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Asian Americans Advancing Justice |
AAJC

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December 17, 2020

Hon. Steven Dillingham, Director
U.S. Census Bureau
4600 Silver Hill Road
Washington, D.C. 20233

Hon. Ron Jarmin, Deputy Director and COO
U.S. Census Bureau
4600 Silver Hill Road
Washington, D.C. 20233

Re: Census Bureau's National Advisory Committee

Dear Dr. Dillingham and Dr. Jarmin:

On behalf of The Leadership Conference on Civil and Human Rights (The Leadership Conference), a coalition charged by its diverse membership of more than 220 national organizations to promote and protect civil and human rights in the United States, its Census Task Force co-chairs, NALEO Educational Fund and Asian Americans Advancing Justice | AAJC, and the 58 undersigned organizations that are committed to an accurate and complete count in the 2020 Census and other periodic and annual federal surveys, we urge you to take immediate action to fulfill the objectives of the Charter for the Census Bureau National Advisory Committee on Racial, Ethnic, and Other Populations (NAC).

The Census Bureau has acknowledged the critical role that its two advisory committees, the NAC and the Census Scientific Advisory Committee (CSAC), play in its operations:

For more than 50 years, Census Advisory Committees have been an active and effective resource for the Census Bureau. They provide valuable feedback for the Census Bureau to improve its programs and data products.ⁱ

The current national advisory committee was established in 2012 and its charter has been renewed by the director every two years, including earlier this year.ⁱⁱ The NAC's charter explains the need for input and recommendations from its organizational and individual members:

The Committee will provide insight, perspectives, and expertise on the full spectrum of Census Bureau surveys and programs to assist the Census Bureau in: developing appropriate research and methodologies, operations, communications, and strategies to reduce program/survey costs; improving coverage and operational efficiency; improving the quality of data collected; protecting the public's and business units'

privacy; enhancing public participation and awareness of Census Bureau programs and surveys; improving the dissemination of data products; and the use of administrative records and third party data in the decennial census.

In providing insight, perspectives, and expertise on the full spectrum of Census Bureau surveys and programs, the Committee will examine such areas as hidden households, language barriers, students and youth, aging populations, American Indian and Alaska Native tribal considerations, new immigrant populations, populations affected by natural disasters, highly mobile and migrant populations, complex households, poverty, race/ethnic distribution, privacy and confidentiality, rural populations and businesses, individuals and households with limited access to information and communications technologies, the dynamic nature of new businesses, minority ownership of businesses, as well as other concerns impacting Census Bureau survey design and implementation.ⁱⁱⁱ

The charter further provides that the NAC will consist of “up to 32 members” and “will meet at least twice per year.”^{iv}

Despite the Census Bureau’s acknowledgment of the need for the NAC’s expertise in ensuring that hard-to-count (HTC) populations are completely and accurately counted, it has not convened the NAC in calendar year 2020. In the half century that the bureau has chartered advisory committees, this appears to mark the first time that one of its active committees has not met.

The bureau’s cancellation of the NAC’s Spring 2020 meeting and “postponement” of its Fall 2020 meeting come in the midst of the most complex decennial census ever conducted due to abandoned, delayed, and shortened field operations in response to the global pandemic, civil unrest, and housing displacements due to natural disasters, including devastating wildfires in the Pacific Northwest and the most active hurricane season on record. Those barriers have been compounded by the heavy weight that the bureau placed on its online campaign and emphasis on Internet responses, despite being unavailable to millions of HTC households lacking broadband access. The data collection issues undoubtedly have contributed to what the director recently described as “certain processing anomalies” that “have been discovered” in the “post-collection processing.”^v

The Census Bureau has proven it is possible to consider the advice of its advisory committees despite the challenges of the pandemic. In 2020, the Census Bureau twice convened the CSAC for virtual meetings while failing to schedule any similar virtual meetings for the NAC.^{vi}

In the face of the unprecedented challenges with the 2020 Census, the Census Bureau has not acted to timely consider the invaluable insights and recommendations of the NAC, whose members have been appointed specifically because of their expertise on reaching HTC populations. Not only has the bureau failed to convene the NAC, but it has also neglected to fill any of the vacancies on the NAC despite the period for nominations closing on August 1, 2020, nearly four months ago.^{vii} The NAC currently has just 15 active members, which precludes it from having a quorum to meet. We understand the Census Bureau received nomination packages from over 100 highly qualified candidates.



While the Census Bureau has not made the requisite appointments needed to convene the NAC, it recently made two new appointments to the CSAC. One of those appointees is a highly partisan individual who, in our view, “only further damages the bureau’s reputation and makes it harder to rebuild public confidence in the Census Bureau and the vital statistics it produces.”^{viii}

The Census Bureau’s actions send the tacit message to communities of color and organizations representing HTC communities that it places a greater premium on partisan appointees than it does on experts such as those on the NAC who work with the populations that are most vulnerable and most likely to be undercounted. They also threaten to further erode the low levels of trust that many of the populations represented on the NAC have of the federal government, including of the Census Bureau and its survey operations.

