

Expert Rebuttal Report of Matthew A. Barreto, Ph.D.

I. Overview

1. I filed an expert report in this case on September 7, 2018. I have read the expert disclosure by John M. Abowd dated September 21, 2018 (“Abowd Report”), and am prepared to offer rebuttal points on behalf of the Plaintiffs.
2. According to his report, Dr. Abowd was asked to analyze three areas: (1) Is there credible quantitative evidence that the addition of a citizenship question on the 2020 census would affect the cost and quality of that census? (2) Are the activities of the Census Bureau appropriate and adequate to address any cost and quality consequences that might arise during the conduct of the 2020 census? (3) Did the Census Bureau follow appropriate statistical quality standards when it placed the citizenship question from the American Community Survey onto the proposed questionnaire in the 2020 census without further testing?
3. Across the three areas Dr. Abowd makes many predictions about the 2020 census, but he offers no specific quantitative evidence that is related to a citizenship question being added in 2020. In short, he relies on the sufficiency of testing of the question which is inadequate, and offers hypothetical predictions of the 2020 census success rate that do not take into account the citizenship question.
4. Dr. Abowd asserts that no “external expert has produced credible quantitative evidence that the addition of a citizenship question to the 2020 Census would increase the net undercount or increase differential net undercounts for identifiable subpopulations.” (Abowd Report, p. 3). While this assertion clearly challenges the opinions I expressed to the contrary in my initial expert report of September 7, 2018, Dr. Abowd does not explain what bases he has for rejecting the particular arguments, data, or methodology underlying my opinion, which is based on extensive published research about sensitive questions, the political climate surrounding those questions, a new quantitative study specifically about

the inclusion of a citizenship question, and the expected impact of all of these factors on census self-response rates, non-response follow-up (NRFU) and imputation, and the ultimate accuracy of the 2020 census. Rather, Dr. Abowd appears to counter expert opinion in this case primarily through presentation of certain Census Bureau data and plans for non-response follow-up (NRFU) during the 2020 census, which I will address further below. Perhaps the most important point for the Court to consider is that Dr. Abowd is just assuming – with absolutely no trials, pretests, or recent data – that NRFU and imputation will successfully and completely address the impact of the citizenship question on self-response rates in 2020. However, past NRFU operations and imputation methods have never fully addressed low self-response rates, especially in hard to count populations (Gomez 2018). In addition, there are two unique issues affecting NRFU and imputation in 2020 that have fundamentally changed since past censuses that cannot be ignored: (1) the presence of citizenship question on the 2020 decennial census to be answered by every single household; and (2) the political climate in which this census is being administered.

5. To this point, I have offered extensive quantitative evidence which makes clear that self-response to the 2020 census will be dramatically lower due to the citizenship question; that distrust and fear in immigrant communities over the citizenship question will prevent people from participating in self-response as well as follow-up attempts; and that non-responding households will be statistically distinct from responding households in 2020, making imputation ineffective and inaccurate. The Abowd Report does not present any credible quantitative evidence that NRFU and imputation will be as viable in 2020 as it has in the past with the presence of a citizenship question, and during a political climate that is inducing fear and mistrust over citizenship issues. Although the Abowd Report asserts that the Census Bureau will increase budget and staff, there is no reason to believe that this will be sufficient to avoid an undercount due to the citizenship question, especially given the unique challenges posed by the citizenship question and the current political climate.

II. Abowd Report Key Conclusions

6. On page 3 of his report Dr. Abowd offers three “key conclusions” as a summary of his opinions.
7. First, Dr. Abowd admits that the self-response to the census and census data quality will be lower in 2020 due to the citizenship question, but argues that the Census Bureau will mitigate impacts of this on the ultimate population count through non-response follow up (NRFU) efforts and the Integrated Partnership and Communications Program. While there is no disagreement that the citizenship question will reduce participation in the 2020 census and lower data quality, Dr. Abowd’s assertion that this will be mitigated through NRFU and other measures is contradicted by our research. Second, Dr. Abowd asserts that neither the Census Bureau nor any expert report has produced credible quantifiable evidence that the addition of a census question will increase a net or differential undercount. However this assertion is belied by the survey we conducted, the methodology and results of which Dr. Abowd has not directly challenged. Third, Dr. Abowd asserts that the addition of the citizenship question to the decennial census will be scientifically valid, without first thoroughly testing the instrument as a whole. But this claim is undermined by decades of social science research as well as Dr. Abowd’s own admission that to do so violates best practices of survey methodology. I address each of these key conclusions in more detail below.

