

OVERSIGHT OF THE 2000 CENSUS: COMMUNITY
BASED APPROACHES FOR A BETTER
ENUMERATION

HEARING
BEFORE THE
COMMITTEE ON
GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES

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OVERSIGHT OF THE 2000 CENSUS: COMMUNITY BASED APPROACHES FOR A BETTER ENUMERATION

FRIDAY, JANUARY 29, 1999

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Phoenix, AZ.

The committee met, pursuant to notice, at 2 p.m., in the Phoenix City Council Chambers, 200 West Jefferson Street, Phoenix, AZ, Hon. Dan Miller (chairman of the Subcommittee on the Census) presiding.

Present: Representatives Miller, Shadegg, and Maloney.

Also present: Representative Hayworth.

Staff present: Chip Walker, communications director; Lara Chamberlain and Kelly Duquin, professional staff members.

Mr. MILLER. I'll call the meeting to order and welcome everybody to the meeting of the Subcommittee on the Census of the Government Reform Committee of the U.S. Congress. Welcome to all of you here.

I'm delighted to have the ranking member, Carolyn Maloney, from New York with us.

We're also pleased to have—they're not members of the committee; they're members of the Ways and Means Committee—Congressman Hayworth here with us today, and it was his office that made it possible to set up this meeting, especially to focus on the census issues concerning the American Indian population.

So we thank you very much. Your staff was very helpful. We appreciate that. It takes a lot of work to have a field hearing when you're in Washington to orchestrate and organize it here, and your office has been very helpful.

We will have some opening statements by the three of us.

It's possible Congressman Shadegg will be joining us. He was a member of this committee. He has now left this committee, but hopefully, he'll be joining us for part of this particular meeting.

Earlier this week, the Supreme Court ruled that sampling cannot be used for the apportionment of the House of Representatives. The issue of sampling was one that the Congress and the administration agreed would have to be settled by the courts. Well, the high court has ruled, and now it's time to go ahead and get to the business of counting people for the 2000 census.

As I see it, the choice with Congress is clear. We can dwell on the past, or we can work together and come up with a comprehensive plan to count America. My choice and the choice of the Speak-

er and the Republicans is to work together with the Democrats to count all people in America.

I want to make it perfectly clear that Republicans are prepared to move on and develop effective strategies to count America. We welcome the input of the Democrats and the President. In fact, I fully expect the President will come forward with a good proposal to legally count America. I'm looking forward to those proposals.

Two days ago, I outlined a plan to count America. The "America Counts Today" outline is focused on increasing the resources, in many cases, the money, that the Census Bureau has of specific programs to count the hard to reach.

I outlined four major community bases for improvements to the 2000 census: To correct community awareness, to increase the involvement of the community leaders, to reinforce community based enumerations, and No. 4 was to strengthen the Census Bureau's commitment to the community-based enumeration.

First of all, to increase the involvement with the community leaders, my top priority there is to reinstate the post census local review. Nobody knows better than the mayors and the local officials, such as tribal leaders, where people in your community or reservation live.

Post census local review will give you the opportunity to review the census numbers before the Census Bureau makes them final. This program was used in 1990 and added over 80,000 households but was discontinued in the 2000 census because the Bureau felt it was too costly. The cost cannot be an impediment to a successful census. You have the right to check the numbers, and that can do nothing but help improve the count.

At the same time, I propose establishing matching grant programs to local partnership groups and communities in the hardest to count areas. This will provide needed resources to conduct outreach efforts and to encourage participation in the census in the respective neighborhoods.

Community awareness is critical and I am proposing to quadruple the advertising budget from \$100 million to \$400 million, with a significant portion of the new money targeted toward the hardest to count areas of the Nation, which would include the American Indian reservations.

I also want to expand the Census in the Schools program. This program is designed to raise awareness among our children about the importance of being counted. It's unfortunate to say there's only enough money for 10 percent of the schools. I propose expanding that to cover all the schools in America.

Additionally, we can and we must triple the number of paid Census Bureau partnership specialists and, again, target them to work in the areas with the worst undercount.

The third major initiative involves reinforcement of community-based enumeration. I propose that we add a minimum of 100,000 additional census enumerators, and we target them to work in the hardest to count communities.

By organizing these enumerators into a unique team and focusing their efforts exclusively on reaching the hardest to count populations, we'll have a far more accurate count in those areas.

I also propose to enlist Americorp volunteers in the census effort. When a Republican proposes to expand the Americorp program, you know something is different. If we are going to have Americorp, I can think of no better civic service than helping count America, and why not use this program to reduce the undercount.

Next, I want to join with Congresswoman Carrie Meek to provide waivers to Welfare recipients and retired military officers and any others that are necessary who would like to help count their neighborhoods but can't because of the bureaucratic red tap that would cause them to lose their benefits if they take a temporary census job.

At a recent meeting of the Census Advisory Committee, the American Indian representatives lamented that a program on Indian reservations called TANF, or Temporary Assistance for Needy Families, was preventing many American Indians from taking temporary jobs working as census enumerators. We must remove these barriers for a full count in 2000.

The fourth issue is to strengthen the Bureau's community-based enumerations. I propose, instead, of having a second questionnaire mailed to households. In the 1998 dress rehearsals, this was shown to increase the response rate by 7 percent. This would mean that up to 19 million people could be added to the census rolls before we send the enumerators into the field.

When I first talked about these programs the other day, the ranking member, Congresswoman Maloney, was very quick to dismiss some of these proposals. Let me say this about the America Counts Initiative. For starters, the plan is legal. The plan that has been proposed by the Clinton administration is not legal.

Some of these programs have been tried before, and some have never been tried before. For example, we've never had paid advertising. We've never had it in the past, and I'm proposing to increase it to \$400 million.

Is there anyone telling me today that allowing American Indians to work for the Census Bureau to help count their people without losing their benefits is a bad idea and won't help?

Is there anyone who, today, would say, in the local government or the American Indian Reservations, they don't want to have a chance to look at the numbers before the final count to see if there were mistakes made in the census? We think those are things that could help. And having the schools involved is something that I think benefits the census.

So we have a plan. By working together with the Democrats and the Republicans, having input with people that are here and throughout the country, we think we can do a much better job in completing the census.

I presented the programs for counting America, and I had very positive support, especially on the issue of local census review after the census is completed. So we are going to conduct a legal census, the most accurate census in our history, and we look forward to the input from all the people here today.

At this time, I would like to ask Congresswoman Maloney for an opening statement.

[The prepared statement of Hon. Dan Miller follows:]

STATEMENT OF CHAIRMAN DAN MILLER
SUBCOMMITTEE ON THE CENSUS
PHOENIX, ARIZONA FIELD HEARING
JANUARY 29, 1999

Good afternoon and welcome to the Phoenix field hearing on Community based approaches to a better 2000 Census. I'm delighted that all the witnesses today were able to participate in this important hearing. Let me also thank Congressman Hayworth for inviting us to Phoenix to specifically address the American Indians and the Census.

Congressman Shadegg, who was a Member of the Subcommittee on the Census, is also with us today and he has had long standing concerns regarding the Phoenix area and getting a complete count in 2000. I must also thank Mr. Hayworth's staff for their invaluable assistance in helping put this hearing together.

Earlier this week the US Supreme Court ruled that sampling cannot be used for the apportionment of the House of Representatives.

The issue of sampling was one that the Congress and the Administration agreed would have to be settled by the Court's. Well the High Court has ruled and its now time to get about the business of counting people in for 2000 Census.

As I see it, the choice before Congress is clear: We can dwell in the past, or we can work together and come up with a comprehensive plan to count America. My choice and the choice of Speaker Hastert and the Republicans is to work together with the Democrats to count America.

I want to make it perfectly clear that Republicans are prepared to move on and develop effective strategies to count America. We welcome the input of the Democrats and the President. In fact, I fully expect that the President will come forward with good proposals to legally count America. I'm looking forward to them.

Two days ago I outlined a plan to count America. The America Counts Today initiative is focused on increasing the resources,

in most cases money, that the Census Bureau has for specific programs to count the hardest to reach.

I believe we need four major community-based improvements for the 2000 Census. We need

1. To create Community Awareness
2. Increase Involvement of Community leaders
3. Reinforce Community-based Enumeration
4. Strengthen the Census Bureau's Commitment to Community-based Enumeration

First, I want to increase the involvement of Community Leaders. My top priority is to reinstate Post Census Local Review.

Nobody knows better than Mayors and local officials such as tribal leaders, where people in your community or reservation live. Post Census Local Review will give you the opportunity to review census numbers, before the Census Bureau makes them final.

This program was used in 1990 and added over 80 thousand households, but was discontinued in 2000 because the Bureau felt it was too costly. Well, cost can not be an impediment to a successful census.

You have a right to check the numbers and your involvement can do nothing but help improve the count.

At the same time I propose we establish a matching grant program to local partnership groups and communities in the hardest to count areas. This will provide needed resources to conduct outreach efforts and to encourage participation in the Census in their respective neighborhoods.

Community Awareness is critical and today, I am proposing to quadruple the advertising budget from \$100 million to \$400 million with a significant portion of the new money targeted towards the hardest to count areas of the nation, which would include American Indian Reservations.

Also, I want to expand the Census-in-the-schools program. This program is designed to raise awareness among our children that being counted is important. Unfortunately, today there's only enough money for 20 percent of the schools -- let's expand this to all schools in America.

Additionally, we can and must triple the number of paid Census bureau partnership specialists and again target them to work in the areas with the worst undercount.

My third major initiative involves reinforcing community-based enumeration. I propose that we add a minimum of a 100,000 additional census enumerators and we target them to work in the hardest to count communities in the United States.

By organizing these enumerators into elite teams and focusing their efforts exclusively on reaching hard-to-count populations, we will have a far more accurate count in these areas.

I also propose to enlist Americorp Volunteers in the Census effort. When a Republican proposes to expand the Americorp program, you know something is different. But if we are going to have Americorp, I can think of no better civic service then helping count America. Why not use this program to reduce the undercount? .

Next, I want to join with Congresswoman Carrie Meek and provide waivers to welfare recipients and retired military officers who would like to help count their neighborhoods but can't because of bureaucratic red tape that would cause them to lose their benefits if they take a temporary Census job.

At a recent meeting of the Census Advisory Committee an American Indian representative lamented that a program on Indian Reservations called TANIF or temporary assistance for needy families was preventing many American Indians from taking temporary jobs working as census enumerators. We must remove these barriers to a full count in the 2000 Census.

Finally the fourth initiative is to strengthen the Census Bureau's commitment to community-based enumeration.

For example I propose that we send a second Census questionnaire to households giving those who did not respond the first time, another opportunity. In the dress rehearsals this was shown to increase the response rate by almost seven percent. This would mean that in the 2000 Census some 19 million people could be added before we send enumerators into the field.

When I first talked about these programs the other day, the Ranking Member, Ms Maloney was very quick to dismiss some of these proposals. Let me say this about the America Counts Today initiative: For starters, the plan is legal. The sampling plan as proposed by the Clinton Administration is not.

Second, some of these programs have not been tried before. For example never in the history of the Census has paid advertising been used.

Is there anyone here today that's going to tell me that raising the advertising budget from \$100 million to \$400 million isn't helpful?

Is anyone going to tell me that allowing American Indians to work for the Census Bureau to help count their people without losing their other federal benefits is a bad idea and won't help increase the count?

And, is there anyone here today from the local governments or the American Indian Reservations who does not want the chance to review the Census Bureau's numbers for your city or reservation and check for errors?

Who does not want that ability?

And who can tell me that expanding census in the schools from 20 percent of the schools to all schools won't help raise awareness of the census?

We have a plan to count America and if work together we can accomplish that goal. But if others want to spend all their time dwelling over issues that are no longer valid or tell us why this program or that program won't work instead of helping make them work, the 2000 Census can't succeed.

I presented these programs to the US Conference of Mayors. A group that has been on record as supporting sampling. But I can't tell you the positive reaction I got after the presentation from Mayors who said they appreciated the effort we were putting forward and wanted to know how they could help.

We are going to conduct a Census for the people, of the people, the sooner we get down to work, the sooner we can get the job done.

(END)

Mrs. MALONEY. Thank you.

First of all, I'd like to thank my colleagues, particularly J.D., for hosting us here today. We spent a wonderful morning touring Indian reservations. And actually, I thank you, Dan, for bringing us here to the field.

Any time we speak out on the census and we go to communities and make them more aware, we are improving our count locally. And I want to thank all witnesses that will be here.

The State of Arizona, the city and communities of Phoenix, and the American Indian tribes in this area were all undercounted in 1990 at an unacceptably high rate. I am committed to changing this in the 2000 census and will listen with great interest to any ideas that the Indian tribes and other governmental officials will have today and the multiracial representative bloodline.

The 1990 census was full of mistakes, and many of those mistakes were in the Southwest. New Mexico had an undercount of 3.1 percent, the highest undercount for any of the 50 States. Arizona had an undercount of 2.4 percent, which is 50 percent above the national average.

American Indians on reservations had an undercount of 12.2 percent, the highest group in the country in the undercount. That means that 1 out of every 8 American Indians living on the reservation was missed. The census also missed 1 out of every 20 Hispanics. The undercount of American Indians not on reservations was 2.5 percent.

And when you're undercounted, your dollars—your Federal dollars are less coming in because our dollars are tied to census numbers, our Federal formulas, and the representation, the people elected. Districts are drawn based on census numbers.

So it's very, very important, not to mention good data, good scientific data to plan for the future where our health facilities need to be or other facilities.

The 1990 census was the most examined census in the history of our country. Both Congress and the Census Bureau were displeased with the results of the census. The total error rate was over 10 percent.

Twenty-six million people were miscounted. There were 8.4 million people missed; 4.4 million people were counted twice; and 13 million people were counted in the wrong place.

To make matters worse, the people missed and the people counted twice are quite different. The people missed in the census are minorities: American Indians, Latinos and Asians, as well as urban and rural poor. The people counted twice in the census tended to be affluent suburbanites.

I agree with the President who said in the State of the Union Address, "Since every person in America counts, every American ought to be counted." That won't happen without the use of modern, scientific methods. That is what we learned in the 1990 census.

I would like to turn, very briefly, to the unique problems of counting American Indians in the census. The relationship between American Indians and the Federal Government is a complicated one. Tribal government represents sovereign entities, and as such, have a special relationship.

In 1992, tribes in the Northeast barred census takers from their reservation. It was, as they argued, their right as a sovereign nation, their right not to be counted.

Another complicated relationship exists between tribal rolls and the census. The census is to count people based on their usual residence on April 1. The tribal rolls, on the other hand, are more concerned with identifying membership in the tribe than with the residents on a particular day.

I am pleased that the Census Bureau has done a great deal of work and improved its procedures on Indian reservations since 1990. The Bureau is committed to the recruitment and hiring of tribal members to count members of their tribe.

The Census Bureau is committed to working with the American Indian nations to make sure that every operation of the census is sensitive to the needs and the culture of those nations. This will include the cultural sensitive advertising materials as well as school program materials.

It is my understanding that hiring American Indians on reservations for temporary census work has been hampered by laws governing temporary relief payments. That is unfortunate and unnecessary.

I am pleased that Representative Miller has stated today his endorsement of a bill proposed by my good friend Terry Meek, a Democratic Representative from Florida. I have supported that bill for two Congresses now, but we have been unable to get the Republican majority in the House to move the bill.

