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UNITED STATES
COMMISSION ON CIVIL RIGHTS

Meeting and Forum
New York State Advisory Committee

WALTER Y. OI, Chairman

April 27, 1989
1:45 p.m.

Javits Federal Building
New York, New York

TANKOOS REPORTING CO.
223 Jericho Turnpike
Mineola, New York
(516) 741-5342

11 John Street
New York, New York
(212) 349-9692

P R O C E E D I N G S

DR. OI: Good afternoon, I'd like to welcome you to the New York State Advisory Committee for the U.S. Commission on Civil Rights.

My name is Walter Oi, I'm from the University of Rochester, and I assumed the chair of this Advisory Committee since last August, I believe, September, and today we're going to have for the topic of our forum the census undercount in preparation for the 1990 census. I have with us today the members of our State Advisory Committee.

Moving from my left is Professor John Murley from the Rochester School of Technology, professor of political science.

Next, Ms. Paula Ciprich, from the National Field Gas Company of Buffalo, New York. She is an attorney.

Next, Professor William Gangi, chairman of the Political Science Department, St. John's University here in the City, and then, finally, not last, our Vice Chair, Professor Setsuka Nishi from the Graduate Center of the City University of New York and Brooklyn College in the Department of Sociology.

I'd also like to welcome Mr. Fisher, Joseph Fisher, from the State of Pennsylvania, who is especially interested in this topic, because the census counts on undocumented workers, illegal aliens and so forth, because of its implications with respect to the right to representation in the U.S. House. He is a vice president of the International Ladies Garment Workers Union, and we're glad that he was able to join us.

The last forum on this topic was chaired by Professor Nishi in November of 1987, and it was initiated because of the lawsuits that had been filed following the 1980 census, in which there was evidence of systematic census undercounts, especially of minority groups. An indication of the magnitude of these undercounts is available from the handout that our capable staff representative, Mr. Florentine Calabria has provided for us, and this is prepared by Dr. Barbara Bailer, who is Executive Director of the American Statistical Association, who has prepared a fairly lengthy document on methods for close census enumerations, and procedures for adjusting the decennial census for systematic undercounts.

The topic is not a new one. It's clear, I believe it was 1890 when the underpaid census takers who were then being paid by the piece, the more names you collected the more you got paid, probably went out and took the names off the headstones at various graveyards, and in that case I think we overcounted rather than undercounted. Since then, the problem has gone the other way.

We regret that the Bureau of the Census, who was asked to send a representative to the November 1987 meeting, decided at the last minute not to send a representative, but Mr. Roland Moore has submitted a written presentation which appears as Appendix A in the publication that summarized the results of that earlier 1987 forum.

The earlier witnesses were unable to attend. We tried very hard, because there is a difference of opinion on this. The Bureau of the Census has taken a position that a post-census enumeration and adjustments is not warranted. A statement was submitted signed by at least thirteen statisticians in opposition to the position taken by Dr. Barbara Bailer. We tried to get one of them from Harvard to come down to speak to us, but he was

unable to do so. We tried to get other people here in the city, but they also were not, but the Bureau of the Census has had submitted a letter stating their position.

Dr. O'Hare has prepared a study that has appeared in Population Review, which shows basically that the six different post-enumeration methods of adjusting the census count would lead to very little change when it comes to the issue of representation.

This does not deal with the question of dispensation of federal funds, which are allocated by census check and indeed by block on the size of the census count.

We regret that we were not able to get someone who is in opposition to the post-census enumeration, but Dr. David Friedman from the University of California at Berkeley, has prepared a document which has been submitted and will be examined in the preparation of the results of this forum.

Before we proceed, there's some precautions, warnings, that we have to announce to our speakers; that they are speaking voluntarily, we

urge that they do not engage in degradation or defaming individuals in their testimony. They have the right to privacy with respect to whether or not they want or wish not to have their presentations prepared, reported in the press or photographs taken, and if they do object, they should contact Mr. Calabria, who would urge that they be protected.

With those caveats in mind, I think that we're ready to begin, and do you have any words, Mr. Calabria?

MR. CALABIA: No, I don't.

DR. OI: Did Mr. Del Toro come in?

MR. CALABIA: Not yet.

DR. OI: Which of you two wanted to go first? Mr. Wice?

MR. WICE: I think Mr. Low-Beer will go first, since I'm hoping Mr. Del Toro will show up and I'll follow him.

DR. OI: Our first witness, then, will be Mr. John Low-Beer from the Corporate Counsel's office of the City of New York, who is representing Mr. Peter Zimroth. Mr. Low-Beer?

MR. LOW-BEER: Thank you.

Mr. Chairman, members of the Advisory

Committee, Peter Zimroth presents his apologies that he can't be with us today, and has asked me to deliver these remarks in his stead.

In my statement at this forum in November, 1987, I stressed the constitutional significance of a census undercount that systematically disenfranchises the most disadvantaged groups in our city and across the nation. In the City of New York, the census misses twelve out of every 100 blacks, and eleven out of every 100 Hispanics.

May I go off the record for a moment?

(Discussion off the record.)

MR. LOW-BEER: The consequences are that the votes of those missed and indeed of every New Yorker, are diluted. The city loses clout in Washington and Albany and the city is deprived of governmental funds it would otherwise receive through population based aid formulas. Information that has come to light since my previous statement reinforces my assertion that the 1990 census can and must be corrected statistically if this situation is to be remedied.

In June, 1987, the director of the

Census Bureau himself stated, and I quote, "No matter how well we conduct the 1990 census, we do not expect to eliminate the differential undercount. We use every known cost efficient accounting procedure and advertising approach to cover those segments of the population we miss. Statistical techniques are the only potential means of reducing the differential undercount."

In response to the concerns I and others voiced at the last forum, the Census Bureau has sent an eleven page letter to this committee. Much of this letter is devoted to a description of procedures that the Bureau contends will, quote, "address the problems," raised. The Bureau does not hold out the hope that these procedures will eliminate or even substantially reduce the differential undercounts of blacks and Hispanics.

Although the Bureau has engaged in extensive telephone testing and evaluation of new census procedures, Bureau officials have been unable to come up with even a single piece of evidence that any of the programs they plan to implement in 1990 will reduce this differential. In fact, it is very likely that both the overall undercount and the

differential undercount of minorities will be significantly worse in 1990 than in 1980.

The Census Bureau is predicting a 29 percent increase in the number of people who will not mail back their census forms, and who will therefore require followup actions by the Bureau. As compared to 1980, the national population in 1990 will have more blacks, particularly in the age range that is most undercounted. Census Bureau figures also show a dramatic increase, 34 percent, between 1980 and 1988 alone in the size of the Hispanic population. In New York City, data from school enrollments suggest that the proportion of the population that was black or Hispanic increased from 43.9 percent to 47.8 percent between 1980 and 1985. Census Bureau figures show that poverty has increased in the United States and the black and Hispanic communities in central cities have been particularly hard hit. All of these factors combine to make the population and especially the minority population harder to count in 1990 than in 1980.

Some of the programs described in the Bureau's letter are so-called coverage improvement programs, which are designed to count particular

categories of households or individuals who might be missed by the ordinary enumeration process. These programs as planned for 1990 are essentially identical to those carried out in 1980. Not one of them is specifically targeted at the differential undercount. The only one so targeted, known as the Non-Household Sources Program, was dropped in 1987 after tests revealed that it was not cost effective. The Census Bureau's hopes of reducing the differential undercount are now pinned entirely on new or expanded advertising and outreach programs.

We actively support the Bureau owes outreach programs. Unfortunately, however, there's no reason to believe that further efforts in this direction will yield any additional returns. Outreach is of limited effectiveness in reaching those who are hardest to enumerate, people who have little or no access to mass media, who have few ties to established organizations and who fear that giving their names and addresses to a census enumerator will harm them or their loved ones. These limits are demonstrated by a study sponsored by the Census Bureau in conjunction with the dress rehearsal for the 1990 census which took place in

St. Louis, Missouri in 1988. That study found that even after an extensive ad campaign with ads specifically directed toward the black community, 48 percent of, quote, "lower educated blacks," unquote, had never heard of the census dress rehearsal.

The only remaining question, then, is can the Bureau correct the undercount statistically? The answer to this question is unequivocally yes.

In early 1987, the Director of the Census Bureau himself announced to the Commerce Department that the Bureau had the technical ability to correct the census and it was the Bureau's goal to carry out that correction by December 31, 1990. A few weeks earlier, the Bureau's undercount steering committee, consisting of professionals from every major branch of the Census Bureau, had expressed the view that the research and testing done to date indicated that correction was technically feasible. This view is supported by National Academy of Sciences panel and by the Census Bureau's other professional advisory groups.

The Census Bureau now seeks to justify the Commerce Department's reversal of the Bureau's own decision to proceed with correction plans by

casting doubt on this consensus, pointing to some statisticians and Bureau officials who question the views of those experts the Bureau itself had charged with deciding this question. This is an obvious attempt at ex post facto rationalization.

Finally, the Bureau questions the accuracy of some of the figures provided in my 1977 statement. For example, the Bureau says it has no official, quote-unquote, estimates of the 1980 national undercount. My statement gave a national undercount figure of 1.5 percent. A recent Census Bureau publication states that the national undercount was 1.4 percent, and this figure has repeatedly been cited by the Bureau and by the Commerce Department. If the Bureau has no, quote-unquote, official estimate of the 1980 undercount, that is because the Bureau finds it convenient not to have an official estimate.

Similarly, the Bureau states that it does not know what the 1980 undercount rate was for New York City or how many blacks and Hispanics living in central cities were omitted. The figures I used come from Census Bureau tabulations provided to us in connection with the 1980 litigation, and

from Bureau publications. They are based on the Bureau's 1980 post enumeration survey program or PEP.

The Bureau tells us that the 1980 PEP yielded twelve different estimates of undercount and that it cannot say which of these twelve is closest to the true figures. In fact, a few of these estimates were based on reasonable assumptions. Others appear to have been created largely to generate confusion and an impression of uncertainty.

Since writing my November, 1987 statement, I have learned that the Bureau in its own internal memoranda, has relied almost exclusively upon one of these twelve estimates, the so-called 3-8 Series. They have done so because this series is based on reasonable assumptions. The 3-8 Series figures are not significantly different from those I mentioned. There's broad consensus among knowledgeable experts that these figures are generally accurate. The Bureau's questioning of them is designed to mask a serious bias in the census' portrait of America.

As Professor Oi suggested, the footnotes, you can fill in in the record, I'll give

you a written copy of Peter Zimroth's testimony for that purpose.

Thank you.

DR. OI: Thank you very much, Mr.

Low-Beer.

Is Mr. Del Toro here?

MR. CALABIA: No, not yet. Mr. Wang has arrived.

DR. OI: Mr. Wice, do you want to wait?

MR. WICE: I guess I can go ahead, since it's 45 minutes into the session, unless you would like to read your statement first?

MR. WANG: Whatever is your pleasure. Do you want me to go ahead?

DR. OI: Okay, our second witness is Mr. Wang from the--which affiliation did you want to be affiliated with today?

MR. WANG: Yes, Charles P. Wang, I'm the Executive Director of Chinese American Planning Council, I'm also the Chairperson for the Asian American Advisory Committee to the U.S. Census Bureau for the 1990 census.

It's certainly a pleasure to be here to again testify on the very topic, and also the

opportunity to welcome Commissioner Chan to New York and we're very, very delighted to have the opportunity to meet with you.

As I recall, last time I testified by saying that the race question in particular, on the form has been so discriminatory in nature that it will definitely create a gross undercount for the Asian Americans and consequently, I do want to say with the help of the Commission and many of our friends from the Congress, particularly our Congressman Bill Green, and many, many other friends that we have the bill passed in both Houses to put back the form of the 1980 format, and unfortunately, President Reagan vetoed it, the bill, two days after the election, and so finally we again through further effort mounted by the Asian community throughout the country, that President Bush saw fit to approve the revised format, and so now we have in the form for the 1990 an identical format as of 1980, so certainly that is a very, very major accomplishment.

You can see that we have gone through quite a process of trepidation with the vetoes, certainly that was kind of a real--an experience for

the whole community, but I'm happy to report that we are able to see on the form that Asian, nine groups are being broken out and then the additional group can then write in, so that there's a box provided for the others within the 30 some different identifiable Asian American groups in the country to be able to fill out the form.

As we talk about the undercount, we find that certainly the growth of Asian Americans are particularly the phenomenon of the '80's because the change of immigration laws did not really take place until 1968 and the large number of Asians arrived to our shores were really after 1980 so this kind of growth suddenly have never been recorded, so when we show you the number of 1980, I brought with me a recent study that we have collected, with the help of Dr. Nishi, I'd like--I have a few copies for the Commission.

Dr. Nishi is one of the key consultants to the study that we have covered for the tristate area, based on the 1980 census number, and we have maintained that the number in this data actually is 50 percent lower than the actual number. Because a number of factors affecting, I think the minorities

including the black and Hispanic, and so much so for the Asians in the same kind of spirit that our people would just not voluntarily want to come forward to be counted over a variety of reasons. Certainly the paramount come to mind would be the language barrier.

This study shows you another aspect of how the Census Bureau works. The second volume of the census data on Asian Americans for 1980 was not published until July of 1988. Can you imagine? You have taken the number of 1980 and not until eight years later that this number is being published, and we have nothing to go by during that eight year period, we still have to use 1970's number, because there's no number available, and then after they publish it in '88, right, so it's already outdated and not counting into the growth from 1980 to 1988.

So we always are in the position of playing this so-called catchup game. We are at a very, very disadvantageous position. We see the gain by the blacks and Hispanics, again, the Bureau in terms of staffing, in terms of publications, and we don't see the parallel kind of development towards the Asians. So we see in the management

position not a single Asian at this very moment that are actually being above the grade I would say 16 within the entire Bureau of the Census, right? And we make an all out effort to encourage the Bureau to recruit more Chinese and Korean and the Asian language speaking so-call Cap staff, community, outreach and awareness program staff and we see the kind of positive result from New York and from Los Angeles where you have a major concentration. Then we look at even within the Washington, D.C./Maryland corridor. At this very moment, there's only one person serving that entire region who happens to be an Asian, out of 30 some-odd similar staff categories. And other regions as well. So they are grossly underrepresented on that score.

If we don't have the kind of staff that would be able to really reach out to our community and to bring the importance of the census to those who really are at this very moment so much remote from the process, because you are talking to a group of new comers who are not familiar with our system and do not fully understand why should they really fill out a census form, what benefit that this process will bring to the community and to them

individually, and they have no incentive to participate.

On the other hand, there are so many other aspects which made them very much not to voluntarily come forward, so this is where I find that with the Commission's interest in really from the civil rights standpoint, to kind of work with the Bureau of the Census to see to it that certainly that if we talk about the outreach into the hard to count, certainly in order to reach the goal of having a complete count, the effort that the Bureau of the Census made at this very moment certainly are not adequate enough to really cover that particular objective. And then not to make adjustment after the count in a census where it would lead to the kind of total injustice to a group like the Asians, because of the the variation that I just pointed out to you, that in our variation is almost 50 percent, to what the Census number versus what we would estimate the kind of population in our community.

And we have no way to adjudicate, because we are a group at this very moment so underrepresented in almost every level of our government, be it appointed or elected. So in that

respect, census actually presents a very vital hope, hope by 1992 that through redistricting that we will be able to see that the growth of the Asian would justify certain election districts, so the Voting Rights Act would benefit Asians as well. At this very moment, it doesn't apply to us, because we're not in a sense physically eligible to be benefitted by such good legislation, so in that respect, again for the Asian, certainly in no way will be at the expense of the other minority groups.

We have made it very repeatedly in this particular effort that we also--we also experienced a very--I would like to also have this on record as well, the kinds of misinformation that the Census Bureau staff have used to affect the outcome of this particular race question by informing the black and Hispanic community that if Asians were to be given this particular format of race question, the outcome will have an adverse impact on the black and Hispanic community, and when you look at the form, and you look at that the race question comes down from white, black and Negro is second, and American Indians as the fifth before the two other small categories, actually, in the past, Asian was up

there, and we were brought down, so as to kind of accommodate our particular nine groups, and the blacks are actually elevated up to the second position on the same question, and you know and I know, when you come to check off whoever is named up front, always get more check off. In the election, everybody is fighting to get his name listed up front, nobody likes to have his name listed on the bottom, because whoever is going to get listed on the bottom gets smaller return and responses.

So in that respect, the blacks are being benefitted by this kind of upgrading from the lower level of position up to the second highest position, right next to the white, and still the staff would have informally kind of a whisper to the black community, that with Asian getting this checkoff point is going to hurt you people, and I'm just using example that that's certainly not the case, and it will, the outcome of the 1990 proved that that certainly would not be the case.

So in that respect, I felt that it is certainly a very, shall we say, classical example of any emerging group in our country trying to claim our rightful place in our society, certainly is not

an easy task, and it is certainly not automatically given, but on the other hand, I really do want to again thank the Commission for the interest that you have shown and for the kinds of support you have given, so as to make our struggle somewhat easier. Only because of your intervention, your support, that we will be able to continue and hopefully that this particular case evidence would again demonstrate that it is, yes, the intent of the spirit of the census to count everyone within a country, but somehow because of the institutional and I would say the systematic kind of bureaucratic handicap that we have, that the outcome is not what the forefathers had originally intended, so there has to be measure made, and I just also about three weeks ago attended a forum by the American Statistical Association, American Marketing Association, and they have again maintained all along that there are scientific ways to adjust, either overcount and undercount for the counties throughout the United States, and evidence has been presented to the Bureau that through those scientific measurements, that you can come fairly close to actual conclusions with errors in the zero

percentage point, rather than one or two percentage points.

In some of the surveys, you know, margin of error is two or three percent on either side, but in this particular situation, they would narrow it down to zero point some percentage, so in that respect it is very, very close to perfect, so in that respect, I think if we can withhold the political consideration, and then allow the adjustment to be made, I think it will definitely benefit our community, and will again present a much more accurate and truer picture of how many people we really have in each of our communities.

