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Congress of the United States

House of Representatives

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The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Since the Committee's October 12, 2017 hearing with Commerce Secretary Wilbur Ross about the 2020 Census, troubling reports have called into question the Census Bureau's ability to conduct a fair and accurate count of the nation during the next decennial census. Last minute changes to the census operational plan, hiring of partisan personnel in apolitical positions, and instances of the administration overruling Census Bureau recommendations are serious cause for concern. As such, I respectfully request that the House Oversight and Government Reform Committee hold a legislative mark up of H.R. 5359, the 2020 Census Improving Data and Enhanced Accuracy (IDEA) Act.

Mandated by the Constitution, the decennial census ensures the equitable apportionment of the House of Representatives, supplies the empirical information needed for Congress and the President to make evidence-based policy decisions and distribute billions of dollars in annual federal aid, and provides the private sector with data to make millions of sound business decisions every year.

The career scientists at the Census Bureau have done this work admirably for more than two centuries and produce the world's "gold standard" of official statistics. These professionals conduct their work in a non-partisan, apolitical manner, seeking only to achieve the most accurate results. Unfortunately, recent reports about actions taken by the Trump Administration threaten both the accuracy and independence of the 2020 Census.

Last Minute Question on Citizenship

On March 26, 2018, the Department of Commerce announced that the Census Bureau will include a question regarding citizenship status on the 2020 Decennial Census.¹ No such

¹ Letter from Arthur E. Gary, General Counsel, Justice Management Division, Department of Justice, to Ron Jarmin, Director, Census Bureau (Dec. 12, 2017) (online at www.documentcloud.org/documents/4340651-Text-of-Dec-2017-DOJ-letter-to-Census.html).

question has been included on the census form sent to every household since 1950 because the American Community Survey, which has been distributed on a monthly basis for the last 13 years—and before that the Census Long Form—already includes such a question.

At the Committee’s October hearing, Secretary Ross noted that “one of the problems with adding questions is it reduces response rates,” and the inclusion of a citizenship question will do just that.² Such a question on the 2020 Census will depress response rates from members of minority communities, many of whom are already expressing an unprecedented level of concern regarding the confidentiality of the data they provide to the Bureau and whether that data will be improperly shared with other government agencies.³ According to former Census Bureau Director Kenneth Prewitt, adding a citizenship question “will drive the response rate down enormously,” and increase the undercounting of both citizens and non-citizens in the decennial census.⁴

In addition to reducing the accuracy of the census, a citizenship question will “undo decades of work to convince immigrants and communities of color” to respond to the census and necessitate an increase in costly non-response follow-up activities. Former Census Bureau Associate Director of Communications Steve Jost noted that this would be “an ironic move, because the whole conversation about the 2020 Census has been to reduce the cost.”⁵

The timing of this announcement is also greatly concerning. All census questions undergo an extensive screening process constituting years of focus groups and field tests to ensure a high response rate coupled with effective data collection. Final census questions for the 2020 Decennial are due to be submitted to Congress by April 1, 2018, leaving insufficient time for testing and evaluation. Arturo Vargas, National Advisory Committee of the Census member and Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund notes that:

“Each question on the decennial survey has been thoroughly tested to ensure it is well understood by the public, and does not depress response rates. Adding any question at this moment, whether on citizenship or any other topic, would sabotage the Census Bureau’s efforts as it prepares to implement a re-engineered, high-tech enumeration strategy.”⁶

² House Committee on Oversight and Government Reform, *Hearing on “Hearing on the 2020 Census,”* Testimony of Secretary Wilbur Ross, Department of Commerce (Oct. 12, 2017).

³ *Trump Justice Department Pushes for Citizenship Question on Census, Alarming Experts*, ProPublica (Dec. 29, 2017) (online at www.propublica.org/article/trump-justice-department-pushes-for-citizenship-question-on-census-alarming-experts?utm_campaign=sprout&utm_medium=social&utm_source=twitter&utm_content=1514594565).

⁴ *White House Proposal to Ask Immigration Status in Census Could Have Chilling Effect, Experts Say*, Washington Post (Feb. 1, 2017) (online at www.washingtonpost.com/local/social-issues/white-house-proposal-to-ask-immigration-status-in-census-could-have-chilling-effect-experts-say/2017/02/01/1fc51b8e-e8af-11e6-bf6f-301b6b443624_story.html?utm_term=.976144fd9555).

