



**Statement Of
Asian Americans Advancing Justice – AAJC**

**Hearing On
“Progress Report on the 2020 Census”**

**House of Representatives
Committee on Oversight and Government Reform**

May 8, 2018

Asian Americans Advancing Justice | AAJC (Advancing Justice | AAJC) submits this written testimony to the House of Representative’s Committee on Oversight and Government Reform in connection with its May 8, 2018 hearing titled, “Progress Report on the 2020 Census.” By the next decennial census, which is in less than two years in 2020, the Census Bureau must put its field infrastructure in place; finalize the design and operations for the census; verify the master address list that defines the census universe; develop an effective advertising and outreach campaign; and ensure that all IT systems that will support the first “high tech census” are secure and work well. The upcoming year is critical to ensuring a fair and accurate count – one that counts all communities equally well – and is the final chance to implement policy decisions that will encourage, rather than discourage, participation. Unfortunately, the Census Bureau is currently veering off-course in its final approach to the 2020 Census. Our testimony will address our concerns with respect to the recent, unprecedented addition of an untested question regarding citizenship, the missed opportunity to modernize the race and ethnicity questions, and other policy decisions impacting the Asian American community.

ORGANIZATIONAL BACKGROUND

Advancing Justice | AAJC is a national nonprofit, non-partisan organization founded in 1991. Our mission is to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Advancing Justice | AAJC considers the census, including the American Community Survey (ACS), to be the backbone of its mission. Advancing Justice | AAJC maintains a permanent census program that monitors census policy, educates policy makers, and conducts community outreach and education to encourage participation in the surveys conducted by the Census Bureau, including for Census 2000 and Census 2010. Advancing Justice | AAJC has also served as a member of numerous advisory committees to the Census Bureau since 2000, including currently, the National Advisory Committee on Racial, Ethnic and Other Populations. Additionally, Advancing Justice | AAJC currently co-chairs the Leadership Conference on Civil and Human Rights’ Census Task Force.

IMPORTANCE OF CENSUS TO ASIAN AMERICANS

Census data are critical for a functioning society as it allows for the distribution of over \$800 billion federal funds annually to states,¹ informs effective and efficient policy and planning decisions, and is used to reapportion political representation and to redistrict at all levels. Without an accurate count of Asian Americans, these decisions will not address the needs of growing Asian American communities.

Census data are even more important for Asian Americans as it is the most comprehensive set of socioeconomic data points on Asian American communities, particularly for subgroups (e.g. Chinese, Vietnamese, Asian Indian, and Filipino). Often viewed as homogenous, these communities include more than several dozen detailed racial and ethnic groups that can differ dramatically across key social and economic indicators. For example, while only 6% of Filipino Americans nationwide live below the poverty line, approximately 26% of Hmong Americans are poor.² Roughly 73% of Taiwanese Americans hold a bachelor's degree, yet only 12% of Laotian Americans do.³ Without accurate data by detailed race group, some of the most disadvantaged in our communities are rendered invisible to policymakers, leaving their critical needs unmet.

Detailed data are also critical to our ability to break down the stereotype of the “model minority,” which has been used to erase the history of exclusion and discrimination against Asian Americans. This stereotype is also used to obscure our concerns—failing to recognize critical differences and priorities between Asian American subgroups—and therefore to excuse the lack of government resources and philanthropic investments in our communities. Finally, the lack of disaggregated data and the “model minority” myth create a wedge between Asian Americans and other communities of color by pitting the so-called “model minority” against communities that are “not models.” To combat the “model minority” stereotype and to provide sufficient information for policymakers to address the priorities and concerns of the Asian American community, the data collected and reported for Asian Americans must be disaggregated by ethnicity as much and as often as possible. Only then can we build the solid foundation necessary for public policy, ensure that the right programs are reaching the right communities, and dismantle the conscious and unconscious beliefs that there is a racial hierarchy in our nation.

Exacerbating the situation is the fact that data sets or surveys developed by private, academic and other governmental entities often underrepresent Asian Americans. One way in which Asian Americans are underrepresented is by being lumped into the “Other” categories, making it

¹ Andrew Reamer, George Washington University Institute of Public Policy, COUNTING FOR DOLLARS 2020 The Role of the Decennial Census in the Geographic Distribution of Federal Funds Report #2: Estimating Fiscal Costs of a Census Undercount to States (2018), available at https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/GWIPP_Reamer_Fiscal_Impacts_of_Census_Undercount_on_FMAP-based_Programs_03-19-18.pdf.

² *A Community of Contrasts: Asian Americans in the United States: 2011*, Asian Pacific American Legal Center & Asian American Justice Center 36 (2011), available at http://www.advancingjustice.org/pdf/Community_of_Contrast.pdf.

³ *Id.* at 31.

impossible to determine the impact on Asian Americans for that particular topic, whether it is health care, educational drop-out rates, or some other important issue. Asian Americans are also underrepresented where only aggregated data is provided for the entire Asian American community. Because of the community's diversity across cultures and languages, aggregated data often mask problems and concerns for particular sub-ethnic groups. For example, Asian Americans as a whole are often portrayed as wealthy and well-educated, but disaggregated data for subgroups reveal a wide range of incomes, poverty rates, and levels of educational attainment — from those doing very well to those struggling on multiple fronts. As one of the few entities that collect and report data at the disaggregated level for Asian American sub-ethnic groups, an inaccurate census count of Asian Americans would mean that many of our communities, and their attendant needs, would be rendered invisible and neglected.