So with that, I again thank you very, very much for the opportunity to speak to you.

DR. OI: Thank you very much, Mr. Wang. Would you be prepared to take questions from members of the Advisory Committee?

MR. WANG: Definitely.

DR. OI: Professor Nishi?

DR. NISHI: Yes. I think that the figure that you give here of 50 percent undercount, of course, is a phenomenal one, and though I believe you, that I think it would be, it would strengthen,

I think, your position very strongly, if you would further provide evidence or rationale for your assessment that there may be a 50 percent undercount.

MR. WANG: Okay. Because our book, "The Outlook," in a sense substantiates many of the points where we say that in New York City up to this point we have 300,000 Chinese alone, but the Regional Plan Association's numbers say that the entire Asian community in New York City is 300,000. Because they can only use the census number as a base, and then add on to whatever other number that they can put it together, and that's how they would figure it out.

DR. NISHI: It's 50 percent, then, of an undercount from the projection by the Regional Plan Association?

MR. WANG: From the projection, yes.

DR. NISHI: My own experience in the Asian American community and the vast changes in the various public policies that have effected these changes certainly would endorse your estimate of the undercount, but I think that it needs to be more fully and continuously elaborated and I would

appreciate very much your continuing to do so.

Thank you.

MR. WANG: Thank you very much.

Yes, sir?

DR. OI: Professor Gangi.

DR. GANGI: You alluded to statements made by Census Bureau officials with regards to the impact on the black community. Are these public statements?

MR. WANG: No.

DR. GANGI: They're private statements?

MR. WANG: Again, but there was a resolution made by the other minority committee, since the question on the Asians were not tested, all right, so this was, the way that the Bureau staff encouraged the black and American Indian community to advocate that, that question had to be tested.

DR. GANGI: I understand that, I just wanted to elicit whether we had any public statements.

MR. WANG: There are no public statements.

DR. GANGI: So it's a hearsay

situation. You also alluded to that there are post statistical adjustments possible.

MR. WANG: Right.

DR. GANGI: The statement here before the House committee by a baker's dozen of statisticians seems to be contrary, and this is a question of expertise. I know I would hesitate to try to wade through on my own, but you seem quite positive. Would you be able to--

MR. WANG: I would just suggest that if you would take the resolution from the Advisory Committee to the Central Bureau from the American Statistical Association, the body that represents all the statisticians who are part of that association--

DR. GANGI: There's a difference--

MR. WANG: Certainly if you talk to different doctors, they give you different diagnoses.

DR. GANGI: Certainly there's a difference between passing a resolution at a meeting and being examined and/or questioned by House Committee members more specifically on the topic. Again, I only raise the question because I would

like to see--

MR. WANG: But if I were to be told by the Association, right, as an official body passing the resolution, stating that the post-enumeration adjustment can be done--I can--

DR. GANGI: No, I understand.

MR. WANG: You're telling me another expert is saying just the opposite. Certainly that personal, I would say he's entitled to his opinion from his own expertise conclusion.

DR. GANGI: Sure.

MR. WANG: I cannot argue that. But I only would say that if you look at the Association as an official body, represents thousands of experts in the field, whether you weigh those comments versus, say, you know, one or two other, how you will.

DR. GANGI: As I said, I don't want to belabor the point, I understand what you're saying.

DR. OI: Ms. Ciprich?

DR. NISHI: May I be permitted another question of Mr. Wang? I think the matter of the underparticipation in the staff by people of different minority status perspectives is a serious

one. I think it does influence the kind of policies that emerge, and the kind of sensitivities that are exhibited or not exhibited, and I wonder, since it is appropriate and it is one of the charges to the U.S. Commission on Civil Rights to maintain some monitoring, vigilance with regard to equitable employment opportunity in various government agencies, I wonder if there is available a public report with regard to minority participation in employment in the Bureau of Census.

MR. WANG: There are those things. I would encourage you to definitely as a Commission to inquire about it and obtain those documents, and you if you could monitor and really kind of comment on those statistics, I think that would be very, very helpful.

DR. NISHI: I think that would be an appropriate recommendation. Thank you.

DR. OI: Ms. Ciprich?

MS. CIPRICH: No.

DR. OI: Dr. Murley?

DR. MURLEY: No.

DR. OI: Mr. Fisher, you were involved in the undocumented individuals, did you have any

questions of either Mr. Wang or Mr. Low-Beer?

MR. FISHER: No, not at the moment. I only would say that I am in concurrence with what has been said in most cases, and I would be interested in terms of the tactics or the methods that are being used to what I would characterize as pitting one group against the other in terms of these alleged statements or whatever mechanism is being used to sort of build up the blacks or other minorities against the Asians. I would be more interested in pursuing that, not necessarily here, but I think it's common knowledge, or at least in my own opinion, that those people that are in power and those people that are in favor of the status quo, quite often use these kind of divisive tactics to have constituents and other groups fighting each other and it sort of deters them from what their main objective is.

So I was interested in hearing that, that's the first time I heard it and I really would like to get some more information on that.

I think it's going to require a massive educational process amongst these groups to let them really know what's happening.

DR. OI: Okay, thank you.

MR. WANG: Thank you, sir.

DR. OI: Thank you very much, Mr. Wang.

Did anyone have any questions of Mr.

Low-Beer?

DR. NISHI: I do have a question.

When Mr. Zimroth appeared before our Advisory Committee several years ago, it is that long ago now, the City of New York had filed suit with regard to the requirement of an adjustment, and I wonder whether you could indicate to us your reaction to the decision and its, what implications and further pursuit there might be.

MR. LOW-BEER: Are you referring to the 1987 decision by Judge Sprizzo?

DR. NISHI: I believe that is the decision.

MR. LOW-BEER: As you may be aware, the City of New York last November filed suit again against the United States Department of Commerce with respect to the 1990 census, seeking an order from the Court requiring the Census Bureau to reinstate the program which we and others who looked at it believed was very successful. The program had

planned to adjust the 1990 census. We believed that Judge Sprizzo's opinion was mistaken in various ways, but whatever the merits of that, 1980 is a long time ago, and since then, the Bureau has done a lot more research on the feasibility of adjustment, or correction of the census, and the Bureau came to the conclusion that correction of the census was technically feasible.

Now, the fact that, to return to this question raised earlier about, that there are a number of statisticians who have signed a letter saying it can't be done, you know, you could probably find some people to say the world is flat, too, but the Bureau itself had come to the conclusion that correction was technically feasible. They weren't sure if it could be done by December 31st, 1990, they raised a question about that. We believe it can be done by December 31, 1990, or shortly thereafter, and we believe that if it can't be done by December 31, 1990, that should not stand as an obstacle in the way of doing it at all.

DR. OI: Can you tell me where we could find that statement, because in the original case, the judge based his decision on the fact that it was

not technically feasible, isn't that correct?

MR. LOW-BEER: That is among the reasons that the judge stated, yes. The judge, of course, was considering the evidence presented to him regarding the 1980 post enumeration survey. Now, your question is where can you find the statement that it is technically feasible?

DR. OI: From the Census Bureau.

MR. LOW-BEER: Okay, well I have cited, we have cited in Peter Zimroth's testimony the report of John Cane that he prepared prior to meeting, John Cane, the Director of the Census Bureau prepared prior to his meeting with Robert Ortner, Undersecretary of Commerce for economic affairs. Early in June of 1987, he went to the Undersecretary and said, "We believe it's technically feasible." He said that repeatedly. He said it in his introductory remarks to the July 17th meeting at the Census Bureau, in which there was a discussion of the scheduling and whether it could be done by December 31st. He said, "Now that we know it's technically feasible, we need to think about whether it's operationally feasible."

Louis Concannon, on July 30, 1987, in

remarks, public remarks in the State of Indiana, exactly what the occasion was, I'd have to refer back and send you the document, but stated that adjustment of the census was technically feasible, as did all these advisory committees, by the way.

DR. GANGI: Mr. Chairman?

DR. OI: Yes, Dr. Gangi?

DR. GANGI: I'd just like to correct a characterization here. I don't think the issue is simply whether or not that it's feasible. To read the last paragraph in this testimony, "In sum, real data with real flaws, would be replaced by complicated and poorly tested mathematical models of data," all right, so we're not saying whether or not, even if it is technically feasible, the testimony here seems to say simply that it's not as good as, and that's a different point from feasibility and/or operational possibility.

DR. OI: That's correct, but what I was stating was that in the census letter that was included as Appendix A to the November '87 form, one of the reasons that was given for the decision on the New York State suit, New York City suit, was this issue of technical feasibility, that the Court

stated it was not technically feasible.

DR. GANGI: It raises another question that's somewhat troubling to me because you stated that not cost effective was the technique. You seemed to say that it was much more likely to permit on-target analysis or collection of data, you said in 1987 a technique was removed that had been included in the '80 census but removed thereafter and not to be included in the '90 census.

It would seem to me that that--it was removed because it was not cost effective, and cost effective, as we well know, sometimes is not just up front, but suits and other things filed afterwards may change the bottom line on that cost effectiveness.

MR. LOW-BEER: Well, that program that I was referring to was not an adjustment related program.

DR. GANGI: I understand that, but you seemed to indicate that you thought highly of it as a technique for the collection of data.

MR. LOW-BEER: I didn't mean to convey that impression.

DR. GANGI: Then let me just proceed to

what my real point is, and that is, in some respects why are we not addressing some of these issues directly to the Congress, or at least to state legislators to put some, perhaps some specifying legislation that gives the Bureau of census the kind of direction and/or perhaps a little bit more control from the Congress than letting them seemingly shoot from the hip and not being very responsive to some of the--

DR. NISHI: What would the state legislature do?

DR. GANGI: Well, state legislature, naturally, having Congressmen and two Senators in conjunction with other states similarly situated could certainly pass a piece of legislation directed at the census on how to do their job, if that seems to be necessary, and the bureaucracy of the census seems unwilling to do it in a manner that, if you're reasonable and can convince him, should be done.

MR. LOW-BEER: Well, if I may, just for a moment first return to your first point about technical feasibility. I believe that as the Bureau understood technical feasibility, and as that term is generally understood, what is meant is would the

results improve the census count, not, you know, can you invent a number that while looks nice is no better than the census, but technically feasible means can you assert with confidence that you have made an improvement in the census by adjusting it, do you have a methodology that will do that, and the conclusion reached by not only by the various advisory committees, but also by the Bureau itself, was that this could be done and that they would have confidence that the figures would be an improvement.

Now, why are we addressing ourselves to the courts rather than to the Congress? Well, we are addressing ourselves to the Congress as well, but we believe that the law is clear that the census must count the population of the United States as accurately as practicable. Those are the words of the Supreme Court in a long line of Constitutional cases. Unfortunately, it has often fallen to the courts to fulfill the rights of minorities, when majorities were somewhat heedless of those rights, and this may be that type situation, where the courts might have a special role to play.

Although of course we believe that the Congress also has a role to play here, and could

address itself to this problem, and may do so.

DR. MURLEY: I do have a question.

When you say--

DR. OI: Mr. Murley.

DR. MURLEY: When you say the Census Bureau believes that the count can be adjusted to reflect a more accurate count of the population, a better number, meaning more accurate, that the basis of that belief would simply be the acceptance of one group of experts' assertions as opposed to another group's; in other words, it would be accepting the American Statistical Association view as opposed to the view of the people who signed the letter. That is, it would simply be accepting one side of a controversy.

MR. LOW-BEER: Well, many decisions are made in determining how to take a census, be it 1990, 1980. There are already many techniques used which you could call statistical, such as imputation; there are decisions made about whether to look for duplication in existing programs or not to look for duplication, how much effort and what kind of effort are we going to expend in counting in certain areas, as opposed to others, what is cost

effective, what is not cost effective. All these are decisions that are made by professional people according to their best judgment of what within reasonable means will produce an accurate count, and I don't think that this decision is any different.

I think the Census Bureau conducted for over several years a search for the best possible method of measuring the undercount, and correcting it, and they came up with a method, they thought it would work. Of course someone else might say, well, you could have done it differently, and they could say the same for any part of the census, and you might have come out with a different number, sure, but this is a number that in the judgment of the advisory committees and the professionals in the Bureau who are charged with this job, that they believe this was a method that would work and would come up with a better number, not a perfect number, because there's no such thing as a perfect number, but the best that can be done within reason.

DR. OI: Thank you very much.

MR. CALABIA: May I make a point? On the question of the letter we have in hand signed by the thirteen professors, I have to mention again

that we sought such a document in order to identify sources who might come and present the other side. I should also add, though, that in finding that, I also was told another letter, or at least a statement of some sort had been organized and submitted to the Congress involving several dozen people from universities similar to these. In fact, if I recall, it might have been as many as 50 professors with similar backgrounds who were in support of the Census Bureau's proposed adjustment techniques, so that also should be said.

Entering for the record, too, is the American Statistical Association's Executive Director's recent writings on adjustment. Barbara Bailer, who, as the committee will remember from the prior meeting, was cited as the Bureau's top statistical expert, who was developing the procedures and had the staff to try and determine how to go about correcting for these undercounts, and she subsequently left the Bureau, she had been at the time of our prior meeting, the president of the American Statistical Association, now she is the executive director. I might add, too, that in her recent letter to me, providing us with her writings

for the record, the current president is Janet Norwood, who is the Bureau of Labor Statistics chief.

I note, too, that the president-elect is Vincent Rabba, who had been the Bureau's director back in the '70's. We only received this last week, it remains to be studied, but it has been submitted for the record.

DR. OI: Thank you. Thank you very much, Mr. Low-Beer and Mr. Wang.

MR. LOW-BEER: Thank you.

DR. OI: Is Mr. Del Toro here?

MR. WICE: I'll deliver his statement.

DR. OI: You are Mr. Jeffrey Wice?

MR. WICE: Right. I am the Washington counsel for the New York State Assembly. I am a partner in the law firm of O'Connor & Hannon, and I've been working with the State Assembly for the last twelve and a half years and represent the Speaker of the Assembly and in this context Assemblyman Del Toro, who is a member of the Assembly from New York County and is the co-chairperson of the State Legislature's Advisory Task Force on Reapportionment and Demographic

Research. I'll read his statement and make a few comments of my own, which will also take into consideration some of the points raised in the last few minutes. I'll begin.

Mr. Chairman and members of the Advisory Committee: Thank you very much for inviting me back to testify before this committee concerning the census undercount. I appreciated the opportunity to testify before you in 1987, and at that time, I discussed the problems encountered by Hispanics concerning questions on census forms involving those of Hispanic or Spanish origin. I also talked about my concern over the movement to exclude undocumented persons or non-citizens from the census.

I am pleased that the census Bureau has made attempts to help those of Hispanic origin differentiate on the census forms between Hispanic, Spanish and other backgrounds. I am also happy that the Census Bureau has aggressively defended a lawsuit filed in Pennsylvania which seeks to exclude undocumented persons from the 1990 census. This case, known as Reg v. Verty was filed by 43 members of Congress and three different states. This case

is also being opposed in an amicus brief by about an equal number of Congressmen as well.

The plaintiffs in this case argue that the inclusion of non-citizens takes away representation in our legislative bodies from American citizens. I think we can all appreciate the fact that the Constitution requires the counting of all persons regardless of citizenship, and that it would be blatantly unconstitutional to discriminate against non-citizens. Several bills in Congress which have also sought to exclude non-citizens have failed to get reported out of committee and I doubt very much if the Congress will take any action this year either.

The exclusion of non-citizens requires a question on the census form asking, "Are you a citizen", quote-unquote. I fear that asking such a question would lead many citizens to throw away the census forms and not return them at all. As you know, many people, especially those in non-English speaking or minority neighborhoods, have a basic distrust of government and are not interested in filling out any kind government form. Asking questions of citizenship would only make matters

worse.

In 1987, I also stated my concern to you that the Census Bureau will only give local jurisdictions 14 days in which to review the Bureau's original census count. This 14-day period would take place in June of 1990, and may be of insufficient time for the proper analysis of this professional count. The Census Bureau has not lengthened this period and I still raise concerns over it.

I would like to take a few minutes now to discuss the census undercount and where we should be heading. As we all know, the Commerce Department announced in late October of 1987 its decision not to adjust the 1990 census for the known and widespread undercount problem. The Census Bureau at that time also cut back its research programs to determine the extent of the undercount. Originally, this program, known as the post enumeration survey, was to have included a review of 300,000 households. The Bureau has since cut that number back to only 150,000 households, a number which may prove insufficient to properly analyze the census undercount. It is my hope that the Bush

administration will at a minimum increase the post enumeration survey up to a level sufficient enough by which the Bureau can estimate the undercount properly. Barring that course, I would hope that the U.S. Congress through the appropriations or authorizing process will require the Census Bureau to conduct such a larger post enumeration survey.

Several months after the Census Bureau announced its decision not to adjust for the undercount, a lawsuit was filed in the Eastern District of New York by New York State, New York City and many other localities, states and civil rights organizations. That lawsuit seeks to require the Census Bureau to continue its undercount research methodology, and also seeks to direct the Census Bureau to do what we failed to accomplish through legislation in Congress last year, that remedy being a mandated census undercount correction.

While litigation takes a long time, we have seen a glimmer of hope as recently as last Friday. At that time, Judge McLoughlin of the U.S. District Court here in New York ruled against the U.S. Government's motion to dismiss the undercount

lawsuits. Judge McLoughlin ordered the case to go to a hearing on the merits in July of this year. While this does give us some hope, the long and tedious litigation process may not be won fast enough for an adequate remedy before the 1990 census commences in March of 1990. Even if New York and the other governments prevail in this case and the Census Bureau is directed to make an undercount adjustment, there will probably be an appeal of the case which will lead to further protracted litigation that will take us well beyond 1990 and into the actual redistricting process which takes place in the states beginning in April, 1991, which is the date when states receive actual street by street data from the Census Bureau.

While it has been my long time hope that the census would be adjusted for the undercount, I would hate to see our efforts diverted by lengthy litigation. We have turned many of our efforts at Albany towards working with the Census Bureau to achieve a full and complete count. In the 1980 census, as we all know, New York State was undercounted by over half a million people. All of our efforts now must be directed at insuring that

all New Yorkers are counted.

