved, but erasing the measurement does not  
11 erase the problems that a society faces.

12 French problems are no worse than our  
13 problems. And they deal with them as well as we deal  
14 with them, maybe better in some instances. But this  
15 to suppress the measure of it is not the answer.

16 That's all I have to say.

17 COMMISSIONER KIRSANOW: Mr. Kincannon, in  
18 terms of --

19 DR. KINCANNON: Yes?

20 COMMISSIONER KIRSANOW: Is there or do you  
21 perceive of there being a possible problem, going back  
22 to data quality, longitudinally given that you have  
23 got a proliferation of categories and you also have an  
24 increasing tendency on the part of the populous to  
25 identify themselves, as Mr. Connerly indicated, as

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1           multiracial?

2                         At least the materials that we got, the  
3           sizeable number of percentage of the population is  
4           increasingly viewing themselves as multiracial. So do  
5           you see there being a problem in terms of the  
6           integrity of the results longitudinally; in other  
7           words, being able to measure apples to apples going  
8           down the road?

9                         DR. KINCANNON: To some extent, that is  
10          true of every census. Ten years is a long time in  
11          between. And it's difficult without looking at  
12          measures in between to decide whether something is a  
13          real change, a change in perception, or an aberrancy  
14          of some kind.

15                         Certainly for race, it is important. If  
16          nothing else, we have seen how the American Indian  
17          population has increased far beyond the possibility of  
18          natural increase. And it is because of changed  
19          perceptions that something that people may have hidden  
20          30 years ago or 20 years ago, that their mother may  
21          have hidden when they were born is now something in  
22          which they take interest and pride. And so we see more  
23          people identified that way..

24                         So they are not, strictly speaking,  
25          necessarily comparable over time, although for blacks

1 and whites, blacks and others, those figures remain,  
2 you know, reasonably useful over a long period of  
3 time.

4 The vital statistic system does not  
5 consistently measure all races. And certainly all  
6 states are not asking about Hispanic ethnicity at  
7 birth. That means that the only way we can really do  
8 evaluation of the census quality on the basis of  
9 demographic analysis is between blacks and all others.  
10 So that's a great limitation in our mind, but because  
11 of the decentralized nation of vital statistics, we  
12 simply lack that tool.

13 VICE CHAIRMAN THERNSTROM: Let me ask a  
14 couple of things. Professor Prewitt, you said, look,  
15 there is no federal law that specifically -- you gave  
16 one exception -- mentions group by name. In the 1975  
17 Voting Rights Act, of course, it does identify four  
18 groups specifically by name. In 1965, of course, it  
19 did not name blacks as a group, but it does in the '75  
20 amendments.

21 Your larger point that -- and it seems to  
22 me it highlights the complexity of all of this -- none  
23 of this federal legislation is going specifically  
24 after any one or more groups, but the fact is that a  
25 lot of it is framed in such a way that language is a

1 proxy for race or ethnicity.

2 I mean, everybody knows that Title I by  
3 now -- it wasn't originally, but Title I by now is  
4 basically about African American kids. And the "No  
5 Child Left Behind," the latest revision of Title I,  
6 right up in its preamble says, "This is about the  
7 racial gap in achievement." Well, that includes, of  
8 course, Latinos as well as African Americans, but,  
9 nevertheless, it's basically about the gap, how far  
10 behind in terms of levels of educational achievement  
11 black students are on average. So, you know, we use  
12 proxies for race in an awful lot of this legislation.

13 And in terms of the Voting Rights Act and  
14 the use of census data, well, two things. One, of  
15 course, the census counts Hispanics without regard to  
16 citizenship, but, then, the Voting Rights Act, of  
17 course, since non-citizens can't vote, the Voting  
18 Rights Act, we've got Hispanic districts drawn, where  
19 an awful lot of the residents of the district can't  
20 vote. And so they're not really Hispanic or we don't  
21 know the degree to which there are Hispanic districts.  
22 So, you know, it's just a mess, it seems to me.

23 You know, you stress the programmatic  
24 purposes of the census. And, of course, those are  
25 very real and very important. But from my point of

1 view as a social scientist, the portrait of America  
2 purpose is as is important.

3 And I have been very torn, as Mr. Connerly  
4 knows, on the question of getting rid of the boxes  
5 simply because I am a social scientist and I do want  
6 the best data we can gather in to draw a portrait of  
7 America.

8 I mean, I think that is important,  
9 particularly because if we have an ill-informed  
10 portrait of America, then all sorts of political use  
11 is made of erroneous numbers of bad guesses at what  
12 America looks like. And numbers are inflated or  
13 minimized or whatever but driven by various agendas  
14 that I think are very unfortunate.

15 I don't think, Mr. Connerly, that self-  
16 identification is ever going away. That is here to  
17 stay. As long as we are collecting data, it is going  
18 to be on self-identification. We're not going back on  
19 that.

20 And the last comment, I mean, it does seem  
21 to me -- and this is directed also to Mr. Connerly --  
22 that your unstated goal here -- and I am very  
23 sympathetic to it, as you know. I mean, I have been  
24 very torn on this whole issue because, again, I am a  
25 social scientist. Your unstated goal is really to

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1 . make these government statutes unenforceable.

