

Miscategorization of Arab Americans in the Decennial Census: Historical, Legal, and Social Factors

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ABSTRACT

Arab American representation in the United States Census has been a topic of debate for several years. The decennial census, a population survey conducted by the United States Census Bureau, aims to determine the number of United States residents with accuracy. The results of the decennial census have great implications, deciding the apportionment of seats each state holds in the United States House of Representatives, in addition to providing crucial data for the country wholly. However, Arab American representation in the United States Census has been insufficient, as Arab Americans hailing from countries such as Lebanon, Iraq, Syria, and others do not have a box designated for Middle Eastern/North African (MENA) individuals. As a result, many Arab Americans select either the “White” or “Black” box when completing their censuses. This skewed data from Arab Americans negatively impacts the MENA community by causing a lack of fair representation. Only by studying the roots of Arabs in America, including their battles with discrimination and prejudice, can current social sentiment be better understood. This paper’s work seeks to solidify the inextricable relationship between past and present, culminating in current Arab American representation in the decennial census, along with future directions for the community at large.

Introduction

The United States’ Arab American community has grown exponentially in recent years. The U.S. Census Bureau’s Census 2000 Supplementary Survey found that 1 million Arab Americans resided in the United States in 2000 (U.S. Census Bureau, 2000, as cited in Population Reference Bureau, 2002). In 2017, more than a decade later, an estimated 3.7 million people claiming Arab ancestry were found to be living in the United States, growth of more than 2.7 million people (U.S. Census Bureau, 2017, as cited in Arab American Institute Foundation, 2018). Realizing that the Arab American community is an integral part of American society, many have emphasized the need for fair representation in order to ensure accurate race data (Wintersmith, 2022).

Since Arabs began to enter the United States, Arab Americans have grappled with the problem of having inaccurate and shifting identities, largely due to acts enforced by the government (Sawafta, 2023). These acts irrevocably changed social norms, furthering confusion with regard to Arab American representation. The nation’s widely contested Black/White Binary Paradigm has contributed to this confusion and made it harder for Arab Americans to advocate for themselves, whether it be in a court of law or through representation on government documents (Perea, 1998). The paradigm, in a nutshell, depicts how American race relations are often viewed through the lens of either Black or White. As a result, non-Black people of color, such as Native Americans, or Arabs in this particular scenario, are viewed through said lens. Due to the paradigm being an entrenched part of American life, creating a gray zone that encompasses many diverse identities has become a struggle. Sam Fouad, the Assistant Director of Network Communications at the American Constitution Society, says that when thinking about race in such a way, many “become confused about who exactly is an Arab-American, and where do they fit in this societal prism” (Fouad, 2021).

This review article analyzes the current situation of Arab American representation in the decennial census by examining the history of Arab immigration, identity, and legal groundwork. The focus of this paper is encapsulated

in the following questions: What factors in Arab immigration laid the foundation for current Arab American perception? What identities were crafted as a result of the Black/White Binary Paradigm? How did legal advocacy, or lack thereof, affect Arab Americans? What does Arab American legal groundwork reflect? How does Arab American history, and the events that occurred within it, influence current social sentiment?

History of Arab Immigration and Identity in America

The earliest wave of immigrants from the MENA region came to the United States in the 1880s. Settlement hotspots for incoming Arab immigrants were typically metropolitan areas, such as Boston, Detroit, and New York (Sawafta, 2023). The immigrants in this early wave of immigration were most commonly from Syria and Lebanon, which are two countries that are prominently represented in current immigration trends (Harjanto & Batalova, 2022). Being that these countries are in West Asia, problems arose due to the Chinese Exclusion Act of 1882. This act not only stifled Chinese entry to the United States, but also stifled entry and citizenship acquisition for all Asian-identifying populations. Due to these newfound immigration hurdles, Arab immigrants wished to identify as White rather than Asian to reap benefits that would grant them citizenship and other perks in American society. Syrian and Lebanese immigrants argued they had a “cultural proximity” to Italian and Greek immigrants, who were declared White upon coming to the United States (Sawafta, 2023). Acts enforced by the government left Arab immigrants with little to no ability to escape what we now know as the Black/White Binary Paradigm, thus necessitating said immigrants to adopt a new identity.