As the co-chairperson of the New York State Legislative Task Force on Reapportionment and Demographic Research, I have been working with the U.S. Census Bureau on many programs to minimize the undercount and to maximize the participation of all New Yorkers in the census process. We have been working with the Bureau both in Washington and New York in the hiring process, making available job information to those who will make the system work, those being the enumerators, district office workers and computer processors. I have been working with my fellow state legislators in Albany and with elected officials throughout the state to convey the importance of the local review program by which address lists are prepared and maps are made as accurate as possible for the proper enumeration. We are also working with the private and public sector to make sure that public service announcements, ads, newsletter mailings and other activities undertaken by elected officials all include messages about the importance of the census. This is the most important job at this time if we are to minimize the undercount.

I might add at this point my concern on some of the technical aspects of the census process. Several officials in New York City have been able to take an advance look at some of the Census Bureau's maps and have discovered grave deficiencies and mistakes. In some of the maps reviewed covering neighborhoods which have been in existence for over 200 years, streets have been left off or improperly identified. Bad maps lead to a bad count and a bad count means an only worsened undercount.

I would hope that the Census Bureau does what it can to work with local officials to make sure that the mistakes found in the maps are corrected in time before the mailed questionnaires are sent next year. If the Bureau lacks funds for such corrections, we will have to go to the Congress for remedial legislation. We hope to do it in time for the 1990 appropriations bills, which will be considered by the Congress before July of this year.

Again, I want to take this opportunity to thank the New York State Advisory Committee for inviting me back to present some comments. I look forward to working with you to present a fully complete census count in this state next year. I

thank you very much.

That's Assemblyman Del Toro's statements. I would like to make some additional comments after reading through the report of the committee meeting of 1987.

I think Dr. William O'Hare's study demonstrates, I think Dr. O'Hare has submitted some documentation in an article that he wrote, that the census undercount will have minimal impact on Congressional redistricting among the states, that in fact there may be no switch in seats at all with an undercount, or that possibly California might not gain one extra seat, California is already going to get five or six seats and that Pennsylvania might save one seat.

Newer numbers which the Census Bureau announced two or three weeks ago of 1987 county population estimates as projected to 1990 show that New York would still be losing three seats, with or without adjustment, and that Pennsylvania, which had been forecast to lose three seats, would only lose two at this point. I think that's a significant point to show, also in Texas, projections demonstrated again of four seats from 1980 to 1985

period, however, because of the energy crisis in the southwest, Texas is now looking at only three seats. So when you look at the 1980 to '85 data, compared to the 1980 to '88 data, you could see that there is a slight shifting in that the northeast is not as bad off as it had been earlier in the decade and the southwest is losing ground a little bit while California is continuing a very steady rapid growth rate and it might not be far-fetched to assume that California would gain six or seven seats.

New York, however, is well within the so-called bubble of 435 seats, that the 31st seat in Congress is well within the range of 435 seats and it's very unlikely New York would go beyond a loss of three. I just want to stipulate that all these projections are simply that, they're estimates, they're projections, and that nothing but the census count itself will give us a final answer.

We've been talking about whether or not the Census Bureau should adjust, shouldn't adjust, whether efforts in Congress failed or should be addressed again. I think that discussion is really two years too late.

I'd like to offer for the record a

document that I picked up just a few days ago. It's an objective report published by Congressional Quarterly discussing the 1990 census, and undercounting minorities and a lot of documents here from Court suits and internal Bureau documents are discussed, going through the whole process of the 1980 census undercount planning and the decision made at that time that while census undercount was acknowledged, that because of the way the count was taken in 1980, while adjustment might have been feasible given the methodology, the data wasn't good enough to warrant such a correction.

I think that Judge Sprizzo in his opinion--we're really looking at merging the data collected and the methodology used. The methodology might have been a sound one, but the data wasn't sufficient enough to correct it that time, and the Bureau made decisions after 1980, really through 1987, to create a task force of senior Bureau officials to look at adjustment, and I think it has been acknowledged up until June, 1987, the Bureau internally made a decision to correct which the Commerce Department reversed, and from June of 1987 through October 30th, announcement that there would

be no correction, many believed that it was a politicized process with either White House or Commerce Department appointive level official involvement and decisions were given on why the census should not be corrected.

I've attended the Congressional hearings where that statement that you've been alluding to was introduced. I kind of think that those arguments made there are of the sort that the earth could be made flat. The Census Bureau itself appointed a blue ribbon task force in the early 1980's, it was made up of officials from the National Academy of Sciences and it was referred to as the Panel on Decennial Census Methodology and the findings of that panel lead the Bureau, that panel supported an undercount methodology and system. Those experts, which were the ones that the Bureau itself selected, supported undercount. When that statement was submitted for the record, I don't even believe that anybody read it into the record, it was simply a statement which was gathered for the subcommittee and this is my own personal observation to rebut the arguments to adjust, that some of the people on the Congressional staff had never heard of

any of those experts, so-called experts and professors, whereas others, Professor Ericson who is more or less the leading statistician on undercount methodology, has been working with the City of New York in its work and Professor Steven Feinberg of Carnegie-Mellon in Pittsburgh, who I think was chair of the National Academy board, all supported undercount.

You will find, I think, on any side of an issue the pros and cons and people supporting or opposing a methodology, but I wouldn't think that that statement would be one that I would rely on. I don't pretend to be an expert on statistics.

Congress didn't act in time, and the administration in Washington refused to act. With the court case there will be a hearing in July, with this document here, which I will submit for the record, there is one statement by Dr. Kirk Walter, formerly a Census Bureau official, who stated that a decision could be made administratively to still correct in time by August of this year.

Now, I don't expect any movement out of the Bush administration to reverse by that time, and if the court case doesn't go to a hearing until

July, there isn't really much hope for that, and that looking at this as a practical politician from the legislature's point of view, to get unadjusted data April 1, 1991, which is based on the regular count, the unadjusted count data submitted for apportionment to the U.S. House on December 31, 1990, a real concern has to be whether an adjustment could be made in time for the House apportionment, which is done automatically by law, and for the federally mandated April 1st reporting of data to the states.

So I think all in all, everybody dropped the ball on this issue. It's unfortunate at this point, I say this as an advocate of adjustment, and at this point we have to focus all of our efforts on a full and complete count. But the Census Bureau can only do so much with its public relations campaign, with its ads and the outreach, but it's the job of the public and private sector to support the Bureau's efforts through every elected official, every labor union, every church and civic organization. That's where we're going to make or break on the undercount, and I think with that I'll conclude my remarks and be happy to answer any

questions.

DR. OI: Thank you very much, Mr. Wice.
Any questions? Do you want to start, John?

DR. MURLEY: No.

DR. NISHI: If I may be permitted a
question.

DR. OI: Professor Nishi.

DR. NISHI: I'm not a lawyer, however,
is there not such a thing as an injunction with
regard to some requirement of, some constraint until
a decision can be made?

MR. WICE: Do you want to address that?

MR. LOW-BEER: I'm sorry, I didn't
quite understand. What is the question?

DR. NISHI: Mr. Wice has indicated to
us the difficulty of the timetable involved. Can't
there be any way in which, let us say, some
requirements to meet certain deadlines with regard
to an administrative judgment can be made? Is there
some legal recourse to that?

MR. LOW-BEER: Are you referring to the
December 31st, 1990 data in the statute, or the
April 1, 1991 date in the statute? Is that what
you're--

DR. NISHI: What I'm suggesting here is that Mr. Wice has indicated that if the Census Bureau were to act administratively by July, that it would still be possible--

MR. WICE: It might be possible.

DR. NISHI: It would be possible. So is there some way to require such a decision?

MR. LOW-BEER: Oh, well, two points on that. First, the Court, the Census Bureau has told the plaintiffs in the lawsuit, and I believe the Court as well, that if they are ordered to do so in August, they can still adjust the census. If they were ordered to do so later, it becomes more problematic, so the court in saying that it will set this for a hearing in the first or second week of July, has in mind that a decision is needed by August, and I guess the Court believes that it can meet that deadline.

The Court also said last Friday that it did not believe that the dates in the statute were in any sense absolute or mandatory, at least to the extent that they conflict with Constitutional right, that the Court felt that it could grant a reasonable extension of time for the Bureau to get this done if

that was necessary.

MR. WICE: That might create--the question has been asked and discussed as to whether those dates are mandatory or advisory. They are both found in the U.S. Code. I think politically, and it might advantage New York and other states that will have undercount problems, the members of Congress would find a lot of problems with that. It would be very annoying to the states, and especially where the states themselves have election deadlines.

New York, for instance, begins its election calendar in July of 1992 unless election calendars are changed. Pennsylvania, New Jersey and Louisiana have to redistrict within three months of July, 1991. So while it may be a beneficial decision, I think politically, it would create a lot of confusion in the states.

DR. NISHI: I could see the difficulty that would be involved. Well, thank you.

MS. CIPRICH: I have a question I'd like to ask Mr. Wice. While you were reading the statement of Mr. Del Toro, I believe you said something to the effect of you would like the Census Bureau to continue to refine its undercount

methodology, and it seemed to me that there has been an assumption at the presentation here that there is an acceptable undercount methodology, and while you were saying that, I was wondering whether it was true.

MR. WICE: That part of the statement reflected the point that the Commerce Department's decision in October 1987 was to cut back the level by which the post enumeration survey would be conducted. The staff at the Bureau determined in the early 1980's that a survey of 300,000 households, and by post enumeration survey we mean in the last week of March, 1990, the mailout questionnaires are sent out to every known household in the country and they're asked to be returned within a few days. Those returns are matched against the address lists. People who do not send back the forms are then visited by a door to door enumerator in the late spring of 1990, and then again those returns are matched against the address list which the Bureau maintains.

The post enumeration survey is a sampling based on the mail out questionnaire and the door to door survey that tries to ascertain

nationally who is counted and who is missed, and then they apply that. Then after the post enumeration survey is conducted, it's applied against all different, every state in the country for undercount and overcount determination. There are about 20 some-odd formulas that the Bureau came up with or know about to do a correction properly, and in the legislation, I think also in the lawsuit, the Bureau is given the leeway to pick the formula it wanted to use, and that's something that most statisticians and the Bureau can grow on, picking the most likely formula. That is also discussed in this paper here which I hope you'll all read. It discusses the mathematical way it's done.

But the problem now is that the Bureau cut back its internal research on undercount methods, and also it cut back that survey from 300,000 units to 150,000 units. Even if there isn't a final adjustment in the long run, we think it's important the Bureau know the degree of the undercount and seek based on the 1990 census ways of combatting it for the year 2000 and it makes it a lot harder to do when they cut back their own internal research projects.

MS. CIPRICH: Can I have one followup?
Is there a margin of error on undercount methodology?

MR. WICE: There's probably a margin of error in everything.

MS. CIPRICH: Do you know what it is?

MR. LOW-BEER: First of all, if I may make a slight correction, I believe, in what Mr. Wice just said, I believe there's only one formula which governs the adjustment, and it's actually very simple to explain. You know, I'm not an expert either, but I understand it, and I think given a few minutes not on the record, I'd be happy to explain it, but in 1980, it's true the Bureau put out 14, or 12, I believe, different estimates of undercount. They did that not because there were twelve different formulas, but because they did two separate post enumeration surveys, then they decided that some parts of them weren't so good, other parts were questionable, and so they used different parts of the data to put together these estimates, but as to the statistical method to correct the undercount, the method chosen by the Bureau is a method called post enumeration survey.

They could have done other things. For example, Mr. Friedman, who is one of the authors of that letter, supports something called Super Census, which the Bureau has rejected. Anyhow, the Bureau chose this methodology around 1983, '84, '85, and the margin of error is less than 1 percent, as Mr. Wang, I believe, stated earlier, with a 300,000 person sample. If the sample is cut to 150,000, the margin for error goes up slightly.

MR. WANG: If I can also follow up on this one, to share with you, the top expert from the Census Bureau has been employed by all the three networks in their post voting survey in the last election, presidential elections, so in a sense the method has been used already by the three networks, if you care to look into it, and ask the network to provide you with those methodologies, how they predict which election district who will be the so-called projected winners, and those projection methodologies are from the Bureau of the Census, and the Bureau of the Census staff, moonlighting for the three networks. So if you characterize--that is no secret.

DR. GANGI: Could I also clarify one

issue? In terms of the cutback from the 300,000 to the 150,000, the reasoning being budget, the reasoning being that the 300,000 sample was not adequate or not cost effective, given what you can achieve with the 150?

MR. WICE: Budget is being claimed as a reason by the Bureau.

DR. GANGI: What I'm saying, there's an implication here that it was almost sabotaged, versus a decision when push comes to shove, diminishing returns, if you can establish so much with 300,000, but almost as much with 150. I don't know.

MR. WICE: Well, from just observing this myself on a regular basis, I've seen, the Bureau had post census improvement programs which many believed were not cost effective, ways of improving the census process, that the post enumeration survey was a better way of doing it. A lot of things happened that I don't think we all know about, or at least those of us who haven't read all the court statements aren't that familiar with as to what the Bureau's internal decision making was or wasn't, but the people who were supporting

adjustment basically felt that some of the improvement coverage programs the Bureau runs were not as cost effective as the post enumeration survey, but the post enumeration survey of 300,000 seemed to have been for a number of years the way to go, and that was the sharpest about-face, while other, less useful programs were still being continued.

That's something where Congress I think will be looking at it and may have to step in and say we won't require an adjustment, but we will require that you make your best effort at determining the error.

DR. NISHI: Mr. Chairman?

DR. OI: Yes.

DR. NISHI: May I be permitted another question?

DR. OI: Certainly.

DR. NISHI: Until the Department of Commerce intervened, it was the Census Bureau, as I understand your presentation today, it was the Census Bureau's intention to proceed fully with an adjustment. Do you have knowledge or insight with regard to the reasons given by the Department of

Commerce in turning about the Census Bureau's decision on this regard?

MR. WICE: If I could just find in this report, which has some statements made by Barbara Bailer in it, I think this comes out of a Congressional hearing. We're talking about the time frame of the spring of 1987, and I'll read from this document:

"Six days later, Director Cane met with Undersecretary Ortner's superior, Congress Deputy Secretary Lawrence Brown and other Commerce officials. According to Ortner, who took part in the meeting, the officials expressed serious reservations about the technical and operational feasibilities of those plans for adjustment. Cane, the Director returned from the meeting with Brown 'visibly shaken'. Bailer had said she was later told this day by another Bureau official, 'Cane told her that Brown had instructed him to postpone the press conference that the Bureau had planned for that week. This was a press conference to announce its pro-adjustment policy.'.

"The Bureau, then, in Bailer's view was reduced to,, 'furtive plotting. Our task was not to

present our conclusions to the public as we told the public we would do, rather it was to conceal those conclusions and to give the Commerce Department time to contrive a story.'" End of quote.

This was where--the rest is left to mystery and the Bureau announced in October various reasons from budget to questioning dual sets of numbers with a number of other reasons.

DR. OI: Can you tell us where you read from?

MR. WICE: Yes, this is a report issued by the Congressional Quarterly, it's called "Editorial Research Report," dated March 10, 1989, titled "1990 Census, Undercounting Minorities," and it includes citations from Congressional testimony, and other court depositions and declarations.

MR. CALABIA: We'll make it available to all the Committee.

MR. WICE: I hope you all can read this. It's all based on material on the record.

DR. OI: Thank you very much. I was remind by Dr. Calabria that the members of the audience are entitled to ask questions, not to be undercounted, so that if there are any questions,

please identify yourself.

MS. WALSTON: I have a specific question. I'm Joan Waslton on the staff of Congresswoman Nita Lowe, 20th CD here in New York.

On the question of the maps. You said the maps were really so bad. Are they being given to the municipalities or are they only given to the state to be corrected updated or whatever?

MR. WICE: There's a two-pronged process now. One program is called the local review program, and this is a program where maps and other housing lists are sent to the 39,000 local units of government in the country to determine if the maps and address lists are accurate. These are the building blocks of the address lists used to send out the questionnaires next spring.

There's another phase--

MS. WALSTON: When will they be available to the municipalities? When will they be sent out? Is there time to correct them again afterwards?

MR. WICE: Many maps are available. The local review process is being done, there's a prec canvass being done a few months from now to all

addresses in the country, to make sure the address registry, which is a national list from which the questionnaires are being sent out, is accurate. I guess in Westchester County it's probably the county executives or or some of the mayors for cities like White Plains or Yonkers that would have this information and they usually work with the City Planning Bureau.

MS. WALSTON: Will they get it the first of May, the first of July, the first of October?

MR. WICE: I can't speak to Bureau deadlines except to say that deadlines that are often set are missed.

The second program is known as phase two of the Census Bureau's redistricting data program and that's a process by which the computer generated files which include geographic, political and street boundaries are sent to the state legislatures or the legislature's appointed mapping agency. Those maps have on them census tracts and census blocks, and other census formations.

The states are then given seven months upon receipt of the maps, which take place on a

rotating basis, to plot on those maps election districts, and then send them back to the Census Bureau, so that on April 1, 1991, the data is then given to the state both on census data format and in state election district data, and that's known as the PL 94-171 program, which was mandated by Congress, 1975, I think.

MS. WALSTON: PL 94-171?

MR. WICE: Right.

DR. OI: Any other questions? Any other questions, Professor Nishi?

DR. NISHI: Yes. You mentioned that one of the statisticians who--I think Friedman, yes, who wrote a letter opposing or critical of an adjustment, himself had proposed another procedure, which had been rejected by the Census Bureau. Could you give us more information regarding that?

MR. LOW-BEER: Well, it's been a while ago since I read those documents, but as I recall, Mr. Friedman was and is a proponent of something called the Super Census, which is a different methodology for measuring census undercount. What that would involve is designating certain areas in which extra resources would be poured in, so as to

try and get a truly accurate count for those areas, and the Bureau rejected it for a number of reasons, as I recall, one of which was that some people were skeptical that even pouring additional resources in, that you could get that much of an improvement in the count, and another of which is that it's very hard to generalize, then, from the particular areas where you do the Super Census, to other parts of the country.