2           And the reason I am very sympathetic to it  
3 is there have been a couple of mentions, for instance,  
4 of the Voting Rights Act. And I think it is Mr.  
5 Kincannon who said or maybe it was Professor Prewitt  
6 who said, "Well, we have now got block-by-block census  
7 data." And, of course, as everybody on this panel  
8 knows, we have got very sophisticated software now  
9 used.

10           So that these insane, in my view,  
11 districts are drawn and a family, an African American  
12 family, moves out of the central core of Dallas, is  
13 moving up the economic ladder and is moving to a  
14 suburb and guess what. The districting lines chase  
15 that family because, you know, there the census has  
16 identified a black family.

17           So you get these district lines that come  
18 out like a tentacle grabbing that family and/or a  
19 cluster of families so that they are lumped together  
20 in a way that really violates their sense of self-  
21 identification as now having had some social mobility  
22 and moving into the middle class. It lumps them  
23 together with their old neighbors in inner city Dallas  
24 or wherever.

25           And so, you know, I do think, Mr.

1 Connerly, that is your unstated goal: let us make  
2 these statutes --

3 DR. CONNERLY: I plead guilty.

4 VICE CHAIRMAN THERNSTROM: -- enforceable.  
5 And it's just a comment on my part. I'm very  
6 sympathetic to that, although, although I as a social  
7 scientist, you know, want data. And I don't know how  
8 to reconcile the down sides, which I think everybody  
9 here might in one way or another agree on with the  
10 important of having a portrait of America, just  
11 putting aside the question of the legitimacy of the  
12 federal and state statutes that depend on racial and  
13 ethnic statistics and so forth.

14 DR. CONNERLY: Commissioner, I would say  
15 that the data is so unreliable it is collapsed into  
16 such silly categories that it is rendered essentially  
17 useless at best.

18 In many cases, it leads in different  
19 directions because when you start with "I am  
20 Vietnamese" and you end up with "Well, I am Asian,"  
21 there is nothing there, I think, that institutions can  
22 use.

23 Yes, I would like to see us get rid of  
24 that. Yes, those who fear that the use of multiracial  
25 will lead in that direction are probably right.

1                   Is that my objective? Sure. But I think  
2 that is where we are right now. The reality happens  
3 to comport with my hidden agenda, which isn't hidden  
4 very well, I guess.

5                   But that is the reality. People now see  
6 themselves as multiracial. And we are essentially  
7 denying that. And we are denying that because we fear  
8 that what they want is going to come to pass. And it  
9 will.

10                   VICE CHAIRMAN THERNSTROM: What percentage  
11 -- I'm going to ask a statistician here. What  
12 percentage of people do you estimate think of  
13 themselves as multiracial?

14                   DR. LEE: In the 2000 census, 2.4 percent  
15 of the population checked more than one race.  
16 Proportions were much larger among people 18 and  
17 younger, which is an indication of several things,  
18 including the fact that intermarriage has been  
19 increasing over the last several decades and it is the  
20 children of the interracial unions who are using the  
21 opportunity now to check more than one race or that  
22 their parents report them as more than one race.

23                   VICE CHAIRMAN THERNSTROM: But whatever  
24 the percentage of the under 18 category, the fact is  
25 that we're talking still, Mr. Connerly, about small

1 numbers here.

2 DR. CONNERLY: Commissioner, I'm not so  
3 sure. When we did this study at UC, the fact that we  
4 did not allow that as an option, the fact that the  
5 government guides the choices that you can make  
6 contributes to that, I believe, depressed number,  
7 unrealistic number.

8 When you say, "You can choose anything you  
9 want as long as you choose within these groups," then  
10 I think you limit those choices. If "multiracial"  
11 were there, I firmly believe that more people would  
12 check it. And that is the fear that a lot of those  
13 who don't like this, that is the fear that they have.

14 COMMISSIONER YAKI: Do you think the box  
15 if it contained the disclaimer "If you check this box,  
16 we will not be able to track any data relating to  
17 discrimination, allocation, poverty, other kinds of  
18 important factors that might be of relevance to you  
19 and your family"?

20 DR. CONNERLY: But that's not a true  
21 statement, Commissioner.

22 COMMISSIONER YAKI: Sure, it is.

23 DR. CONNERLY: No, it isn't.

24 COMMISSIONER YAKI: Absolutely, it is.

25 DR. CONNERLY: No, it isn't. People who

1 are checking off --

2 COMMISSIONER YAKI: Absolutely.

3 DR. CONNERLY: No, it is not.

4 COMMISSIONER YAKI: Mr. Connerly, you  
5 know, I sit here. And I have listened to this for --  
6 I don't know -- ten years coming from you. And it  
7 just boggles my mind that I think there is one  
8 fundamental thing we agree on.

9 And that is we both want a society that is  
10 truly colorblind, where race is not an issue. I think  
11 we can agree on that, wouldn't you?

