

Shades of Citizenship

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**RACE AND THE CENSUS IN
MODERN POLITICS**

Melissa Nobles

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F O R M Y P A R E N T S

Johnny Nobles, Jr., and in loving memory
of Shirley Faye Smith Nobles

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Preface

In January 1999, the U.S. Supreme Court ruled that the Bureau of the Census may not use sampling techniques in determining representational apportionment. The Court's ruling rejected the Census Bureau's announced intention of introducing statistical sampling in order to reduce the undercount of racial minorities, especially blacks and Hispanics, in the 2000 census. The House of Representatives (including the District of Columbia) and residents of thirteen states had all filed separate suits challenging the constitutionality and legality of the Census Bureau's plans. Support and opposition divided largely along party lines, at least in the matter of apportionment. Democrats favored sampling because they expected to benefit from it electorally. Republicans opposed sampling because they expected to be disadvantaged. Yet the possibility of increasing accuracy through sampling is, in many ways, beside the point. With or without it, both Democratic and Republican state and local politicians remain keenly interested in ensuring the most accurate counts for their localities. More bodies mean more dollars, because numerous federal, state, and local funding formulas, as well as the business strategies of private enterprises, are based on population data. State and municipal governments throughout the country are gearing up for the 2000 census with the kind of fanfare that usually accompanies election campaigns. Making sure all bodies are counted is as important, if not more important, than getting out the vote.

Another important decision about the census did not, however, receive as much public attention, although it was just as politically

and socially significant. In 1997, the Office of Management and Budget (OMB) announced that for the first time in the history of U.S. census-taking, Americans would be allowed to check more than one racial category on their census schedules. U.S. censuses have always asked a race question, have always required Americans to be so categorized (either by an enumerator or by self-selection), and have always offered a list of categories from which only one race was to be chosen. Sampling and racial undercounts presume the legitimacy and coherence of racial categorization. Only if the categories are themselves taken for granted can the task at hand become simply to count more accurately.

The fleeting attention given to OMB's decision is illustrative and symptomatic of the presumptions this book challenges. My intention has been to confront the presumed transparency and political neutrality of racial categorization on censuses directly. Even a brief survey of U.S. census schedules, past and present, raises questions that require answers: What do the terms *octrooion* and *quadroon* mean, and what were they doing in the 1890 census? How does one explain the seeming explosion of racial categories since 1970? More basically, why does race even appear in the census, and why have the categories changed from nearly one census to the next? How have Census Bureau officials thought about race? And how should we think about race? How has census categorization mattered to our political, intellectual, and social life? Inasmuch as bureaucratic procedures and demographic techniques provide few answers, I turned to history and politics for an explanation.

In writing this book, I first examined the assumptions that characterize most scholarly and popular treatments of censuses and census bureaus, and then assumed the opposite. In my view, census bureaus are not innocent bystanders in the arena of politics; census data are never merely demographic data. But the convention of technical objectivity and political disinterest is so jealously guarded and pervasive that it is difficult to isolate the supporters of this view. Confidence in census-taking and its success in capturing truth is so thoroughly embedded that the process has taken on what might be called a "Teflon" quality. One can criticize census bureaus and census

methods without seriously damaging them. In the end, the view seems to be that if census categories are counting something and census data are telling us something, does it much matter where the categories come from? This book demonstrates that it matters enormously. Unraveling the origins of racial categories requires us to think differently about race. Racial census categories are not self-evidently right or natural, because race itself is not. Race is a complex and often internally contradictory set of ideas about human similarity and difference. Racial membership and racial boundaries are actively created and recreated through language, thought, social interactions, and institutional processes. Census-taking is one of the institutional mechanisms by which racial boundaries are set.

My claim that census bureaus and their products are politically implicated does not usually give rise to much disagreement (nor does it shake confidence in them). The myriad uses of census data, especially racial data, in public life expose the political stakes that accompany census methods and census-taking. But my argument goes further, because I also claim that racial enumeration itself creates and advances concepts of race, bringing into being the racial reality that census officials presume is already there, waiting to be counted. Ideas of race, in turn, shape public policies. In this book, I identify precisely how censuses do this and then explore its political consequences in two societies, the United States and Brazil.

This book seeks to advance theorizing about race and its political significance through comparative study. Until the mid twentieth century, American political scientists approached racial politics as the study of the problem that the treatment of the “Negro” (if not the very presence of “Negroes”) presented to American democracy. Since then, political scientists have focused on the Civil Rights Movement and the political, legal, economic, and social gains that African Americans have managed to secure and struggle to protect. The equation of the study of “race” with the study of “blacks” is only the most obvious of the problems characteristic of most conventional approaches. That “white” has served as a fundamental racial category anchoring American political, economic, and social life is mostly taken for granted. That “black” and other “non-

white” categories are made meaningful because of their relationship to “white” is at once acknowledged and largely dismissed.

The book also challenges the assumption that state institutions only manage “race relations” and have nothing to do with the creation of race itself—the nature of which is taken for granted. It seeks to insert the discipline of political science into a conversation about the constitution of race in which social theorists, historians, legal scholars, philosophers, anthropologists, and sociologists have long been engaged. In an unfortunate if predictable way, American political scientists are the “Johnny-come-latelys” on the issue.

The problem of how to approach race is even more acute among Brazilian social scientists, because in Brazil there is supposed to be nothing to study. Brazil has no race problems, because Brazilians are racially mixed and there has been neither racial segregation nor apparent racial animus. Foreign and Brazilian scholarship has finally laid this image of a racially democratic and harmonious Brazil to rest. Yet scholarly thinking about race in Brazil remains muddled. Like American social scientists, Brazilians (and many Americans studying Brazil) have measured the significance of race in Brazilian society and politics according to how blacks are treated and the ways in which racial concerns drive institutional and party politics. Using the United States as an external referent, Brazilians have judged race to be of low political salience, and its absence from institutional politics—no racial segregation laws, no affirmative action policies, no racial bloc voting—has sustained this assessment. However, equating the study of race with blacks and discrimination has obscured the central significance of race and the role played by one state institution, the Census Bureau, in upholding it. Race is important precisely because Brazilians have viewed themselves as forming a single “new” race, composed of three original races. Understanding race in Brazil is far from marginal to understanding Brazilian politics. Indeed, race goes to the heart of Brazilian national identity and politics. In the national development of the United States and Brazil, the idea of race has mattered profoundly. Their censuses show us how.

This book grew out of my doctoral dissertation, which focused

on Brazil, and made only passing references to the United States. In reconceptualizing and expanding the book's scope to include both countries, I have benefited enormously from the suggestions, comments, criticisms, and support of many people. I have presented this research in various stages of development, and at each stage, exchange has been fruitful and edifying. With the generous financial support of the Alfred P. Sloan Foundation and MIT, I organized a two-day workshop on censuses in 1996. Participants included historians, demographers, sociologists, legal scholars, and officials from the U.S. Bureau of the Census and Statistics Canada. I thank Anita Allen, Margo Anderson, Rogers Brubaker, Joan Bryant, Stephen Feinberg, David Theo Goldberg, Joshua Goldstein, Francine Hirsch, John Kralt, Clara Rodriguez, Sharon Russell Stanton, Ibrahim Sundiata, Michael Teitelbaum, and Clyde Tucker for their participation. Although unable to attend the conference, Nathan Glazier read an earlier draft of the manuscript and provided useful comments. In 1997, I gave a talk at Brown University's Watson Center for International Studies to an interested and receptive audience. Its seminar series "Politics, Culture, and Identity" eventually culminated in a two-day conference on racial, ethnic, and language categorization in national censuses. Here, I was introduced to an even larger group of scholars, all interested in issues of categorization, from a variety of disciplines and with a range of regional expertise. The conference felt like a homecoming of sorts, as I realized that an exciting area of scholarly investigation was taking on new life through another generation of scholars. I have especially profited from my continuing collaboration with the conference organizers, David I. Kertzer and Dominique Arel.

My experiences with Brazilian scholars and student audiences have also been productive and enhancing. In 1998, I presented my research at the Centro de Estudos Afro-Asiáticos (Center of Afro-Asian Studies) at the Cândido Mendes University in Rio de Janeiro and at the Centro Brasileiro de Análise e Planejamento (CEBRAP) in São Paulo. My conversations with Lívio Sansone of the Center of Afro-Asian Studies, Giralda Seiferth of the Federal University of Rio de Janeiro, and Elza Berquó and Luiz Filipe de Alencastro of CE-

BRAP were especially helpful. Lucila Bandeira Beato, of the Instituto Brasileiro de Geografia e Estatística (IBGE), Wania Sant'Anna of the Federação de Órgão para Assistência Social e Educacional (FASE), and Regina Domingues have incalculably deepened my understanding of Brazilian racial politics. Closer to home, my colleagues at MIT have contributed directly and indirectly to my thinking and writing; I thank Suzanne Berger, Margaret Burnham, Josh Cohen, Dan Kryder, Richard Locke, and Judith Tendler. Anani Dzidzienyo and Thomas Skidmore, both of Brown University, have supported my research and encouraged its development from dissertation to book by reading and commenting on successive drafts.

When I began research on the history of American racial categorization, there were few secondary sources that were of any use. My research assistant, Julie Lorinc, and I quickly turned to primary sources to learn anything at all. Julie possesses an impressive ability to negotiate the labyrinth of government documents efficiently and productively, and her assistance is greatly appreciated. The staff of Harvard's University Lamont Library (the depository of government documents) are to be especially commended for their help and services. Phil Creech, civil records librarian of the U.S. National Archives, David Pemberton of the History Staff of the Policy Office of the U.S. Bureau of the Census, and Justin Murray, reference librarian of the Bureau of the Census Library, provided invaluable assistance and advice. My secretary, Peter Kubaska, competently assisted in every stage of the book's development.

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Finally, I thank most deeply my family and the many friends who have patiently endured this project along with me and have managed to remain interested in it.

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CHAPTER I

Race, Censuses, and Citizenship

Obtaining racial data would seem to be a straightforward process: the census asks a question; statisticians, demographers, and other properly trained professionals tabulate the responses. To count by race presumes, however, that there is “something” there to be counted—but what exactly is it? Nor does counting by race necessarily reveal how racial data will be tabulated or what purposes they will serve. The answers to these questions are found in the actions of politicians, scientists, public-policy makers, organized advocates, and in particular political and historical circumstances. Counting by race is as much a political act as it is an enumerative one. Census bureaus are not simply producers of racial statistical data; they are also political actors.

This book analyzes the mutually reinforcing dynamic between concepts of race, censuses, and citizenship. It argues that censuses help form racial discourse, which in turn affects the public policies that either vitiate or protect the rights, privileges, and experiences commonly associated with citizenship. To support this argument, it makes four basic and related claims. The first is that race is not an objective category, which censuses simply count, but a fluid and internally contradicting discourse, partly created by and embedded in institutional processes, including those of the census itself. The second is that census bureaus are not politically neutral institutions, employing impartial methods, but state agencies that use census methods and data as instruments of governance. Third, racial dis-

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course influences both the rationales for public policy and its outcomes. Public policies not only use racial census data; these data assist in the development of public policy. Fourth, and finally, individuals and groups seek to alter the terms of racial discourse in order to advance political and social aims, and have targeted censuses precisely because they help to make and sustain such discourse. At its broadest level, this book examines the interaction between ideas and institutions: ideas about race are partly created and enlivened by census bureaus, which thus structure political outcomes.

I should clarify at the outset what this book does *not* argue: that racial ideas and discourse are entirely reducible to more fundamental material interests and political power, or that they are wholly independent of larger political and economic arrangements. The same is true of census bureaus. Rather, this book contends that racial discourse is itself consequential, and that the existence of accompanying interests and power neither diminishes its power nor exhausts its meanings.¹ Similarly, census bureaus do not operate in a vacuum but within broad political and economic contexts.² The statement that racial ideas and discourse matter would seem to need little defense. Yet stating *that* they matter is not the same as showing *how* they matter or explaining *why* they matter. This book takes up that task and does so by way of census-taking. Finally, although census-taking is the focus of the book, this does not mean that census bureaus are the only or the most important places where concepts of race are made and remade. The point is that census bureaus are typically overlooked as participants in the creation and perpetuation of race. This book seeks to remove the cloak of neutrality and social scientific objectivity to reveal their insider status.

It is no surprise that politics infuses census-taking. Public distrust of statistics is long-standing, a sentiment captured in a quip by Benjamin Disraeli: “[T]here are three kinds of lies: lies, damned lies, and statistics.” Yet this distrust exists uneasily alongside a deep reliance on statistics and a strong belief in statistical methods, if not in any specific set of numbers.³ This reliance is obvious; statistical data are used everywhere, in countless ways and for all conceivable

purposes. Demographic and medical statistics provide information on virtually all stages of human existence: life expectancy, fecundity, morbidity, nutrition, and mortality. Economic statistics furnish similarly comprehensive information. Statistics provide a powerful and useful way of knowing the world. But we also come to know the world, in part, through the order that statistics and statistical methodology impose. Our dependence on numbers is linked to our “trust in numbers” and their ability to reveal truth, if not *the* truth.⁴ The force of statistics in public life is not derived solely from their methods and truth claims, however. It is also derived from state authority. States have long relied on census statistics.⁵ In the past, rulers have used censuses to spy on inhabitants, to conscript them into military service, and to levy taxes on them. Today, states more often use censuses to assess a country’s population and resources, the enumerated being considered citizens to be served, not simply subjects to be watched, conscripted, or taxed. The state’s production and use of census statistics enhance their influence in public life precisely because they thus become “official.” The pall that state involvement casts over census-taking, however, extends beyond the political uses of this information to the political origins of certain categories. One of these is race.

Our thinking about race is conflicted. On the one hand, we are confused about it—is it a biological or a social construct?—and about what it means to be of “one race” or of “mixed race.” On the other hand, we are convinced that there is something there, that we can know an individual’s race by looking at him or her or by asking questions. Science has shaped our thinking on race in profound ways. Yet science has also raised as many questions about race as it has purported to answer. As historians of scientific racial thought have shown, ideas about what groups were or could be properly defined as “races” have changed over time, as have methods of determining racial membership. People with religious, linguistic, or physical characteristics in common, or who have simply shared geographical space, have at various times been defined as constituting a race.⁶ Moreover, scientific determinants of racial membership have ranged from simple observation of skin complexion to

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elaborate and precise measurement of skull size (craniology and phrenology), shape of face and facial features, and body stature (anthropometry).⁷ Today, many scientists and anthropologists call for the abandonment of the idea of discrete races.⁸ Science's new stance on race is not that of census bureaus, however, which still count by race. In recent years, as in the past, census definitions of race have differed from scientific definitions, however much science has influenced census-taking. The interests of science and of social science in knowing about race differ too. The questions nonetheless remain, what are censuses counting today and why; what have they counted historically and why? Through examining census methods and policies, we come closer to understanding what race is and what it is not.

If race is a vexing but salient social identification, citizenship is the most fundamental political identification. A citizen is formally a member of a nation-state, but citizenship is more than a mere formality; it entitles a person to a set of rights, imposes obligations, and engenders lived experiences. To be sure, the road to the civil, political, and economic rights described by T. H. Marshall as the hallmarks of citizenship has always been a rocky and winding one.⁹ Deciding who enjoys these rights has often been as contentious as establishing the rights themselves. As important as citizen status is, then, it does not stand alone. Other identifications, such as race, gender, class, and nativity, have often qualified citizenship, if not defined it explicitly. Across nations and historical epochs, political communities have included groups and excluded groups according to different, often shifting, criteria. In the United States, for example, race has been a fundamental qualifier of citizenship. During the antebellum period, citizenship depended on group membership: whites were citizens; slaves were not.¹⁰ Free blacks were legally citizens until the Dred Scott Decision of 1857, "when the Supreme Court ruled that they were not citizens after all."¹¹ Yet, even as citizens, free blacks did not enjoy the same rights and privileges as whites. The passage of the Thirteenth, Fourteenth, and Fifteenth amendments after the Civil War formally extended citizenship and the franchise to black Americans, but it would be another 100 years

before all black Americans could hope to enjoy the rights described and guaranteed in the Fourteenth and Fifteenth. To be a black in apartheid South Africa or a Jew in Nazi Germany was to be a non-citizen.¹² To be Brazilian, in contrast, has turned on an elastic notion of race in which all Brazilians are regarded as racially mixed and all are becoming "whiter." Yet whatever the extent of racial mixture among Brazilians, the majority have lacked the basic rights associated with citizenship for most of the twentieth century and for all of the country's earlier history.

A discussion of citizenship and race would seem a far remove from census-taking, but it is not. Most simply, censuses register and reinforce the racial identifications germane to citizenship through the process of categorization itself. But their involvement goes much deeper. Justifications for racial exclusion in the United States have relied heavily on racial census data. As we shall see, nineteenth-century politicians and scientists marshaled racial census data as incontrovertible proof of the racial inferiority of black Americans and their unsuitability for full citizenship. Of course, political and economic forces more powerful than the census were ultimately responsible for undermining full citizenship for blacks, but racial ideas were essential to these justifications, and census data in turn became crucial to sustaining and advancing these ideas. Today, U.S. racial data are vital to a range of public policies and laws designed to address racial disadvantage and discrimination; indeed, the successful remedying of such disadvantage is viewed as essential in deepening the meanings and experiences of American citizenship. In Brazil, census data have sustained the linked ideas of Brazilians as "racially mixed" and of Brazil as a "racial democracy," even when there was no political democracy. As Brazilians seek to strengthen democracy and enrich the meanings of their citizenship, they have begun to demand a change in census-taking methods and in interpretations of census color data.

The story of censuses, race, and citizenship is larger than the sum of its parts. After all, censuses are conducted only once every ten years; and the census schedule is a form, albeit an official one. Taken together, however, census schedules have been used as the

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building blocks of social knowledge. State officials, scientists, politicians, and citizens have assigned great weight to censuses, with great political consequences. Racial categorization likewise tells us much and yet obscures much about the societies in which racial thought is prevalent. Censuses provide a lens for examining at close range how race is constructed. National citizenship is often taken for granted by everyone—except those who are excluded or disallowed from enjoying its full benefits. Who is considered a first-class citizen and what it means depends on who is considered a second-class citizen and what it means. Race has qualified citizenship. Examining race, censuses, and dimensions of citizenship together enhances our understanding of all three as separate components and as a working whole. The United States and Brazil provide the evidence for my argument, and it is to the reasons behind this comparison that we now turn.

