

2020 Census: Citizenship, Science, Politics, and Privacy

Perspectives from the
National Academy of Sciences' (NAS)
Committee on National Statistics (CNSTAT)

James S. House

Angus Campbell Distinguished University Professor Emeritus
of Survey Research, Public Policy, and Sociology

University of Michigan

And

Member, NAS Committee on National Statistics. 2012-2018

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KEY (often unrecognized) ASPECTS of U.S. FEDERAL STATISTICAL SYSTEM (FSS)

1. FSS derives from and hence is inherently enmeshed with our political system, e.g., U.S. Decennial Census (“Enumeration”) mandated by Article I, Section 2 of U.S. Constitution under aegis of Congress for purposes of apportioning Representatives and Taxes (conducted by U.S. marshals overseen by Secretary of State from 1790 thru 1840 and special decennial census offices from 1850 thru 1900, and since 1903 by Census Bureau)

Other FSS statistical agencies established in major departments or agencies to fill specific needs (e.g., Bureau of Labor Statistics between 1884 and 1913 or Energy Information Administration in 1977)

KEY (often unrecognized) ASPECTS of U.S. FEDERAL STATISTICAL SYSTEM (FSS) (cont.)

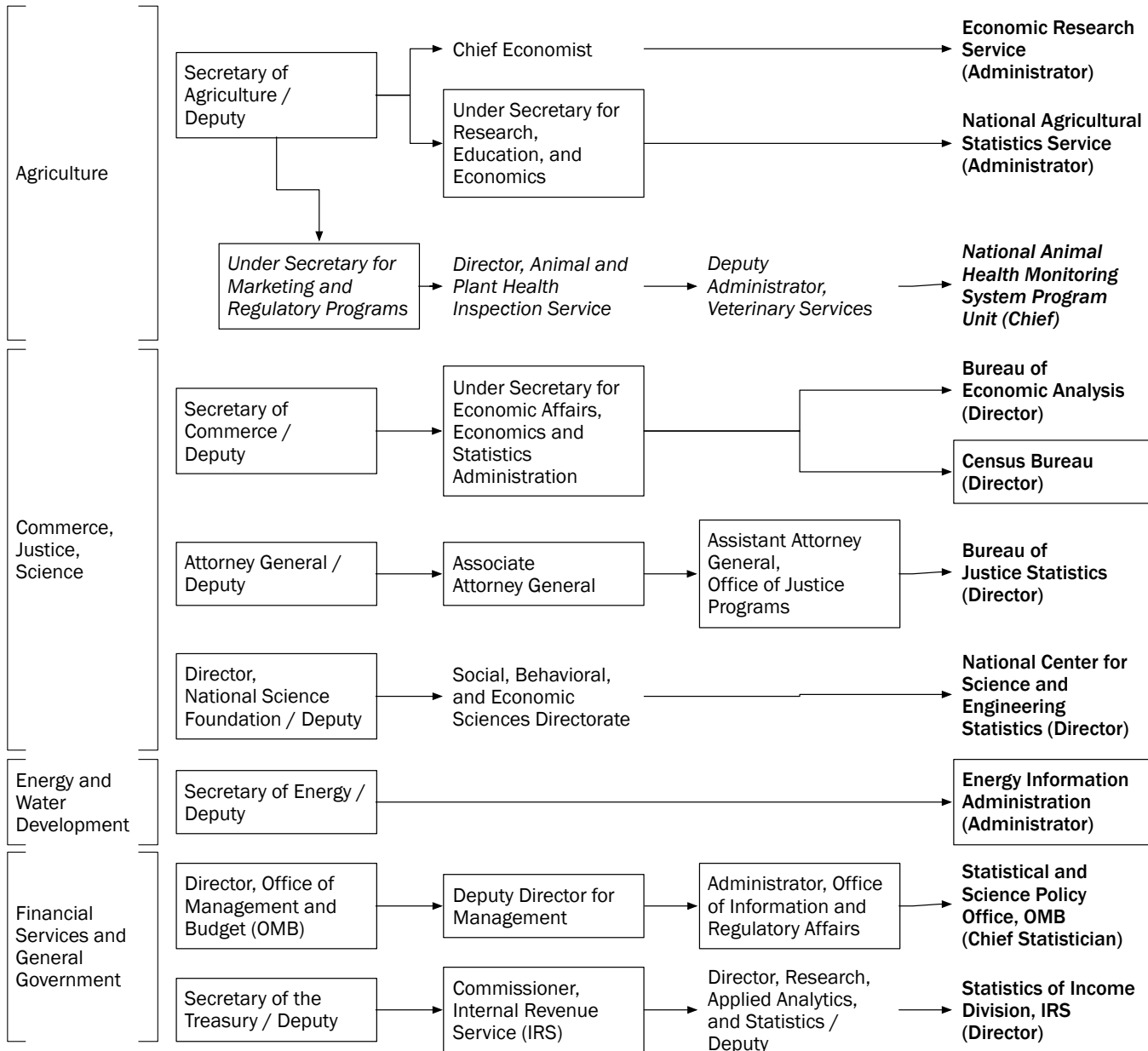
2. Each FSS principal agency receives Congressional and Executive branch oversight, and the Directors of 3 are Presidential appointees (though rest of Directors and staffs are civil service appointees)