12 DR. CONNERLY: I would hope so.

13 COMMISSIONER YAKI: The problem is we  
14 don't live in that society. We don't live in that  
15 kind of place. I know, you know, for myself in my  
16 lifetime, I have encountered discrimination. Other  
17 people I know have encountered discrimination.

18 I'm not talking just "Oh, I didn't get the  
19 job because" whatever. I'm talking about people who  
20 called me J words and C words and every other kind of  
21 word.

22 And in the case of what Mr. Kirsanow said  
23 about this disconnect if you're this, but they hit you  
24 because of that, well, you know, I don't think that  
25 when Vincent Chin got his head stoved in by people in

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1 1980 because they thought he was Japanese he really  
2 cared whether they thought he was Chinese or not.  
3 They just saw him as someone who they were going to  
4 pound on because they wanted to take out their  
5 frustrations of the American automobile industry  
6 against someone they thought was from Japan.

7           You know, we don't live in that kind of  
8 world. And to the extent that we don't live in that  
9 kind of world and we have programs in the civil rights  
10 department, we have programs in housing and urban  
11 development, we are better designed to address and  
12 deal with these, we need the data to make sure we know  
13 how best to do it.

14           And, again, I just think it's nice but  
15 it's self-indulgent to say, "Well, I'd like to kind of  
16 be this multiracial thing." Well, okay. Put on there  
17 a big giant disclaimer, "If you do that, this is what  
18 will happen. These are the kind of stats that will  
19 not occur."

20           In the voting rights arena, it would be a  
21 complete mess because then you're saying they're  
22 thinking, "Well, how do we know whether there is vote  
23 dilution or not?" There is this amorphous group of  
24 people. We don't know what they are, who they are,  
25 what group they are.

1                   For all practical purposes for what we as  
2 a society want to do to get to that better place, to  
3 get to the place that you want this country to be and  
4 I want this country to be, it just doesn't make any  
5 sense.

6                   VICE CHAIRMAN THERNSTROM: I think, in  
7 fairness to Mr. Connerly, he should be able to finish  
8 his thought, but I want to just interject. Since we  
9 don't have a good definition of vote dilution, we  
10 still don't know. I mean, that whole concept -- it's  
11 a bad example to use.

12                   COMMISSIONER YAKI: I don't think so at  
13 all. I think this is where you and I disagree on the  
14 Voting Rights Act report, which we will be talking  
15 about later today.

16                   VICE CHAIRMAN THERNSTROM: Right.

17                   COMMISSIONER YAKI: And I think there is a  
18 very good definition of vote dilution. I think there  
19 are excellent examples of where communities have  
20 attempted to impose vote dilution of minority  
21 communities.

22                   And if we want to disagree and debate  
23 about that, we can.

24                   VICE CHAIRMAN THERNSTROM: We can do that  
25 later. But, in any case, I think Mr. Connerly had the

1 floor. And I think he would like to finish what he  
2 had to say.

3 DR. CONNERLY: Thank you, Commissioner.

4 I don't want this to become a replay of  
5 our disagreements over the past ten years. And I  
6 think there are larger questions here, one of which is  
7 the consistency.

8 If we say that our system is one of self-  
9 identification and we have a group of people that  
10 identify themselves in a certain way, it seems to me  
11 that it's inconsistent for us to deny them that  
12 option.

13 Some say it's only 2, whatever percent.  
14 That is certainly larger than the number of those who  
15 identify as Native American. And, yet, we allow that.

16 So if we're trying to not get into the  
17 realm of where this is going to end up -- and clearly  
18 in my view, 100 years from now, we will think this is  
19 all silly.

20 But for right now, if the census is going  
21 to be an accurate reflection of our population based  
22 on how people identify themselves, the logic of  
23 allowing multiracial in my view apart from the  
24 political considerations that some have, the logic is  
25 overwhelming that we allow them that option, not to



1 say "You can check multiple choice," then after you  
2 do, "We will take that freedom away because we will  
3 then assign you to the box that we think you belong  
4 in." It's inconsistent.

5 VICE CHAIRMAN THERNSTROM: Commissioner  
6 Kirsanow?

7 COMMISSIONER KIRSANOW: Another very  
8 discrete question. And this goes to Mr. Kincannon,  
9 who is more engaged in his wiper, as most of us  
10 usually are.

11 There are after every census concerns,  
12 allegations, representations that the census has  
13 under-counted certain population groups. I spent  
14 several wonderful years in statistics 101. And I have  
15 never been able to figure out what we don't know.

16 I mean, you can do multiple regression  
17 analysis to come to some type of general idea of what  
18 you may not have taken into consideration, but do we  
19 know, first of all, whether or not there have been  
20 under-counts of different population groups? And if  
21 we have, to what extent?

22 DR. KINCANNON: Well, there's quite a lot  
23 of research and evaluation information that is  
24 publicly available on this. I won't go back. I  
25 certainly can't go back and recall all of it.