Comparing the United States and Brazil

Along key dimensions of political and economic analysis, the United States and Brazil hardly seem comparable. America's history of democratic and constitutional governance (albeit with long-restricted electoral participation for nonwhites and women and racial subordination) and twentieth-century economic and military world dominance contrasts starkly with that of Brazil. Brazilian political history is a story of highly concentrated elite governance: nineteenth-century monarchical rule followed by twentieth-century oligarchical and military rule, with periodic disruptions in the twentieth century by competitive party politics and elections, first from 1945 through 1963, and then from 1985 to the present. Brazil's economy is now the world's eighth largest, but its income distribution is among the most unequal in the world. Brazil has yet to contend in a sustained manner with this maldistribution of income and its accompanying crushing poverty, or with the crisis of public education, the necessity of land reform, or the absence of efficacious social policies for the poor and working classes. Politics largely takes place on the state and municipal levels, making it difficult for

federal legislators and the president to develop and sustain national policy goals. Indeed, in terms of political economy and politics, the United States and Brazil occupy two discrete, if connected, universes.

On the axis of race, however, comparison has been unavoidable and has seemed utterly appropriate. It is also a comparison that scholars have judged Brazil to have “won” in this respect, in that Brazilian race relations appear far more harmonious and less rigidly stratified than those of the United States. The basis for this comparative scholarship is slavery and its aftermath. The economies of both countries were rooted in African enslavement and European settlement. Brazil was dominant among Latin American and Caribbean sugar producers in the nineteenth century¹³ and was also the “largest single participant in the transatlantic slave trade, accounting for 41 percent of the approximately ten million people transported.”¹⁴ The United States, by comparison, imported approximately 693,000 slaves, 7 percent of the ten million. But if it imported far fewer slaves proportionally than Brazil or English colonists in Jamaica, the United States came to have the largest slave population in the Western Hemisphere owing partly to the fostering of slave reproduction by American slaveowners and partly to the extremely brutal slave-labor conditions in Brazil and Jamaica.¹⁵ American slavery was finally abolished in 1865 by way of a bloody civil war. In Brazil, the parliament and Princess-Regent Isabel abolished slavery peacefully by decree in 1888, making it the last country in the hemisphere to do away with the institution. The idea of “races” and strict boundaries between them, created and sustained until the mid twentieth century by U.S. law and custom, were absent in Brazil.

Their shared histories of slavery, coupled with the postslavery experiences of U.S. racial segregation and the absence of such experiences in Brazil, have been grist for the scholarly mill. Scholars have provided a range of explanations to account for the differences between these societies during and after slavery. According to these explanations, Brazil and the United States are polar opposites: the former a “racial democracy” and the latter a racial tyranny.

However, this book contends that the hidden similarities between the two countries are as important as their evident differences. Unlike most comparative scholarship, this study does not equate race with “black” or define racial politics or race relations as the existence or absence of racial segregation against blacks. Rather, it treats racial discourse, which pertains to everybody, as a fundamental organizing principle of politics and society in both countries. Its comparative focus on racial discourse is significant precisely because it makes race the object to be explained and compared. The concept of race itself has usually been overlooked, even as scholars have stressed the dissimilarities between the societal formulations of racial membership in both countries. A brief review of conventional scholarship shows that racial discourse, the most fundamental similarity, has been obscured by studies committed to the divergent fates of “the Negro,” erroneously conflated to mean the study of race.

According to earlier scholarship, the differences were rooted in founding traditions.¹⁶ American traditions were said to have developed from English legal and political thought, with its emphasis on individual liberty, from Protestantism with its accompanying work ethic, and from a profound negrophobia.¹⁷ Brazilian traditions, in contrast, developed from Portuguese legal and political thought, Catholicism, and an apparently relaxed attitude toward blacks, owing to Portugal’s contact with the Moors.¹⁸ Slavery presented profound philosophical as well as constitutional and institutional problems for both societies, but more especially for American political development.¹⁹ Scholars, most prominently Frank Tannenbaum, argued that these contrasting traditions account for the differences in the institutions of slavery and in postabolition race relations.²⁰

American slavery was thought to be harsher because of lower manumission rates and rigid color lines that corresponded closely, if not exactly, to civil status: “whites” were free and “blacks” (broadly defined) were not. Brazilian slavery, in contrast, was thought to be less harsh because of higher manumission rates, the religious protections provided by Catholicism, and a sizable class of

persons known as “free people of color,” whose free status made a strict correspondence between color and slave status impossible. Postabolition relations also bore the stamp of these traditions. American society was socially, and in the South legally, segregated by race. Racial identification was rigid and consequential in either positive or negative ways, depending upon one’s racial identification. Brazilian society lacked such rigid racial distinctions, and their absence was supposedly the creator and the guarantor of racial integration. Finally, interracial sex was not prohibited in Brazil, whereas it was closely monitored and proscribed in the United States. The Brazilian anthropologist Gilberto Freyre added another crucial element to this generally sanguine view when he called Brazil a “racial democracy”; in sharp contrast to the racial tyranny of the United States, racial mixture had led in Brazil to a type of society unknown elsewhere in the New World.²¹

Scholars have since drastically reduced the explanatory weight accorded to founding traditions and to the differences between the American and the Brazilian slave systems. They now emphasize economic, political, and social explanations rather than ideational ones,²² and focus on more contemporary factors, rather than on slavery’s long shadow, to explain both the differences and the emerging similarities in social relations between the two countries.²³

Most important for our purposes, however, is the fact that the very coherence of these comparisons hinges on racial categorization. Scholars have handled the issue of defining race in seemingly contradictory ways. On the one hand, much of this scholarship has necessarily focused on shifting ideas about race and on different ways of categorizing people according to race. It is impossible to understand nineteenth- and early twentieth-century America or Brazil without taking into account competing views of race in science, law, and religion.²⁴ At the same time, this scholarship has considered the race categories of “white,” “black,” and “mixed,” or “mulatto,” as self-evident, assuming that however differently these racial labels have been applied, they ultimately corresponded to a natural reality. Much of the comparative scholarship of the 1930s through the 1970s stressed the variations in racial classification in



explaining the differences between American and Brazilian societal relations.

Today, scholars are less interested in highlighting variations in black racial categorization than in dismissing them. According to these views, Brazil's racial categorization more closely resembles America's, in consequence if not in form, than was previously thought. Because the "mixed race" category in Brazil offers no significant material advantage over "black," they claim, the "mixed race," or "brown," and "black" categories can reasonably be grouped together in scholarly work and demographic analyses, if not in common parlance. This view is advanced by both Brazilian and North American scholars. A second view generally imposes a North American construction of "black" without explicitly calling it that: Brazil is described, for example, as having the largest "black" or "African origin" population outside of Nigeria, although how such a description is appropriate is not explained.²⁵ Other scholars discuss "Afro-Brazilians" and compare them to "black Americans," when the evident frailty of a corporate black racial identity in Brazil is precisely what these same scholars are motivated to explain.²⁶ Chapter 4 considers how Brazilian activists are attempting to create a black identity that can be applied to Brazilians and that will be widely asserted by them. Likewise, in the United States, the creation and recreation of corporate racial identities remain ongoing political and social projects, undertaken by state institutions, intellectuals, organized groups, and individual citizens.

The United States and Brazil are comparable, not simply because of historical slavery and the presence today in each country of large populations descended from African slaves, but because of shared functions of racial discourse. Indeed, racial discourse has existed in societies without plantation slavery or Africans. In colonial Malaysia, for example, race was used to describe the broad groupings of Europeans, Malays, Chinese, Indians, and others, and by 1901, the term *race* appeared in colonial censuses.²⁷ Modern racial thought, which had its beginnings in the Enlightenment,²⁸ marked not only the establishment of European colonies in Africa and Asia but

European settlement of North and South America, South Africa, and Australia.²⁹ Although scholars have generally treated racial thinking as a distinctly Western phenomenon, recent scholarship argues that racial thought has been the foundation of national identities in China and Japan too and is not simply a Western import there.³⁰ In all of these cases, race has been an ensemble of ideas that make up a language of inclusion and engender experiences of membership.

Race as Discourse

Counting by race is hardly a transparent process, because of the very conceptual ambiguities that surround race itself and the political stakes attached to it. These ambiguities are neither trivial nor simple, given the place of race in economic, political, and social life. Although the scholarship that refers to race in one way or another is vast, the portion of it that explains the concept of race is noticeably less so, albeit still substantial. The intellectual consensus today is that race has no objective existence. In the wake of this revelation, itself largely the result of scientific decree, scholars have set themselves the task of defining, explaining, describing, and analyzing race. Thus, according to the sociologists Michael Omi and Howard Winant, race is “a concept which signifies and symbolizes social conflicts and interests referring to different types of human bodies.”³¹ The historian Evelyn Brooks Higginbotham understands race to have various “faces”; it is at once a “social construction,” “a highly contested representation of relations of power between social categories by which individuals are identified and identify themselves,” “a myth,” “a global sign,” and a “metalanguage.”³² The philosopher David Theo Goldberg argues that race is an “irreducibly *political* category,” in that “racial creation and management acquire import in framing and giving specificity to the body politic.”³³ According to Ian Haney Lopez, the law constructs race legally by fixing the boundaries of races, by defining the content of racial identities, and by specifying their relative disadvantages and privileges in American society.³⁴ The literary critic Henry

Louis Gates sees race as the “ultimate trope of difference because it is so very arbitrary in its application.”³⁵ Historians of ideas have traced ideas of race and racial thought in various countries and different historical epochs.³⁶

Scholars are a long way indeed from seeing race as fixed or objective, and, in significant ways, as deriving its existence from human bodies at all. Instead, its existence derives from and rests in language, in social practices, in legal definitions, in ideas, in structural arrangements, in the distribution of political and economic power, and in contests over such distribution. On these views, taken together, race is at once an empty category and a powerful instrument. Yet theoretical formulations that stress the radical plasticity of race, mostly correctly, I think, risk obscuring its concrete manifestations and the institutional sites of its construction and maintenance. These scholars may view race as political in some fundamental way, but they pay little close attention to state institutions and political processes.³⁷

Building on this theoretical work, this book also interprets race as discourse. That is, race is not something that language simply describes, it is something that is created through language and institutional practices. As discourse, race creates and organizes human differences in politically consequential ways. The book advances this understanding of race by analyzing how census bureaus help to develop and maintain it.

Race has many, although not equally formative, sources. Science, religion, moral philosophy, law, politics, and economics have all contributed to a greater, and internally contradictory, discourse of race. Christianity, for example, has long nurtured belief in a cosmic order to which every race belongs and in which it is hierarchically ranked. God created human races, and the observable differences in appearance and in political, economic, and social standing are God’s will.³⁸ National laws have also at times provided explicit definitions of racial membership. Slavery was, of course, a prime contributor to the entrenchment of racial thought in the Americas. Racial thought has accompanied, if not preceded, and been used to justify a range of economically exploitative arrangements. In both

the United States and Brazil, the ongoing material consequences of racial memberships complicate how class inequalities are viewed and politically addressed.

The power of racial discourse derives from the mutually reinforcing dynamic among these separate foundations, with science, law, economics, religion, and politics coming together on a macro level to reinforce the positive consequences of some racial memberships and the negative consequences of others. Just as all these sources have not made equal contributions to racial discourse, the influence of each has also been unequal. The weight of scientific thought in racial discourse can hardly be overestimated. As the historian Nancy Stepan observes, during the period from 1800 to 1960, European and American scientists especially were “preoccupied by race,” which was viewed as a principal determinant of human affairs.³⁹ It would be a mistake, too, to regard this science simply as “pseudo-science.” Race science was not perceived as “pseudo” in its own time, and far from being regarded as “quacks,” its practitioners were highly regarded and respected. Today, although scientists reject race as a scientifically meaningful concept, whether race was (or is) viewed as “natural” is, in certain ways, quite beside the point. Scientific racial thought has never simply meant “proving” the biological reality of race. Equally important has been the role of scientific ideas in shaping political discourse and public policies. As we shall see, the nineteenth-century scientist Josiah Nott’s interest in race was inextricably connected with his ideas about slavery, Negro citizenship, and the propriety of white economic, political, and social supremacy.

This formulation of race as discourse sets out to clarify what race is, but just as important and illuminating is what race is not. “Racial discourse,” as referred to here, is not synonymous with racism. This distinction is a fine one, and it is intended to capture differences in degree, not in kind. Once dominant and still highly influential variants of racial discourse have themselves been profoundly racist. Yet there are also variants that attempt to define race in nonhierarchical ways, that purport merely to acknowledge human differences without according them undue significance.

Whatever their impulses, however, these two broad variants constitute a discourse that variously creates race and imparts to it political and social salience.

Ethnicity is sometimes defined in terms of race, as well as of culture, language, ancestry, and religion, but racial discourse is not ethnic discourse.⁴⁰ Scholars treat ethnic categorization as a benignly descriptive marker—albeit one sometimes used for politically objectionable ends—but race has always had political meanings and uses. Nonetheless, whether ethnic identity is a matter of birth, of choice, or of some other factor, ethnicity indisputably resembles race in that it points to human similarities and differences. Ethnicity is a fluid designation, however, and, unlike race, it has never had the imprimatur of science: scholars have regarded it as socially made and subjective, and race as naturally created and objective. This book takes the opposite view, treating race as artificial, although not arbitrary, and subjective, although not inconsequential.

Census Bureaus and Race

Bureaucracies are not necessarily monolithic, omnipotent organizations; nor need they be entirely beholden to other, more powerful political bodies, such as legislatures, courts, or chief executives.⁴¹ Their organization and their culture, as well as the motivations of bureaucrats and the capacities of leaders, are important in explaining their behavior and efficacy. The larger institutional and political context in which bureaucracies operate is also of great significance. This is as true for statistical bureaucracies as for any other kind. Yet, however obvious the claim, census bureaus are not always viewed as political bureaucracies. Rather, scholars present them as embattled state institutions that attempt to shield themselves (usually unsuccessfully) from political pressures that may impede their ability to produce impartial numbers. Somehow statistical methods are expected to cleanse the census-taking process of politics. History and politics cannot, however, be expunged from census-taking. Numbers without categories are useless, and the ori-

gins of categories require explanation. This view of census-taking as political in origin and consequence competes with concerted efforts by international bodies and national governments to ensure and demonstrate its political impartiality.

Most national census bureaus employ similar statistical methods and administrative procedures, and international guidelines have advanced this uniformity. Since 1946, the United Nations has sponsored four world population programs whose express purpose is to improve and standardize national censuses.⁴² The push for standardization entrenches the view that census-taking methods, and, by extension, census bureaus, can transcend particular political and economic environments. Thus, census-taking can, in theory at least, be methodologically the same in democratic states and in authoritarian ones, in rich countries and in poor ones, in homogeneous and heterogeneous societies. Indeed, when censuses have been overtly tied to political regimes, they have been seen as the exceptions that prove the rule of impartiality. Soviet census data were completely suppressed in 1937, for example, because they revealed the unusually high mortality rates that resulted from the 1932–33 famine, brought on by forced collectivization.⁴³ Senior statisticians who had supervised the census were arrested and shot. The appearance of political noninvolvement is crucially important to the legitimacy of census bureaus and censuses, both domestically and internationally. Soviet census data were mistrusted internationally precisely because of their obviously close connection to the regime's political goals.⁴⁴ At the same time, this Soviet example reveals, albeit in an extreme way, the enduring connection between census-taking and statecraft in all countries. State officials have long used censuses to fulfill basic state "behavioral imperatives" to know and control their populations, consolidate political and economic power, and present national bills of health and wealth.⁴⁵ Today, state officials and international organizations consider census-taking an indispensable component of responsible governance. Yet censuses remain instruments at a state's disposal, not simply registers of performance and population.

Census bureau statisticians treat racial enumeration as the task of

devising appropriate categories and counting by them. Race and its use as a counter have been regarded as self-evident in a way that belies the conceptual and political wrangling surrounding the production of racial data. Most scholarly and popular books on censuses present racial categorization as a technical procedure in need of little explanation. An institutional history of the U.S. Census Bureau written by a former bureau director never mentions racial categorization's contentious history.⁴⁶ Similarly, unpublished histories of the Instituto Brasileiro de Geografia e Estatística (IBGE), the Brazilian statistical institute, recount political decrees and administrative acts, but make no mention of the checkered past of color categorization in Brazil.⁴⁷ Until very recently, census officials and statisticians of both countries have offered no clear public explanations of the racial categories employed and their definitions. Current explanations raise as many questions as they answer.

According to Sally Katzen, director of the Office of Information and Regulatory Affairs at the Office of Management and Budget, “[W]hen the OMB got into the business of establishing categories, it was purely statistical, not programmatic. . . . It was certainly never meant to *define* a race.”⁴⁸ However, OMB’s Statistical Directive No. 15 explicitly defines races, making her statement inconsistent with practice. Her point, however, is that races are out there in the world, waiting to be counted. Government officials reject any notion that OMB plays any role in creating race through categorization. Similarly, in explaining the rationale for a 1976 household survey, the IBGE statistician and demographer Valeria Motta Leite implicitly claimed impartiality for her agency by saying that it had “tried to verify the best way of discovering the color of the Brazilian population.”⁴⁹ In thus seeking to distance census methods of racial and color categorization from politics, these two responses achieve the very opposite: they raise more questions than they answer, prompting demands for even fuller disclosure of census methods and purposes.

It would be inaccurate to suggest, however, that those most closely connected to census-taking are the only ones who insist on the political disinterest of census bureaus and objectivity of statisti-

cal methods. Social scientists, who have long recognized the role of other state institutions in shaping racial politics, have all but ignored census bureaus and censuses. Instead, they have emphasized the ways in which state institutions distribute public goods along racial lines and/or manage racially based demands from civil society. The actions and policies of public institutions such as schools, courts, and social service agencies have been examined extensively, and the role of electoral systems in shaping racial politics has been analyzed. However, scholars have usually treated state agencies as managers of racial issues or referents for racial demands, not as places where race is constituted. An important exception is the work of critical race theorists in the United States, who examine, not only the ways in which the law treats persons categorized into different races differently, but how the law creates the racial categories themselves.⁵⁰

When social scientists mention censuses, they refer to contention over numbers and over the distribution of political power, public goods, and rhetorical claims that hang in the balance. Census politics are, according to one scholar, an “entitlement” issue, where an ethnic group’s anxiety about its own fecundity vis-à-vis that of another group combines with fear of political domination.⁵¹ Majority group status effectively determines which group is entitled to political, economic, and social power. Much of the scholarly and public reaction to potential changes in race categories in the 2000 U.S. census has focused on the efforts of organized groups to protect their numbers and the benefits and protections that attach to racial categorization.⁵² Undoubtedly, census politics overlap with racial/ethnic politics in matters of distribution, but the connection between race and censuses goes deeper. The Census Bureau has escaped inquiry both as a state institution that determines the benefits and penalties of racial memberships through the data it collects and as a place where racial categories themselves are constructed. The perception that census agencies and census categories are at some remove from politics ensures that a deeper theoretical appreciation of how the census supports racial discourse and how census racial data serve public policy is blunted.

