



# Ensuring a Fair and Accurate Count in the 2020 Census

## PROMOTING REPRESENTATION OF OUR COMMUNITIES

The decennial census is a constitutionally mandated process and each administration has a responsibility to make sure that the U.S. Census Bureau can conduct an accurate count of all persons residing in the United States.<sup>1</sup> Decennial census data has many important applications, from apportioning seats in the U.S. House of Representatives, to redistricting state legislatures and school district assignment areas. Additionally, data from the decennial census determines how the government spends over \$600 billion a year in federal and state funding that goes to programs supporting public health, transportation, education, and community development in communities across the United States.<sup>2</sup>

A fair and accurate count on the decennial census is imperative to the functioning of our democracy. Without an accurate count, we will not have accurate representation, which means important social services and programs may not reach the communities that need them most. Several recent policies and decisions from the Trump Administration have raised concerns about the ability of the Census Bureau to conduct an accurate count. From the exclusion of a “Middle Eastern or North African” category, to the proposed inclusion of a new citizenship question, not to mention consistent underfunding, we are facing multiple threats to the accuracy and integrity of the 2020 Census.

### THE MENA CATEGORY

Currently, there is no reporting category that captures Arab Americans on the U.S. Census. This has led to a significant undercount of the community, meaning that Arab Americans across the country face barriers to many

basic rights and services. Without a reporting category, federal data on Arab Americans is obtained through ancestry data from the American Community Survey (ACS), a yearly survey that collects economic, social, demographic and housing information from a small sample of the general population. While helpful, this approach is incomplete. The Census Bureau estimates the number of Arab Americans in the United States at 2.1 million, while the Arab American Institute estimates the total is actually closer to 3.7 million.<sup>3</sup>

During the 1997 review of federal standards to measure race and ethnicity in the United States, the Office of Management and Budget (OMB) concluded that further research was needed on an Arab or Middle Eastern ethnic category.<sup>4</sup> Since then, AAI and other stakeholders have been working closely with the Census Bureau to explore ways to better reach, enumerate, and study these growing and complex population groups. AAI has taken a lead role in advocating for a separate “Middle Eastern or North African” (MENA) ethnic response category, which would encompass Arab Americans and other groups with ancestry in the Middle East or North Africa.

These efforts were recognized when, in October 2014, the U.S. Census Bureau announced that in 2015 it would begin testing a MENA category for possible inclusion on the 2020 Census.<sup>5</sup> Since then, the question has gone through a comprehensive development and testing process with input from seasoned demographers and community stakeholders. The category went into the field for testing as part of the 2015 National Content Test (NCT).<sup>6</sup> Results from the 2015 NCT were released

in October 2016. Based on these findings, the Census Bureau recommended the inclusion of a Middle Eastern or North African category on the 2020 decennial census. Overall, use of a MENA category appeared to elicit higher quality data.<sup>7</sup>

Despite these findings, the Census Bureau announced in January 2018 they would proceed with the same question format used in the 2010 Census. The 2020 Census will therefore not include a MENA category.<sup>8</sup> In order to enact these changes to the 2020 Census, the Census Bureau submitted a recommendation for their use in a report to the Office of Management and Budget (OMB). While guidance on the proposed changes was expected for release in December 2017, the OMB has remained silent. In failing to respond, the OMB chose to ignore meticulously researched findings, effectively rejecting them. Their inaction led to the Census Bureau deciding to not use the MENA category in order to move forward with the 2018 End-to-End Test and decennial census schedules.

In addition to rejecting the MENA category, the Census Bureau turned down another proposal subject to considerable testing: the combined question format.<sup>9</sup> The combined question would have had the greatest effect on response rates for members of the Hispanic or Latino community. Whether through travel bans, immigration raids, or the imposition of draconian border policies, people of Middle Eastern or North African descent and those of Hispanic or Latino origin have faced deep setbacks under the Trump Administration. By suppressing efforts for better data collection on these communities, the Trump Administration is endangering an accurate count.