A. Abowd Key Conclusion No. 1

8. The Abowd Report summarizes research and analysis by the Census Bureau indicating that putting the citizenship question on the decennial census in 2020 is likely to depress self-response rates in households that contain at least one non-citizen or person of unknown citizenship status. (Abowd Report pp. 3-4). Dr. Abowd also states that lower self-response due to the citizenship question will increase NRFU costs and lower the quality of the census data. I also agree in full with this statement, especially that this will lower the quality of

the data collected. With fewer households answering the census, the raw data available to researchers for NRFU and imputation will be less complete. With less complete data, both NRFU and imputation will become increasingly less reliable, as explained in my initial report at paragraphs 43-46 (pg 16-18).

9. Further, as detailed in my initial report, when non-responding units are different or distinct from responding units, this heterogeneity introduces considerable error into the process of imputation and statistical adjustments made by the census after the initial enumeration is complete. In follow-up surveys sent after the decennial census called the Accuracy and Coverage Evaluation Survey (ACE), the Census Bureau has learned that non-random missing data cannot be fixed and will result in an undercount: “Besides processing error, correlation bias is an endemic problem that make it extremely difficult for adjustment to improve on the census. Correlation bias is the tendency for people missed in the census to be missed by ACE as well. Correlation bias in 2000 probably amounted, as it did in 1990, to millions of persons. These people cannot be evenly distributed across the country. If their distribution is uneven, the DSE¹ creates a distorted picture of census undercounts. Heterogeneity is also endemic: undercount rates differ from place to place within population groups treated as homogeneous by adjustment. Heterogeneity puts limits on the accuracy of adjustments for areas like states, counties, or legislative districts. Studies of the 1990 data, along with more recent work discussed below, show that heterogeneity remains a serious concern,” (Freedman and Wachter 2003).
10. The final point Dr. Abowd makes as part of key conclusion #1 is that the census is aware of the problems and that they “can and will make appropriate adjustments to various components of the 2020 census, including NRFU and the Integrated Partnership and Communications Program to mitigate these effects,” (Abowd Report, p. 3). While adjustments might be made, it is pure conjecture and speculation that any such adjustments

¹ Dual System Estimator, a special sample survey done after the census—a “Post Enumeration Survey”

will mitigate the negative effects of the citizenship question. There is no new study, report, experiment or evidence that the 2020 census will be able to overcome the low self-response rate and the high rates of fear and distrust in immigrant communities. There is no evidence or reason to believe that even if the Census Bureau were able to increase budget and staffing levels that simply increasing budget and staff will ensure that the lower self-response rate caused by the citizenship question will not translate to an undercount. Finally, the estimated self-response rate in 2020 is likely to be lower than the 60.5 rate reported by Dr. Abowd. He reports that the self-response rate in 2010 was 64. The statistical analysis of within subject non-response comparing 2010 and 2020 census questionnaires suggests that the drop-off will be between 7.14 and 9.69 points lower in 2020 due to the citizenship question². Thus the 2020 self-response rate will be between 54.31 – 56.86 percent. Further, according to the Census analysis of the 2018 End-to-End test the self-response rate in Providence was only 52.3 percent³, far lower than the 60.5 percent that Dr. Abowd has estimated.