Public Policy and the Census

Public policies give citizenship its fullest meaning. In the United States, a range of public policies and laws turn on racial distinctions. In contrast, in Brazil, public policies are said to be explained by and reflected in the supposed absence of racial distinctions. Moreover, public policies employ extensive statistical data, including racial data, linking them with censuses in an obvious and important way. Racial data are the basis of public policies, and public policies generate and justify the need for racial data. Certainly, in the United States, public policies designed to address past and present racial discrimination rely heavily on census racial data, fueling charges that the U.S. census has become politicized. In Brazil, the push for census racial data is driven, in part, by the desire to develop such public policies and legislation.

But there is more: in both the United States and Brazil, racial and color categories have served larger discourses about race. Some politicians and bureau officials have viewed censuses as a means of testing and proving various theories about race, making the “self-evident” presence of race categories in censuses not so self-evident at all. Scientists used censuses to test and prove racial theories as much as to simply count by race. The “mulatto” category appeared in seven U.S. censuses in order to provide answers to scientific questions about race. These answers would be employed to develop and justify policies of racial preservation, that is, legal segregation. In Brazil, scientists and officials postulated that through racial mixture, white Brazilians would become stronger, and black and brown Brazilians “whiter” and “better.” Turning race science on its head, Brazilians accepted the existence of races and their hierarchical ranking and argued that racial mixing led to racial cleansing and regeneration, not degeneration. “Whites” would remain “whites,” only stronger and better equipped for life in the tropics, while “blacks” and those of “mixed race” would eventually become “white” through cleansing. The 1920 census text was the first to describe and predict the inevitable “mixing” and “whitening” of

the Brazilian people, which reflected the reality of racial democracy. Racial democracy, in turn, resulted from the absence of state-sponsored segregation. The racial democracy ideal, in other words, did not require racially segregatory public policies and, indeed, found them repellent.

Equally important, IBGE has resisted cross-tabulating color categories with socioeconomic variables and released color data slowly. Without such data, activists and scholars have been stymied in their efforts to test claims that color is inconsequential and to push for policy interventions. Whereas in the United States, racial data are the raw material for civil rights legislation and policies, in Brazil, activists seek to recast the census as the destroyer, not the sustainer, of the racial democracy idea. In so doing, they seek to create a rationale for generating data for positive public policies. The racial democracy idea has disallowed positive policies by proclaiming them unnecessary. The move from the discourse of a racially mixed and hence racially democratic society to that of a multiracial and racially stratified society today justifies the very affirmative action policies long deemed unwarranted.

Social Movements and the Census

It is not surprising that state institutions should be referents for organized collective action. As generators and possessors of political power, state agencies create channels for nondisruptive or acceptable expressions of political action. The state is both “target and mediator” of collective action.⁵³ State institutions order political action both by setting the rules of the game and by providing incentives and disincentives for organized action. As one particular type of state agency, census bureaus function in these general ways.

That the census bureau itself may be the target and arena of collective action, however, still does not fully explain why it has been so identified at a particular historical moment. Here, an explanation based in the concept of “political opportunity structures” is most useful.⁵⁴ Sidney Tarrow defines a political opportunity structure as “consistent—but not necessarily formal, permanent or na-

tional—dimensions of the political environment which either encourage or discourage people from using collective action.”⁵⁵ This conception offers both dynamic and static views of political arrangements: political opportunity structures are channels for political action that may open wider or close more firmly at key moments, such as changes in legislation and administrative rules, shifts in ruling alliances, splits between ruling elites, and reformulations of the terms of public debate.⁵⁶ When organized groups take advantage of these available openings, they often pave the way for other such opportunities.

In the United States, the Civil Rights Movement transformed the structure of political opportunities. Civil rights legislation and social policies extensively use census data: the Voting Rights Act, for example, requires population tabulations by race at the city-block level for redistricting plans.⁵⁷ Such legislation and policies have, in turn, led some groups to protect and defend the census categories and the data upon which these laws and policies depend. The Office of Management and Budget’s Statistical Directive No. 15, issued in 1977, represents an even more specific shift in political and institutional arrangements. Directive No. 15 systematically codified racial classifications and disclosed their political rationale. In creating and subsequently recognizing four official races and two official ethnicities, the Directive thus acts as a “gatekeeper” to their official statistical existence.⁵⁸ Invested with this power and this visibility, the directive has become a referent for groups seeking official recognition. OMB’s public review of Directive No. 15, initiated in 1993, gave the multiracial movement the most immediate impetus for its efforts to have “multiracial” made the fifth official racial classification.

Even without immediate and easily identifiable institutional precipitants, Brazilian democratization was itself a necessary precondition for the 1991 census campaign. This democratization did not generate legislation or social policies stipulating the use of racial census data, however, as had U.S. civil rights legislation: in fact, the constitutional and legislative initiatives to combat racism were

broad, even vague, and there was no public review like OMB's of the rationale and methods of IBGE color classification. Brazilian activists targeted the census, in part, because the full economic and political benefits of Brazilian democratization for nonwhite Brazilians rested, in significant measure, both on accurate socioeconomic data and on political claims pressed on behalf of Brazil's black population. Using the "proper" methods, it was held, the census would show that population to be the majority.

New political opportunities can encourage (or discourage) collective action, and they can also influence the specific tactics and overall strategies of collective actors. The specific actions and inactions of the U.S. Census Bureau and IBGE have had a direct bearing on the actions of the American multiracial movement and the Brazilian *movimento negro*, although those actions are neither entirely reactive to, nor intelligible in terms of, institutional triggers. These movements have aims that ultimately cannot be wholly satisfied by changes in the census, or even by institutionally derived policies and remedies.

Both movements seek to alter the ways in which their followers self-identify and associate socially and politically. The desired result is the emergence, or, some would say, reemergence, of America's "mixed race" population and the awakening of Brazil's "black" majority. But their demands are not devoid of material concerns. Multiracial activists contend that by virtue of their noncategorization, multiracial persons can neither benefit fully from existing public policies nor advocate for more suitable policies. Brazil's black movement argues that new census terms and resulting numbers will advance demands for a redistribution of political power and economic resources in ways that would benefit Brazil's black majority. However, it would be a misreading of both movements to attribute their motivations solely to material advancement. They are motivated as much by the desire for recognition in and of itself.

The American multiracial and Brazilian black movements have identified the census as a vehicle for their larger political ambition: to refigure and reconstitute racial identities through categorization.

In an important way, these movements invite reexamination of a basic premise of social movements theory, which presumes a pre-existent group identity that guides organized action. Rather than simply organizing on the basis of a shared and widely assumed identity, what these two movements are shaping is a discourse about identity. Their tactics and strategies may have been influenced by political and institutional changes, but their motivations are derived in part from prevailing racial discourse and their desire to change it. Multiracial activists in the United States seek to challenge the mutual exclusivity and conceptual coherence of existing racial categories (both in society and on the census) by advancing an idea of multiraciality. This multiracial discourse gives content to a multiracial identity. Similarly, in Brazil, black activists attempt to disrupt the commensurability between images of whiteness, national identity, and racial harmony by advocating the idea of distinct races instead of one mixed Brazilian race. If Brazil is a country with distinct races, it would then be possible to construct a discourse about blackness and the political obligations of black racial membership. As these activists rightly see it, the censuses that have upheld ideas of distinct races in the United States and of one mixed race in Brazil can also be used to undermine those ideas.

Organization

The evidence presented in following chapters bears out this book's central claims that census bureaus are political actors that help to make race a political reality and do not simply count by it. Race, in turn, is not a self-evidently meaningful and objective marker. It is rather a shifting set of ideas that themselves create boundaries of membership, assign meaning and value to such memberships, and invariably shape the distribution of political power and the experiences of national citizenship. Although race and census-taking at present occupy two discrete fields of study, this book seeks to unite them. In so doing, it shows that the disciplinary boundaries that scholarship has managed to erect at once impoverish our understanding of both and bear very little resemblance to the reality they purport to represent.

blance to the very real and complex connections between race and censuses in political life and history.

Chapter 2 reconstructs and analyzes the history of racial categorization in U.S. censuses from 1790 to the present. It demonstrates that at different periods in American history, census-taking has contributed directly to the formation of racial ideas, and that throughout the nation's history, census categories and data have been part of larger political processes and policies, both negative (slavery, racial segregation, and nonwhite racial subordination) and positive (civil rights legislation). This chapter draws heavily on primary documents in uncovering and reconstructing the political origins of the categories. The main sources for nineteenth-century censuses are the *Congressional Globe* (now known as the *Congressional Record*) and other congressional and executive branch documents. I have also consulted secondary sources on broader political, economic, legal, and social developments. My analysis of twentieth-century censuses draws on internal Census Bureau documents and scholarly sources.

Chapter 3 turns to Brazil and examines the policies of color classification and the Brazilian Statistical Institute's interpretations of census data from the first modern Brazilian census of 1872 to the present. The chapter argues that the idea of "whitening" and the "myth of racial democracy" have hinged on color categories, color data, and the interpretation of such data. This chapter also draws heavily on primary sources, most of which are twentieth-century IBGE documents, and a range of scholarly sources. My analysis of nineteenth-century census-taking necessarily relies on secondary sources.

Chapter 4 analyzes recent attempts by the multiracial movement in the United States and the black movement in Brazil to challenge methods of racial and color categorization in the two countries, respectively. It argues that both movements used census-taking to create new racial identities and not simply to activate old ones. This chapter's primary sources are the range of publications and Internet sites established by U.S. multiracial organizations since the early 1990s. Analysis of the Brazilian census campaign also draws on

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primary sources, such as internal campaign documents and field-work in Brazil, which allowed for personal interviews with campaign organizers.

Finally, Chapter 5 examines the latest OMB and IBGE decisions in light of historical racial/color categorization. It concludes by considering whether the United States and Brazil are unique cases of racial categorization and judges that they are. Yet it is their exceptionalism that richly illuminates the sinuous and profoundly consequential dynamic that links racial ideas, censuses, and citizenship. More broadly, both cases show the central role that the state plays in creating and perpetuating the categories of political existence.

CHAPTER 2

“The Tables present plain matters of fact”

Race Categories in U.S. Censuses

The slave schedules of the 1850 census occasioned particularly contentious debate in the U.S. Senate. One issue was whether the (slave) schedules should contain a query asking the “degree of removal from pure white and black races.” In a move to silence criticism of this inquiry, Senator Joseph Underwood (Whig-Ky.) declared: “The Tables present plain matters of fact.” Underwood’s invocation of facts in order to advance his political agenda prefigured contemporary appeals to the neutrality of census-taking. Like Underwood, social scientists, lawmakers, and Census Bureau officials have routinely touted the data’s objectivity, even as they have deliberately used censuses to further (social) scientific thought and political aims. As the history of racial categorization shows, the Census Bureau has always been entrenched in politics: it partly creates the racial facts it tabulates.

This chapter analyzes the history of racial categorization in the United States and the U.S. census from the first census in 1790 to the 2000 census. It argues that census-taking has supported, and at times has directly shaped, a shifting racial discourse. During two periods, 1790–1840 and 1930–60, the census largely reflected racial thinking. During two others, 1850–1930 and 1970 to the present, the census has contributed directly to the formation of racial

ideas. American racial ideologies have shown a certain rigidity as well as a certain plasticity. The census has been most closely involved in developing ideas about race when (social) scientific thinking on race itself has been most unstable. American (social) scientists have always sought out knowledge about race and treated it with particular care and interest. They have long held the presupposition that such knowledge, properly applied, should be the basis of public policy. Proceeding chronologically, the chapter necessarily addresses the larger political, social, and economic developments to which census officials and (social) scientists responded and that they attempted to control. Its main aim, however, is to examine the long-overlooked theoretical and political significance of racial categorization in censuses.

The First Censuses: 1790–1830

The race question and race categories have appeared on every decennial U.S. census.¹ Why is not self-evidently—or transparently—connected to demographic concerns, since the initial impetus for census-taking was political. The U.S. Constitution mandated that “an actual enumeration” be conducted every ten years to allow for representational apportionment. How slaves would be counted was especially contentious, but in fact, the issue of representation was itself contentious. Delegates had to decide how representatives would be apportioned, on the basis of population or of wealth? Should the Articles of Confederation system of equal congressional representation for all states be retained? And, if apportionment was based on population, should slaves be counted, and how? Once the majority of delegates had agreed on population-based representation and the fears of the small states had been addressed in the “Great Compromise,” which ensured an equal number of representatives in the Senate, the question of slaves and representation remained.² The debates emerged most forcefully after the Convention’s initial acceptance of the three-fifths clause and divided along sectional lines. Southern delegates advocated full representation for

slaves in the federal legislature and begrudgingly accepted counting a slave as three-fifths of a person. Not surprisingly, slaves were not represented in the legislatures of southern colonies. Northern delegates opposed any representation of slaves because of the undue numerical advantage it would afford the South and because of the apparent contradiction involved in counting them in the same way as free white persons. Slaves were both persons and property, "being considered by our laws, in some respects, as persons, and in other respects, as property," as James Madison wrote.³ They could not live as full persons, and therefore should not count as such. Second, counting slaves as full persons diminished the value of being counted as free men and women. In the end, the delegates decided to count slaves as three-fifths of a person in determining apportionment and in direct taxation. As Madison put it: "[T]he Federal Constitution therefore, decides with great propriety on the case of our slaves, when it views them in the mixt character of persons and property. This is in fact their true character."⁴

How do we understand the reasons for asking about race in the census? The three-fifths compromise in and of itself does not provide an explanation. Representation depended on civil status—whether one was slave or free—and if free, on whether one was taxed or not. It did not depend on racial status. The race question was included (and combined with civil status) because race was a salient social and political category (see Table 1). In keeping with Enlightenment thought, eighteenth-century political elites regarded race as a natural, self-evident component of human identity. Observed differences in physical appearance and cultural practices were the result of differences in natural environments. Mankind was one species and all were capable of infinite improvement.⁵ These ideas, most robust in the years immediately preceding and following the American Revolution, were gradually subordinated to theories of polygenesis and the innate and permanent superiority or inferiority of races. It is important to emphasize, however, that the egalitarian ideas emerging from the European Enlightenment in general and the American Revolution in particular com-

TABLE I
U.S. Census Race Categories, 1790-1840

1790	1800	1810
Free White Males, Free White Females All Other Free Persons Slaves	Free White Males, Free White Females All Other Free Persons, except Indians Not Taxed Slaves	Free White Males, Free White Females All Other Free Persons, except Indians Not Taxed Slaves
1820	1830	1840
Free White Males, Free White Females Free Colored Persons All Other Persons, except Indians Not Taxed Slaves	Free White Persons Free Colored Persons Slaves	Free White Persons Free Colored Persons Slaves

Source: United States Bureau of the Census.

peted with others claiming natural hierarchies and limitations. Just as significant, the deepening entrenchment of slavery in U.S. economic and political life rendered abstract commitments to universal equality and liberty moot. To underscore why the census would ask questions about race and not only civil status, it is useful to examine the citizenship status of free blacks and to compare the race inquiry with the proposed inquiry on occupation.

Racial identification mattered because citizenship status and the nature of participation in the political community depended on it. To be free and white and to be free and black were distinct political experiences. Free whites were presumptively citizens. In the early years of the Republic, in the absence of federal statutory definition, they became citizens by choosing to support the republican cause and, by the early nineteenth century, by birthright. As citizens, they enjoyed the full benefits of political membership (including the franchise). The citizenship status of free blacks remained unclear throughout the antebellum period. As the historian

James Kettner explains, beginning with the Missouri debates of 1820, state courts generally approached black citizenship from two opposing directions. On the one hand, "many northern and at first some southern courts defended the idea that free native born blacks were citizens entitled to the general benefits of membership."⁶ These same courts also upheld discriminatory practices that effectively canceled such benefits. On the other hand, "the courts of slave states increasingly . . . rejected the contention that Negroes could be citizens." The federal government finally resolved the question when the Supreme Court settled the Dred Scott Decision in 1857, deciding that blacks were not citizens because in the words of Chief Justice Taney, they were "not intended to be included, and formed no part of the people who framed and adopted" the Declaration of Independence and the Constitution.⁷ Yet however ambiguous the citizenship status of free blacks was, the constraints and burdens on their participation in political life were clear. Although free blacks were taxed like whites, they did not in any way enjoy the same rights and entitlements as whites. In most states, free blacks were restrained, and commonly prohibited forthrightly, from voting, owning property, working in certain occupations, attending public schools, serving on juries, testifying against whites, and exercising personal liberties, including freedom of movement. The census counted by race because the census reflected the belief that race was constitutive of human identity. It also so counted because race was constitutive of American political identity.

The roles played by the census become even clearer when one juxtaposes the uncontroversial inclusion of the race question against the founders' initial refusal to classify the population by occupation. A question on occupations was first proposed by James Madison of Virginia for the 1790 census. As a member of the House committee that drafted the enumeration bill, Madison presented the House with a more detailed census schedule than apportionment required.⁸ It included the categories "free white males," subdivided into those over and under the age of sixteen, free white

females, free blacks, slaves, and occupation (agriculture, manufactures, commerce) for all working persons.⁹ The House approved Madison’s schedule, but the Senate rejected the occupations inquiry category, for reasons unknown. But the debate over an occupations inquiry for the next census, in 1800, reveals two competing visions of census-taking and the public good. Proponents argued that facts like these would allow the government to chart the country’s progress and make improvements based on wider knowledge of the population. Opponents held that classifying by occupation artificially—and unnecessarily—divided the white population into classes.¹⁰ Most Americans, they argued, were engaged in all three of Madison’s occupational categories; why should they be forced to choose only one? Critics also charged that such categories undermined the notion of the common good, because they would inevitably encourage competition between groups. The social cleavage the first three national censuses needed to measure, for constitutional, philosophical, and social reasons, was that of race, and not the occupational divisions among whites. The 1820 schedule was the first to require that a household belong to only one sector of the economy.

