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The Emerging Nexus of Aging and Diversity: Implications for Public Policy and Entitlement Reform

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Cover Page Footnote

The authors wish to acknowledge the invaluable assistance of Barbara Branstetter

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This article examines the impending nexus of population aging and diversity in the United States. With the dramatic increase of older persons and minority and ethnic groups—particularly Hispanics—the intersection of these trends will have important consequences for all aspects of U.S. society, including public policy, legislation, retirement planning, and economics.

**By Fernando M. Torres-Gil
and Karra Bikson Moga**

Setting the Stage

By 2050—fewer than fifty years from now—the United States will see the merging of two inexorable trends: aging and diversity. The Census Bureau projects that by that time the U.S. population will have grown by fifty percent. Forty percent of that growth will be equally composed of older persons and Hispanics.¹

Hispanics, of course, are not the only group that will add to the nation's diversity. Between the doubling of the retiree population and dramatic increases among Asians and Pacific Islanders, Hispanics, and other immigrant groups—as well as African-Americans and Native Americans—a substantial portion of the U.S. population will be composed of older persons and members of diverse populations.

What does this mean for U.S. society? What are the implications for the helping professions? How should public policy prepare for and respond to its inevitable demographic destiny? Many implications arise from this nexus, but one overriding concern is for those involved in elder law and retirement

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The authors wish to acknowledge the invaluable assistance of Barbara Branstetter in the preparation of this manuscript.

planning to adopt a longer-term perspective in assessing and preparing for these trends. By doing so, there emerges a need to use the next few years as a window of opportunity to influence public policy, alter professional practice and the delivery of legal services, and redefine how we view the issues of aging, race, ethnicity, and diversity.

Why is that necessary? Those who serve older persons and those who advocate on the many issues that affect their quality of life, including elder law and retirement planning, will find that the demographic changes facing this nation will have profound impacts on how they serve these populations and provide for their specialized programs. The composition of older persons today and how they ought to be served is far different than it was even thirty years ago. How we serve these populations thirty years from now will also change in fundamental ways.

Diversity is one of the major elements in these changes. Because it is occurring in tandem with population and individual aging, there arises the need for a conceptual framework within which to develop strategies and responses appropriate to a society becoming older and more diverse. What are the implications of this nexus, and how might the situation facing California and the example of entitlement reform shed light on how the field of elder law should

prepare and respond? Understanding the phenomenon of demographic change is fundamental to these questions.