Following this primary wave of Arab immigration to the United States (1880-early 1920s), the government passed the Johnson-Reed Act in 1924. This act created a new quota system that viewed immigrants hailing from northern and western Europe as more favorable for immigration to the United States, imposing limits on immigrants from other areas of the globe. Naturally, the Johnson-Reed Act had ramifications, as it affected immigration to the United States for nearly 40 years. After its passing, immigration from the MENA region dropped to approximately 1,000 people (Little, 2022). In the post-World War II period, the United States began to relinquish some power that the Johnson-Reed Act had over immigration, creating some exceptions for potential immigrants. One notable exception allowed highly educated individuals, namely doctors and engineers, to come to the United States, providing them with improved career prospects. This part of Arab immigration history is known as the brain drain phenomenon, in which those with professional talent from third-world countries find work in the United States (Shinn, 2022).

In 1965, American immigration policy underwent another major change. The Hart-Celler Immigration and Nationality Act was introduced, effectively abolishing the quota system attached to the Johnson-Reed Act. With this new law enacted, individuals emigrating from regions beyond northern and western Europe came to America in greater numbers. In fact, from the year 1966 up until 1990, approximately 400,000 Arab immigrants entered the United States (Little, 2022). Refugees additionally began to flee conflicts in their native countries, specifically the Lebanese Civil War (1975-1990). Displacements due to Palestinian (Little, 2022) and Iraqi conflicts (Santana, 2023) have also greatly contributed to the influx of people emigrating from the MENA region to the United States.

Legal Groundwork

The legal groundwork for Arab American classification on the United States Census has been established by various court cases. Because of the verdicts in each of the court cases, the collective Arab American identity was radically changed. New Arab American identity is an entirely different entity than what it had previously been. While Arab Americans were formerly an ethnic minority that defied the Black/White Binary Paradigm, legal groundwork solidified the notion that Arab Americans were White. This allowed for little to no visibility, hence Arab Americans becoming an “invisible minority” (Abukwaik, 2023).

In 1915, George Dow, a Syrian immigrant residing in South Carolina, applied for citizenship twice before receiving a verdict in his final appeal. Lower courts had struck down his petitions because of his inability to meet the

United States' race requirement for naturalization, limiting naturalization strictly to "aliens being free white persons, and to aliens of African nativity and to persons of African descent" (Gualtieri, 2001). Prior to the legal groundwork laid in Dow's case, Syrian and Lebanese immigrants were still considered Asian because they hailed from West Asia. George Dow's confirmed lack of "whiteness" catalyzed other Syrian immigrants to take action and rally behind him, so much so that the tables turned in Dow's favor when he appealed the court's verdict for the last time. In this appeal, the judge ruled that, contrary to past verdicts, Syrians were "classed as white persons", ergo permitted to be naturalized in the United States (Gualtieri, 2001). Many considered the legal precedent that came with the Dow case's final ruling in the Court of Appeals a cause for celebration. However, the positive perception of such a ruling is in stark contrast to current efforts to mobilize Arab Americans to distance themselves from being categorized as White. Why, exactly, does this disparity exist? It exists because Whiteness and homogeneity once were the norm in America, particularly in the early 20th century before the Hart-Celler Immigration and Nationality Act. Today, immigrants are more freely accepted, allowing Arab Americans in particular to embrace their true identity rather than conform to a pre-existing binary. Adapting and assimilating were the only ways an Arab American immigrant could live a relatively stress-free life, safe in the knowledge that their new identity didn't pose a problem for their social and economic prosperity. The pressures to identify as White as shown in history have created a dilemma for Arab Americans today. Cases like Dow's, in which Arab Americans had to "simplify" their complex identities, have led to "decades of inadequate Arab representation in the media, and in health demographics, and brought about uncertainty when it comes to identifying a diverse group of people" (Abukwaik, 2023).

Much like George Dow's case, George Shashim's case, which took place six years earlier in 1909, sought to recategorize Syrian and Lebanese individuals as White. Shishim, a policeman from Venice, California, arrested an individual for "disturbing the peace" in the vicinity, grounds on which he believed the arrest was warranted. The arrested man felt that allowing George Shishim to carry out the arrest was impermissible, as Shishim was not an American citizen due to him not being of the "white" race (Arab American Historical Foundation, n.d.). Because George Shishim was born in Lebanon, he was considered to have Chinese-Mongolian ancestry, and United States law at the time forbade Chinese individuals from applying for and receiving American citizenship. As occurred in George Dow's case, Syrian-Lebanese individuals in the Los Angeles area mobilized in support of Shishim. George Shishim's supporters conferred with each other and ultimately decided on Byron C. Hanna, a notable attorney, to represent Shishim in court. In federal court, Shishim fought to distinguish himself from the Chinese-Mongolian categorization he was assigned, saying, "If I am a Mongolian, then so was Jesus, because we came from the same land" (Arab American Historical Foundation, n.d., as cited in Kai-Hwa Wang, 2023). After diligently fighting for distinction in court, Shishim emerged victorious. After the decision was read, the oath of allegiance was administered to him, with United States citizenship laws officially allowing Lebanese and Syrian people, along with all Arabs, to apply for American citizenship.

