In a relatively little noticed announcement on July 18th, the White House nominated a new Director for the Census Bureau. The post has been vacant for over a year.

The person nominated is Steven Dillingham, whose lengthy career in the federal government includes serving as the Director of the Bureau of Justice Statistics in the Department of Justice and the Director of the Bureau of Transportation Statistics in the Department of Transportation. Although both are statistical agencies, each is much smaller than the Census Bureau with its current 4,285 employees in a headquarters unit and six Regional Offices, with a major expansion soon to come as the Bureau conducts the 2020 decennial census.

Dillingham is currently the Director of the Office of Strategic Information, Research, and Planning for the Peace Corps.

The nomination is subject to Senate confirmation. The responsibility for handling that process falls to the Committee on Homeland Security and Governmental Affairs.

The former Census Bureau Director, John Thompson, resigned June 30, 2017. Since then a career Census manager, Ron Jarmin, has performed most of the functions of the Director. The Bureau is part of the Commerce Department, whose Secretary, Wilbur Ross, has made the high level decisions for the agency.

Dillingham's nomination has been well received by those who have known and worked with him across the political spectrum. Katherine Wallman, who served as the Chief Statistician for the Office of Management and Budget, pointed out that Dillingham's leadership of a statistical agency, the Bureau of Transportation Statistics, reporting to a political appointee was "valuable experience."

Of concern to some, however, is Dillingham's former involvement with the law and justice task force of the American Legislative Exchange Council (ALEC) in the late 1980's. ALEC, an organization of state legislators and business interests, has been active in promoting state voter ID laws, among a number of other things.

Such a law in Arizona was attacked by the Inter Tribal Council of Arizona as a serious barrier to voting by Indian people, particularly the elderly, who lack the documents required in order to cast ballots despite being US and Arizona citizens. ITCA took its case against the law through the federal courts, up to the Supreme Court, and won a 7-2 decision written by former Justice Scalia.
Whether Dillingham had anything to do with such ALEC efforts is not noted in the recent press reports about his nomination.

While withholding judgement on the nomination, some Census advocates are cautious. Vanita Gupta, President of the Leadership Conference on Civil and Human Rights, a broad-based organization of the leading national civil rights groups including the National Congress of American Indians (NCAI), remarked: "It is now incumbent on the Senate to fully and thoroughly vet Dr. Dillingham to insure that he is committed to overseeing a fair and accurate census."

If confirmed by the Senate, Dillingham would serve out the balance of the former Director's 5-year term, ending in 2021.

**The Citizenship Question and the AI/AN Only Count**

One of the issues likely to arise in the course of the Senate confirmation hearings for Dillingham is the decision by the Administration to add a question on citizenship to the 2020 decennial form. The question, inserted as the result of a last minute action taken by the Commerce Secretary, asks each respondent whether he or she is a citizen born in the United States or its possessions, born abroad of US citizen parents, a citizen by naturalization and if so, what year, or not a US citizen. (See the edition of this newsletter dated April 3rd of this year for details.)

The question has spawned strong opposition from states, cities and national and community groups. A lawsuit is currently pending on behalf of 17 states and numerous cities and counties challenging the question.

Led by the Leadership Conference on Civil and Human Rights, a group of 131 civil rights and civic organizations recently filed a friend of the court brief supporting the litigation. The brief maintained: "The misguided decision to reverse seventy years of consistent census practice and insert an untested citizenship question undermines the integrity of the count, damages our communities, and violates the Census Bureau’s constitutional and statutory duties to conduct a full enumeration of the U.S. population."

Although the Administration's addition of the question seems aimed largely at Hispanic and Moslem groups, its use would have an impact on the count of American Indians and Alaska Natives (AI/AN) as well.

All AI/AN persons born within the territorial limits of the United States were made US citizens by an act of Congress in 1924. After hard fought battles in many states, AI/AN persons are eligible to vote in all state as well as federal elections.
However, the 1997 revisions to OMB's Statistical Directive 15 defined indigenous persons from Central and South America as also AI/AN for the purposes of racial classification in all federal surveys. In the 2010 decennial, slightly over 170,000 individuals were counted as residing in the US, identifying AI/AN as their only race and listing a tribal grouping from Central or South America.

Although the question on citizenship was dropped from the decennial questionnaire after 1950, such a question is still asked on the Census Bureau's American Community Survey (ACS). The data from the latest ACS 5-year estimates provides a rough indication of the size of the AI/AN only population recorded as foreign born and not a US citizen.

Nationally, there were estimated to be about 101,000 such individuals. They constituted fewer than 4% of the total number of AI/AN only in that data set. Only one-tenth of 1% of the AI/AN only people living in federal reservation areas were foreign born, non-US citizens. Just three-tenths of 1% of the AI/AN only population living in the former reservation areas in Oklahoma that the Census Bureau calls Oklahoma Tribal Statistical Areas (OTSAs) were in this category.

On the other hand, nearly 6% of the AI/AN only persons living in Metropolitan Statistical Areas (MSAs) were recorded as foreign born and not US citizens.

What proportion of the foreign born, non-US citizen AI/AN only population may not have proper documents for temporary or permanent residence in this country is unknown.

Aside from the question of the potential effect of the citizenship question on this portion of the AI/AN only population, the use of such a question may well pose a different threat to the 2020 AI/AN count. The controversy over the question, the issue of the confidentiality of responses to the questionnaire and the obvious matter of its potential for use in locating persons subject to deportation may well cause AI/AN persons, along with others to avoid answering some or all of the questions on the 2020 Census form.

The history of the use of results from the 1940 Census to locate Japanese-Americans that were then rounded up and sent to internment camps during the Second World War shows that this kind of use of Census data has happened before.

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