If the House had acted on this bill last year, we would not be having trouble on reservations today. So with all due respect, I appeal to my colleague not to just support this bill but to pass it in the U.S. Congress.

I see that my time is up, and I have a great deal more to say, but let me just put into the record, and I ask unanimous consent, editorials from the Washington Post, the LA Times, and the New York Times.

And these editorials really lament the Supreme Court decision, which was very narrowly drawn. It barred sampling for apportionment, the drawing—the apportionment of seats between the States—but allowed it for Federal funds for good data and for redistricting.

Also I would like to put into the record a letter from the civil rights community. It is a cross section, just to mention a few, of the National Congress of American Indians, League of Women Voters, Korean Cultural Center, Jewish Committee, Asian Chamber of Commerce, the AFL-CIO, Chicanos, Latinos, Civil Rights Liberties, and many, many others who have really signed a letter in support of modern scientific methods.

And I will only quote briefly from their letter one line: Direct counting methods alone do not have the capacity to improve accuracy or reduce the differential undercount of children, people of color, American Indians living on and off reservations, and the urban and rural poor.

And I also would like to just clarify because my dear, good friend Representative Miller, I believe, has misquoted the Supreme Court. And may I quote from Sandra Day O'Connor the majority opinion.

We do not mean to suggest, as Justice Stevens claimed, a dissent that the 1976 amendments had no purpose, rather the amendments served a very important purpose. It changed the provision that permitted the use of sampling for purposes other than apportionment into one that required that sampling be used for such purposes if feasible. And I think that statement is very clear.

I do know that the chairman has been very generous to bring us out here to be with you. I have a great deal more to say, but my time is up, and we need to very strictly adhere to that, because we have many important speakers. Thank you.

May these be accepted in the record?

[The prepared statement of Hon. Carolyn B. Maloney and the information referred to follow:]



Congresswoman

Carolyn Maloney**Reports***14th District • New York*

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STATEMENT OF THE HONORABLE CAROLYN B. MALONEY**January 29, 1999**

Thank you Mr. Chairman, I am pleased to be here, and I want to welcome all of our witnesses. The state of Arizona, the city and communities of Phoenix, and the American Indian tribes in this area were all undercounted in 1990 at an unacceptably high rate. I am committed to changing this in 2000, and will listen with interest to the ideas of the governmental, American Indian, Hispanic and multiracial representatives we have with us today.

The 1990 census was full of mistakes, and many of those mistakes were in the Southwest. New Mexico had an undercount of 3.1%, the highest undercount for any of the 50 states. Arizona had an undercount of 2.4% which is 50 percent above the national average. American Indians on reservations had an undercount of 12.2%. That means that 1 out of every 8 American Indians living on a reservation was missed. The census also missed 1 out of every 20 Hispanics. The undercount of American Indians not on reservations was 2.5 percent.

The 1990 census was the most examined census in the history of our country. Both Congress and the Census Bureau were displeased with the results of the 1990 census. The total error rate for the census was over 10 percent -- 26 million people were miscounted. There were 8.4 million people missed; 4.4 million people were counted twice; and 13 million people were counted in the wrong place. To make matters worse, the people missed and the people counted twice are quite different. The people missed in the census are minorities -- American Indians, Hispanics and Asians -- as well as the urban and rural poor. The people counted twice in the census tend to be affluent suburbanites.

I agree with the President who said in his State of the Union address, "since every person in America counts, every American ought to be counted." That won't happen without the use of modern scientific methods. That is what we learned from the 1990 census.

I would like to turn briefly to the unique problems of counting American Indians in the census. The relationship between American Indians and the Federal government is a complicated one. Tribal governments represent sovereign entities and as such have a special relationship. In 1990 two Tribes in the Northeast barred census takers from their reservation. It was, they argued, their right as a sovereign nation their right not to be counted.

A similarly complicated relationship exists between Tribal roles and the census. The census is a count of people based on their usual residence on April 1 of the census year. Tribal roles, on the other hand, are more concerned with identifying membership in the tribe than with residence on a particular day of a particular year.

I am pleased that the Census Bureau has done a great deal of work to improve on its procedures on Indian Reservations since 1990. The Census Bureau is committed to recruitment and hiring of Tribal members to count members of their Tribe, wherever possible. The Census Bureau is committed to working with the American Indian nations to make sure that every operation in the census is sensitive to the unique culture of those nations. This will include culturally sensitive advertising materials as well as materials prepared for the school program.

It is my understanding that hiring American Indians on reservations for temporary census work has been hampered by laws governing temporary relief payments. That is unfortunate, and unnecessary. I am pleased that Rep. Miller has endorsed the bill proposed by my good friend Rep. Carrie Meek, a Democratic representative from Florida. I have supported that bill for two Congresses now, but we have been unable to get the Republican majority in the House to move the bill. If the House had acted on this bill last year, we would not be having trouble on Reservations today.

I would like to turn my attention now to Rep. Miller's proposal to add additional procedures to the census plan. I am pleased to see him take a positive approach, but I am surprised that he is still complaining about sampling. The Supreme Court has spoken, and spoken quite clearly. Let me quote from Judge Sandra Day O'Connor's opinion. "...we do not mean to suggest, as JUSTICE STEVENS claims in dissent, that the 1976 amendments had no purpose.... Rather, the amendments served a very important purpose: They changed a provision that *permitted* the use of sampling for purposes other than apportionment into one that *required* that sampling be used for such purposes if 'feasible.'" That statement is very clear. Sampling is barred for apportionment and required for everything else -- not just funding, but everything.

Mr. Chairman, I have a number of editorials that I would like included in the record which support this interpretation of the court ruling. The great tragedy of this court ruling is that the census will now cost \$1.5 billion to \$3 billion more, and that doesn't include the half-a-billion Mr. Miller wants to spend on advertising and other additions. But I am sure that the Census Bureau will produce a census that gives us one set of numbers for apportionment, and a second, and more accurate set of numbers for everything else. The only good news in all of this is that the marginal cost of producing the second more accurate set of numbers is very small.

There are several points in Rep. Miller's proposal, and I will not try to cover them all here, but they do deserve comment. First, on hiring more enumerators, I applaud his recognition of the fact that the task has just become much more difficult. Instead of visiting 30 million households, the Census Bureau will not have to visit 45 million households. That is a workload increase of 50 percent. Given that the original plan for the 2000 census called for a field workforce of 400,000, I suspect they will need more than the 100,000 he proposes. The problem may be not what Rep. Miller wants, but what is possible in a tight labor market. Today retail stores are finding it difficult to hire enough people to stand behind the counters, and census work is much more demanding on the feet and on the mind.

Second, as I said before, I am pleased that Rep. Miller has joined us in our call for a waiver for benefit recipients to take temporary census work. But we need more than his endorsement, we need for him to help us get this bill passed.

Finally, I applaud Rep. Miller's call for enlisting the help of Americorps in conducting the 2000 census. I am pleased that the Chairman has finally recognized the value of Americorps.

Again, I thank you all for being here today, and I look forward to hearing your testimony.

A18 TUESDAY, JANUARY 26, 1999

The Washington Post

AN INDEPENDENT NEWSPAPER

Backward Step for Census

The Supreme Court's decision Monday to block the use of sampling techniques to improve the accuracy of the decennial census is akin to insisting that congressional reports be written with quill pens because that's the way they were done when the Constitution was drafted. California lost out big in terms of House seats and federal funding because 1990 census takers using outdated methods undercounted the state's population. Now, without the use of sampling methods in obtaining counts that will be used for reapportionment, California could be an even bigger loser in the 2000 census.

While the Constitution requires an "actual enumeration" every 10 years, the Census Bureau has not exclusively used head counts since at least 1940. Instead it has used statistical estimates as a check on the accuracy of the head count itself, adjusting it as required. Used in tandem with the Census Bureau's traditional counting methods, these statistical techniques are not hocus-pocus; they allow for the most accurate, fairest and most cost-effective count.

Yet a 5-4 court majority invalidated the use of statistical sampling. The 1990 undercount severely hurt Southern California and other major urban areas; it's estimated that 4 million people went uncounted across the nation. The result in California was that the state lost an estimated \$500 million in federal funds and one House seat. It could be shorted as much as \$3 billion in federal funds and two additional House seats in next year's count.

The legal dispute before the high court centered on an ambiguous line in 1976 amendments to the Census Act on the scope of the Census Bureau's ability to use sampling. At its core, the case involved a debate over the meaning of the 18th century constitutional re-

quirement for head counts, and it thrust the court into the middle of a contemporary partisan wrangle. Republicans take refuge in wording of the 1976 amendments, arguing that Congress did not intend that an "actual enumeration" for purposes of congressional apportionment would include sampling. The high court Monday agreed with this interpretation. Democrats accuse Republicans of wanting a poorly performed census and of resisting sampling because minorities and the poor—groups most likely to be missed by census takers—tend to vote Democratic.

The court would appear to have decided the question of whether next year's census can rely on modern sampling to determine congressional apportionment. Absent specific authorization from Congress or a constitutional amendment, it cannot. Congress will now have to spend much more money on what will surely be less accurate methods, such as door-to-door canvassing to find those who don't mail back the census questionnaire.

Yet the court decision appears to permit the use of sampling to verify traditional population counts for other census purposes, such as for the allocation of federal funding. President Clinton has asked Congress to fund this sampling technique. Congress ought to consent.

The upshot of Monday's decision could be more confusion. The old head count methods, with their documented flaws, will determine the size and composition of Congress into the 21st century. But sampling techniques might determine federal funding figures. California is almost certain to lose out on congressional representation in the next decade. It need not lose out again on its share of federal funds. The state's delegation in Washington can help see to that.

LOS ANGELES TIMES EDITORIALS



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A16 TUESDAY, JANUARY 26, 1999/NA

A Limited Census Ruling

A DIVIDED Supreme Court issued a limited ruling yesterday against the use of sampling and other statistical techniques to improve the accuracy of the year 2000 Census. The limits were the good news.

The 5 to 4 decision was based on a reading of relevant statutes rather than the Constitution. That means Congress and the president have the ability to reverse it, and last year's appropriations process was arranged in such a way that they will have to face the issue again this spring. Failure to pass a bill would leave the departments of State and Justice as well as Commerce, in which the Census Bureau is housed, without funds to carry out their duties. Congressional Republicans will likely continue to resist the use of sampling, but the administration will press in favor—so the president indicated in the State of the Union address—and it is not clear how the issue will be resolved.

The decision was also limited to the figures that will be used in the reapportionment of House seats *among the states* after the next election. Its application to the redistricting that will follow within the states is not clear. Legislatures may well be free to use statistically adjusted figures in that process, and the federal government apparently remains free to

use such figures in the allocation of federal funds as well. For that to happen, the bureau might have to issue two sets of figures, one adjusted, one not, but it would have the data to do so. The administration yesterday was still reviewing the opinion, and said only that it would strive to produce "the most accurate accounting of the American people" possible while conforming to the law.

You would think that might be everyone's goal, but it is not, quite. The problem with the census is an undercount of minority groups and poor people especially. That's what the bureau would use sampling and extrapolation to correct. Republicans are opposed in part for fear that an adjusted count could cost them seats, and perhaps their House majority, in the next redistricting. They argue as well that statistical adjustment could be subject to political manipulation, and that the Constitution requires an "actual enumeration." The Supreme Court didn't get to the constitutional question. Our sense is that the figures ought to be as accurate as the statistical profession can produce. An undercount of vulnerable groups is especially indefensible. Congress ought to fix the law.

A26

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Taking the Census Two Ways

The Supreme Court's ruling against the use of statistical sampling to supplement the traditional head count in the 2000 census is disappointing. Sampling has long been endorsed by experts, including panels convened by the National Academy of Sciences, to produce an accurate population count. But the ruling, based on the wording of the Federal Census Act, is actually quite narrow.

The Court did not address the argument that sampling violates the "actual enumeration" requirement in the Constitution. The Court held only that the Federal statute prohibits the use of sampling to determine population for purposes of apportionment of Congressional seats among the states. That is a blow against political fairness because states with immigrant, minority and low-income populations have suffered significant undercounts under traditional census-taking methods, making them likely to be shortchanged on seats in Congress. The 1990 census missed an estimated 8.4 million Americans, a disproportionate number of them blacks and Hispanics.

But the Court's ruling allows the use of sam-

pling in collecting census data for all other government purposes, including Federal aid to state and local governments. As the majority opinion by Sandra Day O'Connor explains, the 1976 revisions to the Census Act actually require the use of sampling for non-apportionment purposes if it is deemed "feasible" by the Secretary of Commerce.

That means the more accurate, adjusted figures can be used in drawing within each state the Congressional, state and local legislative district lines. Using better data could affect the control of Congress by increasing the number of districts with substantial urban and minority populations. A more accurate count could also affect state legislatures by giving more voice to areas where undercounting has been rampant. The adjusted data should also be used to determine distribution for more than 160 Federal aid programs. The Clinton Administration should move forward with sampling for those important uses while producing a separate set of unadjusted figures for apportionment only. The Republicans will balk at the two-track proposal, but accuracy, fairness and the Census Act demand it.

January 29, 1999

Honorable Dan Miller
Chairman
Subcommittee on the Census
H1-114 O'Neill House Office Building
B-350A Rayburn House Office Building
Washington, D.C. 20515

Honorable Carolyn Maloney
Ranking Member
Subcommittee on the Census
H1-114 O'Neill House Office Building
B-350A Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Miller and Ranking Member Maloney:

We, the undersigned elected and appointed officials and advocates, represent constituencies that have a significant stake in the outcome of the 2000 census. Our affiliations cover a broad spectrum of civic, cultural, and economic interests, including children and families, communities of color, American Indians, low-income people, educators, elder Americans, immigrants, religious leaders, businesses and labor unions.

First, as census stakeholders in Arizona, we want to thank you for holding a field hearing in Phoenix and for giving local officials and civic leaders an opportunity to share their ideas on achieving an accurate census count in our community. While some of us were invited to provide official testimony at the field hearing, others were not, and we want to express our shared views on this very important issue: **ensuring a fair and complete count in 2000.**

The Phoenix metropolitan area and the State of Arizona have a tremendous stake in ensuring that the 2000 census is as complete and fair as possible. According to Census Bureau evaluations, the 1990 census excluded at least 2 percent of Phoenix's residents and 2.4 percent of the state's residents; both rates were significantly higher than the net national undercount of 1.6 percent. These results were unacceptable, and consequently, the residents of our county and city have been denied the fiscal resources and political representation to which they were entitled over the past decade. We pledge to work with the Census Bureau, local officials and Congress to ensure that the 2000 census is more accurate and fair.

Arizona continues to be a fast-growing state, registering a 27 percent increase in its population from 1990-1998. The Phoenix-Mesa Metropolitan Statistical Area alone grew a staggering 40 percent in the 1980s and registered the third highest growth in domestic migration among metropolitan areas from 1990-1997.

Our state and city are home to many people whose racial and ethnic background, age, or economic status make it more likely that they will be left out of the census. Phoenix's

population is more than one-fifth Hispanic, a percent that mirrors the Hispanic composition of the state's population as a whole. Arizona has the fourth largest Hispanic population in the nation and registered the fifth largest gain in its Hispanic population of any state from 1990-1997. The state also is home to a significant number of American Indians, including the Navajos, the largest tribe in Arizona. Many Indians in Arizona live on reservations or trust lands. That is why the unacceptably high undercount rates for Hispanics (5 percent) and American Indians living on reservations (12.2 percent) in 1990 are of such great concern to us.

