

Testimony before the Puerto Rico Advisory Committee to the United States Commission on Civil Rights on the role that race and ethnicity play in the treatment of the people of Puerto Rico by the federal government

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The *Insular Cases*, whether the narrow or more expansive canon, have structured the political relationship between Puerto Rico and the United States for more than a century. The genesis of this “third-way” of understanding and structuring the territorial relationship with the United States rested on the very ethnocentric and indeed racist ideology pervasive at the time in U.S. ruling circles, whereby there was a hierarchy of dominance and control that placed White Anglo Saxon Protestant men at the top and subordinated all other ethnic and racial groups in a gradation of subservience and exclusion.

This “third view” of territorial relations created the legal and political conditions that kept Puerto Rico from being fully incorporated into the United States. It structured the political inequality that Puerto Rico experiences to this day, whereby it is often treated “worse” than a state. But it also created the conditions of autonomy and exception to uniform treatment that may provide more favorable treatment for Puerto Rico. That is, Congress may continue treating Puerto Rico differently, but treating it better than a state. This of course is contingent on the political will of policymakers in Washington and that political will and disposition is highly variable.

Alternatives to the Insular Cases may require careful thought, considering that returning to the legal status quo ante exposes Puerto Rico and other U.S. territories to the prevailing legal doctrine regarding territories encapsulated in *Dred Scott v. Sanford* (1857), with the immediate consequence of incorporating Puerto Rico politically and foreclosing the possibility of self-determination for Puerto Rico and its political status for those who do not want Puerto Rico to be part of the Union. This automatic incorporation may also then foreclose the flexibility the present status offers Congress in the application of federal law and policy with respect to Puerto Rico and the other “unincorporated” territories.

In regards to the history of racial discrimination and the history of differential treatment by the federal government, we need to provide a broad context for the racial ideology the prevail in U.S. policymaking circles at the time of the acquisition of Puerto Rico and other territories from Spain and how it affected the incorporation of those populations in the United States.

In 1882 Chinese immigration to the United States was severely restricted on the grounds that they would not be able to become citizens of the United States on racial and cultural (i.e., ethnic) grounds as that population was incapable of engaging in republican self-government in the eyes of U.S. policymakers. Asian and Pacific Ocean territories that the United States had acquired in 1898 (i.e., the Philippines, Guam, Marianas) were therefore not to be part of the United States in full-fledged equality as other states of the Union as had been the expectation with territories acquired from France in 1803 or even the territories acquired from Mexico after the war with that country between 1846 and 1848. Moreover, the fact that these territories acquired in 1898 were well populated would make it very unlikely that non-Asian (or non-Hispanic) settlers, and specifically Anglo-American settlers, would make up anything but a minority of the population,

unlikely to take control of the government.¹ The experience in Hawai'i in which a small minority of white U.S. settlers instigated a coup d'état and the annexation of that independent kingdom to the United States would be less likely in the Philippines, albeit perhaps possible in Guam.

This consideration about the composition of the populations of the territories was never far from the concerns of U.S. policymakers regarding their incorporation into the United States. Even the territories acquired by the United States before the Civil War were not admitted into the Union until it was clear that the socially, economically and politically dominant group in the territory needed to be non-Hispanic whites before Congress would consider admitting them as states. The experience of the territories of Oklahoma, New Mexico, Alaska and Hawai'i are testament to not simply the role of racial considerations in the process of admission as a state, but specifically the cultural and ethnic dimensions so closely related to the racial make-up of the territories in question.²

An analysis of the timeline of territories admitted into the Union after the founding of the republic indicates a slight negative correlation (-.11) between the year of admission and the percentage of the population that was white in the decennial census immediately prior to admission. This negative correlation is much more robust (-.81) when the territory in question was admitted after the Civil War. These results suggest that the territories with the lowest percentage of (non-Hispanic) whites in the population took longer to be admitted as states of the Union.³

This consideration about the nature and “quality” of the territories’ population can be discerned in the stipulation for incorporation of the territories newly acquired by the United States. As the United States acquired territory in its expansion southward and westward across the North American continent, U.S. citizenship was extended to the residents of those territories who were fit for citizenship (i.e., white persons).⁴ Therefore, the treaties that brought Spanish East and West Florida, the Louisiana Territories, and the territories belonging to Mexico, all stipulated that the inhabitants of those territories would be incorporated into the United States as citizens, although there was already some equivocation in 1848 in regards to the former Mexican nationals.⁵ However, by the time Puerto Rico (and the Philippines and Guam) was acquired by

¹ “The Porto Ricans can not be absorbed through the immigration of Americans, for the country is already more densely populated than India or any State of the Union and there is no room for any large influx of outsiders from anywhere” (Davis, George W. 1902. Report of the Military Governor of Porto Rico on Civil Affairs. Annual Reports of the War Department for the Fiscal Year Ended June 30, 1900. Part 13. Washington, DC: Government Printing Office; p.36).

² “The inhabitants, however, and their laws and traditions remain. The former can not be metamorphosed into Anglo-Saxons. They are what they are, and must so remain for a long time” (Davis, 1902: 35-36).

³ Population size of the territory is also associated with when the state was admitted to the Union, with the association much more robust between 1796 and 1959 (.62), than after the Civil War (.41).

⁴ Dred Scott v. Sandford (1857), Elk v. Wilkins (1884), U.S. v. Thind (1923)

⁵ Article VI, Adams-Onís Treaty (1819): “The inhabitants of the territories which His Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.”

Article III, Treaty of Paris (1803): “The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the [federal Constitution](#) to the enjoyment of all these rights, advantages and immunities of citizens of the United States, and in the mean time they

the United States from Spain as a prize of war, incorporation of the native populations into the United States as U.S. citizens was no longer automatic nor even guaranteed. Rather, such incorporation was now wholly subject to the will and whim of the U.S. Congress.⁶

Racialization and Racial Subordination upon Invasion

Then there was the case of Puerto Rico specifically.⁷ While ethnically a disparaged people of Catholic, creolized Southern European culture, and racially suspect as a result of the composition of its population, the condescending ethnocentrism of U.S. policymakers did allow for a tutelary approach to republican self-government for this one territory.⁸ Congress gradually extended the right of self-government to the people of Puerto Rico because Congress was not of the opinion that the people of Puerto Rico could govern themselves, but rather had to be instructed in the ways of republican self-government. This approach was notwithstanding the fact that the residents of Puerto Rico already had a fairly expansive form of self-government under the autonomy charter Spain had granted it in 1897, just prior to the Cuban-Spanish-American War. U.S. policymakers discounted the formative effect on political development this autonomy might have had on Puerto Ricans.⁹

shall be maintained and protected in the free enjoyment of their liberty, property and the Religion which they profess.”

Article IX, Treaty of Guadalupe-Hidalgo (1848): “The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States. and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.”

⁶ Article IX, clause 2, Treaty of Paris (1898): “The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.”

Article VI, clause 2, Convention between the United States and Denmark for the Cession of the Danish West Indies (1916): “The civil rights and the political status of the inhabitants of the islands shall be determined by the Congress, subject to the stipulations contained in the present convention.”

⁷ “The island is to be an American possession or Territory or State, as Congress may direct; but no matter what the status as respects dependence or autonomy, it must always remain Porto Rico and densely populated by Porto Ricans. No matter what Congress may do or omit to do the people will, in fact remain as alien as are the native New Mexicans, Hawaiians, and Tagalos. They will have their own language and customs, and their religion will remain Roman Catholic or else relapse into infidelity...” (Davis 1902: 63-64). “There is no possibility of a large foreign immigration, for there is no public land adapted to tillage, and the Anglo-Saxon can never become a successful tropical laborer. There will be a few merchants, producers, physicians, lawyers, bankers, clerks, teachers, mechanics and missionaries; but the percentage of such will never be much larger than now” (Davis 1902: 63-64).

