State of Race: The Hispanic Question on the U.S. Census

Changing Racial and Ethnic Populations Magnified through the Enumeration Process

by Ian Haney López

At our country’s founding, race provided the constitutional basis for the allocation of political representation. The Constitution distributed congressional seats among the states in proportion to “the whole Number of free Persons … excluding Indians not taxed [and] three fifths of all other Persons.” It then commanded that a census divine those racial numbers every 10 years. From its first enumeration in 1790, the decennial census formed part of the process by which the state elaborated itself and society, race, and democracy. In the centuries since, every census has tabulated the number of “white” persons in the United States. The original Constitution envisioned a polity principally comprised of whites, but a demographic revolution is under way. Latin Americans for several decades have composed the largest immigrant group in the United States, and this trend will continue, if not accelerate. Today, not even closing the border would significantly disrupt the growth of this population. Domestic births currently outpace immigration as the primary source of Latino population growth, with births to Hispanic mothers outnumbering all other deliveries combined in California. The U.S. Latino population increased 58 percent between 1990 and 2000, and this group, the largest minority in the country, now accounts for more than one of every eight Americans. The Census Bureau conservatively estimates that by 2020 Latinos will number 17 percent of the country.

Racial and Ethnic Questions

During the 19th century, most whites regarded Latin Americans as mongrels debased by their mixture of Spanish and Native American (and sometimes African and Asian) blood. The perception that Hispanics were racially inferior was encouraged by Manifest Destiny, the Monroe Doctrine, and U.S. expansion into Latin America. Yet paradoxically, conquest and colonialism also led the United States to categorize Latinos officially as white. Congress preferred to grant citizenship to supposed inferiors rather than transform the United States into an explicitly imperial power ruling over subjugated peoples. The net effect was an official presumption that Latin Americans were white, combined with state policies and popular beliefs that treated Hispanics as racial inferiors.

“The original Constitution envisioned a polity principally comprised of whites, but a demographic revolution is under way.”

Ian Haney López (haneylopez@law.berkeley.edu) is the John H. Boalt Professor of Law at the University of California, Berkeley; in addition, he currently holds the position of Visiting Professor and Ralph E. Shikes Visiting Fellow in Civil Rights and Civil Liberties at Harvard Law School.
Prior to 1930, census takers followed the official presumption of whiteness, counting Latin Americans as white. But the early 20th century saw increasing antagonism toward the foreign-born, just as immigration from Mexico surged. In 1924, Congress instituted administrative changes to curtail Mexican migration, effectively creating the modern border patrol. Legal Mexican immigration that had previously averaged almost 60,000 persons a year dropped to 3,000 in 1931. In this xenophobic context, the Census Bureau in 1930 classified Mexicans as a distinct nonwhite race. This classification helped legitimize federal and state expulsion campaigns between 1931 and 1935 that forced almost half a million Mexican residents—nationals and U.S. citizens alike—south across the border.

Intense lobbying by Mexican Americans and the Mexican government, as well as a desire by the executive branch to secure alliances in the face of impending war in Europe, led the Census Bureau to reverse course in 1940. For the next 30 years, census takers classified Mexican Americans and, after 1950, Puerto Ricans as white, unless they appeared to be “definitely ... Negro, Indian, or some other race.” Even so, the census continued to collect data on Mexican Americans as a distinct population. In 1940, the bureau counted persons who reported Spanish as their mother tongue; in 1950, it began disaggregating “white persons of Spanish surname.” Also in 1950, the bureau shifted from having census takers make racial determinations to asking respondents to classify themselves. The combination of self-reporting plus the new Hispanic ethnicity item produced a startling result: the numbers in the “other race” category, a fixture of every census since 1910, virtually exploded, increasing tenfold. In 1980, more than 7.5 million persons listed themselves under the “other race” designation—and they were almost all Latinos.

The Census Bureau, studying these numbers, concluded that the difference between ethnicity and race confused Hispanics. In another 1980 innovation, the bureau attempted to distance itself from racial categorization by asking obliquely “Is this person ____?” and providing options such as “white” and “black” before ending with “Other—specify.” Reversing course, in 1990, the bureau made sure those considering “other” got that it meant race. Under “Race” neatly printed in boldface, the census worked “race” into the “other” option four times: “If other race, print race” the form commanded, with an arrow to a blank box, under which the form repeated for emphasis, “Other race (print race).”

Under pressure from Latino groups, President Nixon in 1970 ordered that the census include a question about Hispanic ethnicity. Because millions of questionnaires had already been printed without this item, the bureau included it only on the long form. The 1980 census was the first to ask all persons whether they were of “Spanish/Hispanic origin or descent.” In doing so, it formally adopted the practice of conceptualizing Hispanics in ethnic terms, separating this item from the question about race.

Coincidentally, in 1980, the bureau shifted from having census takers make racial determinations to asking respondents to classify themselves. The combination of self-reporting plus the new Hispanic ethnicity item produced a startling result: the numbers in the “other race” category, a fixture of every census since 1910, virtually exploded, increasing tenfold. In 1980, more than 7.5 million persons listed themselves under the “other race” designation—and they were almost all Latinos.

