

THE USE OF RACIAL IDENTIFIERS IN COMPILED CENSUS DATA

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I. INTRODUCTION

Historically, racial demographic information gathered while conducting censuses was used in both Nazi Germany and the United States to identify, oppress, and victimize minority populations. This article provides an overview of how the Nazi regime conducted two separate censuses to identify Jewish individuals living in German territory, and how they developed statistical models to identify Jewish individuals to place them in concentration camps. We then examine how the United States used census information, first to identify African American populations to enforce racist policies, and then again to identify and locate Japanese American communities for internment in concentration camps. Further, the article examines issues regarding the proposal to include a citizenship question in the 2020 U.S. Census. Arguments for and against the proposed inclusion of a Middle Eastern or North African demographic category on the census are also examined. Lastly, we argue that given the repeated misuse of census data regarding race, and the disastrous consequences of that misuse, the United States should discontinue the practice of including racial identifiers on the census and refrain from including questions regarding citizenship status in the future.

II. NAZI GERMAN CENSUS

The Nazi regime conducted two major censuses to identify Jewish individuals living within Germany.¹ The first of these census efforts occurred in 1933 to identify practicing Jews within the borders of Germany.² The second census was held in the Greater Reich (which includes Germany, Austria, the Sudetenland, and the Saar) in 1939 and was primarily concerned with the identification of "racial Jews."³ The 1933 Census, in particular, "illustrated the

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¹ Richard Sobel, *The Degradation of Political Identity Under a National Identification System*, 8 B.U. J. SCI. & TECH. L. 37, 50 (2002).

² *Id.*

³ *Id.*

effect of the lack of coherent definitions" in the census process.⁴ The 1933 Census counted approximately 500,000 Jewish individuals, but estimates indicate that it may have missed as many as 240,000 non-practicing Jews or persons who were only partly Jewish.⁵

Nazi officials were aware of the deficiencies of the census data, and in 1936, Reinhar Heydrich (the national Chief of Security Police) noted that:

Since the [Nazi] seizure of power, it has been ascertained that a large proportion of the Jewish population living in Germany has allowed itself to be baptized as Protestants or Catholics with the intention, following a change of residence, of avoiding occurring as Jews in registration records and furthermore to hamper the efforts of other authorities, particularly the political police [i.e., Gestapo], to establish individual cases of Jewish ethnic descent.⁶

To address this discrepancy, the Nazi regime began to define various ethnic groups and to collect an "astounding" amount of specialized racial data between the years 1933 and 1939.⁷ For example, the Rassenpolitisches Amt (Racial Policy Bureau or RPA) started to compile a "comprehensive register of all Jews, Roma, so called 'asocials,' and other racial 'aliens' living within German borders."⁸ Further, the Reichsstelle für Sippenforschung (Reich Office for Genealogical Research), headed by Dr. Achim Gercke, began compiling what was hoped to be a catalog containing the racial "pedigree of every German."⁹ By 1936, the Reichsgesundheitsamt (Reich Health Office) worked to create a catalog of "genetically diseased persons," and in the same year, created the Rassenhygienische und Bevölkerungsbiologische Forschungsstelle (Eugenics and Demographic Biology Research Unit) to register and fingerprint all Roma living in Germany.¹⁰ The

⁴ David Martin Luebke & Sybil Milton, *Locating the Victim: An Overview of Census-Taking, Tabulation Technology, and Persecution in Nazi Germany*, 16 IEEE ANNALS OF THE HIST. OF COMPUTING 25, 30 (1994).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 29.

⁸ *Id.*

⁹ Luebke & Milton, *supra* note 4, at 29.

¹⁰ *Id.*

German government was not the only organization to assist in creating a racial catalog of German citizens.¹¹ By 1934, the Protestant churches in Berlin had begun to collect racial information to facilitate with proving or disproving the Aryan descent of German citizens.¹²

