Democracy at Risk: The State of the 2020 Census and Latinos

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ARTICLE I, SECTION 2

"Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct."

XIV Amendment

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed."

Census data are the basis of our

REPRESENTATIVE DEMOCRACY

critical to the

PROTECTION OF CIVIL RIGHTS

used annually to distribute

BILLIONS IN FEDERAL FUNDS

and used to

MAKE INFORMED DECISIONS

Census data are used for apportionment of Congressional seats, and redistricting at all levels of government.

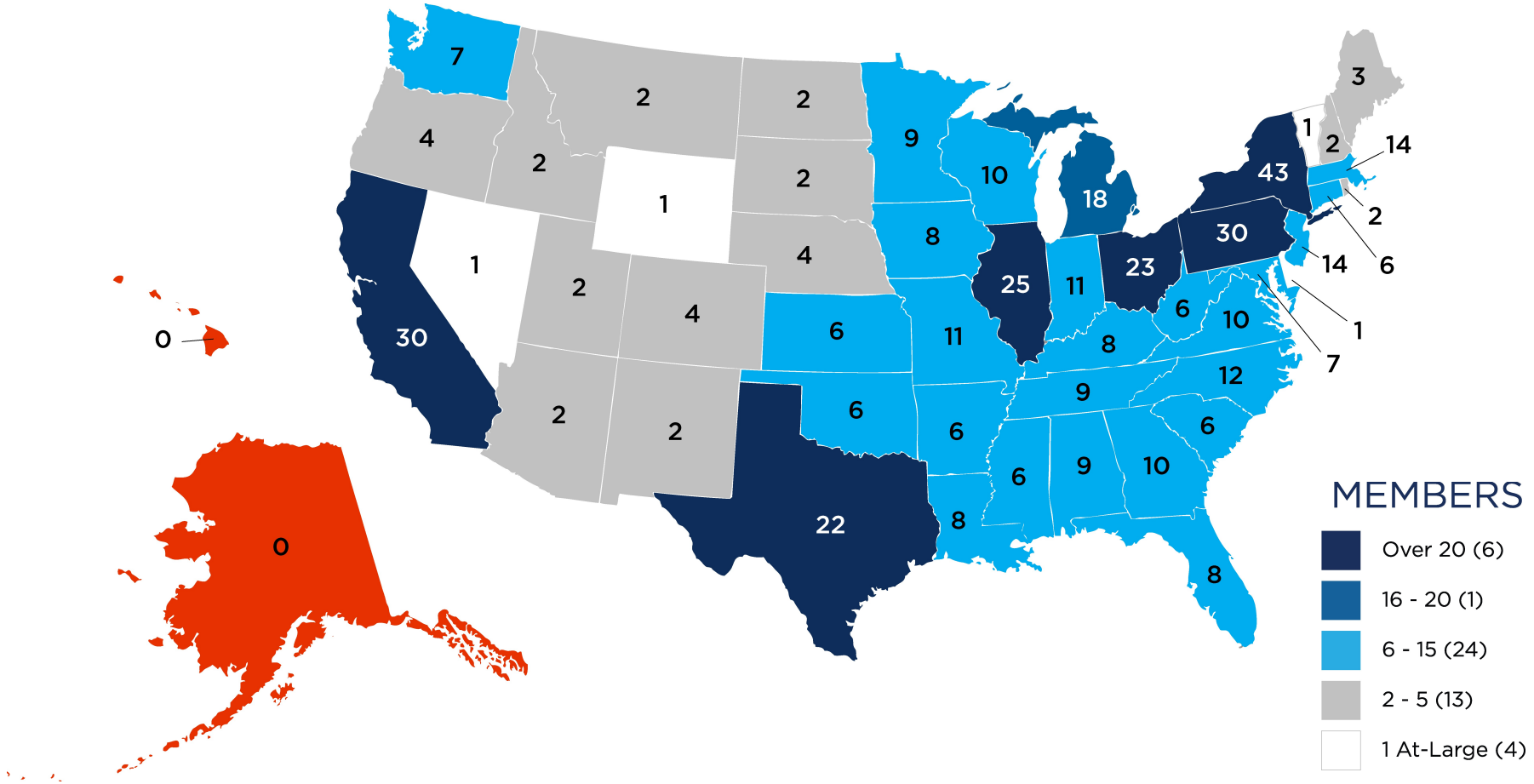
Census data are indispensable for monitoring and enforcement of a broad range of civil rights policies.