11. Extensive research by the Census Bureau documents that lower self-response, and more challenging NRFU in a given geographic area lead to a net undercount in that area (Brownrigg and de la Puente 1992). A study on hard to count tracts in Yakima County, Washington found evidence that initial response rate was critical: “Without higher self-response, more households in these and other neighborhoods in the county are at risk of being missed in the 2020 census,” and the study concluded that low self-response resulted in a net undercount: “in the 2010 Census, the net undercount in these tracts was nearly 8%, according to the Census Bureau,” (Gomez 2018). Prior census studies have reported “The differential net undercount of minorities in Decennial Censuses is one symptom of the larger more global problem of errors in the census,” (Brownrigg and de la Puente 1992) Specifically, barriers to enumeration which are correlated with an undercount are items

² See Tables 3-4 on page 38 of initial expert report.

³ <https://www.census.gov/newsroom/blogs/director/2018/09/final-census-test-proves-successful.html>

such as “motives for concealment, such as undocumented immigration status or illegal conversions of garages and back rooms into housing units, languages other than English, limited literacy, fears of outsiders,” (Brownrigg and de la Puente 1992). By making the self-response even lower in 2020, and by making the NRFU more costly and challenging, there is no question it will result in further and substantial net undercount.

12. It has been well-documented that erroneous imputations and flawed estimates of duplications further undermine the reliability of the official count, and instead point clearly to a net undercount of Mexican immigrant families (Kissam 2017). Lower self-response rates in hard-to-count neighborhoods ultimately lead to the need for more NRFU, however as we have repeatedly pointed out the NRFU is far less successful in these areas for precisely the same reason the self-response was low: “NRFU is less successful in these neighborhoods for various reasons, including enumerators’ lack of non-English language skills, family distrust of strangers, lack of landline telephones, and volume of workload in low mail-response tracts among other factors,” (Kissam 2017; See also, Schwede and Terry 2013⁴). With a less successful NRFU, this will result in the need for more imputation, substitution and statistical adjustment, which themselves are known to be wrong and result in a net undercount: “[E]rroneous imputations in these immigrant-dense low-income neighborhoods where low-visibility housing is more prevalent may add to the underlying undercount stemming from total household and partial household omission and further affect the official estimate of net undercount of Mexican immigrants and their children,” (Kissam 2017).

B. Dr. Abowd Key Conclusion #2

13. In his second key conclusion, Dr. Abowd claims that there is no quantitative evidence that “the addition of a citizenship question to the 2020 census would increase the net undercount

⁴ https://www.census.gov/content/dam/Census/library/publications/2013/dec/2010_cpex_255.pdf

or increase differential net undercounts for identifiable sub-populations.” This conclusion ignores the analysis and evidence presented in my original report regarding the addition of a citizenship question on the 2020 census.

14. In his report, and in his August 15, 2018 deposition, Dr. Abowd states that a randomized controlled trial study (RCT) is the “gold standard for internal validity.” In my survey to assess the non-response rate and to evaluate the effectiveness of NRFU I relied on an RCT split sample question wording experiment in which half of the respondents in the survey were randomly told about a census without a citizenship question, and half of the respondents were randomly told about a census with a citizenship question. As reported in my initial expert report, this RCT shows clear and statistically significant evidence that the citizenship question will lower the response rate. In addition, when assessing re-contact attempts or NRFU, the RCT shows clear and statistically significant evidence that the citizenship question will greatly reduce participation in NRFU.
15. Dr. Abowd’s overall assessment indicates that the Census Bureau believes that its NRFU operations will result in a complete enumeration (Abowd Report, p. 19). His opinion is based on his view that NRFU operations have been successful in previous censuses and the 2018 End-to-End Census Test, and notes that “the decision to include a question on citizenship has not impacted the NRFU operational design.” However, this assessment overlooks the unique aspects of the 2020 census, including the change in census mode, questions asked, and the socio-political climate. While we can certainly learn lessons from prior census studies, there is no scientific basis to claim that the citizenship question will not exacerbate the ultimate net undercount, given that the survey I conducted specifically about the 2020 census reveals millions of households will not respond to the 2020 census because of the citizenship question. Dr. Abowd cannot simply state NRFU and imputation will “solve” this undercount in 2020 because not one of the prior census studies has attempted NRFU or imputation with the addition of a highly sensitive citizenship question during a socio-political climate in which many immigrant households are anxious and

distrust the federal government.