In 1935, the Nazi regime passed the Nürnberger Gesetze (The Nuremberg Laws), which were comprised "of virulent, anti-Semitic laws . . . and exemplified and solidified the new Nazi race-based policies."¹³ The Nuremberg Laws attempted to identify individuals as Jewish by examining the ethnic classification of their grandparents.¹⁴ If an individual had four German grandparents, the Nazi regime classified that individual as "German or kindred blood."¹⁵ Conversely, if an individual had three or four Jewish grandparents, they were classified as ethnically Jewish.¹⁶ If an individual had two Jewish grandparents and two non-Jewish grandparents, by law, the government classified them as "mixed blood."¹⁷ In 1935, the Nazi regime used this classification system to pass "The Laws for the Protection of German Blood and German Honour."¹⁸ These laws consisted of seven articles, unanimously passed by the Reichstag, which ensured the "extrication of all 'inferior races' from the pure Aryan Bloodline."¹⁹ The articles included a ban on marriage between "Jews and subjects of the state of German[y], a ban on extramarital relations "between Jews and subjects of the state of German[y] or related blood," and a ban on the employment of "female subjects of the state of German[y]" in Jewish households.²⁰

It was under these extreme conditions that the Nazi party conducted the 1939 Census.²¹ This census was designed to "fulfill [Reinhar] Heydrich's demand for explicitly racial criteria of social classification."²² Unlike the 1933 Census, this census included a

¹¹ *Id.*

¹² *Id.*

¹³ Ellis Washington, *Social Darwinism in Nazi Family and Inheritance Law*, 13 RUTGERS J.L. & RELIGION 99, 115 (2011).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Washington, *supra* note 13, at 116.

¹⁹ *Id.*

²⁰ *Id.* at 116-17.

²¹ Luebke & Milton, *supra* note 4, at 30.

²² *Id.*

supplemental questionnaire "that required respondents to report if any of their grandparents were Jews."²³ This supplemental questionnaire "enabled government statisticians to classify [individuals] by the racial categories of the Nuremberg Race Laws."²⁴

While the census was making the Jewish population easier to define, S.S. Chief Heinrich Himmler had begun to consolidate police power.²⁵ The "consolidation of police authority under the S.S." allowed Himmler the "power to impose greater uniformity on the process of identifying victim groups" and the ability to "systematically" target and persecute them.²⁶ Furthermore, during this period, Hitler began World War II, and intended it to "serve as the pretext for a massive racial and eugenic 'cleansing' of German society."²⁷

As the Nazi government occupied more territory during World War II, it expanded its census efforts.²⁸ Due to Germany's interference, both occupied and Vichy France held special censuses in 1940.²⁹ In occupied France, a German ordinance required a census of Jewish individuals to be carried out by the French police force.³⁰ In Vichy France, the government issued a law that required Jewish individuals to make, "within 30 days, elaborate declarations in person."³¹ In both occupied and Vichy France, the Gestapo and the French police used the names and addresses gathered through the census efforts to create a list of Jewish people that they "employed to identify and locate Jews for deportation to various concentration and death camps."³²

In 1941 in the Netherlands, occupying German authorities also forced the Jewish population to register with the Dutch authorities.³³ There, the Dutch administrative services were responsible for the registration process, which was adapted from the

²³ *Id.*

²⁴ *Id.*

²⁵ Luebke & Milton, *supra* note 4, at 30.

²⁶ *Id.*

²⁷ *Id.*

²⁸ William Seltzer, *Population Statistics, The Holocaust, and The Nuremberg Trials*, 24 *POPULATION & DEV. REV.* 511, 519-27 (1998).

²⁹ *Id.* at 520.

³⁰ *Id.*

³¹ *Id.* at 521.

³² *Id.*

³³ Seltzer, *supra* note 28, at 523.

German registration process.³⁴ The new process, developed by J.L. Lentz, head of the population registration office, included mandatory identity cards for the entire population and a new control card for a rationing system.³⁵ German authorities considered these improvements to be an "outstanding technical success."³⁶ Dr. Friedrich Wimmer, the German Generalkommissar for Administration and Justice in the Netherlands, commented that:

With the establishment of a Central Register . . . by the Registration office in The Hague there has been created an instrument and a central information bureau . . . whose use I recommend and request in all cases of doubt. Close Links between the Central Register and the Municipal Registration Offices in the Netherlands ensure the speedy detection of all changes (of residences, for instance) and thus guarantee that the register at all times reflects the actual state of affairs in individual cases and for statistical purposes.³⁷

