

Statement of
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Thankyou Chairwoman Maloney for inviting me to testify before the Committee on Reform and Oversight regarding the July 21, 2020 Memorandum for the Secretary of Commerce on *Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census*. I am extremely concerned that this action will adversely affect the quality and accuracy of the 2020 Census. In the following discussion I will describe my concerns and also offer some important actions that the Census Bureau and the Department of Commerce should follow in responding to this Memorandum.

Background

My professional experiences include: mathematical statistics; survey design and methodology; management of large organizations; and the innovative use of technology to achieve efficiencies. In particular, the experiences that I drew on in preparing my testimony occurred at the Census Bureau. I joined the Census Bureau as a mathematical statistician in 1975. For the following 27 years I served in a number of positions that supported the conduct of the 1980, 1990 and 2000 decennial censuses. Most significantly, I held the position of Associate Director for the 2000 Decennial Census – the career executive in charge of all aspects of carrying out Census 2000. Under my leadership Census 2000 was completed on time, within budget, and had lower undercounts than previous censuses.

In August of 2013, I was appointed by President Obama as the Director of the Census Bureau – a Senate confirmed position. During my tenure I oversaw all Census Bureau activities and operations including planning for the 2020 Census. I retired from the Census Bureau in June of 2017 and I am pleased that many of the operations now being implemented in 2020 were in the final stages of design when I left the Census Bureau. Therefore, I am very familiar with the 2020 Census procedures, operations, and methods.

Concerns and Important Considerations Regarding Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census.

The remainder of my testimony will focus on five areas that I believe are critical to consider. My testimony will not address the serious concerns that have been expressed that the exclusion of undocumented immigrants from the 2020 Census apportionment calculations violates the Constitution and the laws passed by the Congress. That is an area better addressed by those with a legal background. The five areas I wish to address are as follows:

1. **Effects of the directive on 2020 Census response for the hard-to-count populations** – I believe that the directive to exclude undocumented persons from the Apportionment base has a high potential to reduce the likelihood of response for the hard-to-count populations including non-citizens and immigrants. A significant component of the Census Bureau plan to get a complete count of these populations is getting out a message that the 2020 Census is important to local communities and that respondent information is kept completely private and not shared with any outside entity including law and immigration enforcement. The Census Bureau has also documented that it will be more challenging to get this message out relative to previous censuses given higher levels of fear of government¹. I am very concerned that the release of this directive will increase the fear of many in the hard-to-count community that their data will not be safe. That is, there will be serious beliefs that their information will be given to immigration enforcement. The end result will be most likely be increased undercounts of these populations.

2. **Effects of not accepting the Census Bureau recommendation to extend the 2020 Census Deadlines** – The Census Bureau, through the Department of Commerce, has requested that Congress extend the deadline for providing Apportionment counts from December 31, 2020 to March 31, 2021. For redistricting data, the extension requested is from March 31, 2021 to July 1, 2021. It is critical that these deadlines be extended. The effective conduct of the operation to enumerate those households that do not self-respond (nonresponse follow-up or NRFU) is necessary to achieve a fair and accurate enumeration for all populations. Currently the national self-response rate is 62.4 and lagging significantly behind in many hard-to-count areas. There is a lot of hard work that must be carried out to complete NRFU get a complete enumeration of all populations.

The Census Bureau had initially scheduled NRFU onto take place from May 13, 2020 through July 31, 2020. The time allotted in this schedule is what is required to conduct NRFU and get a complete enumeration of the population. Now the Census Bureau has scheduled NRFU to start on August 11, 2020 and continue through October 30, 2020 leaving essentially the same amount of time to get a complete enumeration. In order, to accommodate this new timing, the Census Bureau has requested that the legal deadlines be extended as I described above. Not extending the deadlines will force the Census Bureau to make adjustments to reduce the timing for NRFU in order to meet the December 31, 2020 deadline for delivering Apportionment counts. These adjustments will most likely include reducing the number of NRFU visits and increasing the use of statistical methods to impute responses into a much greater percentage of housing units than in previous censuses.² The consequence

¹ AAPOR Panel on Changes in Respondent Privacy, Confidentiality, and Data Sharing Concerns, Meyers, Goerman, Harris-Kojetin, Terry, and Fobia, Denver, Colorado, May 18, 2018.