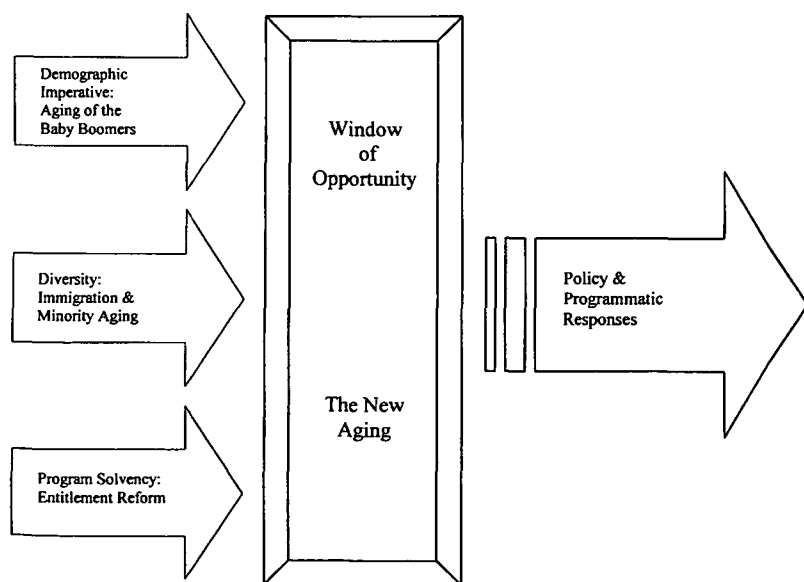
The Demographic Imperative

The 2000 Census Bureau data reinforce public recognition that, as a society and as individuals, the number of older persons, and their longevity are on the rise. The median age increased from 32.9 years in 1990 to 35.3 years in 2000 and is expected to increase to 39 years or older by 2030.² Since 1900, life expectancy has increased by 31 years for women (from 48 to 79) and by 28 years for men (from 46 to 74). In the last century, while the total U.S. population tripled, the elderly population—those who are 65 and older—increased elevenfold.³ The elderly population is expected to continue to grow substantially from 2010 to 2030.⁴ While Census 2000 found that 12.4% of the population was over 65, it is expected to increase to 15.7% by 2020 and to 21% by 2040.⁵

Population and individual aging are reshaping the American demographic landscape. While Census 2000 data indicate a leveling off in the growth rate of older persons (due to the lower fertility rates of the 1930s and 1940s), that will change shortly when the Baby Boomers begin to reach sixty-five years of age and the projected doubling of the retiree population becomes a reality. Yet, as the society ages, the United States is witnessing a unique phenomenon: the diversification of its population.

Census 2000 data make this point more vivid than ever before. Nearly one in every three Americans is a member of a minority group, reflecting the immigration surge of the 1990s.⁶ Not since the early 1900s have we seen such a dramatic growth of immigrants and minority groups. From 1990 to 2000, the nation's non-Latino white population dropped from 75.6% to 69.1%.⁷ Latinos are now roughly equal to African-Americans as the nation's two largest minorities groups. Latinos accounted for 9% of the U.S. population (22.4 million) in 1990 and 12.5% (35.3 million) in 2000. African-Americans showed a more modest increase—from

Figure 1.
Nexus of Aging and Diversity: 2000-2010



12.1% (30 million) to 12.3% (34.6 million). In the same period, the population of Asians and Pacific Islanders increased from 2.9% to 3.7%. About 10% (more than 25 million) of Americans today are foreign-born—less than the highest share in the last century (15%, or less than 15 million, in 1910) but double the lowest share (5%, or less than 10 million, in 1970).⁸ In sum, there is greater diversity in the United States today than at any time in its history.

The two trends of aging and diversity have heretofore been viewed separately and parallel to each other, as if they coexisted but did not connect. As Figure One (page 2) illustrates, those trends are about to converge, and as they do so, they will raise important questions: How will social policy respond? How should we conceptualize an approach to policy, law, and research that incorporates these two trends? What are the implications for elder law?

As the country becomes older and more diverse, there will be far greater heterogeneity among and within groups based on race, language, age, socioeconomic circumstances, religion, education, assimilation, and acculturation levels, and historical circumstances. Thus, elder law must become more adept at analysis that accounts for these greater differences. This requires a longer-term perspective that looks ahead to the year 2050, when the nexus of America's diversity and aging will be at its fullest. But it also requires an understanding of the historical evolution that has occurred in the politics of aging since 1900.

The New Aging

Over the last one hundred years, we have seen the development of a unique political event—the rise of older persons as a political force. This politics of aging refers to older persons and their organized interest groups shaping public policy and influencing the political agenda. The history of the politics of aging can be viewed in three time periods: the Young Aging (pre-1930), the Modern Aging (1930-1990) and the New Aging (1990-2050).⁹ The Young Aging refers to the world's historic proclivity of reverence toward old age and of filial responsibility.

Admittedly, there are many exceptions to this rule. But in general, most societies, including the United States, assumed that families and communities were responsible for the care of older persons. Old age was generally respected and commanded

authority. Much of this was due to relatively low life expectancy throughout human history. That changed dramatically, at least in the United States, by 1930, when the Great Depression put older persons in a precarious situation, with many losing their homes and retirement security. Blatant poverty among the elderly (and among much of the general population) led to organizing by older persons for some measure of pension and financial support from the government. (Witness the Ham and Eggs movement of the 1930s.) This agitation prompted President Franklin D. Roosevelt to support the passage of the Social Security Act of 1935.