With the approval of German authorities, the new registration system was "used directly in locating and apprehending Jews" to "deport" them from the Netherlands.³⁸ The registration system was so effective that in March 1943, a Dutch resistance group attempted to burn down the Central Population Registration building.³⁹ The Royal Air Force also considered it a target and bombed the building in 1944.⁴⁰

The use of racial data collected through various census efforts of Nazi officials was central to their goal of identifying and locating the Jewish population. As the sphere of Nazi influence grew, so did the use of census data to define and identify Jewish individuals within Germany, in accordance with the Nuremberg Race Laws.⁴¹ Without the 1939 Census data, the Nazi government would not have had the "requisite racial and demographic overview needed to craft the complex and many-staged process of coordinated

³⁴ *Id.*

³⁵ *Id.* at 524.

³⁶ *Id.*

³⁷ *Id.*

³⁸ Seltzer, *supra* note 28, at 524.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Luebke & Milton, *supra* note 4, at 30.

deportations . . . to distant ghettos and concentration camps.”⁴² Based on the lessons learned from the misuse of census data by the Nazi Regime, the present-day French government “refuses to collect racial and ethnic information” so that official government data can never again be used “to identify members of a particular group.”⁴³

III. RACIAL DEFINITIONS AND THE CENSUS IN THE U.S.

By constitutional mandate, the United States’ census occurs every ten years.⁴⁴ The census data is used to count the population to apportion “proper representation in Congress, as well as allot electors for the electoral college.”⁴⁵ The census first addressed the concept of race in response to the “enumeration” principle, which states that “representatives and direct taxes shall be apportioned among the several States . . . according to their respective numbers, which shall be determined by adding to the whole number of free persons, . . . and excluding Indians not taxed, three-fifths of all other persons.”⁴⁶

By 1850, Congress had created the Census Board, and for the first time, “solicited, and subjected itself to, formal input from external expert advisors.”⁴⁷ Following the advice of these experts, Congress pushed for more detailed questions in subsequent census efforts.⁴⁸ The new questions included more detailed information on race, and other topics, such as agriculture, manufacture and industry, commerce, religion, crime, and wages.⁴⁹ The Census Board was looking for “information on persons, not merely households.”⁵⁰ By 1870, the census included instructions concerning “color or race” stating:

⁴² *Id.* at 34.

⁴³ Jennifer L. Hochchild & Brenna Marea Powell, *Racial Reorganization and the United States Census 1850 – 1930: Mulattoes, Half-Breeds, Mixed Parentage, Hindoos, and the Mexican Race*, 22 *STUD. IN AMERICAN POL. DEV.* 59, 63 (2010).

⁴⁴ U.S. CONST. art. I, §2, cl. 3 (“The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.”).

⁴⁵ Carrie Pixler, *Setting the Boundaries of the Census Clause: Normative and Legal Concerns Regarding the American Community Survey*, 18 *WM. & MARY BILL RTS. J.* 1097, 1100 (2010).

⁴⁶ Hochchild & Powell, *supra* note 43, at 66.

⁴⁷ *Id.* at 67.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

Be particularly careful to distinguish between blacks, mulattoes, quadroons, and octoroons. 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 "octoroon," those persons who have one-eighth or any trace of black blood.⁵¹

However, the census did not include instructions on how to determine the fractions presented in the instructions.⁵² The historical record is silent on why these instructions were not included.⁵³ It is theorized that the Census Office "assumed that everyone was practiced in distinguishing fractions of black blood."⁵⁴ Others theorize that there was resistance from the census itself on the congressional mandate to include fractions, and that the resistance represented a refusal to "waste any unnecessary resources on an impossible task."⁵⁵ This lack of historical evidence was further exacerbated by a fire that destroyed a considerable amount of the original census schedules in 1890.⁵⁶

By the 1920 Census, the Census Bureau abandoned its emphasis on the percentage-based racial definitions.⁵⁷ At the time, "mainstream ideology had shifted to a commitment to bright-line differences between races" and reflected Southern "one-drop-of-blood rules."⁵⁸ These rules, as codified by the Virginia legislature, in the Preservation of Racial Integrity Act, "defined a white person as someone with 'no trace whatsoever of any blood other than Caucasian.'"⁵⁹ New census reports during this period were understood to use the term "white" to refer "persons understood to be pure-blooded whites."⁶⁰

⁵¹ Hochchild & Powell, *supra* note 43, at 68 n.65.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.* at 68.