16. According to an extensive statistical analysis of undercount, overcount, and the ultimate net undercount, Freedman and Wachter (2003) argued that whatever errors of exclusion or duplication the census might make at the national level, aggregating all these errors does not solve any problems at the local level. According to their study, “in the face of these errors, it is hard for adjustment to improve on the accuracy of census numbers for states, counties, legislative districts, and smaller areas. Statistical adjustment can easily put in more error than it takes out.”
17. Additionally, the efforts Dr. Abowd describes in his expert report have been insufficient to prevent an undercount even without the added difficulties of a citizenship question. Prior studies by the Census Bureau have concluded that there was an undercount in 1990, 2000, and 2010 (de la Puente 1995; 2004; Gomez 2018). Further, each of these prior studies has concluded that the undercount is worse in Latino and immigrant communities, and that a significant factor in the net undercount is distrust (Brownrigg and de la Puente 1992). In 2020 there is no question that trust of the federal government will be lower in Latino and immigrant communities as a direct result of the citizenship question being included on the census. This finding is well documented in our survey which reports that 73.0% of Latinos and 81.2% of immigrants who will not respond to the census believe the Trump administration will share their citizenship information with other federal agencies. Further, 69.9% of Latinos and 78.5% of immigrants who will not respond report that they are concerned citizenship information will be shared with Immigration and Customs Enforcement (ICE). Dr. Abowd does not engage with any of these research findings in his claim that the net undercount will not be worse in 2020, even though prior Census Bureau research studies have documented that undercounts do happen, and they happen as a direct result of fear and lack of trust (Gomez 2018; de la Puente 2004).
18. There is no credible evidence, quantitative or qualitative, that NRFU or imputation will be effective in 2020 when a citizenship question is added and a socio-political climate of fear

and anxiety over immigration issues are at an all-time high. The context in which the initial self-response, as well as the NRFU take place, are of paramount importance in understanding the overall response rate, quality of the data, and the net undercount. The government has produced no evidence that they can overcome this in 2020. To the contrary, Census Study Committee reports suggest the exact opposite. As summarized in my initial expert report in paragraph 26: “Indeed, properly counting undocumented immigrants has long been a concern for the Census Bureau. De la Puente’s research demonstrated that respondents with irregular immigration statuses are unlikely to directly cooperate with the Census if they perceive their immigration status will be revealed.”

19. Dr. Abowd clearly recognizes the problems the census will encounter in 2020 due to distrust and the sensitive citizenship question. He states that “the Census Bureau recognizes that some housing unit addresses in the NRFU workload can be more difficult to locate or interview” due to “concerns about providing sensitive information.” (Abowd Report at 12) He further states that “a decrease in confidence by the public in the Census Bureau’s ability to keep their information private” could result in lower than expected self-response rates. What’s more, census documents analyzing break-off and non-response to the citizenship question on the 2017 ACS suggest a considerable increase in break-off and non-response in 2017 under the Trump administration.⁵ The Census Bureau is well aware that this will be a problem in 2020.

20. Later, on page 15, Dr. Abowd explains that trust can be a barrier in communities with low response rates and that having the so-called *trusted voices* is critical to getting an accurate final count. In this very section of his report, Dr. Abowd mentions the National Association of Latino Elected Officials (NALEO) as one of the “major organizations” they will need to work with as a *trusted voice*. However, following the announcement of the inclusion of

⁵ AR 12757. "2017 Breakoff Rates by Race Group Augmented 20180917" Approved for release: DRB-B0124-CDAR-20180917

a citizenship question on the 2020 census NALEO issued a press release⁶ headlined “NALEO Education Fund Vows to Fight Against Addition of Citizenship Question to 2020 census,” which went on to state that the citizenship question represented “yet another assault on immigrants” and that they believed the addition of this question “would have catastrophic consequences for Latinos and all Americans.” NALEO specifically stated that “adding a question on citizenship at this time would only seek to fan the flames of fear and distrust in the Census, further risking depressed response rates.”

