

"MULTIRACIAL" IDENTIFICATION

House Bills 4439 and 4440 as introduced
First Analysis (3-9-95)

Sponsor: Rep. Harold Voorhees
Committee: Judiciary and
Civil Rights

THE APPARENT PROBLEM:

The face of American society has changed during the past quarter of a century. Since state laws prohibiting interracial marriages were struck down by the U.S. Supreme Court in 1967, the number of such marriages has more than quadrupled, and the percentage of mixed-race children rose to six percent of all children nationwide in 1990. However, Americans of mixed racial ancestry have few options when filling out forms that require them to identify themselves as a member of one racial group or another. For example, an individual with one Caucasian and one Asian parent may have to choose between the two, or check the classification "other." A movement is underway, led by Project Race, a national advocacy group for the civil rights of multiracial children, to add the classification "multiracial" on forms required by schools. Project Race has testified before Congress to have the designation included on the forms of federal agencies, and has lobbied to have legislation passed in several states. A few states have voted to include the designation, or else have legislation pending on the issue. Legislation has been proposed to require Michigan employers and educational institutions to follow suit.

THE CONTENT OF THE BILLS:

House Bills 4439 and 4440 would amend the Elliott-Larsen Civil Rights Act (MCL 37.2202a and 37.2402a), and the Management and Budget Act (MCL 18.11206a), respectively. The bills would require that the category "other" be replaced with the category "multiracial" on documents that request individuals to designate their race or ethnicity. The provision would apply to a document that was requested by an employer, state agency, and educational institution. However, a state agency would have to redesignate the individuals identified as multiracial if the document were required by a federal agency that rejected the classification "multiracial." The redesignation would be

accomplished by allocating the multiracial individuals to racial or ethnic classifications approved by the federal agency, in the same ratio that they occurred within the general population of the group from which the information was solicited. The provisions would apply to forms that were printed or developed 90 days or more after the effective date of the bills.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bills would have no significant impact on state funds, other than the minimal costs incurred for changing forms. In situations where federal reports required breakdowns into racial and ethnic classifications, minimal costs would also be incurred for the time spent allocating individuals to racial or ethnic classifications. (3-7-95)

ARGUMENTS:

For:

The provisions of the bills would reflect the diverse makeup of today's society by allow people of mixed racial ancestry to call themselves "multiracial" on forms distributed by state agencies, employers, and educational institutions. Appropriate ethnic and racial labels have a positive effect on a person's self esteem. Unfortunately, this fact is not reflected in the standards for forms established by federal agencies, most of which require individuals to designate their race as either "White," "Black," "Asian/Pacific Islander," "American Indian," or "Hispanic." According to Project Race, a national advocacy group for the civil rights of multiracial children, the problem is especially acute for children. When filling out school enrollment forms, children of multiracial marriages are faced with the problem of denying one parent. Worse, the child must often check the box designated "other," a term which denotes that the child is different from

others. If the form contains no appropriate category for the child to check, then the classroom teacher is put in the unfortunate position of "choosing a race" for a student. Psychologists and social workers recognize the value of children having the right to acknowledge publicly and have pride in their multiracial heritage.

Against:

The provisions of the bills precipitate changes that will undoubtedly be required by the federal government in the near future. It would make more sense to delay these requirements and to postpone the costs private employers and state agencies will incur in printing new forms to include the new racial designation. Additional costs, confusion, and delays could be caused by the bills' requirement that a formula be used to assign individuals to racial or ethnic classifications on documents required by federal agencies that do not include the classification "multiracial."

Response:

The provisions of the bills would only apply to forms printed 90 or more days after the bills' effective date. In any case, it is the Department of Civil Rights' policy to issue instructions to employers who submit federal forms to explain the required procedures.

POSITIONS:

Representatives of the following testified before the House Judiciary and Civil Rights Committee on 3-8-95 in support of the bills:

Project RACE (Reclassify All Children Equally), a national advocacy group for the civil rights of multiracial children.

The Michigan Association for the Education of Young Children.

The Department of Civil Rights.

Written testimony supporting the bills was submitted to members of the House Judiciary and Civil Rights Committee from the following:

The Michigan Head Start Association.

The Michigan PTA (the Michigan Congress of Parents & Teachers).