HISTORY OF UNDERCOUNT OF ASIAN AMERICANS

While a fair and accurate count is recognized as a critical goal of the census, it is important to note that, historically, certain communities have been missed, or “undercounted,” from census to census. Since the Census Bureau started to measure its ability to accurately count people in America in 1940, first through Demographic Analysis and more recently with a separate coverage measurement survey, people of color were missed by the census more often than non-Hispanic whites (the “differential undercount”). Duplicate responses lead to overcounts, while omissions, or missed persons, lead to undercounts.⁴ Subtracting overcounts from undercounts results in a net undercount or overcount for each census. From 1940 to 1980, the national net undercount, the net undercount for specific population subgroups, and the differential undercount were reduced for each decennial census. The 1990 Census was the first census that was less accurate than the one prior since the Bureau began scientific measurements of coverage, with the highest differential undercounts ever recorded. In 2000, while the results from the final coverage measurement, the Accuracy and Coverage Evaluation (Revision II) (“A.C.E. Revision II”), showed a net national overcount of about one-half a percent, the Census Bureau lacked confidence in its measures of census accuracy in 2000 due in part to concerns about its methodology.⁵ An expert National Academy of Sciences panel concluded that while undercounts among traditionally hard-to-count communities such as communities of color were likely lower in the 2000 Census than in previous censuses, there continued to be a differential undercount of racial minorities.⁶

⁴ There are two ways to miss a person, thereby attributing to the undercount. First, the Census Bureau could miss a whole housing unit because they do not have the address or they have an incorrect address. Thus, none of the people at the housing unit will be counted. The second way to miss people is for the Census Bureau to fail to capture other people who are within a responding household. These people can be missed for a variety of reasons, including fear of government and outsiders, limited knowledge of English, mobile people and households, and irregular household members such as households with two or more separate families residing there.

⁵ See Committee on National Statistics, National Research Council, National Academy of Sciences, *The 2000 Census: Counting Under Adversity* 240-241, 253 (2004), available at <https://www.nap.edu/catalog/10907/the-2000-census-counting-under-adversity> (The A.C.E. Revision II estimated 33.1 million mistakes of all types, including 17.2 million erroneous overcounts (which primarily includes duplications and people counted in the wrong place) and 15.9 million undercounts (e.g. people missed). The report says there were a minimum of 9.8 million duplications).

⁶ *Id.*

Similarly, the 2010 Census saw a net overcount of 0.01 percent, which was not statistically different from zero, as well as the continued differential undercount of communities of color.⁷

Asian Americans are among those who have historically experienced a differential undercount. The undercount of the Asian American and Pacific Islander community⁸ in the 1990 Census was 2.36%.⁹ The 2000 Census yielded a slight overcount nationally for Asian Americans and a 2.12% undercount for the Native Hawaiian and Pacific Islander (NHPI) community.¹⁰ Of course, even a net national overcount/undercount of around zero masks a much larger counting problem, with some AAPI subgroups believing they are undercounted. For example, the Cambodian population in Long Beach, California believes they have been undercounted over the last several decades.¹¹ The 2000 U.S. Census counted about 17,000 Cambodians in Long Beach, while informal estimates from local groups indicate a population closer to 50,000.¹² The 2010 Census had a relatively "accurate" count for AAPIs, with a net undercount rate of 0.08% for Asian Americans and 1.34% for NHPIs.¹³ While statistically insignificant, the 2010 Census, in fact, missed hundreds of thousands of Asian Americans – a problem that was offset, at the national level, by double counting or other mistaken enumerations.¹⁴ The proportion of Asian Americans who should have been counted but were not during the last census was higher than that of non-Hispanic Whites, with 5.3% of Asian Americans not counted as compared to 3.8% for non-Hispanic Whites.¹⁵

MISGUIDED ADDITION OF AN UNTESTED CITIZENSHIP QUESTION

In December 2017, the U.S. Department of Justice (DOJ) sent a letter to the Census Bureau, requesting a new citizenship question be included on the 2020 decennial census form. On March 26, 2018, Secretary of Commerce Wilbur Ross announced that he had directed the Census Bureau to add an untested and unnecessary question on citizenship status to the 2020 Census form. This alarming decision is bad for the census, bad for Asian Americans, and bad for America.

⁷ Press Release, U.S. Census Bureau, "Census Bureau Releases Estimates of Undercount and Overcount in the 2010 Census" (May 22, 2012), available at https://www.census.gov/newsroom/releases/archives/2010_census/cb12-95.html.

⁸ Prior to the 2000 Census, Asian Americans and Native Hawaiian and Pacific Islanders were reported together as one category as required by the Office of Management and Budget at that time. U.S. Census Bureau, The Asian Population: 2010 (2012), available at <https://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf> (hereinafter "Asian 2010 Report").

⁹ U.S. Census Bureau, 2010 Census Coverage Measurement Estimation Report: Summary of Estimates of Coverage for Persons in the United States 15 (2012), available at https://www.census.gov/coverage_measurement/pdfs/g01.pdf (hereinafter "2010 CCM Report").

¹⁰ Id. The 2000 Census was the first census that separated Native Hawaiian and Pacific Islanders from Asian Americans, as required by the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicities. See Asian 2010 Report.

¹¹ Greg Mellen, Press-Telegram, "Long Beach Cambodians want to be counted" (Sept. 30, 2009, updated Sept. 1, 2017), available at <http://www.presstelegram.com/2009/09/30/long-beach-cambodians-want-to-be-counted/>.

¹² Id.

¹³ 2010 CCM Report at 15.

¹⁴ Id. At 17.

¹⁵ Id.

