

Racial Disparities in Puerto Rican Law-Making as a Result of the Americanized Census

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ABSTRACT

The island of Puerto Rico is characterized not only by its tropical landscapes but also by its extensive history of “mestizaje” and welcoming nature, regardless of race and ethnicity. However, the apparent lack of racial prejudice in its culture is contradicted by the recent increase in racial inequality throughout the island's municipalities. Such racial and ethnic inequalities in Puerto Rico result from the lack of government institutions, tools, and models specifically designed for the island's complex national identity. In particular, implementing the census and its Americanized view on race has further increased inequality among racial minorities in Puerto Rico. Despite the U.S. government's attempts to broaden the census' scope of racial understanding, many of the island's inhabitants remain disadvantaged and unacknowledged by a system that cannot accurately identify their needs, perpetuating the cycle of governmental inaction through inaccurate data regarding Puerto Rican's racial composition.

Contextualizing Modern Puerto Rico

Since its acquisition by the United States as a colonial territory in 1898, the island of Puerto Rico has acquired a prevalent reputation as the Island of Enchantment. While its idyllic beaches with crystal-clear waters and colorful traditions are undeniably responsible for the island's reputation, Puerto Ricans are commonly accepting and thus regarded as enchanting people. Notably, Puerto Ricans' hospitality is characterized by a general acceptance of various races and ethnicities (Toro-Tulla, 2011); the island itself is best defined as a cultural melting pot, The island's culture is a diverse tapestry consisting of ancient and modern traditions from Spanish, African, and the indigenous Taino culture. As a result of its multiracial history, Puerto Ricans typically identify as a mix between the previously mentioned cultures, which has fostered a vivid yet ultimately complex national identity.

As mentioned previously, Puerto Rico's culture is best described as an amalgamation of European, African, and Taino customs. Everyday life on the island is brimming with bits and pieces of such traditions, such as rich meals infused with African spices and Taino words mixed into the local version of Spanish. Additionally, Puerto Ricans can vary significantly in appearance, style, skin tone, and background. Harold J. Toro-Tulla, a local journalist and investigator in Puerto Rico, claimed in his article *"The Myth of Racial Harmony in Puerto Rico"* that the island is often characterized as a racial democracy. A racial democracy refers to a society with no systematic disparities due to racial identity (Toro-Tulla, 2011). Thus, the island's hospitable reputation is commonly associated with its diversity. However, although Puerto Ricans pride themselves on a general lack of racial prejudice or violence in their culture, racial inequality has recently become a growing issue in Puerto Rico. The root cause of such disparities is undeniably the aforementioned complexity of racial and ethnic identity in Puerto Rico, its origins, and how it is addressed today.

Cultural Heterogeneity and “Mestizaje” in Puerto Rico

Much like the rest of Latin America, Puerto Rico was built on an extensive history of anti-Black racism that today is denied by its people and the local government. When the Spanish Crown stumbled upon the island in 1493, many colonization efforts soon followed to transform Puerto Rico into a profitable Spanish colony. Under Spanish rule, the island was subjected to pragmatic policymaking to maximize the profitability of vital resources, such as sugar cane, ginger, tobacco, and allegedly gold. As a result, the local native population— the Tainos— was subjected to forceful religious conversion and manual labor through the Encomienda system, a system in which the Spanish Crown granted colonists a group of native Indians to mine gold, cultivate crops, or carry goods. The Encomienda system not only maximized the efficiency of colonial Puerto Rico but also brought the beginning of “mestizaje” throughout the island. A joint-study published in the journal *Anthropologie et Sociétés* in 2014 defined “mestizaje” as a social construct that refers to supposedly mixed social groups and describes the process in which such groups emerged (Oller et al., 2014). While the Taino population vanished by mid 16th century, traces of their genetic material were endowed from generation to generation and are prevalent in modern Puerto Ricans. For instance, in their study which the journal *Nature* published, Fernandes et al. show that, on average, roughly 14 percent of Puerto Ricans can be traced back to the Taino population. Additionally, Spanish colonists began importing enslaved Africans across the Atlantic as an alternative to the rapidly diminishing native workforce. Similar to the Tainos, enslaved Africans copulated with colonists. They later integrated into Puerto Rican society, ultimately leading to the multigenerational process of “mestizaje” today responsible for the island’s complex racial composition.

