



September 6, 2011

Mr. Mark Freedman
Senior Assistant General Counsel
Legal Services Corporation
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Washington, DC 20007
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**Re: Comments on the Legal Service Corporation's Proposed Statutory Update
to Include Information Beyond the Decennial Census for Distributing Grants
and Funding Legal Services for the Poor Throughout the United States**

Dear Mr. Freedman:

In response to the Legal Service Corporation's (LSC) request for comments published in the Federal Register, 76 FR 48904, regarding its proposal to update the statutory requirement that LSC use poverty population data from the most recent decennial Census for distribution of most LSC funding for legal services for the poor throughout the United States,¹ the Asian American Justice Center (AAJC), member of Asian American Center for Advancing Justice, submits the following comments. AAJC led nationwide and regional Asian American and Pacific Islander (AAPI) community Census education campaigns during Census 2000 and Census 2010, thus we are deeply familiar with Census data. We support LSC's proposal to make recommendations to the President and to Congress that the determination of the number of individuals in poverty in each geographic area be made by the Bureau of the Census, without any reference to the decennial census as the basis for that determination. We also support LSC's other recommendations, but urge LSC to rely on American Community Survey (ACS) data, and other data as necessary, to ensure that grants and funds for legal services are accurately and fairly distributed.

During previous decennial censuses, the Census Bureau sent out a decennial census short-form, which was sent to 100 percent of housing units in the U.S. and used for reapportionment purposes and a decennial census long-form, which was sent to only a sample of households. Prior to Census 2010, the decennial Census long-form captured information used, for example, by the federal government to allocate funds to public schools, health care clinics, job training, housing, and other important programs serving AAPI communities. After the 2000 Census, the

¹ Published in the Federal Register on August 9, 2011 (Volume 76, Number 153, Pages 48904-48905).

Census Bureau decided to discontinue the use of its decennial long-form survey and replaced it with the ACS to provide communities with critical economic, social, demographic and housing information on an annual basis instead of once every 10 years. Because the ACS replaced the decennial Census long-form as the primary source of data capturing the social and economic characteristics of our communities, we agree that the LSC should recommend to the President and Congress that the determination of the number of individuals in poverty in each geographic area be made by the Bureau of the Census, without any reference to the decennial census as the basis for that determination.

It is essential that the LSC include information gathered via the ACS in order to most effectively achieve all three prongs of the LSC's recommendations. As opposed to the traditional decennial Census long-form, the ACS provides a more current, up-to-date survey of social and economic factors affecting Americans—accounting for such data on an annual basis. Each question that the ACS asks is needed to manage or evaluate government programs and help to ensure that resources are being properly allocated and needs are being effectively and efficiently addressed. As a nonpartisan, nonprofit organization committed to increasing community education and participation on public policy and civil rights issues affecting all AAPIs through advocacy, public policy, public education, and litigation, the data traditionally provided through the long-form has been invaluable to our efforts. It is imperative for our work that such data continues to be collected and reported. ACS data are critical not only to the ability of our organizations, and the country, to meet the needs and concerns of all Americans but also to the need to accurately portray individuals below the poverty line for LSC grant distribution and funding for legal services.

For the AAPI communities in particular, the use of ACS data is a paramount concern to assure that federal resources, such as those provided by LSC, are directed toward vulnerable groups. ACS data not only provides data on AAPI communities, it also provides disaggregated data for different ethnic AAPI groups. Thirteen percent of Asian Americans and 17% of Pacific Islanders live in poverty (compared with 12% across the United States), with fifteen AAPI ethnic groups having above-average poverty rates in our nation.² Because the AAPI community is so diverse, it is important that LSC be able to utilize disaggregated data to make the best decisions possible when allocating funding. The inclusion of data beyond the decennial Census is critical to assure that underrepresented individuals below the poverty line—AAPI and otherwise—are justly included.

However, for some populations, such as the AAPI community, it may be necessary for LSC to consider other data in addition to the ACS. Asian Americans have the highest foreign-born rates in the nation, with 63% of the community being foreign-born (compared with 40% of Latinos and 11% of the U.S. overall).³ As such, Asian Americans—whether immigrants residing

² Asian American Justice Center, *A Community of Contrasts: Asian Americans and Pacific Islanders in the United States Demographic Profile* 10 (2006).

³ Asian American Justice Center, *A Community of Contrasts: Asian Americans and Pacific Islanders in the United States Demographic Profile* 13 (2006).

in, or citizens of, the United States—often face linguistic and social barriers that other communities may not have to frequently tackle. These barriers may make it challenging for the community to gain access to invaluable resources that organizations, such as the LSC, provide to individuals in need. Additionally, because these barriers can also have an impact on participation by the community in census surveys, including the ACS, there can be an undercount of community members and their needs. LSC should be mindful in assessing the needs for a geographic area that immigrant populations, including AAPI populations, may have even higher levels of poverty than the ACS indicates. Not only can LSC look to other federal data sources such as the Current Population Survey, LSC can also look at state and local data that may be available. Finally, LSC may want to consult with local community-based organizations that serve these populations to get an on-to-ground assessment of need.

In conclusion, AAJC agrees with the LSC's proposed recommendations to the President and to Congress that the determination of the number of individuals in poverty in each geographic area be made by the Bureau of the Census, without any reference to the decennial census as the basis for that determination. Furthermore, AAJC advocates for the use of ACS data, and other data as necessary, to achieve the LSC's mandate to accurately distribute grants and funds for legal services.

Sincerely,

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Terry Ao Minnis

Asian American Justice Center, Member of Asian American Center for Advancing Justice
Director of Census & Voting Programs