The U.S. Constitution mandates a counting of **all** persons in the U.S. every ten years, not just citizens. Unfortunately, the decision to add a citizenship question on the 2020 Census form will disrupt preparations at a pivotal point in the decade, undermining years of research and testing. In fact, every census since the first enumeration in 1790 has included citizens and non-citizens alike, but the 1950 Census was the last to collect citizenship data from the whole population. Since 1960, the Census Bureau has collected citizenship data from a representative sample of households, previously through the long form and now through the American Community Survey (ACS). For this reason, DOJ's claim that it needs 'block level' citizenship voting age population data, which are not currently available through the ACS, to determine violations of Section 2 of the Voting Rights Act ("VRA") and to permit more effective enforcement of the Act is a claim without merit. The citizenship question has never been asked on the census form sent to all households during the existence of the VRA. DOJ and VRA advocates have used existing data effectively to help implement and enforce the VRA.

Despite Secretary Ross's claim that there is no evidence that this decision will harm participation in the census,¹⁶ the Census Bureau itself has provided evidence that residents are fearful of responding to government surveys because of the current anti-immigrant environment. Noting "a recent increase in respondents spontaneously expressing concerns about confidentiality," Census Bureau researchers found "an unprecedented ground swell in confidentiality and data sharing concerns, particularly among immigrants or those who live with immigrants" across communities and geographies.¹⁷ More specifically, Census Bureau researchers "heard respondents express new concerns about topics like the 'Muslim ban,' discomfort 'registering' other household members by reporting their demographic characteristics, the dissolution of the 'DACA' (Deferred Action for Childhood Arrival) program, repeated references to Immigration and Customs Enforcement (ICE)," and so forth.¹⁸ In one case, an immigrant respondent stopped responding to questions about citizenship status during a survey interview and walked out of their own apartment, leaving the interviewer alone.¹⁹

In their recent memo, the Census Bureau also noted that "several Chinese-speaking focus group respondents stated that the Chinese community's main fear or concern was immigration status and how the data are used. They also expressed concern about opening the door to a government official and not wanting to be 'investigated.'"²⁰ This aligns with what was learned in focus groups of Asian Americans conducted by the Census Bureau prior to the 2010 Census.²¹ In

¹⁶ The responsibility of rigorous research and testing to prove that the addition of the citizenship question would not affect accuracy of the census falls squarely on Secretary Ross and his department. It is incumbent on the Bureau to test the question further before adding it, especially when its research has shown this to be a concern.

¹⁷ Memo, U.S. Census Bureau, Respondent Confidentiality Concerns (Sept. 20, 2017), *available at* <https://www2.census.gov/cac/nac/meetings/2017-11/Memo-Regarding-Respondent-Confidentiality-Concerns.pdf>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ U.S. Census Bureau, Ethnic and Racial Sub-Population Focus Group Research (2007), *available at* <http://www.phila.gov/phillycounts/pdfs/Ethnic%20and%20Racial%20Sub->

that research, many focus group participants found the census confusing, invasive, and potentially threatening, with the misguided belief that the census was linked to immigration enforcement or the IRS. Despite living in the U.S. during the 2000 Census, very few had previously participated in the census, citing language barriers, lack of interest, and misunderstanding about who could participate (believing only citizens could participate) as reasons for not participating.²² The citizenship question, as the Bureau itself recognized, could present a barrier to participation in the 2020 Census, impact data quality, and would have a disproportionate impact on hard-to-count populations.

Asian Americans will be particularly harmed by this decision. The research to date has shown that our communities, as well as immigrant communities, are distrustful and fearful of sharing data with the federal government, particularly as it relates to citizenship. Additionally, Asian Americans are significantly immigrant, with over two-thirds of the population being foreign-born (*See Table below*). More than a quarter of Asian Americans are not citizens, and another quarter of immigrants are recent immigrants. Furthermore, different Asian American subgroups are more immigrant than others, with those communities being even more susceptible to being missed due to concerns about the addition of the untested citizenship question.

Table: Asian American Immigrants²³

	Total population	Foreign-born	Not a Citizen	Percentage of Immigrants who are Recent Immigrants ²⁴
Asian American	17,556,935	66.2%	27.7%	24.6%
Asian Indian	3,813,407	71.3%	37.1%	32.9%
Bangladeshi	175,592	74.7%	34.8%	37.5%
Burmese	153,262	82.5%	59.3%	51.8%
Cambodian	259,554	54.2%	13.3%	10.5%
Chinese	4,214,856	69.3%	30.6%	27.1%
Filipino	2,811,885	65.1%	19.5%	16.1%
Hmong	278,871	36.2%	8.0%	7.4%
Indonesian	76,516	73.6%	45.0%	19.4%

[Population%20Focus%20Group%20Research%20-%20Asian%20&%20Arab%20Americans.pdf](#) (“Asian Focus Groups Report”).

²² A number of participants mistakenly confused the census questionnaire with other telephone or mail surveys conducted by private businesses or government agencies. Id.

²³ The data presented here is for the "alone" population. In presenting data on race, the Census Bureau provides three conceptual groups. First, people who reported only one race (or subgroup) are referred to as the "alone" population. The alone population can be viewed as the minimum number of people reporting as that group. Second, individuals who chose more than one of the six race categories are referred to as the race in combination population. Third, the maximum number of people reporting Asian is reflected in the Asian "alone-or-in combination" population, which represents those who reported Asian alone and those who reported Asian in combination with one or more other races.

²⁴ Recent immigrants are those who entered the country in 2010 or later. The percentage is of the population that is born outside of the United States.