The censuses from the years 1790 through 1840 asked few questions beyond those related to population. They counted free white males and free white females, subdivided into age groups; slaves; and all other free persons, except Indians not taxed. Race was considered a natural fact, but its political and social significance was still being sorted out. Were Anglo-Saxons, for example, a superior race, destined to “bring good government, commercial prosperity and Christianity” to America?¹¹ Even more disconcerting were the obvious contradictions in ideas about the black race and its place among other races. If all humankind belonged to the same human race, how could one part of it justifiably be enslaved? To be sure, colonial racial discourse had long regarded Africans as different from and inferior to the English, whatever their common humanity. Yet white political elites did not regard these differences, which they judged to be black deficiencies, as permanent. By the mid nineteenth century, racial discourse would change dramatically in this

respect. So too would the role of census categorization. The earliest censuses registered race as it was then understood. By the 1840 census, census-taking was doing much more.

The 1840 Census and Slavery

In the 1840s and 1850s, thinking about race changed significantly. Scientific explanations of race and racial differences gained credibility and assumed authority over prevailing religious and philosophical explanations to become an important point of departure in the ongoing discussion about slavery.¹² Whether science could prove or disprove the Negro's inherent inferiority mattered as greatly to proponents of slavery as to opponents. According to the "American School of Ethnology," which emerged in the 1840s and would remain influential until the end of the century, the human race comprised not one species (monogenism) but several unequal species (polygenism). Samuel George Morton and Josiah C. Nott, both medical doctors, and the Egyptologist George R. Gliddon were the school's main spokesmen and practitioners and sought data to substantiate their claims of polygenism. By 1850, Nott hoped to enlist the census itself in generating the necessary data. The 1840 census was the first instance in which the emerging sciences of race and statistics would converge to shape public debate and political maneuvering over slavery.

Political and public attitudes toward numeracy and the nascent science of statistics were also changing. The idea that statistics could help to chart the nation's progress and address its social problems, and that it could reveal underlying natural laws, was increasingly accepted. Lawmakers now envisioned uses for the census extending far beyond its constitutionally mandated function. Doubts evident in earlier congressional debates were subsumed, but not completely quelled, by a new faith in the positive societal applications of census-taking. In 1839, the American Statistical Association was founded in Boston. In the almanacs long popular among Americans, statistical tables figured prominently. Several commercial journals that relied on statistics were established at this time,

the most important being Freeman Hunt's *Merchants' Magazine and Commercial Review* (1839) and *De Bow's Review*, which served as the voice of southern economic interests. The work of almost every major antebellum statistician appeared in one of these two journals.¹³ Nascent statisticians and legislators perceived statistics as powerful and practical tools in addressing immediate social and political concerns. The addition of such categories as "deaf" and "blind" to the 1830 census schedule, and of "illiteracy," "insanity," and "feeble-mindedness" to the 1840 census reflected the influence of the new statistical thinking.

The heated controversy surrounding the 1840 census reveals the depth of sectional divisions and the new importance of census data in buttressing conflicting positions on slavery. More important for our purposes, however, is not simply the role played by racial discourse in shaping the slavery debate, but the role played by the census in reinforcing the scientific valence of racial discourse. The results of the 1840 census were immediately and explosively controversial, because they seemed to show a higher insanity rate among free blacks than among slaves. The rate of insanity among free blacks in northern states was one in every 144.5, while the rate of insanity among slaves in southern states was one in every 1,558.¹⁴ More incredibly, the frequency of insanity decreased in nearly exact mathematical proportion from north to south. As the historian Leon Litwack writes: "In Maine, for example, every 14th black person was insane; in New Hampshire every 28th; in Massachusetts every 43rd; in Connecticut every 184th; in New York every 257th; and in New Jersey every 297th."¹⁵ But in states from the upper to the deep South, insanity rates decreased: one in 1,299 black persons was insane in Virginia, one in 2,477 in South Carolina, and one in 4,310 in Louisiana.¹⁶

The conclusion to be drawn from these numbers was unmistakable: freedom drove black people insane. The high insanity rates quickly became part of the larger racial discourse, confirming the view that Negroes were naturally inferior and thus uniquely suited for servitude and subjugation. Southern representatives spoke glowingly on the floor of the House about the evidently salutary ef-

fects of slavery, and for a brief period, the results went unchallenged. In fact, Dr. Edward Jarvis, a physician and a founding member of the American Statistical Association, wrote in an article in the *Boston Medical and Surgical Journal* of 1842 that slavery must have "a wonderful influence upon the development of moral faculties and the intellectual powers," for in "refusing many of the hopes and responsibilities which the free, self-thinking and self-acting enjoy and sustain, of course it saves him [the slave] from some of the liabilities and dangers of self-direction."¹⁷ Jarvis quickly changed his opinion, however, once he had examined the returns of several northern states more closely. On several census returns, he found that the number of insane black people equaled the number of townspeople. In other cases, insane black people were counted in towns where no black people lived. Jarvis wrote a second article in the *American Journal of the Medical Sciences* in which he refuted the census and called for its correction. The American Statistical Association sent a petition, or memorial, as it was then known, to the Congress. Congressman John Quincy Adams of Massachusetts several times demanded a correction as well.

In 1844, under a motion directed by Adams, the House asked Secretary of State Abel Upshur, under whose jurisdiction the census had been conducted, to confirm or disconfirm whether the census was erroneous. Unfortunately, Upshur died two days later, and his successor, John C. Calhoun of South Carolina, did not intend to have the census invalidated. In fact, Calhoun used the census data to assuage the British foreign secretary's concern about slavery in the recently annexed territory of Texas. In a letter that same year, Calhoun argued that slavery in Texas was a local concern, not one for the U.S. federal government or the British. Calhoun's letter not only defended slavery in Texas but argued that slavery reflected the natural order: blacks had always been and would always be inferior to whites and in need of subjugation by them. The 1840 census data provided solid proof. His letter read in part: "[T]he census and other authentic documents show that, in all instances in which the States have changed the former relation between the two races, the condition of the African, instead of being improved, has become

worse."¹⁸ In the north, Africans had "invariably sunk into vice and pauperism, accompanied by the bodily and mental afflictions incident thereto—deafness, blindness, insanity and idiocy—to a degree without example."¹⁹ In contrast, in southern states, where the "ancient relation" between blacks and whites had been preserved, blacks had "improved in every respect—in number, comfort, intelligence, and morals."²⁰ This "ancient relation" had been proven by the preeminent race scientists Gliddon and Morton, who in their studies of the origins of races had found proof, in Gliddon's words, of "the antiquity of niggers" and their servile status. Calhoun met privately with Gliddon once in Washington and maintained correspondences with him and with Morton.²¹

To the House's inquiry to Secretary Calhoun on the soundness of the 1840 census, Calhoun responded evasively, sidestepping the issue by capitalizing on a technical mistake in the resolution. Nonetheless, his report endorsed the census. In June, a House committee on the census received the American Statistical Association's memorial and again called for a reexamination of the census results. A second House resolution was passed. According to a private conversation with Calhoun recorded by Adams in his diary, Calhoun argued that "there were so many errors that they balanced one another, and led to the same conclusion as if they were all correct."²² The House moved a third time, under Adams's motion, that the secretary should inform the House if there were mistakes in the 1840 census and, if so, to identify the origins of the errors and show how they had been corrected. At this point, Calhoun assigned William A. Weaver, superintendent of the census, the task of investigating the census he had supervised. Not surprisingly, Weaver concluded, and Calhoun reported, that the census was correct: the errors identified by the memorialists were not errors at all. Calhoun went on to suggest that census detractors were motivated by a desire to discredit the census because it revealed the true conditions of free blacks. The fact of high insanity rates among free blacks remained "unimpeachable," according to Calhoun.²³ The results of the embattled 1840 census stood. Confidence in census-taking itself had, however, been badly damaged in many quarters.

The direct political fallout of the census controversy for free northern blacks has been little studied. Dr. James McCune Smith, a prominent black physician, wrote a series of articles published in the *New York Tribune* in which he challenged the proslavery claims of southern politicians and spokesmen, and the 1840 census data used to support them.²⁴ Smith's efforts, of which the *Tribune* articles formed only a part, were directed at refuting the claims of race scientists. At the time of the crisis, a group of free black people in New York met "to consider the calumnies recently uttered against free people of color by John C. Calhoun," and submitted a memorial to Congress calling for a reexamination of the census results.²⁵ Yet even in the absence of direct evidence of harm to free blacks, it is clear that the results would not help alter their degraded social and economic status or clarify their ambiguous political status.

The 1850 Census and Race Science

The 1850 census marked a watershed in census-taking, and its significance is multifaceted. First, it was designed in a more developed institutional context and with greater input from social scientists and more financial resources than previous censuses. For the first time, a Census Board was impaneled by Congress to discuss all matters pertaining to census-taking, including which inquiries should be included in the schedules and how the information should be collected and eventually reported.²⁶ In the past, Congress had made these decisions, usually through enumeration committees. Congress still authorized the census schedules, but now it deliberately solicited outside advice and assistance. Second, this collaboration resulted in census schedules that were far more extensive in scope than those of earlier censuses. The Census Board recommended, and the Congress eventually approved, with changes, six separate schedules: Schedule 1 for the free population, Schedule 2 for the slave population, Schedule 3 for mortality, Schedule 4 for agriculture, Schedule 5 for manufacture (or products of industry), and Schedule 6 for social statistics (such as estate values, schools, annual taxes, newspapers and periodicals, religion, pauperism,

crime, wages).²⁷ It is also important to note that the enumeration of all Native Americans (and not only “Indians Taxed”) was authorized under a clause of an Indian Appropriation Act in 1846.²⁸ The results of this special Indian census were reported with those of the 1850 census. Third, and finally, the census was conducted just as the sectional crisis over slavery deepened and sharpened. This census, legislators hoped, might allow them to assess, in the words of Congressman James Thompson (D-Penn.), the country in its “unity and beauty” and not in its “fragments, weak and distracted.”²⁹ Nevertheless, congressional debates about the census were heated, and those about the slave schedule quite contentious.

A heretofore underappreciated but crucially important aspect of the 1850 census was the influence of race science in the development and justification of race inquiries. The category “mulatto” was added under color. Historical texts have assumed that the mulatto category was added to better measure racial intermixture.³⁰ Historians have undoubtedly based their assumptions on official Census Bureau documents, which provide no explicit explanation, giving the impression that its introduction was driven by demographic changes, but they are wrong. The mulatto category was added and other race queries debated because of the lobbying efforts of race scientists and the willingness of certain legislators to do their bidding. The mulatto category signaled the ascendancy of race science.

Polygenist thought gave rise to interest in the “mulatto” and attempts to measure “[d]egree of removal from pure white and black races.” Built on the idea of racial essence, polygenism presumed “that there is some hereditary essence expressing itself in a number of visible peculiarities that mark every member of a ‘pure’ race and distinguish it from other races, . . . since the only process which could significantly modify a race was racial mixture.”³¹ The “American School of Ethnology” distinguished itself from prevailing European racial thought by its adherence to polygenism.³² Polygenist conclusions directly contradicted a basic tenet of Christianity, that mankind shared a common origin. Although most monogenist thinkers were not racial egalitarians, they were unwilling to

accept claims of separate origins, permanent racial differences, and the infertility of racial mixtures.³³ Yet the hard facts generated by scientific investigation would override religious doctrine. Racial scientists sought such hard facts, specifically statistical ones. Josiah Nott, who sided with polygeny, set out to prove that mulattoes, as hybrids of different racial species, were less fertile than their parents of pure races, and hence lived shorter lives. Since most nineteenth-century biologists thought that human races belonged to one species, it was necessary for polygenists to show that the "apparent interfertility of human races was not real."³⁴ To this end, Nott published a short article in the *American Journal of the Medical Sciences* in 1843 aptly titled "The Mulatto a Hybrid—Probable Extermination of the Two Races if the Whites and Blacks Are Allowed to Intermarry,"³⁵ in which he asserted the general fragility of mulatto bodies and their lower fertility. He drew his evidence from a variety of sources, including scientific journal articles, scholarly works, and his own personal observations, yet warned readers of the article's speculative nature: "I will here attempt nothing more than to throw out some materials for reflection.—I am well aware that my assertions would have much greater weight, *if they were supported by statistics*" (italics added).³⁶ Four years later, in an 1847 letter to *De Bow's Review*, a journal to which he had frequently contributed, Nott again called for greater and more accurate statistics:

I hope I have said enough to make apparent the paramount importance of *negro statistics* [italics in original]. If the blacks are intellectually inferior to the whites—if the whites are deteriorated by amalgamation with the blacks—if the longevity and physical perfection of the mixed race is below that of either of the pure races, and if the negro is by nature unfit for self-government, these are grave matters for consideration.³⁷

Here, Nott's concerns explicitly disclose the political issues upon which racial thought was brought to bear and from which it emerged. The connection Nott draws between Negro statistics and Negro citizenship is clear: statistics would reveal whether blacks were fit or, more precisely, unfit for freedom by proving that they

were inferior. Given the natural and political truths that Nott insisted "negro statistics" would bring to light, it is no wonder that he turned to the 1850 census to generate them.

*The 1849 Congressional Debates:
"Mulatto" and "Pure Races"*

The 1850 schedules were the first to include the category "mulatto" under color, and on both the "free" and "slave" schedules. With some modifications, the Senate and House select committees on the census adopted the schedules devised by the Census Board, and the decision to add "mulatto" did not command much congressional attention. However, these same draft schedules also contained an inquiry into "Degree of removal from pure white and black races."³⁸ This inquiry generated a great deal of discussion, in which prevailing ideas and questions about "mulatto-ness" figure prominently. Discussions on the congressional floor, as recorded in the *Congressional Globe*, especially in the Senate, are quite revealing. The section that follows, then, draws heavily from these debates.

After a delay of nearly two months, the Senate took up the Census Bill on April 9, 1850.³⁹ Of the four census schedules (free population, slave population, mortality, and manufactures) the senators were to approve, the slave schedule was the most fiercely contested and "became the target of opposition to the bill as a whole."⁴⁰ Opponents, all Southerners, focused on its inquiries: there were too many. They ranged from the names of slaves, to their birthplaces, to the number of children born and number known to be dead or alive, to "removal from pure race."⁴¹ Why Southerners would object to these inquiries is clear: the less information collected (and hence distributed) on slaves, the better. Why some of these inquiries would have a southern advocate is not as clear. Yet, as the discussion unfolded, Joseph Underwood of Kentucky emerged as a point man for the scientific projects of the South's most prominent racial theorist, Josiah C. Nott. Nott's name, however, is never mentioned.

He is referred to instead as "the distinguished gentleman" or "a very distinguished physician at Mobile."⁴²

After opening remarks by John Davis of Massachusetts, Andrew Butler (States Rights Democrat-S.C.) voiced his objections. He wanted slaves' names removed from the schedule, leaving only an inquiry about the number of slaves. In past censuses, he argued, only the number had been required, and he saw no good use, and only extra labor for enumerators, in recording names. However, Joseph Underwood saw no harm in collecting names, inasmuch as the census-taker would already be inquiring about the sex and age of each slave. To Underwood's remark, George Badger (Whig-N.C.) responded: "What do you want of such names as Big Cuff and Little Cuff?" "Or of little Jonah and Big Jonah?" Butler added, amid laughter in the Senate chamber.⁴³ Underwood's desire for as much information on slaves as possible was first revealed here.

The senators voted to remove the inquiry on slave names. William King (D-Ala.) then moved to have the inquiries about the birthplace of slaves, the number of children borne to slave women, and the number of children known to be dead or alive stricken from the schedule. All three were eventually removed. But at this point, both Davis and Underwood protested against further deletions. Davis countered that such information about children borne was important insofar as it increased the enumeration's, and hence representational, accuracy. Underwood's justifications went far beyond accuracy. In a lengthy exchange with his colleagues, Underwood eventually revealed the sources and proposed uses of many of the inquiries.

"[T]hese tables, in reference to the slave population, which were adopted by the committee, were adopted in compliance with the wishes of southern gentlemen," Underwood said.⁴⁴ The Committee was in pursuit of "a number of philosophical inquiries" having to do with "the effect of various localities on health and longevity; to the effect of climate, on the condition of the colored race, and all matters of importance in reference to the contemplated object."⁴⁵ Underwood then called his colleagues' attention to the tables and referred indirectly to Josiah Nott.