⁸ “The island probably contains a larger proportion of educated and enlightened individuals than did New Mexico in 1850, but the great mass of inhabitants are no more fitted for citizenship than were and are the natives of the region conquered from Mexico in 1846. Santo Domingo has a population similar to Porto Rico in many respects, but there self-government has certainly not been a success” (Davis 1902: 96).

⁹ “It is not necessary to state that the inhabitants were without experience in conducting government. Real self-government was unknown, for no inhabitant of the island had ever participated in any legislative or real self-governing function. They had no conception of any government that did not require of them compliance and submission. It remains to be seen if these novices in self-government will make proper use of their granted privileges under the recent law of Congress, which provides for the present establishment of a large degree of autonomy” (Davis 1902: 37). “It is a melancholy reflection that there is no instance when the Spanish race, through an honest exercise of the elective franchise has been able to establish and maintain such a government” (Davis 1902: 45).

In 1900, Puerto Rico's territorial government was transitioned from military rule, to one in which voters in Puerto Rico could elect its lower chamber of the legislature (i.e., the House of Delegates), while the President of the United States appointed the delegates to an Executive Council, which operated as the upper chamber of the legislature, and appointed its governor. In 1917, Congress allowed residents of Puerto Rico to elect not only the members of the lower chamber of the legislature, but also the members of the upper chamber. The governor, however, continued to be appointed by the President. In 1947, Congress passed a law allowing the voters in Puerto Rico to elect their own governor. And in 1950, Congress also allowed the people of Puerto Rico to draft their own Constitution, in conformity with all applicable federal law and the Constitution of the United States.

Administrative Effects of Contrasting Racial Formation Experiences

Racial considerations about Puerto Rico's population were ever present in this political process. Official reports from territorial governing authorities indicated as much, cementing political relationships that subordinated the lives of Puerto Ricans to the dictums of U.S. territorial administrators.¹⁰ The collection of data on race is a case in point. The conflicting understandings of racial formation in Puerto Rico relative to the United States played out bureaucratically in the 1910 and 1920 decennial censuses.¹¹

Between 1899, when the U.S. Department of War oversaw the first census of the population conducted in Puerto Rico under U.S. administration, and 1920, the white population increased from just under 62% to 73% of the total population, according to census enumerators.¹² This increase was a contrast with the last census under Spanish colonialism (1897), when the proportion of whites was recorded at 64.3%, but 61.8% two years later, under the new U.S. administration and their understanding of racial categories and their boundaries. According to sociologist Mara Loveman, census enumerators in Puerto Rico "lightened" the racial categories of wives and children in mixed race households, contributing to an increase of approximately 100,000 individuals in the white population from what would be expected by natural growth and migration. As a consequence of the purported inflation in the number of "white" Puerto Ricans by Puerto Rican enumerators, U.S. administrators overrode and overwrote in the census schedules the identification of many of those individuals in order to conform with U.S. specifications.

Once Puerto Rico achieved its present level of territorial self-government in 1952, Puerto Rican policymakers sought to side step the issue of race, racism and racial discrimination in Puerto

¹⁰ "It seems to be absolutely essential that the franchise in Porto Rico be restricted on some basis that shall prevent the political control from passing into the hands of the vast horde of the ignorant, who have no conception of the duties of citizenship..." (Davis 1902: 114). "If the disenfranchisement of the negro illiterates of the Union can be justified, the same in Porto Rico can be defended on equally good grounds, for the education, social, and industrial status of a large portion of the native inhabitants of Porto Rico is no higher than that of the colored people" (Davis 1902: 115). "If universal or manhood suffrage be given to Porto Ricans bad results are almost certain to follow. The vast majority of the people are no more fit to take part in self-government than are our reservation Indians, from whom suffrage is withheld unless they pay taxes. They certainly are far inferior in the social, intellectual, and industrial scale to the Chinese, who for very good reasons are forbidden to land on our shores. (Davis 1902: 116)

¹¹ Loveman, Mara, and Jeronimo O. Muniz. 2007. How Puerto Rico became white: Boundary dynamics and intercensus racial reclassification. *American Sociological Review* 72(6): 915-939.

¹² Loveman, Mara. 2007. The US Census and the contested rules of racial classification in early twentieth-century Puerto Rico. *Caribbean Studies*, 35(2): 79-114.

Rico on U.S. terms. Consequently, they requested that the decennial census not include a question on racial identification in Puerto Rico beginning in 1960. The U.S. Census Bureau agreed, until 2000, when Puerto Rican policymakers at the time requested that the same questionnaire used in the U.S. also be used in Puerto Rico as a show of equal treatment.

Inadequacy of U.S. Racial Categories in the Protection of Civil Rights in Puerto Rico

There is substantial evidence of racial prejudice and discrimination in Puerto Rico against the population of African descent, whether in the household and among extended family, as well as in schools, and communities of faith; in the communication media, particularly in television; in employment in private industry, in law enforcement and in geographical space; as well as in the formation of national identity.¹³ Yet, it has become apparent for more than a quarter century that relying on administrative instruments, such as the Census Bureau questionnaires, based on categories sanctioned by the Office of Management and Budget, to gauge social heterogeneity and stratification on the bases of U.S. racial classification are insufficient, invalid and unreliable in Puerto Rico.

To address this point, we append to this testimony our 2022 commentary on the proposal by the Office of Management and Budget to change the manner in which the collection of data on race and ethnicity is conducted by federal agencies in Puerto Rico (as well as the United States) (see Appendix A).

One consequence of maintaining the extant “uniformity” in the collection of data on race and ethnicity in Puerto Rico and the United States is that it elides the tangible and material distinctions and different treatment that some resident of Puerto Rico face at the hand of other Puerto Ricans along those social identities. Instead, our call to treat Puerto Rico differently in the administration of these federal programs and initiatives is based on the inherent flexibility and wide berth in the application of federal law the unincorporated status that is sustained by the legal theory of the Insular Cases offers Puerto Rico. Presently, the uniform application of federal administrative rules and procedures precisely mitigates against the equal protections of the law and the civil rights of residents of Puerto Rico because the pattern of racial formation in Puerto Rico is distinct from that of the United States. Therefore, the thoughtless prescription of federal solutions to the insular social problems in Puerto Rico will continue to have counterproductive results.

A case in point, as quoted in our aforementioned testimony to the Office of Management and Budget in 2022,

“..., collapsing the race and ethnicity questions into one single question to ascertain identity will have the perverse effect of eliminating the possibility of collecting pertinent information for the purpose of tracking civil rights compliance, particularly in Puerto Rico. As the results of the recent decennial census for Puerto Rico show, 98.9% of residents of Puerto Rico identified as Hispanic. At this rate of near unanimity such data on identity is a constant that makes comparison for civil rights compliance meaningless.”

¹³ Vargas-Ramos, C., 2005. Black, trigueño, white...? Shifting racial identification among Puerto Ricans. *Du Bois Review: Social Science Research on Race*, 2(2): 267-285.

[...]

“This inability to track and substantiate difference in treatment on the basis of race or color among Hispanics is already taking place in Puerto Rico. In Puerto Rico, employers are providing employees with EEO-4 forms that dichotomize the choice of self-identification into ethnicity or race. Therefore, Puerto Ricans of African descent who are discriminated by other Puerto Rican by virtue of their color or other perceived phenotypical difference cannot bring claims of racial discrimination since purportedly all involved are Hispanic.”

Another concern with heedless application of U.S. racial categories and terminology to racial dynamics in Puerto Rico is their validity and reliability, and therefore usefulness. An overview of responses to the race question in the decennial censuses between 2000 and 2020 illustrates the point. As Figure 1 indicates that racial identification in the twenty-year span since the 2000 census has shifted dramatically, particular among the population that identified as white alone (i.e., as a single race). In 2000, 80% of the population identified as white. By 2010, the proportion of white-identified Puerto Ricans diminished somewhat to about 76%. But by 2020, the proportion identified as white alone plummeted to about 16% of the total population; a 64-percentage point difference from 2000. In comparison, the proportion of persons who indicated two or more of the OMB-sanctioned race categories went from 4% in 2000 and 3% in 2010 to 50% in 2020.