One final legal case that contributes to the groundwork for Arab American categorization and representation is the case of *Saint Francis College v. Al-Khazraji*, which was heard before the Supreme Court in 1987. Majid Al-Khazraji, an Iraqi-American professor at Saint Francis College, alleged that he was denied tenure at the college due to his Arab roots. The district court felt that Al-Khazraji's claims, which were on the grounds of prejudice, were "insufficient" because both he and his employer were technically White. However, when the case was taken to the Supreme Court, the Rehnquist Court argued that, contrary to the lower court's decision, ancestry and ethnicity were valid enough grounds for the claims Al-Khazraji made. Justice Byron White further argued that history did not reflect the sentiment that Arab and White individuals were of the same categorization. In the Court's decision, it was decided that Arab Americans were not, in fact, White, as their being "ethnically distinct" still subjected them to discrimination and prejudice (Sahawneh, 2022).

George Dow, George Shashim, and Majid Al-Khazraji were all discriminated against in some respect, be it with regard to naturalization or having tenure at an American institution. Despite the parallels that exist between these cases, differences can also be extracted. While George Dow and George Shashim benefitted from being classified as White, Majid Al-Khazraji did not, as under the White classification it seemed as though he and his White employer

were alike. This perceived likeness undermined the struggle Al-Khazraji faced for having Arab ancestry, a struggle the Supreme Court acknowledged with their holding. The presented legal groundwork, coupled with the history of Arab immigration in America, shows how identity is never concretely defined. In fact, depending on the environment and social norms in any given period of time, identity can vary greatly. When being categorized as White, Arab identity is simplified to the point where adversity is virtually unaccounted for. White experiences and Arab experiences are not interchangeable, and that is precisely what MENA exclusion on the decennial census fails to consider. Rima Meroueh, director of The National Network for Arab American Communities (NNAAC), voiced her concerns that mirror the aforementioned, saying the following to Detroit's NPR station, "When we get counted as white, our experiences are not reflected by the category that we are placed under... We need to be able to have a better understanding of what impacts these communities so that we can really tackle those challenges" (Rahman, 2023).

Current Arab American Sentiment

Within a community as diverse as the Arab American community, current social sentiment is not uniform. Literature in the field of Arab American studies confirms a generational divide when it comes to identifying as White, as "Younger Arabs see themselves as people of color while older people see themselves as white" (Wintersmith, 2022). This section will specifically assess the young Arab American experience, that is, current challenges faced among this generation's MENA population. The young Arab American experience directly affects current social sentiment regarding categorization on the decennial census, providing a more nuanced look into the current climate of fair representation.

The Young Arab American Experience

The young Arab American experience is one that truly differs from that of previous generations. The young Arab American experience is unique in that discrimination and prejudice faced head-on, particularly subsequent to 9/11, is much more prevalent. Lenna Jawdat, a student at the Smith College School for Social Work, conducted a study that sought to more deeply understand how the events of 9/11 affected Arab American security and perception. Out of the 28 respondents to her survey, 53.6% reported airline discrimination/airport profiling, while another 53.6% reported experiencing microaggressions (Jawdat, 2012). Private discrimination, hate speech, civil liberties issues, psychological threats, and employment discrimination were the next most common experiences of discrimination in the post-9/11 era. Strangers accounted for 60.7% of those inflicting discriminatory actions upon the surveyed Arab Americans, followed by acquaintance(s), which accounted for 39.3% (Jawdat, 2012). Similarly, the Federal Bureau of Investigation (FBI) conducted research over the stretch of three years (2015-2018) to target hate crime statistics. According to their data, the number of anti-Arab hate crimes per year increased dramatically, from 37 recorded hate crimes to 82 recorded hate crimes (Federal Bureau of Investigation, 2015-2018, as cited in Measher, 2020).

