



March 15, 2019

Russell Vought
Acting Director
Office of Management and Budget
725 17th St NW
Washington, DC 20503

Re: Docket number OMB-2018-0004-0003 (Comments submitted electronically via regulations.gov)

Dear Acting Director Vought:

Thank you for the opportunity to comment on the Census Bureau's proposed information collection activities for the 2020 Census. The Consortium of Social Science Associations (COSSA) is a nonprofit organization that represents the shared research and policy interests of the entire social and behavioral science research community, which relies on data derived from the decennial census to advance scientific knowledge and produce valuable findings about the U.S. population. The COSSA membership includes professional and disciplinary associations, scientific societies, research centers and institutes, and U.S. colleges and universities.

We are gravely concerned that the addition of a question on citizenship to the 2020 Census has minimal practical utility or public benefit, will increase the burden on respondents, and will harm the integrity and accuracy of information collected for statistical purposes. We ask that, should the Supreme Court overturn the rulings of the District Courts for the Southern District of New York and the Northern District of California, the White House Office of Management and Budget (OMB) direct the Census Bureau to remove the question on citizenship from the 2020 Census questionnaire on the grounds that its inclusion does not comply with the *Paperwork Reduction Act*.

Including a citizenship question on the 2020 Census would harm the “practical utility and public benefit” of the information collected as part of the Census and negatively impact the “integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes.”¹

The decision to add the citizenship question circumvented the extensive research and testing the Census Bureau routinely conducts leading up to a decennial census and was made against the advice of experts at the Census Bureau, including Chief Scientist John M. Abowd, who wrote in a memo to Commerce Secretary Ross that adding such a question would “[harm] the quality of the census count.”²

As a matter of course, the Bureau spends years before a decennial census carefully researching all proposed changes to the design and wording to ensure that they do not affect the quality of the responses received. In this case, agency experts were not given the opportunity to comprehensively

¹ *Paperwork Reduction Act* 44 U.S.C. § 3504

² <http://www.osec.doc.gov/opog/FOIA/Documents/AR%20-%20FINAL%20FILED%20-%20ALL%20DOCS%20%5bCERTIFICATION-INDEX-DOCUMENTS%5d%206.8.18.pdf>, pg 1289

evaluate the potential impact of the citizenship question. The evidence that does exist, however, suggests that collecting this information will harm the overall Census operation by deterring self-response. Research conducted by the Census Bureau indicates that a citizenship question would likely increase the number of households that do not respond to the Census at all—particularly in already hard-to-count immigrant communities.³ This would increase the overall costs and difficulty of the operation, as more enumerators would need be sent to collect responses in person, at far greater expense than planned mail or internet outreach. A decline in response from immigrant communities could result in an undercount of these populations, affecting the accuracy and integrity of Census data overall.

The costs of an inaccurate decennial Census to the American public—and the scientific community in particular—are incredibly high. The decennial census is an irreplaceable source of data for researchers in varying fields who use it to produce evidence about the U.S. population that can be used to inform policies. In addition, information from the decennial census undergirds numerous other surveys and data sets at the Census Bureau and beyond, so a problem at the source would have far-reaching implications across the statistical system.

Collecting data about citizenship is not necessary for the “proper performance of the functions” of the Census Bureau.⁴ Further, the resultant data is likely to be of poor quality and minimal utility.

There is little reason to believe that asking about citizenship on the decennial census is necessary for the proper performance of the functions of the Census Bureau, as it has not included a question on citizenship since 1960. Both the Southern District of New York and the Northern District of California ruled that Secretary Ross’s decision to add the question was “arbitrary and capricious” and a violation of the *Administrative Procedures Act*.⁵ And, as both rulings noted, the justification for adding the question—that the Department of Justice needed this data to enforce the *Voting Rights Act*—was essentially a manufactured excuse made at the request of the Commerce Secretary.

Further, even if the Justice Department’s request for this information *were* legitimate, as the Task Force on the 2020 Census of the Committee on National Statistics (CNSTAT) at the National Academies of Sciences, Engineering, and Medicine, has determined, existing citizenship data from the American Community Survey (ACS) is sufficient for the purposes of *Voting Rights Act* enforcement.⁶

In addition, existing research from the Census Bureau suggests that the citizenship information collected as part of a decennial census is likely to be flawed. ACS evidence suggests that as many as 30 percent of non-citizens incorrectly identify themselves as citizens when responding to the survey,⁷ suggesting that the citizenship data collected at great expense during the 2020 Census could very well be inaccurate—minimizing any practical utility or public benefit of this information.

³ <http://www.osec.doc.gov/opog/FOIA/Documents/AR%20-%20FINAL%20FILED%20-%20ALL%20DOCS%20%5bCERTIFICATION-INDEX-DOCUMENTS%5d%206.8.18.pdf>, pg 1293

⁴ *Paperwork Reduction Act* 44 U.S.C. § 3504, 3508

⁵ <http://www.nysd.uscourts.gov/cases/show.php?db=special&id=678> and https://cand.uscourts.gov/filelibrary/3625/C18-1865-RS_Findings-and-Conclusions.pdf

⁶ <https://www.nap.edu/catalog/25215/letter-report-on-the-2020-census>

⁷ <http://www.osec.doc.gov/opog/FOIA/Documents/AR%20-%20FINAL%20FILED%20-%20ALL%20DOCS%20%5bCERTIFICATION-INDEX-DOCUMENTS%5d%206.8.18.pdf>, pg 1295

Given that the citizenship information would not provide a necessary or significant public benefit, asking about citizenship on the 2020 Census unjustifiably increases the “Federal information collection burden.”⁸

Any increase in the length of the decennial census questionnaire—however brief—must be considered a significant increase in burden for respondents in the context of the over 300 million people for whom the census must be completed and should be weighed against the potential utility of the information to be collected. Given the high degree of risk and uncertainty and the likely poor quality of the citizenship information collected during the 2020 Census, the benefits of including a citizenship question on the 2020 Census do not outweigh the costs—both in terms of increased respondent burden and on the resulting Census data. In his memo to Secretary Ross, John Abowd noted that information on citizenship could be obtained for all but two percent of the U.S. population using administrative records.⁹ Collecting citizenship information from every person to fill in missing information for only two percent of the population should meet any reasonable definition of “unnecessary burden.”

For the reasons discussed above, we strongly oppose including citizenship in the 2020 Census data collection and urge you to direct the Department of Commerce to remove it, should court action overturn the recent District Courts’ decisions. The Census is a once-a-decade undertaking; if we allow the integrity of the data to be jeopardized by an untested, unresearched citizenship question, we will be living with the harmful consequences for years. Please contact me if COSSA can be of any assistance or can provide additional information. Thank you for your consideration.

Sincerely,



Julia Milton
Consortium of Social Science Associations

CC: Nancy Potok, Sheleen Dumas

⁸ *Paperwork Reduction Act* 44 U.S.C. § 3504

⁹ <http://www.osec.doc.gov/opog/FOIA/Documents/AR%20-%20FINAL%20FILED%20-%20ALL%20DOCS%20%5bcERTIFICATION-INDEX-DOCUMENTS%5d%206.8.18.pdf>, pg 1324