A similar pattern of variability, if not as dramatic, is evident when using a different Census Bureau product: the American Community Survey/Puerto Rico Community Survey. The period of analysis is shorter—from 2009 to 2023—but corresponding to the decennial census years of 2010 and 2020. A feature of the American Community Survey/Puerto Rico Community Survey used in Figure 2 is that it aggregates data from 5-year periods—2009-2013, 2014-2018, 2019-2023—and, unlike the decennial census, which strives to count the totality of the population, the Community Surveys are samples of the population.

The results for these periods show that the proportion of the Hispanic population in Puerto Rico that identified as white was nearly 70% in 2009-2013; 67% in 2014-2018; but 35% in 2019-2023. Correspondingly, the proportion of the population that identified using two racial categories or more was 12% in 2009-2013; 5% in 2014-2018; but 30% in 2019-2023. Those who used some other racial category beyond those approved by OMB were 10% of the population in 2009-2013; 16% in 2014-2018; but 27% in 2019-2023. In contrast, the proportion of the population that identified as black fluctuated much less: 8% in 2009-2013; 11% in 2014-2018; and 7% in 2019-2023.

Figure 1. Racial Identification among Hispanics in P.R., 2000-2020, decennial censuses

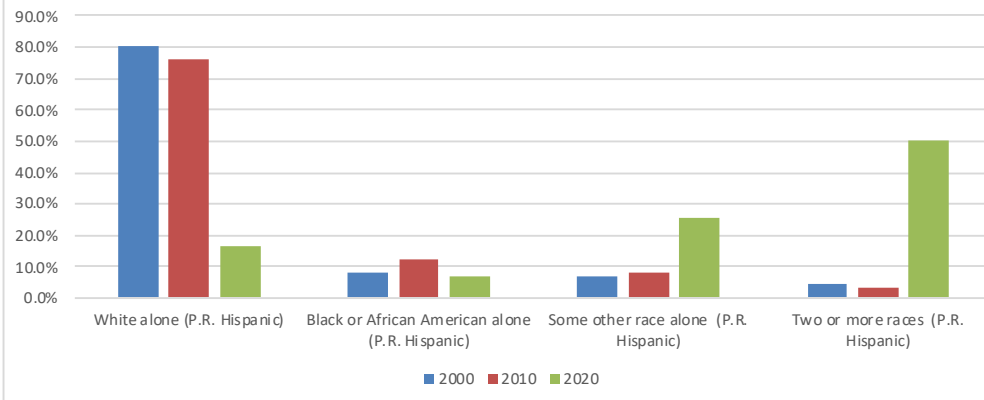
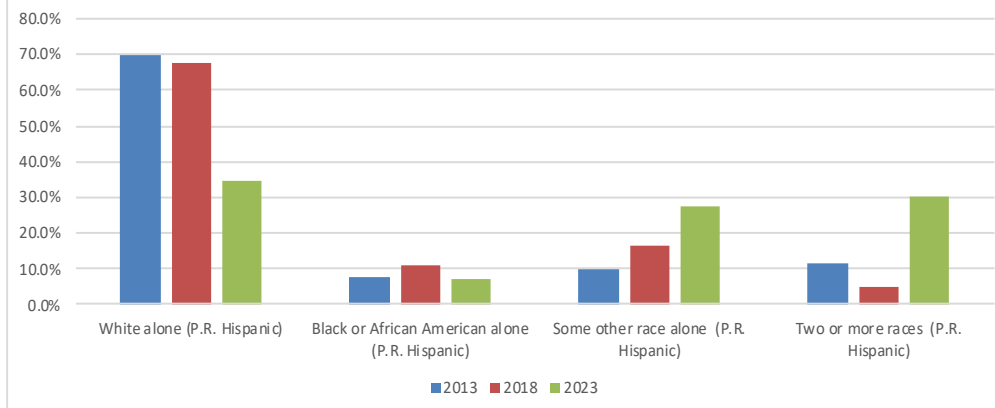


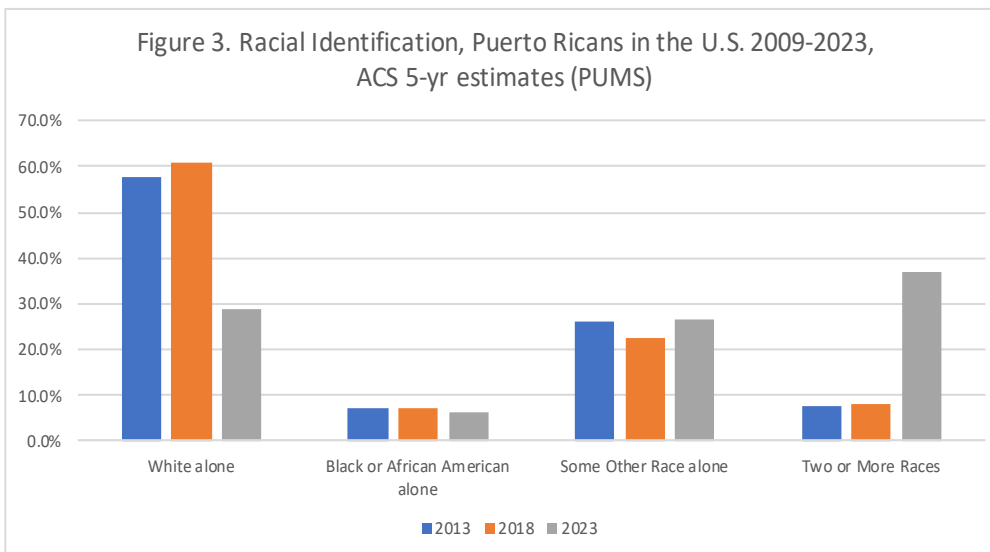
Figure 2. Racial Identification among Hispanics in P.R., 2009-2023 ACS, 5-year estimates



This variability in racial identification among residents of Puerto Rico underscores the questionable reliability, and therefore validity, of U.S.-based and -sanctioned racial categories to analyze material differences among Puerto Ricans (both in Puerto Rico and in the United States) as well as other Hispanics in the United States. The large prevalence of Puerto Ricans and other Hispanics in the United States who use other racial descriptors from those approved by the Office of Management and Budget (i.e., Some Other Race) has been noted for several decades.¹⁴ In so far as Puerto Ricans are concerned, it has been forcefully argued that the lack of vernacular

¹⁴ Duany, J. 2002 *The Puerto Rican nation on the move: Identities on the island and in the United States*. Chapel Hill: University of North Carolina Press. Gravlee, C. 2005 'Ethnic classification in southeastern Puerto Rico: The cultural model of "color"', *Social Forces*, vol. 83, pp. 949-70. Rodriguez, C.. 2000 *Changing race: Latinos, the census and the history of ethnicity in the United States*, New York: New York University Press. Godreau, I. P. (2015). *Scripts of blackness: Race, cultural nationalism, and US colonialism in Puerto Rico*. University of Illinois Press.

or locale-specific racial terminology that captures the contextual racial formation among Puerto Rican contributes to these results were unreliable, and therefore invalid results.¹⁵



This contrarian attitude among Puerto Ricans and (other Hispanics) in the U.S., in reaction to different racial formation experiences, has been noted given the relatively lower proportion of Puerto Ricans who identify as white compared to those in Puerto Rico and the much higher proportion of those who identify with another racial category from those approved by OMB. Historically, those choosing “some other race” have been upward of one-quarter of Puerto Ricans in the United States, sometimes exceeding one-third. What is novel is the more recent data (i.e., 2019-2023), whereby those who identified as white fell under 50% of the Puerto Rican population in the U.S. and those who identified with two or more racial categories increased to 37%. This is a pattern that has also been observed among all Hispanics in the United States, raising the possibility that administrative “corrections” as those observed in Puerto Rico between the 1910 and 1920 decennial census cited above may also be at work.