Projections show that these trends will continue with increases anticipated in the proportions of the population that are Hispanic and Asian. We are proud of our richly diverse community but we also are mindful of the extraordinary challenge this diversity presents for the census.

We have several recommendations to help ensure a successful count in the Phoenix metro area and the State of Arizona as a whole in 2000.

- 1) The Census Bureau must recruit and hire a local workforce that represents the diverse population of our city and state. Many communities remain segregated along racial, ethnic and even age lines. People are more likely to cooperate with census takers who live in their neighborhood, speak the same language, and have a similar economic status. The large and growing number of elderly people in Arizona are more likely to trust other elderly individuals.

Census officials should affirmatively reach out to civic leaders in each of our diverse communities to establish employment networks that draw from all segments of society.

- 2) In the past, the Census Bureau has struggled to hire and retain enough enumerators to complete the follow-up visits to unresponsive households in a timely manner. The relatively low unemployment rate in many areas threatens to compound this problem in 2000. To help the Bureau attract a sufficient number of temporary workers, Congress should take steps to remove legal barriers that prevent many low income and older people from applying for census jobs. For example, retirees who receive social security benefits or military and federal pensions might lose a portion of their monthly payments if they temporarily work as census takers. Similarly, recipients of food stamps, Medicaid, or housing subsidies might jeopardize their eligibility for those benefits if they earn more than the law allows through temporary census employment. We urge Congress to approve legislation that will waive certain income limits for recipients of Federal benefits who serve in temporary positions during the census.
- 3) Census materials must be readily available in languages other than English. Many Arizonans of Hispanic origin speak Spanish as their primary language. Specific

strategies addressing the undercount of American Indians both in urban areas and on reservations are critical to a successful census. We understand that the Census Bureau has modified its outreach program for "linguistically isolated" households and will request funds to hire staff at Questionnaire Assistance Centers (QAC), instead of relying exclusively on volunteers. We strongly urge Congress to allocate the necessary funds for this purpose and for the Census Bureau to consult with community leaders to identify the best locations for QACs.

- 4) We encourage the Census Bureau to distribute census promotional materials to local community groups as early as possible in 1999. Educating our diverse communities about the importance of census participation is a difficult task that cannot be accomplished overnight. For the 1990 census, many organizations did not receive educational materials until late in 1989. We are anxious to assist the Bureau in promoting the census through the many civic and cultural networks that permeate our neighborhoods in unique ways but we must have adequate information and sufficient time to do so.
- 5) In dealing with Indian Tribal Governments, the Census Bureau should abide by the Constitutionally based government-to-government relationship set out in Executive Order 13084. In this regard, the preparation of the Tribal Liaison materials should be crafted in a manner that seeks voluntary operation from tribes and encourages their tribal liaisons to work with the governor's liaisons. Furthermore, the Census Bureau should provide resources to facilitate direct consultations with American Indian representatives for purposes of seeking input on media campaigns, educational materials, and promotional items.

Mr. Chairman and Ms. Ranking Member, we are grateful for this opportunity to discuss ways to improve the census process in communities that have proved difficult to count in the past. There are many activities that must be done well and on time in order to lay a solid foundation for a successful count. In addition to those already mentioned, an accurate address list compiled with the help of local governments, a well-crafted promotion campaign, foreign language assistance materials, and early and sustained outreach activities are all necessary components of a well-executed census. Fortunately, the Census Bureau recognizes the importance of these activities and is already planning their implementation. Last week, the Census Bureau opened its Phoenix office and we anticipate a close working relationship with the Bureau's local officials.

However, we also have taken to heart the conclusion reached by virtually all experts who have closely studied the census process: direct counting methods alone do not have the capacity to improve accuracy or reduce the differential undercount of children, people of color, American Indians living on and off reservations, and the urban and rural poor. Earlier in the decade, a National Academy of Sciences panel convened at the direction of Congress found that "physical enumeration" has been pushed well beyond the point at which it adds to the overall accuracy of the census. Moreover, such traditional

census methods still result in a substantial undercount of minority populations."

This panel concluded that the Census Bureau could "improve the accuracy of the census count" by supplementing a reduced intensity of traditional enumeration with statistical estimates." More recently, in 1997, another Academy panel stated: "[W]e do not believe that a census of acceptable accuracy and cost is possible without the use of sampling procedures, for both nonresponse follow-up and integrated coverage measurement," the two primary uses of sampling that are part of the Bureau's plan.

That same year, the Commerce Department's Inspector General reached a similar conclusion in a report to the United States Senate: "There is no evidence to suggest that the undercount in 2000 will be lower than in 1990 without the use of statistical techniques." These conclusions are widely shared among expert, independent evaluators who have reviewed the last census. In mid-1992, the U.S. General Accounting Office advised that the 1990 census "demonstate[d] that the American public has grown too diverse and dynamic to be accurately counted solely by the traditional 'headcount' approach and that fundamental changes must be implemented for a successful census in 2000."

This early assessment belies the charges made by some critics of modern scientific methods that the Bureau's plan is nothing more than a scheme devised by the Clinton Administration to increase the count of Americans who might be more sympathetic to one political party than another. To the contrary, there is ample evidence of universal support among experts for fundamental reform of the census process even before the current Administration took office. We are greatly concerned that continuing efforts to paint the 2000 census plan as a partisan scheme will further undermine the already fragile public trust in the census process, leading to even lower levels of participation and thus a higher undercount. Such an outcome would spell disaster for the residents of Phoenix and Arizona.

We also are concerned about recent suggestions that the persistent differential undercount can be significantly reduced through indirect counting methods other than statistical techniques. In particular, some observers have recommended the use of administrative records to identify people who might be missed by traditional counting efforts. However, testimony before the Census Monitoring Board at a recent hearing clearly showed that administrative records are not sufficiently reliable, comparable, or comprehensive to address the systemic problem of differential undercounting in the 2000 census. Furthermore, we note that none of the experts who studied the census process in detail throughout the decade recommended the extensive use of administrative databases to add millions of people to the census who were missed by mail or field follow-up procedures.

Therefore, while we have outlined a variety of recommendations to help ensure a successful count in the Phoenix metro area and the State of Arizona, the most important way Congress can ensure a complete count is by dropping its objections to the use of sampling and other statistical methods.

Rather than attempting to prohibit the Census Bureau from using the most up-to-date scientific methods as recommended by the National Academy of Sciences, Congress should work with the Census Bureau to build public confidence in the Bureau's original plan for the 2000 census unveiled in February 1996. In addition, Congress should ensure that the Bureau has sufficient fiscal resources to prepare for and conduct the best census possible.

We know that the Supreme Court recently ruled that current law prohibits the use of scientific sampling for apportioning congressional seats among the states. While the Court's narrow decision prohibits the use of these methods for purposes of apportionment, it does not restrict these scientific methods for redistricting or for the distribution of resources tied to census numbers.

Therefore, Congress should provide the Census Bureau funding to employ the most up-to-date scientific methods for non-apportionment purposes. At the same time, Congress should change the current law to provide the Census Bureau the scientific tools it needs to take the most accurate and fair census possible in 2000. Failure to do so would signal Congress's willingness to accept a census that the experts have already told us will leave out millions of poor people and people of color once again. We fervently hope that Congress will not countenance that result.

Sincerely,

Rabbi Robert L. Kravitz
Area Director
American Jewish Committee

Eleanor Eisenberg
Executive Director
Arizona Civil Liberties Union

Penny Kotterman
President
Arizona Education Association

Terry Forthun
President
**Arizona Federation of Teachers,
AFL-CIO**

Esther D. Lumm
President
Arizona Hispanic Community Forum

Madeline Ong-Sakata
Executive Director
Asian Chamber of Commerce – Phoenix

Pete C. Garcia
President and Chief Executive Officer
Chicanos Por La Causa, Inc.

The Honorable Thomas F. Morales, Jr.
Mayor
City of Avondale

Luis Ibarra
President and CEO
Friendly House Inc.

Michelle Kim
President
Korean Cultural Center

Lila Schwartz
President
League of Women Voters – Arizona

Mary Rose Wilcox
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Maricopa County Board of Supervisors

Charles Fanniel
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**National Association for the Advancement
of Colored People –
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George Dean
President and CEO
Urban League of Greater Phoenix

Joe Allman
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**Japanese American Citizens League --
Arizona Chapter**

Ray Gano
Chairman, Civil Rights Committee
**League of United Latin Americans
Citizens 284**

Rudy Perez Jr.
Director
**Mexican American Legal Defense and
Educational Fund -- Phoenix Office**

Marian M. Yim
Southwest Regional Governor
**National Asian Pacific American Bar
Association**

W. Ron Allen
President
National Congress of American Indians

Mr. MILLER. Without objection those will be included in the record. And for those that have additional materials to include in the record with their presentation, we will include that with the record.

Thank you, Mrs. Maloney, for your statement.

And as I said, Congressman Hayworth, who represents this area of Arizona, was very gracious to host us this morning and make it possible. He's not a member of the committee, and we have agreed that it's proper to have both Mr. Shadegg and Mr. Hayworth.

So Mr. Hayworth, we'd like to hear from you.

Mr. HAYWORTH. Chairman Miller, Ranking Member Maloney, Congressman Shadegg, tribal leaders, representatives, distinguished witnesses, and guests, thank you for the opportunity to participate in what I believe is a very important subject: The severe undercount of the Native Americans in the census.

I welcome this opportunity to hear from so many leaders across the width and breadth of the great State of Arizona.

And while it is not my intent to score debating points, for purposes of making the record more complete, Mr. Chairman, I would ask unanimous consent that we include in the record the following editorials: the Daily Oklahoma, the Orange County Register, the Florida Times Union of Jacksonville, the New York Post, and the Post and Courier of Charleston of South Carolina dealing with plots for a Supreme Court decision and the champions of our Constitution.

As I said when it was my privilege in the 106th Congress to—

Mr. MILLER. Without objection, they will be accepted.

[The information referred to follows:]

SECTION: EDITORIAL;

Pg. 4

LENGTH: 345 words

HEADLINE: 'Actual Enumeration'

BODY:

BOTH sides in the debate over methodology for the 2000 census took positions for political reasons.

It's clear that Bill Clinton and congressional Democrats wanted statistical sampling as a way to count more minorities, which would help Democrats in the next apportionment of seats in the U.S. House of Representatives.

It's likely that some Republicans wanted a traditional headcount because GOP constituents tend to respond to the census' voluntary surveys in greater numbers, which could help the GOP in the 2000 apportionment.

Fortunately, a majority of the U.S. Supreme Court ignored politics entirely and stuck with the law.

The justices ruled 5-4 on Monday that federal census law prohibits statistical sampling as a way to decide how many House seats each state gets.

This is as it should be. The Constitution requires an "actual enumeration" of the population every 10 years to distribute the House's 435 seats. Writing for the majority, Justice Sandra Day O'Connor noted that in 1976, when Congress last amended the census law, no one suggested any of the changes were meant to alter the way the census was taken.

Contrary to administration arguments, Justice O'Connor wrote it was inconceivable Congress would have been silent in enacting the "single most significant change in the method of conducting the decennial census since its inception."

Some estimate that 4 million Americans were missed by the 1990 census. Others say that estimate is too high.

No one seriously condones an inaccurate count, but some now seriously condone an extra-constitutional counting method. Although it might be more convenient to extrapolate population from known data, it isn't lawful.

The next census is scheduled for April 1, 2000. With the high

court's decision Census Bureau officials should work to improve its counting methods, which in the end will have more integrity than schemes that rely on charts, formulas, theories and assumptions - or on partisan political considerations, for that matter.

LOAD-DATE: January 27, 1999

January 26, 1999 Tuesday MORNING EDITION

SECTION: EDITORIAL;

Pg. B06

LENGTH: 504 words

HEADLINE: How to count

BYLINE: The Orange County Register

BODY:

What strikes one most forcibly in reading the U.S. Supreme Court decision barring the government from using statistical sampling methods to conduct the year 2000 census (at least insofar as it is used to determine the number of representatives each state gets in Congress) is how clear it is that the Clinton administration was planning to sidestep and defy the current law on the census.

Thus the court's decision, like those of every other court that has considered the case, is hardly surprising.

It's true enough that one can make a respectable argument that using statistical sampling and other sophisticated methods could produce a more accurate count of all the people in the United States than relying on more traditional enumeration methods. But the law, whether wisely or not, prevents the Census Bureau from using such methods to create the count that leads to reapportionment of the U.S. House of Representatives.

Specifically, in 1976, Congress made some changes to the census law, but left in place a clause that said, "Except for determination of the population for purposes of apportionment of Representatives in Congress among the several states, the Secretary [of Commerce] shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this Title. " (USC Title 13, Sec. 195.) In other words, other methods may be used to determine, for example, how funding for federal programs is paid out, but when it comes to congressional apportionment, the Census Bureau is to stick to actual enumeration.

If one is not content with that, the only appropriate thing to do is to change the law. The low likelihood of doing so successfully can be inferred from the fact that in 1997 Congress passed a provision (vetoed by President Clinton) prohibiting the use of statistical sampling or adjustment for purposes of apportionment.

The Clinton administration, in view of the fact that it didn't like existing law and saw no chance of getting Congress to change it, planned to go ahead and use statistical sampling anyway. It planned to do 90 percent of the count by actual enumeration and estimate the other 10 percent using sampling and other "enhanced" methods.

That amounts to circumventing the law to achieve a politically desirable result, given that most everybody agrees that using sampling to estimate those who are "undercounted" by traditional methods would lead to a few more Democratic-majority congressional districts. The Supreme Court was correct to see it that way.

The fact that the administration sought so blatantly to defy the law in this instance should make citizens that much more alert to other instances _ such as mandates under the Kyoto "global warming" treaty, which nobody believes the U.S. Senate would ratify if asked _ where the administration seeks to achieve through executive action changes in the law it could not get passed through Congress.

LANGUAGE: ENGLISH

LOAD-DATE: January 27, 1999

January 26, 1999 Tuesday, City Edition

SECTION: METRO;

Pg. B-6

LENGTH: 319 words

HEADLINE: LAW Enumeration counts

BODY: There was little doubt that the Supreme Court would reject census sampling, a political gimmick that violates statutory and constitutional law. Even before the court issued its ruling yesterday, six federal judges -- including two Clinton administration appointees -- already had declared it illegal.

By acting quickly, the court ensured that the controversy would not cause confusion in the next national head count, which begins April 1, 2000. The census traditionally has been conducted mostly by mail, with workers knocking on doors to count those who do not return their forms. The administration, however, wanted to count that number as only 90 percent of the total -- and to presume another 10 percent exists, living where census employees decide to presume they live. Most of those presumed people would be in Democratic areas, which would enhance the party's power -- coincidentally, the administration said. But it didn't seem like a coincidence. Even if it had been, that wouldn't have overcome the legal obstacles. As Justice Sandra Day O'Connor wrote, federal law prohibits census sampling -- and that was not changed by 1976 amendments to the law. 'At no point,' she wrote, 'did a single member of Congress suggest that the amendments would so fundamentally change' the census. 'It tests the limits of reason,' she added, to suggest Congress would have enacted 'the most significant change in the method of conducting the decennial census since its inception' without any member mentioning that was the intent. Sampling also would clearly violate the Constitution, which demands an 'actual enumeration.' An estimate and an actual count are not the same thing. But that became a moot point since, as the majority pointed out, statutory law already prohibited sampling. The court's decision was a victory for the constitutional process.