Experiences that correspond with Jawdat's and the FBI's findings are not hard to come by. Arab American youth find that discrimination has become commonplace in unambiguously identifying as Arab, leading many to "whitewash" themselves for the sake of fitting in. "Because of my background, there was a level of disconnect; they [Abukwaik's peers] didn't see me the way I wanted to be seen" (Abukwaik, 2023). What Abukwaik alludes to are the acts of discrimination one can face in the public eye, particularly in the classroom. These acts of discrimination can be subtle or overt. "Whenever we talked about September 11 in class, all eyes turned towards me as if I was directly involved in the tragedy...It was almost as though if I was too prideful in my Arab identity, people questioned how American I could be" (Abukwaik, 2023). Acts of overt discrimination in the educational setting have also warranted litigation, with one notable case being *Hearn and U.S. v. Muskogee Public School District*, which was heard in 2004. Nashala Hearn, a 12-year-old beginning sixth grade in Muskogee, Oklahoma, was told by the Benjamin Franklin Science Academy that her hijab violated the school's "no hats" policy. Because of this, they told Hearn that she was

not permitted to wear her hijab on school grounds. After Nashala Hearn and her family informed the school that wearing the hijab was rooted in her faith practices, Hearn continued to wear it to school. Despite being informed, the school felt that Hearn's hijab still did not comply with their policy, suspending her twice. The law, however, showed that Hearn was entitled to wear her hijab, as the Constitution ensured equal protection and religious freedom for all citizens. With this, the Justice Department's Civil Rights Division intervened on Hearn's behalf, with an agreement settled on May 20, 2004. The consent decree required the Benjamin Franklin Science Academy to modify its dress code policy, now allowing headscarves to be worn for religious reasons (Lee, 2009; U.S. Department of Justice, 2015). Heidi Collins, an anchor for CNN in 2004, spoke with Nashala Hearn after her case was decided. Collins asked Hearn about how it felt for her to freely walk through the school with her hijab on, to which Hearn responded "It feels great for people to know that like they can't – they can suspend me, but I'm going to just come back on doing my job" (Collins, 2004).

The young Arab American experience, with its triumphs and blows, deserves to be accurately represented. The decennial census is the means through which this representation can take shape. Mohammed Missouri, a 38-year-old Iraqi-American, voiced his thoughts on being categorized as White on the decennial census by saying "It's false for me. I'm not white. Period" (Wintersmith, 2022). The inaccuracy and falsehoods created with this categorization give way to the deep-seated erasure of Arab American heritage, central to the current social sentiment among MENA youth. The definition of erasure is "the practice of collective indifference that renders certain people and groups invisible" (Sehgal, 2016). What has given rise to erasure in American society is the ease of silencing certain aspects of history, aspects that don't always portray White figures as knights in shining armor. "They [White audiences] would have to reckon with the fact that the work will not always speak to them, orient them, flatter them with tales of their munificence or infamy, or comfort them with stereotypes. If there is an opposite of erasure, it is allowing for full personhood in all its idiosyncrasies" (Sehgal, 2016). Rather than diluting and even erasing authentic MENA experiences, current social sentiment urges for there to be a more inclusive understanding of race and ethnicity, antithetical to viewing race through the lens of either Black or White.

Conclusion and Future Directions

Historical, legal, and social components all directly impact the need for fair Arab American representation on the decennial census. This review article observed the nuances of the MENA community's past in America, including the legal groundwork influencing current Arab American sentiment and portrayal. With these factors in mind, it becomes evident that advocacy for the MENA community is imperative. Without proper advocacy, the perception of Arab Americans being an "invisible minority" becomes further confirmed (Abukwaik, 2023). Maya Berry, the executive director of the Arab American Institute, told CNN this when speaking about the urgency to bring an "identifier" to the MENA community "It's important for the trillion dollar-plus federal budget, the voter registration ballots, the classes for English as a second language...For us to be rendered invisible data-wise, it's harming the community" (Alsharif & Tensley, 2022). Rima Meroueh, much like Berry, felt that the invisibility of Arab Americans with respect to data translates to erasure, saying "And so this [the fight for fair representation] is about numbers, but it's also about having a really large community that is very much a part of the fabric of this country been completely erased" (Rahman, 2023).

With problems clearly identified, initiatives are now in place to advance equality. Yalla, Count MENA In!, a movement led by the Arab American Institute Foundation and the American-Arab Anti-Discrimination Committee, works to provide a MENA category for the decennial census, focusing their efforts on the next census in 2030. Their team publicizes resources on their social media platforms to educate people about why Arab American representation on the decennial census has a seminal influence on Arab American representation as a whole. The National Network for Arab American Communities (NNAAC), based in Dearborn, Michigan, seeks to foster civic engagement and advocacy for the MENA community. Nadia El-Zein Tordova, director of the NNAAC, summarized the network's voting efforts by saying "We educate people on their rights at the polls, educate people about what is going to be on the ballot

so that they know what to expect and where their polling location is, how they can get there” (Bortot, 2015). With 74% of the Arab American population responding that they would use the MENA category on the decennial census if it was offered, it is clear that more work needs to be done for the community’s wishes to come to fruition (Arab American Institute, 2023). A commitment to securing proper categorization for Arab Americans on the decennial census is a commitment to fair representation for all.

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