Census data guide the allocation of more than $600 billion in federal government resources to states, localities and families every year.

Members of U.S. House by State
1952 - 1960

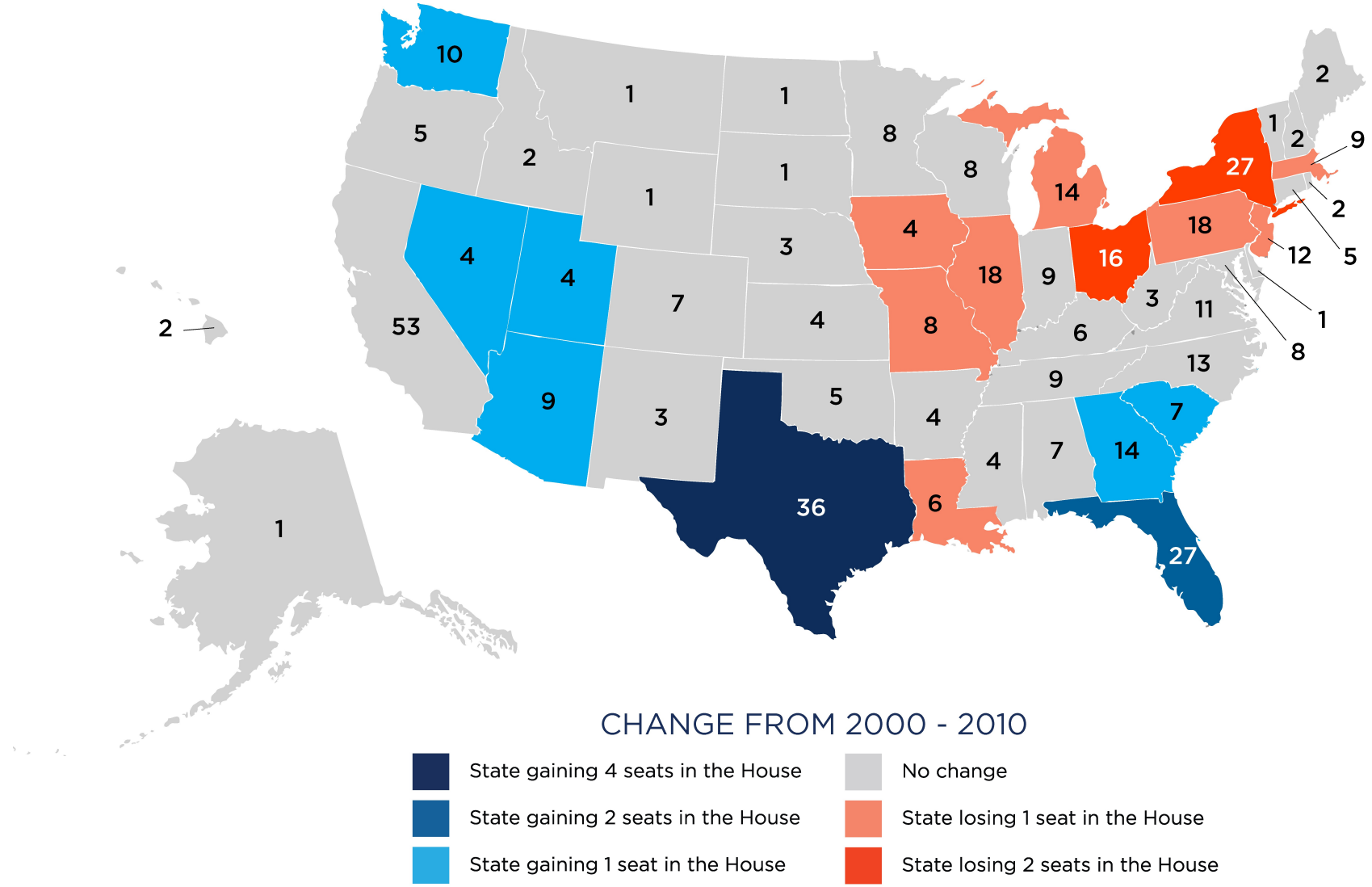
Based upon Apportionment Population for April 1, 1950 Census