LANGUAGE: ENGLISH

LOAD-DATE: January 26, 1999

SECTION: All Editions; Pg. 024

LENGTH: 348 words

HEADLINE: THE RIGHT KIND OF CENSUS

BODY:

In one of the most eagerly awaited decisions of the term, the Supreme Court ruled 5 to 4 that the Clinton administration cannot substitute its beloved polls for a proper census.

Congress, the Court said, barred the use of so-called "statistical adjustments" - which is to say, changes that are made as the result of detailed poll-taking - for apportioning seats in the House of Representatives when it amended the census law in 1976. It "tests the limits of reason," wrote Justice Sandra Day O'Connor for the majority, to suppose that Congress would have been silent if it had intended so significant a change in the manner of conducting the census as a move away from the constitutionally mandated "actual enumeration."

That painstaking, person-by-person count every 10 years is one of the few explicit commands given by the Constitution to the federal government. For more than two centuries, Washington has abided by this mandate, doing its level best to locate and count each and every American. The Clinton-run Census Bureau itself estimates the 1990 count was 98.4 percent accurate, which is well within the margin of error of any decent opinion poll.

But that isn't good enough for Democrats, who maintain that difficult-to-count urban areas with large numbers of blacks and Hispanics are "undercounted" every decade. Instead of insisting that the Census Bureau do its best to get an accurate count according to the Constitution, Democrats want the Census Bureau instead to invent millions of "virtual Americans" by guesstimating who lives where and arbitrarily deciding their race, ethnicity, sex and place of residence.

The high court did not rule on the constitutionality of sampling. It said only that Congress did not authorize sampling for purposes of apportioning House seats. The Clinton Census Bureau can continue sampling for other purposes - such as doling out federal aid - unless Congress denies it the funds to do so.

And Congress should do so without delay. The census is too important and basic a function to be tampered with by social science.

LANGUAGE: ENGLISH

LOAD-DATE: January 26, 1999

SECTION: A,

Pg. 12

LENGTH: 1168 words

HEADLINE: Upholding law on census

BODY:

The U.S. Supreme Court has reached the right decision in banning the use of sampling in the most critical aspect of the 2000 census, the use of population figures to apportion state representation in the U.S. House of Representatives. Unfortunately, this is one time the high court's decision is unlikely to be the final legal test of this issue.

Monday's decision was based on a 1976 statute rather than the Constitution, and there already is talk about immediate efforts to change the law. While the law in question allows statistical sampling for some purposes, the court opinion, written by Justice Sandra Day O'Connor, notes that it "directly prohibits the use of sampling in determination of population for the purposes of apportionment."

So, in fact, does the Constitution, which directs that a census be held every 10 years to determine the population of the nation and the states "by actual enumeration."

Last year, the Census Bureau challenged the law, saying it should be read to allow sampling in the apportionment count. The Bureau had lost two previous decisions in lower courts.

Support for statistical sampling for reapportionment purposes has become highly partisan because it is viewed as primarily benefiting Democrats. Its advocates argue that it will correct errors in the traditional head count method, primarily in poor and minority neighborhoods.

But that should be a mandate to improve the census process rather than to attempt to circumvent the law and the Constitution.

In this instance, the court had only to look to the law that exempts reapportionment from statistical sampling to see that the Census Bureau was heading in the wrong direction. The prohibition against allowing statistical sampling for reapportionment purposes was so clear in the statute, it was unnecessary for the court to address the constitutional question.

If there's a case to be made for statistical sampling, proponents should take it directly to the people with a proposed amendment to the Constitution rather than trying to find ways around it.

Mr. HAYWORTH. I thank the chairman for that.

When I had the privilege to stand for the sovereignty of Indian tribes and I pointed out to the assembled audience and my fellow committee members that sovereignty is guaranteed for Native Americans by Article I, Section VIII of the Constitution, so too, ladies and gentlemen, Mr. Chairman, when I refer us all to Article I, Section II of this Constitution, which uses the following terminology.

The actual enumeration—with reference to a census, “The actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States and within every subsequent term of 10 years in such manner as they shall by law direct.”

Actual enumeration is the terminology used here. I will offer the observation that just as they champion Native American sovereignty, so too let us remember the exact terminology and mission our Congress gave us in the Constitution as it exists.

As you know, Mr. Chairman, I represent eight tribes, and nearly 1 in 4 of my constituents is Native American. Arizona is second only to Oklahoma in Native population.

The Navajo Nation, which I represent, is geographically the largest reservation in the United States, encompassing over 17½ million acres and transcending four State boundaries.

According to the 1990 census, it is also home to more than 225,000 Indian residents, which is equivalent to 11.6 percent of the Native American population nationwide. The Navajo Nation is second only to the Cherokee tribe in terms of membership numbers.

The other tribes I’m honored to represent here today, including the Gila River Indian Community and the Salt River Pima-Maricopa Indian Community, while not as large as the Navajo Nation, have significant populations, and it is equally important that they are not undercounted when we conduct the 2000 census.

Mr. Chairman, I am disheartened by the fact that Native Americans are the most severely undercounted segment of our society. According to the Committee on Adjustment of Postcensal Estimates Report, the total undercount in Indian country was approximately 12.22 percent in 1990.

Think about it. Approximately 1 in 10 Native Americans, the first Americans, were missed in this count. We must honor our sacred, solemn treaty, and tribal and constitutional obligations to our first Americans by counting every single one.

The undercount has resulted in the loss of millions of dollars to Indian Country. In my district, tribes depend on funding for a variety of programs. The amount of funds they receive is primarily determined by the decennial census count. That means that tribes are receiving less funding for Tribal Priority Allocations, the Indian Reservation Roads program and Indian education programs.

With the Supreme Court’s ruling this past Monday that sampling is illegal, I believe it is imperative that the Census Bureau begin taking active steps to reduce the undercount throughout Indian country.

I think there are several ways that the Bureau can achieve this. First, the Census Bureau must utilize the Local Update of Census Addresses program created by the Census Improvement Act of 1994. The main purpose of the program is to maintain a quality

master address file by creating partnerships with local and tribal governments to improve address lists for the 2000 census.

Local and tribal governments will designate liaisons to review the MAF for their particular jurisdiction. I believe it is important that the Census Bureau nurture relationships with Native American liaisons who are more likely to be accepted and trusted by tribal members than local census employees. I believe this program is a worthwhile investment in helping to reduce the undercount in Indian country.

Second, Mr. Chairman, I believe the Census Bureau should aggressively pursue the Be Counted national campaign, which will provide a means for people to be included in the 2000 census who may not have received a questionnaire or believe they were not included on one.

The Be Counted campaign is going to place particular emphasis on developing ways to include population groups that have been historically undercounted, including Native Americans. Post offices, libraries, gas stations, or grocery stores are some of the intended locations of the Be Counted campaign.

In many Native American communities, these locations serve as local gathering places. These outposts could serve as an effective base to ensure that individuals are receiving information on our census and would help guarantee that we are counting as many Native Americans as possible.

Third, I would support efforts by the Census Bureau to establish complete count committees [CCCs]. A CCC would be composed of influential government officials, community, business, and religious leaders.

A CCC would distribute materials by the Bureau. In addition, a CCC would help develop and create public service announcements. Again, I believe it's very beneficial to involve the local communities whenever possible.

For instance, a CCC on a reservation could use its influence in native languages to produce public service announcements that would encourage tribal members to participate in the census.

This leads to my fourth point, which is my support not only for public service announcements, Mr. Chairman, but for paid advertising. I know paid advertising includes time.

I see that four-letter word raise its head with the red light here, but I would simply point out, in addition to asking unanimous consent to include my entire statement in the record, that the only way I believe the Census Bureau can reduce the undercount in Indian country is by conducting a local review of the official census before the Bureau submits the final count to our President.

You talked about it in your opening statement. I find that encouraging. I look forward to hearing from all of our witnesses this afternoon, and thank the subcommittee members on both sides of the aisle for joining us here in Arizona.

[The prepared statement of Hon. J.D. Hayworth follows:]

**Statement by the Honorable J.D. Hayworth
January 29, 1999
Subcommittee on the Census**

Chairman Miller, Ranking Member Maloney, tribal leaders and representatives, and distinguished guests, thank you for the opportunity to participate in what I believe is a very important subject: the severe undercount of Native Americans in the census.

As you may know, Mr. Chairman, I represent eight tribes and nearly one in four of my constituents is Native American. Arizona is second only to Oklahoma in native population. The Navajo Nation, which I represent, is geographically the largest reservation in the United States encompassing some 17.5 million acres and cutting across four state boundaries. According to the 1990 census, it is also home to more than 225,000 residents, which is equivalent to 11.6 percent of the Native American population nationwide. The Navajo Nation is second only to the Cherokee tribe in terms of membership. The other tribes that I represent here today — including the Gila River Indian Community and the Salt River Pima-Maricopa Indian Community — are not as large as the Navajo Nation, but they have significant populations and it is equally important that they are not undercounted when we conduct the 2000 Census.

Mr Chairman, I am disheartened by the fact that Native Americans are the most severely undercounted segment of society. According to the Committee on Adjustment of Postcensal Estimates (CAPE) Report, the total undercount in Indian country was approximately 12.22 percent in 1990. Think about it! Approximately one in ten Native Americans — our first Americans — were missed. We must honor our sacred treaty and tribal obligations to our First Americans by counting every single one.

The undercount has resulted in the loss of millions of dollars to Indian country. In my district, tribes depend on funding for a variety of federal programs. The amount of funds they receive is primarily determined by the decennial census count. That means that the tribes are receiving less funding for Tribal Priority Allocations (TPA), the Indian Reservation Roads (IRR) program, and Indian education programs.

With the Supreme Court's ruling this past Monday that sampling is illegal, I believe it is imperative that the Census Bureau begin taking active steps to reduce the undercount in Indian country. I think there are several ways the Bureau can achieve this. First, I believe the Census Bureau must utilize the Local Update of Census Addresses (LUCA) program, which was created by the Census Improvement Act of 1994 (PL 103-430). The main purpose of the program is to maintain a quality Master Address File (MAF) by creating partnerships with local and tribal governments to improve address lists for the 2000 Census. Local and tribal governments will designate liaisons to review the MAF for their jurisdiction. I believe it is important that the Census Bureau nurture relationships with Native American liaisons, who are more likely to be accepted and trusted by tribal members than local Census employees. I believe this program is a worthwhile investment in helping to reduce the undercount in Indian country.

Second, I believe the Census Bureau should aggressively pursue the Be Counted National Campaign, which will provide a means for people to be included in the 2000 Census who may not have received a questionnaire or believe they were not included on one. The Be Counted Campaign is going to place particular emphasis on developing ways to include population groups that have been historically undercounted, such as Native Americans. Post offices, libraries, gas stations, or grocery stores are some of the intended locations of the Be Counted Campaign. In many Native American communities, these locations are local gathering places. These outposts could serve as an effective base to ensure that individuals are receiving information on the Census and would help guarantee that we are counting as many Native Americans as possible.

Third, I would support efforts by the Census Bureau to establish Complete Count Committees (CCC). A CCC would be composed of influential government officials, community, business, and religious leaders. A CCC would distribute materials by the Bureau. In addition, a CCC would help develop and create Public Service Announcements (PSA). Again, I believe it is very beneficial to involve the local communities whenever possible. For instance, a CCC on an Indian reservation could use its influence and native language to produce PSAs that would encourage tribal members to participate in the census.

This leads to my fourth point, which is my support for not only PSAs but paid advertising. Again, native languages are sometimes more commonly spoken than English on some reservations. By using paid advertising, the Bureau could reach a segment of society that might not be otherwise aware of the decennial census. Reaching those who only speak their native tongue is an effective way to ensure that everyone is aware of the census and I believe it will be an effective way to reduce the undercount.

The final way I believe the Census Bureau can reduce the undercount in Indian country is by conducting a local review of the official census before the Bureau submits the final count to the President. A similar review was conducted in the fall of 1990 in areas across the nation. In 1990, this review found that approximately 67 percent of participants challenged the Census Bureau's analysis. Unfortunately, the Census Bureau has decided against using this effective tool to review its original figures. Our children are taught to double-check their math when they finish a problem in school. Shouldn't we encourage the Census Bureau to double-check its math too? I think the answer is obvious.

Mr. Chairman, these are several ways I believe the census can be improved in Indian country, and I believe if we encourage local communities to participate in the process we can help ensure a more accurate count. I believe this hearing is an important first step toward achieving this goal. I look forward to hearing from the tribal leaders and representatives who are present today. I hope they will be able to help us shed light on other ways to help solve the undercount in Indian country.

Mr. Chairman, thanks again for the opportunity to participate in this hearing testify before your subcommittee. I would be remiss if I didn't personally thank you and your staff for accepting my invitation to hold this hearing far away from your home and Washington. I also want to thank all of the tribal leaders and representatives for coming to Phoenix to testify today.

Mr. MILLER. Thank you, Congressman Hayworth.

Unfortunately, he's on the very popular Ways and Means Committee, and one of the recommendations I made and Congresswoman Maloney has talked about also, is to create waivers for people that would work for the Census Bureau so that people in the local community could do that.

And some of that legislation may be blown to your subcommittee, Mr. Hayworth, so do we have your support in that?

Mr. HAYWORTH. If the chairman would yield, I think I heard the magic letters TANF, which deal with the Ways and Means jurisdiction, so given that particular collection from the alphabet, I think we will be crossing jurisdictions; look forward to working with members of the subcommittee.

Mr. MILLER. Thank you.

I'd like to now welcome Congressman Shadegg. Congressman Shadegg served on our committee for the past 4 years, and we're sorry to see you move.

Thank you, very much, and thank you for joining us here today. Congressman Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman.

I did serve on this subcommittee and enjoyed my service on the committee. I will miss not being able to serve with you as you go forward.

I want to welcome the ranking member to Arizona. I hope we're providing adequate nice weather for you and the chairman, and thank my colleague Mr. Hayworth for bringing this hearing to Arizona.

In the interest of time, I am not going to make, at this time, Mr. Chairman, a formal opening statement but would like to put some things on the record. I would like to make a few brief remarks.

I commend the chairman for his efforts in this entire area. I commend Mr. Hayworth for bringing the hearing here to Arizona.

As a native Arizonan, I am deeply concerned about Arizona's representation and about Arizona getting, as it were, a fair share. I'm also very familiar with Native American reservations and with their unique problems.

As it happens, while a member of the Arizona attorney general's office, I sued the U.S. Government for breach of this treaty to the Navajo people and it's obligation to educate Navajo people in a lawsuit in which the Federal Government was suing; we sued the Federal Government for failing to live up to the 1880 treaty.

In that litigation, we tried to point out that had the Federal Government lived up to some of those treaty obligations, perhaps the State wouldn't be under so many obligations.

But in that capacity, I've had a chance to get to know many of Arizona's Native American peoples, and the unique problems on the reservations. It is indeed a unique problem, and it is vitally important that we ensure an accurate count.

And my goal here today, and I hope it's the goal of every single person in the hearing, is to ensure that we do every single thing possible to ensure that we have a complete and full account of every single American, but particularly every single Native American.