Americanization of Puerto Rico

Puerto Rico's transition from a Spanish to an American colony effectively took place in 1898, following the Spanish American War, when a military government was established under the instruction of General John R. Brooke. However, it was not until 1900 that a civilian government was implemented within the island thanks to Congress' Foraker Act. The Foraker Act, or the Organic Act of 1900, indicated that the Puerto Rican government was to have a governor and an executive council appointed by the President, a House of Representatives with 35 elected members, a judicial system with a Supreme Court, and a non-voting Resident Commissioner in Congress. In addition, all federal laws of the United States were to be in effect on the island. Although many initial clauses enumerated in the Act have been modified, such as the President-appointed governor, the Foraker Act remains the foundation of Puerto Rican policymaking. In particular, local models of government and institutions insistently resemble those employed in the mainland United States (Brás, 2011).

Among the numerous American institutions that were implemented in a transitioning Puerto Rico was the U.S. Census Bureau. The Bureau conducted a census on the island following the events of the Spanish-American War, and since 1910, Puerto Rico has participated in the United States decennial census. The census, as described by the Population Reference Bureau, serves "as the basis for fair political representation and plays a vital role in many areas of public life" (Mather & Scommegna, 2019). In other words, the data gathered from the decennial census determines the funding for local communities and marginalized groups, informs a wide range of legislative decision-making, and draws congressional boundaries, among other vital government activities. Some of the data that is frequently used when improving policymaking are racial and ethnic statistics throughout the states and off-shore American territories. Subsequently, since the moment that island was integrated into the U.S., Puerto Rico has been subjected to an Americanized view of racial and ethnic identity, which is used when drafting local and municipal legislation.

The United States Census and its Data

When administered in Puerto Rico, the U.S. census gathers comprehensive data in each of the island's 78 municipalities, ranging from the metropolitan capital of San Juan to the arid planes of Guanica. Each municipality widely differs in its culture, traditions, and history as it does in its poverty levels, unemployment, and demographical numbers. Thus, studying the census results on an island-wide scale elicits an ignorant and over-generalized interpretation of the data. Observing the 2020 Census data per municipality reveals a striking difference in Puerto Ricans' preferred racial identity. Of the over 3.2 million island inhabitants participating in the 2020 census, 98.9% identified as Hispanic or Latino, yet their selected races paint a much more complex picture. When filling out the race and ethnicity form on the census, participants can freely choose from various races, such as White, Black, African American, American Indian, and Pacific Islander. Moreover, participants can choose multiple options and further specify their racial identity in the free-response sections of the form sheet. As a result, races often overlap, and the data gathered is consequently categorized into such options individually and in Combination. In the case of Puerto Rico circa 2020, significantly fewer citizens identified as a sole race in favor of registering two or more races. Approximately 17.1% of the general population identified as White Alone, while 42.0% reported themselves as White in Combination with another option. Similarly, a measly 7.0% registered as Black or African American alone; an increased 10.5% of the population identified as Black or African American in Combination. Most notably, however, a remarkable 74.0% of the general population of Puerto Rico selected a combination of races, all including the ambiguous "Other Race" option (U.S. Census Bureau, 2020).

A study in 2017 by the University of Puerto Rico in Cayey found that a person who self-classified as black was 4% more likely to be unemployed when compared to a person self-classified as white (UPR-Cayey, 2017). While legislative action against racial inequalities has been taken in recent years, racial minorities remain disadvantaged because policymaking is not directed at them—both on an island-wide and municipal scale. The problem arises because the Puerto Rican census does not accurately represent racial heterogeneity on the island. Since Puerto Rico imitates the United States in its data collection, its census reflects how the U.S. thinks about race, providing generalized and ambiguous categories. The majority of the Puerto Rican population identifies as Hispanic/Latino and the "Other Race" (U.S. Census Bureau, 2020). Thus, it is challenging to determine Puerto Rico's racial composition due to the ambiguity of the "Other Race" option and the constant overlapping of alternative racial identities offered in the census.

