

Politics, Privacy and Data for Policy in U.S. Censuses

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The 2010 and 2020 U. S. Censuses

The Census is to count every person in the United States, once and in the right place

The 2010 and 2020 censuses ask only:

- Name
- Age and date of birth
- Relation to head of household
- Race and ethnicity (Hispanic or not)
- Whether person sometimes lives somewhere else
- Whether residence is a house, apartment or mobile home
- Whether residence is owned or rented
- Household phone number

American Community Survey (ACS)

- Through the 2000 Census, 1/6 of households received a long Census form, about 60 questions.
- The ACS, with about 60 questions, replaced the long Census form in 2010.
- The ACS surveys 3 million households each year.
- The ACS by law **cannot be used** for congressional reapportionment.
- The federal government uses ACS to allocate funds.
- The ACS asks a question about citizenship.
- The Census count is used as the basis of weights for surveys upon which funds are distributed.

Data for Aggregate Analysis vs. Administrative Purposes

- Census data are collected for aggregate and statistical analysis.
- Administrative data, such as birth certificates and Social Security data, are collected to provide information about individuals.
- There have long been controversies about when individually identified Census data can be used to pursue some other governmental purpose.
- This is a confidentiality issue.
- Individual Census data were used for military purposes in World Wars I and II.

World Wars I and II

- In World War I the Census provided the government with names and addresses of draft age males from the 1910 Census to find men who had not registered for the draft, even though President Taft in 1910 promised that the Census had nothing to do with army service.
- In World War II the U.S. used 1940 Census data to identify Japanese-American households for internment, which was legal because of the War Powers Act of 1941.
- In 1978 a law prohibited sharing individual Census information with other government agencies for 78 years after data collection.