It is an outrage, no less than that, that there were so many Native Americans undercounted in the last census. And I notice, Mr. Chairman, in my conversations with you during my service on the committee and my conversations with you in the past that that's your goal as well.

I would point out that one of the things that I find anomalous in this entire debate over sampling is worthy of mentioning here today. We know the topic here today isn't sampling, and indeed we're going to get to what really matters in terms of getting a good count first.

But in the debate that pervades this, nonetheless, of sampling, I think it's worth pointing out that in their plan, the Census Bureau has consistently said they will not sample on Native American reservations.

Indeed, to double check that this week, I had a staff member contact the Census Congressional Affairs Office, and they were told, "There will be no sampling on Indian reservations. We'll attempt to count 100 percent of the population and then followup with an ICM." And ICM is the integrated coverage measurement.

I have always found it anomalous and, indeed, problematic and difficult for me to understand, since I represent a State which has many Native Americans and as we know, Native Americans were the most undercounted in the population in the last census, that the mechanism designed to fix the undercount, specifically sampling, is not to be used on reservations.

If it's a good measure to fix the undercount, why isn't it being used on Native American reservations? I think that's a fair question.

Nonetheless, in light of the Supreme Court ruling, I think our job here today—I will conclude with this—is to do everything we can to identify and to learn how we can maximize the count and get an accurate 100 percent count of those Americans living on Indian reservations and of all Native American people.

And I thank you, Mr. Chairman, for allowing me to speak today.

Mrs. MALONEY. One clarification, if I could. It is true that they were not using sampling for non-response follow-up, but the Supreme Court decision knocked out non-response follow-up. The Republicans won on that issue.

But the ICM is used. The ICM, we're now calling it the post enumeration survey. That is sampling. That goes in after the count to correct it, and we have Census Bureau officials here that could speak further on it.

But for the record, sampling is used on Indian reservations. It is the Census Bureau's plan to use sampling for the post enumeration survey or the ICM. There will be no sampling for non-response follow-up for anyone: Latino, urban, rural, Indian reservations. There will be none of that for anyone now because of the Supreme Court's decision.

But for the adjustment after the count, the ICM is used, so sampling is projected to be used on Indian reservations.

Mr. MILLER. But since the—

Mrs. MALONEY. And the Census Bureau is here. They can speak for themselves.

Mr. SHADEGG. That's exactly what I said, that they will have followup with ICM.

Mr. MILLER. The ICM is unconstitutional. I mean, we won't use ICM. That is sampling. So that will not be used. My interpretation and the interpretation of the attorneys I've talked to is that sampling will not be used, not only for the apportionment, but also for redistricting.

For money, it's very clear. Sampling can be used, and it very likely will be used. So money is a different issue. But when you get to apportionment/redistricting, the consensus turns to one issue. I think the interpretation by many attorneys would be that it will not be used, but it—

Mrs. MALONEY. Another point of information. If you look up apportionment and redistricting in the dictionary, there are two different definitions for it. They are two different things.

The Supreme Court dealt with apportionment, only not redistricting, so the interpretation of the Census Bureau, of the President of the United States, of many like-minded Republicans and Democrats is that it can be used for redistricting. It will. It is supported by the President.

Mr. MILLER. This will be settled by judges. We've already had six Federal judges plus five Supreme Court Justices say it's illegal, so—

Mr. HAYWORTH. Mr. Chairman—

Mr. MILLER. Let's move—we need to move on, if you don't mind. We have all this fun in Washington, but we really are here to listen and learn. If you use sampling, you need to have the best initial count we can. And we recognize that, especially with the American Indians, that was the largest area of the undercount, and we're here to listen and learn about ideas and suggestions.

So what I'd like to do now is call forward the first panel. If you will, come forward and have a seat at the table.

We have the Honorable Dr. Taylor McKenzie, who is the vice-president of the Navajo Nation; the Honorable Ivan Makil, president of the Salt River Pima-Maricopa Indian Community; the Honorable Wayne Taylor, Jr., chairman of the Hopi Tribe; Mr. Rodney B. Lewis, general counsel for the Gila River Indian Community; if they'd come forward.

I'd also ask Governor Mary Thomas if she'd come forward. She will respond to questions, and we appreciate her being here.

We want to say thank you, very much, for your hospitality, Governor Thomas, today, and knowing that you just flew in from Washington in the middle of the wee hours of this morning and are joining us today, we are very much appreciative of your being here.

Actually, as we do with hearings, if you all will stand, those of you testifying, and take the oath here. And if you all would, stand and raise your right hand.

[Witnesses sworn.]

Mr. MILLER. The record will identify they all said I do.

Thank you. Please, be seated.

And at this time, we'll begin with Dr. McKenzie, if you'd like to begin.

The goal is we're going to be finished by 5 o'clock, and so we use the 5-minute rule—try to live with the 5-minute rule. We weren't too good up here, all three of us.

Please, try to use the 5-minute rule because we want to have some time for some questions, and we have two more panels today.

Dr. McKenzie.

**STATEMENT OF DR. TAYLOR McKENZIE, VICE-PRESIDENT OF
THE NAVAJO NATION, ARIZONA**

Mr. McKENZIE. Thank you, Honorable Dan Miller, Honorable Carolyn Maloney, Honorable J.D. Hayworth—it's good to see you—Honorable John Shadegg.

I'm pleased to be here today. And the president of the Navajo Nation who was scheduled to be on this panel was unable to be here today, and he did assign me to the task of being here for this.

The president and I support the U.S. Census Bureau, and the Navajo Nation coming together in partnership and consultation to ensure the most accurate count possible. To achieve this, it will require the cooperation of both the Navajo Nation and the Federal Government.

However, to ensure an accurate count, which is useful to all interested parties, the census match must recognize not only the BIA agency boundaries, the chapter boundaries, as well as State and county lines; the chapter being considered as the smallest unit of local government, which then can be combined to form agency government, which then can be combined to fit into the State and county lines. It is possible to do an accurate count combining all of these designations.

The persons recruited for collecting the census must be prepared for the difficulties involved. This means that the individuals must speak both fluent Navajo and English, and that they cannot rely on street address or post office boxes. They must encounter rugged, rural terrain to get to the households.

Those who work on the census must do the field work to get the information. In view of that, adequate funding must be made available to recruit adequate numbers of enumerators. It is apparent that there are not enough people to do the job.

The publicity of the census must be in English and Navajo, and must be oral as well as provided in written form. This publicity must clarify some possible misunderstandings, including possible confusion between the census number, which is assigned to each individual member of the Navajo Nation, and also those that are being counted in this count.

The Navajo Nation is committed to assist the Federal Government in conducting the year 2000 census because it is important to have an accurate figure so that we can meet the serious needs of the Navajo people at the local level. It is important that we have an accurate count so that we may have a more justifiable access to resources that are so needed.

However, this will also require a commitment of the Federal Government to address the unique situations based on the Navajo Nation.

The Navajo Nation is prepared to cooperate and to be a partner in this endeavor to achieve an accurate count. It has provided a li-

aision person already in the President's office. It will assist in the recruitment of persons who are qualified to do the census, and these qualifications will be reviewed by the people at the local chapter level.

The Navajo Nation is prepared to assist in the publicity of whatever sort may be required. The Navajo Nation is prepared to review the maps and advertising of the census as well. We have maps that have been prepared that can be utilized by the Navajo government, as well as by the census takers.

There is an agreement with the Census Bureau that has been prepared, and because of the schedule of the Navajo Nation government it has not been acted upon but will be presented Monday. It will be approved, and if the Navajo Nation president is absent that day, I will be glad to sign it for him.

On the other hand, what the Navajo Nation cannot do is the chapter officers who have often been recruited to conduct the field work, it will not be possible for them to do this because, as we understand the program of enumeration, it is a full-time job, particularly on the Navajo Nation where the people are scattered and both the Navajo language and the English language must be used. So it is a full-time job, and the chapter officials cannot do it part-time.

It cannot do the census for the Federal Government. Consequently, there must be adequate funding for Navajo people who can do the job to be hired, and the job must be done appropriately.

Conducting the count in the smallest unit of local government will come closest to counting each individual Navajo on the Navajo Reservation. The chapter unit must be considered as a base unit in which the counting needs to be done, and from there they can be combined, clustered, and conformed to agency.

There are five agencies within the Navajo Nation. And these can be coordinated and collaborated with the State and county lines without any difficulty. It is extremely possible to do an accurate count if we put our minds to it.

Thank you, very much.

[The prepared statement of Mr. McKenzie follows:]



Testimony
of
The Navajo Nation

Presented to
the U.S. House of Representatives
Committee on Government Reform

Field Hearing
on
Decennial Census

Phoenix, Arizona

January 29, 1999

**TESTIMONY OF
DR. TAYLOR MCKENZIE
VICE-PRESIDENT OF THE NAVAJO NATION**

Good Morning. I am Dr. Taylor McKenzie, Vice-President of the Navajo Nation, and I thank you for this opportunity to present the views of the Navajo Nation regarding the upcoming census. It is worthwhile noting, up front, that the Navajo Nation supports the use of statistical sampling as a means of conducting the census, since it is likely to make the census count more statistically accurate in Indian Country. However, the Navajo Nation recognizes that there is significant opposition to this method, and we understand that the decision this past Monday rendered by the United States Supreme Court forbids the use of a sampling methodology under current federal law. Since sampling cannot be used to conduct the census, the Navajo Nation believes that there are several issues which the Congress and the Census Bureau must consider in conducting the enumeration within the Navajo Nation.

1. Mapping used by the Census Bureau must be accurate and reflect the political units of the Bureau of Indian Affairs and the Navajo Nation.

As some of you may be aware, the Navajo Nation is divided into several components, known as agencies. This was the administrative unit used by the Bureau of Indian Affairs in carrying out its functions. However, in recent years the agency has become important to the

Navajo Nation for its governmental activities, particularly in planning and service delivery. Since accurate population counts impact both planning and service delivery, it would be very helpful if the data generated in the census could be used to determine agency population. However, since these agencies cut across county and state lines, the development of areas reflecting the agencies is made somewhat more complex.

At the same time, the Navajo Nation is composed of 110 Chapters, which are our local units of government. Although it would be misleading to consider the chapter as a county, they are more significant than a township or municipality, and are most comparable to counties within a state. While historically the Census Bureau has been willing to consider chapter boundaries in the Navajo Nation when conducting the Census, during the 1990 Census, a new computerized method was adopted which would only consider chapter boundaries if they followed physical features. Yet the Census Bureau had no difficulties in creating census aggregation lines along county and municipal boundaries which do not follow physical features.

The Navajo Nation understands that there are conventions, like state and county boundaries which

must be considered in conducting the census. Consequently we propose that the Navajo Nation be mapped as a whole, then lines be added to reflect state and county areas. On top of this should be added the agency boundaries. The areas which are created by the boundaries of each agency within a county should be designated "County Census Divisions" or CCD's. These CCD's which make up each agency can then be totaled later for planning purposes for both the Bureau of Indian Affairs and the Navajo Nation. Finally, with respect to the chapters of the Navajo Nation, the Census Bureau should designate these as "Minor Civil Divisions" or MCD's. This approach would recognize and respect the Navajo Nation's political subdivisions, just as the subdivisions of state and county government are currently reflected in the census.

The need for accurate mapping is also required by the nature of the land status within the Navajo Nation. Although most of the Navajo Nation is composed of trust land, there are portions of the Navajo Nation, particularly in New Mexico, where land has passed into private ownership. This area, known as the checkerboard, must be reflected in the census mapping if the census for the Navajo Nation is to be accurate.

2. Recruitment of Qualified Personnel.

One of the most difficult challenges faced by the Census Bureau is hiring sufficient personnel who are in a position to conduct the census. In the Navajo Nation, these individuals must speak both English and Navajo. When recruiting, both the Census Bureau and the prospective census takers must understand that during the two months when the census is conducted, this becomes a full time occupation. Historically, the Navajo Nation has had Chapter employees assist in conducting the census. However, there is a misunderstanding about how much work goes into census taking; anyone conducting census activities in the Navajo Nation must understand that this is a full-time occupation for that time. If a chapter employee works on a census, he or she must take a leave of absence and be a full-time Census Bureau employee during the census taking.

Indeed, census taking is a difficult task. Usual methods, such as mail surveys will not work. It must be understood that not everyone in the Navajo Nation has a mailing address. Frequently several family units, which are counted separately for census purposes, share the same post office box. Moreover, many persons and families receive their mail at

"general delivery" addresses through local trading posts. Whoever conducts the census count must understand this, and actually do the field work necessary to visit the hogans, mobile homes and other housing in the chapters. Without this understanding, the census will result in a guaranteed undercount of the Navajo Nation.

3. Publicity.

If a census is to result in an accurate counting of our Navajo people, there must be extensive written and oral publicity surrounding the census, both in English and Navajo. Not only should this publicity explain the importance generally of the census, but it must also clarify some potential misconceptions. For example, when an individual becomes an enrolled member of the Navajo Nation, he or she is given a "census number," which is used only for enrollment and membership purposes. This number has nothing to do with the 10-year census. However, some confusion may result from the use of this term; many individual Navajos who are enrolled and consequently have a census number, may believe that they have already been counted in the census conducted by the Census Bureau.

To avoid misunderstanding and undercounting in the upcoming census, adequate and extensive publicity is essential. This will also help in recruiting individuals who can work on the census and ultimately make their job easier in going into the field and actually conducting the counts.

Conducting the census is never an easy task. Although such methods as statistical sampling would be helpful, under current federal law, only an actual count may be made. If the Census is to be accurate, the key issues of accurate mapping which reflects more than just state and county boundaries, recruitment of an adequate workforce, and early and extensive publicity must be addressed. While the Navajo Nation government will assist the Census Bureau, more will be required. There must be an understanding of the unique situation and needs of the Navajo Nation. The land base of the Navajo Nation must be understood and the living conditions must be recognized. Without this understanding and appropriate actions to address these issues, an undercount of the Navajo people is likely.

The Navajo Nation appreciates this opportunity to present its views on this important topic. If there are questions or more information which the Committee needs, we will be happy to assist you.

RESOLUTION OF THE
INTERGOVERNMENTAL RELATIONS COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving Testimony To Be Submitted by the Navajo
Nation to the United States House of Representatives'
Government Reform Committee

WHEREAS:

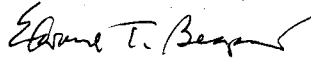
1. Pursuant to 2 N.N.C. §821, the Intergovernmental Relations Committee is established as a standing committee of the Navajo Nation Council; and
2. Pursuant to 2 N.N.C. §824 (B) (5), the Intergovernmental Relations Committee has the power to coordinate with all committees, chapters, and branches and entities concerned with all Navajo appearances and testimony before Congressional committees; and
3. On January 13, 1999, Navajo Nation President Kelsey A. Begaye received an invitation by the U.S. House of Representatives' Committee on Government Reform to testify at a field hearing on January 29, 1999, in Phoenix, Arizona regarding the Decennial Census, attached as Exhibit "A"; and
4. The purpose of the hearing is to examine how the Census Bureau can improve its coverage in the 2000 Census. The Government Reform Committee is interested in receiving the Navajo Nation's ideas and suggestions on how to improve the participation and accuracy of the census count; and
5. The Navajo Department of Justice has prepared testimony, attached as Exhibit "B", and respectfully requests approval from the Intergovernmental Relations Committee of the Navajo Nation Council to submit it to the House Government Reform Committee during said hearing. Copies of the Navajo Nation's testimony are required to be submitted no later than January 27, 1999, per invitation received.