OMB has been trying to get Latinos in the U.S. to conform to OMB-sanctioned racial categories for years now, even though the administrative policy on which such objective is based (i.e., OMB’s Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity [SPD 15; 1997]) only calls for a *minimum* of five categories of race as well as two categories of ethnicity. It does not require that they be *only* those five specific racial categories (i.e., White, Black or African American; American Indian or Native American; Asian; Native Hawaiian or Other Pacific Islander).¹⁶ In order to conform to

¹⁵ Godreau, I. and Vargas-Ramos, C. 2009 ‘Which box am I? Towards a culturally grounded, contextually meaningful method of ethnic and racial categorization in Puerto Rico’, Cayey: Instituto de Investigaciones Interdisciplinarias, Universidad de Puerto Rico, Cuadernos de Investigación No. 8. Also, Vargas-Ramos (2005).

¹⁶ To address this point further, we append to this testimony our 2023 commentary on the proposal by the Office of Management and Budget to change the manner in which the collection of data on race and ethnicity is conducted by federal agencies in the United States (as well as the United States) (see Appendix B).

that OMB objective, the US Census Bureau regularly modifies the responses to the race question provided by individuals in census questionnaires; for instance, “non-specified race responses of Some Other Race alone were modified by blanking the non-specified race response and allocating a specified OMB race alone or in combination.”¹⁷

However, it is unclear what methodological changes may have been instituted by the Census Bureau or the Office of Management and Budget in regards to modification to the race question in 2020. Seemingly an administrative change may have been at work affecting Census Bureau data products from 2020 and thereafter so that very notable changes in the responses to the race question among Puerto Ricans are evident from that year on. Figures 1, 2 and 3 reflect these changes for residents of Puerto Rico and Puerto Ricans in the United States using decennial census data as well 5-year estimates of the American Community Survey data. (Appendix C shows similar patterns of response changes to the race question using 1-year estimates of the Puerto Rico Community Survey. This pattern is also evident for all Latinos in the United States; data not shown.) However, no methodology explanation reflecting any changes that may have taken place administrative is available for 2020 and thereafter on the Census Bureau website.¹⁸

A Commentary on Whiteness in Puerto Rico

The Puerto Rico Advisory Committee to the United States Commission on Civil Rights would like us to comment on the white racial classification in a sociological context given that the vast majority of people in Puerto Rico identified as white in the 2010. The sociological approach to understand this process of racial self-representation is racial formation, the process “by which racial meanings are decided, and racial identities are assigned in a given society.”¹⁹ It is a process that is historically and socially contingent.

As indicated in our previous comments, and based on research that we have conducted, there is a preference for whiteness among Puerto Ricans.²⁰ The 2000 and 2010 decennial census results show that 80% and 76% of the population identified as white, respectively. Since 2000 Puerto Ricans have been able to choose on their own the racial category designation offered by the U.S. Census Bureau. Between 1910 and 1950, it was the census enumerator who assigned people to a particular racial category according to instructions by the Census Bureau, as noted previously. Take note that those proportions of people identifying as white in Puerto Rico are greater than

¹⁷ As stated, “[b]ecause of needs to have census data comparable with reporting the reporting categories used by state and local agencies and for compiling other administrative data used in producing population estimates and projections, the Census Bureau developed a procedure to assign an OMB race to those who reported Some Other Race.” (Modified Race Summary File Methodology. U.S. Census Bureau, Population Division. Updated: 07/05/2012. <https://www2.census.gov/programs-surveys/popest/technical-documentation/methodology/modified-race-summary-file-method/mrsf2010.pdf>

Additional information on data imputation as it respects Hispanics or Latinos may be found in See Ríos, M., Romero, F. and R. Ramirez. (2014). Race Reporting among Hispanics: 2010. Working Paper No. 102. Washington DC: Census Bureau, Population Division.

¹⁸ <https://www2.census.gov/programs-surveys/popest/technical-documentation/methodology/modified-race-summary-file-method/marc2020-imprace-us.pdf>

¹⁹ Winant, H. (1992). “Rethinking Race in Brazil.” *Journal of Latin American Studies* 24(1): 183. Also, Omi, M. and H. Winant. (1986). *Racial Formation in the United States: From the 1960s to the 1980s*. New York: Routledge.

²⁰ This part of the testimony relies heavily on Vargas-Ramos, C. (2014). “Migrating Race: Shifting Understandings of Race among Puerto Ricans.” *Ethnic and Racial Studies* 37 (3): 383-404.

the proportions in the United States, where 75% and 72% identified as white in 2000 and 2010 (69% and 63%, respectively, among non-Hispanic).

Predilection for whiteness among Puerto Ricans overall stems from the social hierarchy developed in Puerto Rico since 1509 under the colonial control of Spaniards. This white population group controlled the upper echelons of governmental, military, commercial and religious institutions, with their 'criollo' descendants occupying ancillary spaces. At the bottom of the social scale was an enslaved population, which, after the effective disappearance of indigenous labor, was equated with the population of African and their descendants. In between these groups that came to form at the poles, there came about a very sizable segment of the population that resulted from the admixture of blacks and whites, termed historically *mulatos*, *pardos* or *coloreds*, in official records, and more colloquially *trigueños*, *jabaos*, and *morenos* at present. The social standing of this mixed group would vary, from being indistinguishable from blacks (whether free or slave) as subjects to discriminating police scrutiny in the form of reduced civil rights and arbitrary treatment for several decades in the aftermath of the Haitian revolution, to lesser social contempt from the white population with which it may even form social unions (e.g., marriages).

Two other factors contributed to the process that favored whiteness socially. One is a particular construction of racial boundaries that has a relatively broad and porous definition of whiteness and narrower definition of blackness (i.e., somatic norm).²¹ Another is the intersection of the racial democracy intellectual project that gave a particular meaning to the miscegenation process extant in Latin America along with *blanqueamiento* as a social escape over the generations from disparaged racial groups. Exogamy can be understood in these terms. So can the statistical whitening alluded to in the 1920 and 1920 censuses.

²¹ Hoetink, H. (1967). *The two variants in Caribbean race relations*. London: Oxford University Press.

Table 1. Historical Population Counts for Puerto Rico 1802-2010.

Census Year	Total Population	Per cent White	Per cent Non-White
1802	163,192	48	52
1812	183,014	46.8	53.2
1820	230,622	44.4	55.6
1827	302,672	49.7	50.3
1830	323,838	50.1	49.9
1836	357,086	52.9	47.1
1860	583,308	51.5	48.5
1877	731,648	56.3	43.7
1887	798,565	59.5	40.5
1897	890,911	64.3	35.7
1899	953,243	61.8	38.2
1910	1,118,012	65.5	34.5
1920	1,299,809	73	27
1930	1,543,013	74.3	25.7
1940	1,869,255	76.5	23.5
1950	2,210,703	79.7	20.3
2000	3,808,610	80.5	19.5
2010	3,725,789	75.8	24.2

Sources: For 1802 to 1899 data, U.S. War Department (1900), p. 57;
for 1910 to 2010 decennial data, U.S. Bureau of the Census.

Data for Redistricting

The Puerto Rico Advisory Committee to the United States Commission on Civil Rights is also interested in ascertaining the relevance of Census Bureau results in Puerto Rico since they are not used for Congressional re-districting in the territory. It is correct that there is not a re-districting process in Puerto Rico involving federal congressional districts. Since Puerto Rico is not a state of the Union, but rather a territory, the only federal representative in the U.S. Congress is a resident commissioner elected at-large by duly registered voters in Puerto Rico.