Japanese	789,830	41.7%	28.3%	30.8%
Korean	1,438,915	71.6%	27.3%	14.9%
Laotian	205,131	56.8%	12.8%	7.0%
Nepalese	155,573	85.2%	65.0%	56.2%
Pakistani	460,515	66.3%	25.3%	26.5%
Thai	202,744	76.9%	33.1%	23.5%
Vietnamese	1,803,575	67.4%	16.3%	15.8%

Source: S0201: SELECTED POPULATION PROFILE IN THE UNITED STATES, 2016 American Community Survey 1-Year Estimates

Today’s political climate and the public’s perception of the government and where its priorities lie also influence the impact of this ill-advised decision to add a citizenship question. Immigrant²⁵ and Muslim²⁶ communities already have been shown to fear the census. Assurances of confidentiality have been a critical tool in allaying these fears and garnering responses in past censuses.²⁷ The ability to assure these communities about the confidentiality of their response is even more critical today because of the increase in virulent anti-immigrant and anti-Muslim rhetoric, and now, the addition of a citizenship question. In fact, we have seen reports of immigrants shunning common activities out of fear of reprisal from the government. For example, journalists have noted stories of parents “keeping their children home from school [and] ... suspend[ing] after-school visits to the public library”²⁸ as well as immigrants avoiding attending church service.²⁹ This climate will exacerbate immigrants’ fear of contact with government agencies, including the Census Bureau. Undocumented immigrants, legal permanent residents, and even U.S. citizens who live in households where family members have varying immigration status, were already disinclined to answer the Census prior to this decision.³⁰ The anti-immigrant climate today, coupled with this last-minute addition of the citizenship question, will harm confidence in the confidentiality of the Census and promote the belief among many residents that the Bureau will use the information they provide in a detrimental manner. This is likely to generate additional fear in disadvantaged and marginalized communities, resulting in disparate racial and ethnic impacts and undermining the validity of the data.

²⁵ Illinois Wesleyan University, Observing Census Enumeration of Non-English Speaking Households in the 2010 Census: Spanish Report (Aug. 10, 2012), available at <https://www.census.gov/srd/papers/pdf/rsm2012-06.pdf>.

²⁶ The Washington Post, *Some Muslims, fearing backlash, worry about intent of census*, (Mar. 10, 2010), available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/09/AR2010030901688.html?sid=ST2010031600020>.

²⁷ CNN, *Census chief works to calm deportation fears* (Feb. 2, 2010), available at <http://www.cnn.com/2010/US/02/02/census.poor.communities/>.

²⁸ CNN, *After ICE arrests, fear spreads among undocumented immigrants* (Feb. 12, 2017), available at <http://www.cnn.com/2017/02/11/politics/immigration-roundups-community-fear/>.

²⁹ The Associated Press, *Immigrants wait in fear over raids; Trump takes credit* (Feb. 12, 2017), available at <http://www.cbsnews.com/news/immigrants-wait-in-fear-over-raids-trump-takes-credit/>.

³⁰ U.S. Census Bureau, *Preparation for the 2010 Census Hispanic Community Focus Group Qualitative Research Report* (2007), available at <http://www.phila.gov/phillycounts/pdfs/Hispanic%20Community%20Focus%20Groups%20Qualitative%20Research%20Report.pdf> (“Latino Focus Groups Report”).

The reality is asking every household and every person in the country about their citizenship status in the current political environment – when there is no need to do so – will cause fear and may cause hundreds of thousands of people in our communities to avoid the census for fear of being targeted by this administration. The Census Bureau’s own research shows that asking about citizenship has a chilling effect on respondent’s willingness to participate in government surveys. Lower response rates result in less accurate and timely statistics that can only be summarized at highly aggregated levels and preclude detailed information at the geographic and subpopulation levels, with small and minority populations, including Asian Americans, being underrepresented by official statistics, particularly at the disaggregated levels. This would likely intensify the effects of previous decreases in response rates, leading to unsustainable increases in costs and higher risks of bias in published results. According to the Census Bureau, every one percent decrease in the self-response rate will increase the cost of the count by \$55 million.

The bipartisan, mainstream opposition to adding a citizenship question at the last minute was vast, including more than 120 members of Congress³¹, 161 Democratic and Republican mayors³²; six former Census directors who served in Republican and Democratic administrations³³; 19 attorneys general³⁴; the statistical community³⁵; and several dozen business leaders from across the country.³⁶ In the days following the decision, many continued to make their displeasure at this decision known, including the Census Bureau’s own Scientific Advisory Committee, which noted that they believed “the decision was based on ‘flawed logic,’ could threaten the accuracy and confidentiality of the head count and likely would make it more expensive to conduct,”³⁷ and two former Secretaries of Commerce, from Republican and Democratic administrations.³⁸ This question should not be allowed onto the 2020 Census form as it will harm the quality of the count and thus harm our country.

³¹ See “Maloney, Serrano, Gutiérrez, 100+ Members Urge Sec. Ross to Reject DOJ’s Misguided Request to Add Citizenship Question to the 2020 Census.” *Office of Representative Carolyn B. Maloney*. Jan. 18, 2018. <https://maloney.house.gov/media-center/press-releases/maloney-serrano-guti-rrez-100-members-urge-sec-ross-to-reject-doj-s>.

³² See Letter to The Honorable Wilbur Ross. *The U.S. Conference of Mayors*. Feb. 6, 2018. <http://www.usmayors.org/wp-content/uploads/2018/02/20180206-census-letter.pdf>.