You will find in these tables that we require not only the age and sex, but the color of the person; and we find in another column the degree of removal from pure blood is required to be stated; and this inquiry, in reference to the number of children which each woman may have had, I can inform my honorable friend, was inserted, as far as I know, at the instance of a southern gentleman [Nott], with a view to ascertain certain facts which he told me, but which I do not think necessary to go into here.⁴⁶

According to Underwood, a practical justification for retaining the inquiries was life insurance. Insurance tables depended, after all, on knowledge about rates of longevity among racial groups over time. Nott had written an article on the importance of slave statistics for the development of insurance policies, published in 1847 in *De Bow's Review*.⁴⁷

Solon Borland (D-Ark.) responded that such inquiries on racial characteristics were properly taken up by the "scientific men of the country." Underwood's inquiries, Borland charged, demanded that enumerators become natural scientists. The government should not be involved in the "investigation of great natural truths."⁴⁸ Underwood replied that no such extraordinary skill or scientific knowledge was required of enumerators. "It is not a matter of scientific investigation at all," he argued, "but a mere inquiry as to facts whether an individual is a quadroon, a mulatto, or any other proportion of blood."⁴⁹ After a sharp exchange between William Seward of New York and William King of Alabama over slavery, Underwood finally disclosed the reason for the "removal from pure race" inquiry. He explained:

The gentleman [Nott] in conversation with me said that he believed that a certain class of colored people had fewer children than a certain other class; and he believed that the average duration of the lives of the darker class was longer than that of the lighter colored class, or mixed. And it was for the purpose of ascertaining the physiological fact, that he wanted the inquiry made. This was the motive for its insertion, and it was never dreamed, so far as I know, that out of this census bill we were to get up a discussion on this slavery question. I never dreamed of such a thing. But I have now told you the motive which led to the adoption of his table; it was to illustrate the truth or falsity of the theory on this subject.⁵⁰

William Dayton (Whig—N.J.) supported the value of such racial inquiry, but George Badger (Whig—N.C.) expressed skepticism about its usefulness. William Butler (D—S.C.) summarized the negative reactions of his fellow southern senators to the “removal from pure race” inquiry:

I know, sir, that there is a discussion going on at this time in the southern portion of the United States—perhaps in the northern portion too—on this very subject. A very philosophical discussion is being carried on by a very distinguished physician at Mobile, and others involving the very information, or connected with the information that may be obtained in this way. I am utterly opposed, however, to using our proceedings here, as a vehicle for information of a philosophical kind for other persons.⁵¹

The inquiry on “Degree of removal from pure white and black races” was removed from the schedule along with four others: slave names, birthplace of slaves, number of children borne by slave women, and number of children known to be dead or alive. The final slave schedule (Schedule 2) contained only seven columns: “Names of slave owners,” “Number of slaves,” “Age,” “Sex,” “Color,” “Deaf and dumb, blind, insane, or idiotic,” and “Remarks.” The instructions to enumerators read as follows: “Under heading 5, entitled ‘Color,’ insert in all cases, when the slave is black, the letter B; when he or she is a mulatto, insert M. The color of all slaves should be noted.”⁵² For the free population schedule (Schedule 1), instructions were slightly different: “Under heading 6, entitled ‘Color,’ in all cases where the person is white, leave the space blank; in all cases where the person is black, insert the letter B; if mulatto, insert M. It is very desirable that these particulars be carefully regarded.”⁵³

In an apparently ironic twist, the aims of a slave-owning southern physician and ardent supporter of slavery were thus pitted against southern legislators. Nott wanted additional inquiries about slaves put on the census schedule; southern senators did not. But the collision was more apparent than real. As a racial theorist and scientist, Nott’s support for slavery was derived from his study of the origins of the black and white races. He argued that the enslave-

ment of blacks required no defense: blacks were naturally slaves and had been slaves since antiquity. Thus, as Underwood explained, no doubt disingenuously, by revealing Nott's motives, he did not intend to spark an argument over slavery. Nott's arose from his long-standing interest in the "hybridity of mulattoes" and his argument that the black and white races belonged to separate species. If census data showed that persons of "mixed blood" (hence the question on "removal from pure races") and their children (hence the question of number known dead or alive) lived shorter lives, it would be proof of their weakness of bodily constitution, owing, Nott theorized, to mixing races of different species. That such persons of "mixed blood" survived at all had led many racial theorists in Europe to abandon the ideas of "hybridity" and polygenesis. Nott, however, was undaunted. He wanted to use the census to gather information in order to better theorize about race itself. While many of his census inquiries were rejected, the category "mulatto" was not. It would remain on U.S. schedules through the 1920 census.

By mid-decade, census data from the 1850 census had been published. The largely successful efforts of southern legislators to restrict inquiries about slaves did not constrain public use of the data in the increasingly contentious debates over slavery.⁵⁴ Abolitionists and proslavery advocates combed the data looking for support for their positions, and social scientists insisted on future improvements. In a twenty-page letter to Superintendent James De Bow (Joseph Kennedy's successor), Edward Jarvis urged that the distinction between "pure blacks" and mulattoes be extended throughout the census in order to determine whether mulattoes were more susceptible than either "pure blacks" or whites to disease.⁵⁵ The 1850 census proved to be a watershed, not only because (social) scientists were marshaled in its service, but because they brought with them, as scientists, their thinking about race. This census boldly ushered in the inextricable and enduring link between census categorization, racial scientific thought, and public policy in the United States. Despite fundamental political, social, and economic changes in the

country as a whole between 1850 and 1930, the agenda of the consulting (social) scientists and census administrators remained essentially unchanged. A better theoretical understanding of race gave credence to the development of segregationist public policy.

The 1860 Census: The Fate of Colored People

Whereas the 1850 census shaped political debate about slavery, the 1860 census informed discussion of abolition. Like its predecessor, the 1860 census was deeply implicated in maintaining racial discourse, its data providing the racial statistics sought by race scientists. Census officials interpreted these data and offered their assessment of the Negro's natural state and of his ability to live as a free person among other free people, inserting racial statistics into the debates precisely because of their growing authority as truth bearers about race in general and the Negro in particular.

The 1860 census was administered under the same law that had governed the 1850 census: the inquiries were the same with a few additions. Schedule 1, the free population schedule, now contained an inquiry into "the profession, occupation, or trade of each person, male and female, over 15 years of age."⁵⁶ An inquiry into the number of slave houses was added to Schedule 2, the slave population schedule. The inquiries into "color" and the instructions to enumerators were also slightly different. Although "Indian" was not listed on Schedule 1, the instructions under "Indians" read: "Indians *not taxed* are not to be enumerated. The families of Indians who have renounced tribal rule, and who under State or Territorial laws exercise the rights of citizens are to be enumerated. In all such cases write 'Ind.' opposite their names, in column 6, under heading 'Color.'⁵⁷ Under "Color," the instructions stated: "in all cases where the person is white leave the space blank; in all cases where the person is black without admixture insert the letter 'B'; if a mulatto, or of mixed blood, write 'M'; if an Indian, write 'Ind.' It is very desirable to have these directions carefully observed."⁵⁸ The 1860 census schedule discussions were calm in comparison to 1850.

TABLE 2
U.S. Census Race Categories, 1850-1990

1850-1920—"The Mulatto Category" and Race Science								
1850	1860 ^a	1870	1880	1890	1900	1910	1920	
<i>b</i>	<i>b</i>	White	White	White	White	White	White	White
Black	Black	Black	Black	Black	Black	Black	Black	Black
Mulatto	Mulatto	Mulatto	Mulatto	Mulatto	Chinese	Mulatto	Mulatto	Mulatto
(Indian)	Chinese	Chinese	Chinese	Quadroon	Japanese	Chinese	Indian	Indian
	Indian	Indian	Indian	Octroon	Indian	Japanese	Chinese	Chinese
				Chinese		Indian	Indian	Japanese
				Japanese		Other (+ write in)	Filipino	Hindu
				Indian			Korean	Other (+ write in)

1930-1960 "The One-Drop Rule"				1970	1980-1990
1930	1940	1950	1960	Post Civil Rights	Post Statistical Directive #15
White	White	White	White	White	White
Negro	Negro	Negro	Negro	Negro or Black	Negro or Black or
Mexican	Indian	Indian	American-	Black	Negro
Indian	Chinese	Japanese	Indian	Indian	Japanese Indian
Chinese	Japanese	Chinese	Japanese	(Amer.)	Chinese (Amer.)
Japanese	Filipino	Filipino	Chinese	Japanese	Filipino Eskimo
Filipino	Hindu	(Other	Filipino	Chinese	Korean Aleut
Hindu	Korean	race—	Hawaiian	Filipino	Vietnamese Chinese
Korean	(Other	spell out)	Part-	Hawaiian	Indian Filipino
(Other	races,		Hawaiian	Korean	(Amer.) Hawaiian
races, spell out	spell out		Aleut	Other	Asian Korean
in full)	in full)		Eskimo	(print race)	Indian Vietnamese
			etc.		Hawaiian Japanese
					Guamanian Asian
					Samoan Indian
					Eskimo Samoan
					Aleut Guamanian
					Other Other (specify) (Asian or Pacific Islander)
					Other race

SOURCE: United States Bureau of the Census.

"Although "Indian" was not listed on the census schedule, the instructions read:

5. Indians.—Indians *not taxed* are not to be enumerated. The families of Indians who have renounced tribal rule, and who under State or Territorial laws exercise the rights of citizens, are to be enumerated. In all such cases write "Ind." opposite their names, in column 6, under heading "Color."

^b"White" did not actually appear on the census schedule. Instead, enumerators were instructed: "... in all cases where the person is white leave the space blank."

However, statisticians and social scientists maintained their interest in improvements. In August 1859, Edward Jarvis, on behalf of the American Statistical Association, sent a memorial to the secretary of the interior on the upcoming census. Jarvis also sent a letter to Superintendent Joseph Kennedy in which he detailed the shortcomings of the 1850 census.⁵⁹

The political context of the 1860 census was, of course, the Civil War. According to the official census volume, the actual count was completed before the war began. The Census Office was an active participant on the Union's behalf, providing crucial data on the military strength of the Confederacy, its terrain, and its agricultural products. In 1862, in a joint resolution on "war statistics," Congress authorized Census Superintendent Joseph Kennedy to report census data directly to the War Department.⁶⁰ Kennedy was also called upon to provide data on the black population. The abolition of slavery was recognized as a probable outcome of the war, given the Union's anticipated victory, yet the likely fate of freed slaves was unknown. The mass removal of emancipated slaves to another country was seriously considered. In 1860–61, President Lincoln actively pursued colonization plans in negotiations with the Panamanian and Haitian governments to accept emancipated American slaves.⁶¹ He also asked that Congress appropriate money for government-sponsored colonization. In 1862, a House committee issued a report on emancipation and colonization. In it, the committee members, mostly Republicans, declared: "[T]he Anglo-American looks upon every acre of our present domain as intended for him and not for the negro."⁶² The large number of slaves, however, four million according to the 1860 census, made state-sponsored colonization efforts improbable. That the Union forces were prepared to end slavery did not mean that they were prepared to accept freed slaves either as citizens or as human beings equal to whites. What, then, would eventually become of the Union, with its large population of newly freed but unwanted colored people?

In a Preliminary Report in 1862, Superintendent Kennedy assured northern whites that the future of the Union would not include Negroes. The introductory chapter of the final 1860 census

volume, published in 1864, repeated his Preliminary Report's predictions: of approximately nine million "colored" people in the United States, a great percentage would be of "mixed descent,"⁶³ and the eventual predominance of mulattoes did not bode well for the colored race as a whole. The condition of free colored people in the North, the majority of whom were "mulatto," showed clearly, according to Kennedy, that moral and physical decline accompanied racial mixture. For him, as for Josiah Nott, the issue was not simply how many colored people there were, but what kind of persons (let alone citizens) they would be, or, indeed, could be, given their racial origins. Census data provided the answers:

That corruption of morals progresses with greater admixture of races, and that the product of vice stimulates the propensity to immorality, is as evident to observation as it is natural to circumstances. These developments of the census, to a good degree, explain the slow progress of the free colored population in the northern States and indicate, with unerring certainty, the gradual extinction of that people the more rapidly as, whether free or slave, they become diffused among the dominant race.⁶⁴

The "great excess of deaths over births" among the free colored, he added, might also be partly explained by an inhospitable natural environment and the "exposures and hardships which accompany a people of lower caste." Nonetheless, these factors were not "sufficient" in and of themselves to account for the high mortality rate.

Superintendent Kennedy attached a caveat to his certain predictions: the census had only twice distinguished between blacks and mulattoes (1850 and 1860), and thus "it is not yet easy to determine how far the admixture of races affects their vital power."⁶⁵ The continued inclusion of "black" and "mulatto" categories on subsequent census schedules is thus given a rationale: the presumed differences in "vital" power could be measured more easily with more data about blacks and mulattoes collected over time. Kennedy's final prognosis was that the colored race would be unable to compete, as free laborers, with whites, and that "rapid" racial mixture would result in a physically weaker and immoral race:

[T]he colored population in America, where ever, either free or slave, it must in number and condition be greatly subordinate to the white race, is doomed to comparatively rapid absorption or extinction. How this result is to be averted, partially at least, we leave to the determination of others, feeling our duty accomplished in developing the facts, as the figures of the census reveal them respecting the past.⁶⁶

Here again the census is used to buttress racial theory and not simply to count by race. Racial theory, in turn, provides a rationale for the proper political, social, and economic treatment of blacks.

Kennedy's reports did not find approval in all quarters. Edward Jarvis, for one, thought the preliminary volume "hastily written and imperfectly digested."⁶⁷ In 1863, Kennedy appointed Jarvis to write the commentary for the final volume on mortality statistics. Jarvis would base his comments on the raw data Kennedy sent him. Jarvis's assessment of the data he received was, however, largely unfavorable. There were serious discrepancies, and mortality data had not been aggregated according to color or to country of birth.⁶⁸ Jarvis demanded that the data be reaggregated "to show the mortality of blacks, mulattoes & whites separately," presumably to see if such data revealed significant differences between the three groups.⁶⁹ Kennedy did not respond. The data were never reaggregated for the official volume, but the lack of such mortality data did not effect Kennedy's written interpretations of the overall census data.

Josiah Nott's ideas about "hybridity" and the fragility of mulattoes were alive and well in this census document. This time, they were enlisted to explain the Negro's place in a radically different political, economic, and social context. Before the war, Nott and others had argued that blacks were uniquely suited for slavery, and that weak mulattoes were living testaments to the dangers of racial mixing. With emancipation, it was predicted, blacks and mulattoes would eventually disappear through extinction or absorption. Nature would eventually provide the solution to the political and social problem posed by the presence in the nation of millions of negroes. In the meantime, abolition and the end of the Civil War demanded immediate efforts to reunite the Union and to reconstruct southern society.

Kennedy’s prediction of the rapid diffusion and absorption of blacks was partly premised on the continued sexual encounters between blacks and whites. Lawmakers in the reconstructing South, however, moved quickly to outlaw interracial marriage between whites and newly freed blacks through Black Codes, the first efforts of southern whites to construct the South’s new racial order. South Carolina’s Black Code, passed in 1865, for example, contained the state’s first law prohibiting marriages between blacks and whites.⁷⁰ Alabama’s Constitution made such unions null and void, and Mississippi’s Black Codes sentenced a violator of its anti-interracial marriage law to a life sentence in the state penitentiary.⁷¹ Yet these same states did not pass distinct laws explicitly prohibiting interracial sex outside of marriage. There were, however, many other laws governing fornication, lewd and immoral behavior, and cohabitation through which interracial sex could be punished.

“Anti-miscegenation” laws were justified because of concern for the racial preservation of blacks and whites guaranteed by racial purity. “The progress of either [race] does not depend upon admixture of blood,” the Tennessee Supreme Court advised in 1871.⁷² According to southern lawmakers, the future of blacks and mulattoes in the South might well lead to extinction, as Kennedy predicted, but it would not lead to absorption. Southern laws ensured that the road to extinction would be a segregated one.

Post–Civil War Censuses: Race Science Renewed and Racial Domination Reconstituted

The successes and failures of congressional Reconstruction in challenging white racial domination are well known. The passage of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution and the Civil Rights Acts of 1866, 1870, 1871, and 1875 fundamentally altered the legal foundations of U.S. citizenship.⁷³ Slavery was abolished. The rights and privileges of citizenship emanated from national sovereign power, not individual states, and were protected by it. Newly freed slaves and formerly

free blacks were now American citizens formally entitled to the rights, privileges, and immunities of such status. Black men were given the right to vote. These fundamental legal changes reflected—and engendered—profound shifts in political arrangements. Ultimately, however, what it meant for blacks to be citizens was settled by political, social, and economic processes, not only legal alterations. The steadfast resistance of southern whites to accepting blacks as full participants in political life and the weakening resolve of northern whites to protect black political rights resulted in Reconstruction's failure. In addition, there was no fundamental restructuring of the southern economy: it remained a system of elite white planters, masses of white workers, some of whom were small property owners, and a large ex-slave population without property. In accounting for the failings of Reconstruction, scholars have rightly identified the convergence of northern capitalist and southern planter economic interests in maintaining cotton cultivation, the desire of white laborers to rebuff competition, and an ideological commitment to laissez-faire capitalism and private property as underlying, if not determinative, factors.⁷⁴

Racial discourse also played a pivotal role in the demise of Reconstruction and the reconstitution of white supremacy. It did not merely reflect—or obscure—the underlying political and economic interests of northern and southern elites, it helped to shape political outcomes. Predictably, the ideas race scientists and proslavery advocates had marshaled to defend slavery were used to oppose the recognition of black political rights. Blacks were naturally inferior to whites, whether as slaves or free people; if blacks were fit to be slaves, they were as surely unfit to exercise their rights as citizens and were thereby disqualified from full participation in American economic, political, and social life. On the issue of black inferiority and white superiority, southern Democrats and northern Republicans agreed. To the claim that black inferiority demanded black disqualification, white defenders responded weakly that such inferiority did not justify the deprivation of rights.⁷⁵ But claims of black inferiority and white superiority were supported and advanced by science, and science was a formidable opponent. As the historian

Thomas F. Gossett observes, “[A] striking feature of the literature of racism . . . is the patient way in which the racists explain ‘scientific fact’ to their opponents.”⁷⁶ Race science left proponents of black rights with two basic options: to accept the premise of black inferiority and appeal to natural rights and the moral equality of blacks (white Radical Republicans most often chose this option) or to reject the premises of inherent inequality and disqualify race as the basis of civic participation (black thinkers chose this option).⁷⁷

Although ideas about race and the political applications of these ideas were inextricably linked, it is necessary to consider them separately in order to understand the role of the census. The political and educated white elite based their opinions on prevailing scientific wisdom, and race science continued in its basic task of investigating racial origins. Darwinism presented a challenge to the still dominant polygenism. The mulatto category retained its significance. Josiah Nott had earlier theorized that if blacks and whites were different racial species, mulattoes would live shorter lives, and both the 1870 and 1880 censuses were designed to accumulate proof for this theory, as the enumerators’ instructions reveal. Once again, the census was neither a neutral political bystander nor simply a mirror of contemporary racial ideas. Census officials used the 1870, 1880, and 1890 censuses, as they had those of 1850 and 1860, to advance race science in basic ways.

