

## **Debunking the Myths about the Citizenship Question on the 2020 Census Form**

### **MYTH #1: The Constitution says to only count citizens.**

This is incorrect. The U.S. Constitution requires a census every 10 years of all persons living in the country for the purpose of apportioning seats in the U.S. House of Representatives (Article I, sec. 2, clause 3) among the states. The Constitution explicitly requires an “actual Enumeration” of “all persons,” imposing on the federal government the duty to count the “whole number of persons in each State.” Both Republican and Democratic administrations, through the U.S. Department of Justice (DOJ), have confirmed unequivocally that the Constitution requires a count of all persons living in the United States on Census Day, *regardless of citizenship status*.

Moreover, in adopting the 14<sup>th</sup> Amendment, Congress rejected proposals to allocate seats in the House of Representatives based on voter-eligible population alone, rather than total population. Supreme Court rulings affirming the 14<sup>th</sup> Amendment’s guarantee of equal representation require that congressional districts have equal numbers of people, so the census population numbers also are used to draw congressional district lines. Public officials also rely on census counts to draw state and local voting districts.

### **MYTH #2: The census count is only about apportionment and redistricting.**

Beyond providing the basis for fair voting representation, census data (decennial, American Community Survey (ACS), and other surveys) are critical for numerous other purposes. Census data are a vital tool to address the nation’s legacy of slavery, racism, and discrimination. The collection of accurate, comprehensive race and ethnicity data – as well as data on gender, age, and household composition in the census – is central to implementing, monitoring, and evaluating many civil rights laws and policies, including equal opportunity and access across all economic and social sectors of society, such as housing and the job market. Census data also influence the allocation of more than \$800 billion in federal government resources to states, localities, and families every year, such as for health care, education, housing, transportation, rural access to broadband, and other services. Census data help state and local officials, community leaders, and nonprofit organizations identify current and future needs for the communities they serve. In addition, census data guide private-sector investment decisions on where to invest in job creation, new facilities, and marketing.

### **MYTH #3: Why shouldn’t we know about who is and isn’t a citizen in this country?**

Getting and having quality data on all our population is of utmost importance. However, the reality is we already know about our citizens – the Census Bureau collects quality data on citizenship through the ACS. Collecting data via a sample survey, both sufficiently provides data on our non-citizen population, and is statistically sound. It is also less costly and less burdensome to the public.

#### **MYTH #4: Most immigrants are illegal.**

This is incorrect. [According to Pew Research Center estimates](#), lawful immigrants account for three-quarters of the foreign-born population in the United States – 33.8 million people out of 44.7 million in 2015. Among lawful immigrants, those who hold U.S. citizenship (19.8 million in 2015) outnumber lawful permanent residents (11.9 million). The rest of the foreign-born population consists of 11 million unauthorized immigrants– a figure which has not changed in nearly a decade – and 2.1 million people in the U.S. on temporary visas. Furthermore, two-thirds (67%) of those eligible for citizenship [had obtained it](#) by 2015. The share of those eligible who have naturalized is at its highest level in more than two decades.<sup>1</sup>

#### **MYTH #5: It's no big deal adding the citizenship question to the 2020 Census form.**

It is a big deal. The last time a citizenship question has been on a census survey sent to 100% of households was the 1950 census. The Census Bureau decided to remove the citizenship questions in 1960 in part because innovations in survey methods revealed a more accurate and less burdensome way of counting the country's non-citizen population. In the 1940s, the U.S. Census Bureau began testing techniques to improve sampling and created a different "sample questionnaire" that would go to a smaller percentage of the country — forming the basis for what would eventually be called the ACS.

"By the 1950s, the Census Bureau statisticians realized they get better results from a well-designed sample than they do from a complete count like the census," said Margo Anderson, who wrote a book on the history of the census. Thus, when the decennial census came up again in 1960, the citizenship questions were no longer needed because citizenship questions were asked on the sample questionnaire.

Furthermore, when the Census Bureau was [sued](#) in 1980, the government argued at the time that "any effort to ascertain citizenship will inevitably jeopardize the overall accuracy of the population count" – an argument the bureau has consistently upheld over the years. Thus, we already have access to quality data on our citizens and non-citizens alike through the ACS and this effort will simply result in less accurate data.<sup>2</sup>

In fact, the Census Bureau's [own research](#) today found that asking questions about citizenship caused an "unprecedented groundswell in confidentiality and data-sharing concerns among immigrants or those who live with immigrants."<sup>3</sup> In [test settings](#) from February through September 2017, survey respondents provided incomplete or incorrect information and were visibly nervous about immigration and citizenship questions. One Census Bureau interviewer reported that one respondent got up and left her alone in his apartment when the interviewer asked citizenship-related questions. Even though census data are protected under law from such disclosure, many people were concerned that their responses would be shared or disclosed even before the citizenship question was added.