³³ Former Directors’ Letter to The Honorable Wilbur L. Ross. *Published in the Washington Post*. Jan. 26, 2018. https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ_census_ques_request_Former_Directors_ltr_to_Ross.pdf.

³⁴ Melissa Quinn, *Washington Post*, Census citizenship question gets pushback from 19 state attorneys general (Feb. 12, 2018), available at <https://www.washingtonexaminer.com/census-citizenship-question-gets-pushback-from-19-state-attorneys-general>.

³⁵ Letter to the Honorable Wilbur Ross. *American Statistical Association*. Jan. 8, 2018. <http://www.amstat.org/asa/files/pdfs/POL-CitizenshipQuestion.pdf>.

³⁶ Letter to the Honorable Wilbur Ross. *Ready Nation*. March 22, 2018.

<https://censusproject.files.wordpress.com/2018/03/business-leader-census-sign-on-letter-citizenship-final-2.pdf>.

³⁷ Michael Wines, *The NY Times*, Census Bureau’s Own Expert Panel Rebukes Decision to Add Citizenship Question (Mar. 30, 2018), available at <https://www.nytimes.com/2018/03/30/us/census-bureau-citizenship.html>.

³⁸ Op-ed. Penny Pritzker and Carlos Gutierrez, *Bloomberg*, U.S. Census Is Not About Citizenship (Apr. 4, 2018), available at <https://www.bloomberg.com/view/articles/2018-04-04/u-s-census-is-not-about-citizenship>.

RACE AND HISPANIC ORIGIN

The Census Bureau's recent submission to Congress, which includes a two-question panel for asking about race and Hispanic origin, is a missed opportunity to modernize the way in which our country gathers information about race and ethnicity. The two-question panel³⁹ as submitted would first ask a respondent about their Latino ethnicity, and then follow with a second question asking about their race. The race question provides write-in boxes for White, Black or African American, American Indian or Alaska Native and Some other race. The race question provides detailed checkboxes for Asian American subgroups and Native Hawaiian and Pacific Islander (NHPI) subgroups, with one write-in box for Other Asian or Other Pacific Islander. This is in contrast to the version tested in the 2015 National Content Test (and the one that was recommended for further testing with the plan to implement for the 2020 Census)⁴⁰, which was the combined question with detailed checkboxes format, that included a Middle Eastern or North African (MENA) category and the ability for everyone to select multiple boxes, including for the Hispanic options (which was not available on previous census forms). The departure from the previously-recommended combined question format offers a number of missed opportunities to improve and modernize the collection and reporting of race and ethnicity data.

Missed Opportunity: NHPIs

The race question submitted to Congress that will be used for the 2020 Census does a disservice to NHPIs. The recommended combined question panel allowed for more detailed checkboxes (Tongan, Fijian, and Marshallese) and more examples (Palauan, Tahitian, and Chuukese), which were used for the other NHPI option. These checkboxes and examples are lost with the submitted question. Another lost opportunity was having the NHPI response options clearly identified as separate from Asian American response options – the recommended combined question had two options and detailed checkboxes (for American Indians and Alaskan Natives, as well as MENA) between Asian and NHPI. The submitted question once again has them side by side without any labeling above the detailed checkboxes. This is a missed opportunity to provide more options and better clarity for NHPIs.

Missed Opportunity: Failure to Create New Classification of Middle Eastern or North African (MENA) Race/Ethnicity

We have been supportive of efforts by advocates in the MENA community to have distinct reporting categories for the community. Current OMB guidelines that classify persons from the MENA region as white by race are not accurate or useful, and are increasingly confusing survey respondents as well as government and other agencies tasked with collecting information on

³⁹ U.S. Census Bureau, Questions Planned for the 2020 Census and American Community Survey, 9, 11 (2018), available at <https://www2.census.gov/library/publications/decennial/2020/operations/planned-questions-2020-acs.pdf>.

⁴⁰ U.S. Census Bureau, 2015 National Content Test Race and Ethnicity Analysis Report, Table H31, 299 (2017), available at <https://www2.census.gov/programs-surveys/decennial/2020/program-management/final-analysis-reports/2015nct-race-ethnicity-analysis.pdf>.

and providing services to these populations. The 2015 NCT results show that when a distinct MENA category was present, there was a significant decrease in responses for all other response categories, including a significant decrease in “Some Other Race” responses.⁴¹ This is not surprising as we saw that record numbers of persons of Arab, Iranian, Chaldean, Turkish, and other Middle Eastern and North African origins chose to use the “Some Other Race” box to write-in an ethnic origin.⁴² Testing has shown time and time again that many members of this community do not see themselves in a “White” racial classification. The MENA category is practical and necessary, and it will provide the community and the government the ability to measure the community’s access to resources, disparate treatment and/or community needs in law enforcement, hospitals, schools, employment, and so forth.

Unfortunately, with OMB’s failure to finalize revisions to its Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (the “Standards”), the Census Bureau decided to forgo including a MENA response option for the 2020 Census, despite the fact that there were panels tested that included two questions with a MENA response option. It appears that the Census Bureau failed to consult the impacted community first and foremost for the appropriate approach to take for the MENA option in light of OMB’s failure to revise its Standards. The Census Bureau missed an opportunity to modernize its race and ethnicity questions, with ongoing harm occurring to the MENA communities. Without the MENA response category, federal agencies will continue to fail to identify the unique issues facing this population and thus continue to fail to address their needs. This all comes at a time when many immigrants from the MENA region are less likely to want to cooperate with the federal government. Portions of these populations remain hard to reach because their relationship with government agencies is often characterized by fear. Immigrants from this region often lack a positive experience with government agencies in their native countries and have adopted a tendency to distrust and avoid government interaction whenever possible. These are all reasons to take immediate steps to improve our tools to identify needs and serve these communities.