However, the Commonwealth of Puerto Rico's legislature is made up of two chambers which include members elected at-large as well as legislators elected at the district level. (There are eight senatorial districts, and forty in the house of representatives.) These legislative districts are subject to redistricting every ten years using the decennial census of the population results provided by the U.S. Census Bureau. This redistricting process is subject to the extant legal code in Puerto Rico, using same legal standards of "one person, one vote," captured in *Baker v. Carr*, 369 US 186 (1962) and the "substantial population equality" standard deriving from *Reynolds v. Sims*, 377 US 533 (1964).²² Consequently, the data collected in Puerto Rico in the decennial population census are not only relevant, but crucial for the protection of the right to vote in the political process in the territory.

²² https://juntaconstitucionalderedistribucion.pr/wp-content/uploads/2022/08/Publicacion_Diario_Determinacion_Final.pdf

Data Gaps in U.S. Territories for Sound Federal Policymaking

The relevance of accurate Census Bureau data for the proper operation of democratic governance in Puerto Rico as related the redistricting process also raises the question of the need for accurate and precise information about Puerto Rico as a territory under the direct oversight of the U.S. Congress and the need for such information in the discharge of sound public policy in regards to this and other territories of the United States.

The Puerto Rico Advisory Committee to the United States Commission on Civil Rights is also interested in learning about Census Bureau products and surveys that are not conducted in Puerto Rico. In fact, lack of relevant and pertinent information about Puerto Rico (and other territories) is not just a problem involving the Census Bureau. It is true that the Census Bureau does not cover Puerto Rico in its American Community Survey, the Quarterly Summary of State and Local Government Tax Revenue and the Survey of Income Program Participation. In fact, appendix 3 of the 2016 Report to the House and Senate by the Congressional Task Force on Economic Growth in Puerto Rico list nearly 30 programs and surveys from the Census Bureau in which Puerto Rico is not included.²³ But the Census Bureau is not the only federal agency that fails to collect information needed by federal policymakers making decisions about Puerto Rico and other U.S. territories. This is also the case of the Bureau of Labor Statistics, which fails to include Puerto Rico in its month Current Population Survey.

Without actual and concrete data on which to base sound policy-making, federal efforts then rely on limited information or no information whatsoever, with two perverse effects: inefficient policy-making or no policy-making at all, leading to the continuing neglect in which the U.S. territories continue to languish. Moreover, this has already been noted in policy-making circles in Washington DC. In fact, the U.S. General Accountability Office has indicated that data gaps affect Puerto Rico in particular fashion.²⁴ Puerto Rico has more population and housing units than 22 states of the union. To ignore statistically and policy-wise this large population does not make good-government sense.

Puerto Rico is one of five permanently inhabited territories of the United States, along with American Samoa, the Commonwealth of the Northern Mariana Islands, Guam and the U.S. Virgin Islands. As with Puerto Rico, the other U.S. territories are also subject inconsistent inclusion (or lack thereof) in data collection programs. As the U.S. General Accountability Office has noted,²⁵ there are three ways in which “territorial data gaps” affect the federal policymaking for the territories: “gaps in coverage, disparities and lags in reporting, and

²³<https://www.finance.senate.gov/imo/media/doc/Bipartisan%20Congressional%20Task%20Force%20on%20Economic%20Growth%20in%20Puerto%20Rico%20Releases%20Final%20Report.pdf>

²⁴ “Officials from Puerto Rico described not being able to obtain and use certain detailed labor-force information because of not being included in the Current Population Survey. For example, the lack of labor-force information related to veterans and persons with functional disabilities impedes Puerto Rico’s ability to address the needs of these populations, although the Census Bureau’s Puerto Rico Community Survey includes topics on employment, veteran, and disability status. Officials also told us that not being included in the Census Bureau’s Census of Governments limits the usefulness of the information they have on government expenditures.” U.S. General Accountability Office U.S. Territories: Coordinated Federal Approach Needed to Better Address Data Gaps GAO-24-106574. May 9, 2024. <https://www.gao.gov/assets/870/869103.pdf>

²⁵ GAO (2024), p. 6 <https://www.gao.gov/assets/870/869103.pdf>

difference mechanisms for measuring data quality.” Of the examples of gaps in territorial data GAO identifies coverage in one of 52 statistical products the National Agricultural Statistics Service conducts (i.e., the Census of Agriculture), 4 of 21 products by the Bureau of Labor statistics cover Puerto Rico, but none covers American Samoa or the Commonwealth of the Northern Mariana Islands; the timeliness of release of data on the territories is reflected in the annual release of Bureau of Economic Analysis data instead of quarterly.

A practical recommendation for administrative action U.S. General Accountability Office has provided is for the director of the Office of Management and Budget to “ensure that the Chief Statistician develops a coordinated, government-wide approach for federal statistics to use, in consultation with the U.S. territories and other stakeholders, to examine the costs, benefits, and feasibility of including territories in statistical products and, as appropriate, identify ways to address any data gaps.”²⁶ While these may be necessary steps, they fall short of an actual timeline for inclusion of territories in data programs that do not currently include it. Therefore, the Commonwealth of Puerto Rico may want to prioritize the data programs it must immediately be a part of, and advocate for Congress to provide the appropriate funding stream for inclusion.

²⁶ GAO (2024), p. 14 <https://www.gao.gov/assets/870/869103.pdf>

APPENDIX A.

Dr. Karin Orvis
Chief Statistician of the United States
Office of Information and Regulatory Affairs
Office of Management and Budget
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Via email to:

Race-Ethnicity@omb.eop.gov
Lakiva.M.Pullins@census.gov

Dear Dr. Orvis:

I write to call on the Office of Management and Budget to review how the standards on race and ethnicity are being applied in Puerto Rico. Furthermore, I call on the Office of Management and Budget not combine the ethnicity and race questions in questionnaires and other instruments used by the U.S. Census Bureau and other federal agencies, such as the Equal Employment Opportunity Commission. I specifically call that these racial and ethnic categories not be combined for use in Puerto Rico in the 2030 decennial census and related surveys conducted by the Bureau, or any other agency that collects race and ethnicity data in Puerto Rico.

I further call on the U.S. Census Bureau, at the direction of the Office of Management and Budget, to test the use of culturally grounded mixed-race categories that may provide respondents in Puerto Rico with valid options with which to identify racially; and to change the descriptor “Negra o africana americana” (i.e., black or African American) to “afrodescendiente” (i.e. Afrodescendant) in Census Bureau questionnaires and other federal agencies forms that collect racial and ethnicity data in Puerto Rico.

Finally, I call on the Office of Management and Budget to direct the U.S. Census Bureau to eliminate the directive for writing “origins” in the race questions and to stop using “nations” as examples of racial origins whether in questionnaires for use in Puerto Rico or the United States.

In the 2015 National Content Test, the Census Bureau sought to improve data on race and ethnicity by examining question format, response categories, instruction wording and question terminology with the self-declared goals of 1) increasing accuracy and reliability of reporting in the major Office of Management and Budget (OMB) racial and ethnic categories, 2) collecting detailed data for myriad groups, and 3) obtaining lower item nonresponse rates.

Concerns with nonresponse, and accuracy and reliability of reporting with major OMB racial and ethnic categories are driven overwhelmingly by responses (or lack thereof) to Census Bureau questionnaires among the Hispanic/Latino population.

The Census Bureau raised in its 2015 NCT report the issue “that nearly half of Hispanic or Latino respondents do not identify within any of the OMB race categories” (p.4). Rather, they

identify with “some other race.” This is a concern because “some other race” is not an official OMB category, but a residual category. Consequently, the Census Bureau is seeking to reduce the number of respondents to its census or surveys that select “some other race” by a number of strategies in order for respondents to conform to the established official OMB categories.