The house was temporarily increased to 437 with the admissions of AK and HI



Apportionment of U.S. House of Representatives

Based on the 2010 Census



CHANGE FROM 2000 - 2010

- State gaining 4 seats in the House
- State gaining 2 seats in the House
- State gaining 1 seat in the House
- No change
- State losing 1 seat in the House
- State losing 2 seats in the House

Census Data and the Fair Allocation of Federal Funds

Nearly $590 billion in FY 2015 federal funding was distributed on the basis of Census-guided data.

Top 11 Census-Guided Federal Programs

Program	Amount (in billions)
Medicaid	$312.0
Supplemental Nutritional Assistance Program	$69.5
Medicare Part B – Physicians Fee Schedule Services	$64.2
Highway Planning and Construction	$38.3
Section 8 Housing Choice Vouchers	$19.1
Title I Grants to Local Education Agencies	$13.9
National School Lunch Program	$11.6
Special Education Grants (IDEA)	$11.2
State Children's Health Insurance Program	$11.1
Section 8 Housing Assistance Payments Program	$9.2
Head Start/Early Head Start	$8.3

Source: Andrew Reamer, *Counting For Dollars: The Role of the Decennial Census in the Geographic Distribution of Federal Funds,* initial analysis, George Washington University, June 2017

Latino Community Includes Many "Hard-to-Count" Residents

- Lower-income families
- Immigrants
- Individuals with low English-language proficiency
- Renters
- Residents who live in non-traditional housing
- Rural residents
- Highly mobile residents, such as farmworkers
- Very young children (under age 5)

Census 2010 missed **more than 400,000** very young Latino children.

This is a uniquely high "undercount" rate. In 2010, the net undercount rate for very young Latino children was **7.1 percent**, compared to **4.3 percent** for non-Latinos.

Source: Child Trends Hispanic Institute and NALEO Educational Fund, *The Invisible Ones: How Latino Children are Left out of our Nation's Census Count*.

2020 Census

Proposed Changes and New Approaches

- Bureau was mandated to conduct the 2020 Census at a lower cost per household than 2010. Its plans have fallen short.

- Bureau is making final tests to changes and new approaches which all have important implications for the Latino community:

Internet response as primary response option

Reduction in number of local census offices, field staff, field "presence"

Use of administrative records and other third-party data for address canvassing and non-response follow-up (NRFU)

Redesign of questions on Hispanic origin and race

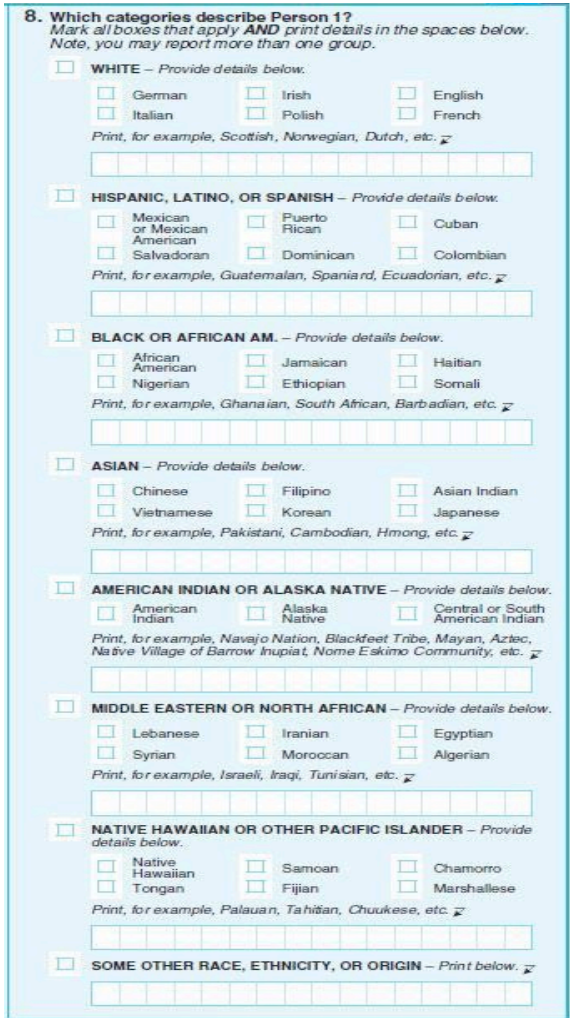
Last-minute addition of untested question on citizenship