Missed Opportunity: Allowing for more accurate Hispanic origin responses

The Census Bureau’s failure to adopt a combined race and ethnicity question that includes detailed national origin/subgroup checkboxes, and allows respondents to provide multiple national origin identifications under every major racial or ethnic category is a missed opportunity. The reality is that the Census Bureau’s own research has shown that a significant portion of Latinos do not identify with the specific racial categories set forth in a separate race question. In 2010, of the 19.1 million people who identified as “Some other race,” 97% were Latino. Using a combined question to ask about race and ethnicity resulted in a dramatic decline in “Some other race” responses. Latino respondents were more likely to convey their Latino ethnicity, and less likely to self-identify as White, when given a survey with a single combined

⁴¹ *Id.* at 59.

⁴² Comments, Asian Americans Advancing Justice – AAJC, Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, 81 FR 67398 (Oct. 31, 2016), available at <http://advancingjustice-aaajc.org/sites/default/files/2016-11/Advancing%20Justice%20AAJC%20-%20OMB%20Standards%20re%20Race%20and%20Ethnicity%20Oct%202016.pdf>.

race and ethnicity question. Thus, the decision to not use a combined question is a missed opportunity.

This is compounded by yet another missed opportunity with respect to how respondents can answer the stand-alone Hispanic origin question. The separate-questions format used in the 2010 decennial Census did not allow for the reporting of multiple national Hispanic origins, which has been shown to result in the loss of detailed Hispanic origin information. As noted in NALEO's comments, in response to a differently-formatted ethnicity question on the 2000 decennial Census, the Bureau observed that more than 260,000 respondents attempted to report multiple Hispanic origin responses. Thus, to the extent that the Census Bureau is moving forward with a two-question format asking about race and ethnicity, it should utilize the instructions from its 2018 End-to-End Test, allowing for the marking of multiple Hispanic origin responses.

OTHER CENSUS POLICY ISSUES

Finally, the Census Bureau must finalize decisions and begin its education and outreach efforts as soon as possible, especially in light of the recent decision to add a citizenship question. With the Asian American population in the United States larger than it has ever been in our nation's history, this is particularly important for the Asian American population in order to overcome its cultural and linguistic barriers. There are currently 21.4 million Asian Americans in the U.S., increasing from 17.3 million in 2010 and 11.9 million in 2000.⁴³ Asian Americans represented the fastest growing group in the 2010 Census, with a growth rate of 46 percent⁴⁴ and continues to be the fastest growing during this decade.⁴⁵ Of this rapidly growing segment of the population, about two-thirds are foreign-born as noted above, and more than a third of the Asian American population, over 5.6 million people, are considered limited English proficient (LEP).⁴⁶ The LEP rate of Asian Americans is almost 22 times more than that of non-Hispanic Whites (1.6%). Additionally, Asian American households are 25 times more likely to be limited English speaking households.⁴⁷ This is important because it means all adults in the household are LEP, which makes participating in the census even more difficult. Together, these factors result in a

⁴³ In the six years following the 2010 Census, the country's Asian American population grew 21%; in contrast, the nation's total population grew less than 5% over the same period. Asian Americans Advancing Justice – Los Angeles, Press Release, Asian Americans Remain Fastest Growing Racial Group In Country, Growth Driven By New Immigrants (June 21, 2017), available at <https://advancingjustice-la.org/media-and-publications/press-releases/asian-americans-remain-fastest-growing-racial-group-country#.WbgZebKGNkg> (hereinafter "Fastest Growing Press Release"). See also, Asian 2010 Report.

⁴⁴ See Asian 2010 Report.

⁴⁵ See Fastest Growing Press Release.

⁴⁶ U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates, Table B16005d Nativity By Language Spoken At Home By Ability To Speak English For The Population 5 Years And Over (Asian Alone).

⁴⁷ A "limited English speaking household" is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English. By definition, English-only households cannot belong to this group. U.S. Census Bureau, 2011-2015 American Community Survey Selected Population Tables, Table B16002: Household Language by Household Limited English Speaking Status.

significant portion of the population being both linguistically and culturally at a disadvantage when it comes to census participation. The Census Bureau can take steps to ameliorate these barriers, but there is no time to waste – these steps must be implemented immediately.

Language Support Program

The Census Bureau has been researching and developing a language assistance program for the 2020 Census, looking to optimize non-English questionnaire designs and response options for LEP populations and to ensure cultural appropriateness and relevance in all materials.⁴⁸ The Census Bureau's current plan includes an Internet questionnaire and Census Questionnaire Assistance in 12 non-English languages, and the development of video and paper Language Assistance Guides (LAGs) in 59 non-English languages.⁴⁹ Additionally, the 2020 Language Support Team and the Integrated Partnership and Communications team are already working together to ensure these languages are supported through the Integrated Partnership and Communications Plan. Factoring in the development of appropriate materials for promotion and outreach – leaflets to distribute to individuals, posters, and other promotional materials – and questionnaire aids in different languages, the Census Bureau needs to start the process as soon as possible to finalize development of, and to operationalize, its language program.