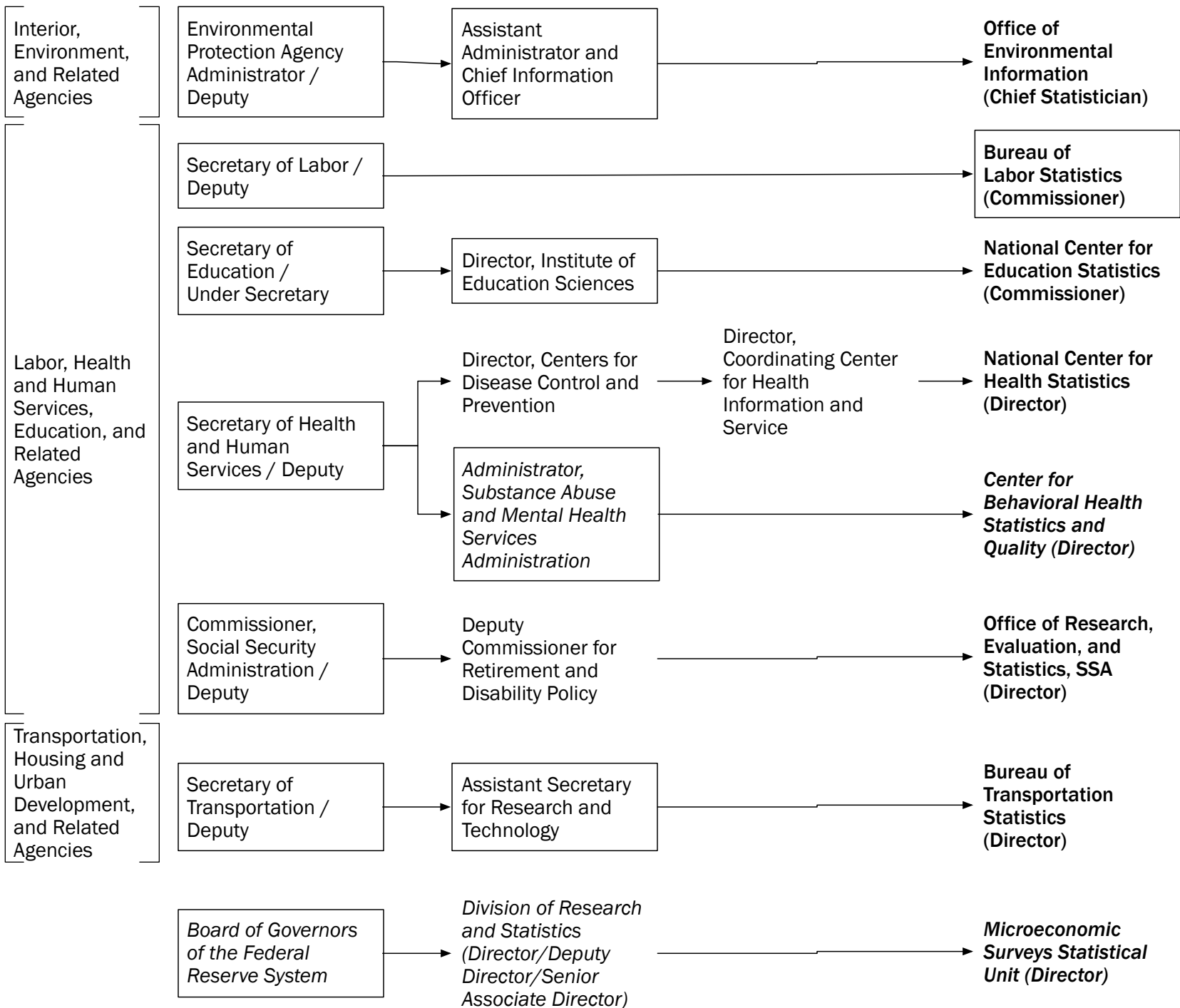
The following figure illustrates the organizational position of the principal statistical agencies and other recognized statistical units

Congressional Appropriations Subcommittee

Reporting Authority, Parent Department/Agency to Statistical Agency (Head)

(Box indicates Presidential Appointee with Senate Confirmation; *italic type indicates authority chain for Confidential Information Protection and Statistical Efficiency Act [CIPSEA]-recognized statistical unit*)





KEY (often unrecognized) ASPECTS of U.S. FEDERAL STATISTICAL SYSTEM (FSS) (cont.)