The 1870 census was authorized by the Census Law of 1850. This was not the outcome intended, however, by Congressman James A. Garfield, the leading member of a special select committee on the census that drafted the new census bill, or by the social scientists whose advice he solicited. In March 1869, the committee on the Ninth Census, headed by Garfield, presented a census bill that, after substantial amendments, passed the House but was rejected by the Senate.⁷⁸ Although the first bill died, the House charged a special committee with issuing a report on the census and drafting new legislation. Garfield was appointed head of this new committee. While Congress was out of session, the committee prepared a

detailed report on the ninth (1870) census. Garfield himself was genuinely interested in improving the census and actively sought outside advice. In January 1869, before the first attempt at a 1870 census bill, Garfield had contacted Edward Jarvis of the American Statistical Association. In a series of letters between the two men, Jarvis spelled out his many suggestions. The most germane, for our purposes, was his insistence that the census distinguish between blacks and mulattoes.⁷⁹

The select committee's report was comprehensive and wide-ranging. It began with a historical discussion of census-taking over time and in several European countries and then addressed the history of U.S. census-taking. Much of the report detailed proposed changes in the census apparatus and in schedule inquiries, yet for all of its breadth, it made no mention of the enumeration of whites, blacks, and mulattoes, and offered an opaque explanation for the addition of the "Chinese" category ("that [inquiry] relating to color has been made to include distinctively the Chinese, so as to throw some light on the grave questions which the arrival of the Celestials among us has raised").⁸⁰

When Congress reconvened, Garfield presented the committee's report and the census bill. The proposed census bill "required an automatic reduction in representation to those states that refused blacks the right to vote,"⁸¹ but this apportionment penalty was ultimately removed from the bill and reintroduced separately. With this amendment, Congress voted on the remainder, which proposed significant changes in the census apparatus. The House passed the amended bill, but the Senate defeated it. According to historians, most senators considered Garfield's suggestions on census reorganization unnecessary, while others objected to Garfield's proposal to take responsibility for field enumeration away from U.S. marshals.⁸² Senators appointed federal marshals, and the bill threatened a form of senatorial patronage. Worse yet, the proposed bill transferred enumerative responsibility to supervisors along congressional district lines, thus shifting patronage goodies to the House. Yet this baldly political move should not overshadow the

bill’s ambitious desire to radically modernize the census, its aggressive measures to enable enforcement of Section 2 of the Fourteenth Amendment, or its few telling words about Chinese enumeration. In the end, after all the effort, the 1870 census was conducted according to the 1850 Census law.

However, the 1870 schedules and enumerator instructions were significantly different from those in 1850 and 1860. The slave schedule was eliminated. On the population schedule, two inquiries under “Constitutional Relations” were added. There were five “Color” response categories, four from previous censuses: “White (W),” “Black (B),” “Mulatto (M),” and “Indian (I)”), along with an additional one, “Chinese (C).” In the “Personal Description” section of their instructions, enumerators were sternly reminded that “[C]olumns 4, 5, and 6 must in every case be filled with the age, sex, or color of the person enumerated. No return will be accepted when these spaces are left blank.”⁸³ Under “Color,” the instructions read:

It must be assumed that, where nothing is written in this column, “White” is to be understood. The column is always to be filled. Be particularly careful in reporting the class *Mulatto* [italics in original]. The word is here generic, and includes quadroons, octoroons, and all persons having any perceptible trace of African blood. Important scientific results depend upon the correct determination of this class in schedules 1 and 2.⁸⁴

Schedule 1 was for population, Schedule 2 for mortality. There were no instructions for enumerating blacks, Indians, or Chinese, only for mulattoes. If a space was left blank, the person was white. The 1880 instructions for “Color” were the same, with one small exception, and the schedule for mortality was Schedule 5, not Schedule 2.

Neither the census committee report nor congressional floor debates disclose who wrote the enumerators’ instructions for the 1870 and 1880 censuses. However, it is clear why “important scientific results” rested on the accurate count of mulattoes in the population and mortality schedules: the results were needed to prove the presumed

inferiority and distinctiveness of the mulatto. Polygenist ideas and their derivatives survived Darwinism's arrival. For decades after the publication of Darwin's *On the Origin of Species* in 1859, American scientists remained deeply committed to the distinctness of races, their separate origins, and their hierarchical ordering. How was it possible for polygenism to persist after Darwinism's claim that all humankind had descended from a common evolutionary ancestor? It was possible because Darwin's main claim left unattended two of polygenism's central concerns: the effects of racial mixture and the capacities of races. Moreover, "Darwinism was not even logically incompatible" with the basic polygenist claims that blacks and whites were fundamentally different or that blacks were a permanently inferior race, if not species.⁸⁵ The evolution of humankind from one ancestor through a process of natural selection did not mean that the evolutionary process for blacks and whites was similar or even comparable. Indeed, whites and blacks had evolved so differently, so far in the past, that it rendered their common ancestry practically meaningless. For polygenists, political practicalities were always of the utmost concern. As Josiah Nott perceived it, Darwin's "refinements of science" changed little about the reality of Negro (or mulatto) inferiority. For Nott, the efforts of the Freedman's Bureau to uplift ex-slaves were futile, since the bureau would not have "enough vitality to see the negro experiment through many hundred generations, and to direct the imperfect plans of Providence."⁸⁶

Just as the polygenist idea of the permanence of races initially withstood Darwinism, so too did the tenet about "racial hybridity," although not without modifications. Common ancestry neither erased the evident fact of human diversity nor explained the content of those differences or the effects of racial intermixture. That whites and blacks could mate did not mean that they should. More information was needed about the physical and psychological effects of racial mixture on whites, blacks, and their "mulatto" offspring. Darwinism did not replace polygenist thought about race and racial mixture, it combined with it. By the 1890s, race scientists and social theorists were convinced, according to their interpreta-

tion of Darwin, that all races were engaged in a struggle for survival. They translated Darwin's idea of natural selection into a social theory of racial struggle. Yet in keeping with their polygenist preoccupation with "mulattoes," these same scientists and social theorists considered mulattoes to be at a distinct disadvantage and thought that they would die off. If earlier polygenist thought had posited that "mulatto frailty" was proof that whites and blacks were different species, later polygenism held that such frailty proved that racial mixture engendered racial disadvantage and would result in eventual disappearance or reversion back to the "dominant type."⁸⁷ The "dominant type" was of course presumed to be black; at no point before or since had "mulattoes" been considered "mixed whites." Blacks and other nonwhites were mixed; whites were not. These ideas emerged powerfully in the 1890 census, and certain of them persist today.

The 1890 Census: Social Darwinism Meets Polygenism

By the late 1880s and early 1890s, nearly all the political gains made by southern blacks were being reversed. Radical Republicans had begun to retreat in the early 1870s from Reconstruction's core commitments to the protection of black political rights in the South. The compromise of 1877 resulted in the election of President Rutherford B. Hayes and the withdrawal of federal troops from the South. As Republicans abandoned the South, Negro rights largely ceased to be a paramount national issue. White Southerners were free to reconfigure social, political, and economic arrangements in ways that vitiated any notion of equal citizenship for blacks. At century's end, blacks were largely disenfranchised, despite the Fifteenth Amendment, and subject to pervasive public and private segregation, discrimination, and violence, despite the Fourteenth Amendment and the Civil Rights Acts. Supreme Court decisions played a crucial role in this state of affairs. By interpreting the Fourteenth Amendment narrowly in cases dealing with racial segrega-

tion, violence, and exclusion, the justices reduced it to little more than a definition of citizenship for blacks.⁸⁸

White political and economic interests were pursued and black interests thwarted without apparent regard for the idea of race as such. Whiteness and nonwhiteness were given meaning by the presence of economic, political, and social liberties or by the absence of these liberties, which societal categorization reflected and reinforced. Yet, racial ideas were insinuated throughout and provided a rationale for political decisions. Racial discourse continued to explain what race itself was, and social scientists again used the census to further theorize about race. This time, their aims were to determine the extent of racial mixture among blacks and whether the race was becoming more "purely Negro." To this end, the categories of "quadroon," and "octoroon" were added to the census schedule and enumerator instructions were changed accordingly. In 1896, the Supreme Court decided the case of Homer Plessy, a New Orleans "octoroon," who challenged Louisiana's separate train car law.⁸⁹ Although there is no direct connection between the 1890 census process and the Plessy case, the pivotal role racial mixture played in both provides a useful way of highlighting the divergent approaches of census-taking and law. How the 1890 census helped to advance racial theory is shown through a close examination of the census-taking process. How the census and the law diverged is illustrated through a comparison of the assumptions of census-taking and those of the Supreme Court in the Plessy case.

"TO DISTINGUISH BETWEEN QUADROONS AND OCTOZOONS"

The central question that had driven polygenist race science since the 1850s still had not been satisfactorily answered: Were there differences in the life spans of members of "pure" races and of "mixed races"? Like its predecessors after 1850, the 1890 census would include inquiries designed to generate the desired data. On July 30, 1888, Congressman Joseph Wheeler (D-Ala.) introduced the following bill:

To ascertain and exhibit the physical effects upon offspring resulting from the amalgamation of human species. Be it enacted by the *Senate and House of Representatives of the United States of America in Congress assembled*, That the Superintendent, or officer in charge of the Eleventh Census be, and he is hereby, authorized and directed, in making the enumeration provided for by law, to take such steps as may be necessary to ascertain, report, and publish the birth rate and death rate among pure whites, and among negroes, Chinamen, Indians, and half-breeds or hybrids of any description or character of the human race who are found in the United States, as well as of mulattoes, quadroons, and octofoons.⁹⁰

This bill was read twice, referred to the House Select Committee on the Eleventh Census, and ordered printed. Nothing in congressional records discloses Wheeler's motivations. Unlike in the cases of the 1850, 1860, and 1870 censuses, neither the floor debates nor the published text of the 1890 census reveal much about color enumeration. Yet even without a fuller knowledge of Wheeler's motivations, his bill, on its face, warrants attention. Its fixation on ascertaining the results of "amalgamation" mirrors censuses past. Since the 1850 census, instructions had demanded the accurate count of mulattoes, while laws and social customs had aggressively monitored social interactions. Moreover, the bill's use of the term *species* is ambiguous, because the word is spelled the same in both its singular and plural forms. If used in its plural form, polygenist thought is at work, but if used in the singular, Darwinist thought. The requirement that birth and death rates be ascertained requires explanation. Mortality schedules devised for 1850 and included in every subsequent census contained the same color inquiries as the population schedules. The bill's insistence on these tables would seem unnecessary, if not for prevailing racial thought. When concerns about "amalgamation" and birth and death rates are considered in tandem, the gist of the bill is clear: to determine whether there was a difference between members of "pure" racial groups compared to those of mixed groups.

On March 1, 1889, the bill governing the 1890 census was made law. Although close to that of the 1880 census, this law included significant differences, at least in terms of enumeration. The 1890

bill required that "quadroons" and "octoroons" be counted in addition to "mulattoes," "blacks," "whites," "Indians," "Chinese," and "Japanese." Commissioner of Labor Carroll D. Wright, in a December 1888 letter to the Senate committee on the census, suggested how the committee should amend the House bill and why the categories "octoroon" and "quadroon" were necessary. Wright was a powerful and influential advocate for the establishment of a permanent Census Bureau, and as acting superintendent, he finished the work of the 1890 census when Robert Porter resigned from the superintendent's post in 1893.

In a section entitled "Statistics relating to the Negro Race," Wright declared that "[c]omprehensive information relating to the negro is absolutely demanded by the present condition of affairs,"⁹¹ and that the addition of new categories would be neither administratively nor fiscally onerous. "To secure the information relative to quadroons and octoroos," he assured, "would simply require another check-mark on the schedule."⁹² Although such assurances also applied to the enumeration of "half-breeds of different races," Wright was most concerned about "negro statistics" and "the present condition of affairs." At issue were two diametrically opposed views of the Negro population's size and prospects: Was it growing at a more rapid pace than the white population (as was seemingly shown by 1880 census data)? Or was it reverting back to a "purer" Negro race because mixed Negroes were unable to compete in the racial struggle for survival? It then followed that if white southerners would soon be outnumbered by blacks, they were justified in their enactment of repressive measures, designed to preserve white dominance. If, on the other hand, the data showed that blacks were dying off, such repressive measures might not be necessary, since blacks could not ever seriously challenge such domination. Given all that was at stake in the production of these "negro statistics," Wright stressed the importance of careful enumeration since only statistical data could reveal the truth.

The very greatest care should be exercised in the Eleventh Census to secure accurate information—as full as possible with the limitations of an enumeration—regarding the Negro race. So many questions are

arising that can only be answered by statistical information that this becomes a necessity. Whether the mulattoes, quadroons, and octo-roons are disappearing and the race becoming more purely Negro, is a question which can not be settled by observation. It must be settled by statistics, and the sooner the statistics are collected the better.⁹³

Wright concluded by suggesting that the 1890 census “be the starting point for a series of comparisons through subsequent decades.” He envisioned that census data could be used to compare birth and death rates among “pure whites” and “negroes.” Echoing the words of earlier census advisors, most recently those of Congressman Wheeler, Wright stressed the need to tabulate mortality data according to race.

The Senate’s report to the House incorporated Wright’s suggestions as well as his reasoning, stating: “[A]nother Senate amendment provides that the population schedule shall include an inquiry as to the number of negroes, mulattoes, quadroons, and octo-roons. This seems to be an inexpensive inquiry, to be accomplished by a check mark in the schedule, and *is desired by scientists*”⁹⁴ (italics added). The House approved this and several other Senate amendments to the census bill. In the end, the following eight categories appeared on Schedule 1, the schedule of population and social statistics: white, black, mulatto, quadroon, octoroon, Chinese, Japanese, or Indian. The instructions to enumerators read:

Write *white, black, mulatto, quadroon, octoroon, Chinese, Japanese, or Indian* [italics in original], according to the color or race of the person enumerated. Be particularly careful to distinguish between blacks, mulattoes, quadroons, and octo-roons. The word “black” should be used to describe those persons who have three-fourths or more black blood; “mulatto,” those persons who have from three-eighths to five-eighths black blood; “quadroon,” those persons who have one-fourth black blood; and “octo-roons,” those persons who have one-eighth or any trace of black blood.⁹⁵

The collection of vital statistics, so crucial to race scientists, was handled by Dr. John Billings, a retired U.S. Army surgeon and a leading authority in the field. He served as the Census Board’s “expert special agent” on vital statistics, statistics of special classes,

and social statistics for the 1890 census. The consistent inability to obtain accurate color mortality data was largely because of how the collection of vital statistics data was organized. Although mortality schedules had been a part of federal census-taking since 1850, they were not uniformly distributed during the actual enumerations. Federal agents enumerated mortality data only in those states and cities that did not have their own local systems of birth and death registrations. Where local systems of registration existed, such information was forwarded to the superintendent of the census.⁹⁶ Billings sought to improve this method by including more sources of data. He asked physicians from numerous cities to keep registers of their patients' deaths. He also made special efforts to improve data on "colored people" by requesting that black clergymen keep birth and death registers of their congregants.⁹⁷ In both cases, his office sent out blank forms with a color inquiry and a list of recommended categories: "White, black (negro and mixed), Chinese, Japanese, and Indian."

The 1890 vital statistics were compiled and analyzed by Billings in the Census Office's 1896 *Report on Vital and Social Statistics in the United States at the Eleventh Census*.⁹⁸ Curiously, for all of the evident concern to obtain mortality tables for each group to allow comparisons between them, Billings's tables only distinguished between "Native born whites," "Foreign born whites," "Colored" (including Chinese), and "Indian." There were no separate tables for blacks and mulattoes. According to the report, taking the nation as a whole, death rates for colored people were higher than for whites. In the South, where the majority of black people lived, they were likely to be higher still. Poor recordkeeping, especially of deaths among colored people, made underreportage highly probable, Billings explained.

1890 census data, once produced, were used by scholars and policymakers to answer the burning question of the day: was the black population destined to increase or disappear? The general consensus was that blacks were headed toward extinction. Billings concluded, even with mortality data he judged inaccurate, that blacks were dying at a higher rate than whites. In 1896, Frederick

Hoffman’s influential *Race Traits and Tendencies of the American Negro* was published by the American Economic Association. Hoffman, a statistician for the Prudential Insurance Company, thought that he, as a foreigner from Germany, was uniquely suited to study the Negro race. Although extensive data existed, little, he claimed, was “free from the taint of prejudice or sentimentality.” His aim, then, was to show through a “concise tabular statement of the facts” the true condition—the traits and tendencies—of the colored race. Hoffman argued that census data from 1800 to 1890 revealed that the death rates among blacks consistently exceeded their birth-rates. Death rates in excess of birthrates among blacks strongly suggested that freedom had vitiated their “vital force” and jeopardized the race’s future. “Of all the races for which statistics are obtainable . . . the negro shows the least power of resistance in the struggle for life,” Hoffman wrote. Mulattoes, unsurprisingly, fared worse still. Referring to the work of Josiah Nott and others, Hoffman claimed that the mulatto was in every way “inferior to the black, and of all races the one possessed of the least vital force.”⁹⁹ Francis A. Walker, the superintendent in charge of the 1860 and 1870 censuses and president of MIT, also analyzed 1890 census data, but reached less dramatic conclusions than Hoffman and others. According to Walker, blacks would continue to be concentrated in the lower South, where they were best suited to its climate and agricultural work. He also predicted that black birth- and death rates would continue to be higher than white rates. The Census Board itself regarded the “mulatto, quadroon, and octoroon” data as useless. The Eleventh Census Report stated only that “these figures are of little value. Indeed as an indication of the extent to which the races have mingled, they are misleading.” Indeed, the Census Board’s own assessment of the “mulatto, quadroon, and octoroon” data led census officials to remove “quadroon” and “octoroon” permanently from census schedules. These two categories appeared in the 1890 census only. “Mulatto,” however, would be used again in the 1910 and the 1920 censuses.

THE PLESSY DECISION: THE CENSUS VENTURES WHERE THE SUPREME COURT WILL NOT

The law and the census both rely on categories, yet the two have at times differed in their approaches to the determination of racial categories. Indeed, as demonstrated by the Plessy case, a legal argument against the arbitrary nature of racial categorization did not in the end much matter. Racial segregation was constitutional, however arbitrary the application of racial labels or unsound the methods used to devise them. As Justice Henry Billings Brown, writing for the majority, explained, the Fourteenth Amendment "could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either."¹⁰⁰ In census-taking, by contrast, the soundness of the methods of racial categorization mattered greatly. For census officials and social scientists, the existence of a natural racial order was a given. Part of their task was to devise categories that faithfully reflected and further revealed the workings of nature. Such knowledge could in turn be used to guide public policy. Moreover, for certain politicians, (social) scientists, and census board officials, determining racial membership was a matter of simple inquiry and visual observation. During the 1850 census debates, Senator Joseph Underwood had remarked that the race inquiry was "but a mere inquiry as to facts." But for the courts it had been an issue of review, if not consistent judgment, of the boundaries, the accuracy, and, with the passage of the Fourteenth Amendment, the constitutionality of racial distinctions. In the 1896 Plessy case, counsel for the plaintiff contested the "observation" method of determining racial classification employed by a Louisiana railway company in its compliance with Louisiana law. The state law required "equal, but separate" accommodations for blacks and whites on all passenger railways. Without providing a definition of race, the law stated, "[n]o per-

son or persons, shall be permitted to occupy seats in coaches, other than the ones assigned to them on account of the race they belong to.”¹⁰¹ The law penalized, with hefty fines, train officers who incorrectly assigned passengers to the wrong coach, as well as company officers and directors of railroad companies who refused to comply with the law.¹⁰²

In a test devised by the Citizens’ Committee to Try the Constitutionality of the Separate Car Law, an organization of colored New Orleans citizens, Homer Plessy purchased a railway ticket on June 7, 1892, sat in the railway car reserved for whites, and was arrested and charged with violating the separate car law. Plessy was a fair-skinned man—an “octoroon” in Louisiana parlance—and had been picked expressly to underscore the arbitrariness of classification. His counsel claimed that his “mixture of colored blood was not discernible.” This elemental point was part of a much larger and more complex argument that the separate car law violated the Thirteenth and Fourteenth Amendments.¹⁰³ In the end, the Supreme Court chose not to address directly how racial distinctions were determined (i.e., whether an individual was white or black), but to presume the existence of distinct races.¹⁰⁴ The justices left the defining of racial membership to state legislatures.