Census Bureau undertook extensive research to improve data collection on Hispanic origin and Race in 2020

Census Bureau staff recommended a new format that combined Hispanic Origin and Race that:

- Achieved significant decline in nonresponses and "some other race" responses
- Achieved better reporting of Latino identification by respondents
- Did not result in loss of data on Latinos who wish to identify with multiple major race/ethnicity groups
- Accommodated reporting of multiple Latino national origins.

Combined question required revision of federal standards on race and ethnicity data; OMB silent on decision to keep current standards in place.



8. **Which categories describe Person 1?**
*Mark all boxes that apply **AND** print details in the spaces below.*
Note, you may report more than one group.

☐ **WHITE** – *Provide details below.*
☐ German ☐ Irish ☐ English
☐ Italian ☐ Polish ☐ French
Print, for example, Scottish, Norwegian, Dutch, etc.

☐ **HISPANIC, LATINO, OR SPANISH** – *Provide details below.*
☐ Mexican or Mexican American ☐ Puerto Rican ☐ Cuban
☐ Salvadoran ☐ Dominican ☐ Colombian
Print, for example, Guatemalan, Spaniard, Ecuadorian, etc.

☐ **BLACK OR AFRICAN AM.** – *Provide details below.*
☐ African American ☐ Jamaican ☐ Haitian
☐ Nigerian ☐ Ethiopian ☐ Somali
Print, for example, Ghanaian, South African, Barbadian, etc.

☐ **ASIAN** – *Provide details below.*
☐ Chinese ☐ Filipino ☐ Asian Indian
☐ Vietnamese ☐ Korean ☐ Japanese
Print, for example, Pakistani, Cambodian, Hmong, etc.

☐ **AMERICAN INDIAN OR ALASKA NATIVE** – *Provide details below.*
☐ American Indian ☐ Alaska Native ☐ Central or South American Indian
Print, for example, Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village of Barrow Inupiat, Nome Eskimo Community, etc.

