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March 27, 2019

Sheleen Dumas
Departmental PRA Lead
Office of the Chief Information Officer
14th and Constitution Avenue NW
Washington, DC 20230

Submitted via email: OIRA_Submission@omb.eop.gov

RE: Comments on American Community Survey Methods Panel Tests, 2019 Census Test, OMB
Control #0607-0936

Dear Ms. Dumas:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, and its Census Task Force co-chairs, Asian Americans Advancing Justice | AAJC and NALEO Educational Fund, we appreciate this opportunity to comment on the 2019 Census Test, as set forth in the *Federal Register* Notice.

The Leadership Conference provides a powerful unified voice for the many constituencies of the coalition: persons of color, women, children, individuals with disabilities, LGBTQ individuals, older Americans, labor unions, major religious groups, civil libertarians, and human rights organizations. Our coalition views an accurate and fair census, and the collection of useful, objective data about our nation's people, housing, economy, and communities generally, to be among the most important civil rights issues of our day.

At the outset, we want to amplify the constitutional requirement for a census as the foundation of a democratic system of governance based on equality of representation. Accurate census data also are essential for the prudent, fair allocation of public resources at all levels of government; development of policies and programs that meet the needs of all communities effectively and efficiently; and as a guide for private sector investment that spurs economic growth and creates jobs.

Thus, the overarching goal of the decennial census *must be* an accurate count of all persons residing in the country. Any element of the census design and plan that might undermine or detract from the Census Bureau's ability to achieve that goal simply cannot stand.



We note the previous sets of comments¹ we have submitted in response to the publication of the proposed 2020 Census operational plan that highlighted the importance of prioritizing accuracy and reducing the historic, persistent undercount of certain population subgroups, as the Census Bureau finalizes that plan. To that end, **we continue to urge the Census Bureau, in the strongest possible terms, to remove the proposed citizenship question from the 2020 Census form.** The citizenship question will unnecessarily and, perhaps significantly, increase the cost of the 2020 Census, while collecting data at the census block level for which there is no credible or widely-accepted evidence of utility. It also clearly lacks public support, putting the success and, ultimately, accuracy of the census and usefulness of census data in serious jeopardy.

A new, controversial citizenship question likely will affect everything from response rates, to load capacity for Census Questionnaire Assistance (telephone assistance), length and cost of paper forms, recruitment and training of census takers, and effectiveness of messages and segmentation of target audiences (which largely were tested without consideration of a citizenship question). The last-minute plan for a test this summer to evaluate the effect of a citizenship question on self-response rates comes too late to cure the adverse consequences of the Commerce Department's decision to add the question. We discuss our additional concerns below.

Timing of 2019 Census Test

We believe that the Census Bureau must structure the 2019 Census Test in a way that minimizes potential confusion and fear among the public. Two federal district court judges have found the decision to add a citizenship question to be in violation of federal law; one court has found further that adding this question would violate the U.S. Constitution because it would result in disproportionately high undercounts among specific population groups.² These cases and several additional ones are now working their way through the courts, with the timing of a decision by the U.S. Supreme Court likely to be sometime in June 2019. The proposed Census Test starts in mid-June, with a "Census Day" (reference date) of July 1, and the Supreme Court may not rule until month's end. The test size is 480,000 addresses, split evenly between questionnaires with and without a citizenship question. If the Supreme Court rules against the Secretary and other defendants (including the Census Bureau), nearly 250,000 households still will receive a test questionnaire that includes the citizenship question. This situation will potentially create significant confusion and even alarm, since the test will likely receive attention in the media and among grassroots organizations working to promote an inclusive census while addressing understandable fears about the Commerce Secretary's motives for adding the citizenship question.

Accordingly, we believe the Census Bureau should postpone the test by one month, with an August 1, 2019 Census Day instead of a July 1, 2019 Census Day. Moreover, the Census Bureau should cancel its 2019 Census Test entirely if the Supreme Court upholds lower court rulings to remove the citizenship question. The revised

¹Comments on Proposed Information Collection on 2020 Census, Docket # USBC-2018- 0005, available at <http://civilrightsdocs.info/pdf/policy/LCCHR-FRN%20comments-2020%20Plan-08%2006%20FINAL.pdf>; Comments on Proposed Information Collection on 2020 Census, Docket # USBC-2018- 0005, available at <http://civilrightsdocs.info/pdf/policy/letters/2018/LCCHR-FRN%20Comments-CQ-08-01-18%20FINALLETTERHEAD.pdf>; Comments on Proposed Information Collection on 2020 Census, Docket # OMB-2018-0004, available at <https://civilrights.org/resource/comments-on-proposed-information-collection-on-2020-census-docket-omb-2018-0004/>