## CITIZENSHIP QUESTION

On March 26, 2018, Department of Commerce Secretary Wilbur Ross announced that the decennial census would include an untested question on citizenship, ignoring the objections of career Census Bureau staff and community advocates across the country.<sup>10</sup> In doing so, Secretary Ross capitulated to a late request from the Department of Justice (DOJ) to add the citizenship question to the upcoming 2020 census, citing it as required to fully protect Section 2 of the Voting Rights Act.<sup>11</sup> Former DOJ leadership has dismissed this claim as unwarranted.<sup>12</sup> Including the citizenship question – before it has undergone the years-long testing by the Census Bureau’s

seasoned demographers typical of large changes to census surveys – marks a deep departure from the Bureau’s statistical analytic standards under Republican and Democratic administrations alike. What’s more, current Census Bureau employees and advisors,<sup>13</sup> alongside experienced community advocates, have warned that the question would depress response rates making immigrant communities far harder to count due to fear of census data being used by law enforcement.<sup>14</sup>

There are six cases in New York, California, and Maryland challenging the citizenship question’s inclusion on the 2020 Census. So far, federal judges have ruled against the citizenship question on three separate occasions. On April 23, 2019, the Supreme Court heard oral arguments in *Department of Commerce v. New York*, which considered questions from two of those three cases.<sup>15</sup> Depending on the Court’s decision, which we can expect in June 2019, a citizenship question could be on the 2020 Census. If that happens, research indicates we could see a severe undercount of certain communities, which would seriously compromise the accuracy of the decennial census.

## FUNDING

The Census Bureau and the 2020 decennial census efforts have been consistently underfunded by the Trump administration,<sup>16</sup> though the current 2018 budget is below the funding level of the previous decennial Census, the 2019 budget is also set to be underfunded by over \$437 million.<sup>17</sup> Already, the Census Bureau has had to make cuts in order to move forward with its preparations for the decennial census at its current funding level. The 2018 End-to-End Test – known as the “dress rehearsal” for the decennial – was scheduled to take place this year in West Virginia, Washington, and Rhode Island. Because of budget shortcomings, the program was cut to one location, with residents of Providence, RI, receiving their first mailings in March.<sup>18</sup> The cuts to field testing come at a time when the Census Bureau is about to launch a new design, including digital response, which could save taxpayers over \$5 billion, but only if they are implemented correctly.<sup>19</sup>

Additionally, decreased funding has forced the Census Bureau to scale back communications and advertising efforts, a move that will hurt response rates among hard-to-count populations, including Arab Americans. Not investing in these operational methods and advertising

campaigns now will cost Americans over time, in dollars and in accuracy.

## MOVING FORWARD

A fair and accurate count is of critical importance to our democracy. It is essential that we continue to voice our urgency and support for Census revisions.

1. At the local level, advocates must:
  - Raise awareness of the importance of census data to various education, health, and employment policies, and educate community members and local officials on how census data benefits their community.
2. At the state level, advocates must:
  - Support current legal actions taken by states to stop the addition of a citizenship question. Several states have sued the Department of Commerce and U.S. Census Bureau to halt its inclusion, including a lawsuit led by the State of New York that represents a group of 17 states, seven cities, and the U.S. Conference of Mayors.
3. At the national level, advocates must:
  - Demand effective congressional oversight on the citizenship question and insist that it be removed from the Census permanently. The addition of this untested question could result in gross inaccuracies in census data and attempts to politicize the census itself.
  - Continue to support the addition of a new MENA ethnic category to allow individuals to identify as being of Middle Eastern or North African descent on census surveys. Demand that the Office of Management and Budget release information regarding their inaction on changing the federal standards on race and ethnicity to allow for the inclusion of a MENA category and adoption of a combined question format.
  - Support full funding for the U.S. Census Bureau, allowing for adequate testing of new data collection technology and communications efforts, and the implementation 2020 Decennial Census.
  - To address legitimate concerns, emphasize the importance and effectiveness of the laws

and protections in place to keep census data private. By law (Title 13, U.S. Code), the U.S. Census Bureau keeps personal information confidential. Individual responses and personally identifiable information cannot be shared with anyone, including other federal agencies or law enforcement entities. The Census Bureau also withholds statistical totals if they represent a geographic area so small that the numbers might identify someone.