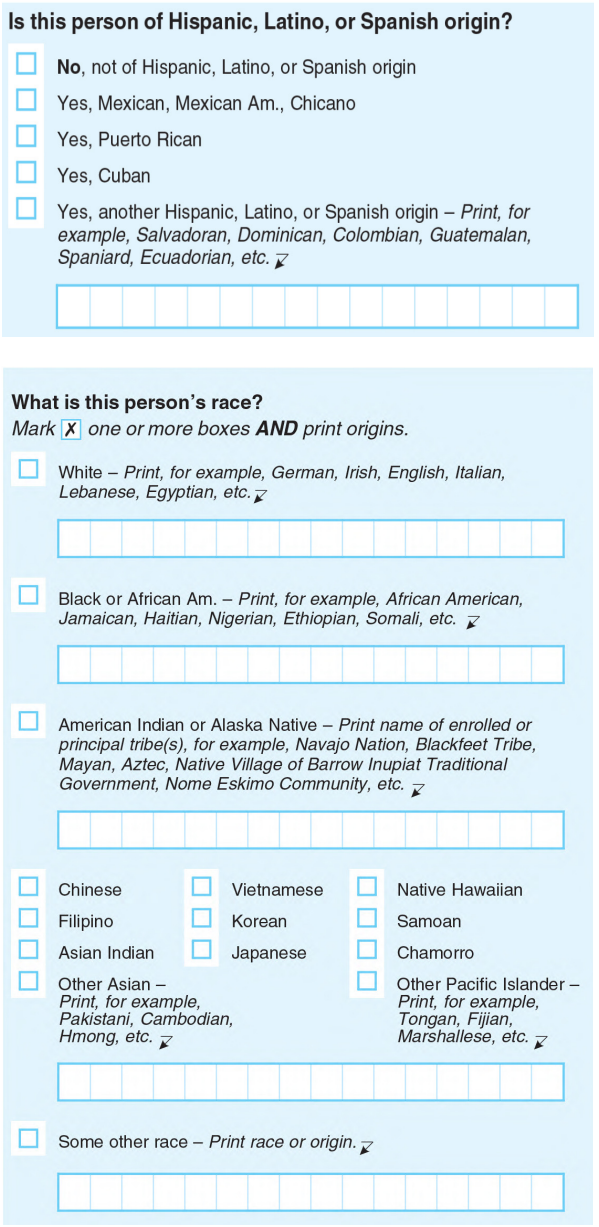
☐ **MIDDLE EASTERN OR NORTH AFRICAN** – *Provide details below.*
☐ Lebanese ☐ Iranian ☐ Egyptian
☐ Syrian ☐ Moroccan ☐ Algerian
Print, for example, Israeli, Iraqi, Tunisian, etc.

☐ **NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER** – *Provide details below.*
☐ Native Hawaiian ☐ Samoan ☐ Chamorro
☐ Tongan ☐ Fijian ☐ Marshallese
Print, for example, Palauan, Tahitian, Chuukese, etc.

☐ **SOME OTHER RACE, ETHNICITY, OR ORIGIN** – *Print below.*

Two-question format for Census 2020 raises questions

- Questions in End-to-End test differ from those submitted to Congress. Instructions for Hispanic origin question do not indicate that respondents can report multiple Latino national origins; Bureau does not intend to provide data on respondents who mark multiple boxes.
- Unclear how Latinos will be respond to detailed reporting of White and Black sub-group identifications; Afro-Caribbean examples not included in Black/African American question.
- Census Bureau projects that with two-question approach, "some other race" could become the second largest racial group in the nation in Census 2020.



Is this person of Hispanic, Latino, or Spanish origin?

- ☐ **No**, not of Hispanic, Latino, or Spanish origin
- ☐ Yes, Mexican, Mexican Am., Chicano
- ☐ Yes, Puerto Rican
- ☐ Yes, Cuban
- ☐ Yes, another Hispanic, Latino, or Spanish origin – *Print, for example, Salvadoran, Dominican, Colombian, Guatemalan, Spaniard, Ecuadorian, etc.*

What is this person's race?

*Mark [X] one or more boxes **AND** print origins.*

- ☐ White – *Print, for example, German, Irish, English, Italian, Lebanese, Egyptian, etc.*
- ☐ Black or African Am. – *Print, for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somali, etc.*
- ☐ American Indian or Alaska Native – *Print name of enrolled or principal tribe(s), for example, Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, etc.*
- ☐ Chinese
- ☐ Filipino
- ☐ Asian Indian
- ☐ Other Asian – *Print, for example, Pakistani, Cambodian, Hmong, etc.*
- ☐ Vietnamese
- ☐ Korean
- ☐ Japanese
- ☐ Native Hawaiian
- ☐ Samoan
- ☐ Chamorro
- ☐ Other Pacific Islander – *Print, for example, Tongan, Fijian, Marshallese, etc.*
- ☐ Some other race – *Print race or origin.*

Inadequate Census Funding Puts Fair and Accurate 2020 Count at Risk

- Congress has underfunded the Bureau in FY 2016, FY 2017 and the first half of FY 2018.
- The FY 2018 omnibus appropriations legislation provided $2.8 billion for the Bureau, a promising start to put Census 2020 back on track.
- The President's FY 2019 budget request includes $3.8 billion for the Bureau; insufficient for the continued ramp-up needed.
- Stakeholders are advocating for $4.7 billion for FY 2019, to allow for a robust Census 2020 partnership and communications program, increase the number of local Census offices, and to provide a contingency fund requested by the Department of Commerce.

