



The 2020 U.S. Census Undertakes Decennial Headcount While California Challenges Citizenship Question, Privacy Concerns, and Undercount

The origins of the United States Census are Article I, Section 2 of the 1787 United States Constitution which defines the House of Representatives. The 2020 U.S. Census will be the 24th decennial, conducted every ten years, since 1790 and has been instrumental in the electoral system of all but one of the 45 Presidents and Vice Presidents (Gerald Ford). Apportionment and representation underlay the premise of a democratically-elected representative Republic.

Why is the U.S. Census Count Necessary?

Census data are used to determine the number of representatives your state receives in the U.S. Congress and Electoral College voters, as well as your county's representation in the state legislature. Government agencies use the data to make funding decisions for more than \$300 billion each year, including:

- Title 1 allocations
- College grant and loan programs
- Public transportation
- Road and community improvements
- Public health services and hospitals
- Neighborhood improvements

Background Essay

Essential Question: Does the question on citizenship in the 2020 census form exceed Congress' constitutional mandate to count population every ten years "in such a manner as they shall by law direct"?

The Constitution: Article I, Section 2

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers... The actual enumeration [of population] shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

A highly controversial proposed citizenship question in Census 2020 was appealed to the United States Supreme Court in early 2019. The U.S. Federal Court in New York previously ruled in early January 2019 to omit this possible invasion of privacy. There are historical precedents which have impacted the accuracy of California's population count and biased violation of privacy concerns. The current controversy will be presented in this lesson along with a historical perspective of privacy and undercount issues impacting California's status.

The image shows a screenshot of a section from the 2020 U.S. Census form titled "Is this person a citizen of the United States?". It contains five radio button options for selection. The first four options are affirmative, with the fourth including a field for the year of naturalization. The fifth option is negative. The form is presented on a light blue background with a subtle shadow.

Is this person a citizen of the United States?

- ☐ Yes, born in the United States
- ☐ Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas
- ☐ Yes, born abroad of U.S. citizen parent or parents
- ☐ Yes, U.S. citizen by naturalization – *Print year of naturalization* ➤
- ☐ No, not a U.S. citizen

"The decennial census is the largest mobilization and operation conducted in the United States and requires years of research, planning and development of methods and infrastructure to ensure an accurate and complete count" (Census.gov). The data collected by the decennial census determines the number of seats each state has in the U.S. House of Representatives (a process called apportionment) and is also used to distribute billions in federal funds to local communities.

The next Census in 2020 will require counting an increasingly diverse and growing population of around 330 million people in more than 140 million housing units. To get an accurate count, the Census Bureau must build an accurate address list of every housing unit, maximize self-response to the census, and efficiently follow up with those who do not respond.

Much is at stake in the gathering and outcomes of the census data. Ensuring an accurate count and the proper use of confidential information have been two significant issues which are once again at the forefront of controversies surrounding the 2020 headcount. Particularly at risk of not achieving an accurate and therefore, nominal undercount, are the large states with huge immigration populations, such as California, Texas, Florida, and New York.

Six states are home to the majority of the undocumented population. As of 2012, 22 percent of the nation's undocumented population lives in California. Fifteen percent lives in Texas, 8 percent lives in Florida, 7 percent lives in New York, 4 percent lives in Illinois, and 4 percent lives in New Jersey.

Approximately 43.3 million foreign-born people live in the United States. Broken down by immigration status, the foreign-born population includes 20.7 million naturalized U.S. citizens and 22.6 million noncitizens. Of the non-citizens, approximately 13.1 million are lawful permanent residents, 11.1 million* are unauthorized migrants, and 1.7 million hold temporary visas. (Bryan Baker, *Estimates of the Size and Characteristics of the Resident Nonimmigrant Population in the United States: Fiscal Year 2014* (Office of Immigration Statistics, 2016), available at https://www.dhs.gov/sites/default/files/publications/Nonimmigrant_Population%20Estimates_2014.pdf).

The majority of unauthorized immigrants are long-term residents of the United States. In 2014, the median length of residence for unauthorized immigrants in the United States was 13.6 years—more than double its length in 2000. In 2014, 66 percent of unauthorized immigrants had been living in the United States for 10 years or longer. (Jeffrey S. Passel and D'Vera Cohn, "Overall Number of U.S. Unauthorized Immigrants Holds Steady Since 2009" [Washington: Pew Research Center, 2016].

For the first time since 1950, (at the time this essay was written) the U.S. Census Bureau is planning to ask everyone living in the United States whether they are citizens when it conducts its next decennial census in 2020. Anticipating that some immigrants might avoid answering the question, the Trump administration wants to try using other government records to fill in missing responses. The new question would be included [at the Justice Department's request](#), according to a [memo by Wilbur Ross](#), secretary of the Commerce Department (which oversees the Census Bureau). It would supply block-level data on the citizen and noncitizen voting age population.

The Justice Department sought to include the question because it uses data about eligible voters – the citizen voting-age population – to help enforce protections for minority voters (including those who speak languages other than English) under the federal Voting Rights Act. The Justice Department now relies on data from the Census Bureau's [American Community Survey](#), a sample survey that covers 2.6% of the population each year. The department wants more "scope, detail and certainty" that only the full census can provide to enforce the Voting Rights Act. Ross said the census form would use the same wording as what is already used in the Census Bureau's American Community Survey, which asks respondents to check one of five categories to describe their citizenship status. Three categories apply to people who are U.S. citizens at birth: born in the U.S., born in a U.S. territory, or born abroad with at least one U.S. citizen parent. People who say they are naturalized U.S. citizens are asked for their naturalization year. The fifth category is "not a U.S. citizen." The survey does not ask whether noncitizens are legally in the country.