## ENDNOTES

- 1 U.S. Const. art. I, § 2.
- 2 Marissa Hotchkiss and Jessica Phelan, *Uses of Census Bureau Data in Federal Funds Distribution*, U.S. Census Bureau (Sept. 2017), available at <https://www.census.gov/library/working-papers/2017/decennial/census-data-federal-funds.html>.
- 3 U.S. Census Bureau, 2016 American Community Survey 1-Year Estimates (last revised Aug. 25, 2017), <https://www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2016/1-year.html>.
- 4 Arab American Institute Foundation, Demographics (accessed Apr. 27, 2019), <http://www.aaiusa.org/demographics>.
- 5 Hansi Lo Wang, *No Middle Eastern Or North African Category on 2020 Census, Bureau Says*, NPR (Jan. 29, 2019), <https://www.npr.org/2018/01/29/581541111/no-middle-eastern-or-north-african-category-on-2020-census-bureau-says>.
- 6 Office of Management and Budget, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, 62 Fed. Reg. 58,782 (Oct. 30, 1997), available at <https://obamawhitehouse.archives.gov/omb/fedreg/1997standards>.
- 7 Press Kit, U.S. Census Bureau, Census Bureau Host 2020 Census Operations Update to Discuss 2015 National Content Test (Oct. 6, 2014), [https://www.census.gov/newsroom/press-kits/2014/20141006\\_2020census\\_op-brief.html](https://www.census.gov/newsroom/press-kits/2014/20141006_2020census_op-brief.html).
- 8 U.S. Census Bureau, *2015 National Content Test* (last revised Mar. 12, 2019), available at <https://www.census.gov/programs-surveys/decennial-census/2020-census/research-testing/testing-activities/2015-census-tests/national-content-test.html>.
- 9 Hansi Lo Wang, *2020 Census to Keep Ethnic, Racial Categories Used in 2010*, NPR (Jan. 26, 2018), <https://www.npr.org/2018/01/26/580865378/census-request-suggests-no-race-ethnicity-data-changes-in-2020-experts-say>.
- 10 Nicholas Jones and Michael Bentley, *2015 National Content Test: Preliminary Results on Race and Ethnicity*, U.S. Census Bureau (Oct. 3, 2016), available at <https://www2.census.gov/cac/nac/meetings/2016-10/2016-nac-jones.pdf>.
- 11 Memorandum from Albert E. Fontenot, Jr., Associate Director for Decennial Census Programs, U.S. Census Bureau, *Using Two Separate Questions for Race and Ethnicity in 2018 End-to-End Census Test and 2020 Census* (Jan. 26, 2018), available at [https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/memo-series/2020-memo-2018\\_02.html](https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/memo-series/2020-memo-2018_02.html).
- 12 Letter from Wilbur Ross, Secretary of Commerce, to Karen Dunn Kelley, Under Secretary for Economic Affairs, U.S. Department of Commerce (Mar. 26, 2018), available at [https://www.commerce.gov/sites/commerce.gov/files/2018-03-26\\_2.pdf](https://www.commerce.gov/sites/commerce.gov/files/2018-03-26_2.pdf).
- 13 Letter from U.S. Department of Justice to U.S. Census Bureau (Dec. 12, 2017), available at <https://www.documentcloud.org/documents/4340651-Text-of-Dec-2017-DOJ-letter-to-Census.html>.
- 14 Maya Rhodan, *The Trump Administration Plans to Ask About Citizenship on the Census. Here's Why That's a Big Deal*, Time (Mar. 27, 2018), <http://time.com/5217763/census-citizenship-question-immigration>.
- 15 Hansi Lo Wang, *Trump Administration's Census Citizenship Question Plans Halted By 3rd Judge*, NPR (Apr. 05, 2019), <https://www.npr.org/2019/04/05/700982993/trump-administrations-census-citizenship-question-plans-halted-by-third-judge>.
- 16 13 U.S.C. § 21(a)(2).
- 17 Alexis Farmer, *Funding the Census*, Brennan Center for Justice (2019), <https://www.brennancenter.org/funding-census>.
- 18 The Census Project, *FY 2018 U.S. Census Bureau Appropriations: Why Full Funding Matters* (Mar. 2017), <https://censusproject.files.wordpress.com/2015/12/fy2018census-funding-whyitmatters-march2017.pdf>.
- 19 Jory Heckman, *Why More than Doubling Census Bureau's Budget Isn't Enough for 2020*, Federal News Radio (Feb. 20, 2018), <https://federalnewsradio.com/management/2018/02/why-more-than-doubling-census-bureaus-budget-isnt-enough-for-2020-count>.