Consequences of Inadequate Funding for Census 2020

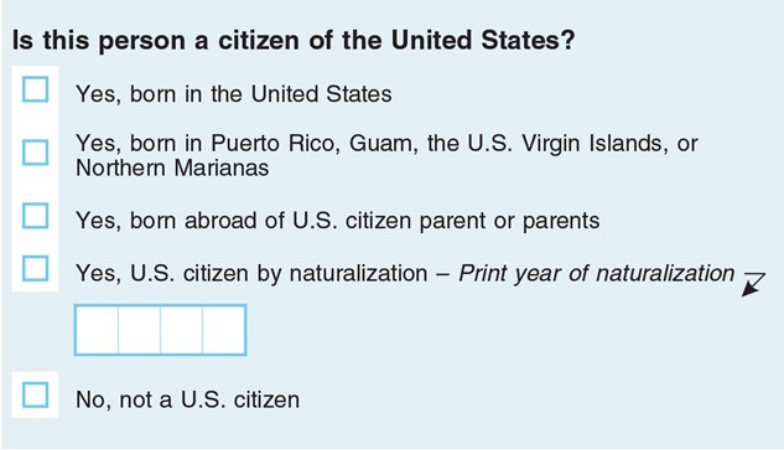
- Cancelled 2017 field tests in Puerto Rico and on Native American reservations.
- Cancelled two of three 2018 "dress rehearsal" sites, including Pierce County, WA with a significant Latino rural population, and scaled back the remaining site in Providence County, RI.
- Changed the enumeration approach for 12 million households in remote and rural areas.
- Delayed opening three of six Regional Census 2020 offices.
- Delayed communications campaign and Partnership Program.

Other Census Administration and Legislative Issues

- The Census Bureau has been without a permanent Director since July 1. The Administration must nominate a new Director who is an established, nonpartisan leader with the expertise to lead the Bureau – and to win the trust of policymakers, staff, and the public.
- The GAO has designated Census 2020 as a "high risk" activity, citing new enumeration approaches and uncertain IT systems.
- Erosion of public trust regarding the privacy of information given to the Census Bureau, including via the internet, and increased fear among immigrants in contact with the government.
- Administration's decision to hire only U.S. citizens as Census employees.

Administration's Last Minute Addition of Citizenship Question Puts Census 2020 at Serious Risk

- On March 26, the Secretary of Commerce agreed to a Department of Justice request, and added the citizenship question to the 2020 Census questionnaire at the last minute.
- Census Bureau submitted Census 2020 questionnaire to Congress with this question.



Is this person a citizen of the United States?

- ☐ Yes, born in the United States
- ☐ Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas
- ☐ Yes, born abroad of U.S. citizen parent or parents
- ☐ Yes, U.S. citizen by naturalization – *Print year of naturalization*