However, collapsing the race and ethnicity questions into one single question to ascertain identity will have the perverse effect of eliminating the possibility of collecting pertinent information for the purpose of tracking civil rights compliance, particularly in Puerto Rico. As the results of the recent decennial census for Puerto Rico show, 98.9% of residents of Puerto Rico identified as Hispanic. At this rate of near unanimity such data on identity is a constant that makes comparison for civil rights compliance meaningless.

Collapsing the race and ethnicity questions into a single question erases the conceptual distinction between the two identities. Moreover, in practical terms it eliminates the premise that Hispanics/Latinos can be of any race, and the possibility that Latinos may identify accordingly. Undoubtedly, the terms Hispanic or Latino (as well as associated national origin terms) have become racialized in the United States in a process of racial formation that imbues the label with phenotypical characteristics associated with the mixed-race populations of Latin American or Caribbean origin. The terms Hispanic, Latino or associated national origin designations have come to denote such mixed-race background for segments of the Hispanic or Latino or Spanish origin population in the United States. The issue then is not that the Hispanic, Latino, Spanish origin population is confused about the use of Hispanic/Latino/Spanish origin as “some other race,” but rather that the limited categories provided do not allow for the **valid** self-identification of a large portion of this population.

Moreover, the NCT analysis did not seem to take into consideration the effect of culturally meaningful mixed-race categories used for “some other race” (such as mulato, moreno, indio, jabao, trigueño or mestizo) in Puerto Rico, presumably because they do not conform to official OMB race categories. Yet, the five official race categories are the minimum categories federal agencies are required to use according to OMB’s directive number 15. This restriction does not preclude the Census Bureau from introducing racial categories that may provide valid responses to the race question for Hispanics.

The NCT analysis indicates that given the large percentage of Hispanics, Latinos or people of Spanish origin who chose such designation in the alternative combined race/ethnicity question, the Census Bureau would be providing that population group with an option “more in-line with how Hispanic respondents view themselves” (p. 5), since large percentages of Hispanic respondents (~72%-73%) chose this designation only. What is not analyzed in the 2015 NCT is the effect of the illustrations/examples in the instructions that appear in the format for all three questions: separate, combined question with write-in response areas and combined question with detailed checkboxes. In all three formats (as they appear in all panels 1-36 [Appendix A], in options A, C, D1, D2, G, H, I, W [Appendix B], and in the Help Text [Appendix D]), the illustrations for the instructions for each official OMB racial category the Census Bureau included an example that informed (we would argue that it limited) the respondent’s option to specific geographic regions of the globe; thus, someone who would identify with white would be

asked to enter or mark (or write in) German, Irish, English, etc.; if black, then African American, Jamaica, Haitian, etc.

By providing such wording in these illustrations or examples of what the category white or black, etc. would entail forestalls or precludes a person who is Hispanic from choosing such race options since, for example, the Dominican Republic does not appear as an option from where a white person could be, or Colombia does not appear as an option for black persons to originated from. By restricting geographic illustrations of where given particular racial groups may be or originated from, the Census Bureau is in effect doing away with the distinction between race and ethnicity and in fact racializing ethnicity, and precluding Hispanics from choosing racial categories in addition to choosing a Hispanic designation. Alternatively, by indicating that blacks may originate in Cuba, and whites may also originate in Costa Rica, and that Shuar or Mixteca is American Indian category, responses may vary, with the likelihood that the Hispanic alone category in the combined questions be reduced notably. Therefore, we call for the elimination of the directive to respondents to Census Bureau questionnaires in Puerto Rico to write their “origin” in the race question using presumably corresponding examples of “nations.” Nations in this day and age are racially diverse and should not be used as examples of a single race. It is inappropriate for the Office of Management and Budget to conclude that any such given question format or instruction is optimal.

The combination of the race and ethnicity questions into a single one also raises concerns about the impact in jurisdictions with a high percentage of Latinos/Hispanics, such as is the case in Puerto Rico. When you have a jurisdiction such as Puerto Rico with more than 98 percent of the population identifying as Hispanic/Latino, that category becomes a constant for all practical purposes, making the monitoring for the purposes of civil rights and equal opportunity virtually impossible and, in effect, meaningless. You may have instances of discrimination against residents of African descent in Puerto Rico, but if such identity is elided and subsumed under the category Latino, it may be futile to track differential treatment.

This inability to track and substantiate difference in treatment on the basis of race or color among Hispanics is already taking place in Puerto Rico. In Puerto Rico, employers are providing employees with EEO-4 forms that dichotomize the choice of self-identification into ethnicity or race. Therefore, Puerto Ricans of African descent who are discriminated by other Puerto Rican by virtue of their color or other perceived phenotypical difference cannot bring claims of racial discrimination since purportedly all involved are Hispanic.

Also, qualifying some of the racial descriptors in census and survey questionnaires in Puerto Rico with ethnic or nationality terms, such as African American or Native American, may dissuade, for instance, persons of African descent in Puerto Rico from identifying as black because they may not conceive themselves as “black Americans”. Therefore, the use of terms such as “Negra o afrodescendiente” may be more pertinent and therefore valid option for Afrodiasporic populations beyond the United States.

We also call for the Census Bureau, at the direction of the Office of Management and Budget, to pilot alternative culturally appropriate race categories for Puerto Rico. Categories based on hypodescent differ from Latin American phenotype-grounded notions of racial admixture and

result in a continuum color hierarchy. Dichotomous U.S. racial categories are inappropriate for measuring the effects of Puerto Rican and discriminatory practices based on colorism. Better options of contextually applicable racial categories can increase response rates, accuracy, and effectiveness in tracking anti-black discrimination in Puerto Rico. For instance, terms such as *trigueño* for some levels of black-white admixture conform to a cultural consensus of racial categories in Puerto Rico. Alternative questions and categories for race have already been tested in Puerto Rico with excellent results and good response rates.

To reiterate, we request that the Office of Management and Budget not recommend the combination of the ethnicity question and the race question for any decennial census and related surveys (American Community Survey, Current Population Survey, etc.) in Puerto Rico; that it engage additional research on wording that does not steer responses on racial and ethnic identification; and that it test the impact of mixed-race terms for inclusion in Census Bureau instruments.

APPENDIX B.

April 4, 2023

Dr. Karin Orvis
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Office of Management and Budget
9th Floor,
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Via email to:

Race-Ethnicity@omb.eop.gov

Dear Dr. Orvis:

I write in response to your and your colleagues' call for additional comments on the initial proposal for updating OMB's race and ethnicity statistical standards made during the recent town hall meetings. I thank you and the Office of Management and Budget for your continued willingness to elicit, listen to and earnestly consider public comments on the proposals to update race and ethnicity statistical standards. I have made comments in front of the Federal Interagency Technical Working Group on Race and Ethnicity Standards (Working Group) on November 10, 2022, and have submitted additional written testimony to that effect last year as well. I will avail myself of this opportunity once more to share my opinion on the subject, and specifically reiterate my opposition to merging the separate ethnicity and race questions into a single identity question.

In the past, my commentary was generally limited to the effects of the proposed changes on the collection of data on race and ethnicity in Puerto Rico. Today, I make my comments more extensive and applicable to data collection in the United States in general. I will say that I share with you, OMB and the US Census Bureau the objective of increasing the validity and reliability of measures and results as well as reduce non-response in data collection instrument such as surveys, censuses, etc., and the need for these data for the enforcement of civil rights laws, from which the need to collect these data emanated. Furthermore, I respect, admire and share the need to ensure the integrity, objectivity, impartiality, utility and confidentiality of the data collected. However, I believe the premise upon which the call for revisions of the manner in which data on ethnicity and race are being collected is being misinterpreted and the resulting conclusions are therefore flawed. This premise is based on the exigency of increasing reporting in the OMB race and ethnicity categories, and those categories only.