I think those were among the reasons that the Bureau chose not to go with that methodology of measuring undercount.

DR. NISHI: May I pursue this a little?

Pursuing the question of differences among experts of whatever standing, that as we are all aware, who function in academia, that it's very difficult to get true consensus on any issue that is dynamic, in which knowledge and technology are developing, it's extremely difficult in that growing edge to have consensus at any point in time.

However, from the point of view of the functioning of a bureaucratic organization, having established a procedure whereby one in an orderly fashion would recruit the most respected opinion,

expert opinion, it seems, would it not be your judgment that had the Bureau followed this procedure in its committee of the Academy of Sciences, as well as its own internal structure of review, et cetera, and having followed that procedure of developing a position with regard to adjustment, that it came to, the Bureau then came to a decision based upon that process, so that it seems to me that it would be difficult to rule out the possibility that some experts might disagree, but nonetheless, this procedure which was followed in order to seek to get the best opinion, would you say that was flawed in any way?

MR. LOW-BEER: No, we fully support the procedure set in place by the Bureau, and I think as Mr. Wice stated, I mean, our position is that these procedures should have been followed, but the decision-making process was short circuited. There were certain steps that had been planned, an announcement in the spring of 1987 regarding the feasibility of correcting the census, no announcement was made until October 30th, even though the Bureau had come to a determination. That was supposed to be followed by further research and

eventual publication in the Federal Register of standards which were to govern the adjustment, whether or not the adjustment would ultimately be done, in other words a larger post enumeration survey were to take place if the spring '87 determination was favorable, the larger survey would be done, standards would be published, and in the fall of 1990, when all the data had been gathered, panels of experts were to have met to examine whether the data measured up to those standards or not, and, therefore, whether an adjustment should be done.

So the whole process was designed to be inlaid from political interference of any kind, and as I believe Mr. Wice mentioned, we have our doubts as to whether perhaps there wasn't some political interference here that led to the short circuiting of this fairly elaborate and we believe good decision-making process.

MR. WICE: I'll just mention from personal observation, in that I'm in Washington representing the state legislature, I was told by people at the Bureau, off the record, unofficially, I should make myself available to attend a press

conference in Washington early June, 1987, because I might be hearing, as they put it, good news on undercount. Not everything I wanted, but something.

And finally, after two weeks of not traveling and keeping a clear schedule, I finally asked what's happening, "We don't know."

October 30 I was traveling, I was here in New York and I got a call from a reporter who asked me what my response was to this Bureau announcement. The reporter heard of it in advance of the Congressional Subcommittee with Bureau oversight. That's how it was announced.

DR. NISHI: Can you guide us at all as to the sources of the political pressure upon the Department of Commerce to have intervened with the procedures established?

MR. WICE: Well, I could cite just one thing that's contained here in this report. It quotes Marshal Turner, who is the director of the Census Bureau's redistricting office. It says here that Congressional Quarterly had obtained a copy of a March 25th, 1988 memorandum which was from Mr. Turner to Deputy Director Louis Concannon. It said in the memo, Turner informed his colleagues that, I

guess, Deputy Secretary Ortner had spoken at a Republican National Committee luncheon the preceding day quote and the RNC handed out a kit which contained the attached document, end of quote.

The four page attachment which Turner needed, his colleagues, quote, "may have seen in an earlier draft form," was titled, "Census Adjustment, Talking Points," and contained several different statements concerning modifications that would not necessarily impact Congressional redistricting, but shifting the balance of power in state legislatures where the control of the legislature is maintained by just a few seats, and as I had mentioned earlier, the overall national implications of overcount adjustment might not shift Congressional seats, but I think by looking at New York City, I think, as I mentioned in 1987 here, with a basic core population of New York City improved, you're likely to see more of the 150 state legislative Assembly seats within the New York City than you would have without an adjustment, given the undercount of half a million mostly take place in New York City and in each district in the Assembly has about 100 and I think 10,000 people in it, so you can see two or three

seats shifting within the state.

Now, New York's margin of Democrat-Republican power isn't that great in New York, but in states like Pennsylvania, Ohio, Illinois, Michigan, they're within two seats of the majority minority control, and that's where the national parties have an interest.

DR. OI: Would you be satisfied with a single post enumeration survey, because then the question comes up, will that invite litigation?

MR. WICE: I don't think the post enumeration survey itself would invite litigation. That's basically an internal research method.

DR. OI: But it's a key input into the methodology at arriving at the final population estimates.

MR. WICE: It's a step in the way, but the decision has to be made either by the administration, the Congress or the courts as to actually adjusting. The post enumeration survey itself will not adjust that, but it will help us determine the extent of the undercount and spend nine more years proving the year 2000 census.

DR. OI: Can you inform me about how

the procedure is to, how the methodology is to be implemented? Will particular jurisdictions ask for an adjustment?

MR. WICE: An adjustment would have to be done uniformly in all 50 states, you can't simply adjust New York or Illinois. You have to do it everywhere. You have to do it and also factor in the overcount as well and cut back population there.

There was a several percent points overcount in 1980, you find overcount where households get more than one form, people have vacation homes, people who are on business travel, had more than one residence, fill out forms; people who have vacation homes send in more than one, people who have children in college will count their children at home as well as on the campuses, so you have an overcount there. So it has to be applied uniformly in all 50 states.

MR. CALABIA: Walter, if I could ask a question?

DR. OI: Yes.

MR. CALABIA: Let me just mention that prior to the beginning of the forum, the committee was looking at various topics for its next project,

and one of the topics brought up was looking at publicly assisted housing, which reminds me that along the way preparing for this meeting, I learned that the Bureau with respect to large housing projects, such as are here and in other parts of the state and country, that the Bureau may be suppressing those addresses from the mailing lists of census forms, in order to go in on a door to door canvass instead, and the question was related also to the fact that the Bureau is attempting to engage local people, a very laudible effort, in carrying out the work of the census, but it brings into question the possibility of breach of confidentiality if possibly a neighbor goes to the apartment next door and solicits information on the census.

Do you have any information regarding this suppression of the addresses from the mailing of the census forms and the substitution of canvassing door to door?

MR. WICE: I don't have evidence of it, but I think this is where the local review process that is done with mayors and planning agencies comes into play, and that if a local government sees that

addresses are not on the address registry, it's their responsibility to have the Bureau correct this. I can't think of any reason why every known household should not receive the questionnaire, and that all those who are known and missed are not followed up with the door to door canvass.

I know the Bureau is cooperating with several municipalities in using local residents, community activists in helping with the door to door survey. I wouldn't be as concerned with the confidentiality of asking questions, since there are federal penalties for distributing census data outside of the Bureau process itself, but that there should be efforts to get community people to help go door to door.

MR. CALABIA: Right, but in short, you would support the regular process of mailing the forms to all addresses, as well as following up later from addresses that no forms are received?

MR. LOW-BEER: Well, I'm aware that the Bureau is planning for 1990 to go out and enumerate by individual enumerators rather than mail out/mail back certain selected housing projects. They have done this because they believe it will produce a

better count in those housing projects.

I understand that there is some feeling that it will not produce a better count, and to the extent that that is the case, we would be very concerned about that, but I don't think--I agree with Mr. Wice that from the point of view of confidentiality, enumerators are sworn, there are penalties, and one would hope that those two things would be sufficient.

MR. CALABIA: Maybe the question is a part of perception on the part of a householder who is approached by a neighbor, perception being why am I going to tell my neighbor how much I earn or how many, whatever. That might be the adverse aspects of it, not that the census taker would--

MR. LOW-BEER: I'm not really, I mean, I think it's a technical question as to which is the best method and which I would defer to our city planning people, and also--

MS. WALSTON: May I just give an answer on that? I worked with our municipality on the 1980 census, and I literally dug up a lot of people to go around and do some of the enumeration. They did not go to their own neighborhood, they went to--I mean,

it might be the same town, but they would be over on that side, and truly, by the time they had done fifteen, they didn't care and it came across, they didn't care what you made or anything else, and they came back with funny stories, but nobody really made any kind of an issue or even a matter of interest about what, the confidential part of it.

They were very sincere about it, and the people understood it, because we did our own survey afterwards to see how people came back with it.

MS. LENZ: I think the issue you might be raising, Mr. Calabria, is the issue of whether or not procedures are designed in Washington and applied without local input as to whether or not they are in fact more productive and I'd like to raise that issue today. I also would like to ask a question about local review. I think we all assume that the mailing address registry as a result of local review is updated, but I myself don't know what proof there is that that address list has in fact been updated as a result of that.

MR. CALABIA: Could you identify yourself for the record?

MS. LENZ: My name is Becky Lenz, I'm with the Mayor's office.

DR. GANGI: Are such lists coordinated with the Post Office?

MR. WICE: Yes.

MS. LENZ: I think is issue is supposedly, but because of the confidentiality of the list itself, I don't know what external verification procedure or accountability there is and I would defer to --

DR. GANGI: For example, you have a lot of illegal apartments, two family houses, three family houses. And I don't know if the Post Office makes such distinctions or they're mailed to one common address.

MR. WICE: I would just point out, there you have a very unique problem. I think the City of New York estimates, I think 300,000 families are living in doubled up housing and when a household receives a questionnaire where the lease legally allows, let's say one family of four to live there and you have eight more people there, there will be no form sent back because they're afraid of being found out, despite the confidentiality that

landlords or housing officials do not find out this information.

I would also just mention, I wasn't aware of the local situations on doing the door to door survey in lieu of doing the mailout questionnaire first. There is a national concern, however, in terms of hiring for the Bureau, that there won't be enough people available to do the job, and the Congress is considering ways of raising the salaries, because they're basically paid a McDonald's minimum wage.

DR. GANGI: McDonald's doesn't pay the McDonald's minimum wage.

MR. FISHER: Depends on where it's located.

MR. WICE: So that's going to be a problem.

DR. GANGI: Let's get back, for example, there are certainly apartments, two family, really, more than, that's the one I'm thinking of, where there may not be more than one address, although there might be two names on the mailbox.

Is that reported through the Post Office and then reflected in such, or is it just the

address that receives the one household?

MS. LENZ: It's addressed to resident at that address.

DR. GANGI: Yes, it will be addressed to that resident at household, but the Post Office may only carry one address.

MR. CALABIA: One form, you mean?

DR. GANGI: Will one form be addressed to both parties using a common mailbox? Or a converted third downstairs, that accounts for studio apartments when you first get married?

MR. LOW-BEER: I believe the way this is supposed, the Census Bureau starts with vendor lists, lists that they get from--they purchase after competitive bidding, they evaluate the different lists, they buy lists, there are numerous problems, particularly in inner-city areas where people don't very often order things from mail catalogs, then they go through a series of procedures to update those lists, some of them use the Post Office, some of them are through Census Bureau enumerators.

If everything worked perfectly, they'd have a wonderful list at the end of it, but the fact is, when you start out with the worst list you end

up with the worst list, at least that was the 1980 experience.

DR. GANGI: What about utility companies?

MR. LOW-BEER: I don't know that they use--they do not use?

MS. WALSTON: No, but they can use telephone lists.

DR. GANGI: Probably Lilco has the best--

MR. CALABIA: For those who have--

MR. FISHER: There are tenements that may not be in their name, though, in terms of utilities.

DR. GANGI: Lilco will often have a legal one family house, but Lilco has installed two meters.

MR. WALLACH: My name is Phil Wallach from the City Planning Commission. The Planning Commission is the local review entity in New York City and one of the things we're going to be doing is comparing administrative lists that we have from various sources, including Con Edison with the Census Bureau's estimates of households per block,

so although the Census Bureau may not be using Con Ed utilities, we will be using it for comparison.

DR. GANGI: Is that done by hand?

MR. WALLACH: No, done by computer.

DR. OI: Why is this not done in advance?

MR. WALLACH: It's being done now.

DR. OI: Will you report the results of this to the Census Bureau?

MR. WALLACH: We receive the Census Bureau block estimate numbers. We compare those against lists that we're preparing now, our estimates.

DR. OI: And the census estimates are based on the address lists that they have purchased?

MR. WALLACH: That's right.

MS. LENZ: I'd like to raise one more point, too, about public housing. The issues, one of the issues the city is working on is the one Mr. Wice mentioned, where there might be more than one, there might be more people in that household than there are supposed to be and one of the solutions on field operations that we want to explore is the making available additional forms, because there's

only room on a form for seven people, data on seven people.

The procedure that you have to have that links additional names to the original forms is rather, it needs an intermediary of sorts and the Census Bureau feels that they're the right ones, and so when you get into areas, I'm just compiling approximate for purposes of the record, when you get into areas of whether additional forms can be made available for those households, again, we can't intercede or interfere with the process of distribution of those forms, so it may make sense to make more forms available if you want to educate those people as to continuation, but we don't have access to that, it has to be distributed by the Bureau, which means the person who is vulnerable to being identified have to identify themselves if they want to obtain those forms.

That's the kind of thing we're trying to deal with on the local level.

DR. NISHI: May I ask, are school lists used? I understand this was a way in which the 1970 census undercount for Hispanics was found to be so extremely serious, like 25 percent. Are school

lists used?

MR. LOW-BEER: I don't believe so.

Some of these administrative lists were used in 1980, and there are again some vague plans, I'm not sure if they ever jelled or not, to use them again in 1990 as an adjunct means of measuring the extent of undercount, but not as a means of actually creating an initial address list. It just turns out to be too cumbersome to take many different administrative lists from driver's licenses, utilities, this and that, and put them together to make a single lists.

In fact, the one program I mentioned that was dropped, the non-persons households program did precisely that. It attempted to take other sources of information from administrative lists and see who might be omitted, and then try to count those people, but it turns out to be just too cumbersome to do it.

DR. GANGI: It might be worth the effort up front than trying to remedy the defects of a system that--

MR. LOW-BEER: Well, sure.

DR. GANGI: I have a feeling we're

looking under the light for the keys.

DR. NISHI: Of course, it's a little different with the kind of work I do in terms of survey and searching for people who were--I do long-term research in which we go through all kinds of search procedures, but it seems to me that in the long run, having truly a comprehensive list, too late for 1990, but certainly one for the next decade, it seems to me would be a worthy investment.

DR. MURLEY: Am I correct in understanding that in fact the Census Bureau has in fact ruled out in any way one would want to use it, additional resources as a means of getting a more accurate count and have accepted as a means of getting a more accurate count the imposition of a mathematical model?

DR. NISHI: Congress could allocate more money.

MR. WICE: If you're talking about adjusting the undercount, one method of simply using the formula to correct the numbers, but I think we're also talking about improving the whole process with better lists and better outreach as well. There are two different tracks, both of which I

think should be explored.

DR. MURLEY: Is the Census Bureau placing emphasis on one or the other?

MR. WICE: The Census Bureau is claiming they're going to have a 99 plus accurate census over all because of better outreach and review methods. They're going to do as good a job as budget permits them and people in the localities will let them do.

DR. GANGI: You seem to indicate, of course you can't speak for the Bureau, that for individuals who are really not that well practiced in what the problems are, we've already identified several sources, that you seem to be aware of that are not used; schools--

MR. WICE: The Census Bureau is going to, given the limits of a bureaucracy, they're going to say we held 45 regional meetings, we paid for 2,000 local ads, there are 10,000 signs up in buses in New York, they have done this much to show that they're trying to get a full count.

DR. GANGI: We can tell them what they can do with that kind of thing.

MR. WICE: No matter how much money

they're given or how hard they try, they only go so far.

DR. GANGI: We're talking now, for example, parents register their children in a school. I mean, of course, there are exceptions, but almost all parents are concerned that their children are educated and they will register their children. That certainly seems like one excellent source. And driver's licenses also.

MR. WICE: One of the programs is a school outreach program where they have a packet of information for teachers to give children to bring to the parents to get counted. They have scores of different ways of their outreach. It simply isn't signs in buses or public service announcements, they're going after the school systems, working with the American Federation of Teachers and the NEA, they'll be working with unions and memberships, they'll work with church groups, with civic associations.

They are covering all the bases, but they can only get as far as the door or speech inside the room. I mean, also, just mentioned driver's licenses. In some states, I'll point to

Maryland as the best example, Governor Schaeffer is going to have every state worker involved in counting in the census. They will include census fliers in driver license renewal forms, in utility bills, in every kind of governmental mailing they can do. So there are some governors trying that.

DR. NISHI: I'd like to get back to another issue which was much discussed a little earlier, and that has to do with what appears to be some external interference with the professional functioning of the Bureau of the Census and the mandate of functioning.

Do you gentlemen have any recommendations of ways in which there can be further, shall we say, protection of that function without external contamination?

MR. WICE: I would hope as a first step that President Bush appoint a career professional, a statistician or a research scientist as director of the Census Bureau. He has not made an appointment yet, and that whoever that individual is goes before the U.S. Senate and that a lot of questions that are in this void here on what will the Bureau do, will it now increase the post enumeration survey, what

will it do to research undercount methods, will it reverse the Reagan administration position.

The Bureau itself has been dealing in a vacuum without a new director since Dr. Cane left end of last year. That will be a first step is getting some quality leadership at the top.

DR. NISHI: How about suggestions from the other witnesses?

MR. LOW-BEER: Well, I believe they had a pretty good program set down, if they would have stuck to it. I mean, for the future, I don't know. 1980 there was a formal delegation from the Secretary to the Bureau Director to make the decision about adjustment, and there is generally a delegation order, but it's severely hedged about with qualifications.

It might perhaps be helpful if it were more explicitly recognized that the Bureau of the Census is an expert agency and that its decisions should be made on the basis of technical criteria and not politics.

