

The 2020 U.S. Census

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Effects of the Citizenship Question

- The citizenship question is likely to depress Census response, especially among immigrants and undocumented persons.
- It is likely to discourage cooperation with the Census by potential community partner organizations.
- These will lead to a more expensive and lower quality Census.
- The Census has an excellent public reputation. The citizenship question is likely to severely damage that reputation and increase distrust of the purposes of all government data collection efforts.

The 1920 U.S. Census

- The U.S. became more urban between 1910 and 1920.
- Reapportionment of congressional seats based on the 1920 Census would have led to a substantial loss for 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.

World Wars I and II

- In World War I the Census provided the government with names and addresses of draft age males.
- 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 personal information with other government agencies for 78 years after data collection.

Census Mistrust and the German Census

- The 1983 German Census was suspended due to alarm over transfer of individual religion data to other databases.
- A German court ruled that individual data could not be transferred without individual permission.
- In 1987 there were extensive German protests based on distrust of Census privacy provisions and complaints over personal questions, especially name of employer.
- There was no census in Germany 1987-2010.
- German 2011 Census was based on population register data and a 10% population survey.

American Community Survey (ACS)

- Through 2000, 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 **cannot be used** for congressional reapportionment.
- The ACS is used to allocate federal government funds.
- The ACS asks a question about citizenship.

Why Add a Citizenship Question to the Census?

- The likely purpose of adding a citizenship question is to start 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.
- Some people think this would be unconstitutional, but others disagree.

Evenwel vs. Abbott Case

- In 1916 two Texans sued to have Texas legislative districts allocated on the basis of the number of persons eligible to vote rather than on the total population (Evenwel vs. Abbott).
- The Supreme Court unanimously ruled that allocation based on the total population was legal. It did not rule whether allocation based on the number of adult citizens would be legal.
- Justices Alito and Thomas stated they did not think allocation based on the eligible voter population for districts within states would be illegal.

Citizen Data by Location

- In 2015, Leah Libresco argued on FiveThirtyEight that districts based on persons eligible to vote could not be drawn because we do not have information on the citizen voting age population. The planned citizenship question would provide that information for the entire population.
- Since by law ACS data cannot be used for reapportionment of seats in the House of Representatives, estimates of the number of citizens based on the ACS could not be the basis of citizen voting age allocations.

Last Thoughts

- The Census must count all people, but there is legal controversy about whether all people must be the basis for state legislative districts or for allocation of seats in the House of Representatives.
- A law basing state legislative districts or the number of members of Congress on adult citizens would go to the Supreme Court. It is not clear how the current Supreme Court would rule.
- This change would lead to less attention to needs of children and non-citizens. It would decrease influence of states with a small proportion of minor children.
- A voting age citizen basis would shift about 5 Congressional seats from Democratic to Republican, according to a 2016 analysis by Andrew Beveridge. ¹⁰