NOW THEREFORE BE IT RESOLVED THAT:

The Intergovernmental Relations Committee of the Navajo Nation Council approves the testimony set forth in Exhibit "B" to be submitted by the Navajo Nation President to the United States House of Representatives' Government Reform Committee on January 29, 1999.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Intergovernmental Relations Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 11 in favor, 0 opposed and 0 abstained, this 27th day of January, 1999.



Edward T. Begay, Chairperson
Intergovernmental Relations Committee

Motion: Harrison Plummer
Second: George Tolth

Mr. MILLER. Thank you very much.
 We will continue with the panel with Mr. Makil. Is that close?
 Mr. MAKIL. [No audible response.]
 Mr. MILLER. Go ahead, Mr. Makil.

**STATEMENT OF IVAN MAKIL, PRESIDENT OF THE SALT RIVER
 PIMA-MARICOPA INDIAN COMMUNITY**

Mr. MAKIL. Chairman Miller, Representatives, I appreciate this time today and especially welcome back to the district Congressman Hayworth; always enjoy time to discuss issues with you and Mr. Shadegg as well. I always appreciate the opportunity to visit with you while we're in DC. And here.

I'll make my comments very brief because I know that most of this information you are familiar with. There's been, and there will be today, many that will restate some of the facts that I think we all know.

The facts that American Indians have been undercounted, and until a process is developed that will provide an accurate count, we will continue to be undercounted, and what our major concern here today is, as has always been with tribes, is to make sure that as our governments grow and develop that we continue to provide opportunities to create productive citizens.

And part of our ability to develop productive citizens lies within those opportunities that come about as a result of the census count. That's our primary concern, because without an accurate counting, then it is difficult to assess a number of other associated issues that come into play when you're dealing with numbers of people.

While we can generalize and we can look at tribal records and the roles of tribal membership, that is only part of the story. That is only part of what the total population will be within an Indian community because of intermarriages, etc. So there are a number of problems there.

But again, our focus still ought to be on how do we get accurate counts to be able to provide services and to continue to education our people so that our people will grow up better trusting the Federal Government system because that is a big part of the consideration here.

When that trust is in question, then it makes it difficult for people to want to participate, and so, it requires, as was mentioned, local people from within the Indian nations themselves to be a part not only of the counting process but in the planning process, in the development of these programs.

While we know that there have been programs developed by the Census Bureau that—at least in our experience—that involvement or participation has been minimal, and there are a number of other considerations that I'm sure would come out of more involvement by tribes in these plans.

These true assessments—and let me go on and just say, with some recommendations: Obviously, adequate training with tribal liaisons and census takers; hiring tribal community members; the exemption—income exemption for temporary census takers is also an issue, which I know has been mentioned; the use of our enrollment lists; and using high-volume tribal programs. In every Indian community, there are the clinics, the hospitals, the health and

human service programs where you have high volumes of traffic. And you can have centers for information with questionnaires.

Those are the kinds of things that could be done. It takes just a little bit of creativity; setting up booths at tribal social events: fairs, rodeos, culture events, as well as tribal governments getting behind this effort; and as was mentioned, passing resolutions or Executive orders and actually committing to become more involved.

Also we think that in the planning of these sessions, we could have brainstorming sessions with tribal leadership and representatives of tribes that might add some ideas to possible marketing campaigns that would help to get the information out to the general public in the area.

Many of the reservations, not just in Arizona but throughout the country, have access to television and radio, so that they have the opportunity to have information communicated in their languages, as well as in our schools, getting into our schools and having outreach programs there.

I see that the time has expired, and just in closing, I would like to make sure that my written testimony can be submitted for the record.

And if that can, then I will just conclude by saying that while we know there have been long debates about the merits of sampling, the fact remains that many of our people still are undercounted.

And what's important here, as I stated in my opening comment, is that it is critical, critical not only to Indian communities but how our citizens become a part of the State and the Federal contribution in producing productive citizens.

Until there is a program that is developed that can produce an accurate count, I think that we have to use whatever means is available to us to try to get that accurate count.

I believe the tribes have a keen interest in making sure that those counts are accurate, whether it be by sampling or any other form, simply because the production and the development of productive citizens contributes not only to Indian communities and to our economies and creates self-sufficiency but that contribution goes to the county, State, surrounding governments, and the Federal Government as well.

And with that, I thank you for the time and for your interest in this issue.

[The prepared statement of Mr. Makil follows:]



Salt River
PIMA-MARICOPA INDIAN COMMUNITY
10005 E. OSBORN RD. / SCOTTSDALE, ARIZONA 85256-9722 / PHONE (602) 850-8000

TESTIMONY

BEFORE THE

SUBCOMMITTEE ON THE CENSUS

PRESIDENT IVAN MAKIL

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

PHOENIX, ARIZONA

JANUARY 29, 1999

Mr. Chairman and members of the committee, I appreciate the opportunity to testify on this very critical matter. My name is Ivan Makil, President of the Salt River Pima-Maricopa Indian Community. The purpose of this hearing is to discuss local efforts to improve the participation and accuracy of the census count. As you know, children and ethnic minority groups were severely undercounted in the 1990. I would like to share some very general recommendations for improving this major oversight which not only impacts the delivery of services, but the opportunity to participate in an electoral process that makes decisions about the distribution of \$180 billion dollars annually to states, counties, cities and tribal governments based on population.

The Salt River Pima-Maricopa Indian Community is a self-governance tribe and is surrounded by the municipalities of Tempe, Mesa, Scottsdale, and Fountain Hills. Our reservation is comprised of 53,000 acres with a population of 6,252 enrolled members. In some cases being located near the Phoenix Capitol has some advantages. For instance we can access state programs and state leaders. However negative influences such a gangs violence tends to infiltrate into our family and Community structure.

In 1990, the Census undercounted American Indian and Alaskan Natives by 12.2 percent which accounts for 1,878,285 people. The vast majority were children. It is critical that we make every effort to count children in 2000 in order that we are able to sustain their future roles as leaders in our communities.

As a result of treaties and statutes, tribal governments have a unique trust status with the federal government. Federal funds are necessary in order to provide critical government services to tribal members. These include education, law enforcement, Health, etc. These funds help to develop infrastructure like sewer, water and power lines, which are necessary tools in creating opportunities for economic development which leads to tribal governmental and individual economic self-sufficiency.

In Arizona alone, 89,000 people were left out of the Census including 9.6% of the American Indian population. In Arizona we have 21 tribal governments with a total reservation land base of 27,723,756 and an approximate total enrollment population of over 371,867 tribal members (each tribal government has their own enrollment records which are more accurate.)

In the Census 2000 Operation Plan, Section X. entitled American Indian and Alaskan Native Areas and Hawaiian Homelands, highlights the major features of the plan to be implemented in Indian Country. The features include Address List Development, Geographic Programs, Marketing approaches to motivate people to be counted, Field operations to assist with outreach efforts, Data collection methodologies, and Data dissemination. While 25 pages are devoted to this section, there is a tremendous need to incorporate specific activities and functions relative to Indian reservations and the enumeration of tribal members.

I firmly believe the creation of partnerships with tribal governments will be the critical element in obtaining an accurate count in Indian Country. It is through tribal leadership and recruitment of tribal members that "comfort and trust" levels will be evident in motivating participation in the Census 2000 Plan, especially returning forms.

While we can spend time discussing the problems of the 1990 Census, I would like to make the following recommendations for the Census 2000.

1. **Adequate Training for Tribal Liaisons and Census Takers**

The Census Operational Plan must be part of the initial orientation for tribal liaisons. The first meeting for all tribal liaisons is February 4, 1999 in the Fort McDowell Indian Community. The focus of the first two sessions have been on mapping and surveys, which is consist with the Census timeframe. Tribal members must be hired as enumerators when developing maps. The broader picture and importance for counting tribal members on Indian reservations must be an essential part of the initial orientation. This will motivate tribal members to become active participants.

2. **Hire Tribal Community Members as Census Takers**

Within the Salt River-Pima Maricopa Indian Community, we are comprised of very close knit families. It is critical that Community members be hired in order to create trust and comfort in the households

that will be approached as the count begins. As Community members they are able to identify the families and the lead person for each family.

3. **Income Exemption for Tribal Members as Temporary Census Takers**

An exemption is necessary for tribal members who receive aid such as food stamps, Aid to Families with Dependent Children, Welfare to Work, Job Training etc.. In this way we help to promote economic self-sufficiency for those individuals who need help to improve their personal circumstances while at the same time playing a crucial role in the enumeration of American Indian and Alaskan Native.

4. **Use the Tribal Enrollment List as a Foundation but Do Not Depend on the List as the Major List.**

The enrollment list at Salt River contains the names of Community members who reside on and off the reservation. There are also non-enrolled Community members who are not on the list. Tribal Enrollment staff are excellent resource people.

5. **Use High Volume Tribal Programs such as Health & Human Services, Social Services, Senior Citizen Centers, Schools etc. as Walk-In Questionnaire Assistance Centers**

In Salt River, we have identified these high volume areas for distribution of critical information impacting our Community. We send anywhere from 800 Community notices with our school children. The school administration supports this venue for information distribution.

Conduct orientations for Department heads to obtain their support.

Station and rotate the Census worker at a high volume program location to ensure assistance with filling out forms and returning forms.

6. **Set Up Census 2000 Booths at Tribal Social Events such as Fairs, Rodeos, Cultural Programs**

In Arizona, anywhere from 4,000 to 20,000 tribal members converge on small reservation towns to enjoy Indian social events. This must be publicized ahead of time to motivate people to stop by the booth.

7. **Tribal Governments Pass Tribal Resolutions and Executive Order s to Publicize the Census 2000 Efforts.**

For many tribal members, the direction of their leaders helps to motivate them to cooperate with the process.

8. **Coordinate a Community Brainstorming Sessions**

On most Indian reservations, whether large or small there are communities, districts or village meetings. Encourage the brainstorming of ideas and identification of households in each community, including assistance with developing the Master Address File (MAF) and recruiting for Complete Count Committees. Understand and respect the proper local protocol process.

9. **Use Local Spokespersons in Local Marketing Ad Campaigns**

While we recognize that funds are limited and a Consultant has been

hired to prepare culturally significant American Indian ads and materials, we strongly believe if tribal Community members recognize their own people, family and leaders in the ads, they will feel a part of the process.

10. **Distinguish between Allotted Lands and Tribal Lands**

For individual allottee land owners, they sometimes lease land to non-tribal members who establish commercial or residential enterprises. For example, on Salt River we have two trailer parks located on allotted lands, located within the boundary of the tribal reservation. Non-tribal members reside in these parks and also must be counted.

11. **Include Schools on Indian Reservations in the Educational Outreach Component of the Census Plan**

On most remote Indian reservations, the schools are the focal point for all activities. While people attend community meetings, you will find more diversity in age, gender and population when there is a school function.

Conclusion

In conclusion, I would like to emphasize the importance of focusing on the major goal which is to work diligently to count as many tribal members as possible. Of all the groups that were undercounted, the American Indian and Alaskan Native populations are the most deprived and in need of federal dollars. While there has been long debates on the merits of "sampling," the fact remains, that children and minorities were undercounted in the 1990 Census. The National Academy of Sciences did recommend the use of sampling and statistical methods to make the census more accurate and cost-effective. While we agree that sampling will be beneficial for minority groups and some tribes, within our Community, which is located, near a major metropolitan area, we have non-tribal members who are married into the Community or for other reasons, reside within the boundaries of our reservation. Without a head count and working with Community members who know the families and households in order to distinguish between tribal and non-tribal members, accuracy in counting just tribal members remains the issue. Thank you for allowing me the opportunity to testify on this very serious matter.

Mr. MILLER. Thank you very much, and your statement will be included in the record.
Chairman Taylor.

**STATEMENT OF WAYNE TAYLOR, CHAIRMAN OF THE HOPI
TRIBE**

Mr. TAYLOR. Good afternoon, Honorable Dan Miller, Honorable Carolyn Maloney, Honorable J.D. Hayworth, Honorable John Shadegg, and respected tribal leaders.

My name is Wayne Taylor, chairman of the Hopi Tribe. I welcome this opportunity to submit testimony to the House of Representatives Committee on Government Reform.

Our issue is to ensure accurate population count in the conduct of the census 2000 on American Indian reservations and on the Hopi Indian reservations in particular.

The U.S. Bureau of Census reports that, on average, there was an undercount of American Indian people living on Indian reservations in the 1990 census by 12.2 percent, as previously stated.

The Hopi tribal government believes that for the Hopi reservation, the undercount may be higher, in fact, much higher than 12.2 percent. This belief is based on our membership records as well as familiarity with local circumstances.

Using the 12.2 average undercount as an estimator for the Hopi Reservation, this would result in a net undercounting of 861 of the reported reservation population of 7,059 Indian persons. That includes Hopi, Navajo, and other tribal members.

Thus, the corrected 1990 American Indian population for the Hopi reservation should be 7,920. Even at this level, we believe the number is too low. The Tribe's own official estimate of the 1990 reservation population was 9,395 Hopi.

This estimate was developed by a professional economist retained as a consultant to the Hopi Tribe. His research resulted in a cohort-survival population growth model that takes as its starting point a 1986 population base established from tribal enrollment figures.

The model incorporates Hopi birth and death rates obtained from the Keams Canyon Indian Health Service Hospital and in-and-out migration flows.

The census 1990 Hopi undercount was strongly objected to at that time by our chairman then, Vernon Masayesva, in a letter to the Census Bureau Regional Director, William Adams. This letter also asserted the official Hopi reservation population estimates given above.

While trying to come as close together as possible in the estimates of the Hopi Reservation 1990 population, there still remains a discrepancy of nearly 1,500 persons between the Census Bureau's corrected count, 7,920 and the Tribe's official 1990 on-reservation Hopi population estimate of 9,395 people.

The most important result of this undercount for the Hopi Tribe is a shortfall in the amount of Federal funding available for delivery of governmental services to the Hopi people. Many Federal agencies base their revenue sharing funding formulas on the official census population count.

For Hopi, this would most likely be the uncorrected count of 7,059 number. We believe, therefore, we have been shortchanged in our share of Federal grant and transfer dollars by at least 20.9 percent annually for the last 8 years.

When the undercount is translated into dollars, we estimate that several million dollars have been lost over the past 8 years. This loss is made worse for us because we are a nongaming tribe. When we lose benefits of Federal funding, the social impact of that loss is doubly grievous to our villages and communities. It cannot be easily replaced from other sources such as gaming revenue.

We believe our situation, while perhaps extreme, is not unique among American Indian tribes, and we believe that it must not be repeated in the census 2000, neither on Hopi nor on any other American Indian Reservation. The importance of accurate census figures cannot be overstated.

Some solutions: Essentially, Congress should open the possibilities for closer collaboration between the tribes and the Census Bureau so that the work of the Bureau can be facilitated but not at the expense of tribes, many, if not most of whom, cannot afford the extra financial burden of doing U.S. Government's business.

I have some recommendations for you, which I hope can be submitted into the record in the interest of the time restraints we have here.

