

ARAB AMERICAN INSTITUTE

2020 CENSUS: REACHING AN ACCURATE COUNT

The Problem

The decennial census is a constitutionally mandated process,¹ 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. Decennial census data is used in apportioning seats in the U.S. House of Representatives, and 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.

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, and 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 inclusion of a new citizenship question, to the exclusion of a “Middle Eastern or North African” category and combined question format, consistent underfunding, and a leadership vacuum, the accuracy of the 2020 Census is being threatened.

Background*MENA Category & Combined Question Format*

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, 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 2.3 million, the Arab American Institute estimates the total is actually closer to 3.7 million.²

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.³ 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 geographic area.

These efforts were heard 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.⁴ Since then, the question has gone through a strenuous development and testing process with input from seasoned demographers and stakeholder communities.

The category went into the field for testing as part of the 2015 National Content Test (NCT).⁵ Results from the 2015 NCT were released in October 2016. Based on these findings, the Census Bureau recommended the use of the combined question format, and the inclusion of a Middle Eastern or North African category, on the 2020 decennial census. Overall, use of a MENA category and combined format appeared to elicit higher quality data.⁶

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 include

neither a combined question format for race and ethnicity nor a MENA category.⁷ 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 and 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 use neither the MENA category nor the combined question format in order to move forward with the 2018 End-to-End Test and decennial census schedules.

The changes in question format would most have positively affected response rates for Hispanic communities and, obviously, those of Middle Eastern and North African origin - two groups that, through travel bans, immigration raids, and border walls, have been deeply affected by recent policy changes. 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.⁸ 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.⁹ Former DOJ leadership has dismissed this claim as unwarranted.¹⁰

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 in the standards of statistical analysis performed by the Bureau under Republican and Democratic administrations alike. What’s more, current Census Bureau employees and advisors,¹¹ former Census Bureau Directors, and countless community advocates have warned that the inclusion of a citizenship category would depress response rates, particularly in immigrant communities where some will refrain from filling out the questionnaire out of fear of their immigration status being revealed to law enforcement.¹² There are currently six cases in New York, California, and Maryland challenging the citizenship question’s inclusion on the 2020 Census. The limited response rate caused by inclusion of the citizenship question could seriously compromise the accuracy of the decennial census.

Leadership

The Trump Administration in mid-July finally nominated Steven Dillingham, a former Peace Corps director, to be the Director of the Census Bureau. The role of Director is a role federal law states will be appointed by the President, approved by the Senate, and hold certain qualifications—namely the “demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.”¹³

While Dillingham does not appear to be a political appointment based off his past work directing the bureaus of Justice Statistics and Transportation Statistics, he will be left with much less time to implement a robust Census 2020 plan to ensure a fair and accurate count of all persons living in the United States. If confirmed, the new Director will inherit the six lawsuits on the citizenship question and a dismal budget to execute the Census.¹⁴

Outside the citizenship question, Dillingham, once confirmed, will have to ensure the 2020 Census will result in a fair and accurate count. To do this, the Bureau under his leadership will need to thoroughly test all sectors of society to assess how best to reach difficult-to-count communities. His leadership will be needed when dealing with the new online Census form, to ensure the data will be protected and the website will be ready and fully functioning in time. Though nominated, Dillingham is not confirmed, so it is still of concern that the Trump Administration has deprived the Census Bureau of leadership in this critical period leading up to the 2020 Census.

Funding

The Census Bureau and the 2020 decennial census efforts have been consistently underfunded by the Trump administration,¹⁵ with some experts estimating the 2018 budget to be underfunded by \$160 million, and in 2019 by \$400 million.¹⁶

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.¹⁷ 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.¹⁸ 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 new 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.

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- ¹ U.S. Const. art. I, § 2, available at https://www.census.gov/history/pdf/Article_1_Section_2.pdf.
- ² U.S. Census Bureau, Uses of Census Bureau Data in Federal Funds Distribution (Sept. 2017, available at <https://www2.census.gov/programs-surveys/decennial/2020/program-management/working-papers/Uses-of-Census-Bureau-Data-in-Federal-Funds-Distribution.pdf>).
- ³ U.S. Census Bureau, 2016 American Community Survey 1-Year Estimates.
- ⁴ Arab American Institute Foundation, Demographics (2014), available at <http://www.aaiusa.org/demographics>.
- ⁵ https://obamawhitehouse.archives.gov/omb/fedreg_1997standards.
- ⁶ Press Kit, U.S. Census Bureau, Census Bureau Host 2020 Census Operations Update to Discuss 2015 National Content Test (Oct. 6, 2014), available at https://www.census.gov/newsroom/press-kits/2014/20141006_2020census_opbrief.html.
- ⁷ U.S. Census Bureau, 2015 National Content Test (last revised Aug. 18, 2017), available at <https://www.census.gov/programs-surveys/decennial-census/2020-census/research-testing/testing-activities/2015-census-tests/national-content-test.html>.
- ⁸ Nicholas Jones and Michael Bentley, U.S. Census Bureau, 2015 National Content Test: Preliminary Results on Race and Ethnicity (Oct. 3, 2016, available at <https://www2.census.gov/cac/nac/meetings/2016-10/2016-nac-jones.pdf>).
- ⁹ Albert E. Fontenot, Jr., Associate Director for Decennial Census Programs, *Using Two Separate Questions for Race and Ethnicity in 2018 End-to-End Census Test and 2020 Census*, U.S. Census Program Memorandum Series, U.S. Census Bureau (Jan. 26, 2018), available at https://www2.census.gov/programs-surveys/decennial/2020/program-management/memo-series/2020-memo-2018_02.pdf.
- ¹⁰ 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.
- ¹¹ 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>.
- ¹² 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>.
- ¹³ Michael Wines, *Census Bureau's Own Expert Panel Rebukes Decision to Add Citizenship Question*, New York Times (Mar. 30, 2018), <https://www.nytimes.com/2018/03/30/us/census-bureau-citizenship.html>.
- ¹⁴ Hansi Lo Wang, *Courts Deliver Trump 5 Setbacks In Census Citizenship Lawsuits*, NPR (Aug. 22, 2018) <https://www.npr.org/2018/08/22/633935155/5-lawsuits-over-census-citizenship-question-could-head-to-trial>
- ¹⁵ 13 U.S.C. § 21(a)(2) (2012), available at <https://www.law.cornell.edu/uscode/text/13/21>.
- ¹⁶ Danny Vinik and Andrew Restuccia, *Leading Trump Census Pick Causes Alarm*, Politico (Nov. 21, 2017), <https://www.politico.com/story/2017/11/21/trump-census-pick-causes-alarm-252571>.
- ¹⁷ The Census Project, *FY 2018 U.S. Census Bureau Appropriations: Why Full Funding Matters* (Mar. 2017), available at <https://censusproject.files.wordpress.com/2015/12/fy2018censusfunding-whyitmatters-march2017.pdf>.
- ¹⁸ 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>.