We strongly urge you to immediately take several steps to address our concerns:

1. Appoint a sufficient number of new members to the NAC to allow it to have a quorum necessary to convene and provide the Census Bureau with its insights and recommendations;
2. In making the appointments to the NAC, members must be nonpartisan and selected on the basis of the qualifications required in the NAC’s charter: “The Committee aims to have a balanced representation among its members, considering such factors as geography, age, sex, race, ethnicity, technical expertise, community involvement, and knowledge of census programs and/or activities...” Members “will be selected based on their expertise in or representation of specific areas to include: diverse populations (including race and ethnic populations); national, state, local, and tribal interest organizations serving hard-to-count populations; researchers; community-based organizations; academia; business interests; marketing and media professionals; researchers; and members of professional associations”;^{ix}
3. The NAC’s Fall 2020 meeting, originally scheduled as an in-person meeting for November 5-6, 2020, should be rescheduled as a virtual meeting as soon as possible, but not later than January 2021; and
4. The Census Bureau must ensure that the rescheduled NAC meeting allows members of the NAC’s Differential Privacy Working Group to provide recommendations on differential privacy and the bureau’s Disclosure Avoidance System (“DAS”) that are timely and will be fully considered by the Census Bureau’s subject matter experts before the Census Bureau makes its final decision on application of differential privacy and the DAS to the 2020 Census data products.

We appreciate your prompt attention to our requests. If you have any questions, please contact John C. Yang, Asian Americans Advancing Justice | AAJC, at jeyang@advancingjustice-aajc.org; or



Arturo Vargas, NALEO Educational Fund, at avargas@naleo.org; or Corrine Yu, The Leadership Conference, at yu@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Asian Americans Advancing Justice | AAJC
NALEO Educational Fund
Alaska Federation of Natives
American-Arab Anti-Discrimination Committee (ADC)
Americans for Indian Opportunity
Arab American Institute (AAI)
Asian Americans Advancing Justice - Los Angeles
Association of Population Centers
Association of Public Data Users (APDU)
Austin Asian Community Civic Coalition
California Statewide Database
Children's Defense Fund-Ohio
City of Detroit Mayors Office
Colorado Latino Leadership, Advocacy, & Research Organization (CLLARO)
Common Cause
Common Cause Florida
Common Cause Pennsylvania
Cook Inlet Housing Authority
COOLJC Region 8 SJEREC
Disability Rights California
DOC Project
Empowering Pacific Islander Communities (EPIC)
Fair Count Inc
Fair Elections Center
Faith in Action
Global Cleveland
Greater Birmingham Ministries
Hispanic Federation
Hope Border Institute
Kentucky Youth Advocates
MACS 2020
Michigan Nonprofit Association
Minnesota Citizens for Clean Elections
Missouri Asian American Youth Foundation
Montgomery Citizens United for Prosperity (MCUP)
National Council of Asian Pacific Americans
National Employment Law Project

National League of Cities
National Partnership for Women & Families
National Urban Indian Family Coalition
Native American Rights Fund
Nebraska Civic Engagement Table
NETWORK Lobby for Catholic Social Justice
New York Immigration Coalition
OFA Minnesota
Oklahoma Policy Institute
Oxfam America
Partnership for America's Children
Poder Latinx
Population Association of America
Prison Policy Initiative
Service Employees International Union (SEIU)
Southeast Asia Resource Action Center (SEARAC)
Taller Puertorriqueño
The Alaska Census Working Group
The Foraker Group – Alaska
UnidosUS
Union for Reform Judaism
United Way of the Columbia-Willamette
Voices for Progress

cc: Sen. Ron Johnson, Chair, Homeland Security & Governmental Affairs Committee
Sen. Gary Peters, Ranking Member, Homeland Security & Governmental Affairs Committee
Rep. Carolyn Maloney, Chairwoman, House Committee on Oversight and Reform
Rep. James Comer, Ranking Member, House Committee on Oversight and Reform

ⁱ U.S. Census Bureau, 2020 Decennial Census Program Resources, Advisory Committees, *available at* <https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/advisory-committees-and-oversight.html> (last visited Dec. 10, 2020).

ⁱⁱ U.S. Census Bureau, Census Advisory Committees, National Advisory Committee (NAC), *available at* <https://www.census.gov/about/cac/nac.html> (last visited Dec. 10, 2020).

ⁱⁱⁱ U.S. Department of Commerce, Census Bureau National Advisory Committee on Racial, Ethnic, and Other Populations, Charter, *available at* <https://www2.census.gov/cac/nac/nac-charter.pdf> (last visited Dec. 10, 2020).

^{iv} *Id.*

^v U.S. Department of Commerce, Census Bureau, Statement from Census Bureau Director Steve Dillingham (Nov. 19, 2020), *available at* <https://www.census.gov/newsroom/press-releases/2020/statement-post-collection-processing.html>.



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- vi U.S. Department of Commerce, Census Bureau, Census Advisory Committees (CAC), Updates, *available at* <https://www.census.gov/content/census/en/about/cac/updates.html/> (last visited Dec. 10, 2020).
- vii U.S. Department of Commerce, Census Bureau, Request for Nominations of Members To Serve on the National Advisory Committee on Racial, Ethnic, and Other Populations, 85 Fed. Reg. 12890 (Mar. 5, 2020), *available at* <https://www.govinfo.gov/content/pkg/FR-2020-03-05/pdf/2020-04556.pdf>.
- viii The Leadership Conference on Civil & Human Rights, Press Release: *Brunell Unfit for Census Bureau's Scientific Advisory Committee* (Nov. 24, 2020), *available at* <https://civilrights.org/2020/11/24/brunell-unfit-for-census-bureaus-scientific-advisory-committee/>.
- ix NAC Charter, *supra* note 3.