

Action. Access. Progress.

United Way Building, 1709 Benjamin Franklin Parkway
Second Floor, Philadelphia, PA 19103

www.pubintl.org

PublicInterestLawCenter 
@PubIntLawCtr 

STAFF

Jennifer R. Clarke
Executive Director

Michael Churchill
Of Counsel

Claudia De Palma
Staff Attorney

George Donnelly
*Langer, Grogan & Diver
Social Justice Fellow*

Benjamin D. Geffen
Staff Attorney

Ebony Griffin
Staff Attorney

Darlene Hemerka
*Equal Justice Works
Fellow Sponsored by
Greenberg Taurig LLP*

Mary McKenzie
Legal Director

Daniel Urevick-Ackelsberg
Staff Attorney

Edwin D. Wolf
*Executive Director
1974-1976*

August 6, 2018

Ms. Jennifer Jessup
Departmental Paperwork Clearance Officer
Department of Commerce
Room 6616
14th and Constitution Avenue, NW
Washington, DC 20230

**RE: Comments on Proposed Information Collection on 2020
Census, Docket No. USBC-2018-0005**

Dear Ms. Jessup,

The Public Interest Law Center respectfully submits the following comments on the 2020 Census proposed information collection. The Law Center has been a leading advocate for the rights of people in the Philadelphia region facing discrimination and poverty since our founding in 1969 as a local affiliate of the Lawyers' Committee for Civil Rights Under Law. We use high-impact legal strategies to advance the civil, social, and economic rights of communities in the Philadelphia region. Through litigation, community education and organizing, we help secure their access to fundamental resources and services. We believe that the proposed citizenship question for the 2020 Census will negatively impact the ability of the people we serve to access these resources and services, such as healthcare.

We appreciate the opportunity to weigh in on this important issue and strongly oppose the addition of a citizenship question to the 2020 Census. Asking an untested question about citizenship status will increase fear in immigrant communities – among people with undocumented status, legal non-citizen status and U.S. citizens alike – and decrease Census participation. This will lead to undercounting of low-income and immigrant communities, putting the accuracy of the Census and critical health and social programs, which rely on Census data for accurate distribution of funding, at risk. For these reasons, **we urge the Department of Commerce to remove the citizenship question from the 2020 Census form.**

We believe a full, fair and accurate census and the collection of useful, objective data about our nation's people, housing, economy and communities is vitally important. Not only is a nationwide census required by the Constitution, it is integral to the health and wellbeing of communities. The federal government uses census-derived data to direct at least \$800 billion annually in federal assistance to states, localities and families. About 61% of all funding guided by Census data is related to health programs.¹ The Public Interest Law Center is particularly concerned about the impact on funding for Medicaid and the Children's Health Insurance Program (CHIP), which improve access to care and health outcomes and reduce disparities.^{2, 3, 4} The data used to calculate the federal funding states receive to run their Medicaid and CHIP programs are derived from the Census, so any systematic undercounting of low-income immigrant communities and communities of color could put Medicaid and CHIP funding in jeopardy.^{5, 6} Any cuts to funding would almost certainly translate to fewer services for people receiving coverage through these programs, putting access to care and health outcomes at risk for low-income children, adults and people with disabilities, including citizens.

The Public Interest Law Center is also concerned with funding for community health centers. Census data are used to calculate which areas qualify for funding for health center programs that provide integral physical, mental, behavioral and oral health care in medically underserved areas and for people who lack health insurance or otherwise struggle to afford care.⁷ Migrant health programs are particularly at risk, as undercounting of migrant populations, most of whom are poor, could impact funding for these important health programs.

¹ Reamer, A. D. (2010). Counting for dollars: The role of the decennial census in the geographic distribution of federal funds. *Brookings Institution*. https://www.brookings.edu/wp-content/uploads/2016/06/0309_census_report.pdf

² The Oregon Health Insurance Experiment. <http://www.nber.org/oregon/2.background.html>

³ Paradise, J. (2017). Data note: Three findings about access to care and health outcomes in Medicaid. *Kaiser Family Foundation*. <https://www.kff.org/medicaid/issue-brief/data-note-three-findings-about-access-to-care-and-health-outcomes-in-medicaid/>

⁴ Wagnerman, K., & Brooks, T. (2017). Medicaid and CHIP help address racial/ethnic disparities in children's health. *Georgetown University Health Policy Institute Center for Children and Families*.

