



# Saving the 2020 Census and Defending Vulnerable Communities

BY SAM ADLER-BELL

Business, civil rights, and advocacy stakeholders have been warning for years that the 2020 Census faces serious challenges: delayed funding, a leadership vacuum, technical unpreparedness for the nation's first "high-tech" Census, and widespread fear and distrust of the federal government among Census respondents—not just undocumented immigrants, but also rural and native communities, African Americans, and others.<sup>1</sup>

Those challenges were amplified in March 2018 by the Trump administration's decision to add a citizenship question to the 2020 Census questionnaire. In a March 2018 memo explaining the decision, Commerce secretary Wilbur Ross said the Bureau was adding the query in response to a December 2017 request from the Department of Justice (DOJ)—who needed the data, DOJ said, to better enforce protections for minority voters under the Voting Rights Act (VRA).

That justification has been disputed by voting rights experts<sup>2</sup> and former civil rights enforcers<sup>3</sup> at the Justice Department. Furthermore, emails released as part of an ongoing lawsuit against the Commerce Department has shown that, contrary to his congressional testimony, Secretary Ross discussed adding the question with Trump officials—including Steve Bannon and Kris Kobach—within months of Trump's inauguration, well before the DOJ request.

While the Trump administration's reasoning remains murky,<sup>4</sup> the likely effect of a citizenship question is much more clear: an inaccurate 2020 Census. Six former Census directors from both

Republican and Democratic administrations warned in a January 26 letter<sup>5</sup> to Secretary Ross, "we believe that adding a citizenship question to the 2020 Census will considerably increase the risks to the 2020 enumeration." In a 2015 amicus brief<sup>6</sup> before the Supreme Court, four of those former directors stated, "the sum effect [of a citizenship question] would be bad census data. And any effort to correct for the data would be futile." An analysis by the Census Bureau's own chief scientist<sup>7</sup> warned that asking about citizenship in the 2020 Census would be "very costly, harms the quality of the census count, and would use substantially less accurate citizenship status data than are available" from other federal records.

The harms of an inaccurate Census would be disproportionately born by those communities that, historically, are undercounted: communities of color,<sup>8</sup> remote rural areas,<sup>9</sup> native communities,<sup>10</sup> children under the age of five,<sup>11</sup> and, of course, immigrants. Qualitative research conducted by the Census Bureau itself in 2017 found "an unprecedented ground swell in confidentiality and data sharing concerns, particularly among immigrants or those who live with immigrants."

The importance of accurate Census data cannot be overstated. The decennial count of every man, woman, and child in America is a mammoth civic undertaking, with profound consequences for the distribution of political and economic power. Congress allocates \$675 billion in annual federal funds on the basis of Census data.<sup>12</sup> Medicaid distributes \$312 billion; SNAP, a nutritional assistance program, distributes \$69.5 billion; Medicare

Part B distributes \$64.2 billion; and Section 8 housing distributes \$38.3 billion.<sup>13</sup> Businesses, chambers of commerce, and trade associations also rely on accurate Census data for economic development, business decisions, and strategic planning.<sup>14</sup>

Finally, because Census data is used to draw local, state, and congressional legislative districts, an undercount among poor, rural, and minority populations risks accelerating the disenfranchisement of already marginalized communities.

For all these reasons, eliminating an untested and likely destructive citizenship question from the 2020 Census should be a priority for Congress in 2019.

While many stakeholders hope that one of the six lawsuits<sup>15</sup> challenging the citizenship question will result in forcing the administration to abandon its plan—especially the New York one set to go to trial November 5—we cannot assume the judiciary will solve this problem, especially not before Census forms must begin to be printed in the first half of 2019.

Congress can act to prevent the citizenship question from derailing the 2020 Census. Here's how:

- + Add language to appropriations bills prohibiting funding for printing the decennial questionnaire if it includes the citizenship question.<sup>16</sup>
- + Call for hearings in the House Oversight and Government Reform and Senate Homeland Security and Governmental Affairs Committees to investigate whether political considerations were improperly injected into the 2020 Census process by members of the Trump administration.
- + Call for a hearing in the House Oversight and Government Reform and Senate Homeland Security and Governmental Affairs Committees at which Secretary Wilbur Ross can explain his misleading testimony about the administration's reasoning for adding the citizenship question.

Immigrants and their families are part of our communities and local and regional economies. Including a citizenship question on the 2020 Census will compromise important data about this

segment of American society. An undercount in areas with high numbers of immigrants would also redistribute federal resources and representation away from those communities. The end result would hurt not only immigrants, but also anyone who relies on an accurate Census.