3. Since 1972 all federal statistical agencies receive advice and counsel from CNSTAT of the NAS, including regular publication of ***Principles and Practices for a Federal Statistical Agency***

<https://www.nap.edu/catalog/24810/principles-and-practices-for-a-federal-statistical-agency-sixth-edition>

(preceding figure based on Figure 1.2 of P&P)

Principles for a Federal Statistical Agency

- **Principle 1: Relevance to Policy Issues:** A federal statistical agency must be in a position to provide objective, accurate, and timely information that is relevant to issues of public policy.
- **Principle 2: Credibility among Data Users:** A federal statistical agency must have credibility with those who use its data and information.
- **Principle 3: Trust among Data Providers:** A federal statistical agency must have the trust of those whose information it obtains.
- **Principle 4: Independence from Political and Other Undue External Influence:** A federal statistical agency must be independent from political and other undue external influence in developing, producing, and disseminating statistics. [*added in latest (2017) edition*]

Practices critical for the effective, principled operation of a statistical agency:

1. a clearly defined and well-accepted mission,
2. necessary authority to protect independence,
3. use of multiple data sources for statistics that meet user needs,
4. openness about sources and limitations of the data provided,
5. wide dissemination of accessible and easy-to-use data,
6. cooperation with data users,
7. respect for the privacy and autonomy of data providers,
8. protection of the confidentiality of data providers' information,
9. commitment to quality and professional standards of practice,
10. an active research program,
11. professional advancement of staff,
12. a strong internal and external evaluation program, and
13. coordination and collaboration with other statistical agencies.

ONGOING CONCERN, CONTROVERSY, AND OPPOSITION TO ADDITION OF CITIZENSHIP QUESTION TO 2020 CENSUS

A. BACKGROUND

1. Varied questions related to citizenship/birth origins asked in 1820 and 1830, 1870, and 1890 – 1950 (and in 1960 only for and at the expense of New York and Puerto Rico).
2. In 1970 Census divided into a very brief *short-form* (circa 10 Qs) for all households, and a *long-form* asked only in a probability sample of 15-20% of households, which included citizenship/birth origin questions.
3. After 2000, the *long-form* was replaced by the ongoing *American Community Survey*, providing more continuous data down to local levels of aggregation—including a single standardized question on citizenship

ONGOING CONCERN, CONTROVERSY, AND OPPOSITION OVER ADDITION OF CITIZENSHIP QUESTION TO 2020 CENSUS (cont.)

B. CONCERN, CONTROVERSY, AND OPPOSITION OVER 2018 COMMERCE DEPARTMENT DECISION TO “RESTORE”/ADD CITIZENSHIP QUESTION TO 2020 CENSUS AS LAST OF 11 QUESTIONS

- 1. Proposed, but not yet passed, Congressional legislation
- 2. Lawsuits in Federal Court (coming to trial in New York in November, pending appeal to U.S. Supreme Court to delay)
- 3. Official and unofficial concern/opposition via normal channels and ongoing comment processes, including:
- 4. CNSTAT/NAS “task force” letter report, as response to *Federal Register* notice of data collection in the 2020 census:
<https://www.nap.edu/catalog/25215/letter-report-on-the-2020-census>

ONGOING CONCERN, CONTROVERSY, AND OPPOSITION TO ADDITION OF CITIZENSHIP QUESTION TO 2020 CENSUS (cont.)

C. MAIN ARGUMENTS FOR CNSTAT OPPOSITION

- 1. No need: “ACS already meets the stated need [voting rights enforcement] for citizenship data.”
- 2. Impairment of Quality of 2020 Census: “Adding the citizenship question without proper testing [which is not possible] will impair the quality of the 2020 Census as a whole” [e.g., question adequacy/validity, public cooperation/nonresponse, cost]
- 3. Violation of existing statutes and mission of Census Bureau: “Adding the citizenship question . . . using the method described in the Secretary’s memo would create a new population register which . . . could not, under current law, be used for nonstatistical purposes . . . [e.g., law enforcement] and still comport with the mission of the Census Bureau.”

CONCLUSION

- When you vote for President, Senators, Representatives in the House, Governors, and State Legislators, think not only of the courts/SCOTUS, but also of the Federal Statistical System (and state and local analogues thereof)
- And see Karlan, Pamela S., Reapportionment, Nonapportionment, and Recovering Some Lost History of One-Person, One Vote (August 22, 2017). William & Mary Law Review, Forthcoming; Stanford Public Law Working Paper. Available at SSRN: <https://ssrn.com/abstract=3028237> or <http://dx.doi.org/10.2139/ssrn.3028237>