OMB's Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (SPD 15; 1997) only calls for a *minimum* of five categories of race as well as two categories of ethnicity. It does not specify that, insofar as race is concerned, only those five categories (i.e., White, Black or African American; American Indian or Native American; Asian; Native Hawaiian or Other Pacific Islander) must be used. The results

of the 2020 decennial census indicate that nearly 50 million people (15%) out of a population of more than 331 million chose Some Other Race (alone or in combination with other races) to identify racially.²⁷ These results on using some other identifier to identify racially are driven by the population identifying ethnically as Hispanic, Latino or of Spanish origin. The number of non-Hispanic/Latino persons identifying with some other race (alone: 1,689,000; or in combination with other races: 4,584,000) represent at most 1.4% of the total US population.²⁸ Recent Census Bureau analysis of racial identification for the self-reported Hispanic/Latino population indicates that there has actually been an increase in the number of Hispanics identifying with Some Other Race (SOR) between the 2010 and 2020 decennial censuses.²⁹ Those Hispanics identifying with Some Other Race alone increased from 14,500,000 to 19,358,000 between censuses. Those Hispanics using two races or more, including Some Other Race, to identify themselves racially increased from 1,806,000 to 17,498,000 between 2010 and 2020. Therefore, the proportion of the Hispanic population that used some other race, alone or in combination with other race(s), increased from 34.3% to 67.4%.

The Census Bureau had been attempting to address the purported problem of Hispanic understandings of race and ethnicity concepts since before the 2020 decennial census results.³⁰ OMB's own description of the (a.) background to (1.) Collect(ing) race and ethnicity information using one combined question that appears in section C. (Initial Proposals for Comments) of the Federal Register notice, indicates that "...the use of separate race and ethnicity questions confuses many respondents who instead understand race and ethnicity to be similar, or the same, concepts." This characterization of confusion on the part of "many respondents" overlooks the likelihood that Hispanic respondents reject the limited options for racial identification offered by OMB. This Hispanic rejection of U.S. racial categorization, whether in binary form (i.e., black/white) or multiple form (i.e., using the 5 de minimis OMB categories), has been a feature of the literature, scholarly or otherwise, on Hispanic racialization in the United States for decades. It serves no purpose to avoid the conceptual and practical challenges posed by Hispanic respondents who chose some other race to identify racially, even when it is in ethnic terms, by eliminating the "some other race" option altogether from the race question or by combining the race and ethnicity question into a single identity question. Rather, the answer to these challenges is in engaging in more scientific social research that addresses the nuances of racial and ethnic identity as well as racialized ethnic identity, instead of arbitrarily doing away with options for racial characterization chosen by a large and growing segment of the population simply because

²⁷ Table P1, Redistricting Data (Public Law 94-171), 2020 decennial census. Imputed numbers are included in these totals.

²⁸ Table P2, Redistricting Data (Public Law 94-171), 2020 decennial census. Imputed numbers are included in these totals.

²⁹ <https://www.census.gov/data/tables/time-series/demo/hispanic-origin/racial-identification.html>

³⁰ Fernández, L., E. Gerber, M. Clifton, G. Higbie and M. Meyers (2009). Cognitive Pretesting of 2010 Alternative Questionnaire Experiment (AQE) Race and Hispanic Origin Treatment Panels. Research Report Series (Survey Methodology #2009-08). Washington DC: Census Bureau, Statistical Research Division.

Compton, E., M. Bentley, S. Rastogi and S. Ennis (2013). 2010 Census Race and Hispanic Origin Alternative Questionnaire Experiment. 2010 Census Planning Memoranda Series No. 211 (2nd Reissue). Washington DC: Census Bureau, Decennial Statistical Studies Division and Population Division.

Ríos, M., F. Romero and R. Ramírez (2014). Race Reporting among Hispanics: 2010. Working Paper No. 102. Washington DC: Census Bureau, Population Division.

they may not conform with established but unreliable precepts for understanding racial and ethnic identity in the United States at present.

It is also disingenuous to argue and reason that merging the race and ethnic questions would give Hispanic respondents an opportunity to self-identify more accurately and with preferred terms, as if the “government” were simply and passively receiving and recording responses from willful individuals fully endowed with agency choosing a race category or categories of their choice, instead of recognizing the role of the government in narrowing and channeling the range of possible responses to identity questions the government asks in particular fashion for particular objectives.³¹

Most Latinos/Hispanics answer both the ethnicity and race questions in decennial census questionnaires. Hispanics/Latinos may be more likely to answer the ethnicity question than they may answer the question on race.³² But this does not mean or imply that Latinos/Hispanics will not answer the race question. In fact, the majority of Hispanics have answered the race question using one of the 5 de minimis OMB race categories both in the 2000 and 2010 decennial censuses.³³ Merging the ethnicity and race questions is then likely to lead to a loss of information on ethnicity AND race for Hispanics.

The Census Bureau has been diligent in conducting research on ways to improve non-response rates, for instance, 2010 Alternative Questionnaire Experiment (AQE) or the 2015 National Content Test. It is on the bases of these studies that the Census Bureau arrives at felicitous statements such as “[m]any individuals across communities liked the Combined Question approach and felt it presented equity to the different categories.”³⁴ However, it is not clear how exactly Hispanics share these conclusions.

The results discussed in the Census Bureau’s 2015 National Content Test (NCT) indicate that “the percentage of Hispanics who did not provide a response in any other major category is significantly higher for the combined question formats than the Separate Questions format”, upward of 70%, indicating that “Hispanic respondents are easily able to identify as only

³¹ OMB must also bear in mind these considerations of changes to race and ethnic data collection by a governmental agency do not take place in an administrative or bureaucratic vacuum. The 2020 census was conducted in a climate of extreme xenophobic rhetoric and violence aimed significantly at those of Hispanic and Asian origin and marred by political interference from the Executive branch (*Department of Commerce et al v. New York et al* 18-966 (2019)).

³² Allocation rates for the Hispanic question was 3.5% in 1970, 4.3% in 1980, 10% in 1990 and 5.6% in 2000 [Ramírez, R. and S. Ennis (2010). Item Nonresponse, Allocation and Data Editing of the Question on Hispanic Origin in the American Community Survey (ACS): 2000 to 2007. Working Paper No.86. Washington DC: Census Bureau, Population Division.] The difference between those who self-reported as Hispanic or Latino and the total number of Hispanic/Latino reported in the Redistricting file was 6.1% in 2010 and 13.6% in 2020.

³³ In 2000, 51.5% of Hispanic respondents chose to identify with one of the 5 OMB categories of race (Census 2000 Brief-C2KBR/01-1, Table 10); in 2010, it was 57.4% (2010 Census Briefs C2010BR-02, Table 2). [Illustrating the point by limiting the results to those who self-reported as Hispanic or Latino, the percentage of those who chose one of the 5 OMB categories was 52.7% in 2010 (see footnote 3 for reference).]

³⁴ Matthews, K., J. Phelan, N. Jones, S. Konya, R. Marks, B. Pratt, J. Coombs and M. Bentley (2017). 2015 National Content Test Race and Ethnicity Analysis Report: A New Design for the 21st Century (version 1). Washington DC: Census Bureau. P. 7

Hispanic.”³⁵ Yet, 2010 decennial census results, as reported in the Redistricting File (Public Law 94-171), show that there 50,477,594 persons of Hispanic, Latino or Spanish origin. More recently, the Census Bureau reported results for racial self-identification among **self-reported** Hispanics or Latinos for 2010 and 2020, showing that there were 47,557,259 such persons in 2010. This would imply that, using a separate question format in the field, 94.2% of Latinos/Hispanics identified as such on their own.³⁶

In addition to the data on ethnicity that the separate questions format used by the Census Bureau in the 2010 decennial census yielded, respondents also provided information on racial identification. In 2010, 52.7% of self-identified Hispanic respondents provided a response using one (or more) of the 5 de minimis OMB categories.³⁷ This percentage is larger than the information garnered from 27%-28% of Hispanic respondents using the separate questions format as reported in the 2015 NCT. In addition, we can observe that only 34.3% of self-identified Hispanics used an ethnic referent to identify racially (i.e., some other race).