<https://ccf.georgetown.edu/2017/04/26/medicaid-and-chip-help-address-raciaethnic-disparities-in-childrens-health/>; Buchmueller, T. C., Levinson, Z. M., Levy, H. G., & Wolfe, B. L. (2016). Effect of the Affordable care Act on racial and ethnic disparities in health insurance coverage. *AJPH*, 106(8), 1416-1421.; Griffith, K., Evans, L., & Bor, J. (2017). The Affordable care Act reduced socioeconomic disparities in health care access. *Health Affairs*, 36(8).

⁵ The George Washington University Institute of Public Policy. Counting for dollars 2020. 16 large federal assistance programs that distribute funds on basis of decennial census-derived statistics (fiscal year 2015). #1: Medical Assistance Program (Medicaid).

<https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Medicaid%20CFD%2008-18-17.pdf>

⁶ The George Washington University Institute of Public Policy. Counting for dollars 2020. 16 large federal assistance programs that distribute funds on basis of decennial census-derived statistics (fiscal year 2015). #9: State Children's Health Insurance Program (S-CHIP). <https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/S-CHIP%20CFD%2008-18-17.pdf>

⁷ The George Washington University Institute of Public Policy. Counting for dollars 2020. 16 large federal assistance programs that distribute funds on basis of decennial census-derived statistics (fiscal year 2015). #14: Health center programs (community, migrant, homeless, public housing). <https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Health%20Centers%20CFD%2008-18-17.pdf>

Finally, the undercounting associated with the addition of a citizenship question could risk funding for SNAP,^{8, 9} WIC,^{10, 11} the federal school lunch program¹² and section 8 housing vouchers,^{13, 14} which support low-income communities, including citizens and non-citizens, to access the food and housing they need to maintain their health and wellbeing. **The Public Interest Law Center strongly encourages the Department to remove the citizenship question from the 2020 Census to ensure funding for critical health and social programs goes where it is actually needed.**

The harm from this decision (if it is not reversed) would be universal, with communities that are already at greater risk of being undercounted – including people of color, immigrants, young children and low-income rural and urban residents – suffering the most. Even though the Census is required to protect the personal information of respondents, asking a question about citizenship will spark fear among immigrant communities that information they provide might be used to target them or their families for detainment, deportation and other forms of family separation. This will only exacerbate the current climate of fear that many immigrant families – particularly those living at the intersections of experiences with racism, sexism, classism, homophobia and transphobia – experience. This persistent fear, in and of itself, harms the mental and emotional health of children and families and may make people less likely to seek mental, physical, behavioral, oral or other health care services when they need them. Currently, immigrant communities participating in pilot data collection report being afraid that their data will not be kept private and could be used for immigration enforcement or shared with other government agencies

⁸ Carlson, S., & Keith-Jennings, B. (2018). SNAP is linked with improved nutritional outcomes and lower health care costs. *Center on Budget and Policy Priorities*. <https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care>

⁹ The George Washington University Institute of Public Policy. Counting for dollars 2020. 16 large federal assistance programs that distribute funds on basis of decennial census-derived statistics (fiscal year 2015). #2: Supplemental Nutrition Assistance Program (SNAP).

<https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/SNAP%20CFD%2008-18-17.pdf>

¹⁰ Buescher, P. A., Horton, S. J., Devaney, B. L., Roholt, S. J., Lenihan, A. J., Whitmire, J. T., & Kotch, J. B. (2003). Child participation in WIC: Medicaid costs and use of health care services. *AJPH*, 93(1), 145-150.

¹¹ The George Washington University Institute of Public Policy. Counting for dollars 2020. 16 large federal assistance programs that distribute funds on basis of decennial census-derived statistics (fiscal year 2015). #12: Supplemental Nutrition Program for Women, Infants, Children (WIC).

<https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/WIC%20CFD%2008-18-17.pdf>

¹² The George Washington University Institute of Public Policy. Counting for dollars 2020. 16 large federal assistance programs that distribute funds on basis of decennial census-derived statistics (fiscal year 2015). #7: National school lunch program.

<https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/National%20School%20Lunch%20CFD%2008-18-17.pdf>

¹³ Wolitski, R. J., Kidder, D. P., Pals, S. L., Royal, S., Aidala, A., Stall, R., Holtgrave, D. R., Harre, D., & Courtenay-Quirk, C. (2010). Randomized trial of the effects of housing assistance on the health and risk behaviors of homeless and unstably housed people living with HIV. *AIDS and Behavior*, 14(3), 493-503.