## Notes

1 Sam Adler-Bell, "Countdown: How the Trump Administration is Botching Its Only Trial Run for the 2020 Census," *The Intercept*, March 31, 2018, <https://theintercept.com/2018/03/31/census-2020-citizenship-question-providence-immigrants/>.

2 Ari Berman, "Trump Administration Creates Census Crisis With Move to Suppress Immigrant Responses," *Mother Jones*, March 27, 2018 <https://www.motherjones.com/politics/2018/03/trump-administration-creates-census-crisis-with-move-to-suppress-immigrant-responses/>.

3 Justin Levitt, "Testimony before the United States House of Representatives Committee on Oversight and Government Reform," May 8, 2018, <https://oversight.house.gov/wp-content/uploads/2018/05/Levitt-Testimony-2020-Census-Hearing-05082018.pdf>.

4 Sam Adler-Bell "Trump Officials' Unraveling Justification for the Census Citizenship Question," The Century Foundation, July 26, 2018, <https://tcf.org/content/commentary/trump-officials-unraveling-justification-for-the-census-citizenship-question/>.

5 Vincent P. Barabba et. al. "Letter to the Honorable Wilbur L. Ross from former Census Bureau Directors," January 26, 2018, [https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ\\_census\\_ques\\_request\\_Former\\_Directors\\_ltr\\_to\\_Ross.pdf?tid=a\\_mcntx](https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ_census_ques_request_Former_Directors_ltr_to_Ross.pdf?tid=a_mcntx).

6 Sam Adler-Bell, "New Citizenship Question Designed to Sabotage Census," The Century Foundation, April 10, 2018. <https://tcf.org/content/commentary/new-citizenship-question-designed-sabotage-census/>.

7 Jacqueline Thomsen, "Census Bureau's chief scientist warned secretary in memo against adding citizenship question," *The Hill*, June 10, 2018, <https://thehill.com/homenews/administration/391527-census-bureau-official-warned-in-memo-against-adding-citizenship>.

8 Heather Long, "NAACP lawsuit alleges Trump administration will undercount minorities in 2020 Census," *Washington Post*, October 6, 2017, [https://www.washingtonpost.com/news/wonk/wp/2017/10/06/naacp-lawsuit-alleges-trump-administration-will-undercount-minorities-in-2020-census/?utm\\_term=.31fd42dd8b10](https://www.washingtonpost.com/news/wonk/wp/2017/10/06/naacp-lawsuit-alleges-trump-administration-will-undercount-minorities-in-2020-census/?utm_term=.31fd42dd8b10).

9 William O'Hare, "2020 Census Faces Challenges in Rural America." University of New Hampshire Carsey School of Public Policy, December 18, 2017, at <https://scholars.unh.edu/cgi/viewcontent.cgi?article=1329&context=carsey>.

10 "Will You Count? American Indians and Alaska Natives in the 2020 Census," The Leadership Conference Education Fund, April 17, 2018, <http://civilrightsdocs.info/pdf/census/2020/Fact-Sheet-AIAN-HTC.pdf>.

11 "The Undercount of Young Children," U.S. Census Bureau, U.S. Department of Commerce, February 2014, <https://www.census.gov/content/dam/Census/library/working-papers/2014/demo/2014-undercount-children.pdf>.

12 "Uses of Census Bureau Data in Federal Funds Distribution," U.S. Census Bureau, U.S. Department of Commerce, September 2017, <https://www.census.gov/library/working-papers/2017/decennial/census-data-federal-funds.html>.

13 Andrew Reamer, "Counting for Dollars 2020: The Role of the Decennial Census in the Geographic Distribution of Federal Funds," George Washington Institute of Public Policy, August 22, 2017, <https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Counting%20for%20Dollars%202020%2008-22-17-0.pdf>.

14 "Economic Census: Uses of Data," U.S. Census Bureau, U.S. Commerce Department, <https://www.census.gov/programs-surveys/economic-census/guidance/data-uses.html>.

15 Kelly Pervival, "Where Things Stand in the Citizenship Question Lawsuits," Brennan Center for Justice, October 12, 2018, <https://www.brennancenter.org/blog/where-things-stand-citizenship-question-lawsuits>.

16 Ranking member Congressman José Serrano introduced such a measure as an amendment during the markup for the FY 2019 Commerce, Justice, Science and Related Agencies (CJS) Appropriations Bill on May 17, 2018. It failed along party lines.