MR. WANG: I think one possible recommendation is to really, I mean, come back to the Congress, because the Bureau of the Census is

really accountable to the Congress, and all the reports they have a mandate by such deadline they have to make those reports available to members of the Congress, and so I think if the Congressional Oversight Committee can be more, shall we say, staffed, with additional help to work with the Bureau on a much more consistent basis, so I think this will insure, not just a timely report, but before the report there will be interaction and dialogue and there will be discussions, so that certain possible kind of misgiving and so forth could be prevented, so I think, and through the Congressional oversight, because members of the Congress will hopefully consult with the community, each member's constituency, so there will be input throughout.

MR. WICE: I'll just say this, there's a little bit of an irony in that members of the Congress and the House care the most about the census because it's the census numbers that develop the numbers for their districts and the oversight, really, of picking good personnel at the Bureau is the Senate's job and Senators don't get redistributed and there's politics over the whole

thing, since that's the driving force in all of this, and it's my hope in the next few weeks or months that while the House members are most concerned that the U.S. Senators take the time to pay attention where they ordinarily don't.

Also, in that the politics pervades this whole process, the whole issue of undercount and undocumented persons drove Congress to a stalemate last year when the House Post Office Committee attempted to report out the undercount adjustments bill, but I think in a fast calculation the Chairman also allowed the undocumented person exclusion amendment attached to it, figuring that the Judiciary Committee in its wisdom would seek to delete it as a point of order as a Constitutional issue, and at that point three of the bill's sponsors; Congressman Dimely, who chaired the committee; congressman Garcia from New York and Congressman Leland from Texas, walked out voting no.

So no matter how hard we try to have Congress focus on this, it's still political and all our best intentions can be defeated by another entity's opposition and point of view.

MR. WANG: Another case--just to again

dramatize this argument a little bit--the Asian American Advisory Committee recommended at our last October meeting to the Bureau that the Bureau has hired--not hired, retained the Advertising Council to come up with slogans for each of the ethnic races for an outreach publication effort urging people to fill out the form, so each of the ethnic groups, the major groups have a firm to work on a slogan, so the Asian and Pacific Island group recommend that that slogan be circulated to the members by February before they actually act on it, so nobody ever has received any of the recommendations.

And then as we come to the meeting in April, we were given a slogan for the Asians, so everybody was quite amazed with the language, I think you would agree with me, I guess, because of all the fuss that we had made, so the language said, "Asians, it is your duty to be counted."

MS. WALSTON: Since you are working with the Asian community, are the Chinese, Koreans, whatever, going to translate the questionnaire ahead of time and circulate it, so that people will be at least familiar with it, or are they going to be faced with it on day X for translation?

MR. WANG: There will be no translation, except that the instruction booklet will be, I'm told, at least 30 some-odd languages, so the form itself, there will be only English and with Spanish translation, but for the rest of the languages, the instruction booklet will cover all the rest of it.

MS. WALSTON: It will be like the IRS?

MR. WICE: One thing I've been exploring to try to remedy that situation is to use local cable TV stations or educational networks to do a show on how to fill out your form, and if there are minority language stations, to use that method, spend a half hour, page 1, page 2, in that language. These are the things the Bureau can't do, but the local people have to do on their own.

MR. LOW-BEER: I'd just like to say one more thing about, I did not address in comments the O'Hare report, but I should say that that's by no means the unanimous view of experts, that many experts believe that there will be loss of Congressional seats as a result of failure to correct the census, and that in fact we have asked Dr. Ericson to do a study, which I'm not at liberty

to say a whole lot about right now, but we believe it is the best study that's been done to date, and it does show that, among other states, New York and California are likely to lose and that overall, I think it's somewhere between two or two and a half Congressional seats would shift if there were an adjustment of the census.

MR. WICE: You would not get a lot of cooperation from Congress, unfortunately, in delaying the dates because of that. I don't say that as devil's advocate, but simply the complications in the process.

MR. CALABIA: If I could just wrap up the civil rights aspect of it, we've been talking the past few minutes about the various programs, outreach and others, which all of us in our own way will join with the Bureau in order to secure the most accurate census, but even if the Bureau were legitimately to claim afterwards that they have reduced the undercount to less than 1 percent, as Mr. Wice said they possibly might, the impact on the various minorities would be quite different.

If it were less than 1 percent, it still could be two or three times that much for

blacks or other minorities, and for black males, it could be four or five or more times as much, so that is the reason why the Advisory Committee in the past and now is looking at the question of undercount and its impact, adverse and otherwise.

MR. WICE: Please don't read my remarks to mean that the Bureau will achieve a 99 percent count, because they will be up to a 10, 15 percent differential for Hispanic males, so I don't endorse that statement.

MR. CALABIA: No, no, in the context that you said it, it was clear that you didn't, but even if one were to grant the Bureau everything, and that it did accomplish that, it would still be tremendously large, proportionately larger for the minorities.

DR. OI: The balancing of the over and undercounts.

Any other questions?

DR. NISHI: The National Academy of Sciences, which is the nation's advisory, I assume, speaking with regard to the scientific frontier, it functions with various kinds of safeguards from political interference, and what do you think of the

feasibilities of the Bureau of Census having that kind of safeguard? It has a kind of autonomy, which is of quite different status than being hooked into the Department of Commerce.

MR. LOW-BEER: National Academy is a private organization, although I guess Congressionally chartered.

DR. NISHI: Yes.

DR. OI: Funded.

MR. LOW-BEER: We would certainly welcome any proposals to give the Census Bureau as much autonomy as possible.

DR. NISHI: Well, it's a quirky notion, but it seems to me it might be a kind of thing that might be considered in terms of--the National Academy of Sciences has functioned with pretty clean repute, and it has done its job, I think unexpectedly well, I believe, as advising to the nation's scientific interests, which of course are hooked into a lot of other extremely immediate political as well as other kinds of issues, but it seems to me that here, too, getting an accurate count of the people of the United States is a kind of thing that ought to have safeguard and

independence and autonomy to pursue its scientific judgment, even though it will serve political interests. It will serve, I mean, that's what it's intended to do, but its function itself, its carrying out of mandate ought to be free of that kind of contamination.

MR. WICE: I would hope so, too.

DR. OI: Anyone else have any remarks?

(No response.)

DR. OI: Well, on behalf of the U.S. Commission on Civil Rights, I'd like to close by saying that the right to vote is an inalienable right, which entitles us to the right to be represented, and I guess that these two together gives us the right to be counted.

And I recall a long time ago, when I was younger, reading a National Geographic story on the anthropologist who studied the South Sea Island where the coin of the realm were huge rocks and everyone exchanged claims to these rocks, and it was possible to take a complete census of those rocks because they were large enough that they didn't move, and somehow or other, this position opposing post enumeration surveys, it seems to be that the

initial count, although it is recognized that it is an estimate, because people do move, and people refuse to fill out the forms, is somehow the preferred to a post enumeration survey and adjustment.

I think that that issue is the issue to which we've addressed our remarks today. I regret that we have not had experts, statisticians to present the case for not adjusting the census counts. We've heard the other side of the coin, the documents are available, we hope to make this information available to both sides to get the correct count, so that the right to vote is indeed the right to which we are entitled.

Thank you.

(Time noted: 4:10 p.m.)

C E R T I F I C A T E

I, LINDA FISHER, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I reported the proceedings of the United States Commission on Human Rights, New York State Advisory Committee on April 27, 1989, and that this is an accurate transcription of what transpired at that time and place.



Linda Fisher,

Certified Shorthand Reporter

Testimony of Peter L. Zimroth,
Corporation Counsel of the City of New York

Forum on Census Undercount
United States Commission on Civil Rights
New York State Advisory Committee

26 Federal Plaza
New York, New York
April 27, 1989

In my statement at this forum in November 1987, I stressed the constitutional significance of a census undercount that systematically disenfranchises the most disadvantaged groups in our City and across the nation. In the City of New York, the census misses 12 out of every 100 Blacks and 11 out of every 100 Hispanics.¹ The consequences are that the votes of those missed, and indeed of every New Yorker, are diluted; the City loses clout in Washington and Albany; and the City is deprived of governmental funds it would otherwise receive through population-based aid formulas.

Information that has come to light since my previous statement reinforces my assertion that the 1990 census can and must be corrected statistically if this situation is to be remedied. In June 1987, the director of the Census Bureau himself stated:

No matter how well we conduct the 1990 census we do not expect to eliminate the differential undercount.... We use every known cost efficient counting procedure and advertising approach to cover those segments of the population we miss. Statistical techniques are the only potential means of reducing the differential undercount.²

In response to the concerns I and others voiced at the last forum, the Census Bureau has sent an eleven-page letter to this

¹ These figures come from the post-enumeration survey carried out by the Census Bureau as part of the 1980 census. The tabulations were provided to the court by the Bureau during litigation regarding the 1980 census.

² Report of John G. Keane, Director of the Census Bureau, for meeting with Robert Ortner, Under Secretary of Commerce, June 2, 1987.

Committee. Much of this letter is devoted to a description of procedures that the Bureau contends will "address the problems" raised. The Bureau does not hold out the hope that these procedures will eliminate, or even substantially reduce, the differential undercount of Blacks and Hispanics. Although the Bureau has engaged in extensive testing and evaluation of new census procedures, Bureau officials have been unable to come up with a single piece of evidence that any of the programs they plan to implement in 1990 will reduce this differential.

In fact, it is very likely that both the overall undercount and the differential undercount of minorities will be significantly worse in 1990 than in 1980. The Census Bureau is predicting a 29 percent increase in the number of people who will not mail back their census forms, and who will therefore require follow-up actions by the Bureau.³ As compared to 1980, the national population in 1990 will have more Blacks, particularly in the age range that is most undercounted.⁴ Census Bureau figures also show a dramatic increase (34 percent between 1980 and 1988 alone) in the size of the Hispanic population. In New York City, data from school enrollments suggest that the proportion of the population that was Black or Hispanic

³ Declaration of Susan M. Miskura, executed Aug. 31, 1988, at 7, Ridge v. Verity, No. 88-0351 (W.D. Pa. 1988).

⁴ This and the following statements in this paragraph are documented in the Affidavit of David M. Heer, executed Nov. 2, 1988, City of New York v. United States Dep't of Commerce, No. 88-____ (E.D.N.Y. 1988).

increased from 43.9 percent to 47.8 percent between 1980 and 1985. Census Bureau figures show that poverty has increased in the United States, and the Black and Hispanic communities in central cities have been particularly hard hit. All of these factors combine to make the population, and especially the minority population, harder to count in 1990 than in 1980.

Some of the programs described in the Bureau's letter are so-called "coverage improvement programs," which are designed to count particular categories of households or individuals who might be missed by the ordinary enumeration process. These programs, as planned for 1990, are essentially identical to those carried out in 1990. Not one of them is specifically targeted at the differential undercount. (The only one so targeted, known as the Nonhousehold Sources Program, was dropped in 1987, after tests revealed that it was not cost-effective.)

The Census Bureau's hopes of reducing the differential undercount are now pinned entirely on new or expanded advertising and outreach programs. We actively support the Bureau's outreach programs. Unfortunately, however, there is no reason to believe that further efforts in this direction will yield any additional returns. Outreach is of limited effectiveness in reaching those who are hardest to enumerate: people who have little or no access to mass media, who have few ties to established organizations, and who fear that giving their names and addresses to a census enumerator will harm them or their loved ones. These limits are demonstrated by a study sponsored by the Census Bureau in conjunction with the dress

rehearsal for the 1990 census, which took place in St. Louis, Missouri, in 1988. That study found that, even after an extensive ad campaign with ads specifically directed toward the Black community, 48 percent of "lower educated blacks" had never heard of the census dress rehearsal.⁵

The only question remaining, then, is, "Can the Bureau correct the undercount statistically?" The answer to this question is unequivocally "Yes." In early June 1987, the director of the Census Bureau himself announced to the Commerce Department that the Bureau had the technical ability to correct the census, and that it was the Bureau's goal to carry out that correction by December 31, 1990. A few weeks earlier, the Bureau's Undercount Steering Committee, consisting of professionals from every major branch of the Census Bureau, had expressed the view that the research and testing done to date indicated that correction was technically feasible. This view was supported by a National Academy of Sciences panel and by the Census Bureau's other professional advisory groups.

The Census Bureau now seeks to justify the Commerce Department's reversal of the Bureau's own decision to proceed with correction plans by casting doubt on this consensus, pointing to some statisticians and Bureau officials who question the views of those experts the Bureau itself had charged with deciding this question. This is an obvious attempt at ex post facto rationalization.

⁵ The Gallup Organization, "Census Awareness Evaluation: 1988 Dress Rehearsal, Volume 1, Executive Summary," at 5 (June, 1988).

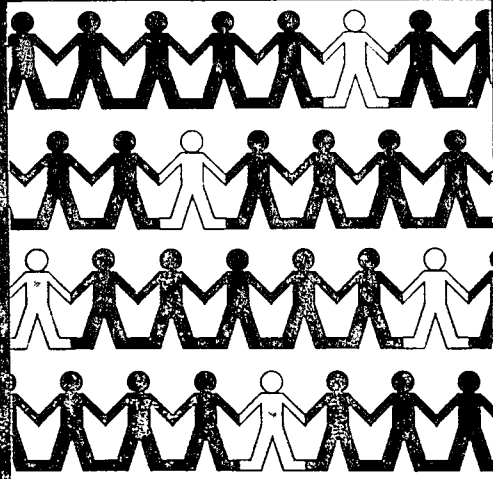
Finally, the Bureau questions the accuracy of some of the figures provided in my 1987 statement. For example, the Bureau says it has no "official" estimates of the 1980 national undercount. My statement gave a national undercount figure of 1.5 percent. A recent Census Bureau publication states that the national undercount was 1.4 percent, and this figure has repeatedly been cited by the Bureau and by the Commerce Department.⁶ If the Bureau has no "official" estimate of the 1980 undercount, that is because the Bureau finds it convenient not to have an "official" estimate.

Similarly, the Bureau states that it does not know what the 1980 undercount rate was for New York City, or how many Blacks and Hispanics living in central cities were omitted. The figures I used come from Census Bureau tabulations provided to us in connection with the 1980 litigation and from Bureau publications. They are based on the Bureau's 1980 post-enumeration survey program, or "PEP." The Bureau tells us that the 1980 PEP yielded 12 different estimates of undercount, and that it cannot say which of these 12 is closest to the true figures. In fact, a few of these estimates were based on reasonable assumptions; others appear to have been created largely to generate confusion and an impression of uncertainty. Since writing my November 1987 statement, I have learned that the Bureau, in its own internal memoranda, has relied

⁶ See The Coverage of the Population in the 1980 Census 27 (Table 3.2) (Feb. 1988); Press Release of Robert Ortner (announcing decision not to correct the 1990 Census) (Oct. 30, 1987).

almost exclusively upon one of these 12 estimates, the so-called 3-8 series. They have done so because this series is based on reasonable assumptions. The 3-8 series figures are not significantly different from those I mentioned. There is broad consensus among knowledgeable experts that these figures are generally accurate. The Bureau's questioning of them is designed to mask a serious bias in the census's portrait of America.

Undercount file



MARCH 10, 1989

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CONGRESSIONAL QUARTERLY INC.

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EDITORIAL RESEARCH REPORTS (LIBRARY OF CONGRESS CATALOGUE NO. 30-500; ISSN 0733-2889) Published quarterly (all issues pay) by Congressional Quarterly Inc., 1414 22nd Street NW, Washington, D.C. 20037. Return all material upon receipt to the publisher at the above address. Send address change to EDITORIAL RESEARCH REPORTS, 1414 22nd Street NW, Washington, D.C. 20037.

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1990 CENSUS: UNDERCOUNTING MINORITIES

by Robert K. Landers

The 1990 census — the 21st decennial census — will be the most automated and, quite possibly, the most accurate in the nation's history. But critics say the 1990 census could be even more accurate if the government would make a statistical adjustment to correct for what everyone agrees will be a large undercount of blacks and other minorities. The Commerce Department has rejected this suggestion, and some say the reasons are largely political.

In October 1987 the Commerce Department announced that there would be no statistical adjustment of the 1990 census figures to correct for what is virtually certain to be a high undercount of blacks, Hispanics and other minorities. "We do not play with the numbers," Commerce Under Secretary for Economic Affairs Robert Ortner said in announcing the decision.¹

Although not all senior officials at the Census Bureau were distressed by the decision of their parent organization, Barbara A. Bailar, the associate director for statistical standards and methodology, was. She had grappled with the adjustment question for years and was convinced that a valid statistical adjustment could and should be made. In her view, the Commerce Department had intruded into the bureau's professional domain, disregarded a "very broad consensus" of expert opinion that adjustment was feasible, and overruled a bureau decision, made that spring, to proceed with plans for an adjustment. In January 1988

having worked at the bureau for nearly three decades, she resigned in protest. She is now the executive director of the American Statistical Association in Alexandria, Va.

Accusations that partisan politics had played a role in the Commerce Department's decision were made — and denied. Soon after resigning, Bailar publicly asserted that the decision to rule out adjustment “was dressed up like a technical decision when everyone knew it was a political decision. That kind of hypocrisy I just can't live with.” Ortner branded her charge “unfounded” and “irresponsible.”² Over on Capitol Hill, Rep. Charles E. Schumer, D-N.Y., declared that the department's decision was “shameful. . . . Their action is not as they would like us to believe, premised on a fair-minded concern about accurate statistics. It is a raw exercise of partisan politics.” Ortner called this accusation “absurd and outrageous” and challenged the congressman: “If you have any evidence, Mr. Schumer, that there was political pressure, political interference or political decision-making, I wish you would submit it for the record.”³

No such direct evidence has come to light. However, that does not mean that the Commerce Department is totally oblivious to the political effect of the census undercount. High-ranking Republicans know that a statistical adjustment to correct for the undercounting of blacks and Hispanics might not be in their immediate political interest, and there is evidence that high-level officials in the Census Bureau are interested in what the Republicans think about the subject.