⁵⁵ *Id.*

⁵⁶ Hochchild & Powell, *supra* note 43, at 68.

⁵⁷ Christine B. Hickman, *The Devil and the One Drop Rule: Racial Categories, African American, and the U.S. Census*, 95 MICH. L. REV. 1161, 1187 (1997).

⁵⁸ Hochchild & Powell, *supra* note 43, at 70.

⁵⁹ Hickman, *supra* note 57, at 1187.

⁶⁰ *Id.*

While the use of racial definitions in the U.S. Census during this period did not “itself create the ethnoracial order,” it did provide the “official language and taxonomy of race and imbue[d] them with the authority of the state.”⁶¹ Further, this language provided the means to classify and organize data to facilitate exclusionary public policy.⁶²

IV. THE CENSUS AND JAPANESE INTERNMENT

By the 1940s, the U.S. Army and civilian officials began to use census data to identify individuals of Japanese ancestry to place over 100 thousand people in concentration camps for most of the duration of World War II.⁶³ The Army's "final report on the evacuation program" (published in 1943) noted that the 1940 Census was "the most important single source of information prior to the evacuation."⁶⁴ Further, the Census Bureau was given "full credit for running special tabulations that became the basis for the general evacuation and relocation plan."⁶⁵ The decision to intern Japanese Americans stemmed from Franklin Delano Roosevelt's Executive Order 9066 dated February 19, 1942.⁶⁶ In Executive Order 9066, President Roosevelt authorized the U.S. Army's Western Defense Command to "remove people from the west coast theater of operations on the grounds of 'military necessity.'"⁶⁷

Later that month, Dr. Calvert Dedrick, Chief of the Statistical Research Division of the Census Bureau, was sent to assist in the "evacuations" mandated by the executive order.⁶⁸ Dr. Dedrick remained in San Francisco to assist in the program until the spring of 1943.⁶⁹ By late March of 1942, Congress had passed legislation that would allow prosecution of anyone who resisted the "evacuation" efforts.⁷⁰ During the same period, Congress passed a provision in the Second War Powers Act that permitted the use of individual census information, which had previously been

⁶¹ Hochchild & Powell, *supra* note 43, at 61-62.

⁶² *Id.* at 62-63.

⁶³ Margo Anderson, *Public Management of Big Data: Historical Lessons from the 1940's*, 7 *FED. HIST.* 17, 21-22 (2015).

⁶⁴ *Id.* at 22.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ Anderson, *supra* note 63, at 22.

⁶⁹ *Id.*

⁷⁰ *Id.*

confidential, by government agencies for use in connection with the "conduct of the war."⁷¹ By August of 1942, over one-hundred thousand Japanese Americans were interned, first in "assembly center[s]," then in "relocation centers," which were in every practical sense concentration camps.⁷² By 1943, the United States Supreme Court upheld the legality of these evacuations, "despite the lack of evidence of subversion or wrongdoing by the Japanese American plaintiffs."⁷³

In the 1970s and 1980s, Congress created the Commission on Wartime Relocation and Internment of Civilians (CWRIC) to reexamine the policies that allowed the internment of Japanese Americans.⁷⁴ While the commission investigated and discovered the source of many of the policy failures during the 1940s, it failed to answer the question of whether the Census Bureau had provided the Army with names and addresses of Japanese Americans.⁷⁵ A further independent investigation found that the Census Bureau's claim that it "did not release wholesale the names and addresses of Japanese Americans in the spring of 1942" was "basically correct."⁷⁶ However, this investigation found that the Census Bureau did provide "small area tabulations and technical expertise to plan and map the 107" regions that the Army used to gather and intern Japanese Americans.⁷⁷

V. ISSUES WITH THE 2020 CENSUS

In March of 2018, Secretary of Commerce Wilbur Ross announced that the Census Bureau would include a question about citizenship status on the 2020 Census.⁷⁸ The decision to include this question was "immediately and enormously controversial."⁷⁹ It is not surprising that a citizenship question was viewed as more than a "mere request for information" given the political climate surrounding the 2020 Census.⁸⁰ Even in less turbulent times, non-

⁷¹ *Id.* at 23.

⁷² *Id.*

⁷³ Anderson, *supra* note 63, at 23.