21. A second “major organization” that Dr. Abowd states the census will need to work closely with to gain trust and increase response rates is the National Urban League. In response to the decision to include a citizenship question the President and CEO of the National Urban League released a press statement⁷ stating “the Trump administration has repeatedly proposed xenophobic and racist policies—and its handling of the Census appears to be no different. It is intentionally politicizing the decennial Census by using it as a tool to intimidate undocumented immigrants from completing the questionnaire, siphon government resources from communities of color, and undermine the assurance of congressional representation.” Rather than committing to working alongside the 2020 census, their press released indicated that “The National Urban League will work with our coalition partners to challenge the inclusion of this question and we urge members of Congress to overturn this deeply flawed decision.”

22. The third of the three “major organizations” that Dr. Abowd identifies in footnote 25 on page 15 is the National Congress of American Indians (NCAI) which issued their own resolution⁸ condemning the addition of a citizenship question, stating that “NCAI does hereby oppose the insertion of a citizenship question in the 2020 census as it could result in increased undercounts in tribal communities and NCAI calls on Congress to conduct

⁶ https://d3n8a8pro7vhmx.cloudfront.net/naleo/pages/134/attachments/original/1522172871/3_27_18_-_NEF_Statement_on_Citizenship_Question_Decision_-_Final_-_Updated_2.pdf?1522172871

⁷ <http://copylinemagazine.com/2018/03/30/national-urban-league-statement-on-inclusion-of-citizenship-status-question-to-2020-census%E2%80%8B/>

⁸ <http://www.ncai.org/resources/resolutions/ensuring-a-fair-and-accurate-2020-census-count-in-native-communities>

non-partisan oversight over this issue and the potential impacts that could arise from the addition of a citizenship question.” Similar to NALEO, NCAI specifically cited the issue of trust as problematic writing that the “addition of a citizenship question on the 2020 census could have a similar negative impact in Indian Country, resulting from the lengthy and complicated history of discrimination against indigenous people and a strong distrust of non-tribal governments.”

23. Beyond these three major organizations, the Census Bureau will encounter less trusting community partners across the country, making the self-response and NRFU process much more difficult and error-prone due to the citizenship question. The Leadership Conference issued a press release in which more than 145 national, state and local organizations “urged the Department of Commerce to drop the citizenship question from the 2020 census form.” In a joint press release⁹ the groups united in their opposition to this question stating “we urge the Census Bureau, in the strongest possible terms, to remove the proposed citizenship question.” The Leadership Conference explained in their letter that their group has a strong history of working hand-in-hand with the census to ensure high response rates, especially for hard to reach populations, but that the citizenship question creates considerable fear and confusion in the immigrant community and puts their cooperation at risk.
24. Similarly, the National Hispanic Leadership Agenda issued a press statement¹⁰ criticizing the inclusion of a citizenship question, specifically noting that this question would further reduce trust, increase fear and lead to a lower count of Latinos. “The National Hispanic Leadership Agenda, a coalition of 45 of the nation’s preeminent Latino advocacy organizations, condemns the decision of the Trump administration to add a question on citizenship to the 2020 census. The addition of this question in the current political climate will cause confusion and fear, creating barriers to achieving an accurate census count,

⁹ <https://civilrights.org/140-civil-rights-groups-call-on-commerce-department-to-strike-unnecessary-citizenship-question/>

¹⁰ <https://nationalhispanicleadership.org/nhla-media/press-releases/17-press/494-march-27-2018-nhla-condemns-hasty-addition-of-citizenship-question-to-2020-census>

which is critical for our democracy, economy, and governments' ability to plan and implement programs efficiently.”