The most controversial issue before you is that of applying statistical sampling in the decennial census. I know that the Supreme Court this week ruled that complete enumeration is required by law for apportionment of congressional Representatives among the 50 States. So be it.

I also know that as a result of the court ruling, more accurate, statistical sampling methodologies can be, in fact, must be applied to congressional redistricting and allocation of Federal funds where the Secretary deems these methods feasible.

Let it be known that the Hopi Tribe, for reasons of achieving more accurate population estimates at a reasonable costs, which would, without question, result in more equitable distribution of Federal funds to the Hopi Tribe, unqualifiedly supports the use of statistical sampling by the Census Bureau to derive estimates of our population.

Last, I understand you were visiting the Gila River Reservation today, and I applaud you for that. I want to welcome you and invite you also to the Hopi Indian Reservation, my homeland, and experience firsthand, as did the Census Bureau Central Office managers, what it takes to collect census data in Indian country.

I am certain that the Denver Regional Staff could repeat, for your benefit, and enlighten the data collection scenarios they derived earlier through these visits.

Thank you, very much.

[The prepared statement of Mr. Taylor follows:]

THE HOPI TRIBE

**Wayne Taylor, Jr.
Chairman of the Hopi Tribe
Testimony**



**to
The Congress of the United States
House of Representatives
Committee on Government Reform and Oversight**

**January 29, 1999
Phoenix, Arizona**

INTRODUCTION

Honorable Dan Miller (Presiding Chair), Honorable Carolyn Maloney, Honorable J. D. Hayworth, Honorable John Shadegg, and respected tribal leaders, I welcome this opportunity to submit testimony on behalf of the Hopi Tribe of Arizona to the House of Representatives' Committee on Government Reform and Oversight.

THE ISSUE

Our issue is to ensure accurate population counts in the conduct of Census 2000 on American Indian Reservations and on the Hopi Indian Reservation in particular.

TRIBAL NEEDS RELATED CENSUS 2000

The United States Bureau of Census reports that, on average, there was an undercount of American Indian people living on Indian reservations in the 1990 Census by 12.2%. The Hopi tribal government believes that for the Hopi Reservation the undercount may be higher, in fact, much higher than 12.2%. This belief is based on our membership records as well as familiarity with local circumstances.

Using the 12.2% average undercount as an estimator for the Hopi Reservation, this would result in a net undercounting by 861 of the reported Reservation population of 7,059 American Indian persons (Hopi, Navajo and other tribes). Thus, the corrected 1990 American Indian population for the Hopi Reservation should be 7,920. Even at this level, we believe the number is too low.

The Tribe's own official estimate of the 1990 Reservation population was 9,395 Hopi. This estimate was developed by a professional economist retained as a consultant to the Hopi Tribe.¹ His research resulted in a cohort-survival population growth model that takes as its starting point a 1986 population base established from tribal enrollment figures. The model incorporates Hopi birth and death rates obtained from the Keams Canyon Indian Health Service (IHS) Hospital and in- and out-migration flows.

The Census 1990 Hopi undercount was strongly objected to at the time by then Chairman Vernon Masayesva in a letter to then Census Bureau Regional Director, William F. Adams. This letter also asserted the official Hopi Reservation population estimate given above (copy attached).

¹ Robinson, Robbie, 1990, The Hopi Demographic and Population Model with Preliminary Population Projections to the Year 2025.

While trying to come as close together as possible in the estimates of the Hopi Reservation 1990 population, there still remains a discrepancy of nearly 1,500 persons between the Census Bureau's corrected count, 7,920, and the Tribe's official 1990 on-reservation Hopi population estimate of 9,395 persons!

The most important result of this undercount for the Hopi Tribe is a shortfall in the amount of federal funding available for delivery of governmental services to the Hopi people. Many federal agencies base their revenue sharing funding formulas on the "official" Census population count. For Hopi this would most likely be the uncorrected 7,059 number.² We believe, therefore, we have been short changed in our share of federal grant and transfer dollars by at least 20.9% annually for the last eight years.

When the undercount is translated to dollars, we estimate that several million dollars have been lost over the past eight years. This loss is made worse for us because we are a non-gaming tribe; when we lose the benefit of federal funding, the social impact of that loss is doubly grievous to our villages and communities. It cannot be easily replaced from other sources such as gaming revenue.

The Hopi Tribe cannot afford this disproportionate loss of opportunity, reduced federal grants and transfers, that results from the methodological problems encountered by the Census Bureau in trying to achieve complete population counts on reservations. We must provide governmental services to a larger than counted population, but we are required to do so with less funding. No tribe should have to pay this price!

We believe our situation, while perhaps extreme, is not unique among American Indian tribes and we believe it must not be repeated in Census 2000, neither on Hopi nor on any other American Indian Reservation! The importance of accurate census figures cannot be overstated.

I want to commend the Bureau of Census, Denver Region, in their attempts to understand and overcome the challenges of census taking on Indian reservations, particularly large, remote reservations like Hopi. They have tested some of their revised methodologies in a dress rehearsal at Acoma; unfortunately my unofficial information is that there are still significant difficulties to surmount before April 2000. Second, this past fall they toured and role played data collection scenarios on the Navajo and Hopi Reservations with members of their central office management staff from Washington, D.C. These people went home with completely new and more realistic understandings of the challenges.

² In some cases, the number used may have been 7,360 which represents everyone, regardless of race, who was living on the Hopi Reservation in 1990.

SOME SOLUTIONS

Essentially Congress should open the possibilities for closer collaboration between the tribes and the Census Bureau so that the work of the Bureau can be facilitated, but not at the expense of the tribes, many if not most of whom cannot afford the extra financial burden of doing United States Government's business. Specifically, some things the Congress might do include:

- Support the Census Bureau's attempts to improve their data collection methodologies used on Indian reservations.
- Provide tribes the means to hire dedicated staff to work with Census Bureau staff in their various pre-census operations and to work with data collection crews during the two to three year run up to the census enumeration date.
- Support training of tribal staff with Census Bureau technical workshops; cover travel and per diem costs for these.
- Assist and provide tribes with census education material and programs which can be delivered in our schools and to the general public. Actually, we should be preparing and educating our youth soon for their full participation in Census 2010 and even Census 2020. This could be accomplished through delivery of sustained educational programs starting on April 2, 2000!

The most controversial issue before you is that of applying statistical sampling in the decennial census. I know that Supreme Court this week ruled that complete enumeration is required by law for apportionment of congressional representatives among the fifty states. So be it. I also know that as a result of the Court ruling more accurate statistical sampling methodologies can be, in fact, must be applied to congressional redistricting and allocation of federal funds where the Secretary deems these methods "feasible." Let it be known that the Hopi Tribe, for reasons of achieving more accurate population estimates at reasonable cost which would, without question, result in more equitable distributions of federal funds to the Hopi Tribe, unqualifiedly supports the use of statistical sampling by the Census Bureau to derive estimates of our population.

Lastly, I would invite you as Congressional Representatives to come to the Hopi Reservation, my home, and experience first hand, as did the Census Bureau central office managers, what it takes to collect census data in Indian country. I am certain the Denver Regional staff could repeat for your benefit and enlightenment the data collection scenarios they devised earlier.

Thank You, Kwa Kwai

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DRAFT

FRAGILE

March 22, 1991

CONFIDENTIAL

Mr. William F. Adams
Regional Director
U.S. Bureau of Census
6900 West Jefferson Ave.
Lakewood, CO 80235

Dear Mr. Adams:

During the past several weeks, various members of the Hopi Tribal Government staff and demographic/economic consultants to the Hopi Tribe have been attempting to reconcile our Tribal Government estimates of Reservation population with the preliminary 1990 enumeration counts of the Bureau of the Census.

It is my understanding that internal operations conducted at the Bureau after the enumeration, resulted in a change in the preliminary 1990 counts compiled on August 2, 1990. The preliminary counts of housing units and total population on the Hopi Reservation were 2,475 units and 5,392 persons respectively. I am informed that as a result of the continuing field and processing operations of the Bureau, total housing unit and total population counts for the Hopi Reservation are now reported as 2,476 units and 7,360 persons respectively. I understand that these latter figures are the prevailing PL 94-171 counts.

These enumeration counts are substantially lower than estimates of the Hopi Reservation population developed by the Hopi Tribe's Office of Research and Planning using the Hopi Tribe's age and sex specific cohort-survival population model.

Robby Robinson, Executive Director of the Center for Applied Research in Denver and a consultant to the Hopi Tribe for economic and demographic issues, has indicated that in his recent meetings with you and your staff it has become quite evident to him that the Bureau is

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genuinely committed to remedying the chronic undercount problem among Native Americans.

The Hopi Tribe appreciates the difficulty with which enumeration is undertaken on Indian Reservations. Indeed, the Hopi Reservation may present some of the most extreme and challenging circumstances in this regard and it is not surprising to me that major undercounting would occur, particularly in light of the increased migration that has occurred on the Reservation in recent years and months, induced in part, by the 3 million acre addition to the Hopi Reservation effecteduated by PL 93-531, the Hopi and Navajo Land Settlement Act.

It is regrettable that the Bureau's 1990 Post Census Local Review information was sent to the wrong person in the Hopi Tribal Government and that the Hopi Census Program Director terminated his employment at the beginning of the 15 working day Post Census Local Review period. This is the first Census providing for direct tribal involvement in the enumeration process and I am certain all Indian Tribes will require further experience to take full advantage of this important new policy directive of the Bureau. However, in addition to these logistical issues which have impeded communication and a constructive exchange of information between the Hopi Tribe and the Bureau, I would like to call your attention to a number of methodological and statistical factors which I am requesting you evaluate as you continue your post enumeration analysis and internal statistical analysis of the 1990 data:

- 1) Since the mid-decennial period (1985) demographic consultants to the Hopi Tribe and the Tribes's Office of Research and Planning have worked diligently with the Indian Health Service in Rockville, Maryland, the U.S. Department of Interior in Phoenix and Denver, the Navajo Tribe demographer and the State of Arizona Demography Department to obtain vital rate data and migration data to formulate an accurate bench mark population for the Hopi Reservation. Since 1990, the Hopi Tribe's Office of Research and Planning has utilized this data supplemented with other data derived from a four year U.S. Department of Interior analysis of economics, land use and housing on the Hopi Reservation, to develop a one year age and sex specific Hopi cohort-survival population model. Our primary motivation in designing this model has been one of satisfying our need for population projections to support our planning efforts. Our objective has not been one of portraying the Tribe's population in an insupportable or unrealistically expansive way.

The Hopi Tribe's official estimate of the total 1990 resident population of the Hopi Reservation is 9,395 (4,491 male, 4,904 female). We have concluded that approximately 1,400 persons (690 male, 710 female) of the 9,395 were not enumerated in the 1990 Census due to the following factors: a) elements of this non-enumerated population segment are highly mobile as evidenced by their temporary work related residency in Winslow, Phoenix, Flagstaff, Albuquerque, Washington, D.C. and other areas; b) certain elements of this non-enumerated

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segment of the Hopi population are highly resistant to government sponsored interaction; the forms and protocol employed in the Census enumeration process are particularly foreign to many Hopi; many persons in this non-enumerated segment are members of large extended families; many consciously avoid enumeration due to confusion over their enrollment status in the Tribe, confusion over their rightful claim to residency and housing on the Reservation and confusion over the definition of "Indian". (In this regard, I urge you to consider including in future enumeration efforts, a follow-up question to the "self-identification" item in the Census, one that would clarify or confirm actual Tribal enrollment.)

2) Our estimate of the 1990 population on the Reservation has been corroborated by an independent survey of housing on the Reservation and by a review of school statistics and the school-age population and other socioeconomic conditions on the Reservation. (See the United States Department of the Interior "Black Mesa-Kayenta Mine Socioeconomic Analysis and Final Technical Report" (1988.)

3) The PL 94-171 counts exhibit clear and obvious underenumeration by place, specifically with regard to the "Hopi Partitioned Lands". This is the new land area of the Hopi Reservation as defined by the U.S. Congress and the U.S. Supreme Court. I urge you to evaluate the Bureau's original "listings" and those used in the Post Enumeration Survey efforts, in light of the vast new acreage that is now part of the Hopi Reservation.

4) I am concerned that the Bureau's Post Enumeration Survey (PES) efforts may have been compromised, perhaps as severely as the original enumeration in 1990 due to the logistical difficulties on the Reservation. In fact, I am not aware of the specific nature of the PES efforts conducted on the Hopi Reservation by the Bureau.

Please contact me at your earliest convenience to discuss the issues I have raised here. Members of my staff and I would be pleased to meet with you in Denver if it becomes necessary.

Sincerely,

Vernon Masayesva
Chairman of the Hopi Tribe

Mr. MILLER. Thank you.
Mr. Lewis.

**STATEMENT OF RODNEY B. LEWIS, GENERAL COUNSEL, GILA
RIVER INDIAN COMMUNITY**

Mr. RODNEY LEWIS. Good afternoon, Mr. Chairman and members of the Subcommittee on the Census and staff. Of course, we welcome you back, J.D. Hayworth, along with John Shadegg.

With me is Governor Thomas. Mary Thomas was able to adjust her schedule to be here with us today, and she will make some comments.

I'm pleased to provide this testimony regarding the problems of historic undercounting of Indian communities in the national census.

The Gila River Indian Community was created by an act of Congress in 1859 and covers approximately 372,000 acres located in south central Arizona, immediately south of the greater Phoenix area.

Approximately 13,000 of our total 19,000 tribal members live within the exterior boundaries of the community. Over the past 5 years, our reservation population has grown by nearly 44 percent, due in part to increased economic and employment opportunities available now for our community members.

Not only is our reservation population growing, but it's getting younger. Of those members who reside on the reservation, more than 51 percent are under the age of 21.

Indian reservations pose significant and unique challenges to the conduct of a national census. The impact of undercounting, of course, is extremely serious and significant. Hundreds of millions of dollars each year are provided to a few tribes through the Bureau of Indian Affairs under a Tribal Priority Allocation methodology, TPA.

The Governor has recently been intensively involved in those discussions and will have some comments about that.

The Indian Health Service also is funded with allocation methodology. Both methodologies are relying on reservation population as a key factor in distributing these moneys for services for these tribes.

Census data is used to determine tribes' eligibility in extending funding for nutrition programs for children and pregnant women, training programs to facilitate the transition from welfare dependency to self-sufficiency, community development and economic assistance programs, juvenile delinquency prevention programs, programs to provide victim services, and police training for domestic violence.

At this critical juncture in history, it is a major disservice to Indian people for the Federal Government to rely on flawed data to determine representation of an already under-represented group of people.

It is incumbent on the Federal Government, our trustee, to begin this millennium by forging a partnership with Indian tribal governments to develop cooperative methodologies for the conduct of the national census.

We have several solutions, and I believe the problems that we described—we join in the comments of the Hopi, Navajos, Salt River Pima-Maricopa Indian Reservations in describing these problems.

But first, the Bureau of Census should examine the methods employed by Indian tribal governments to update demographic information of the tribe and to maintain up-to-date and accurate tribal membership rolls.

Second, there are many different resources within Indian tribal governments that can assist greatly in the conduct of the national census. Some important resources include various tribal departments to provide direct services to community members.

Finally, it is critical that the Bureau of Census employ and utilize tribal members. That, of course, is obvious as far as the count and enumeration is concerned. Of course, tribal members understand the reservation better, but in most cases will be—members will be more responsive to community members.