Given the history of how different Hispanic national origin groups have been racialized in the United States, assigning phenotypic in addition to cultural attributes to, for instance, the Mexican-origin or Puerto Rican groups, it is no surprising that some individuals within these groups would also in turn use those racialized ethnic terms to identify themselves racially. Merging into one question data collecting questions for race and ethnicity will result in not only the loss of information about these racialized ethnicities, but also data on race using de minimis OMB categories used by a majority of the Hispanic population.

A note on the 2020 decennial census results is in order. Results for ethnic and racial identification among Hispanics are notable for their departure from previous censuses, but also from results from previous American Community Survey estimates, despite the major questionnaire feature of asking two separate questions for ethnicity and race remaining in place. First is the slight decrease in the percentage of persons self-identifying as Hispanic or Latino. There were 62,080,044 Hispanics, of which 54,633,449 self-reported that ethnic identity using the separate questions format in the field, yielding a self-identification rate of 88%. While slightly smaller than in 2010, this proportion is nevertheless higher than the rate of identification as Latino in the 2015 NCT. Then there is the decline in the number of respondents who did not respond to the race question (8.1%), which represented a decline from 2010 (13%). However, the most noteworthy result is the proportion of respondents who did not respond to the race questions using one of the de minimis OMB categories. This proportion declined from 52.7% in 2010 to 24.4%. There was a smaller increase in the proportion of Hispanics who identified with some other race alone (from 30.5% in 2010 to 35.4% in 2020). But the largest change took place among those Hispanics who identified as white (alone), which declined from 47.4% in 2010 to 17.6% in 2020; and the large increase in the proportion of Hispanics who identified racially with

³⁵ Matthews, K. et al. (2017). 2015 National Content Test Race and Ethnicity Analysis Report: A New Design for the 21st Century (version 1). Washington DC: Census Bureau. P. 45

³⁶ Comparable figures and calculations using 2020 decennial census data indicate 88% of Hispanics self-reported as such.

³⁷ See Ríos, M. et al. (2014). Race Reporting among Hispanics: 2010. Working Paper No. 102. Washington DC: Census Bureau, Population Division. Table 4, p 15.

more than one racial category, and specifically among those who identified as both white and of some other race, which increased from 2.7% in 2010 to 28.6% in 2020.

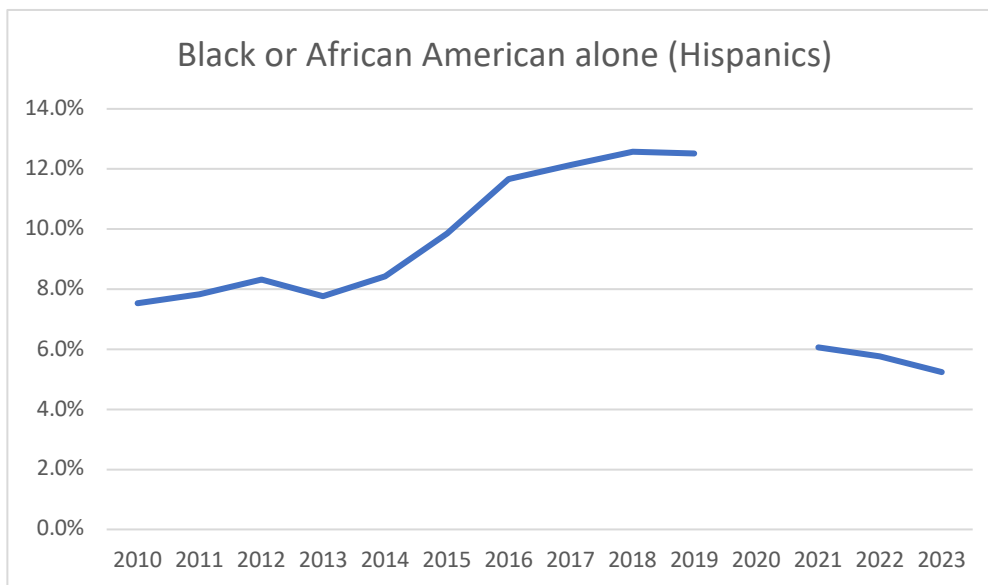
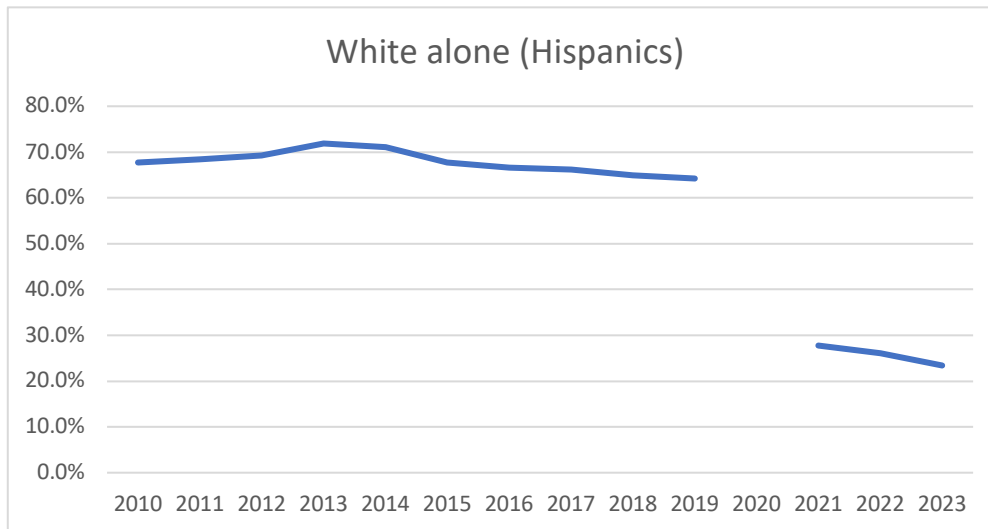
These results are puzzling, specifically the increase in the proportion of Hispanic respondents using two or more races to identify racially, with the largest category being those who identified as white and of some other race. The so-called multiracial category had not been an option selected by most or even a large proportion of Hispanic respondents despite extensive discourses of racial democracy and *mestizaje* in Latin America. Only 6.3% identified in this manner in 2000 and 6% in 2010.³⁸ Moreover, one-year estimates of the American Community Survey between 2010 and 2019 indicate that the proportion of Hispanic respondents identifying with two or more race ranged between 4.4% and 5%. That proportion then jumps to 44.1% in 2021.³⁹ This large departure from established patterns of identification in such a short span of time calls for focused research. The SARS COVID-2 pandemic and concomitant public health restrictions, the climate of xenophobic hostility and violence against Hispanics and Asians, attempts at political interference around the conduct of the decennial census in proximity to enumeration census may have all contributed to affect census results. Post-enumeration processing (e.g., editing, coding, etc.) of decennial census (and survey) data, may have resulted in changes as well. Further research is therefore needed.

³⁸ Census 2000 Brief-C2KBR/01-1, Table 10; 2010 Census Briefs C2010BR-02, Table 2. The proportion of those selecting two or more races was 5.4% among self-identified Hispanics in 2010.

³⁹ Among those who specifically identified with two or more race, including some other race, the proportion ranged between 2.2% and 2.4% between 2010 and 2019, until it increased to 40.1% in 2021.

Appendix C

Trends on the most common responses to the race question among Hispanics in Puerto Rico
(data source: 1-year estimates Puerto Rico Community Survey, 2010-2023)⁴⁰



⁴⁰ Puerto Rico Community Survey data for 2020 were not collected by the Census Bureau as a consequence of the SARS-COV 2 pandemic.

Appendix C (continued)
Trends on the most common responses to the race question among Hispanics in Puerto Rico
(data source: 1-year estimates Puerto Rico Community Survey, 2010-2023)