E.R.R. has obtained a copy of a March 25, 1988, memo that Marshall L. Turner Jr., the Census Bureau's chief of the 1990 census redistricting data office, sent to C. Louis Kincannon, the bureau's deputy director, Charles D. Jones, the bureau's associate director for decennial census, and six other top bureau officials. In the memo, Turner informed his colleagues that Ortner had spoken at a Republican National Committee (RNC) luncheon the preceding day, “and the RNC handed out a kit which contained the attached document.” The four-page attachment — which, Turner noted, his colleagues “may have seen . . . in an earlier draft form” — was titled “Census Adjustment Talking Points” and contained the following statement:

“This ‘administrative’ proposal could have profound political effects: While the proposed ‘adjustment’ is being billed as a technical, administrative action, it could dramatically affect the composition of state legislatures. While actual modifications would only involve a few percentage points of the total population, that could be enough to change the political outcome in marginal races. This could shift the balance of power in states where the control of the legislature is maintained by just a few seats.”

Whatever role politics played in the Commerce Department's action, more than the political fortunes of Republicans or Democrats is riding on the decision

whether to adjust the census results. Over \$30 billion in federal grants is distributed annually to states and cities on the basis, at least in part, of population estimates. Adjustment of the census figures would have a significant impact on that flow of federal dollars. Cities and states naturally want all they can get.

Concerned about the potential loss of federal funds and political representation, New York and other major cities, along with New York state and California, and various organizations including the U.S. Conference of Mayors and the NAACP, filed suit in U.S. District Court in Brooklyn last November, seeking to compel the Commerce Department and the Census Bureau to adjust the 1990 census for the undercounts.*

This is not the first time census critics have gone to court over the undercount issue. Thirty-seven such lawsuits were filed against the bureau in connection with the 1980 census. Only one of the suits, the one brought by New York City and New York state, was finally (seven years later) resolved on the merits — and it was decided in the bureau's favor (see p. 126). But the situation may be different this time. For one thing, Bailar, a principal architect of the bureau's defense of its 1980 decision not to adjust, is now a key figure on the other side. Unlike Jones and other bureau officials, she speaks freely about the controversy.

(Jones, who since February 1987 has had primary responsibility at the bureau for directing and planning the 1990 census, declines, on what he says is the advice of Justice Department lawyers, to discuss the adjustment issue. These days, he and other bureau officials are doing most of their talking about the controversy via legal documents.)

Although the Commerce Department has said no adjustment will take place, the courts could direct otherwise. Census Day is April 1, 1990, and, by law, the Census Bureau must submit the official figures for apportionment to the president by Dec. 31, 1990. The official figures for redistricting must be submitted to the states by April 1, 1991.

Undercount problem is as old as the census

Undercounts are as old as the census itself. President George Washington, commenting on the probable undercount in the 1790 census, the nation's first, said: “[O]ur *real* numbers will exceed, greatly, the official returns of them.” Washington ascribed the undercount to “the religious scruples of some . . . the fears of others that it [the census] was intended as

*The plaintiffs now include New York City, Los Angeles, Chicago, Dade County Fla., Houston, the states of New York and California, the U.S. Conference of Mayors, the National League of Cities, the League of United Latin American Citizens, and the NAACP

Estimated Undercounts 1940-1980

The percentage of black Americans not counted in the census has declined in recent decades, as has the net undercount of whites and other races. But the difference between the two — the “differential undercount” — has remained roughly the same since 1940.

(Numbers in thousands. Base of percents is estimated population)

Race and sex	1980		1970		1960		1950		1940	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
All classes	3,171	1.4	6,111	2.9	6,157	3.3	6,992	4.4	7,897	5.6
Male	2,675	2.4	3,807	3.7	3,491	3.8	3,772	4.8	4,290	6.1
Female	496	0.4	2,303	2.2	2,666	2.8	3,219	4.1	3,607	5.2
Black	1,669	5.9	1,969	8.0	1,710	8.3	1,595	9.6	1,478	10.3
Male	1,213	8.8	1,272	10.6	1,061	10.4	963	11.7	906	12.6
Female	456	3.1	697	5.6	649	6.2	632	7.5	573	8.0
White-and-other races	1,501	0.7	4,142	2.2	4,447	2.7	5,397	3.8	6,419	5.1
Male	1,462	1.5	2,536	2.8	2,430	3.0	2,810	4.0	3,384	5.3
Female	40	†	1,606	1.7	2,017	2.4	2,587	3.6	3,035	4.9

† - Represents zero or rounds to zero. Source: U.S. Census Bureau.

Note: An allowance for 3 million undocumented residents in 1980 is included in the estimated population. Corresponding smaller amounts are included in 1970 and 1960.

the foundation of a tax . . . the indolence of the people, and the negligence of many of the [census] Officers. . . .”⁴

Although similar difficulties still exist today, the census has gotten more accurate in the past two centuries. Since the 1950s, the Census Bureau has been measuring its accuracy by means of demographic analysis. This method uses statistics on births and deaths, immigration and emigration, along with figures from past censuses, Medicare enrollment and other sources, to construct estimates of the total U.S. population and its components by race, age and sex. These independent estimates — which are good only at the national level, because of the absence of reliable data on internal migration within the United States — are used to measure the accuracy of census results. The technique is “a crude kind of thing,” Jones says, but “it’s useful, at least as a rough gauge.”

Using this technique, the bureau calculates that 1.4 percent of the population, or 3.2 million people, did not get counted in 1980,* down from 2.9 percent in 1970.⁵ (See chart, above.) However, there apparently was less improvement in 1980 than meets the eye. The Census

Bureau has said that the official tally of 226.5 million people for 1980 included as many as 2.5 million duplications; if those duplications are subtracted from the total, the net undercount grows to 2.5 percent, not much less than what it was a decade earlier (when there were fewer duplications).⁶

The net undercount for 1980 may be even higher. Temple University sociologist Eugene P. Ericksen, an expert in statistics and the undercount, says that in addition to the duplications that the bureau has acknowledged, there were 2.6 million to 3.6 million people incorrectly included in the 1980 census figures. They include people counted at wrong addresses (many of them in actuality duplications, although not recorded as such by the bureau); people who should not have been counted because they died before Census Day, were born after it or were in the country only temporarily; and “people” who do not exist but were made up by unscrupulous census takers. Subtracting these from the census tally, Ericksen calculates, would make the net undercount between 3.7 and 4.1 percent.⁷

“A census, no matter how diligently administered, can never be complete or without error,” noted a National Academy of Sciences panel that, at the Census Bureau’s request, examined census methodology. People are missed for many reasons, the panel explained in its 1985 report, among them, “because occupied housing units — and hence all of their residents — are inadvertently overlooked or are believed to be non-residential or vacant at the time of

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*Although the Census Bureau does not “play with the numbers,” it does use statistical estimation, to a modest extent, to improve census data. As a result, what the census actually provides is, strictly speaking, not a “count” of the population, but an estimate. The bureau’s calculation that its 1980 estimate of the population was 1.4 percent under the “true” figure assumed there were 3 million illegal aliens in the populace, of whom an estimated 2.1 million were counted in the census. The number of undocumented aliens in the country complicates the use of demographic analysis, since for the most part they do not appear in the record systems from which the independent population estimates are constructed. (See story, p. 128.)

A Big Job That Keeps Getting Bigger

Census Day is April 1, 1990. A week earlier, on March 23, the Census Bureau will mail census forms to about 88 million addresses — a short form with 14 questions to most households, a long form with 59 questions to about every sixth household. The bureau has been using a mail census for most of the country since 1970.

In the case of about 11 million housing units, mainly in the rural South, the bureau, instead of using the Postal Service, plans to have its own personnel deliver the forms and ask that they be mailed back. This procedure will also be used for about 200,000 urban housing units. For about 6.5 million housing units in very remote and sparsely settled areas, mainly in the West and Northeast, the bureau will have the post office deliver unaddressed forms and then have census enumerators go out, from door to door, to make sure the forms were received and to pick up the completed forms.

The bureau expects that about 70 million forms will be returned within two weeks of Census Day. Between April and June 1990, enumerators will visit housing units that did not return their forms and will go back several times, if necessary. Getting enough enumerators and other temporary workers is "one of the major challenges of taking a census," says Charles D. Jones, who, as the bureau's associate director for decennial census, has the primary responsibility for planning and directing next year's census. "In 1990 we're going to be having about 300,000 people at peak," he says. "I think about 200,000 of those are going to be people who are actually going out and knocking on doors." The current plan is to pay enumerators \$5.50 or, in some places, \$6 an hour; but that rate may have to be raised in some parts of the country. In big cities or other areas that have high wage scales, low unemployment, and many women in the work force,

getting enough enumerators is likely to be a bigger challenge than usual. One thing the bureau is doing to meet it is, for the first time, to let people who are employed take on enumeration as a second job.

The Census Bureau's decennial job gets tougher all the time. For one thing, the population keeps growing. A decade ago, there were only 226.5 million people to count; next year, the bureau expects to find 250 million, a 10 percent increase. And because of the growing number of single individuals living alone and the growth in single-parent families, the number of households that must be surveyed has grown even more — by about 17 percent.

Not only are there more households and more people, but there is more reluctance to cooperate with the census. In 1980, 83 percent of the households that received census forms filled them out and mailed them back. Next year, the bureau expects only 78 percent will. And in some parts of the country, the return rate will be much lower. A 1986 census test in Los Angeles resulted in only 38.2 percent returns — a "scary" figure, said one former Census Bureau official. The return rate in tests is always lower than in the full-fledged census, but the response rate in that Los Angeles test was considerably lower than the rate in similar tests a decade earlier.

There are many factors behind the increased resistance to cooperating with the census. The proliferation of private surveys and opinion polls, the mounting volumes of "junk mail" that people receive and the increase in "telemarketing" sales assaults — all may play a part. Another factor may be that with the increased number of women in the work force, more people may feel too busy to give time to the census. Still another factor may be an increased alienation from, or distrust of, the government. "A lot of people just don't like the government," notes Barbara A. Bailar, the Census Bu-

reau's former associate director for statistical standards and methodology.

Next year's census will be the most automated one ever. Not only will there be about 530 computers set up in about 450 offices around the country, but the bureau will have a computerized mapping system and geographic data base called "TIGER" (for "Topologically Integrated Geographic Encoding and Referencing" system).

When an enumerator is sent out, he or she needs a map of the assigned area, and the bureau has to make about 300,000 maps to cover the whole land area of the United States. In the past, the maps have been drawn by hand and photocopies used by enumerators. The process did not work well in the 1980 census, Jones says; the maps had errors and the copies were hard to read.

TIGER should rectify that and be a powerful tool for the bureau. Bailar, now executive director of the American Statistical Association, says the new system is "really significant. It was a tremendous thing to develop, and it will pay off, and it will really be wonderful. And it will be wonderful for years to come, because if they're real smart, they'll keep it up to date and can use it for all kinds of statistical programs."

The bureau expects to finish all its field work by October 1990. It will deliver the official figures for reapportionment of the House of Representatives to the president by Dec. 31, 1990. It will deliver all the figures for redistricting purposes to the 50 states by April 1, 1991.

The 1990 census will not be cheap. The bureau has estimated that the cost over the 10-year period from October 1983 to September 1993 will be \$2.6 billion, with about half of that spent in fiscal 1990. The 1980 census cost about \$1.1 billion. The increased automation and the anticipated lower mail-response rate this time are among the reasons for the difference.

Counting the Homeless

For the Census Bureau, the night of March 20, 1990, will be "shelter and street night." That is when census enumerators will be trying to count the nation's homeless population. Enumerators will try to count the homeless on the streets, and those living in abandoned and boarded-up buildings, as well as those in emergency shelters.

The enumerators will try to ask the homeless persons in shelters and on the streets basic demographic questions. Additional questions will be asked of a sample

of the persons in shelters.

According to the bureau, persons found sleeping on the streets will not be awakened. The enumerators will simply estimate as best they can the person's age, sex and race. The same procedure will be followed in cases where the individual is in no state of mind to answer questions. If a sleeping person is completely covered up, the person will be counted and characteristics will be assigned later by computer.

Other people sometimes consid-

ered part of the homeless population will be counted during the regular 1990 census. Among them will be people living in "doubled-up families," in shelters for abused women, in tents at commercial campgrounds or in local jails.

Because definitions of the "homeless" vary, the Census Bureau says it does not plan to provide a total count of "the homeless," although it believes the data it gathers on selected elements of the homeless populations will prove useful.

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he census, because individual members of a household are not reported by the household, because persons with more than one usual place of residence, such as college students away from home or persons with a vacation home, are not counted at either address, and because some persons do not have usual places of residence as the term is commonly used." * 8

That the census figure for the entire U.S. population is off somewhat is hardly surprising. Nor is that gap the focus of the current controversy. The main source of concern is the large undercount of minorities, particularly black males and black children under age five. In 1980, the net undercount for whites and other non-blacks was 0.7 percent; it was 5.9 percent for blacks. The difference between these figures — the "differential undercount" — has remained roughly the same in censuses going back to 1940.

Although data are more readily available for blacks, other groups also have been undercounted. "We know less about the coverage of the Hispanic population (in part because Hispanics were not identified on birth and death records for many states until recently), but the data we have suggest that this segment of the population also has been disproportionately undercounted," John G. Keane, the Census Bureau's director from 1984 until this past January, explained at a congressional hearing in July 1987.⁹

Though the results of the 1990 census will change the apportionment of House seats among the various

states, adjustment of the figures to correct for the undercounting of blacks and Hispanics would probably not affect reapportionment. (*See story, p. 123.*) However, the adjustment would have an impact on how congressional and state legislative districts are drawn up. "If you adjusted figures, for example, for blacks, it would make a much bigger difference in Detroit than it would in the northern peninsula of Michigan," says William P. O'Hare, director of policy studies at the Population Reference Bureau. "For apportioning Congress, that distinction doesn't make any difference, but when you start drawing up congressional districts, it does."¹⁰

New uses of census data prompt interest in undercount

The growing controversy over the undercount reflects the growing importance of census data. Originally intended simply as the basis for apportioning the seats of the House of Representatives, the census eventually became a means of gathering socioeconomic data about the American people — information that was useful to government agencies, scholars, businesses and others. The bureau continually developed more and better statistics, as officials and legislators made more use of them. In the 1960s and '70s, the political and economic importance of precise and accurate census data vastly increased — and, as a result, so did the pressures on the Census Bureau

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*Most census information is obtained from mailed questionnaires. But if the questionnaires are not returned, census personnel, known as enumerators, phone or visit the households to try to obtain the information.

Remodeling the House

After the 1990 census, the U.S. House of Representatives will be reapportioned. "With large population shifts from the Northeast and Midwest to the Sunbelt states, many seats in Congress will change," William P. O'Hare, director of policy studies at the Population Reference Bureau, has noted.†

Using recent Census Bureau population projections, O'Hare calculates that California and Texas will be the big winners, gaining five and four seats, respectively. Florida will pick up three House seats, while Arizona and Georgia will each get two more. North Carolina and Virginia will each acquire one additional seat.

With the total number of House seats fixed at 435, when there are winners, there must be losers. New York and Pennsylvania could each lose three seats after the 1990 cen-

sus, according to O'Hare's analysis. Ohio, Illinois and Michigan could lose two apiece, and six other states could lose one.

O'Hare says he has "a lot of confidence" in these calculations. "I think we're close enough to 1990 that the projections are pretty good," he says. "They may be off a seat or two here and there, but certainly California is going to gain about five seats, maybe four, maybe six, but it's not going to be less than four or more than six. Same thing in Texas. . . . If I had to bet, I'd bet you \$100 that not more than one of those seat changes will be wrong."

If the 1990 census figures were to be adjusted for the undercounting of blacks and Hispanics, the impact on reapportionment of the House would be negligible. According to O'Hare's analysis, increasing the minority population in each state by 5 percent

would not change the allocations of House seats among the states at all.

If, however, the undocumented (illegal) aliens included in the states' tallies were subtracted, as some people wish (*see story, p. 128*), there would be an impact on the apportionment of House seats. O'Hare calculates that California would lose a seat and Pennsylvania would gain one. At a House subcommittee hearing last June on bills to exclude undocumented aliens from the census figures used for apportionment, a California representative testified that such legislation would be unconstitutional, while three Pennsylvania representatives insisted that not to exclude the illegal aliens from the counts would be unfair to every American citizen.

Source: William P. O'Hare, Census Adjustment, Congressional Reapportionment and the Flow of Federal Funds, November 1988.

State	House after 1980 census	House after 1990 census	Net Change	State	House after 1980 census	House after 1990 census	Net Change
Alabama	7	7	0	Nebraska	3	3	0
Alaska	1	1	0	Nevada	2	2	0
Arizona	5	7	+2	New Hampshire	2	2	0
Arkansas	4	4	0	New Jersey	14	14	0
California	45	50	+5	New Mexico	3	3	0
Colorado	6	6	0	New York	34	31	-3
Connecticut	6	6	0	North Carolina	11	12	+1
Delaware	1	1	0	North Dakota	1	1	0
Florida	19	22	+3	Ohio	21	19	-2
Georgia	10	12	+2	Oklahoma	6	6	0
Hawaii	2	2	0	Oregon	5	5	0
Idaho	2	2	0	Pennsylvania	23	20	-3
Illinois	22	20	-2	Rhode Island	2	2	0
Indiana	10	10	0	South Carolina	6	6	0
Iowa	6	5	-1	South Dakota	1	1	0
Kansas	5	4	-1	Tennessee	9	9	0
Kentucky	7	7	0	Texas	27	31	+4
Louisiana	8	8	0	Utah	3	3	0
Maine	2	2	0	Vermont	1	1	0
Maryland	8	8	0	Virginia	10	11	+1
Massachusetts	11	10	-1	Washington	8	8	0
Michigan	18	16	-2	West Virginia	4	3	-1
Minnesota	8	8	0	Wisconsin	9	8	-1
Mississippi	5	5	0	Wyoming	1	1	0
Missouri	9	9	0				
Montana	2	1	-1	TOTAL	435	435	0

Source: William P. O'Hare, Census Adjustment, Congressional Reapportionment and the Flow of Federal Funds, November 1988.