25. The citizenship question has created a lack of trust with the “major organizations” who Dr. Abowd identifies as *trusted voices* and will rely heavily on to implement an accurate count in 2020. These community partners know their communities very well, and they conclude that the addition of a citizenship question will make them ineffective in gaining respondent trust in 2020. For example, Arturo Vargas, executive director of NALEO stated “The @uscensusbureau should be praying for these lawsuits to succeed. They cannot expect that the "trusted messengers" like @NALEO will do their job for them!”¹¹ What is unfolding now with respect to the citizenship question and the 2020 census is that the *trusted voices* the Census Bureau relies on to help achieve an accurate count in these hard-to-reach subpopulations cannot do that work if there is a citizenship question on the census. By Dr. Abowd’s own admission, this will adversely impact self-response.
26. Dr. Abowd refers to no specific plan to address concerns over the sensitive question, or perceptions of trust in the immigrant community in 2020. He states repeatedly in his report that they will simply hire more staff, or authorize the staff to work more hours each week. None of this will ameliorate the distrust and concerns that people in the immigrant community have over providing their highly sensitive citizenship information to the federal government.
27. In fact, many parts of the census planned outreach efforts in 2020 could actually create more fear and anxiety in immigrant communities and further drive down response rate and increase the net undercount. For example, the census plans to send enumerators into non-responding communities on behalf of the federal government, and if nobody is home, they will leave a “Notice of Visit” from the federal government which includes a unique household “census identification number.” Further, they inform the household that

¹¹ <https://twitter.com/ArturoNALEO/status/1046550082219270144>

additional visits will be made back to their house by enumerators on behalf of the federal government. This will send a clear signal of federal government monitoring of the household and will result in increased anxiety and concern over cooperating (e.g. Menjívar 2011; Szkupinski Quiroga et al. 2014). Research by Hagan et al. (2011) documents with clear evidence the extensive chilling effect of increased presence of government officials who appear to be monitoring immigrants and checking on their status. They find immigrants “withdrawing from the community” as well as “avoiding public places” and that they “spend most of their non-working hours in their homes because it is the safest way to avoid detection,” (Hagan et al. 2011). According to Abrego (2011), undocumented immigrants will go to great lengths to reduce their visibility in society when they perceive a potential threat of deportation. Her research identifies withdrawal from interactions with government agencies as awareness of immigration checks increases. From the perspective of an anxious immigrant, each additional household visit from a government census worker to inquire about their citizenship status is the exact environment that would produce withdrawal. According to Abrego: “In effect, their well-being and stability are perennially threatened because, as they are constantly reminded, there may be an ICE raid at their place of employment at any time” (2011).

28. Research also finds that increased presence and visibility of government officials who appear to be collecting immigration information creates withdrawal and also misreporting on government forms (Rodriguez and Hagan 2004). Increased presence of immigration officials in the community lead to a decline of student attendance in the nearby school to avoid any contact with the government officials. The research study observed this trend across three different cities in Texas and attributed increased withdrawal to an increased visibility and presence of government officials asking about immigration status. Further, the same study reported that Hispanics began to change their racial identification to White on government forms at health clinics to avoid any risk of association with immigration officials (Rodriguez and Hagan 2004).

29. Finally, one study specifically examined the willingness of immigrants to participate in surveys and data collection efforts, in particular examining how fear of deportation impacted response rates and general engagement with government services (Arbona et al. 2010). One of the most important findings of this study was that if immigrants fear their participation could somehow lead to their deportation, they will not participate unless they are fully comfortable and trusting of the survey taker. As the research study progressed, Arbona et al. reported, through quantitative data, that fear of deportation was a strong motivating factor for avoidance and that over 80% of immigrants in their sample stated that they avoided activities such as “ask[ing] for help from government agencies, report[ing] an infraction to the police, attend[ing] court if requested to do so,” and other items. The more census enumerators visit immigrant communities to attempt household counts, including of citizenship status, the more likely immigrants will be to not participate. The outreach itself will produce further non-response in today’s socio-political climate.
30. In my initial expert report, I also provided quantitative data to suggest that immigrants in particular might become increasingly reluctant to participate, even with more follow-up information. In Table 12 on page 46 I reported data demonstrating that 11.2% of foreign born respondents would change their mind and become non-responders after a re-contact attempt providing more information about the census and how the federal government would provide assurances to keep the information confidential. I concluded in paragraph 106 of my initial report, “Among foreign born respondents, the possibility of additional drop-off at re-contact or as respondents learn and think more about the Census is even greater.”
31. The 2018 End-to-End test in Providence is not an adequate comparison study because it did not include a citizenship question. Further, no assessment or evaluation has been produced or shared so it is not possible to evaluate the specific response rates, NRFU and imputation by different subgroups or communities such as Latinos or immigrants. The precise argument we are making, supported by extensive published studies and a large