² See *New York v. United States Dep't of Commerce*, No. 18-cv-2921 (S.D.N.Y. Jan. 15, 2019); *California v. Ross*, No.18-cv-01865 (N.D. Cal. March 6, 2019).

timing would shift the start of the test to mid-July, with mailed or hand-delivered census materials arriving at homes in the test sample about two weeks before Census Day, giving the Census Bureau an opportunity to cancel the test if the Court orders removal of the citizenship question. We understand that the test requires careful planning and expenditure of tax dollars and that a decision to cancel it should never be done lightly. However, *any governmental interest in proceeding with the test in order to leverage those efforts for future research goals or to protect the prudent use of tax dollars is strongly outweighed by the Census Bureau's duty under the U.S. Constitution and federal law to ensure an environment conducive to an accurate, comprehensive enumeration of all persons living in the country.* Testing a census form so close to the start of peak census operations that includes a controversial citizenship question — one that already has exacerbated fears about the census in immigrant and vulnerable communities — if the question will not, in fact, be included in the 2020 Census, risks further alienating and frightening large numbers of people, who will then be even less likely to self-respond or cooperate with enumerators during the Nonresponse Follow-up phase, fully or at all.

Dissemination of Test Results

The Census Bureau's Associate Director for Research and Methodology John Abowd warned in his January 19, 2018 memorandum to Secretary Ross³ that adding a citizenship question to the 2020 Census would have an "adverse impact on self-response and, as a result, on the accuracy and quality of the 2020 Census." These conclusions make timely and detailed reporting of the 2019 Census Test findings to census stakeholders, external experts, and Congress all the more important. It is critical that complete findings from the test are publicly available as soon as practical — even on a flow basis — to inform planning and resourcing for Non-response Follow Up, including any needed enhancements, such as the hiring of more enumerators, and modifications to the communications campaign, as well as to guide stakeholder preparations for the 2020 Census.

Limited Availability of Results by Race and Ethnicity

As noted above, the sample size for the 2019 Census Test is 480,000 addresses, which is not large enough to produce reliable results for many Asian and some other race subgroups (i.e. national origins), or to distinguish citizen and non-citizen respondents for many important subgroups. These deficiencies could deprive the Census Bureau and stakeholders of the information they need to fully assess the effects of a citizenship question on specific hard-to-count communities and to develop targeted efforts to overcome the likelihood of lower self-response and participation rates. If the Census Bureau proceeds with this test, we urge a larger sample with appropriate oversampling to yield useful results that will illuminate specific population groups—including Asian subgroups—most likely to avoid the census if a citizenship question is included. This information is needed to inform targeted outreach and communications activities in the hardest-to-enumerate communities. Congress has directed the Census Bureau to expand its level of effort with respect to targeted communications; the proposed 2019 Census Test would be the only empirical evidence available to guide outreach to households and communities that specifically are less likely to answer the census due to inclusion of a citizenship question. Therefore, if the proposed sample size and design cannot yield useful break-outs for race subgroups and national origins, especially those with larger numbers of foreign-born, non-citizen, and Limited English Proficiency

³ Memorandum for Wilbur L. Ross, Jr. Secretary of Commerce, from John M. Abowd, Chief Scientist and Associate Director for Research and Methodology, U.S. Census Bureau, "Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census," January 19, 2018.



householders, the Census Bureau should increase the sample, modify the design, or both, to achieve these results.

Thank you for the opportunity to offer comments on the 2019 Census Test and to ensure that the voices of the civil and human rights community continue to be heard in this important ongoing national conversation. If you have any questions about these comments, please contact Corrine Yu, Senior Director, Special Projects, at 202-466-5670 or yu@civilrights.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanita".

Vanita Gupta
President and CEO
The Leadership Conference on Civil and Human Rights

A handwritten signature in black ink, appearing to read "John C. Yang".

John C. Yang
President and Executive Director
Asian Americans Advancing Justice | AAJC

A handwritten signature in black ink, appearing to read "Arturo Vargas".

Arturo Vargas
Chief Executive Officer
NALEO Educational Fund