⁷⁴ *Id.*

⁷⁵ *Id.* at 24.

⁷⁶ *Id.* at 29.

⁷⁷ *Id.*

⁷⁸ Justin Levitt, *Citizenship and The Census*, 119 COLUM. L. REV. 1355, 1356 (2019).

⁷⁹ *Id.*

⁸⁰ *Id.* at 1360.

citizens are, and perceive themselves to be, "comparatively vulnerable members of American society."⁸¹

The inclusion of a citizenship question "raises a serious concern" that despite a legal duty to respond, non-citizens will "engage disproportionately in civil disobedience rather than publicize their non-citizen status."⁸² The Census Bureau was aware of this possibility, and in 1980, in *Federation for American Immigration Reform (FAIR) v. Klutznick*, the United States District Court for the District of Columbia noted:

[A]ny effort to ascertain citizenship will inevitably jeopardize the overall accuracy of the population count. Obtaining the cooperation of a suspicious and fearful population would be impossible if the group being counted perceived any possibility of the information being used against them. Questions as to citizenship are particularly sensitive in minority communities and would inevitably trigger hostility, resentment and refusal to cooperate. The Census Bureau's representations in this regard are supported by the amicus brief of the Mexican-American Fund, which has described for us the fears of persecution, particularly in Hispanic communities.⁸³

If a citizenship question posed severe risks to the accuracy of the census in 1980, the "volatility of the current political climate hardly provides less reason for concern."⁸⁴

The impact of undercounting minority populations through the use of a citizenship question on the 2020 Census is arguably a "voting rights issue."⁸⁵ Even though the census count would not impact an individual's right to cast a ballot in any single election,⁸⁶ an undercount could have a dramatic effect on representational

⁸¹ *Id.* at 1363.

⁸² Levitt, *supra* note 79, at 1363.

⁸³ Fed'n for Am. Immigration Reform (FAIR) v. Klutznick, 486 F. Supp. 564, 568 (D.D.C. 1980).

⁸⁴ Levitt, *supra* note 78, at 1363.

⁸⁵ Molly Danahy & Danielle Lang, *Distortion in the Census: America's Oldest Gerrymander?*, 49 U. MEM. L. REV. 1065, 1067-75 (2019).

⁸⁶ *Id.* at 1068.

rights, "particularly on non-citizen and Hispanic communities, from whom the undercount would be the most severe."⁸⁷

Opponents of the citizenship question believe that in "at least some places, a proper count of the population could result in two districts where the minority community is able to elect a candidate of choice."⁸⁸ However, an undercount may limit a minority community's ability to elect multiple representatives by "packing minority communities into artificially overpopulated districts."⁸⁹ The inclusion of a citizenship question on the 2020 Census was projected to "cause several jurisdictions to lose seats in the next congressional apportionment."⁹⁰ This would have excluded those communities from "the distribution of billions of dollars in government grants tied by formula to population."⁹¹ Specifically, experts feared that an undercount would result in California losing a seat and would create a "substantial risk" that Texas, Arizona, Florida, New York, and Illinois would lose representation as well.⁹²

Conversely, while ultimately unsuccessful, there has been a decades-long push for the Census Bureau to collect "detailed data on people with roots in the Middle East or North Africa."⁹³ Notably, Arab American communities have fought for the inclusion of the Middle East or North Africa (MENA) category because of the "existential, political, legal, and economic benefits that a standalone box on the U.S. census form promises."⁹⁴ Further, Arab Americans believe the inclusion of a MENA category would alleviate the "racial misalignment" felt by many members of that community who, currently, must record their race as white.⁹⁵ Supporters of the MENA category also point to the possibility of more considerable attention from political candidates.⁹⁶ They believe that a more accurate count of Arab American districts "will increase the

⁸⁷ *Id.* at 1075.

⁸⁸ *Id.* at 1068.

⁸⁹ *Id.*

⁹⁰ Danahy and Lang, *supra* note 85, at 1076.

⁹¹ Levitt, *supra* note 78, at 1372.

⁹² Danahy & Lang, *supra* note 85, at 1075.

⁹³ Hansi Lo Wang, *No Middle Eastern or North African Category on 2020 Census, Bureau Says*, NPR, (Jan. 29, 2019, 3:29 PM), <https://www.npr.org/2018/01/29/581541111/no-middle-eastern-or-north-african-category-on-2020-census-bureau-says>.