The Census Bureau, studying these numbers, concluded that the difference between ethnicity and race confused Hispanics. In another 1980 innovation, the bureau attempted to distance itself from racial categorization by asking obliquely “Is this person ____?” and providing options such as “white” and “black” before ending with “Other—specify.” Reversing course, in 1990, the bureau made sure those considering “other” got that it meant race. Under “Race” neatly printed in boldface, the census worked “race” into the “other” option four times: “If other race, print race” the form commanded, with an arrow to a blank box, under which the form repeated for emphasis, “Other race (print race).”

The “other race” figure did not decline; it increased. The number of racial others jumped by 45 percent between 1980 and 1990, making that category the second-fastest-growing racial group in the country. Again Latinos drove this increase: 97.5 percent of those choosing “other race” identified as Hispanics, while the proportion of Latinos opting for the “other race” designation rose to 43 percent. But the bureau refused to be defeated. In both 1980 and 1990, the Hispanic question was the seventh item on the short form, well after the race question at number four. Perhaps the order and lack of proximity proved just too confounding. In 2000, the bureau put the Hispanic query immediately before the race question and upped the number of references to race in the former item by yet one more. The proportion of Latinos choosing the “other race” category finally declined—but only from 43 to 42.2 percent. Again, Latinos represented 97 percent of that category.

The census uses the “other race” category as a reserve, a catchall for outliers. It does not treat those who identify as “other” as a distinct group but instead disaggregates them by imputing their

---

Insights on Law & Society 10.2 • Winter • © 2010 American Bar Association

---

HeinOnline -- 10 Insights on L. & Soc’y 9 2009-2010
numbers to the remaining races following a complicated formula. This approach worked well when “other” actually functioned as a residual category, but since 1980, “other” has become a Latino phenomenon. Virtually all persons choosing “other” are Hispanic, and this group now constitutes 6 percent of the nation’s population. More than one in 20 Americans is a Latino who describes himself or herself as racially “other” on the census. And this involves no mistake among Latinos. Rather, a major survey, using more intensive questioning, strongly suggests that, in fact, a significant majority of Latinos believe they’re a race.

**Color Matters**

Despite its drawbacks, the census form actually gathers racial and ethnic data in a manner that allows a more sophisticated parsing of Latinos than of other groups. Hispanics under the current system can be disaggregated along lines of race and also in terms of national origin. This provides insight into additional differences within that group. The census shows, for example, that 36 percent of Dominicans but only half that proportion of Cubans live below the poverty line in the United States. What is true of Latinos is true of other groups. No racial group is internally homogenous; whites, blacks, Native Americans, Asians, and Pacific Islanders all vary along internal fault lines.

Race is comprised by various forms of social differentiation, including nationality, ancestry, ethnic origin, tribal affiliation, and, I would add, color. These overlapping forms of identity establish internal differences and, often, hierarchies within racial groups. Yet the census captures such variation poorly with respect to Latinos, with still less accuracy among Asians and Native Americans and not at all for whites and blacks. The most egregious omission is color, a crucial component in shaping how race is experienced. Without a question on color, the census can hardly hope to measure, even remotely, the full impact of race on American lives.

Were the census to track socioeconomic position, education, homeownership, and so forth in terms of race supplemented by color, the results would be truly eye-opening. Indeed, they would almost surely force not only a major reconsideration of what we mean by racism in the United States, but also an overhaul of civil rights laws, which, as they stand, ineffectively respond to color discrimination. And measuring color wouldn’t be all that difficult to do. A census color item could elicit self-descriptions (“Would you describe your skin color and features as very dark, dark, medium, light, or very light?”), or it could rely on interviewer evaluations of the sort developed in psychology studies. Whether in terms of sociological insight or effective civil rights laws, gathering data on not only race but also color would greatly improve current practices.

**Race Matters**

But let’s be clear: the census isn’t going to gather data on color anytime soon. Indeed, it’s much more likely to bow to pressure in the other direction and eliminate questions on race entirely. Which should remind us: the census remains just as much a weapon in struggles over race now as in 1790 or 1930. Technical arguments about census reform should not blind us to this larger reality.

No one believes that today’s census officials crudely calculate the best way to bend their power in the service of racial supremacy. Just the opposite, many census technocrats embrace the census’s civil rights role and would fight to preserve it. Nevertheless, racial politics will inform, directly and indirectly, the academic discussions, intense lobbying, administrative wrangling, and executive and congressional politicking that will ultimately shape the 2010 census. And so we return to where this essay began, for surely a looming question behind the maneuvering is this: Will Latinos and other minorities soon swamp the white race?

---

The Hispanic population has grown steadily in the United States since 1970, from 4.7 percent of the total population to a projected 15.5 percent in 2010 and 24.4 percent in 2050. Photo and data courtesy of the U.S. Census Bureau.
Hispanics are the fastest growing population group in the nation, followed by Asians, according to the U.S. Census Bureau.