Abowd 30(b)(6) Dep. Tr. at 142:18-43:4.

² In previous censuses, a small percent of housing units remained after NRFU for which the Census Bureau had no information. For these households, a statistical method referred to a count imputation was used to first determine if some of these housing units were occupied and, if so, to impute a count of people and their characteristics. The imputation drew on the enumerated population to estimate the missing population. In situations where the level of

of actions such as this would tend to underrepresent the hard-to-count populations and overrepresent other populations. The end result would be over-rep for the White non-Hispanic population and greater undercounts for all other populations including the traditionally hard-to-count.

3. **The risk of introducing serious errors into the 2020 Census Apportionment counts until the quality and accuracy of the 2020 Census is understood** – The methods that I am familiar with to produce state level estimates of the undocumented population are based on the use of the American Community Survey (ACS) or on the Census Bureau population estimates (which include the ACS). In addition to being based on sampling which not suitable for Apportionment,³ they are based to comparisons to the 2010 Census carried forward.

For the 2020 Census little is known at this point regarding quality, accuracy, and most importantly, the number undocumented persons that will actually be enumerated. I am very concerned that a much lower number of undocumented persons will be counted in 2020 relative to previous censuses due to increased fear that their information will not be secure. At the same time, a significant portion of citizens who are White non-Hispanic could be overcounted (which would be a more likely outcome if the deadlines are not extended). When the 2020 Apportionment counts are released there will be no accompanying measures of any other characteristics including Race, Hispanic Ethnicity, or home ownership rates. Furthermore, there will be no measures of undercounts or overcounts. It will take very careful analysis to understand the properties of the 2020 Census and start to determine how many, if any, undocumented persons are included in the enumeration. Therefore, there will be no assessment of the rate of enumerating the undocumented population in the 2020 Census relative to any of the estimates of the undocumented population at the time when the Apportionment counts must be delivered to the President. In this situation, using the existing estimates of the undocumented population to reduce the 2020 Census numbers would have unknown effects on the accuracy of the resulting Apportionment. There is a serious risk that large errors could result, skewing the Apportionment. For example, in the most extreme case, the 2020 Census could count no undocumented persons, and overcount a significant number of legal residents. Most estimates of the undocumented population are over 10 million, so subtracting 10 million people from the census would simply introduce serious errors into the counts.

4. **There must be transparency in how the estimates of the undocumented population are constructed** – The 2020 Census is critical to our democracy, and even for those opposed to the exclusion of the undocumented population there must be assurances that the estimates were constructed based on objective methodologies. A long-held principle of the Census

housing units without information was much larger than a percent, the imputation could seriously overrepresent populations that were not hard-to-count.

³ U. S., Department of Commerce v. U. S. House of Representatives 525 U. S. 316, 1999

Bureau and most other similar entities in democratic governments is openness and transparency.

5. **The importance of not even giving the appearance of political interference with the conduct and tabulation of the 2020 Census** – In addition to the Constitutionally mandated Apportionment of the House of Representative, the 2020 Decennial Census will also be used for numerous other functions to support good policymaking and economic growth including: redrawing Congressional and local voting districts; allocating over \$1.5 trillion of federal funds annually; informing sound policy development; providing critical information for state, local and tribal government planning; and supplying critical information to large and small businesses to generate growth and job creation.

Perceptions that the results of the 2020 Census have been manipulated for political purposes will greatly erode public and stakeholder confidence, not only in the 2020 Census but in our democracy. When I was directing the 2000 Census as a career executive under the leadership of Census Bureau Director Dr. Kenneth Prewitt we went to great lengths to assure all stakeholders that data driven decisions were being made, and that there were no considerations of politics in the conduct of the census. For example, we did not allow calculations of potential Apportionment outcomes to be made at the Census Bureau or allow any staff to engage in discussions of these outcomes with outside entities including the Department of Commerce. In fact, I did not see the final Census 2000 Apportionment numbers until they had been transmitted to the Secretary of Commerce for delivery to the President. I would strongly urge the current Census Bureau and Department of Commerce senior officials to follow these principles for the 2020 Census.

In conclusion, I am pleased to submit this written testimony and look forward to testifying before the Committee.