⁹⁴ Khaled A. Beydoun, *Boxed In: Reclassification of Arab Americans on the U.S. Census as Progress or Peril?*, 47 *LOY. U. CHI. L.J.* 693, 698 (2016).

⁹⁵ *Id.* at 703-04.

⁹⁶ *Id.* at 723.

awareness of candidates and [elected officials who will] . . . tailor specific messages in areas with significant Arab American voting blocs."⁹⁷ Official minority status through the census would also "grant Arab American businesses access to minority business contracts distributed by [the] government."⁹⁸

However, even if the proposed MENA classification is likely to be "well received by the majority of the Arab American community," its adoption on the census would not be without concern.⁹⁹ Some fear that the collection of detailed information on Arab populations could lead to increased surveillance by government organizations.¹⁰⁰ Further, the precedent set by the government's use of census data in the Japanese internment during World War II "looms strong in the minds of Arab Americans."¹⁰¹ This fear is made more real by a 2004 *New York Times* article that revealed the Census Bureau "provided specially tabulated population statistics on Arab-Americans to the Department of Homeland Security, including detailed information on how many people of Arab backgrounds live in certain zip codes."¹⁰² While the MENA category represents a moment of racial progress for some, it undoubtedly would increase the "precision of government surveillance and monitoring programs," which could lead to the erosion of Arab American civil liberties.¹⁰³

VI. CONCLUSION

Historically, racial identifiers collected through census efforts have been misused by both Nazi Germany¹⁰⁴ and the United States¹⁰⁵ to identify minority populations to oppress and victimize them. Nazi Germany conducted two separate censuses, one with refined statistical models, to identify Jewish individuals to place them in concentration camps.¹⁰⁶ In the United States, census data was used to identify African American populations to enforce racist

⁹⁷ *Id.*

⁹⁸ *Id.* at 728.

⁹⁹ Beydoun, *supra* note 94, at 744-52.

¹⁰⁰ Khaled A. Beydoun, *A Demographic Threat? Proposed Reclassification of Arab Americans on the 2020 Census*, 114 MICH. L. REV. FIRST IMPRESSIONS 1, 7 (2015).

¹⁰¹ *Id.* at 6.

¹⁰² *Id.* at 7.

¹⁰³ *Id.* at 8.

¹⁰⁴ Luebke & Milton, *supra* note 4, at 29-30.

¹⁰⁵ Hochchild & Powell, *supra* note 43, at 67-70.

¹⁰⁶ Luebke & Milton, *supra* note 4, at 29-30.

policies,¹⁰⁷ and again to identify and locate Japanese American communities for internment in concentration camps during World War II.¹⁰⁸

In 2020, Secretary of Commerce Wilbur Ross and the Trump administration announced the inclusion of a citizenship question, which, had it been included on the census, would have “triggered hostility, resentment and refusal to cooperate”¹⁰⁹ in predominantly Hispanic communities, where the resulting undercount would have been most severe for “fear that the data could be used against them or their loved ones.”¹¹⁰ Even the Census Bureau itself, in 1980, argued that “[o]btaining the cooperation of a suspicious and fearful population would be impossible if the group being counted perceived any possibility of the information being used against them.”¹¹¹ Minority populations who are already vulnerable, such as those targeted, or perceived to be targeted, by a citizenship question, are “more likely to feel they have more to lose when a government official shows up at their door asking for information, and may believe that the safest course is to keep their door firmly shut.”¹¹² Thus, given the past repeated misuse of census data regarding race and the disastrous consequences of that misuse, the United States should, as France has,¹¹³ discontinue the practice of including explicit or implicit racial identifiers on the census that could be used to identify members of a particular group.

¹⁰⁷ Hochchild & Powell, *supra* note 43, at 67-70.

¹⁰⁸ Anderson, *supra* note 63, at 21-24.

¹⁰⁹ Levitt, *supra* note 78, at 1356-63.

¹¹⁰ Danahy & Lang, *supra* note 85, at 1074-75.

¹¹¹ Levitt, *supra* note 78, at 1365.

¹¹² *Id.* at 7.

¹¹³ Hochchild & Powell, *supra* note 43, at 63.