Where the Supreme Court chose not to venture, the census nonetheless presumed knowledge. The basis for racial distinctions was taken to be immediately accessible and knowable: individual racial identifications, even blood quanta, were assumed observable to enumerators. Had census officials confronted the argument of Plessy’s counsel, they would have defended their methods as scientifically sound—even though they later considered the 1890 “mixed race” data “useless.” “The mixture of [Plessy’s] colored blood” was held discernible to enumerators.

Twentieth-Century Censuses: From Jim Crow to Civil Rights

Political, economic, social, legal, and intellectual developments in the twentieth century significantly diminished the role of the census in constituting racial discourse for roughly seventy years. As we have seen, in the nineteenth century, censuses directly advanced racial science, and racial science directly informed public policy and political discourse. Twentieth-century censuses ceased to play such a prominent role in racial theory. Instead, they have mostly counted by race. The definitions of "non-white" categories became consistent with legal definitions of racial membership. For the purposes of the census, race was self-evident. Census categorization sustained racial discourse inasmuch as categorizing and counting by race gave it an official existence. Theorizing about race continued in scientific and social scientific circles, but scientists and thinkers did not deliberately enlist the census as they had in the past. The "mulatto" categorization was, however, an important exception to this overall trend. After 1970, the census once again emerged as a venue for directly enabling public policies and for shaping debate about race itself. In striking contrast to its past, the census now supports civil rights legislation. However, (social) scientists today increasingly reject the idea of counting by race at all, since they now believe that race has no natural, objective basis. Their views are a sharp reversal from those of their predecessors, for whom race was an objective reality and the census the instrument for uncovering this reality and for directing public policy. The remainder of this chapter explains and analyzes this double reversal: the sublimation of the census in configuring racial discourse for most of the twentieth century and its reemergence at century's end.

There were three fundamental and interrelated shifts in American intellectual, institutional, and political life that account for the constrained influence of the census. First, race science settled into a set of ideas that would dominate for nearly forty years, but would then be challenged for decades thereafter: discrete races existed; these

races possessed distinctive intellectual, cultural, and moral capacities; and these capacities were unequally distributed within and between racial groups. Predictably, the white race was judged superior to all others, and especially to the black race. The census no longer sorted out race science’s basic questions; instead, it registered the evident existence of races.

Second, the Census Bureau’s gradual institutionalization changed perceptions about the purposes and limits of racial enumeration. With its methods soundly grounded in statistical science, it would eventually become a full-fledged bureaucracy, whose revised self-appointed mission was to provide racial data without explicitly advancing racial thought and without submitting to political interests. Counting by race would become an administrative task and a technical procedure, or at least be widely viewed as such. Moreover, decisions about racial categorization became even less public, and supposedly less political, because Congress deferred to the internal decision-making processes of the Census Bureau, which in 1902 became a permanent federal agency under the Department of Commerce and Labor. In 1918, to assist in the development of schedules and inquiries, including the question on race, an advisory committee was formed, which consulted the Census Bureau until the mid 1940s. By 1954, all census legislation had become Title 13 of the U.S. Code.

Third, the hardening of racial segregation and subordination, both *de jure* and *de facto*, paralleled the hardening of scientific thought. Southern law had largely settled on the “one drop of nonwhite blood” rule by 1930. The definitions of nonwhite categories as spelled out in instructions to census enumerators were identical to those of southern racial membership laws. It is important to emphasize, however, that these ideas about white and nonwhite racial membership were not limited to the South. They were assumed and imposed nationwide, which explains their appearance in the federal census. However, census categories did not simply reflect race laws, social customs, and scientific thought. The enumeration of “mulattoes” shows how census-taking followed its own path to the “one-drop rule.”

*On the Road to the "One-Drop" Rule:
The 1900–1930 Censuses*

Although scientific thought about race reached a loose consensus in the first decades of the twentieth century, at the century's start, there were three competing and overlapping theories: polygenism, which although waning, still persisted; Lamarckian ideas about the inheritance of acquired characteristics; and Darwin's hypothesis of evolution by natural selection, especially Herbert Spencer's application of it in the form of Social Darwinism.¹⁰⁵ A number of (social) scientists employed these three ideas separately or in tandem, however incongruously, to explain nature's racial designs and workings. In all three uses, "the mulatto" figured prominently. For polygenists, the supposed frailty of mulattoes proved that blacks and whites were permanently different races, if not separate species. Social Darwinists judged mulattoes ill-equipped to survive life's struggle, thus proving that racial separation was necessary for racial preservation. Neo-Lamarckianism warned that because basic racial characteristics were carried, literally, in the blood, the mixing of bloods was bad, for whites especially.¹⁰⁶ Mulatto offspring were themselves clear proof.

The emerging intellectual agreement on race accompanied the establishment of disciplinary boundaries in the social and natural sciences.¹⁰⁷ By 1910, polygenism had been completely abandoned. American biological science was firmly rooted in Darwin's principles. Social Darwinism, the foundation of American sociology, was gradually replaced by progressive scientific thought, confident in its ability to know and improve the human condition. Mendel's theories on heredity led to the rapid demise of Lamarckianism. While physical anthropology was the dominant subfield within the larger discipline of American anthropology, cultural anthropology could potentially offer fresh views on race. Yet, for all the reconfiguring, the new consensus initially looked much like the old. Eugenicists claimed they could prove that human intelligence followed Mendelian rules of inheritance.¹⁰⁸ They soon extended their hypotheses

about individuals to groups, concluding that certain races and classes were genetically inferior and others genetically superior. The tentative steps of cultural anthropology toward culture as a variable explaining differences in human expression were undercut by the way in which culture itself was conceived. Many anthropologists viewed culture as deriving from racial origins. As the historian George Stocking writes, “[F]or ‘race’ read ‘culture’ or ‘civilization,’ for ‘racial heredity’ read ‘cultural heritage.’”¹⁰⁹ The basic idea that distinct races existed and were permanently unequal remained firmly in place. For this reason alone, scientific interest in the “mulatto” endured. What happened when superior and inferior races mated? Social and natural scientists still wanted to know.

The *Plessy* decision was singularly important to the entrenchment of legal racial segregation. Southern racial membership and segregation laws were less concerned with distinguishing between blacks, whites, and mulattoes legally than with rigidly separating their social interactions and economic productivity. The prohibition of interracial marriages, if not interracial sex, was a logical and necessary continuance of this segregating imperative. Up to forty-one states enacted “anti-miscegenation” statutes at one time or another, from the antebellum period to the mid 1960s.¹¹⁰ Segregation laws did not uniformly define race. Instead, segregatory practices built upon supposedly self-evident racial distinctions and otherwise marched forward without clear or consistent definitions. When definitions were provided, three criteria were used: “ancestry, blood quanta, and appearance,” alone or in some combination.¹¹¹ In the early decades of the twentieth century, legal definitions of Negro were broad, and those of *white* nearly nonexistent, in those states where race statutes existed. As a rule, southern laws did not recognize, and thus did not define, a separate class of persons as “mulattoes,” who might thus be treated differently from Negroes. Indeed, anti-miscegenation laws were designed to prevent racial mixture entirely. The general inattentiveness of the law to mulatto status shows that it conferred the same legal disabilities as Negro status. At the same time, the law’s reliance on “blood quanta” presumed a natural, scientific basis.

If science during this period was still very interested in the "mulatto," law, comparatively speaking, was not. What was the position of the U.S. census? It would continue counting mulattoes, even if such enumeration now required defending. This defense was provided by Walter Willcox, a prominent Census Bureau statistician and a Cornell University statistics professor. The Census Board had judged the final 1890 data on mulattoes, quadroons, and octoroones "of little value and misleading," thus explaining the removal of these categories from the 1900 census. Willcox argued for the accuracy and utility of the mulatto data. In a 1906 census text, *Supplementary Analysis and Derivative Tables*, Willcox wrote that the enumeration of octoroones and quadroons, as required by the 1890 census law, accounted for the data's alleged inaccuracies. A "simple" question, however, which asked only whether the respondent was of "pure or mixed blood," would generate valuable data.¹¹² Earlier censuses, from 1850 through 1880, used a simple query, and Willcox judged the resulting data reasonably accurate. The 1910 census included "mulatto," along with "white," "black," "Chinese," "Japanese," and "Indian." The enumerators' instructions read:

Write "W" for white; "B" for black; "Mu" for mulatto; "Ch" for Chinese; "Jp" for Japanese; "In" for Indian. For all persons not falling within one of these classes, write "Ot" (for other), and write on the left-hand margin of the schedule the race of the person so indicated. For census purposes, the term "black" (B) includes all persons who are evidently full-blooded negroes, while the term "mulatto" (Mu) includes all persons having some proportion or perceptible trace of Negro blood.¹¹³

Willcox's defense here was straightforward: mulattoes existed in the American population and should be counted.¹¹⁴ Like other statisticians before him, he desired an accurate count and believed that statistical data would provide the objective data needed to bolster conventional thinking about the races: blacks and mulattoes were naturally inferior to whites and were losing the struggle for racial survival.¹¹⁵ In keeping with the Census Bureau's gradual professionalization and the introduction of disciplinary boundaries, cen-

suses should simply provide racial numbers, without excessive commentary.

Yet the categories upon which these numbers were based were not free-floating: they were anchored in the idea and the language of “blood quantas,” which carried scientific and legal meanings. Scientifically, this language worked in two ways: it served as an imprecise shorthand for ancestry, and it conveyed the idea that group racial traits existed and were transmitted intergenerationally. Legally, this language ensured that race was understood as unchanging, natural, and ever-present, if not always visible.¹¹⁶ The exact proportion of white and nonwhite blood set the parameters of the color line. In those instances when a person’s racial membership was called into question, “blood quantas” would provide the legal, if not the social, answer. By 1930, science, law, and the census had converged to accept the “one-drop” rule of nonwhite racial membership. This convergence was overdetermined by science’s enduring obsession with white racial purity, on the one hand, and the deep history of political and economic subordination of nonwhites on the other. The removal of “mulatto” from the 1930 census schedule conforms to this pattern and at the same time differs from it. Enumerators’ instructions employed the one-drop rule, which brought the census in line with Jim Crow and anti-miscegenation laws. The Census Bureau decided to drop “mulatto” for methodological reasons, but it did not explain its explicit adoption of the one-drop rule, because such an explanation was unneeded. The one-drop rule had served as a default, thus attesting to its acquired hegemony.

The Census Bureau’s advisory committee resolution of December 1928 read:

The principal reason for giving up the attempt to separate blacks and mulattoes was the fact that the results of the attempt in past censuses had been very imperfect. It was suggested that the increase in the percentage mulatto shown by the 1910 census figures was probably the result of the employment of large numbers of Negro enumerators and that this might explain the decrease in the percentage mulatto between

1910 and 1920. Prof. Willcox made the point that, while he felt the question ought not be permanently dropped, it was not necessary to carry it at every census.¹¹⁷

After seven censuses, social scientists, statisticians, and economists decided that the past data had been "very imperfect." The committee's stated reasons for removing "mulatto" rested on accuracy. Had they had confidence in the data's accuracy or in the ability of the census to secure better data, the category "mulatto" might well have continued to appear on census forms. Willcox's statement suggests that he, for one, thought the category's scientific and social utility had not been exhausted, however inaccurate the data. Neither this resolution nor other committee decisions explained how definitions of "Negro" or other nonwhite categories were devised. The pervasive one-drop rule obviated the need for explanation.

The 1920 census contained three new "nonwhite" categories: "Filipino," "Hindu," and "Korean." Advisory committee records neither mention these additions nor provide reasons for their introduction. Scholars have assumed that they were added in response to immigration.¹¹⁸ However, the Immigration Act of 1917 expressly prohibited immigrants from the "Asiatic Barred Zone," which included, among other areas, India and most of the Polynesian Islands.¹¹⁹ Like "Chinese" and "Japanese" earlier, these new categories were used to track and record Asian residents as "races." Restrictions on the naturalization of nonwhites finally ended in 1952.¹²⁰ The remaining categories on the 1920 census were those of past censuses: White, Black, Mulatto, Chinese, Japanese, Indian, and Other.

Jim Crow in the Census, 1930–1960

The instructions for the 1930 census mirrored the racial status quo in American law, society, and science. Southern statutes that had defined nonwhites in terms of specific blood quanta now defined the category "Negro" more broadly. Any person with even a

trace of black blood was legally black and subject to all the disabilities the designation conferred. In Virginia, for example, where *Negro* and *colored person* were synonymous, before 1910, a person of "one-fourth or more Negro blood" was considered colored. In 1910, the blood quantum was switched to "one-sixteenth Negro blood," and by 1930, any ascertainable quantum of Negro blood made one a Negro.¹²¹ Likewise, before 1927, a Georgia state general statute defined colored persons as those with "one-eighth or more Negro blood." After 1927, the statute read that all persons of any ascertainable Negro blood were colored. In contrast, legal definitions of *white* did not change, if they existed at all. In general, to be "white" was conceived as the complete absence of any "negro or non-white blood," down to the last drop and as far back generationally as one could go. The 1935 Georgia State Code is illustrative: "[T]he term 'white person' shall include only persons of the white and Caucasian race, who have no ascertainable trace of either Negro, African, West Indian, Asiatic Indian, Mongolian, Japanese, or Chinese blood in their veins."¹²² U.S. naturalization case law functioned in a similar way: it focused not on defining the term *white person* but on defining who was, and what it meant to be, "non-white."¹²³ Here too the census broadly conformed to law by never providing a definition of *white*.

Legal definitions mattered enormously to the racial identification Americans bore and asserted publicly (and often privately). The interaction between laws, customs, and racial identification did not begin in the 1930s, of course. But now the "one-drop" rule marked the boundaries rigidly, as it had not done before. It settled the matter of who was white and who was not, inasmuch as the matter could be settled. The phenomenon of "passing" attests to the authority of these boundaries—and their incoherence. "Passing" referred to a black person who lived as a white person, and not vice versa. Passing is only intelligible in terms of racial laws, their meanings, and social customs, because if a person *passed* as white, then why was he or she still not *really* white? Well into the 1950s, popular black American magazines featured articles on passing that

presented it as a small collective victory against segregation and as insider knowledge. Sociologists periodically studied passing in hopes of ascertaining reliable figures on how many Negroes had passed, were passing, and might be expected to pass.¹²⁴ With these numbers, sociologists questioned whether all Negroes could and would pass into white, over time. They concluded that they could not and would not.

During the late 1920s when the advisory committee decided to eliminate "mulatto," most scientists (both natural and social) were firmly committed to the belief in the existences of races and in their innately unequal character. Although these same scientists were unable to isolate "pure races" or to identify what their particular characteristics might be, this basic failure did not diminish the authority of race science.¹²⁵ Scientists relied on and advanced a "common-sense" notion of race, a notion that science itself had helped to create. Racial differences were real and observable. The job of science was to discern the sources and meaning of those differences. In the 1920s, the IQ test was the main instrument for proving objectively what scientists had long thought to be true: "whites" were mentally superior to "nonwhites" and to "blacks" in particular.¹²⁶ From these same IQ tests, American (social) scientists also concluded that not all whites were equal: "Anglo-Saxon" whites were superior to "non Anglo-Saxon" southern and eastern Europeans. Concern about the racial stock of these immigrants and their fitness for republican life contributed to the passage of restrictive immigration legislation in 1924. This legislation abruptly arrested the massive European immigration that had begun in the 1850s with the Irish.

The purported proof of the inferiority of certain white races mirrored the long-standing preoccupation with white racial degeneracy resulting from racial mixing with "non-whites." Scientists did not articulate the threat to white racial purity in terms of blood droplets, yet their evident concern about degeneracy in effect endorsed the one-drop rule. White racial purity (of the Anglo-Saxon sort) had to be preserved on all fronts: immigration restrictions halted

contamination by inferior whites; Jim Crow legislation and de facto segregation kept whites and nonwhites apart. Concern about intrawhite contamination, however, quickly receded. Although (social) scientists and politicians perceived racial differences among whites to be real and consequential, they did not long hold to those views. By the late 1920s, (social) scientists wrote increasingly of the "white" or "Caucasian" race, which included, without invidious distinctions, many of the groups formerly disparaged.¹²⁷ In any case, the census had always counted European immigrants as "white," although enumerators' instructions never defined *white*. Such was not the case, however, for "non-white" groups, and with the 1930 census, detailed definitions were provided for certain of them.

As in law, social customs, and science, the census upheld and reinforced the ideas of white purity and the one-drop rule, although not consistently. The 1930 census enumerators' instructions were as follows:

1. Negroes.—A person of mixed white and Negro blood should be returned as a Negro, no matter how small the percentage of Negro blood. Both black and mulatto persons are to be returned as Negroes, without distinction. A person of mixed Indian and Negro blood should be returned a Negro, unless the Indian blood predominates and the status of an Indian is generally accepted in the community.
2. Indians.—A person of mixed white and Indian blood should be returned as Indian, except where the percentage of Indian blood is very small, or where he is regarded as a white person by those in the community where he lives.
3. Mexicans.—Practically all Mexican laborers are of a racial mixture difficult to classify, though usually well recognized in the localities where they are found. In order to obtain separate figures for this racial group, it has been decided that all persons born in Mexico, or having parents born in Mexico, who are definitely not white, Negro, Indian, Chinese, or Japanese, should be returned as Mexican ("Mex").
4. Other mixed races.—Any mixture of white and nonwhite should be reported according to the nonwhite parent. Mixtures of colored races should be reported according to the race of the father, except Negro-Indian [see the definition of *Negro* above].¹²⁸

Although "Chinese," "Japanese," "Filipino," "Hindu," and "Korean" were also included on the 1930 and 1940 censuses, enumerators were not given specific definitions or instructions about them. The 1930 instructions (except for Mexicans) also guided the 1940 and 1950 censuses. The definition of *Negro* on the 1960 census removed the explicit reference to the one-drop rule by employing no blood terminology at all. However, it still defined as *Negro* anyone with at least one *Negro* parent.