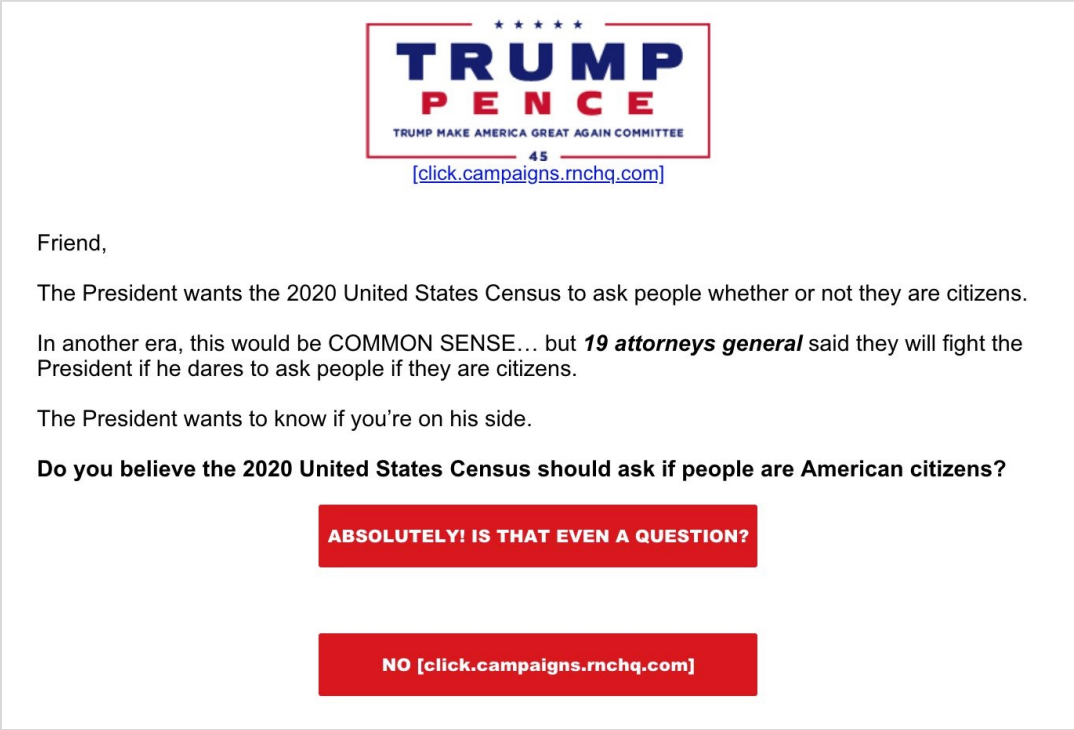
  ☐☐☐☐
- ☐ No, not a U.S. citizen

Administration's actions to add citizenship question are flawed and specious.

- The Department of Justice and the Secretary of Commerce justified the addition by citing the need for better voting rights enforcement.
    - However, data from the American Community Survey, and the census "long" form before that, are sufficiently robust for civil rights and Voting Rights Act enforcement. The decennial census has not included a citizenship question since enactment of the Voting Rights Act in 1965.
- Secretary of Commerce claims lack of evidence that citizenship question will depress response rates, but question has not been tested in current political climate, in a form sent to 100% of population.
    - The "End to End" Providence County test does not include a citizenship question. Media report the issue is affecting participation.
    - Census Bureau representatives have already reported widespread and unprecedented fear among respondents to other surveys; they are reluctant to participate fully and provide accurate information.

Administration's actions to add citizenship question are flawed and specious. *(cont.)*

- President Trump's use of citizenship question in campaign fundraising and other policymaker comments suggest addition of question is politically motivated.



TRUMP
PENCE
TRUMP MAKE AMERICA GREAT AGAIN COMMITTEE
45
[click.campaigns.rnchq.com]

Friend,

The President wants the 2020 United States Census to ask people whether or not they are citizens.

In another era, this would be COMMON SENSE… but ***19 attorneys general*** said they will fight the President if he dares to ask people if they are citizens.

The President wants to know if you're on his side.

Do you believe the 2020 United States Census should ask if people are American citizens?

ABSOLUTELY! IS THAT EVEN A QUESTION?

NO [click.campaigns.rnchq.com]

The Administration's request is untimely.

- The Census Bureau conducts careful and costly testing over many years to develop the census questions.

- Census Bureau was required to submit topics for 2020 Census to Congress by March 31, 2017; citizenship was not submitted at that time.

The addition of a citizenship question to Census 2020 is costly.

- The Census Bureau expects that every one percent decrease in the self-response rate that it has budgeted will increase the cost of the census by $55 million. This figure was recently increased from $45 million and will likely increase again.

- A last-minute question would require redrafting all designed materials, adding unknown costs in design, labor, printing, and for other tasks.