1           There are certainly consistent measures of  
2 under-coverage of the black community if the self-  
3 identification is correct. And we know that going  
4 back to the 1940 census, I believe I am correct in  
5 saying, based on demographic analysis.

6           As I said before, we don't have good vital  
7 statistics that permit us to look at other than that  
8 split between blacks and all others. We have done  
9 follow-up evaluations measuring coverage using  
10 sampling surveys after the census. And that also  
11 indicates under-coverage of American Indians, for  
12 example, particularly those that live on reservations.

13           So there are also figures along the lines  
14 that you were speaking that correlate under-coverage  
15 in the census with very young people, with people of  
16 low educational attainment, with people who have low  
17 incomes, people who live in central city areas and in  
18 very rural areas, all of which are things that  
19 correlate also sometimes with various race and  
20 ethnicity groups.

21           So there is well-documented evidence that  
22 we miss people in the census. The measurements we did  
23 in 2000 seemed to show that we had improved coverage  
24 over the 1990 census and for the first time had  
25 reversed a many decades-long trend in declining total

1 coverage of the population.

2 COMMISSIONER KIRSANOW: Do you think --  
3 and this is to any member of the panel. You don't  
4 need to be an expert on the Voting Rights Act, but it  
5 really goes, I guess, to the statistics and the  
6 gathering of information.

7 Is there a concern in the testing that was  
8 done prior to implementation of the 2000 census? That  
9 is a greater number of potential categories of self-  
10 identification.

11 In that testing, was there -- and I think,  
12 Professor Prewitt, you may have been involved in this  
13 also. In that testing, was there any kind of metric  
14 or was there any kind of indication that perhaps this  
15 proliferation of categories might inadvertently result  
16 in a dilution of numbers in different political  
17 subdivisions for purposes of section 2 of the Voting  
18 Rights Act?

19 To extrapolate a little bit, let's say  
20 that you have a number of categories and prior to  
21 2000, though, you only had 5-6 categories. If, say,  
22 blacks had identified themselves as black and not as  
23 Cuban or Jamaican or something else, then you may have  
24 a subset of the population that is 13 percent black.  
25 And in different political subdivisions, that would

1 vary.

2 But now if you have given different  
3 choices, that might dilute to a point of, let's say,  
4 seven percent might identify themselves as black. Was  
5 that per the testing process? Was that a concern?

6 DR. KINCANNON: I wasn't here during the  
7 testing process. And I don't recall discussion of  
8 that element. We did produce if they had formally  
9 reported as black and later reported -- well, they're  
10 not supposed to stop reporting as black if they also  
11 report they're Cuban because ethnicity and race are  
12 separate questions on the census. And I think that is  
13 part of the rationale, holding them as separate  
14 questions, but who knows what that rationale is in  
15 everybody's mind.

16 The adding making it possible to report  
17 more than one race does not reduce the mention of  
18 every race involved. And the way we present the  
19 statistics, it is possible for the Justice Department  
20 or for this Commission or anybody else to tell the  
21 total number of people who have indicated they are --

22 COMMISSIONER KIRSANOW: By aggregating  
23 them.

24 DR. KINCANNON: -- black and so forth.

25 COMMISSIONER KIRSANOW: Yes.

1 DR. KINCANNON: And, of course, the sum  
2 total of all of those things exceeds 100 percent. But  
3 still you have no loss of the total identity of  
4 persons of any racial group.

5 COMMISSIONER KIRSANOW: In the Census  
6 Bureau -- I'm sorry. Go ahead, Professor Prewitt.

7 DR. PREWITT: You finish whatever you want  
8 to make.

9 COMMISSIONER KIRSANOW: I take it --  
10 correct me if I am wrong -- that the Census Bureau  
11 obviously is not involved in policy. You get  
12 directives from Congress as to what you are supposed  
13 to measure and you measure.

14 So, in other words, considerations of  
15 whether or not having these categories -- Mr.  
16 Connelly's concern, for example, is kind of like the  
17 more elegant, I think, rendition of the Morgan Freeman  
18 example of they asked Morgan Freeman a few weeks ago,  
19 "Well, you know, what about race? What do we need to  
20 do about this matter of race and racial discrimination  
21 and all the racial problems we have?"

22 And he goes, "Well, stop talking about  
23 it." And I think his point was happily we have gotten  
24 to the point in this society where there is still  
25 pervasive and invidious discrimination out there and

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1 we shouldn't discount it, ignore it, and we need to  
2 seize it and root it out where we can. It's no longer  
3 1964 either.

4 And I think -- I'm not speaking for Mr.  
5 Freeman, but I think I know Mr. Connerly -- that the  
6 extent to which we keep talk about it, it seems as if  
7 we exacerbate the racial divide.

8 And, as I tell my kids, the amount of  
9 discrimination you are going to encounter is  
10 infinitesimal compared to what was encountered 40  
11 years ago, but we seem to be in a hyper-racialized  
12 society, where we're talking about it even more and  
13 more. Less discrimination, the more we talk about it.  
14 That's maybe a good thing.

15 I hope there is less discrimination. But  
16 there is a question as to whether or not we're  
17 perpetuating things by just being so hyper-sensitive  
18 also.