To help ensure a successful language assistance program, we suggest the following considerations, which are not exhaustive but provide a good starting point. We believe that in order to reach hard-to-count groups who have high numbers of immigrants and persons with limited English proficiency, the internet interfaces must include as many languages as possible, with online forms potentially including more languages than the printed version. We also think it is important to prioritize language minority communities with a high incidence of LEP; that is, the Census Bureau should consider not only the number of speakers, but also smaller language communities that can only respond in their own language. The Census Bureau should also incorporate trusted community-based organizations in reviewing all non-English materials, including, but not limited to, any glossaries, non-English mailing materials, and the Census Questionnaire, while allowing sufficient time and appropriate vehicles for organizations to provide input on cultural appropriateness and translation quality prior to finalizing translations and materials. Additionally, we believe the Census Bureau should develop educational and communications materials with simpler messages and plain-language translations. In 2010, community members found the Census-produced materials to be too dense and text-heavy, and in some cases, too complicated for those who may not be literate in their own native language.

⁴⁸ Language Working Group, National Advisory Committee on Racial, Ethnic, and Other Populations, U.S. Census Bureau, Language Working Group Report (2016), available at <https://www2.census.gov/cac/nac/reports/2016-11-language-wg-report.pdf>.

⁴⁹ U.S. Census Bureau, 2020 Census Program Management Review, Questions Planned for the 2020 Census and the American Community Survey: A Process Overview (Jan. 26, 2018), available at <https://www2.census.gov/programs-surveys/decennial/2020/program-management/pmr-materials/01-26-2018/pmr-2020-operations-01-26-2018.pdf>.

Importance of the partnership program and the media to communicate with hard-to-count Asian American communities

The census partnership and outreach programs for both the 2000 Census and the 2010 Census were critical to achieving some of the most accurate counts for many of our hard-to-count communities. In addition to improving accuracy, partnerships with hard-to-count communities reduce non-response follow-up costs. This is achieved through government leaders, school leaders, faith-based leaders, and other community leaders directly communicating with their members about the importance of participating and how the community benefits. Respondents interacting with trusted leaders, rather than with a stranger representing the federal government, are more willing to participate. But to reap the benefits of a partnership program, advanced planning (and funding) is necessary to ensure effective implementation. Time is needed for the Census Bureau to conduct the outreach to the organizations for the partnership program as well as to reach out to local governments and engage them in these efforts. Time is also needed for the CBOs, schools, churches, and other partner groups to gear up for their outreach campaign to their constituents and for them to raise the funds needed from local philanthropies and other sources for the outreach work. This time, the advanced planning is particularly important for minority communities to provide the outreach necessary for its constituents. The growing privacy concerns and distrust in the federal government, the growing diversity, and hostile climate to certain communities make a strong and vibrant partnership and outreach program even more necessary and important for an accurate count in 2020.

In addition to the partnership program, the communications campaign played an important role in reaching hard-to-count communities in the 2000 and 2010 Censuses. Media is an important tool in communicating with hard-to-count Asian American communities. In particular, utilizing ethnic media⁵⁰ is the most effective way to reach a substantial part of Asian American communities. A 2009 study on ethnic media penetration conducted by New American Media found that ethnic media reaches almost 3 in 4 Asian Americans, with 57 percent reached by ethnic television, 43 percent by ethnic newspapers, and 25 percent by ethnic radio.⁵¹ Not surprisingly, there are differences across various ethnic groups with respect to reliance on ethnic media.⁵²

⁵⁰ See New America Media, *National Study on the Penetration of Ethnic Media in America* (2009), available at http://media.namx.org/polls/2009/06/National_Study_of_the_Penetration_of_Ethnic_Media_June_5_2009_Presentation.pdf (media directed toward a specific ethnic group and often written or broadcast in a language native to the group (e.g., Chinese-language newspapers or Asian television stations)) (hereinafter “New American Media Study”).

⁵¹ *Id.* At 11, 19 (73 percent of Asian Americans are reached by ethnic media). A study of Asian American registered voters for the 2016 election showed that a third of registered voters relied on ethnic media for political information. The same study also showed that they were most likely to rely on the internet and social media as their news source, with two-thirds doing so. Karthick Ramakrishnan, Janelle Wong, Taeku Lee, and Jennifer Lee, *Asian American Voices In The 2016 Election Report On Registered Voters In The Fall 2016 National Asian American Survey* (2016), available at <http://naasurvey.com/wp-content/uploads/2016/10/NAAS2016-Oct5-report.pdf> (hereinafter “NAAS Report”).

⁵² The New American Media Study saw 59% of Chinese, 61% of Koreans, 83% of Vietnamese, 84% of Filipinos and 85% of Asian Indians relying on ethnic media. NAM Study. The NAAS Report also saw differences between groups: 52% of Vietnamese, 45% of Chinese and 43% of Korean relied on ethnic media as a news source for political

Online media is a particularly ripe opportunity for reaching Asian Americans. According to several studies, Asian Americans make up the largest online audience of any ethnic group in the country. For example, Asian Americans spend a total of 19.1 hours online a week on a computer, smartphone, or tablet, which is 0.8 hours a week more than the average U.S. population.⁵³ In-language websites are also popular for the Asian American community. English accounts for just over a third of the total online population, with Chinese being the 2nd most popular language at 13.7%, Japanese the 4th most popular language at 8.4%, and Korean the 7th most popular language at 3.9%.⁵⁴ Social media can also be utilized to connect with Asian Americans. For example, 42% of Asian Americans communicate with friends in an Asian language half of the time or more on Facebook.⁵⁵

Despite these figures indicating online media's potential to reach many Asian Americans, it is equally important to note that many Asian Americans, particularly those in hard-to-count communities, are not internet proficient and lack access to computers. For example, for older Asian Americans, their internet consumption is lower than that of those in other groups.⁵⁶ Less than 10% of the Asian American online population are older than 55 years old.⁵⁷