The Impact of a Citizenship Question on Latino Participation in Census 2020

The addition of a citizenship question will deter participation, resulting in far less accurate data.

- The question will raise concerns in all households – native- and foreign-born– about the confidentiality of information provided to the government and how it will be used.

- Adding the question would sabotage the Constitutional mandate that the Census obtain a complete count of all of the nation's residents.

Bipartisan Opposition to the Addition of the Citizenship Question

There is a groundswell of bipartisan opposition to the addition of the citizenship question from a wide range of census stakeholders, including:

- More than 60 members of Congress;
- 161 Democratic and Republican mayors;
- Latino elected and appointed officials at all levels of government;
- Six former Census Directors who served in Republican and Democratic administrations;
- Nineteen Attorneys-General;
- Scientific organizations such as the American Sociological Association, the Consortium of Social Science Associations, the Council for Community and Economic Research, the Council of Professional Associations on Federal Statistics, and the National Latino/a Psychological Association; and
- Business leaders from across the country concerned about undermining the validity of census data, and ultimately harming economic growth and development opportunities.

Strong Confidentiality Protections Safeguard Disclosure and Misuse of Census Data

Under Title 13 of U.S. Code:

- Census data can only be used for statistical purposes; personal information cannot be used against respondents in court or by a government agency.
- Personal census information cannot be disclosed for 72 years (includes names, addresses, Social Security numbers and telephone numbers).
- Census Bureau staff who have access to personal information are sworn for life to protect confidentiality.
    - Sworn staff are subject to a 250,000 fine and/or up to five years in prison for wrongful disclosure of information.

Policymakers and Advocates are Vigorously Challenging the Addition of a Citizenship Question

Secretary of Commerce must justify new topic:
Because the Bureau did not submit citizenship as one of the topics for Census 2020 to Congress by March 31, 2017, the Secretary of Commerce must demonstrate that there are "new circumstances" for adding a new topic after that deadline. It is unclear whether the Secretary has done so, and this may be one ground for challenging a new citizenship question.

Litigation:
The State of California is challenging the question in court, and New York is leading a multi-state action against the Administration's decision. Civil rights organizations are also starting to bring court action.

Policymakers and Advocates will Vigorously Challenge the Addition of a Citizenship Question (cont.)

Congressional action:
Members of Congress are working to move legislation forward that would prevent the addition of the citizenship question. The House Committee on Oversight and Government Reform is holding a May 8th hearing on Census 2020.

Public opinion advocacy:
Several media outlets have been covering the citizenship question issue; as policymakers and advocates continue to speak out, that coverage is becoming more intense.

The fight has just begun – join us!

There is still time –
The Census Bureau has time before it must finalize the on-line and paper form of the Census questionnaire.

We are launching an comprehensive advocacy campaign against the addition of the citizenship question, mobilizing our members and stakeholders by:

- Providing sample letters and other resources to submit comments to the Bureau and OMB when opportunities arise.

- Conducting regular "Call-in Days," to Secretary Ross and Members of Congress, opposing the citizenship question.

- Continuing to promote legislative and public opinion advocacy, by providing materials and resources. A sample letter and social media guide are available at: www.naleo.org/actionalert_march2018

You can learn more about the fight for a fair an accurate Census 2020!

Subscribe to our email list:

Send an email to **censusGOTC@naleo.org** with "**Subscribe**" in the subject line to join our Census email list. We will keep you informed about future policy developments and actions you can take to oppose the citizenship question.

Subscribe to our text campaign:

Text **CENSUS** to **97779** to opt-in and subscribe to our SMS/Census Get Out the Count Campaign.

(standard messaging rates apply).

2020 Census:
Key Upcoming Activities

2018

Partnership Program – Launch of the partnership program

Complete Count Committees – Formation of committees should be complete

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Advertising – Begins in early 2020

Census Day – April 1, 2020

2019-2020

Nonresponse Followup – Begins in late April and continues until late June/early July

Apportionment Counts to the President – by December 31, 2020

2021

Redistricting Counts to the States – by March 31, 2021

Thank you.

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