The Census' Impact on Local Policymaking

The Puerto Rico Institute of Statistics (PRIS) released an analysis of inequality across Puerto Rican municipalities; here, research shows that the most unequal municipality is San Juan—Puerto Rico's capital—with a Gini coefficient of 0.55. The Gini coefficient measures the income distribution across a country, state, or district's population compared to the ideal equal income distribution on a scale of 0 to 1. A higher coefficient implies greater inequality throughout a group of individuals, while a lower coefficient indicates equality. Meanwhile, Florida is rated as one of the municipalities with the lowest levels of inequality and a Gini coefficient of 0.40 (PRIS, 2016). While these findings do not initially reveal proof of racial inequality, it is essential to understand what population and demographics constitute this data. Census data shows that approximately 75.2% of San Juan citizens identified as some Other Race Alone or in Combination as of 2020 (U.S. Census Bureau, 2020). The remaining indicated one sole race, many identifying as racial minorities. This pattern is not a shocking development; over 60% of the population of every municipality identified as some Other Race in 2020. What is most damning is how these numbers contextualize when paired with poverty data. The PRIS points out in a 2008-2012 survey that 53.7% of San Juan's black population lived in poverty. However, in Florida, one of the smallest and poorest municipalities on the island, a grand 82.9% of its inhabitants registered as some Other Race Alone or in Combination; yet there are close to no studies nor surveys regarding the poverty levels of specific racial groups in Florida. The PRIS' data focuses on its supposed high economic equality and

excellent coefficient, although its citizens live in poverty. So, while San Juan's data acknowledge racial inequality, Florida's does not. Furthermore, due to the census' disregard for the complexity of race, it is impossible to determine how many citizens of Florida are racial minorities suffering from poverty. It is because of this that bigger, more densely populated municipalities like San Juan are categorized as unequal; while smaller and unknowingly diverse like Florida, are the most "equal" (PRIS, 2016) (U.S. Census Bureau, 2020).

If the lack of accurate data has been an ongoing trend for an undetermined period, these statistics raise an alarming concern. In the paper, *The Impact of Inequality*, economist Richard Wilkinson claims that inequality is corrosive to society, negatively impacting social issues like education, social mobility, and life expectancy (Richards, 2006). Thus, how can it be determined if racial minorities suffer from social disadvantages when the system does not account for them? These disparities are often reflected in public policy, and, in Puerto Rico's case, legislation is actively evading the impoverished state of racial minorities on the island. Instead, policies are designed to aid inequality and poverty in areas like San Juan rather than Florida. There is no denying the presence of racial disparities in San Juan. However, municipalities with a racially diverse population are being left behind as the government cannot distinguish racial divides based on census data. Therefore, municipalities affected by widespread poverty will continue to seem equal compared to bigger, "seemingly unequal" municipalities. Furthermore, the lack of accurate data surrounding Puerto Rico's racial composition has manifested in a similar lack of proactive initiatives to combat racial inequality. Following the 2020 census, the most prominent law surrounding racial identity that the local Congress approved was Law 24-2021, which established the "National Week and Day for the Eradication of Racism and Affirmation of Afro-descendants" (Puerto Rico Law 24-2021). No further legislative or executive initiatives have been taken on a large scale to combat racial inequality.

Conclusion and Future Action

The increasing racial inequalities in Puerto Rico result from the lack of government institutions designed particularly for the island's complex racial composition. If left unacknowledged, the continuous misrepresentation of the island's racial heterogeneity will culminate in the unfortunate broadening of an already widening gap between the wealthy and the disadvantaged. The U.S. Census Bureau's approach to data gathering across the 78 municipalities is in dire need of reevaluation thanks to the census' Americanized view on race which attempts to overgeneralize the island's extensive history of "mestizaje." Ultimately, action must be taken regarding the inaccuracy of the census and subsequent policymaking to mitigate the growing racial inequality in Puerto Rico.

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