Subsequently, increased recognition of the vulnerabilities faced by older persons and their families, and the proliferation of senior citizen groups (e.g., American Association of Retired Persons, National Committee to Protect Social Security and Medicare, Gray Panthers) led to the passage of old-age entitlement programs such as Medicare, Medicaid, the Older Americans Act, Supplemental Security Income, and a host of publicly financed benefits and volunteer programs for older adults. The sanctity of this social compact—that the U.S. government would take care of its elders if they paid their taxes and were good citizens (and not change the rules)—began to erode by 1990. This New Aging period raised serious questions about the legitimacy and obligation of the government to provide an extensive safety net based on age, particularly since poverty rates for persons aged sixty-five and older dropped from as high as 75% during the Great Depression to 13% by the 1990s. Correspondingly, poverty rates for children increased to 20%.¹⁰

By 2000, concerns about longevity, federal surpluses and deficits, generational conflicts, and competing national priorities had lessened the clout of organized senior citizen advocacy groups and led to serious efforts at revamping entitlement programs for the elderly. Today, the U.S. median age is the highest ever, and life expectancy is at seventy-four for men and seventy-nine for women.¹¹ Federal deficits, federal surpluses and, once again, federal deficits have led to debates about tax cuts versus expenditures for children, families and education, rather than expanding benefits for the elderly. Groups supporting less government, more support for children, and fewer taxes have argued that too much was being done for older persons. The high costs of entitlement programs and fears about the pending aging of Baby Boomers

(and subsequent doubling of the older population) led to proposals for structural changes in Social Security and Medicare. These arguments and the public perception that all older persons were doing just fine, compared with the equally inaccurate perception during the Modern Aging that all elderly were poor, led to decreased political influence by senior citizen advocates. Where might these political developments lead in the future? How might they influence the nature of social policy and diversity as we move toward 2050?

Figure Two (page 5) describes a cohort analysis of the politics of aging and provides a 150-year historical context that suggests key milestones, as well as developments likely to occur. Beginning with the year 1900, we see the birth and aging of the New Deal generation leading to the life cycles of the Silent Generation, Baby Boomers, Generation X, and the Baby Boomlet. Between 2000 and 2010, all five cohorts will co-exist. This is a unique moment in American history and helps to explain why multi-generational households and communities will be common. This will be a time when generational tensions will be evident. But it will also be a window of opportunity to plan for the subsequent aging of younger cohorts.

Between 2010 and 2020, we will see an entitlement crisis in which our inability to make structural changes to programs for the elderly will make the programs untenable and unaffordable. Our lack of preparation for aging (e.g., limited savings and retirement coverage, lack of long-term care and medical coverage) will put a large portion of older persons at risk for poverty and poor health. This rather dire forecast need not come true if we use the window of opportunity to plan and take the political actions necessary to address this demographic inevitability. However, at this point, there is little political stomach for the hard decisions necessary to prepare for the aging of the Baby Boomers. Between 2020 and 2050, we will see the full flowering of current social trends, (e.g., fewer traditional nuclear households, more women living alone, fewer children), the full diversity of the United States, economic restructuring, and technological applications. By 2050, the Baby Boomer cohort will have largely passed on, today's younger cohorts will be old, and the current diversity in the younger populations will be reflected in the older population.