¹⁴ The George Washington University Institute of Public Policy. Counting for dollars 2020. 16 large federal assistance programs that distribute funds on basis of decennial census-derived statistics (fiscal year 2015). #5: Section 8 housing choice vouchers.

<https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Section%208%20HCVs%20CFD%2008-18-17.pdf>

for targeting of them, their families and their communities.¹⁵ In sum, asking about citizenship status in a climate of fear and mistrust can only heighten suspicions and harm mental health, depress response rates, cost additional taxpayer money and thwart an accurate, inclusive 2020 enumeration.

If people can't trust that the data they report to the Census are confidential, they may be less likely to report personal information accurately and completely or participate at all.¹⁶ This is especially true for communities that face specific risks related to their citizenship status, like deportation or public charge determinations. Unfortunately, these are some of the same communities who have historically been undercounted in the census¹⁷ – namely Latino,¹⁸ Asian,¹⁹ African American,²⁰ Native American,²¹ and Middle Eastern²² communities and immigrants. Adding a citizenship question will only compound existing struggles with collecting accurate census data on these populations, compromising the accuracy of the census for all communities. **We encourage the Department of Commerce to remove the citizenship question from the 2020 Census to protect the accuracy of these integral data.**

The request to add a citizenship question has drawn intense opposition from a nonpartisan and ideologically broad group of business leaders, state and local officials, social scientists and civil and human rights advocates who know how much is at stake with a fair and accurate census. This groundswell of opposition has included more than 160 Republican and Democratic mayors, six former directors of the Census Bureau and two former Commerce Secretaries from Republican and Democratic administrations, 171 civil and human rights groups, more than 600 faith leaders, more than 120 members of the U.S. House of Representatives and many others representing a diversity of political ideologies and communities. **We join these groups in our collective deep-seated concern that an untested citizenship question will compromise implementation of the 2020 Census, jeopardize the quality and accuracy of census data for all communities and perpetuate harm against immigrant communities and communities of color, specifically.**

¹⁵ Center for Survey Measurement. Memorandum for Associate Directorate for Research and Methodology (ADRM): Respondent confidentiality concerns. <https://www2.census.gov/cac/nac/meetings/2017-11/Memo-Regarding-Respondent-Confidentiality-Concerns.pdf>

¹⁶ NAACP. (2018). NAACP, Prince George's County sue over unconstitutional census preparations. <http://www.naacp.org/latest/naacp-prince-georges-county-sue-unconstitutional-census-preparations/>

¹⁷ Letter from Attorneys General of 18 states and D.C. and one Governor opposing addition of a citizenship question to the 2020 Census. https://oag.ca.gov/system/files/attachments/press_releases/multi-state_letter_2020_census.pdf

¹⁸ The Leadership Conference Education Fund. (2018). Will you count? Latinos in the 2020 Census. <http://civilrightsdocs.info/pdf/census/2020/Fact-Sheet-Latino-HTC.pdf>

¹⁹ The Leadership Conference Education Fund. (2018). Will you count? Asian Americans and Native Hawaiians and Pacific Islanders (NHPs) in the 2020 Census. <http://civilrightsdocs.info/pdf/census/2020/Fact-Sheet-AA-NHPI-HTC.pdf>

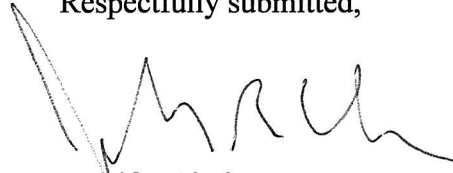
²⁰ The Leadership Conference Education Fund. (2018). Will you count? African Americans in the 2020 Census. <http://civilrightsdocs.info/pdf/census/2020/Fact-Sheet-African-Americans-HTC.pdf>

²¹ The Leadership Conference Education Fund. (2018). Will you count? American Indians and Alaska Natives in the 2020 Census. <http://civilrightsdocs.info/pdf/census/2020/Fact-Sheet-AIAN-HTC.pdf>

²² The Leadership Conference Education Fund. (2018). Will you count? Middle Eastern and North African Americans (MENA) in the 2020 Census. <http://civilrightsdocs.info/pdf/census/2020/Fact-Sheet-MENA-HTC.pdf>

A full, fair and accurate census is absolutely critical for the functioning of many key health programs and for the health and wellbeing of all communities. For the reasons discussed above, we strongly oppose asking about citizenship status in the 2020 Census and urge the Department of Commerce to remove the proposed citizenship question from the data collection forms.

Respectfully submitted,



Jennifer Clarke
Executive Director