19 Are there policy considerations related to  
20 the number of boxes you have as to if we have these  
21 many boxes or these few boxes, somehow we may be  
22 contributing to some racial problems down the road? I  
23 guess that is something for Congress to consider.

24 DR. KINCANNON: Yes. We don't have any  
25 policy problems with that. We have operational

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1 problems.

2 COMMISSIONER KIRSANOW: Testing problems?

3 DR. KINCANNON: Well, the more options you  
4 give, the more space it takes, but that's an  
5 operational concern and not a policy concern.

6 COMMISSIONER KIRSANOW: Okay. Because the  
7 short form, for example, about one-third of the entire  
8 short form consists of matters of race, which would  
9 suggest to somebody who sees it, you come down from  
10 Mars, and you get this form. You think the government  
11 is only concerned about race.

12 DR. KINCANNON: You don't have to come  
13 down from Mars. That's true.

14 VICE CHAIRMAN THERNSTROM: I  
15 think Commissioner Yaki had something to say.

16 COMMISSIONER YAKI: Yes. I'm just going  
17 to --

18 VICE CHAIRMAN THERNSTROM: And I have a  
19 question.

20 COMMISSIONER YAKI: -- go into a totally  
21 different -- let's talk prospectively about 2010. And  
22 it's a question that some friends of mine wanted me to  
23 bring up. And that has to do with the treatment of  
24 Latino, Hispanic identification on the form for 2010.

25 I guess you are running some tests right

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1 now on how to do the sampling and how to get the  
2 response rates. Could you elaborate a little bit  
3 about what the efforts are right now?

4 DR. KINCANNON: Well, last year we had a  
5 national content test, the second one in this decade.  
6 And we tested five different versions of the way to  
7 ask the race and ethnicity question. Those were  
8 included in the slides and in the record that I  
9 submitted.

10 Some of them wrote very slight variations.  
11 And we're now in the mode of analyzing the results,  
12 evaluating them, and seeing which of those methods  
13 seem to produce the best result, the least confusion,  
14 and so on.

15 COMMISSIONER YAKI: And do you think that  
16 will be available, then, for the 2010 short form? Is  
17 that the goal?

18 DR. KINCANNON: Yes, yes.

19 COMMISSIONER YAKI: Okay.

20 DR. KINCANNON: We will complete that  
21 analysis this year. And it will go into the  
22 questionnaire that we proposed to Congress for -- and  
23 that we will use in the dress rehearsal in the 2008  
24 and then in the ACS from 2008 through 2013, whatever  
25 it is, and in the short form for the 2010 census.

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1                   COMMISSIONER YAKI: Now, according to your  
2 data, 97 percent of the "some other race" category  
3 check-offs turned out to be Latino or Hispanic. What  
4 was the rationale for Congress keeping that category,  
5 even though you were going to be adding Hispanic,  
6 Latino, whatever it is that you're going to do to  
7 elucidate that in the 2010 census?

8                   DR. KINCANNON: Well, the rationale of  
9 Congress was that Hispanic groups wish to have that  
10 question continue.

11                   COMMISSIONER YAKI: Okay.

12                   DR. KINCANNON: I don't know whether 97  
13 percent of Hispanics cared one way or the other, but  
14 representative groups wanted to retain that.

15                   COMMISSIONER YAKI: Thank you.

16                   VICE CHAIRMAN THERNSTROM: Did you have  
17 something to say on that?

18                   DR. PREWITT: Yes. It goes back to the  
19 earlier conversation about multiracialism. So it's  
20 important to know when you're looking at statistics on  
21 multirace option, which is different than the  
22 multiracial category that Mr. Connerly recommends,  
23 that a very high percentage of the 2.4 percent in the  
24 2000 census who are recorded as having chosen more  
25 than one race, is a combination of one of the primary

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1 races and some other race, which, of course, is  
2 nonsense. Some other race is not a race.

3 So our statistics on the choice of  
4 multiracialness incorporates that deep flaw, it seems  
5 to me, in the question, which is the "some other  
6 race."

7 The Census Bureau -- and I can speak, I  
8 think, probably more forcefully than the director can  
9 on this issue. The Census Bureau would wish that the  
10 "some other race" were not on the 2010 census.

11 And it's been put on by legislation to  
12 indeed comport, if you will, with Mr. Connerly's kinds  
13 of logic, which is that Hispanics want to be able to  
14 use it, even though it is useless data for any kind of  
15 programmatic purpose whatsoever because "some other  
16 race" is not a race by definition.

17 So it is there to allow 15 million or  
18 perhaps even more Hispanic Latinos to go ahead and  
19 write that down on that line, even though it is  
20 confusing the multirace conversation that we are  
21 having and they are going to get imputed anyway in  
22 many instances. So it is a bad item. It's bad, bad  
23 statistics and bad public policy.

24 Just another second. If I could, I want  
25 to make sure that I associate myself with the

1 chairman. I would like for this country to imagine  
2 that the census data and other major federal surveys  
3 are a public good that allow us to understand  
4 ourselves.