public opinion survey specific to 2020 census is that the inclusion of a citizenship question will make self-response, NRFU, and imputation much worse in 2020. Drawing inferences from the Providence study which did not include the citizenship question will likely be inapposite.

C. Dr. Abowd Key Conclusion #3

32. In his final “key conclusion” Dr. Abowd states that the citizenship question was tested on the American Community Survey (ACS) in 2006, therefore no additional pre-testing is needed. This does not qualify as an adequate pre-test by social science standards, nor does it comport to the Census Bureau’s own published standards and reasons for pre-testing, which Dr. Abowd cites in his disclosure. Indeed, for several reasons, testing of the citizenship question for the 2006 ACS survey is likely to understate the negative impact of the citizenship question on self-response in the 2020 decennial census.
33. First, a pre-test should consider the same mode of implementation and the same full instrument to be used on the ultimate survey project (Hunt et al. 1982). In this case the 2006 ACS is not an adequate test of the 2020 census. The ACS is over 30 pages long, and includes more than 50 questions about the household and about each person in which the citizenship question does not appear until page 7. In contrast the 2020 census short form has only 1 page of questions about each person living in the household and the citizenship question will be clearly present on page 1 when providing information about person 1 (i.e. the respondent). Not testing the same complete instrument is a violation of Census published standards in sub-requirement A2-3.3 which states the pre-test must “problems related to content, order/context effects, skip instructions, formatting, navigation, and edits.” In the same section, the standards state that the pretest must establish that “The sequence of questions and skip patterns is logical and easy-to-follow.” To properly pretest question order effects, sequencing, skip instructions, formatting and navigation, the exact same survey instrument must be pretested that is planned for the full scale project. This is

not only a standard when in the social sciences¹², but laid out explicitly by the Census Bureau itself.

34. The Census Bureau Statistical Quality Standards (A2-3.3 1b) specifically note that “pretesting must be performed” when there are concerns that unit or item response rates are too low, or measures of validity are too low. In this specific case Dr. Abowd has acknowledged that unit and item non-response will occur due to the citizenship question and the Brown et al. (2018) study that he cites concludes that validity is a serious problem for the citizenship question with an estimated 35% of respondents providing incorrect information. There are serious issues that require scientific pretesting.
35. Further, the Census published standards (A2-3.3 2c) state that pretesting must evaluate how new questions will perform with respondents that the new questions “are not unduly sensitive and do not cause undue burden.” In this case, there is considerable quantitative and qualitative evidence collected by the Census Bureau, their *trusted voices*, and external experts that the citizenship question is highly sensitive and would pose an undue burden.
36. Beyond the reasons already noted, perhaps the most critical reason why the 2006 ACS is not a good pretest comparator for the 2020 census is that the socio-political context now is completely different than it was in 2006. Most notably, since the inauguration of Donald Trump as President social science research has documented significant decreases in trust of the federal government in immigrant communities directly relating to his statements and policies related to immigration. In the initial report I reviewed this literature as well as the larger published literature on how immigrant communities perceive fear and withdraw when they believe they are in jeopardy vis-à-vis government services or even simple government interactions. As the press statements from many of the *trusted voices* that Census had hoped to rely on make clear, there is a sense in immigrant communities that they are at greater risk of government surveillance, detention or deportation for

¹² In my initial expert report I provide a review of the social science literature on pretesting surveys at paragraph 41.

immigration related reasons¹³. Ben Monterroso, Board Member of the National Hispanic Leadership Agenda¹⁴ summarized this climate vis-à-vis the citizenship question in his press statement “the President cannot demonize immigrants, threaten them with deportations and family separation, and then expect them to trust the government with sensitive information.”