Continued from p. 122

In *Baker v. Carr* (1962) and subsequent rulings, the U.S. Supreme Court entered what Justice Felix Frankfurter called the "political thicket," established the "one-man, one-vote" standard and required that congressional and state legislative districts be redrawn in accordance with it. "Suddenly, accurate census data for small geographic areas became more important," notes historian Margo J. Anderson.¹¹ Civil rights legislation passed in the 1960s and '70s and decisions by government officials and judges regarding "affirmative action" and "quotas" demanded accurate statistical descriptions of the population and its subgroups. President Lyndon B. Johnson's Great Society legislation expanded grants-in-aid programs, which used census data for allocating federal funds to the states. During President Richard M. Nixon's administration, when revenue-sharing was enacted, the federal government distributed billions of dollars to the 50 states and 39,000 local governments using allocation formulas based on census data.

As the importance of precise census data increased, defects in census methodology, matters that before had been of little or no general interest, came under close scrutiny. The Census Bureau had known about the relatively high undercount of blacks for a long time — a comparison of the 1940 census figures with the 1940 draft registration figures, for example, revealed a census undercount of 13 percent for black men — but only in recent decades has anybody cared.

The minority undercount is concentrated in urban neighborhoods with high rates of poverty, crime and drug abuse. It is hard to take a census in such neighborhoods. Fear, on the part of both the counters and the counted, is one reason. "Doing the census in the inner city, going into some of these scary neighborhoods, is not anybody's idea of fun, and [enumerators] don't get paid that much for it," Bailar notes. Those who undertake the job may not deem a fully accurate count as being worth great personal risk. Many inhabitants of poor, inner-city neighborhoods distrust or at least resent the government and see no benefit in cooperating with census takers. Many don't believe the Census Bureau's pledge that all data gathered about individuals will be kept confidential.*

The living arrangements of many of the undercounted pose another barrier to an accurate census count. The undercounted, according to Temple University sociologist Ericksen, are "more likely to

move frequently or to be homeless; to live alone; to be related only distantly or not at all to the head of household, as a cousin, in-law, or boarder; to be children who move among several families and are not considered resident with any one of them; to be functionally illiterate or poorly educated; not to speak English well; . . . and to live in an apartment building without mailboxes or doorbells, or in a single-family house that has been subdivided into two or three apartments."¹²

Census procedures "are in essence designed for middle-class America, people who live in a well-defined apartment or people who live in a single-family residence and who regularly receive mail and are responsive to governmental agencies like the Census Bureau, and so on," says Kirk M. Wolter, who was chief of the bureau's statistical research division until he resigned last August.* Many of the uncounted don't fit that description.

Bureau weighed possibility of adjustment in 1980

Under mounting pressure and criticism during the 1970s, the Census Bureau gave the undercount issue increased attention in planning for the 1980 census. The bureau received plenty of advice on the subject. "For the first time since the Census Bureau had been organized as a government agency," wrote historian Anderson, "a broad-based coalition of local officials, civil rights activists, academics, and congressmen demanded to be included in the planning process for the . . . census."¹³

The bureau sought to increase minorities' cooperation with the census and to reduce barriers to a complete enumeration of the hard-to-count population. The focus "was less on statistical correction than on programs to increase the number of people actually counted," says Bailar. "These programs were called 'coverage improvement' programs, and they ranged from review of the census by local governments to extensive publicity campaigns. The bureau was confident that the programs would reduce the differential undercount, and spent more than \$72 million on them."¹⁴

Although the focus was on increasing the count, the bureau did not initially rule out the possibility of statistical adjustment. It would not have been done on the basis of demographic analysis, however, which cannot provide information at the state or local level, or information about Hispanics or other ethnic groups. The method the bureau would have used is called "dual-system estimation," a technique long accepted by

*There have been two notable instances in which the bureau shared its information with other government agencies in ways that may have violated at least the spirit of its pledge of confidentiality. After America's entry into World War I, the bureau used its population records to find age data to prosecute draft dodgers, according to historian Margo J. Anderson. And after Japan's attack on Pearl Harbor in December 1941 the bureau dug out information to help in the internment of Japanese-Americans. "Though the bureau claims it did not release individual names and addresses from the 1940 census schedules, as prescribed by law it did prepare detailed counts of the Japanese for small geographic areas," Anderson wrote. "These provided the parameters for finding and interning the population." See Anderson's *The American Census*, 1988, pp. 128, 193-194.

*Wolter is now vice president and director of statistical design with the A C Nielsen Co., Northbrook, Ill.

Adjusting for the Undercount: How It Would Work

The statistical technique that would be used if the census were to be adjusted for the undercounting of blacks, Hispanics and other minorities is called "dual-system estimation." It is often used to estimate wildlife populations, where it is known as the "capture-recapture" method. Stephen E. Fienberg, a professor of statistics and social science and dean of the College of Humanities and Social Sciences at Carnegie Mellon University, explained how dual-system estimation works in the following example:†

"[A] marine biologist wishing to estimate the number of fish in a lake can do so by twice attempting to catch and count each fish in the lake. In order to keep track of which fish were counted the first time, the biologist uses the simple expedient of marking each fish caught before releasing it. As the fish are caught the second time, the biologist can then determine, for each fish, whether it had been counted in the first measure of the population. Information from these two counts is then used to derive a more accurate estimate of the size of the fish population than either of the two counts alone can provide.

"Suppose that the marine biologist counted 200 fish the first time, and 150 fish the second time. Sup-

pose further that of the 150 fish counted the second time, 125 bore marks indicating that they had been among the 200 fish counted the first time. There are thus three classes of fish that have been counted: fish caught both the first time and the second time (which, in this example, number 125), fish caught the first time but not the second (75 in this example, or the total number of fish caught the first time minus the number of marked fish recaptured the second time), and fish caught the second time but not caught the first time (25 here, equaling the total number caught the second time minus the number of marked fish caught the second time). The total number of fish in the three classes is 225. Note that all 225 have been directly observed by the marine biologist, and that this number exceeds the number of fish observed in either of the two counts.

"The task is to proceed from this information to estimate the total number of fish in the population, including an estimate of a fourth class of fish, those not caught by the biologist either time. This can be done as long as the second of the two fish counts is a random sample. A random sample by its nature permits us to estimate the incidence of any observable characteristic in the

larger population from which the sample is drawn. In this case, the characteristic we are interested in is that of having been captured in the first count. The examination of our random sample — the second count — showed that 125 out of 150 fish, or five-sixths of the sample, had been captured in the first count. Generalizing from the sample, we can conclude that five-sixths of the total fish population in the lake was captured in the first count." With that knowledge, a little high school algebra suffices to arrive at the conclusion that the estimated total population of fish is 240.

$$\begin{aligned} \text{If } 200 &= 5/6 \times \text{population} \\ \text{then } \text{population} &= 6/5 \times 200 \\ \text{Therefore } \text{population} &= 240 \end{aligned}$$

Of 240 total population, 225 "have been observed in one or the other or both of the two counts. Thus, we can infer that there are 15 fish in the population that were not counted either time. This, finally, gives us the number of fish in the fourth category of the population."

† "Affidavit of Stephen E. Fienberg," Oct. 31, 1988, pp. 5-7, in *The City of New York, et al., v. United States Department of Commerce, et al., U.S. District Court, Eastern District of New York*.

statisticians and long used by wildlife biologists to estimate, for example, the number of fish in a lake. Two counts are taken and from them, a third estimate of the population is derived that is more accurate than either of them. (See story, above.) In the case of the census, the initial enumeration would be followed by a second, smaller count — an independent sample of the populations of a large number of representative blocks nationwide. The people "caught" in the census would be matched against the ones "caught" in the sample (known as a "post-enumeration survey"). From the proportion of the sample that had been

caught in the census, superior estimates could be derived for the populations of the blocks, and then those could be combined to get estimates for cities, states and the whole nation.

People are not fish, however, and dual-system estimation is not without theoretical and practical difficulties. These proved insurmountable in 1980, according to Jones, who was then chief of the statistical methods division, which was responsible for measuring the undercount. Although both Bailar and Wolter say Jones considered adjustment feasible and favored doing it, he remembers differently. "Philosophically,"

he says, "I've always been interested in adjustment, but I don't think that I've ever recommended . . . that it be done. . . . I think when we went into the 1980 census, we knew that we had this unproven methodology, and we tried it out, and we came out with results that none of us could defend."

The post-enumeration surveys and the data they produced were flawed. The program, the bureau reported last year, "shared many of the same deficiencies that have consistently accompanied studies of census coverage employing matching techniques. The sample surveys have tended to miss the same types of persons as the census. . . . Secondly, many [post-enumeration program] sample cases were incomplete, and estimates of undercount — particularly of total undercount — were sensitive to the assumptions for missing data. . . . Mistakes in matching also considerably affect the estimated net undercount with this methodology."¹⁵

In December 1980, Vincent Barabba, then director of the Census Bureau, decided that no adjustment of the 1980 census figures would be made, unless the courts ultimately ordered otherwise. That did not happen. Seven years after Barabba's decision, federal Judge John E. Sprizzo dismissed the lawsuit that had been filed by New York City and New York state, ruling that the Census Bureau had "correctly determined that an adjustment of the census [was] not technically feasible or warranted."

Research undertaken for adjustment in 1990

Bailar strongly supported the bureau's decision not to adjust the 1980 census figures and was heavily involved in the legal defense of it. It became evident to her, she says, "that the statistical techniques were there but the materials that we had gathered in the '80 census were not good enough to really use that methodology. . . . I also realized [that] with the '90 census coming down the pike, the situation wasn't going to improve any [and] that we were going to be faced with the same things. . . . I didn't think the Census Bureau could afford to say that 10 years later we still didn't know how to do it."

As a result, an undercount research staff was established in the bureau in 1983. Wolter was in charge of the research; he reported to Bailar. According to Bailar, the fact that the staff was set up in her jurisdiction "caused some difficulties" with Jones and others who had been involved in measuring the undercount before. "But because we had been the ones primarily concerned with the court cases and the defense, we knew where the weak spots were. We'd gone through it with a fine-toothed comb. And so we set it up in that area, with the [statistical] research people working on . . ."

In the winter of 1983-84, Deputy Director Kincannon asked Sherry Courtland, chief of the bureau's program and policy development office, to coordinate development of a comprehensive bureau plan for "completing work on 1980 undercount measurement and conducting the 1990 work."¹⁶ The group eventually became known as the undercount steering committee and grew to include about a dozen senior bureau executives and researchers, including Courtland, Jones, Wolter, Bailar and others.

In the ensuing years, according to Stephen E. Fienberg, a professor of statistics and social science at Carnegie Mellon University and a member of the National Academy of Sciences' Panel on Decennial Census Methodology, the undercount research staff "identified the various flaws" in the 1980 post-enumeration program and "was then able to design a correction program for 1990 that eliminated or substantially minimized the impact of each of these flaws." The survey sample was redesigned and increased in size to 300,000 households. Other changes were made as well. "The staff's work culminated in an impressive series of tests demonstrating the effectiveness of the new methodology," Fienberg says.¹⁷

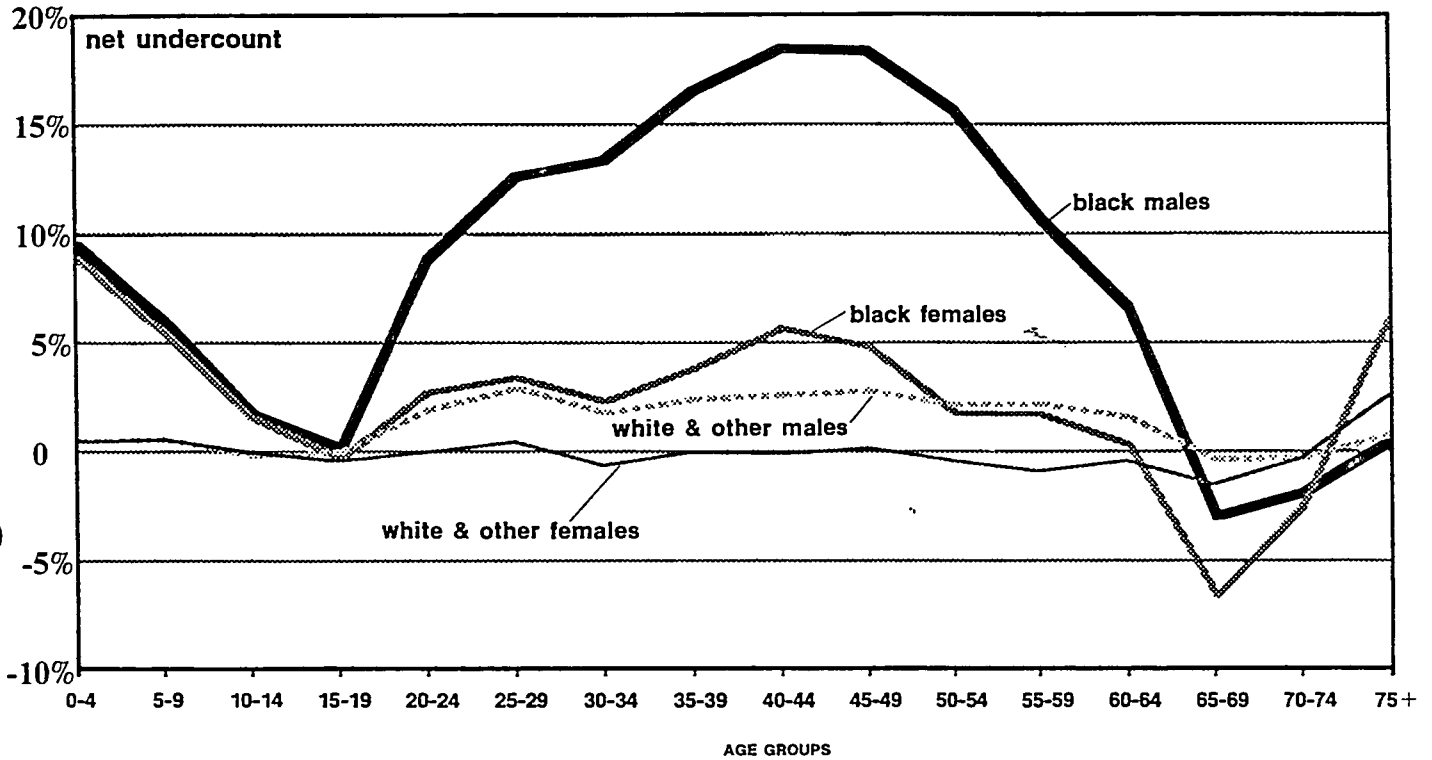
The research staff had made sufficient progress by 1986, Bailar says, to prompt the bureau's leaders "to set a definite schedule for deciding whether to correct in 1990. With the approval of both the Commerce Department and the Office of Management and Budget, we defined a two-stage decision-making process." On July 24, 1986, she unveiled the bureau's plans in testimony before the House Subcommittee on Census and Population. Keane testified to the same effect in September 1986 before the Senate Subcommittee on Energy, Nuclear Proliferation and Government Processes.¹⁸

The first stage of the process was to be a decision by the bureau director in the spring of 1987 as to whether adjustment appeared to be feasible; if so, then the bureau would go ahead and conduct a full-scale post-enumeration survey in 1990 and, after the survey was taken, would produce adjusted census data. Whether those adjusted data would actually be used as the official census figures, however, would not be decided until December 1990, when it could be determined if the adjusted figures met certain standards and were indeed more accurate than the unadjusted census counts.

In May 1987, the undercount research staff, in a paper by Wolter and others, publicly stated that adjustment was technically feasible: "[T]here exists a rigorous and professionally sound body of statistical theory, methods, and operations for correcting the 1990 census enumeration so as to produce census figures with reduced differential undercount."¹⁹ The National Academy of Sciences panel, along with two of the bureau's standing advisory committees, urged that plans for a full-scale post-enumeration survey go forward.

The Differential Undercount

The Census Bureau estimates that 1.4 percent of the population, or 3.2 million people, did not get counted in 1980. A large number of the undercounted were blacks, particularly black males and black children under age 5. For example, nearly 20 percent of black males between the ages of 40 and 49 were not counted. For whites and other males in this age group, the figure was less than 3 percent.



Source: U.S. Census Bureau.

There was, however, opposition within the Census Bureau. Jones, who was elevated to the new position of associate director for decennial census in February 1987, was "very doubtful" about the technical feasibility of adjustment, according to Wolter. "I might add he thought adjustment could be done in 1980, but when he changed hats, he came to believe that adjustment perhaps could not be done."

In an April 1987 paper presented to the bureau's advisory committees, Jones, according to then-Director Keane, "discussed the operational and timing aspects of adjustment. He explained that accomplishing the dual strategy — to obtain the best census possible and to be prepared to adjust if warranted — would mean two data-collection activities . . . and processing the results of both by Dec. 31. . . . The paper concluded that there were overwhelming timing problems in carrying out both the census and the [post-enumeration survey] to meet the Dec. 31, 1990, target date." One of the advisory committees concluded that adjustment could not be done by Dec. 31, and the other said that the bureau should plan to provide adjusted figures after

the legal deadlines. But both advisory committees wanted the bureau to conduct the full-scale post-enumeration survey.²⁰

Commerce decision on 1990 adjustment

On May 20, 1987, the undercount steering committee met to decide what course of action to recommend to the bureau's director. Among the committee members, there was, according to Wolter, "a broad consensus" that adjustment was technically feasible. "The strength of everyone's beliefs and opinions, of course, varied from one individual to another. But except for Charlie [Jones], almost everyone felt that there was a likelihood that adjustment could measure the differential undercount and therefore that some kind of adjustment could be done. No one felt, myself included, that the adjustment was going to be perfect. By

Should Illegal Aliens Be Included in the Census?

Next year the Census Bureau will be trying to count, as the Constitution puts it, "the whole number" of persons residing in the United States. That includes undocumented aliens living here illegally — and does not include U.S. soldiers and others living abroad. To the Census Bureau, this makes sense. To some critics, it does not.