5 I am on record as saying that it is too  
6 bad that the census has been pulled back so that the  
7 only questions you can ask are ones which have a very  
8 concrete programmatic or statutory purpose.

9 I would hope that we would be liberated to  
10 have a conversation in settings like this about what  
11 should the country understand about itself, what is in  
12 our public interest, what is in the interest of our  
13 democracy to understand about ourselves and allow the  
14 census to be the primary vehicle for collecting that  
15 information. Whether that becomes a multirace option  
16 or a multiracial question or so forth, then it's a  
17 legitimate conversation.

18 Finally, I guess I would add to Mr.  
19 Connerly's important observations about this we simply  
20 do not know statistically. If you have asked a  
21 multiracial option as against multirace, checking more  
22 than one box, and simply said "multiracial," we simply  
23 don't know what the numbers would have been.

24 That's easy to find out. All you have to  
25 do is do a big survey but sample. Ask one but sample

1 people the census question as it now exists, the other  
2 people the question which simply adds multiraciality  
3 as a category, and we would have some statistical  
4 guess as to where the population would like to be.  
5 And I would be happy to see that survey conducted. It  
6 would be very important information. We simply do not  
7 know.

8 The other thing I would just add  
9 statistically, much to my own surprise, I am on record  
10 saying the multirace population will grow rapidly in  
11 this period. But, nevertheless, over the first five  
12 years, I guess now five years including test data, the  
13 American community survey since the 2000 census, that  
14 number has not gone up very much at all. It has been  
15 quite flat, much to our surprise, much to my surprise.

16 COMMISSIONER KIRSANOW: Professor Prewitt?  
17 I'm sorry. Go ahead.

18 VICE CHAIRMAN THERNSTROM: Well, I was  
19 just going to pick up from your point that the  
20 collection of this data allows us to understand  
21 ourselves and return to a question that I raised at  
22 the very start.

23 As I said, I understand what the history  
24 is here, but I wonder if there hasn't been any  
25 consideration given in recent years of reviving the

1 issue of asking questions about a person's religion.  
2 I mean, how we understand ourselves in this country in  
3 terms of self-identification, religion is a very  
4 important factor.

5 DR. PREWITT: Again, I could speak as an  
6 ex-director. The director would probably have to  
7 hesitate giving an answer to this. But I would like  
8 to see -- in the nature of the public good, --

9 VICE CHAIRMAN THERNSTROM: Right.

10 DR. PREWITT: -- I would like to see a  
11 question on religion. We know why it is not there.  
12 It goes all the way back to 1790.

13 VICE CHAIRMAN THERNSTROM: Right.

14 DR. PREWITT: And the times that we tried,  
15 Hindu and so forth, were failed efforts --

16 VICE CHAIRMAN THERNSTROM: Right.

17 DR. PREWITT: -- for all kinds of reasons.  
18 But from the point of view of information as a public  
19 good, it is such an important part of our --

20 VICE CHAIRMAN THERNSTROM: Exactly.

21 DR. PREWITT: -- existence as a society.  
22 there was a time, of course, when the census did do a  
23 survey on religion. And that was truncated very  
24 quickly, as we well know.

25 But, anyway, I am happy to be on record

1 saying that I would like for this society to  
2 understand itself religiously the way it understands  
3 itself other ways and would hope that Congress would  
4 allow the United States Census Bureau to be a vehicle  
5 for providing that information.

6 COMMISSIONER KIRSANOW: Professor? I'm  
7 sorry. Go ahead.

8 DR. LEE: Can I just add to that,  
9 Commissioner?

10 VICE CHAIRMAN THERNSTROM: Right.

11 DR. LEE: The Canadian census routinely  
12 includes a question on religion. And just also  
13 something that bears on this discussion so far, they  
14 do not use the word "race" in that collection of the  
15 statistical property of the country. And the census  
16 is done every five years. And they ask a question on  
17 ethnicity. That's it.

18 COMMISSIONER KIRSANOW: Arlan?

19 VICE CHAIRMAN THERNSTROM: Arlan, yes?

20 COMMISSIONER MELENDEZ: Yes. I think just  
21 a comment. Commissioner Melendez.

22 I know that speaking of Native American  
23 reservations, we were really under-counted, I think,  
24 in the 1990 census. And I think it's improved some  
25 but not only as far as identifying who we are.

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1           You know, I think many people have in  
2 their mindset that the census data is used in some  
3 type of formula for distributing resources or  
4 allocating resources to the general community, whether  
5 or not it's identifying economic conditions in a  
6 certain sector of the United States, so that hopefully  
7 by identifying who you are, that resources actually  
8 can come your way.

9           I think that is part of the reason people  
10 fill out the census forms, not necessarily totally to  
11 identify that we're Native American or some  
12 nationality. I think in the back of our minds, we're  
13 hoping that this data is used to allocate resources by  
14 Congress, who looks at it for empowerment zones and  
15 all kinds of different things to send resources our  
16 way.