The introduction and then removal of the "Mexican" category shows how census methods in one case both upheld the "white" and "non-white" rule of classification and relaxed it. The minutes of the advisory committee's 1928 meeting neither mention the Mexican category nor provide an explanation for its introduction. However, an August 1931 press release explained that the category was added in response to massive Mexican immigration in the 1920s.¹²⁹ During and after the Mexican Revolution, large numbers of Mexicans entered the southwestern United States. Both the U.S. Immigration Service and the Mexican Department of Foreign Relations estimated that nearly 500,000 Mexicans legally entered between 1889 and 1928.¹³⁰ The 1930 census returns reported 1,422,533 Mexicans living in the United States. In earlier censuses, Mexicans had been classified as white, and the category "Mexican" was added in response to their larger numerical presence. In smaller numbers, Mexicans had been presumed to be of Spanish descent, and thus white,¹³¹ but with the intent of counting them separately, larger numbers of them were necessarily defined as "racially mixed," in keeping with the white/nonwhite, pure/impure dichotomy.

Although the Census Bureau included "Mexican" only in the 1930 census, the category might well have been retained in subsequent censuses but for what the advisory committee minutes call "an accidental circumstance."¹³² The committee's draft memorandum, written by Leon Truesdell, chief statistician for population, is slightly more informative, saying it was "because of political complications resulting from what might be termed an accidental cir-

cumstance,”¹³³ but it does not specify what the “political complications” were.

With the Mexican government’s assistance, Mexican Americans lobbied against the continuance of the “Mexican” category.¹³⁴ They protested because they perceived a connection between its introduction and the forced repatriation of nearly 400,000 Mexicans and Mexican-Americans from the Southwest in the 1930s. The category itself suggested discriminatory intent, regardless of how far removed it was in actuality from the policy and mechanisms of forced repatriation.¹³⁵ Mexicans were subsequently counted as “white,” until the introduction of the “Hispanic Origins” question in the 1980 census.¹³⁶

The state of racial discourse was more unstable than the 1930–60 census instructions would lead us to believe. By the 1940s, its scientific foundations had shifted noticeably. Scholars have identified internal and external destabilizing forces. Internally, cultural anthropologists, under the guidance of Franz Boas, compellingly challenged the basic tenets of race science. Boas, his students, and like-minded anthropologists and biologists argued that race had no biological basis and thus had no bearing on the customs, intelligence, temperament, or character of individuals or groups.¹³⁷ Such similarities and differences were best understood in terms of culture. They argued that “physical characteristics were completely unreliable indicators of race.”¹³⁸ Externally, Nazism forced (social) scientists worldwide to reexamine their thinking on race. In 1950, UNESCO (the United Nations Educational Scientific and Cultural Organization) issued the first of a series of official statements on race. The anthropologist Ashley Montagu noted: “[I]n the decade just passed more than six million human beings lost their lives because it was alleged that they belonged to an inferior race. The horrible corollary to this barbarism is that it rested on a scientifically untenable premise.”¹³⁹

Shifting (social) scientific ideas about race alone do not account for changes in racial discourse. The demise of the South’s cotton economy, the massive migration of southern blacks to northern and midwestern cities, increased political participation and agitation,

more successful legal challenges to segregation, and the onset of the Cold War decisively transformed the political landscape. The explanation here is admittedly schematic; it identifies neither precise causal factors nor a sequence of events that triggered the shift in thinking. The point is that prevailing racial discourse now existed on a far less nourishing terrain. The acceptance of race, even in scientifically biased ways, did not mean that American social, political, and economic life would or should continue to be organized around it in the ways it had been. Ideas of race and the attendant (and proper) public policies had long been inseparable, but they were no longer. The issue of race was detached from questions of how it mattered politically, socially, and economically, and whether it should or should not do so. If race had no biological basis, it was easier to loosen the connection.

At the same time, it became increasingly difficult to discuss what race was in a coherent way, other than to say that it did not biologically exist. Civil rights discourse focused exclusively on racism, discrimination, and equality, leaving aside the question of race itself. Census-taking in the era after the Civil Rights Movement has reflected this tension: census data are used to remedy racial discrimination, while census categories are themselves supported by a decentered, conflicting, and in certain ways, anachronistic racial discourse. The controversies over racial categorization in the 2000 census reveal the extent to which these two views—civil rights discourse and racial discourse—are on a collision course.

Civil Rights, Race, and the Census

The Civil Rights Movement and resulting civil rights legislation of the 1960s dramatically changed the political context and purposes of racial categorization. Federal civil rights legislation, most notably the Civil Rights Acts of 1964 and 1968 and the Voting Rights Act of 1965, dismantled the most egregious discriminatory mechanisms, namely, black disenfranchisement in the South, rigid residential segregation, and wholesale exclusion of blacks from certain occupations and American institutions. Civil rights discourse

promoted and sustained these political changes. It held that racial discrimination was morally wrong, politically and socially corrosive, and legally suspect. Legal segregation and southern black disenfranchisement flagrantly disregarded the Constitution’s Fourteenth and Fifteenth Amendments. Racial discrimination in employment, housing, and education vitiated the notion of equal opportunity and treatment. Although federal laws and programs required racial and ethnic census data for monitoring legislative compliance and for delivering federal services and funds to groups, neither civil rights strategies nor rhetoric addressed race or racial classifications directly.¹⁴⁰ In large part, the categories were taken as they were. They had been the basis of discrimination, and it was presumed that they would be the basis of remedy. It did not seem to matter whether they were real or not in a scientific sense. Race categories remained politically, socially, and economically salient. Civil rights advocates had clear political goals but faced real political constraints: they had to secure enduring victories within a slightly opened, but still resistant, political environment. Southern segregation had to be broken; southern black enfranchisement enforced and protected. The federal government had to be compelled to protect black political rights and made to stop deferring to southern states’ rights. The federal government also had to be made to direct federal attention and funds to deep-rooted poverty and disadvantage. With this agenda, there was neither much evident need nor much room for thinking about race as an idea, or about racial classifications, either in society or in censuses. This oversight has not, however, been cost-free for subsequent civil rights advocacy.

The Census Bureau and, later, the Office of Management and Budget have had to think about racial classification. This rethinking process has occurred in stages over the past thirty years and reached its most systematic phase in the 1990s. Most simply, the Census Bureau and OMB have had to examine, if not fully explain, what is meant by the term *race* and by the use of racial data. If race is not a scientifically valid concept, why does the census continue to count by it?

Present-day Census Bureau and OMB officials labor under intellectual and political conditions significantly different from and more complex than those of their predecessors. In the past, officials had little serious doubt about either the biological reality of race or the propriety of using census data to support and justify segregatory public policies. Nor did they hesitate to use the census to shape and advance race theory itself. Yet, however intertwined the aims of past scientists, census officials, and politicians, their work assumed and projected a veneer of (social) scientific objectivity. Scientists considered race fundamental to human existence, census officials counted by race, and politicians used these data to formulate public policies. Today, the veneer of objectivity, for race and for the purposes of counting, is gone. Counting by race is justified precisely because of the subjectivity of race and its political salience in American life, not because of any objective reality. Today the census cannot classify and count at a political distance, any more than it has done so historically. The principal difference for census-taking is that past racial discourse was firmly anchored in contemporary science; today it is not.

In one significant way, however, the role of the census in the late twentieth century is similar. Past censuses contributed directly to shoring up the scientific underpinnings of racial discourse. Today, a wide range of actors also attempts to use the census to form and support racial discourses, albeit new ones. On what conceptual basis and by what reasoning should the census count by race? The answer(s) matter(s) enormously to the coherence of racial thought, public policy, and political strategy. Should it count because it considers racial categories benign demographic descriptors, based on some notion of geography or culture? In that case, the census would support the idea that race is now best understood as an imperfect marker of "groupness." To satisfy statutory requirements? The census would here seem to be endorsing the view that race is chiefly a political category, made meaningful by its legislative uses. Should the census not count by race at all? Perhaps the best racial discourse is no racial discourse? Eliminating the question would seem to be one step in that direction.

These ideas are not inconsequential abstractions. Behind them stand vocal constituencies. Organizations representing multiracial and multiethnic Americans, Arab Americans, Irish Americans, and German Americans have lobbied for the addition of new categories, such as "multiracial" and "middle-eastern," or for the disaggregation of the "white" category itself.¹⁴¹ These groups argue that census categories should capture demographic diversity accurately and reflect personal self-identification, two tasks they equate. In contrast, civil rights organizations have lobbied against any significant change in race categories, stressing their legislative purposes: race categories are now most meaningful in terms of civil rights. The task of counting must be judged by the extent to which it reinforces or weakens the enforcement of civil rights legislation. Finally, academics and political pundits have called for the elimination of the term *race* (liberals) or of the question itself (conservatives).¹⁴² Liberals charge that the term *race* is outdated and scientifically indefensible, proposing that it should be replaced by *ethnicity*. Conservatives demand removal of the question, with the express aim of undercutting race consciousness and eliminating the racial data on which many public policies at present rely.

Federal officials are far from powerless, as we shall see, but they work under political constraints unknown to their predecessors. The Civil Rights Movement resulted in both significant federal legislation and powerful new political constituencies, with which the Census Bureau and OMB have had to contend. In the past, Census Bureau officials made decisions about "non-whites" with few interventions from the groups themselves, and decided on racial categories without public input, review, or accountability. More recently, the bureau and OMB have opened themselves up to public view, in keeping with a desire to make their deliberative processes and technical methods more transparent. They are now more accountable to the public in terms of racial classification than ever before. In 1960, self-identification replaced enumerator identification by instructions, signaling the bureau's attempts to be at once more accurate and more responsive to public sentiment. Finally, there is today no presumed objective science of race to which

officials can refer. Yet these constraints have not ruled out the role of the census in creating racial discourse. How the Census Bureau and OMB approach race in some important way affects how we think about race and how race organizes American political and social life.

STATISTICAL DIRECTIVE NO. 15

In 1977, expressly to enable better compliance with civil rights legislation, OMB issued its Statistical Directive No. 15, which mandates the five official racial/ethnic categories used in all statistical reporting by federal agencies, including the Census Bureau.¹⁴³ The directive's categories were not drawn directly from the census, and since its promulgation, the Census Bureau has had to comply with its standards. It permits federal agencies to use other "sub" categories, but they must be able to aggregate them into the original five. The Census Bureau has been one of the few agencies to exercise this option, which it has done in response to direct lobbying and congressional influence.

In 1964, an executive order created the Federal Interagency Committee on Education (FICE), and in January 1974, Executive Order 11761 updated FICE's mandate.¹⁴⁴ More than 30 federal agencies were either members of FICE or participants in its responsibilities, which included coordinating federal educational policies and advising the secretary of health, education, and welfare (HEW). In 1973, the FICE subcommittee on minority education submitted a report entitled *Higher Education for Chicanos, Puerto Ricans, and American Indians* to then HEW Secretary Caspar Weinberger. Weinberger took particular interest in the report's recommendation that uniform, compatible, and nonduplicative racial/ethnic categories be developed for use across federal agencies. In June 1974, FICE created an ad hoc committee on racial and ethnic definitions, chaired by Charles E. Johnson, Jr., assistant chief of the Census Bureau's Population Division. All federal agencies using racial and ethnic data heavily were summoned to join the committee; these agencies included OMB, the General Accounting Office (GAO), the Department of Justice, the Department of Housing and

Urban Development, and the Equal Employment Opportunity Commission (EEOC).

Representatives met together and through "considerable discussion, disagreement, give-and-take, and compromise" devised the categories.¹⁴⁵ They were guided by two principal aims: to devise categories that would satisfy the multiple federal needs for such data and to develop categories that made sense in some general way. In this regard, the representatives reasoned that all race categories needed to refer to a geographic location from which the race originated. This idea, and the use of race as a geographical marker, caused the committee some difficulty in certain cases. For example, the committee debated whether persons from India should be categorized under the "Asian or Pacific Islander" category or under the "White/Caucasian" category, since they were purportedly Caucasians, "though frequently of darker skin than other Caucasians."¹⁴⁶ In the trial directive they were classified as Caucasian, but they were reclassified as Asian in the final version (most likely in response to Asian Indian lobbying efforts to ensure racial minority status).¹⁴⁷ Committee members relied on their own personal understanding of race, not on expert testimony or opinion. Judging from the committee's deliberations and the directive itself, members viewed races as natural human groupings, each with its own original geographic home.

In May 1977, OMB adopted Directive No. 15 for use by all federal agencies. The directive's preamble states simply: "[T]hese classifications should not be interpreted as being scientific or anthropological in nature. . . . They have been developed in response to needs expressed by both the executive branch and the Congress." The categories were:

1. American Indian or Alaskan Native—A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliations or community recognition.
2. Asian or Pacific Islander—A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subconti-

inent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

3. Black—A person having origins in any of the black racial groups of Africa.

4. Hispanic—A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

5. White—A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Directive No. 15 defines “Hispanic” as an ethnic category, meaning that there are, for example, “white” Hispanics and “black” Hispanics. It instructs that persons of “mixed racial or ethnic origins” be classified according to “the category which most closely reflects the individual’s recognition in his community.”

After the directive was issued, the Census Bureau added several Asian and Pacific Islander subcategories and a new “Hispanic Origins” question, in response to the direct lobbying of minority advisory committees and congressional pressure. In these cases, specific categories and questions are in contention, not the ideas of race or ethnicity as such. Groups organized to secure an official statistical existence and to participate in federal programs intended for racial minorities. In the mid 1970s, Asian Pacific, Black, Hispanic, and American Indian and Alaska Native advisory committees were established to advise the bureau. These committees exert considerable influence on all matters related to racial and ethnic enumeration, including the new Asian-Pacific Islander (API) subcategories and the “Hispanic Origins” question. The 1980 census contained nine API subcategories, up from five on the 1970 census, as a result of lobbying.¹⁴⁸ The 1990 census contained the same nine plus an additional “other API,” where respondents could fill in their desired term. Coalitions of Asian-American groups have lobbied for the addition of two more subcategories in the 2000 census. Likewise, the Census Bureau added the “Hispanic Origins” question to the 1980 census under pressure from the Hispanic Advisory Committee and in the absence of a satisfactory alternative method.¹⁴⁹ Previously, the bureau had not assigned persons of “Spanish heritage”

and/or with "Spanish surnames" to a separate group. They were generally categorized as "white," except when they were, in the words of census manuals, "definitely Negro or Indian."

Prompted by growing public criticism that Directive No. 15 was incapable of accurately measuring the number of new immigrants or offspring of interracial marriages, OMB set out in 1993 to assess the adequacy of current categories, devise principles to govern revisions of the directive, and solicit specific recommendations for changes in categorization. This review was significantly more open to public input and expert evaluation than the 1977 meetings had been. In March 1994, OMB established an interagency committee for the review of racial and ethnic standards, which included representatives from thirty federal agencies, including the Census Bureau, the Department of Justice, and the Department of Education. In addition, OMB actively sought public comment through congressional subcommittee hearings in 1993 and 1997 and by notices posted in the *Federal Register*. At OMB's request, in 1994, the National Research Council's committee on national statistics conducted a workshop that included federal officials, academics, public policy analysts, corporate representatives, and secondary school educators.¹⁵⁰ Finally, OMB sponsored research on and testing of the possible effects of a new multiracial category and of the reformatting and resequencing of the Hispanic Origins question.¹⁵¹

The demand for the addition of "multiracial" to Directive No. 15 proved the most contentious issue, because it challenged the premise of mutual exclusivity on which U.S. racial categorization has been based. The "mulatto" category of past censuses is not a proper analogue to the "multiracial" category. There the "mulatto" category was a qualifier of the "negro" category, not a wholly independent category. At the same time, the term *multiracial* itself presumes the existence of discrete, if not pure, races. In its July 1997 report, the interagency committee recommended that OMB allow respondents to choose more than one race on their census schedules for the first time in history, while also recommending against the adoption of a multiracial category. It further recommended the addition of "Native Hawaiian or Other Pacific Islander," making it

the fifth racial classification. It also called for slight alterations in the wording of existing categories, suggesting that "Alaska" Native replace "Alaskan" Native in the title of the "American Indian or Alaska Native" category, that "Latino" be added to that of "Hispanic," making it "Hispanic or Latino," and that "African-American" be added to that of "Black," making it "Black or African American."¹⁵² OMB, which was empowered to accept, modify, or reject the committee's recommendations, accepted them in toto. The strong institutional, political, and methodological bias against major changes in categorization ensured that such changes would be highly improbable. The interagency committee, composed of representatives from thirty federal agencies, worked to satisfy the legislative requirements and institutional demands for racial data, just as FICE had been impaneled to do. Minority organizations in support of civil rights enforcement lobbied against major changes, and statisticians and demographers most concerned with data comparability (or at least the appearance of such) over time, warned of the dangers of extensive changes.

That OMB and the Census Bureau considered the multiracial category at all demonstrates the influence of the organized multiracial movement and OMB's receptivity to group demands. It also signaled a growing acceptance of the idea, within OMB at least, that the future will somehow be more multiracial than the past. However, the interagency committee chose its words carefully on this issue, saying: "[T]he multiracial population is growing, and the task of measuring this phenomenon will have to be confronted sooner or later."¹⁵³ It described growth of the multiracial population as a "phenomenon" but did not indicate what it meant to be "multiracial." Is this phenomenon social, natural, or some combination of the two? Are Americans becoming "multiracial" now because they choose to and are allowed to assert themselves as such? Or is becoming "multiracial" a new natural process? The interagency committee avoided these basic questions, as has OMB. In so doing, they ensured that neither the multiracial idea nor multiracial population will grow, at least with federal support or in official numbers. Multiracial activists unsuccessfully attempted to enlist the

census in their larger political project of creating a self-consciously multiracial community. For the moment, Americans who assume and assert multiracial identities can only reveal them by checking separate categories on census forms. Yet, it is important to emphasize that these activists were not alone in their pursuits. As the history of racial categorization in the United States amply shows, the census today, as in the past, remains the arena where ideas about race are worked through, categories constructed and then applied to public policy.