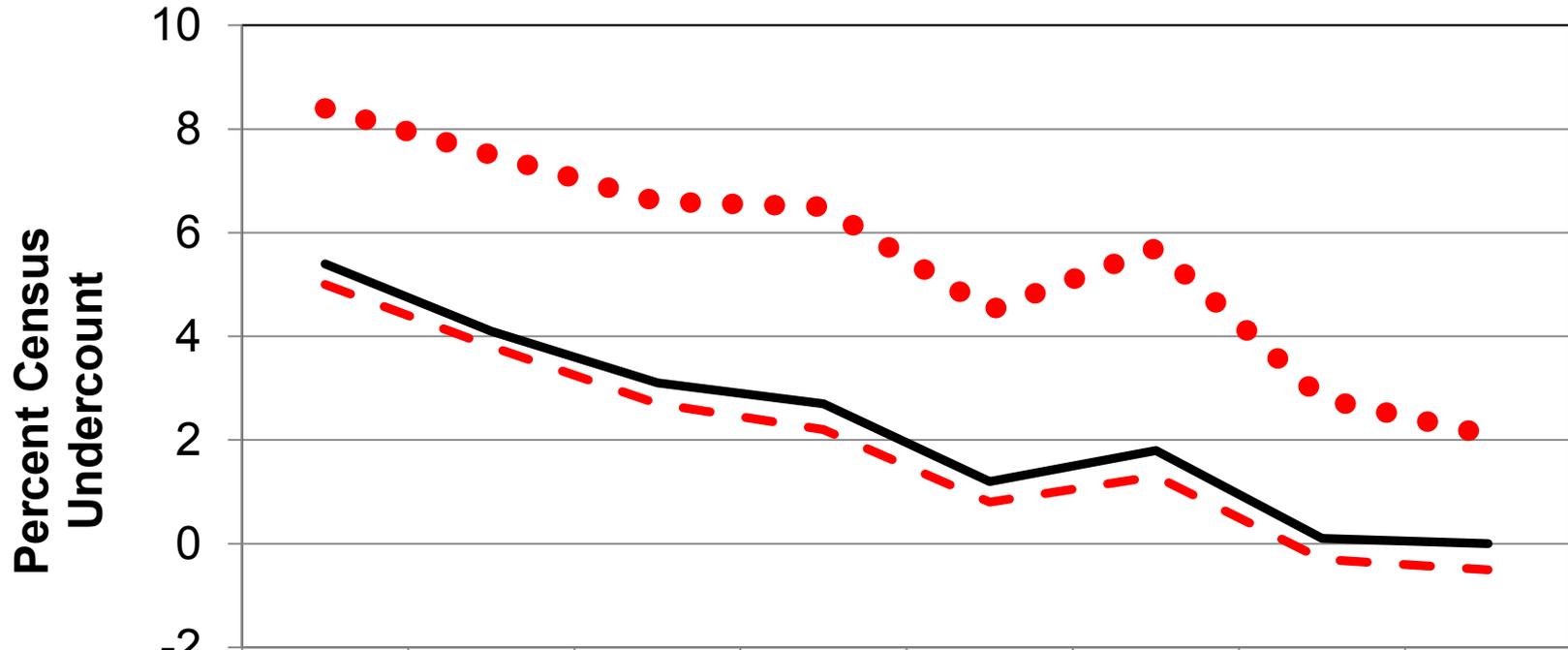
Reapportionment Conflicts

- Had the Electoral College been apportioned after 1800 based on the free population, Adams would have won instead of Jefferson.
- A week after passage of 13th Amendment abolishing slavery, a constitutional amendment was proposed to change apportionment to the voting population. The term of Congress ended before it came to a vote.
- The House of Representatives grew as the US population grew. In 1929 the size was set permanently at 435, except for admission of new states.
- Controversies about which of two allocation schemes should be used, which often gave different results.

The 1920 U.S. Census

- The U.S. became more urban 1910-1920.
- Congressional reapportionment from the 1920 Census would decrease representation of rural states.
- Members of Congress from rural states blocked reapportionment based on the 1920 Census.
- A 1929 bill mandated reapportionment based on the 1930 Census and after each successive Census.
- The two main allocation schemes for the 1930 Census led to identical results.

Estimated Percentage Undercount in U.S. Censuses by Race, 1940-2010



	1940	1950	1960	1970	1980	1990	2000	2010
— Total	5.4	4.1	3.1	2.7	1.2	1.8	0.1	0.0
•• African-American	8.4	7.5	6.6	6.5	4.5	5.7	2.8	2.1
-• non-African-American	5.0	3.8	2.7	2.2	0.8	1.3	-0.3	-0.5

Budget and 2020 Census

- In 2011 Congress told Census that the 2020 Census should not cost more than the 2010 Census without adjusting for inflation
- Led to a priority on costs and cost-saving
- Census developed many plans, including improved identification of vacant and unoccupied places. If successful, this would save \$1.4 billion.
- Plan for most people to respond on the Internet
- These changes needed extensive testing
- If these changes don't work Census costs will increase
- No Census budget increase 2017 to 2018

Budget and 2020 Census

- Many tests, eliminated, postponed or reduced.
- One extensive test in Providence in May 2018. Had planned to also include Washington State and West Virginia
- Delayed hiring and slow recruitment of community partners and opening of regional centers
- Reduction from 29 to 13 languages in promotional materials from 2010 to 2020
- Elimination of Questionnaire Assistance Centers and Be Counted programs
- These changes will especially impact hard to count populations and increase differential undercount

Citizenship Instructions to Census

- On March 26, 2018 Wilbur Ross, Secretary of Commerce, instructed the Census Bureau to include a citizenship question on the Census.
- On June 27, 2019 the Supreme Court ruled the citizenship question could not be added to the 2020 Census. The government rationale was to help enforce the Voting Rights Act. This was found to be a fabricated reason.
- The Supreme Court ruled that it might be legal for the government to add a citizenship question, but there needed to be a plausible rationale.

Government Options After Supreme Court Ruling

- There was not time for the government to develop a new plausible rationale for a citizenship question for 2020.
- The printing of the Census forms needed to start by July 1, 2019.
- The date of the 2020 Census is April 1, 2020.
- But the fieldwork in remote Alaska starts in January 2020.

Effects of the Citizenship Question

- The citizenship question would likely have depressed Census response, especially among immigrants and undocumented persons. Census Bureau estimated 8% decline in self-response.
- It would have discouraged cooperation with the Census by potential community partner organizations.
- The Census has had an excellent public reputation. The citizenship question could have severely damaged that reputation and increased distrust of all government data collection efforts.