Entitlement Reform: The Intersection of Age, Race and Diversity

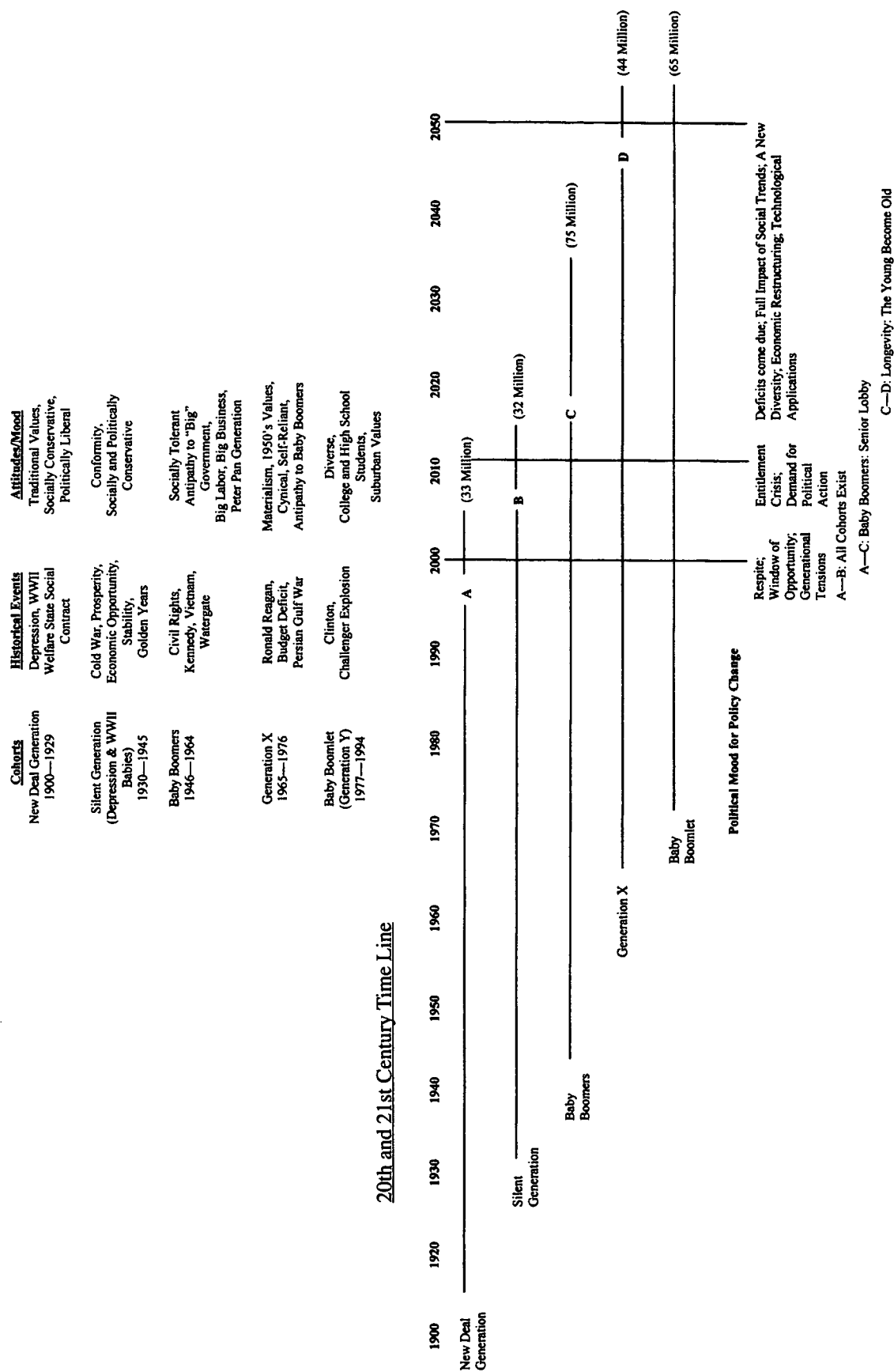
A cohort analysis of the politics of aging suggests that the demographic inevitabilities will be replete with legal, political, and policy tensions. The impending nexus of aging and diversity will see an array of issues, conflicts, and dilemmas facing this nation as it responds to the full implications of population aging. Perhaps no issue reflects the political and legislative intersection of age, race, and diversity than entitlement reform.

The politics of aging in the year 2000 have led to an interesting and important debate over the future of Social Security, the bedrock of the New Deal era. This program has become the basic income security for persons over sixty-five years of age. Social Security is especially crucial to low-income older persons, particularly minority elderly. Yet it faces fundamental changes that reflect generational tensions, concerns over the aging of the Baby Boomer cohort, and the use of race and diversity as political tools.