⁵ *Id.*

⁶ *NALEO Educational Fund Strongly Opposes Department of Justice Request to Add Citizenship Question to Census 2020*, National Association of Latino Elected and Appointed Officials (Jan. 5, 2018) (online at

This concern is echoed by the President of the Leadership Conference on Civil and Human Rights, Vanita Gupta, who warns that “requiring a new topic this late in the preparations for the census is irresponsible because robust testing for new questions in a census-like environment is essential,” and that with “preparations are already behind schedule, ... there simply is no time left to redesign the census form and rigorously test the proposed additional question.”⁷

Office of Management and Budget (OMB) Overruling Census Bureau Recommendation to Improve Accuracy of Racial and Ethnic Minority Count

According to a recent news report, OMB rejected a Census Bureau recommendation to combine two separate questions on race and ethnicity into a single question.⁸ While this may seem like a small detail, it will end up having a significant impact on the Bureau’s ability to accurately count racial and ethnic minorities in the 2020 Census. The Bureau’s recommendation on this issue was based on a rigorous analysis of the 2000 and 2010 counts, which found that both surveys undercounted Latino residents by as much as 1.5%.

The Bureau’s analysis, along with analysis conducted by stakeholder groups—including the Pew Research Center—found statistical evidence that a combined question could lead to a more accurate count.⁹ Despite this evidence, OMB has disregarded this recommendation and instructed the Bureau to use an outdated and poorly-designed approach to gathering data about racial and ethnic minorities.

Political Appointments in the Census Bureau

Historically, the Census Bureau has had only three political appointees—the Director, who requires Senate confirmation; the Associate Director for Communications; and the Chief of the Office of Congressional and Intergovernmental Affairs. Unfortunately, the Trump Administration seems intent on abandoning this tradition by placing political appointees in positions that have always been held by apolitical, career management experts and scientists while leaving the Director position unfilled. Former Census Director John Thompson resigned on June 30, 2017 and the Administration still has yet to nominate a replacement.

<http://galeo.org/naleo-educational-fund-strongly-opposes-department-justice-request-add-citizenship-question-census-2020/>).

⁷ *Civil and Human Rights Coalition Denounces Request to Undermine 2020 Census*, Leadership Conference on Civil and Human Rights (Dec. 30, 2017) (online at <https://civilrights.org/civil-human-rights-coalition-denounces-request-undermine-2020-census/>).

⁸ <https://fcw.com/articles/2018/01/25/census-question-latino-gunter.aspx>

I am concerned by the Trump Administration's placement of Mr. Kevin Quinley in the Director's Office at the Census Bureau.⁹ Mr. Quinley previously worked for Kellyanne Conway's polling firm for six years through 2016 and according to his own LinkedIn profile, worked as the "Deputy White House Liaison for the Commerce Department" from March 2017 until October 2017—when he was placed in the Census Bureau.

H.R. 5359, the 2020 Census Improving Accuracy and Enhanced Data (IDEA) Act

The concerns highlighted above warrant immediate legislative action. On March 21, I introduced H.R. 5359, the 2020 Census IDEA act which would ensure that every decennial census is adequately researched, tested, and studied before census day. Additionally, it would strengthen congressional oversight regarding the census operational plan. H.R. 5359 would prohibit last minute changes to the census without proper research; require biannual reports to Congress on the status of research and testing of Census Bureau's operational plan; and mandate that GAO certify that subjects, information, and questions on the decennial have been sufficiently researched and tested before the census can begin. The safeguards established by the 2020 Census IDEA act will ensure a fair, accurate, and cost-effective count for the American taxpayer.

The recent actions of the Trump Administration raise concerns about its commitment to fulfill the constitutional mandate to conduct a fair, equitable, and complete count of the nation. The 2020 Census IDEA Act will help mitigate these concerns. I respectfully urge you to hold a legislative hearing on this timely piece of legislation so that we may move forward with our mandate to fully count every American resident. Thank you for your consideration of this request.

Sincerely,



Carolyn B. Maloney

Member of Congress

⁹ *Trump's Pick to Run 2020 Census Has Defended Racial Gerrymandering and Voter Suppression Laws*, Mother Jones (Jan. 2, 2018) (online at www.motherjones.com/politics/2018/01/trumps-pick-to-run-2020-census-has-defended-racial-gerrymandering-and-voter-suppression-laws/).