While these are channels by which Asian Americans can be reached, because Asian Americans vary generationally, spanning from recently arrived immigrants to those with roots in the community for more than one hundred years, any communications or marketing plan must be multi-faceted to address the needs of the various ethnic groups, various languages, and various generations. Each individual Asian American sub-ethnic group has intrinsic characteristics that require customization in messaging, treatment, and media vehicles based on particular nuances. In addition, there are multiple factors that pose additional challenges for reaching the especially hard-to-count Asian American communities. For example, while a majority of Asian Americans are concentrated in metropolitan areas, there are Asian-American segments located in remote rural and urban areas that are not known to be Asian-dominant. In addition, migrant communities often have cluster presence as opposed to a significant mass composition. Another factor is that there are limited media vehicles available for some Southeast Asian segments comprised mostly of migrants. This is partly because of high illiteracy levels amongst Hmong, Laotian, and Mien communities. In fact, a significant amount of migrant Asian American populations are categorized as oral or "preliterate" people (those who lack an alphabet and knowledge of basic literacy processes). For example, a majority of the Hmong community did not read and write as late as the 1950s, and many had never seen books or even held pencils. It has

information while only 11% of Asian Indians, 19% of Filipinos, and 8% of Japanese and do the same. See New American Media Study and NAAS Report.

⁵³ Facebook IQ, Digital Diversity: A Closer Look at Asian Americans in the US (Mar. 5, 2015), *available at* <https://www.facebook.com/iq/articles/digital-diversity-a-closer-look-at-asian-americans-in-the-us> ("Facebook Asian American Article").

⁵⁴ See Media Preferences Article.

⁵⁵ See Facebook Asian American Article.

⁵⁶ For example, only 8 percent of Asian Americans in the 45 to 54 age group are online, compared to 21 percent of white users in this age range and 15 percent of black users. See Media Preferences Article.

⁵⁷ Id.

also been reported that in some provinces of Laos in the 1970s, the rate of Hmong who did not read or write was as high as 99 percent, while a 1986 study of Hmong refugee families in the U.S. indicated that 80 percent of those surveyed could not read or write Lao, and 70 percent could not read Hmong.⁵⁸ Furthermore, urban and rural isolation insulates communities, and there can be little to no incentive to speak or learn English. This isolation is especially true with elderly and older adults.

We recently learned that the Census Bureau is pushing back the start date for its Early Education Phase. Originally “slated to run from January 2019 through December 2019 with the goal of building public trust in the Census bureau among key audiences that may need more education about the Census Bureau, the decennial census, and why it is important that all residents participate,”⁵⁹ the Census Bureau has moved the start date to November 2019. The Census Bureau believed that an early education phase would benefit particularly those hardest to count because of growing negative perceptions about the federal government, as well as data security, among some audiences.⁶⁰ This need is even greater with the addition of the citizenship question, the resulting fears that have percolated with the decision itself, and the continuing anti-immigrant environment. But rather than expanding or extending the Early Education Phase, the Census Bureau has shortened it by ten whole months, leaving only a couple of months to provide “early” education to try and allay fears and motivate participation from those already disinclined to engage. Not only is this a missed opportunity but it is a misstep toward a fair and accurate census.

Proper Recruitment and Hiring Field staff

The Census Bureau plans to hire about half the number of temporary workers as it hired for the 2010 Census. With this decrease in staffing, it is even more critical that the Census Bureau recruit and hire people who are “indigenous” to the communities where they will be working because of the knowledge these workers bring – from local knowledge of language usage to local knowledge of neighborhood and culture. It will be important for the Census Bureau to promote its recruitment program through a multitude of avenues, such as job fairs, paid advertising, and partner organizations (including faith institutions), as well as utilizing more creative and unconventional methods to recruit and hire census workers for the 2020 Census, including making better use of technology, removing financial disincentives to work for the Census Bureau, enhance the incentives, and increasing local advertising related to census job opportunities. Hiring protocol that prioritizes community experience and skills would significantly improve the staffing for the 2020 Census and the Census Bureau’s ability to effectively engage hard-to-count communities. We must all pay attention to how the Census Bureau moves forward on its field

⁵⁸ Center for Applied Linguistics, *The Hmong: An Introduction to Their History and Culture* (2004), available at <http://www.culturalorientation.net/content/download/1373/7978/version/1/file/The+Hmong%2C+Culture+Profile.pdf>.

⁵⁹ Memo, U.S. Census Bureau, U.S. Census Bureau Responses to National Advisory Committee on Racial, Ethnic and Other Populations 2017 Fall Meeting Recommendations (May 1, 2018), available at <https://www2.census.gov/cac/nac/meetings/2017-11/2018-05-01-census-response.pdf>.

⁶⁰ Id.

infrastructure plan in this upcoming year to ensure it does so in a thoughtful and efficient manner that results in staffing that can engage hard-to-count communities in a meaningful way to encourage participation.

CONCLUSION

While the Census Bureau has taken important steps to improve the count in 2020, there are still many areas the Census Bureau needs to address in order to meet the challenges facing an accurate count in 2020 and ensure full participation by the American public. Especially in light of the ill-advised and misguided decision to add a citizenship question to the 2020 Census form, the Census Bureau has a significant amount of catch-up, as well as additional outreach and engagement, it must do if it even hopes to achieve a fair and accurate count in 2020. We ask that this statement be entered into the record and appreciate the opportunity to provide our concerns and recommendations on how our country can achieve a fair and accurate census in 2020.