

**TESTIMONY OF
DR. STEVE H. MURDOCK**
Director, Hobby Center for the Study of Texas, and
Allyn R. and Gladys M. Cline Professor in Sociology at Rice University

before the
Subcommittee on the Constitution and Civil Justice
Committee on the Judiciary
U.S. House of Representatives
June 8, 2018

“QUESTIONS REGARDING THE U.S. CENSUS”

Chairman King, Ranking Member Cohen, and members of the subcommittee.

Thank you for the opportunity to participate in today’s hearing. I am Steve Murdock. I am a professor of demography and sociology at Rice University in Houston, Texas. I previously served as Director of the U.S. Census Bureau under President George W. Bush and as State Demographer of Texas, having been appointed to that position by then Governor Rick Perry, a post I held until I entered Federal service with the Census Bureau. Below I summarize the key points of my testimony, and I ask that my full statement be submitted for the hearing record.

In addition to the positions noted above, I have served on the faculty of Rice University, Texas A&M University, the University of Texas at San Antonio, and North Dakota State University. I have worked with national and state-level groups involved in analyzing census data for redistricting of substate areas for use in the determination of U.S. House of Representative districts and in performing specialized substate analyses. For more than 35 years, I also have performed substantive analyses of how demographic and socioeconomic change impact the forms and types of development in rural and urban communities, by analyzing objective demographic and socioeconomic data from the Census Bureau for substate areas.

I understand that the proposals you are discussing today are the subject both of legislation and litigation so let me state the obvious: I am neither a lawyer nor a legal scholar. Therefore, I cannot offer an informed opinion on the intent of the Founding Fathers or subsequent legislators with respect to the meaning of the U.S. Constitution's original *census clause* or section 2, the Fourteenth Amendment. What I can assure you based on my, and many others demographic scholars experience, the Census Bureau faithfully follows the guidance of the U.S. Department of Justice, as well as its own general counsel, with respect to whom it should include in the Nation's constitutionally required decennial enumeration of the population. The Constitution requires that all persons with a usual residence in the United States as of Census Day be determined. The Justice Department reaffirmed that position in a 1989 letter to the chairman of the Senate census oversight subcommittee during the administration of President George H.W. Bush.

I, and many other scholars and officials using census data, have concerns related to the implementation of the census and the factors you may want to weigh as you consider proposals that directly or indirectly require the Census Bureau to include questions on citizenship and immigration status on the decennial census form, (which is sent to all U.S. households and collects information about every person residing in the country as of April 1 of the census year.). The inclusion of such questions may adversely affect the accuracy of census data and, thus, their utility for apportioning seats in the U.S. House of Representatives among the 50 states and for determining the boundaries of House districts within states. Such questions should not be included in the census until they have been thoroughly tested including field testing.

Beyond those fundamental uses for redistricting, census data help guide the prudent distribution of many billions of dollars in federal and state assistance to local communities in guiding their expenditures for health care, education, rural hospitals and infrastructure, road and highway

maintenance, public transit, and other services. Civic and business leaders also rely on accurate data from the census, and other datasets for which the census provides baseline data, to attract and retain vital business investments that create economic growth and job creation. In addition businesses use census information to guide such decisions as where to locate plants and stores, what type of services to offer, and how best to meet the needs of their customers and employees. In fact, when I served as Texas State Demographer (before I served as Director of the Census Bureau), I received many requests for data that could be readily obtained, directly or indirectly, from the census to inform the work of state agencies.

It is these many important uses of census data — by government and the private and nonprofit sectors — that could be harmed if the decennial census for communities and other geographic areas are not accurate. We must do all we can to ensure the accuracy of such data for current and future users of such data for governmental and other public and private sector uses of these data.

Having worked with many of those in the Census Bureau involved in the analyses and evaluation of alternative means of collecting the census data used for redistricting, I have full confidence in their integrity and their dedication to obtaining a complete count of the population of the United States in order to fulfill the major purpose of the decennial census and other related collection procedures.

I recognize the delicate balance that must be achieved to ensure that all those residing in the United States are included in determining the demographic base used for the apportionment of House seats. Thus, despite the fact that data apparently have been successfully collected on citizenship status for some purposes, I am concerned about how the inclusion of questions that directly solicit information on citizenship and immigration (legal) status from every person residing in

the country will affect the completeness of the census count for the primary constitutional purpose of the census — the distribution of House seats among the States. At the same time state and local agencies and planners, nonprofit organizations and institutions, and businesses large and small also rely on a complete census to meet the needs of the people they serve.

Preparations for a census are complex, with each component related to and built upon previous research and tests. The final testing opportunity for a decennial census is what is commonly called a “dress rehearsal,” which traditionally takes place in the year ending in “8.” This dry run is the final opportunity each decade to test questions (and all census methods and operations) in a contemporary, census-like environment, as close to the actual census year as possible.¹ This dress rehearsal, as well as previous field tests, can illuminate whether there are question topics, wording, or even instructions that will keep people from responding to the census correctly, truthfully, or even at all, and help the Census Bureau understand these outcomes, in order to refine the questionnaires in time for the actual enumeration.

I believe that adding untested questions on citizenship and immigration status at this late point in the decennial planning process would put the accuracy of the enumeration and success of the census in all communities at risk. While the ongoing American Community Survey and earlier surveys have included a question on citizenship, data collection for all census areas has not included such a question since 1950. — a very different time in our Nation’s history.

Unfortunately, the 2018 End-to-End Census Test (the equivalent of a dress rehearsal) was planned and started before Secretary Ross decided to add a citizenship question to the 2020 Census. There is evidence that even small changes in survey question order, wording, and instructions can

¹ In fact, I oversaw implementation of the 2008 Census Dress Rehearsal, when the Census Bureau discovered that handheld electronic devices it had spent much of the decade developing in partnership with private industry, did not work as hoped during field operations in a census-like environment. The Census Bureau had to abandon those devices for peak census operations and revert to using paper and pencil during follow-up visits to unresponsive households.

have significant, and often unexpected, consequences for the rate, quality, and truthfulness of response. Because the End-to-End test was the final opportunity to evaluate the citizenship question in a field setting, the effect of adding this question to the 2020 Census on data quality and census accuracy is largely unknown. Since Congress must allocate taxpayer funds to pay for a census, I think it is worth considering that unexpected obstacles that arise as 2020 Census operations unfold will add to the costs, perhaps significantly, but without assurances that such efforts would yield accurate data.

As all here know the data used by the census includes data necessary for redistricting and the administration of Federal programs. But, given time and other considerations ensuring that such data can be accurately and efficiently collected may be difficult but particularly so if the procedures for collecting such data and ensuring its accuracy have not been adequately tested.

My grandson, when he was young used to love to play games where he was allowed numerous “do overs”. I always granted them. As we are all aware there are no “do overs” in determining representation and data and information needed to efficiently administer Federal programs.