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<sup>1</sup> <http://www.pewresearch.org/fact-tank/2017/08/03/5-key-facts-about-u-s-lawful-immigrants/>

<sup>2</sup> <https://www.nbcnews.com/politics/politics-news/trump-wants-ask-about-citizenship-census-here-s-why-u-n864246>

<sup>3</sup> <https://www2.census.gov/cac/nac/meetings/2017-11/Memo-Regarding-Respondent-Confidentiality-Concerns.pdf>

**MYTH #6: This is simply a reinstatement of the citizenship question onto the decennial census.**

This is not true. A citizenship question has not been on a census survey sent to 100% of households since 1950. That is 70 years between two decennial census surveys with a planned citizenship question. Furthermore, the citizenship question used in 1950 is different than the one proposed for the 2020 Census. Thus, this is not a reinstatement of a citizenship question on the decennial census – this is in fact a new citizenship question that has not been tested on a survey in an environment that has dramatically changed since 1950.

**MYTH #7: The citizenship question has already been tested because it's on the American Community Survey.**

Asking about citizenship on the ACS – an ongoing survey of less than three percent of U.S. homes per year – is not an adequate substitute for testing it on the decennial census. In fact, it is scientifically irrelevant with respect to the 2020 Census because the failure to test this question in the context of a completely redesigned census and the current environment of fear in many communities represents unsound business and scientific practice of the highest order.

In a January 2018 letter to Secretary Ross, six former census directors said that every census is different and that the environment in which a census occurs is a significant factor.<sup>4</sup> Small changes to the order of questions, wording, and instructions can have significant and often unexpected consequences for response rates and the quality and truthfulness of answers, they wrote. Furthermore, Secretary Ross himself told the House Oversight and Government Reform Committee at an October 12, 2017 hearing that, “One of the problems with adding questions is it reduces response rates. It may seem counterintuitive, but the more things you ask in those forms, the less likely you are to get them in.”<sup>5</sup>

The Census Bureau’s own Census Scientific Advisory Committee also opposed the “last-minute inclusion” of a citizenship question in the 2020 Census in its recommendations following the committee’s 2018 Spring meeting. Noting that “[t]he Census tradition has always been to collect evidence about the impact of a question before the question is added to the Census,” the committee expressed concerns about the “lack of adequate testing,” implications for the cost and for attitudes about the Census Bureau and concerns about confidentiality by adding the question, and the fact that “just because there is not clear evidence that adding the question would harm the census accuracy, this is not evidence that it will not.”<sup>6</sup>

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<sup>4</sup> [https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ\\_census\\_ques\\_request\\_Former\\_Directors\\_ltr\\_to\\_Ross.pdf](https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ_census_ques_request_Former_Directors_ltr_to_Ross.pdf)

<sup>5</sup> <https://www.c-span.org/video/?c4685802/rep-jimmy-gomez-questions-secretary-ross-oversight-hearing>

<sup>6</sup> [http://www.pogoarchives.org/m/cp/POGO-CSAC-Recs-Spring\\_20180406.pdf](http://www.pogoarchives.org/m/cp/POGO-CSAC-Recs-Spring_20180406.pdf)

**MYTH #8: The addition of the question is needed to enforce the Voting Rights Act.**

The DOJ's official request claimed that it needed '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. This claim is without merit. Since the passage of the Voting Rights Act in 1965, DOJ has successfully and effectively enforced the VRA utilizing estimates of citizenship voting age population data provided by the Census Bureau since that time. The DOJ has neither lost nor failed to prosecute a case because it only had estimated data on the number of citizens in a particular district or jurisdiction.

While it is true the Census Bureau must collect data from every household in order to produce 'block level'<sup>7</sup> data for any demographic or socio-economic characteristic, over the last 50 years, DOJ has never asserted a need for data collected from every household for the purpose of enforcing the Voting Rights Act of 1965, until its request in December 2017. DOJ did not indicate a need for citizenship data collected from every household before the Secretary of Commerce submitted to Congress, in late March 2017, the topics to be included in the 2020 Census, as required by law.

The fact is courts and the Justice Department have accepted these more-timely ACS estimates of citizen voting-age population for decades as sufficient for VRA enforcement. Misleading statements about the ACS providing less accurate data on citizenship voting age population data is simply false. Citizen voting-age population data used for the Voting Rights Act are derived from the "5-year ACS estimates," which provide a larger sample size over the 5-year period and is comparable to the long-form census data, with the added benefit of being more current. In fact, after the 2010 Census, DOJ and civil rights groups were able to enforce and monitor compliance with the VRA successfully using citizenship data from the ACS, the part of the decennial census that collects a broader range of updated social and economic characteristics data.

*If you have questions, please contact*

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<sup>7</sup> "Census blocks" are a Census Bureau-created unit of geography and represent the smallest area for which the bureau produces data from a census, which itself is the only government survey that goes to every household in the country.