The Social Security Act of 1935 established the basic federal old-age benefits program and a federal-state system of unemployment insurance.¹² Social Security includes Old Age and Survivor's Insurance, Disability Insurance, Survivors' Benefits, and Supplemental Security Income. The money collected from payroll taxes, which reached \$450 billion in 2001, goes to pay monthly benefits to more than 45.4 million beneficiaries, including 28.5 million retired workers, 3.3 million dependents or retirees, 6.7 million disabled workers and their dependents, and 7 million survivors of workers.¹³ Social Security has come to symbolize a social contract and an expectation by all Americans that they will have a measure of protection from the vicissitudes of old age. However, Social Security is facing its greatest test in proposals to privatize it and alter its basic eligibility structure.

Privatization, as currently presented, would allow taxpayers to carve an individual security account out of their payroll taxes. This would allow workers to use a portion of their Social Security contributions for investments in the private market. Currently, Social Security is a social insurance program into which workers pay a portion of their payroll taxes. In 2001, the tax rate was 7.65% for workers and for employers on salaries up to \$80,400.¹⁴ Each

Figure 2. Cohort Analysis Politics of Aging



worker has a general account, and his or her contributions go into a Social Security trust fund, which in turn is used to cover current beneficiaries and to pay for administrative costs. Any surplus funds are invested in federal treasury notes. Privatization would erode the social insurance nature of this system by allowing workers to control some of those contributions, and thus divert some of the payroll taxes away from current beneficiaries. Proponents of this plan argue that individuals should have the freedom to choose how their payroll taxes are invested and that the rate of return in the private market is historically higher than the low treasury interest rates, which are 3 to 7%. Opponents argue that Social Security is not an investment seeking rates of return but a civic commitment to provide a measure of protection to all workers, regardless of how much an individual may pay or receive. Furthermore, they argue that the transition costs for creating individual retirement accounts would add up to a trillion dollars to cover the reduction in funds going to current beneficiaries.

The fuel for these burning debates hinges on the aging of the Baby Boomer cohort and the reality that, while Social Security is running big surpluses today—and can cover the forty-five million disabled and retired persons now living in the United States—those surpluses will disappear and turn into annual deficits after 2038, when the Baby Boomers will have retired.¹⁵ Those future deficits, as well as funds drained out of Social Security through private accounts, could require cutbacks in benefits, increases in payroll taxes, an increase in the eligibility age or all of the above. Along with the demographic pressures are concerns that the diminishing program dependency ratio will mean fewer workers supporting more retirees. That ratio has dropped from 5/1 in 1960 to 3.3/1 today and could reach 2/1 by 2040.¹⁶

In the midst of this debate, proponents of privatization, including groups such as the Heritage Foundation, insurance companies, and financial planners, have focused on potentially influential allies: Hispanics, African-Americans, and immigrants. The interest groups opposing privatization are the old liberal coalition of labor unions, senior citizen advocacy groups, progressives, and civil rights organizations. However, proponents have raised an argument with potentially great appeal to minorities and immigrants: As relatively young groups, they have the most to gain with the purported higher rates of return in private accounts.

In recent years, conservative groups have courted the Congressional Black Caucus, the Congressional Hispanic Caucus, and leaders of minority and immigrant groups, and pointed out that, as relatively young groups accounting for an increasingly larger share of the work force (and with increasing life expectancy), they should have the right to invest their funds as they wish.¹⁷ With this argument comes the subtle implication that minorities should not be forced to shoulder the burden of supporting an older white retiree population. And for the most ideologically minded minority advocates, white retirees represent the source of past discrimination and injustices.