17           Does anybody want to comment on that?  
18 Because I know that we talked about it just being used  
19 solely for many identifying discrimination, but,  
20 again, disparity, like Ms. Lee mentioned, doesn't  
21 really necessarily say there is discrimination.  
22 You're just looking at disparities in resources to a  
23 certain extent. Does anybody want to comment on that?

24           DR. CONNERLY: Well, I think you are  
25 absolutely right, at least in terms of the perception.

1           Congresswoman Waters in Los Angeles ran ads during  
2 the 2000 census, saying, "Make sure you check the box  
3 because this will facilitate the delivery of services  
4 to your community." So I think that that view has  
5 been fostered.

6                           And I think that those ads were paid for  
7 by the Census Bureau, as I recall.

8                           DR. KINCANNON: I don't think Ms. Waters'  
9 ads were paid for by the Census Bureau.

10                           DR. PREWITT: I'm certain they weren't.

11                           DR. CONNERLY: There were some that were,  
12 I guess.

13                           DR. PREWITT: Well, there were many ads,  
14 \$187 million worth of advertising for the census.

15                           DR. CONNERLY: Yes.

16                           DR. PREWITT: But that had nothing to do  
17 with what Senator Boxer might have --

18                           DR. CONNERLY: Waters.

19                           VICE CHAIRMAN THERNSTROM: Waters,  
20 Congressman Waters.

21                           DR. CONNERLY: Congressman Waters, not  
22 senator.

23                           COMMISSIONER KIRSANOW: A couple of  
24 questions, and it's not necessarily directed at  
25 anybody but anyone who wants to answer.

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1           And I don't want to beat a dead horse, but  
2 I'm going to. In terms of data quality again and in  
3 terms of informing governmental programs or policies,  
4 going to the issue of religion, Title VII,  
5 discrimination on the basis of race, sex, age, or  
6 color, national origin, religion, we're gathering data  
7 on some of them but not all of them. We're leaving  
8 out color, for example, and we're leaving out  
9 religion.

10           So it seems to me that this data is ill-  
11 serving the programmatic or policy purpose of civil  
12 rights enforcement under Title VII. So then the  
13 question naturally begs, "Well, why then are we just  
14 doing it selectively?"

15           And then the question is, if we are  
16 leaving out religion and color because of certain  
17 sensitivity concerns and maybe even First Amendment  
18 concerns, I'm wondering whether that, then, also  
19 implicates the question of whether the census itself  
20 because it's something done by the government has  
21 Latinos being inherently coercive. In other words,  
22 when you get something from the government, you're  
23 more likely to fill it out than if you get it from,  
24 say, a private agency.

25           This goes to what Commissioner Chairman

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1       Thernstrom was saying. And that is it gives us a  
2       portrait of ourselves. But I'm wondering, would it be  
3       better if that portrait were put together not by the  
4       government but by, say, private entities, who could  
5       maybe even perhaps even better target the gathering of  
6       the information.

7                     For example, how much does the census  
8       cost, 200-something million dollars, to do?

9                     DR. KINCANNON: You are a few decades off  
10       in that cost.

11                    (Laughter.)

12                    COMMISSIONER KIRSANOW: Okay. It's like a  
13       billion dollars?

14                    DR. KINCANNON: Eleven billion dollars is  
15       the --

16                    COMMISSIONER KIRSANOW: How much?

17                    DR. KINCANNON: Eleven billion --

18                    COMMISSIONER KIRSANOW: Eleven billion?  
19       Okay.

20                    DR. KINCANNON: -- life cycle cost.

21                    COMMISSIONER KIRSANOW: Maybe that is a  
22       little too expensive for private entities, although I  
23       would note that Harvard, Yale, and all of these others  
24       have got endowments in the billions. And a consortium  
25       of all of the academics in the country or all of the

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1 scholars in the country and their institutions could  
2 maybe if they think it is so important pool their  
3 resources and do it. And it wouldn't be inherently  
4 coercive.

5 The government, for example, is very  
6 careful about sending out surveys and information  
7 because they believe something from the government is  
8 inherently coercive and compels people. Whether it  
9 does by, you know, penalty of law or not, people are  
10 more likely to fill out something that comes from the  
11 government.

12 In my day job, I'm with the National Labor  
13 Relations Board. And we are very scrupulous about not  
14 giving employees the belief that something is being  
15 affirmed or endorsed by the National Labor Relations  
16 Board because it's more likely they will vote the way  
17 the union or the way the board thinks they should  
18 vote.

19 I didn't mean to ramble on like this, but  
20 the two discrete questions are, is there a problem  
21 with not eliciting data or inducing data related to  
22 religion and color in informing Title VII?