U.S. Rep. Tom Ridge, R-Pa., contends that undocumented aliens should be excluded from the census figures used for reapportionment of the House of Representatives, although not necessarily from the figures used to allocate federal funds. "I recognize . . . that many of these men and women and families have immigrated to the United States in order to avoid very desperate economic, political or social situations," he told the House Subcommittee on Census and Population last June 23. "[But] while they are here as undocumented illegal aliens, they are citizens of another country. They cannot vote. They cannot be legally employed. They are here without the consent of the government, and for that reason I think they have to be excluded from the census, from the population base that is used for reapportionment."

The Census Bureau has estimated that about 2.1 million undocumented aliens were counted in the 1980 census. That was the first census in recent decades for which there is evidence that un-

documented aliens were actually counted in any significant numbers.

Ridge and 39 other members of Congress, along with the states of Pennsylvania and Kansas and the Federation for American Immigration Reform (FAIR), filed suit in February 1988 in U.S. District Court in Pittsburgh to force the Census Bureau to exclude illegal aliens from the figures used for reapportionment. A similar suit brought by FAIR and others in 1979 in connection with the 1980 census was dismissed.

The Census Bureau, citing the Census Act of 1790, says the guiding principle it follows in determining whom to count and where to count them is the concept of "usual residence." Susan M. Miskura, chief of the Census Bureau's decennial planning division, pointed out in an affidavit in connection with the latest litigation that "Usual residence is not necessarily the same as legal residence, voting residence or where the person is found on Census Day. The Census Bureau defines 'usual residence' as where a person lives and sleeps most of the time. . . . If the usual residence is in the United States, the Census Bureau counts the person. If it is outside the United States, it does not."

"The census includes American citizens, aliens (documented and undocumented) and foreign diplomatic and military personnel who do not live on the premises of an

embassy or legation," Miskura continued. "Foreign diplomatic and military personnel residing on the premises of an embassy or legation will not be counted because their residences are considered to be on foreign soil. Americans who are temporarily abroad will be counted at their usual residence in the United States. Foreign travelers in the United States for a short time, such as tourists or business persons, will not be counted because they have not established residence. As has been the case in every census except the 1970 census, federal civilian and military personnel and their dependents living outside the United States will not be included in the official census counts for apportionment."

The 1970 census, which was conducted during the Vietnam War, included armed forces personnel stationed overseas in its count. A decade later, the Census Bureau reverted to its previous practice. Next year, the Department of Defense, in conjunction with the Census Bureau, plans to conduct an official census of overseas military personnel, including civilian employees, and their dependents. The Defense Department will collect the data as of April 1, 1990, and the Census Bureau will process them in 1991. The results, however, will be kept separate from the figures from the bureau's 1990 census of the resident U.S. population.

'perfect' I mean a situation where the adjusted figures were in exact agreement with the truth. We will never get to that point, just as we will never get to the point of understanding precisely what the speed of light is. But we can make improvements, just as scientists have improved their measurement of the speed of light over the years."

Although most of the steering committee members thought that adjustment could be done, most also had

doubts that it could be done in time to meet the statutory deadlines. "I would say most of the people felt that it would be possible to carry out the adjustment somewhere between April 1, 1991, and, say, fall of 1991," Wolter says.

Going forward with plans to adjust by Dec. 31 would have required dropping or limiting some procedures planned for the traditional census. Susan M. Miskura, chief of the bureau's decennial planning divi-

sion, apparently was among those who opposed such a move. Dropping "census operations designed to ensure the completeness of the unadjusted census" would mean that "we would have poor counts to fall back on if the [post-enumeration survey] operations or adjustment techniques failed," she said.²¹

Wolter says that "[N]one of the procedures that were being discussed for dropping [were such that dropping them] would have substantially degraded the coverage of the census. . . . One of them, for example, involved some additional follow-up with census respondents to clarify their data, and that particular procedure may have marginally improved what we call the 'content' of the census, that is, the age, race, sex, housing detail, etc. But that procedure would not have affected 'coverage' of the census, that is, whether you counted all the people or all the households or not."

Another procedure they discussed dropping, according to Bailar, involved keeping census offices open through October or November of the census year in New York, Chicago and other cities where the populace is hard to count. "We were saying, 'You're going to have to just end the census earlier in those places,'" Bailar says, "and they said, 'Well, we can't do that.'" In Bailar's view, keeping those offices open so long is really just "a PR thing. You're keeping those offices open, you're doing your best. But you're getting rotten data, because by that time you've exhausted everybody [willing to cooperate in the census]; the people who aren't going to cooperate aren't going to do it then either."

The steering committee, on May 20, 1987, ended up making two alternative recommendations to Keane: The first was that the bureau "should continue its full-scale coverage measurement program with the expectation that we will adjust the 1990 census results, by the legal deadlines." The second was that the bureau "should continue its full-scale coverage-measurement program. We should plan to adjust, if standards are met, with the expectation of adjusting census results after the legal deadlines for issuing apportionment and redistricting data." Most members of the committee favored the second alternative.²²

Director Keane then made his decision. It was to go forward with the full-scale post-enumeration survey, with the expectation of adjusting the census results by the legal deadlines. The decision on whether adjusted census data would serve as the official census figures would be made in the fall of 1990. Deputy Director Kincannon, according to Bailar, "told the staff to devise a plan to integrate the two processes [for the census and the adjustment]."²³

On June 2, Keane advised Commerce Under Secretary Ortner of "the Census Bureau's position" on adjustment. "I advised Robert Ortner that the Census Bureau expected to have the technical capability in 1990 of assessing the undercount and correcting for that undercount," Keane has said. "I stated further that the goal (not guarantee) was to accomplish this by

Dec. 31, 1990, for reapportioning Congress and April 1, 1991 for drawing district boundaries."²⁴ In a written report prepared for the meeting, Keane stated: "No matter how well we conduct the 1990 census we do not expect to eliminate the differential undercount. . . . We use every known cost efficient counting procedure and advertising approach to cover those segments of the population we miss. Statistical techniques are the only potential means of reducing the differential undercount." After Keane met with Ortner, the bureau prepared to hold a press conference the next week to announce the decision.²⁵

Six days later, Keane met with Ortner's superior, Commerce Deputy Secretary Clarence Brown, and other Commerce officials. According to Ortner, who took part in the meeting, Brown and four other Commerce officials expressed "serious reservations about the technical and operational feasibility of those plans [for adjustment]."²⁶ Keane returned from the meeting with Brown "visibly shaken," Bailar has said she was told later that day by Courtland. "Keane told her [Courtland] that Brown had instructed him to postpone the press conference that the bureau had planned for that week," Bailar has said. The bureau then, in Bailar's view, was reduced to "furtive plotting. . . . Our task was no longer to present our conclusions to the public, as we had told the public we would do. Rather, it was to conceal those conclusions, and to give the Commerce Department time to contrive a story."²⁷

Keane has said that in mid-June he directed "that further research be conducted to resolve outstanding issues. In particular, I approved an analysis of the operational problems affecting completion of the adjustment process to see if the census and the [post-enumeration survey] operations could be redesigned to provide the potential to adjust by [the] legal deadlines." On July 17, the results of the "further research" were presented to the bureau's executive staff. "A majority of the meeting attendees concluded that it was not operationally feasible to adjust the census within the statutory deadlines without seriously jeopardizing the actual enumeration," Keane has stated.²⁸

Ortner's assistant, Harry Scarr, attended that meeting, and, according to Ortner, "reported to me that there was clear, overwhelming sentiment against the integrated census among senior bureau officials because of the serious flaws in the operational requirements for an integrated census, and the potential for damage to the accuracy of the count that dropping a series of traditional data checks would have rendered."²⁹

In an Aug. 7 memorandum to Ortner, Commerce Deputy Secretary Brown wrote that he was not approving an appropriation of \$31 million in fiscal 1989 to increase the size of the post-enumeration survey from 150,000 households to 300,000. "The [Commerce Department] budget should give a clear signal that we do not intend to adjust the results of the 1990 census." Brown wrote. During the first week of August, according to Bailar, the bureau's deputy director, Kincannon.

"revealed the department's decision to the bureau's executive staff: The department was prohibiting the bureau from correcting the 1990 census, and also prohibiting it from taking the full-scale [post-enumeration survey]." Kincannon also told the bureau's senior executives "that the department was prohibiting us from disclosing the decision to anyone, inside or outside the bureau."³⁰ Almost three months later, on Oct. 30, Ortner made his public announcement: No adjustment in 1990.

According to Wolter, who first went to work in the Census Bureau in 1974, the Commerce Department's decision to overrule the bureau's recommendation on adjustment took place in an environment that had started to change a few years earlier. "The agency began to be run by the budget," he says. "All decisions were made based on budgetary considerations. That was not the way the agency had been run." In his view, "the quality of the Census Bureau's work began to slip."

Later, with the arrival in 1984 of Keane, an Illinois businessman, as the bureau's director, and the elevation in 1986 of Ortner, the Commerce Department's chief economist, to the position of Commerce under secretary for economic affairs, Wolter says, "there were increasing intrusions from the Department of Commerce.

Some of the intrusions were very large and prominent, easily remembered, like the Commerce Department intrusion into the undercount work. But there were many other incidents of a smaller nature . . . where Commerce, perhaps the under secretary's office, asserted themselves in a more or less unprecedented way, within the inner workings of the Census Bureau. And that certainly had a detrimental effect, in my view, on the quality of the Census Bureau's products, a detrimental effect on its service to the American public, and certainly a detrimental effect on morale, at least among certain people within the bureau." The way in which the adjustment issue was handled, he says, precipitated his decision to leave the Census Bureau. "I think if the bureau had behaved in a more responsible manner, irrespective of what the decision was . . . I [might] well have stayed there through the [1990] census. But this was a catalyst."

Although adjustment of the 1990 census has been ruled out, it could still be ordered by the courts. If the courts were to order that an adjustment be done by Dec. 31, 1990, Miskura has said, necessary changes could be made as late as this coming August. But she warned that "very major changes to the census that now is planned" might be necessary, and they would mean that "the basic census that is completed prior to the [post-enumeration survey] and adjustment operations likely will be less accurate, both in coverage and content, than now planned. Thus, to the extent that the [post-enumeration survey] cannot produce reliable estimates of coverage error, the overall quality of census coverage will be lower than with our current plan."³¹

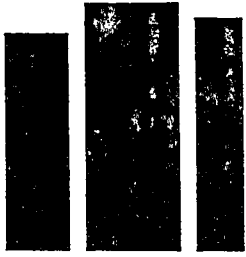
Bailar, however, thinks the Census Bureau still could conduct a successful census-with-adjustment next

year. "I don't believe the Census Bureau for a minute when they say they can't do it," she says. "I know all the people out there, I've seen what they can do. I know that they are very creative, and they can do it if they want to."

NOTES

- ¹ Quoted by Clifford D. May in *The New York Times*, Oct. 31, 1987.
- ² Bailar's comment and Ortner's response were reported by Spencer Rich in *The Washington Post*, Jan. 15, 1988.
- ³ Schumer and Ortner spoke at a March 3, 1988, hearing before the House Subcommittee on Census and Population on a bill introduced in October 1987 by Rep. Mervyn M. Dymally, D-Calif., that would have compelled the Census Bureau to do the adjustment. The bill died in the House last year.
- ⁴ Quoted by Ann Herbert Scott in *Census, U.S.A.: Fact Finding for the American People, 1790-1970* (1968), p. 20.
- ⁵ Robert E. Fay, Jeffrey S. Passell, and J. Gregory Robinson, *The Coverage of Population in the 1980 Census*, Bureau of the Census, February 1988, p. 27.
- ⁶ The Census Bureau has publicly reported estimates of 2.5 million duplications. *Ibid.*, p. 20. But an internal memo from Jones to Bailar indicates the correct number is 2.7 million. The memo is cited in "Affidavit of Eugene P. Ericksen," Nov. 2, 1988, p. 52, in *The City of New York, et al., v. United States Department of Commerce, et al.*, U.S. District Court, Eastern District of New York.
- ⁷ *Ibid.*, p. 30-33.
- ⁸ Panel on Decennial Census Methodology, National Research Council, National Academy of Sciences, *The Bicentennial Census: New Directors for Methodology in 1990* (1985), pp. 10, 120.
- ⁹ Testimony at a hearing on the "Problem of Undercount in 1990 Census" held July 14, 1987, by the House Subcommittee on Census and Population.
- ¹⁰ An analysis by O'Hare indicates that upping the minority population by 5 percent in every state would not affect the total number of House seats allocated to any state. See William P. O'Hare, *Census Adjustment, Congressional Reapportionment and the Flow of Federal Funds*, Population Reference Bureau, November 1988.
- ¹¹ Margo J. Anderson, *The American Census: A Social History* (1988), p. 209.
- ¹² "Affidavit of Eugene P. Ericksen," *op. cit.*, pp. 10-11.
- ¹³ Anderson, *op. cit.*, p. 221.
- ¹⁴ "Affidavit of Barbara A. Bailar," p. 8, in *The City of New York, et al., v. United States Department of Commerce, et al.*
- ¹⁵ Fay *et al.*, *op. cit.*, p. 8.
- ¹⁶ "Declaration of John G. Keane," Dec. 14, 1988, p. 3, in *The City of New York, et al., v. United States Department of Commerce, et al.*
- ¹⁷ "Affidavit of Stephen E. Fienberg," Oct. 31, 1988, pp. 18-19, in *The City of New York, et al., v. United States Department of Commerce, et al.*
- ¹⁸ "Affidavit of Barbara A. Bailar," *op. cit.*, pp. 17-18; "Declaration of John G. Keane," *op. cit.*, pp. 9-11.
- ¹⁹ Cited by Bailar in "Affidavit of Barbara A. Bailar," *op. cit.*, p. 20.
- ²⁰ "Declaration of John G. Keane," *op. cit.*, pp. 13-15. The two standing committees were the Census Advisory Committee on Population Statistics and the Census Advisory Committee of the American Statistical Association.
- ²¹ "Declaration of Susan M. Miskura," Dec. 15, 1988, pp. 3, 9, in *The City of New York, et al., v. United States Department of Commerce, et al.*
- ²² "Declaration of John G. Keane," *op. cit.*, p. 18.
- ²³ Testimony before the House Subcommittee on Census and Population, March 3, 1988.
- ²⁴ "Declaration of John G. Keane," *op. cit.*, p. 19.
- ²⁵ "Affidavit of Barbara A. Bailar," *op. cit.*, p. 23. She cites Keane's written report.
- ²⁶ "Declaration of Robert Ortner," Dec. 15, 1988, p. 9, in *The City of New York, et al., v. United States Department of Commerce, et al.*
- ²⁷ "Affidavit of Barbara A. Bailar," *op. cit.*, pp. 24-26.
- ²⁸ "Declaration of John G. Keane," *op. cit.*, pp. 20-21.
- ²⁹ "Declaration of Robert Ortner," *op. cit.*, pp. 11-12.
- ³⁰ "Affidavit of Barbara A. Bailar," *op. cit.*, pp. 29-30. Brown's memo is quoted by Bailar (p. 29) and paraphrased by Ortner, "Declaration of Robert Ortner," *op. cit.*, p. 14.
- ³¹ "Declaration of Susan M. Miskura," *op. cit.*, pp. 19, 26.

Graph by S. Dmitri Lipzenko.



RECOMMENDED
READING

BOOKS

Anderson, Margo, J., *The American Census: A Social History*, Yale University Press, 1988.

Anderson presents a good history of two centuries of census-taking. The American census, she writes, was "a pioneering institution in the creation of modern social science. Its origins . . . are rooted in the efforts of the revolutionary leaders to develop a new series of governing instruments suitable for their experiment in republicanism. And its development and 'progress' since [are] part and parcel of the broader political and social history of the United States."

Panel on Decennial Census Methodology, National Research Council, *The Bicentennial Census: New Directions for Methodology*, National Academy Press, 1985.

This panel was set up by the National Academy of Sciences at the request of the Census Bureau. The panel recommended in this report that "Given the likelihood that the census will continue to produce different rates of undercoverage for various population groups, and given the equity problems caused thereby, we recommend that work proceed on the development of adjustment procedures and that adjustment be implemented if there is reasonable confidence that it will reduce differential coverage errors."

ARTICLES

Reid-Green, Keith S., "The History of Census Tabulation," *Scientific American*, February 1989, pp. 98-103.

As the U.S. population grew in the 19th century, so did the amount of census data. By 1880, the quantity of data was so vast that some results of that year's census were not available until eight years later. "It was clear that something had to be done," writes the author. Something was done: Herman Hollerith, a Census Office employee (and later one of the founders of the International Business Machines Corp.), invented the punched-card electrical tabulating machine in time for use in the 1890 census. Efficiency in processing census data continued to increase. The 1940 census was the last one in which the data were processed completely without electronic computers. Univac I made its debut in the 1950 census.

REPORTS AND STUDIES

O'Hare, William P., *Census Adjustment, Congressional Reapportionment and the Flow of Federal Funds*, Population Reference Bureau, November 1988.

The author looks at the potential impact of various possible adjustments of census figures on congressional reapportionment and the allocation of federal funds to states. He concludes that for all but a few states, the impact on reapportionment would be negligible. However, adjustment of census figures would make a significant difference with respect to the distribution of federal funds. "As much as \$4 to \$5 million out of a hypothetical \$1 billion distributed [to states] solely on the basis of population might change hands based on various adjustment scenarios," he writes.

Subcommittee on Census and Population, Committee on Post Office and Civil Service, U.S. House of Representatives, "The Status of Plans for 1990 Census," hearing on Sept. 27, 1988.

_____, "Exclude Undocumented Residents from Census Counts Used for Apportionment," hearing on June 23, 1988.

_____, "Census Residency Rules: Military Personnel Abroad," hearing on April 18, 1988.

_____, "The Decennial Census Improvement Act," hearing on March 3, 1988.

These prints of some of the hearings held last year by the House subcommittee concerned with the census provide insights into the major controversies: adjustment for the undercount and the Commerce Department decision against adjustment (March 3 hearing); the exclusion of U.S. military personnel abroad from the census (April 18 hearing); the counting of undocumented aliens in the census (June 23 hearing); and how the 1990 census was shaping up, as of last fall (Sept. 27 hearing).

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