This argument has crucial weaknesses. It does not account for the critical safety nets that Social Security represents, including Disability Insurance, Supplemental Security Income, and survivors' benefits, nor for the fact that minority elderly depend on Social Security (and OASI) to a greater extent than older whites.¹⁸ In a longer-term perspective, privatization ignores the fact that younger minorities, especially those most at risk, will need the full benefits and protections of the Social Security system. Regardless, privatization has potentially enormous appeal for younger members of minority groups, who are concerned more with their immediate needs—survival, jobs—and those of their children. The regressive nature of the payroll tax means that lower-income persons would pay a greater share of their income than higher-income individuals because of the cap on income subject to withholding. Thus, the politics of privatization have engendered new ingredients: race, minority status, and diversity.

The outcome of these debates is unclear. President Bush created a commission to study Social Security reform with a mandate to give workers optional personal savings accounts invested in stocks and bonds. Democrats and their allies will oppose this plan, but public opinion polls indicate that a large majority of the American public, particularly younger workers, are open to some form of privatization. Minority and immigrant groups can expect to be courted by both sides. However this unfolds, in a society becoming more diverse and with an increasingly diverse workforce where the retiree population is still largely white and English-speaking, we can expect that the politics of aging will be more affected by diversity.

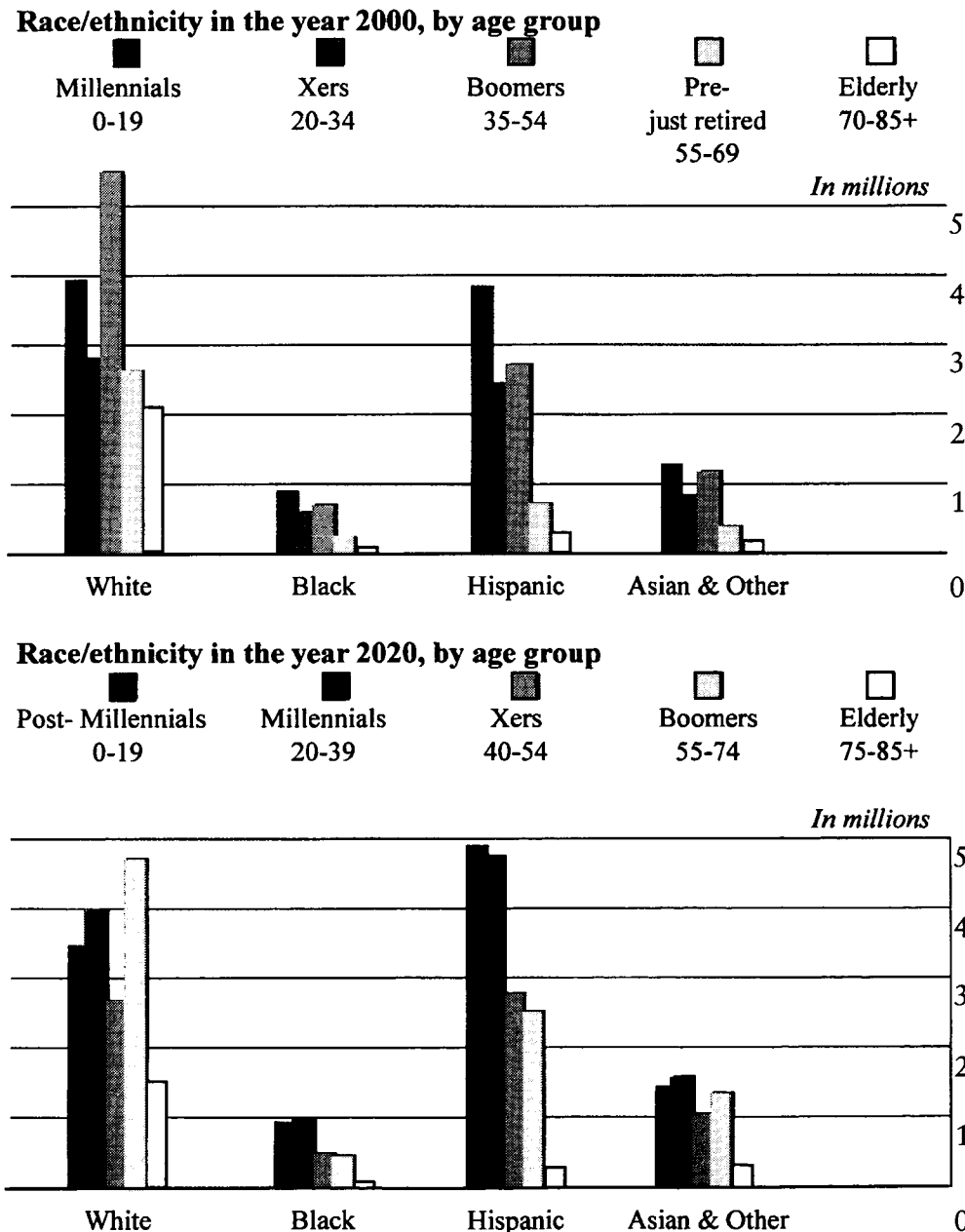
California

This phenomenon is especially apparent in a multicultural state like California, which has a growing Hispanic population. The impending convergence

of two major demographic trends in California—the aging of the white population and the growth of the Latino community—will literally change the face of the Golden State over the next half century.

Figure 3. Shifting Demographics in California

In 20 years, the two largest groups will be today's Baby Boomers—made up mostly of retired or soon-to-retire whites—and today's Millennials and Post-Millennials, who will make up the bulk of the workforce.



Source: California Department of Finance

Whether an increasingly young and Hispanic workforce will shoulder the costs of financing the retirement of a largely white electorate is as yet unclear. And as the numbers shift and the social, financial and political pressures mount, how these two groups address that issue will play a fundamental role in shaping the State's future.