Actions After Supreme Court Ruling Not to Add Citizenship Question to 2020 Census

- The Commerce Department told the Census Bureau to obtain from administrative data or to estimate based on modeling the citizenship status of each person in the 2020 Census.
- Congress had years ago instructed the Census Bureau to use data from administrative records whenever possible to reduce respondent burden.
- A file including the number citizens of voting age (CVAP) by race and ethnicity at the block level is to be produced by March 31, 2021. It will be sent to each state.
- A suit has been filed in Arizona and Texas.

Citizenship Status from Administrative Data

- Citizenship sources as of September 2019:
 - Social Security
 - Individual Taxpayer Identification Numbers
 - IRS 1040 and 1099 forms
 - Medicare and Medicaid
 - Housing and Urban Development
 - Homeland Security
 - Department of State Passport Data
 - Indian Health Service
 - Department of Justice

Citizenship Status from Administrative Data

- The Census Bureau has asked states for driver's license information, including citizenship and eye color.
- At least 13 states, including Maine, Utah, Pennsylvania and Nevada, have refused to turn over the information.
- These states refused on the basis of violation of state privacy laws.

Why Report on Citizenship?

- Addition of a citizenship question would have suppressed census response from groups that cannot vote or are likely to vote Democratic.
- But the likely purpose was to lay groundwork to change the basis of state legislative districts and of reapportionment of seats in the House of Representatives from the total population to the citizen voting age population.
- In 2015, Leah Libresco noted that districts based on eligible voters could not be drawn because there was not information on the citizen voting age population. The citizenship question would have provided that information for the entire population.

Change to Citizen Voting Age Persons for Allocation of House Seats

There are different legal views of what would be necessary for this change:

- Some think a constitutional amendment would be necessary
- Some think Congress would need to pass a law
- Some think a Presidential executive order would be enough

What was necessary would depend on the outcome of elections and court decisions.

In 2016, Andrew Beveridge estimated that such a change would result in Democrats losing 5 or 6 seats.

State Legislative Districts

- State legislative districts cannot be drawn with explicitly racial concerns.
- The largest district in a state can be no more than 10% larger than the smallest district.
- There are virtually no other limitations on what states can do to draw state legislative districts.
- Several states will likely change state legislative districts to citizen or citizen voting age basis using new census/citizenship file. This will decrease urban representation.
- 22 states have Republican majority legislatures and a Republican governor.

Alabama and Hawaii

- In 2018 Alabama filed a suit challenging the inclusion of undocumented persons in the Census count for Congressional reapportionment.
- The Federation for American Immigration Reform (FAIR), an anti-immigration group, estimated that the inclusion of undocumented persons in the Census count contributes 3 Congressional seats for Texas and 2 seats for Florida.
- Since 2013 Hawaii has not included non-resident military and non-resident students in the population for drawing state legislative districts, even though they are included in the Census count for Hawaii.

Evenwel vs. Abbott Case

- In 2016 Texas was sued to have state senate districts allocated on the basis of the number of eligible voters rather than the total population.
- The Supreme Court unanimously ruled allocation based on the total population was legal.
- Justice Ginsburg wrote for the majority “We need not and do not resolve whether, as Texas now argues, States may draw districts to equalize voter-eligible population rather than total population.”
- Justices Alito and Thomas thought allocation based on the eligible voter population for districts within states would be legal.

Factors Contributing to Worse Undercount in 2020 Census

- Increased population diversity
- Decreased trust in government
- Lower response in reaction to attempted addition of citizenship question – Census Bureau estimated the citizenship question would have led to an 8% decline in self-response
- Suspicion from creation of a Census 2020 file with citizenship status attached
- Fewer local Census partners than in 2010

Hard to Count Populations

- Hard to count populations include people with unusual places of residence and highly mobile young people. They have long included a higher proportion of African-Americans than Whites. African-Americans will be disproportionately undercounted from Census challenges.
- Concerns over citizenship will likely further depress Hispanic response, whether citizens, permanent residents or undocumented persons.

Outlook for 2020 Census

- 1) Reduced and delayed Census funding,
- 2) Turmoil and delay from government efforts to add a citizenship question, and
- 3) Suspicion from the planned 2020 Census/citizenship file imply a pessimistic outlook for 2020 Census coverage.
 - Worsening coverage will especially impact African-Americans and Hispanics, reducing their neighborhoods' allocation of government funds.
- 4) Several states will likely change the basis for state legislative districts to the citizen or voting age citizen population.