37. Adding a question about citizenship status to a required federal survey during this socio-political context is certain to set off alarm bells in the immigrant community, and the Census Bureau knows this. At its research Fall 2017 research meeting in Washington, D.C., Census Bureau researchers reported (Meyers 2017) an “increase in respondents expressing concerns to researchers and field staff about confidentiality and data access related to immigration, legal residency, and citizenship status, and their perception that certain immigrant groups are unwelcome.” As noted in my initial report, paragraph 32, “the current political climate was of concern to respondents: in one Spanish interview, a respondent stated, ‘the possibility that the Census could give my information to internal security and immigration could come and arrest me for not having documents terrifies me.’” At the same meeting hosted by the Census Bureau, Arturo Vargas, head of NALEO summarized his research findings about the political context, “These communities today fear their own government. The fear is not irrational, it is not unfounded, and it is real. And the cause of this fear comes from the highest offices of the government itself” (2017). Dr. Abowd’s failure to adequately account for today’s political context which is very different from the earlier censuses and NRFU efforts upon which he relies, is misguided.

38. Further, the sentiments described by Meyers and Vargas are clearly borne out in the survey data presented in my initial expert report, summarized above at paragraph 17 which notes that non-responding Latinos and immigrants do not trust the federal government to protect their citizenship information and are directly concerned they will share that information

¹³ This is documented in paragraph 34 of my initial expert report.

¹⁴ <https://nationalhispanicleadership.org/nhla-media/press-releases/17-press/494-march-27-2018-nhla-condemns-hasty-addition-of-citizenship-question-to-2020-census>

with ICE.

39. Just because a question has been used before on a household survey does not mean it will perform well on the decennial census. Beyond the 2006 ACS, Dr. Abowd states that the decennial census has relied on other surveys to pretest new items, and references the Current Population Survey (CPS) and the 1970 decennial census inclusion of a question on Hispanic ethnicity. As they prepared to launch the 1970 census, Dr. Abowd states that the census “determined that it could use the testing program from what was, at the time, the flagship household survey to prepare content for the decennial census,” and he cites this as justification for using the 2006 ACS to prepare content for the 2020 decennial census. However, the subsequent analysis of the 1970 Hispanic ethnicity question and coverage of the Hispanic population all concluded that the question was a failure and not properly tested or vetted. The Pew Research Center published a study “Census History: Counting Hispanics” and after reviewing the 1970 effort concludes that “this question did not work very well,” and simultaneously undercounted as many as 5.5% of the actual Hispanic population, and misidentified as many as 1 million people as being Hispanic who were not. In a book published by the Census Bureau (1979) and cited by Dr. Abowd in his expert disclosure Census demographers and statisticians Jacob Siegel and Jeffrey Passel detail the errors in the 1970 Hispanic count and the extensive problems with the question, how it was wrongly interpreted by respondents, the lack of quality pretesting, and the great lengths at which the Census Bureau had to go in an effort to correctly estimate the 1970 Hispanic population. Siegel and Passel conclude that the question was so erroneous that it made an accurate evaluation of the question, and comparison to evaluations of the White and Black population impossible. Rather than use this as an example of moving a question from a household survey to the decennial census, Dr. Abowd should have pointed to this as a warning of the known errors that result when a question is not properly pretested before being used on the decennial census.

40. My compensation in this case is \$300 per hour.

I reserve the right to amend or supplement my opinions if additional information or materials become available. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 1, 2018 in Agoura Hills, CA.

A handwritten signature in black ink, reading "Matt A. Barreto", is written over a light gray rectangular background. The signature is cursive and fluid, with a long horizontal stroke extending to the right from the end of the name.

Matthew A. Barreto

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