The growth of ethnic and minority populations in the United States and in California will eventually make white, non-Hispanic populations a minority group in many areas. In fact, according to the U.S. Census Bureau and the California Department of Finance, demographic change in California was so far advanced in the 1990s that the State was expected to begin the new millennium without a majority ethnic group.

Why are these groups, especially Hispanics, the targets of political attention in the debates around Social Security? First, Hispanics' growing numbers give them considerable political clout. On Capitol Hill, the Hispanic Congressional Caucus is a potent force. In California, the growing number of Hispanic state legislators and the election of the first Hispanic lieutenant governor in the last century point to Hispanics' very real power in policy-making. Second, Hispanics are becoming a crucial part of the electorate in the key states of Florida, Texas, and California. The dramatic increase in naturalization and registration among Hispanics gives them considerable electoral influence, especially as a swing vote. Third, and perhaps more important for this century, Hispanics will make up much of the workforce in a nation with a large proportion of non-Hispanic elderly.

Hispanics remain a relatively young population with higher fertility levels than whites and African-Americans. Higher rates of continued immigration from Mexico and Latin America guarantee that they will increasingly become a larger part of the California population. As the percentage of whites decreases from 77% in 1970 to a projected 39% in 2021, the Hispanic population will grow to 40% and become the largest ethnic group in the State. As a result, the politics of aging will be increasingly defined by the nexus of a largely young, working-age population of Hispanics supporting a large proportion of white, English-speaking retirees.

The crossroads of aging and Latinization raise the potential for conflict—and for possible alliances. Such writers as David Hayes-Bautista—one of the

first to identify the nature of an age-race stratified society—point to a potential scenario of young, resentful Hispanics unwilling to pay the taxes needed to support older whites who are guilty of real or imagined wrongdoings toward minorities. This scenario has some validity. The passage of California ballot measures to eliminate benefits to immigrants, abolish affirmative action, and restrict bilingual education resonate with Hispanic voters who currently feel they can't yet match the electoral clout of middle-aged and white voters.