23 And two is, is it possible that a  
24 consortium of private entities might do as good a job  
25 if a different job than, say, the census would in

1 gathering information without the possibly inherently  
2 coercive component that might be associated with the  
3 government or --

4 VICE CHAIRMAN THERNSTROM: And let me just  
5 add a sentence to that. Of course, we, private  
6 entities and nonprofits, et cetera, do collect a lot  
7 of information. That is where all our religious data  
8 comes from, nongovernmental sources. And I assume  
9 that those data are fairly accurate. But, anyway,  
10 let's have you --

11 COMMISSIONER YAKI: I do hear that  
12 Halliburton has a lot of cash on hand right now.

13 COMMISSIONER KIRSANOW: Which is horrible.

14 DR. KINCANNON: Well, I suppose that  
15 question is to me, really. I don't think that there  
16 is a private organization that is capable of producing  
17 the same coverage or response that the Census Bureau  
18 produces by spending quote a lot of energy and having  
19 a very talented staff to do that.

20 I don't think any private research  
21 organization regularly receives response rates in the  
22 90 percent rate. And on the American community  
23 survey, we are getting reports, response at the level  
24 of 95 or 96 percent month in and month out. I just  
25 don't believe anybody else can deliver that.

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1. Of course, that is using, at least  
2 technically, coercive power of government. It's a  
3 mandatory survey. The census is mandatory. Your  
4 response is mandatory under the law. We don't  
5 prosecute people very often at all for that, but it  
6 does make a difference in peoples willing to respond.

7 We measured that difference at the request  
8 of the House Government Affairs Committee to see what  
9 difference it made to have the American community  
10 survey mandatory or voluntary. And if we were going  
11 to get the same response rates without mandatory  
12 authority, it would have increased the cost by more  
13 than a third.

14 So it does make a difference to tell the  
15 people that the Congress is saying something is so  
16 important that they oblige them to reply, even if  
17 enforcement is minimal.

18 I do not have any desire whatsoever to  
19 have the Census Bureau involved in collecting  
20 religion, period. The law forbids us to do it on a  
21 mandatory basis; that is, with the census.

22 In my view, there is no utility for us to  
23 get involved in measuring that except in very narrow  
24 circumstances where a survey relates to some behavior  
25 or health condition very closely associated with

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1 religious practice. We almost never do that, even  
2 though the law permits that.

3 VICE CHAIRMAN THERNSTROM: And you're so  
4 opposed because?

5 DR. KINCANNON: It's just another  
6 controversial hassle that the Census Bureau does not  
7 need to get into.

8 VICE CHAIRMAN THERNSTROM: Well, wait a  
9 minute. Religion is a more controversial category  
10 than race?

11 DR. KINCANNON: Yes, yes.

12 COMMISSIONER YAKI: I would say, Madam  
13 Chair, that I would bet that the non-response rate  
14 would shoot up significantly. I think that religion,  
15 religious beliefs are so intrinsically personal to  
16 people that if they were forced to comply --

17 VICE CHAIRMAN THERNSTROM: It's a testable  
18 proposition, and they could omit that one question,  
19 that answer to that one question.

20 Anyway, I have been told by the staff that  
21 it would be a very good idea to wrap up. And unless  
22 any member of the panel has something further he or  
23 she would like to say --

24 COMMISSIONER KIRSANOW: Madam Chair, one  
25 question? I'm sorry.

1 Comparative data. Do any of you have any  
2 opinions as to whether there are better census systems  
3 elsewhere? Professor Lee touched upon Canada, and I  
4 thought that was really interesting. Are there any  
5 other census systems throughout the world that we  
6 should emulate or avoid, are better than ours, worse  
7 than ours? Any thoughts with respect to racial  
8 categorization?

9 VICE CHAIRMAN THERNSTROM: I assume Mr.  
10 Connerly would say, "Look, France doesn't collect  
11 racial data."

12 DR. LEE: Perhaps I can try to respond,  
13 Commissioner Kirsanow, having used census data from  
14 other countries, including Australia, Singapore,  
15 Malaysia, the U.K., and Canada, and also research and  
16 looked at data that researchers, demographers have  
17 used, data from the Brazilian census.

18 Now, I don't think there is a perfect  
19 census system anywhere in the world. And I think that  
20 many of the issues that the U.S. census and the U.S.  
21 Census Bureau have to try to grapple with, other  
22 countries have their own challenges.

23 Just coming back to the issue about  
24 religion, the Canadian census, as I mentioned earlier  
25 on, has routinely had a question on religion. And

1 they don't have the kind of legislative injunction  
2 against adding a question on religion.

3 And, as far as I know, -- Statistics  
4 Canada is the Census Bureau counterpart in Canada --  
5 it has never been a controversial question, believe it  
6 or not. But I don't think it's the case in this  
7 country.

8 VICE CHAIRMAN THERNSTROM: If nobody else  
9 has anything they want to say, no other commissioner  
10 has an urgent question, I would like to once again  
11 thank all of you for coming.

12 It's a topic that interests me enormously  
13 and I think this has been a wonderful panel. And  
14 those who were not able to be here have missed an  
15 enormously informative morning.

16 Thank you so much. I would like,  
17 actually, to take a five-minute break. Yes. Good.  
18 Thank you, Commissioner Yaki. Five minutes. He's  
19 trying to get out of here on a plane, but five minutes  
20 we can do.

21 (Whereupon, the foregoing matter was  
22 concluded at 11:40 a.m.)

23  
24  
25