Promotion Underway for the 2020 Census 
But What about the American Community Survey?

Many tribes and Native organizations have already begun or planned intensive efforts to promote participation in the 2020 Census. A number of tribes have been involved in several of the geographic programs designed to produce a complete list of all occupied housing units for the distribution of 2020 questionnaires. Events are underway or planned to reach every tribal member, on or off-reservation, to encourage each one to answer the questionnaire when they receive it next March.

Getting a full and accurate count of all American Indian and Alaska Native (AI/AN) people in 2020 means recognition, political representation at the state and local level and services for Native people.

Census Bureau research shows that money coming into reservation areas and other Native communities as a result of Census data is a major motivator in encouraging people to answer the Census. This money provides services and public facilities that are important to the well-being of every community, particularly low-income communities.

What tends to be overlooked in the push for participation in the 2020 Census is the fact that much of the money distributed under formulas that use Census Bureau data will come, not from the 2020 decennial census, but from other Census data collection efforts.

Many programs use data on income in their fund allocation formulas. There is no data on income collected in the 2020 Census. It comes from various surveys, including the Bureau's American Community Survey, ACS. The ACS produces income data on people, families and households down to the reservation level.

For example, it is ACS data on various household income and housing characteristics that accounts for 47% of the total estimated allocation of Indian Housing Block Grant (IHBG) funds for Fiscal Year 2019. Data from the decennial census accounts for just 6% of the total allocated to IHBG tribal housing entities. Non-Census data is used to compute the allocations for the other 47% of the $598 million total for the program for this Fiscal Year.

Although the Bureau considers the ACS part of the decennial census process, it is a very different operation. The data are collected, and the results are published separately. (See the Tribes and the Census newsletter dated March 11th, 2019 for additional details.)
The situation will be particularly confusing for households that will receive both a 2020 Census form and an ACS form next year, with the questions on the 2020 form repeated on the ACS form. Why should anyone answer the same questions twice?

Yet there is no promotional effort to persuade anyone, Native or otherwise, to answer an ACS questionnaire. The Census Bureau has no outreach effort for this crucial data collection effort, which goes on every month of every year, including in 2020. And the follow-up effort to collect data from households that do not return the questionnaire is much less intense for the ACS than it is for the decennial census.

There is a "count resolution" procedure for the decennial that allows governmental units, including tribal governments, to challenge the data the Census Bureau produces from the decennial census. There is no similar process for the ACS.

HUD is the only agency that has a formal process that enables tribes to challenge the Census data used in the allocation of their funds under the Indian Housing Block Grant (IHBG) program. Challenges tend to be hard to win, however, as the HUD process is a difficult one.

**Tribes Must Help to Promote Participation in the ACS**

All of these factors make it highly desirable for tribes and Native organizations to provide information on why their members and clients should answer the ACS questionnaire in 2020 should they receive one, as well as the decennial questionnaire. Responding is essential to gathering the best possible data on many personal characteristics of Native people, on and off-reservation, such as income, employment status, education and housing conditions that is only collected through the ACS.

The Census Bureau Web site provides a variety of materials on the ACS. Recently issued, a valuable overall summary is the Bureau's handbook "Understanding and Using American Community Survey Data; What Users of Data for American Indians and Alaska Natives Need to Know." The publication can be found at: [https://www.census.gov/content/dam/Census/library/publications/2019/acs/acs_ian_handbook_2019.pdf](https://www.census.gov/content/dam/Census/library/publications/2019/acs/acs_ian_handbook_2019.pdf).

One of the three case studies in this handbook, written by Cheryl Keepseagle, the Workforce Services Director for the Standing Rock Sioux Tribe, describes how to get labor force data on the American Indian/Alaska Native (AI/AN) population from the ACS down to the reservation level.

A second case study, on preparing regional profiles of the AI/AN population, was prepared by Maria Villegas, formerly the Director of the Policy Research Center (PRC)
at the National Congress of American Indians (NCAI) and Amber Ebarb and Sarah Pytalksi, then on the PRC/NCAI staff.

Other information on the ACS can be found on the ACS page of the Census Bureau's Web site at: https://www.census.gov/programs-surveys/acs/.

**Census Test on Impact of the Citizenship Question on an Undercount**

The Census Bureau has just begun another test in the ramp-up to the 2020 Census. This one, added only recently, is intended to estimate the extent to which the addition of a question on citizenship to the 2020 questionnaire may result in a significant undercount of the American population. The question was ordered included on the form by the Secretary of Commerce, at the last minute, after all the other questions on the form had been thoroughly researched and tested.

A total of 480,000 households nationwide will be mailed test questionnaires. Half will receive forms with all the questions designed for 2020 and the citizenship question; the other half will get the same forms but without the citizenship question. Communities with large immigrant populations will be oversampled as they are the ones where residents are most likely to be resistant to answering a form with this question on it.

The Bureau's stated purpose for the new test is to "fine-tune" the planning for the 2020 Census Non-Response Follow-Up (NRFU) operation. NRFU is designed to collect responses from households that did not respond when they received a 2020 Census questionnaire.

The results of the test, should they show that the citizenship question may be responsible for a significant undercount, will also fuel the demand of opponents to the question to remove it from the form or adjust the results of the count to compensate for households who refused to be counted because of the question.

**Whether the citizenship question is actually included on the 2020 questionnaire is now in the hands of the US Supreme Court.** The Court has taken up a legal challenge to the question. The case under review involves the decision by a federal District Court Judge in New York that would block the question from being used on the grounds that it violates federal law.

Two other federal District Court Judges have also found the question illegal, arguing that its use would not only be contrary to federal law but also that it should be banned because it violates language in Section 2 of the US constitution that requires an "actual enumeration" of the total US population. One of those cases was brought by a collection of groups that included an American Indian plaintiff, a voting rights nonprofit, Four Directions, based on the Rosebud Sioux reservation.
The legal process on the New York case was expedited, skipping the usual review of federal District Court decisions by a Court of Appeals, and taken up directly by the Supreme Court, because a decision is needed before the Census Bureau can finalize the questionnaire for printing and Internet use. A decision on the legal case is due later this month.

In the latest wrinkle in the case, a treasure trove of documents relating to the origins of the effort to get the citizenship question on the 2020 form was discovered on the computer drives of a recently deceased Republican redistricting consultant.

In a 2015 memo the redistricting consultant wrote that adding a citizenship question to the 2020 form would "be advantageous to Republicans and Non-Hispanic Whites" in the redistricting process that follows every decennial census.

The same consultant helped to draft the letter from the Department of Justice to the Commerce Department asking that the question be added, alleging that it would help Justice enforce the Voting Rights Act, a position that opponents of the question strongly dispute.

In oral arguments before the Supreme Court in April it appeared that the conservative majority of the Judges might allow the question on the form.

The lawyers for the plaintiffs in the case have asked that a decision be postponed in order to enable the new evidence to be considered.

A substantial undercount resulting from the use of the citizenship question could have a serious adverse impact on the American Indian and Alaska Native population. Funding for major state programs serving low income people and communities, including many American Indian and Alaska Native families, would be reduced if there is an undercount, leading to more restrictive eligibility and participation rules for such programs.

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