On the other hand, the potential for alliances—actions based on the perceived need to find common ground among young Hispanics and older whites—exists. Each group will need the other in the coming decades. Hispanics, whites, and other minority and ethnic groups all face the dilemmas of living longer and facing the vicissitudes of old age (e.g., poverty, disability). Seeking public policy solutions that bring together—rather than divide—groups on the basis of race, ethnicity, and age will become increasingly important to a society becoming older and more diverse.

California shows where the future of the United States is moving as well as the dilemmas surrounding opportunities to create scenarios that minimize intergroup conflicts, and result in laws and policies that address the common needs of all persons growing older. Other states, such as Hawaii, Florida, and New York, are facing similar dilemmas. But the absolute size and diversity of California make it a bellwether for the aging and diversification of the United States.

Implications and Lessons

Given the demographic trends and the debates over entitlement, and examining the California situation, what are the implications drawn from the impending nexus of aging and diversity? What lessons can be gleaned for those working in the field of elder law and representing the legal and retirement interests of older clients?

Foremost is the need to accept that, in an aging society, change is constant. How we view older persons today is much different from how we viewed them thirty years ago and will be still more different thirty years from now. Analyzing demographic trends gives clues about those changes which include increasing longevity, smaller households, more geographically dispersed families, growing numbers

of women, persons with disabilities, and racial and ethnic groups.

Cohort analysis is a useful tool for identifying possible changes and trends. While it is easy to over-generalize generational identities, examining the intra-cohort differences, as well as the differences among cohorts, gives important clues about group values, preferences and politics. The aging of the Baby Boomers will illuminate the major changes and shifts occurring over the next fifty years. This group in particular is redefining what it means to be old, and will reshape how we provide programs and services to older persons.

As the Baby Boomers age, diversity and race will be critical ingredients in society. Minority elders will account for a greater proportion of this cohort. But perhaps more important, younger, working-age populations will be increasingly composed of immigrants, minorities, and women, which will mean that diversity will greatly influence the ability of younger cohorts to support older populations. As the case with California shows, we may face tensions between younger minority groups and older white retirees unless we promote public policies and political strategies that move beyond current laws and policies that focus on age and race as eligibility criteria for public benefits and programs. We can expect to see a greater focus on ADLs (activities of daily living) rather than age as a basis of targeting those most in need. Intergenerational programs are becoming another preferred option for bringing different age groups together.

In responding to aging and diversity, it will be necessary to understand and apply the concepts of assimilation, acculturation, and immigration to our

lexicon of analysis and legal strategies. Assimilation (adopting mainstream values) and acculturation (becoming adept at functioning in a dominant society) address the extent to which immigrant and ethnic groups are able to become part of the American mosaic. How we apply these three realities in policy and legal analysis will determine the efficacy of proposals and actions in responding to aging and diversity.

Public policy and subsequent laws, regulations, and administrative decisions will be influenced by the politics of aging and the interplay of interest-group politics, public opinion, and electoral politics. The advent of ethnic and racial political influence alongside that of senior citizen political clout will complicate political actions and decisions and influence debates over entitlement reform and responses to the pressing needs of older persons and minority groups. For example, no longer can we view racial politics as simply a black-white dichotomy. Asian and Pacific Islanders, Hispanics, and other immigrant groups (e.g., Armenians, Muslims, Eastern Europeans) will be part of the political landscape. And their influence on the politics of aging will depend on their perspectives on aging and diversity.

The next fifty years will be a complex but exciting time in the ongoing American experience with democracy and social cohesion. Older persons and diverse populations will reshape the American profile and influence its public policy. This is an opportune time to understand and prepare for the emerging nexus of these social trends and, by doing so, respond effectively to the benefits and potential of a society that is older, more diverse and, we hope, wiser.

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 18. Hispanics enjoy a life expectancy rate of at least that of non-Hispanic whites. While there will be more whites than Hispanics who are sixty-five or older, there will still be four times as many elderly Hispanics in 2020 as now—4.7 million, compared with the current 1.1 million. Social Security is the sole source of income for a full third of elderly Hispanics. Without Social Security, the poverty rate for elderly Hispanics would increase from 19% to 61%.