One response is to obfuscate any demographic change. Sociologist Nathan Glazer’s recent proposal to end the collection of racial data regarding all groups but blacks can certainly be read in this light. With only blacks counted, and that population steady at about 12 percent, whites would implicitly remain the overwhelming majority. “Underlying the proposal [is] an ideological or political position,” Glazer admits, “that it is necessary and desirable to recognize and encourage the ongoing assimilation of the many strands that make up the American people.” Does he not mean, on some level, that ceasing to count nonblack minorities is desirable because it would superficially fold them into and thus perpetuate a “majority” that is implicitly white?

Glazer does not make this argument, instead defending his proposal by pointing to the census’s symbolic role: “The census contains a message to the American people, and like any message it educates to some end: It tells them that the government thinks the most important thing about them is their race and ethnicity.” Might not the census be understood to be transmitting to Americans the sociologically correct insight that racial divisions persist, and perhaps even the morally defensible notion that as a society we must respond? Be that as it may, it’s certainly true that the census implicitly communicates a state-sanctioned understanding of race, and that reformers should weigh the symbolic aspects of racial data collection. But largely eliminating race from the census, as Glazer proposes, would hamstring the government’s ability to measure life chances or enforce civil rights laws—that is, would defeat the modern census’s central purposes.

But Glazer also adduces another argument: the “irrationality” of the census categories. “Are there really so many races in Asia that each country should consist of a single and different race, compared to simply ‘white’ for all of Europe and the Middle East?” he asks. The different treatment the census accords the Asian and white races doesn’t represent some intellectual failing among census bureaucrats. It reflects instead changes in U.S. racial ideology during the first half of the 20th century. The census categories are incoherent—because they accurately capture our nation’s entrenched racial practices.

“The concept of race,” the census explained in defining that term in 1950, “is derived from that which is commonly accepted by the general public.” The census has always relied on culturally rooted concepts in measuring the impress of race—and after 1950, even the census recognized this to be

---

**For Discussion**

1. Do you think it is important for the census to collect data on race? Why or why not? What might happen if the census stopped collecting racial data but instead began collecting data on ancestry and ethnicity?

2. How have racial and ethnic demographics changed over time in your community? Do they reflect the national trends the author describes?

3. The author describes the changing demographics as a “revolution.” Why? Do you agree that the changes are “revolutionary”? Why or why not?
so. Glazer mistakes an increasingly commonplace insight for a compelling critique: that race is socially constructed does not amount to an argument that it should be jettisoned. The census has no choice but to rely on incoherent categories if it hopes to measure race in the United States—not because bureaucrats are incapable of designing commensurate categories, but because race arises out of (fundamentally irrational) social practices.

Alternatives to Race
Some opponents of racial counting, including Glazer, urge the census to replace race with another concept, for instance, ancestry or ethnicity. But such alternatives necessarily operate not as full proxies for but in tension with race and would produce distorted census data.

What does ancestry mean for blacks in the United States, for instance, when they have been stripped of family and ancestral history? Or, how do whites conceive of ethnicity? The census asks people to identify themselves. If we want to know about race, then the census must pose its questions in terms that respondents will recognize easily as racial. Technocrats may entertain themselves with new or substitute constructs, but the census can only gather data effectively if it uses a broadly intelligible vocabulary. To gather racial data, the census must ask directly about race—there is no other way.

The Future of Race
Latino demographics and the complex racial self-conceptions within that community make it difficult to discern the racial future. Nevertheless, two things are clear. First, we’re in a moment of dramatic racial flux. Race will surely look profoundly different in 2050, and maybe even as soon as 2020.

Second, the census will have a central role in this racial revolution. Partly and importantly, as racial ideas evolve over the next decades, the census will help us track whether racial inequality diminishes or increases. But the census will do more than measure society; over the next decades, it will directly shape racial ideas. How the census counts race in 2010 will influence conceptions of race in 2020 and so on into the future, making the census itself an important battleground. The racial questions asked by the census have always reflected this society’s long engagement with racism—sometimes in efforts to give racism social and political form, and more recently in efforts to measure its amelioration. Debates about the 2010 census must forthrightly engage the larger racial dynamics in which the census, for good or ill, remains deeply embedded.

### Categories and Definitions of Race and Ethnic Groups

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native</td>
<td>A person having origins in any of the original people of North and South America, including Central America, and who maintains tribal affiliation or community attachment.</td>
</tr>
<tr>
<td>Asian</td>
<td>A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.</td>
</tr>
<tr>
<td>Black or African American</td>
<td>A person having origins in any of the black racial groups of Africa. Terms such as “Haitian” or “Negro” can be used in addition to “Black or African American.”</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.</td>
</tr>
<tr>
<td>White</td>
<td>A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.</td>
</tr>
<tr>
<td>Hispanic, Latino or Spanish Origin*</td>
<td>A person having origins in Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish cultures.</td>
</tr>
</tbody>
</table>

*Defined only as an ethnic category, not as a race group.