At this point, I'd like to provide Governor Thomas with a few moments here.

Ms. THOMAS. Thank you.

STATEMENT OF MARY THOMAS, GOVERNOR, GILA RIVER INDIAN COMMUNITY

Ms. THOMAS. Thank you, Mr. Lewis.

It is an honor, and I also want to say how much I appreciate the comments of the tribal leaders that are at this table and the representatives and also general counsel.

We're all in concert in what is facing us in regards to the census and of the undercounting that's been going on. And it's a shame that we've had to rely on this census data since 1990 to try to apportion what little money we get from the Federal Government.

As you know, the funding has been cut this year. So with more heads being counted, there's going to be a great deal more competition for those dollars going to the Indian tribes.

So in regard to the issue about sampling and about this scientific method and the actual counting of heads, I wish I had a stand on that right now, but I don't because I don't know enough about it. It may work in some areas, but in most areas that have millions of acres, compared to 372,000 that we're sitting on, and with the attempts now to identify roads, name roads, give house numbers, etc., we are still a long way from completing that, but we are making strides to move in that direction.

It's unfortunate that we are naming our streets Indian names. It will be very, very hard to mention those or even pronounce those and exactly what we mean.

Another problem we have is the term Indian. What is an Indian? Is it a rural member? Is it an Indian who knows he's an Indian but just not affiliated with any tribe? So those are other concerns that have been, you know, in our thoughts.

So I'm just going to conclude them then by saying that we have striven this far in order to be heard, and some of us have come a long way, but we appreciate the time you take to listen to our concerns, and I know most of our comments are written and will be provided as part of our testimonies from all the tribes.

Mr. RODNEY LEWIS. Mr. Chairman, we request that our written statement be made part of the record.

Mr. MILLER. Very well.

Mr. RODNEY LEWIS. We would like to conclude our remarks by thanking our hard-working Representative in the U.S. House of Representatives, Congressman Hayworth. We deeply appreciate all of your efforts on our behalf.

I would like to thank Chairman Miller, Congresswoman Maloney from New York City, and the committee for coming out to Arizona to see Indian country first hand.

Thank you very much.

[The prepared statement of Mr. Rodney Lewis follows:]



GILA RIVER INDIAN COMMUNITY

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**TESTIMONY OF
THE
GILA RIVER INDIAN COMMUNITY
BEFORE THE
SUBCOMMITTEE ON THE CENSUS
OF THE HOUSE OF REPRESENTATIVES**

**Phoenix, Arizona
January 29, 1999**

Good Morning, Mr. Chairman and members of the Commission. My name is Rodney B. Lewis and I am the General Counsel of the Gila River Indian Community. I am pleased to provide this testimony regarding the problems of historic undercounting of Indian communities in the National Census.

The Gila River Indian Community (the "Community") consists of both the Akimel O'Otham and Pee-Posh nations. Our reservation was created by Executive Order in 1859 and covers 372,000 acres in south central Arizona. Approximately 13,000 of a total of 19,000 tribal members live within the exterior boundaries of the Community. Our Community is experiencing a period of dramatic change. Over the last five years our reservation population has grown by nearly 44%, due in part to the increased economic and employment opportunities on the reservation for our members. Not only is our reservation population growing, but it also getting younger. Of those members who reside on the reservation, more than 51% are under the age of 21.

HISTORIC UNDERCOUNTING OF INDIAN COUNTRY

Indian reservations pose significant and unique challenges to the conduct of a National Census.

Indian tribes hold over 50 million acres of land in the United States -- approximately 2% of the nation's entire land area. Many Indian reservations occupy huge stretches of land, often in remote areas of the country. Compounding the problem of the vast land area to be canvassed by census workers is the fact that most Indian reservations have poor and inadequately marked road systems that make some areas of the reservation virtually inaccessible to census workers unfamiliar with the reservation. Census workers who are not familiar with the reservation can become quickly disoriented and lost. Frequently, there are not even maps available to accurately depict all of the roads on an Indian reservation. In fact, despite all of our recent efforts at Gila River, there still is not a single street map depicting all of the roads within our own reservation.

Furthermore, like many remote areas of this country, residents of some Indian reservations may rely entirely on dirt roads and trails to get around. On our reservation, like many others, it is sometimes necessary to drive down an irrigation ditch or two to reach some residents' homes. As at least one Census Bureau study has documented,¹ these unique geographic factors can lead to many Indian communities or villages not being counted in the National Census.

Indian housing developments can also present obstacles to census workers when there are several households living in a single house. The pattern of severe overcrowding in Indian

1. Moore, John H., Determine Extent of Census Undercounting Among Certain Rural Creek Indians of Oklahoma: Coverage Evaluation Report for the U.S. Census Bureau, Doc. EV 92-10.

housing units has been recognized by Congress as a significant issue on most reservations. If census workers are unfamiliar with a particular Indian community and the housing patterns of that community, many individuals and households may not be counted.² In the past, the census relied on non-Indians to conduct the National Census. By utilizing census workers who had no familiarity with the reservation or the Indian people residing on the reservation, many Indian households were not counted. Many census workers did not know housing locations within the reservation and were not familiar with the living patterns of reservation residents. It is unrealistic to expect a census worker, who is not from an Indian reservation, to overcome these obstacles and identify remote reservation households for the National Census.

Direct mailings have also been useful tools in increasing responses to the National Census. Once again however, traditional methods of conducting the census do not work well when applied to Indian reservations. Most Indian reservations, including Gila River, do not have regular mail deliveries. Unlike most communities in this country, Indian communities do not have location identified mailing addresses. In fact, most reservation residents receive their mail at individual post office boxes or by picking it up directly from the local postmaster. This means that the normal practice of utilizing the postal service for initial contact and follow-up questionnaires from the Census is impractical. In addition, most homes located on Indian reservations do not have house numbers or addresses posted. This presents a significant barrier to obtaining an accurate inventory of dwelling units on the reservation.

Due to the lack of accurate street maps and the absence of house numbers or addresses, the census enumeration districts on the Gila River Indian Reservation are extremely difficult to delineate and, as a result, census maps of the reservation remain largely impossible to

2. See id.

understand. Similarly, pre-canvassing of census enumeration districts on the reservation can be extremely difficult because most residences have no house numbers. The absence of house numbers requires the census worker conducting the pre-canvass study to describe the physical location of each house with enough specificity to ensure that another census worker can recognize the house when conducting a subsequent house to house enumeration. Such a process can lead to numerous inaccuracies in reservation counts.

Another significant problem in the conduct of the National Census on Indian reservations is the absence of accurate census maps for most reservations. The enumeration districts within Indian reservations are very large in area, covering several square miles. These large areas are then divided into hundreds of blocks, which are usually based on transitory or unrecognizable geographic features. The end result of this census districting is a jumble of boundary lines that are, for the most part, meaningless. Because the census map is largely unintelligible, the reservation census worker is forced to design a new map that better suits his or her purpose. The risk inherent in this redesigned map is that reservation houses are left off the map and not counted. This problem could be alleviated by creating smaller, more manageable enumeration districts on the reservation and restructuring the blocks based on actual geographic features.

Each of these problems, from the lack of well-marked reservation road systems to inaccurate reservation street maps, from the traditional housing patterns of Indian families to the lack of regular postal addresses, and most importantly, the utilization of census workers who have no familiarity with the reservation have contributed to significant undercounting of on-reservation Indian populations. Language barriers and misunderstandings about the composition of tribal membership can also contribute to an undercount of Native Americans.³ Each of these

3. See id.

obstacles which now confront the Year 2000 Census can be overcome with improved planning and coordination between the Bureau of the Census and Indian tribal governments.

First, the Bureau of the Census should examine the methods employed by Indian tribal governments to update demographic information of the tribe and to maintain up-to-date and accurate tribal membership rolls. Many Indian tribal governments have developed fairly sophisticated methodologies to maintain and update tribal membership rolls. At Gila River, our Enrollment Department has maintained up-to-date membership listings for a wide variety of purposes, including the development of judgment distribution rolls for the payment of judgment funds from land and water claims cases to eligible Community members, and maintaining a current membership listing in order to determine eligibility for tribal services.

Second, there are many different resources within Indian tribal governments that can assist greatly in the conduct of the National Census. Some important resources include various tribal departments. For example, the Tribal Department of Public Works is responsible for trash pick-ups, utility services and hook-ups within the reservation. These tribal departments can supply information including maps and descriptions that can be utilized by census workers in conducting an enumeration. Further, the Tribal Housing Authority may have additional information regarding homesite locations and specific household information that could also be utilized by census workers.

Lastly, it is most critical that the Bureau of the Census employ and utilize tribal members in the conduct of the National Census on Indian reservations. Not only will Community members understand the reservation better, but in most cases reservation residents will be more responsive to a Community member conducting inquiries. Further, a Community member would be familiar with the reservation and its surroundings in a way that could not be communicated by

vague geographic descriptions. In addition, Community members can also serve as an important liaison between the Bureau of the Census and Indian communities. An important aspect of any demographic research of Indian reservations is community education. Community members can help outreach efforts of the National Census within Indian country by meeting with residents in local community meetings within each district of the reservation. Community members can also serve an important communication function by translating Census materials into Native languages to ensure that elderly Community members understand the questionnaires and surveys. By utilizing Community members in the conduct of the National Census, a great deal of mistrust, misunderstandings, and miscommunication can be avoided.

CONCLUSION

It is vitally important that Indian communities be properly counted as part of the National Census. The statistics generated through the National Census form the basis for determining funding levels to Indian tribes for many Federal programs including funding for housing assistance, road construction and maintenance, environmental protection, social services, health care, and education assistance. In particular, hundreds of millions of dollars each year are provided to Indian tribes through the Bureau of Indian Affairs (the "BIA") under a Tribal Priority Allocation methodology and by the Indian Health Service (the "IHS") under its funding allocation methodology, both of which rely on reservation population as a key factor in distributing these monies for services to Indian tribes.

Census data is used to determine tribes' eligibility and extent of funding for nutrition

programs for children and pregnant women,⁴ training programs to facilitate the transition from welfare dependency to self-sufficiency,⁵ community development and economic assistance programs,⁶ juvenile delinquency prevention programs,⁷ and programs to provide victim services and police training for domestic violence.⁸ These are just a few examples of the programs that rely on accurate census data to safeguard the health and welfare of Native Americans. In many cases, Indian tribes have been forced to expend their own resources to develop their own demographic information to demonstrate that the census data relied on by the Federal government is inaccurate.

Lastly, the population figures for Indian reservations generated by the National Census form the basis for congressional re-districting plans. At this critical juncture in history, it is a major disservice to Indian people for the Federal government to rely on flawed data to determine the representation of an already under-represented people. It is incumbent on the Federal government, our trustee, to begin this millennium by forging a partnership with Indian tribal governments to develop cooperative methodologies for the conduct of the National Census.

I would like to conclude my remarks by thanking our hard-working representative in the United States House of Representatives, Congressman Hayworth, we deeply appreciate all of your efforts on our behalf. I would also like to thank Chairman Miller, Congresswoman

4. See 7 CFR § 246.7(d)(1)(vii) (1998) (Special Supplemental Nutrition Program for Women, Infants and Children).

5. See 7 CFR § 646.505 (1998) (Welfare-to-Work Grant Program).

6. See 24 CFR § 1003.208(a)(3) (1998) (Community Development Block Grants for Indian Tribes).

7. See 28 CFR § 31.301(b)(3) (1998) (Formula Grants to State Governments Under the Juvenile Justice and Delinquency Act).

8. See 28 CFR § 90.16(b)(4) (1998).

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January 29, 1999**

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Maloney, and the Committee staff for coming out to Arizona to see Indian country first hand. We were especially delighted that both of you were able to take time to visit our Community this morning. Thank you Mr. Chairman and the Committee for this opportunity to appear before you.

Mr. MILLER. Thank you all, very much, for your excellent presentations. They were all very helpful.

What we'd like to do now is each of us will have the 5-minute rule chance to ask some questions and get some more input and advice.

Let me start. I'm assuming you've all been working with the Census Bureau already and developed your list. Is that correct? I'm just curious, how has that relationship developed at this stage so far, briefly?

Mr. MAKIL. While there have been meetings set up and that involvement is to proceed, there really has been not good communication in terms of having our folks involved, and I think it's—that concerns us particularly because we're so close to the metropolitan area. So it's not like it's a real difficult thing to do. The problem just needs to be some expression of some more effort to work on that.

Mr. MILLER. Mr. Taylor.

Mr. TAYLOR. We have had a rather good working relationship. And as I mentioned in my statement, we have had visits from the Denver Regional Office. We've also had the manager from the central office come to Hopi.

We understand that there was work done, specifically with the Acoma Indian Tribe in New Mexico, where they did some test sampling. They have also come to Hopi and Navajo and done some test sampling.

So they are making what I believe are important strides to try to understand reservations' situations and respond better to that.

And we do have a liaison, and I have a liaison with me here as well, Mike Kelly. And so we are doing our very best, and I do appreciate the efforts that the Census Bureau has made to make that happen.

Mr. MILLER. Dr. McKenzie.

Mr. MCKENZIE. Thank you, sir. The Office of Navajo has been working very hard and to try to provide us with details of the progress programs. I think we are doing pretty good.

We have had the census—the Census Office has been out in the area, working on proceeding with the program of census taking. They have provided us with some detailed reports and I think things are progressing very well, particularly the review of the count that will be done. And they have advised that the Navajos dropped the ball the last time, and we are prepared not to drop the ball on that this time around.

Mr. MILLER. Mr. Lewis, do you have a quick answer?

Mr. RODNEY LEWIS. We have a good relationship, and they've been here for our council meetings and been subjected to intense scrutiny by our council persons.

Mr. MILLER. Let me ask, we have a 12 percent undercount in 1990 that we're all very concerned about, of course. And I'm just curious. I mean, can you give me a specific reason why?

Dr. McKenzie, you mentioned the issue of maybe having publicity in oral form. Is that a problem, not just in written form more because of the literacy issues?

Can you give me a specific illustration of why people aren't completing the form? Is it trust? Is it the written form? Is it the enumerator? We're not communicating enough?

Mr. MCKENZIE. I think it's a combination of all of those, and particularly that the Nation—the Navajo country itself, where it is difficult for people to get to destinations because of the terrain, and then dissemination of information is a problem.

Of course, people that don't have a sense of urgency to review the information that is provided, some simply don't care. Some can't get to it. Some don't understand because of the terminology. I think that has a lot to do with it.

And I suspect, also, that maybe the number of counters may not have been adequate in the past, but that's a conjecture. I believe if we did a review of the record, it would probably show there were not enough counters and that the counting was probably not done on a chapter level, the smallest of the local government.

If this were done, then the possibility of counting every household, every household member would give a much more accurate count as we totaled the number of chapters in the Navajo community.

Mr. MILLER. Someone else want to say what we are missing?

Mr. TAYLOR. I think for Hopi, they are probably two primary reasons. There's a really high unemployment rate. Hopi probably have an average of 50 percent. And so many of our people have temporary jobs, and we're a very mobile society as well, and so that contributes to the undercount as well.

We have many in our population that are resistant to participating in any government interaction, and so that contributes to that.

The forms and the protocols, perhaps, that the Census Bureau uses also contributes to that as well.

Ms. THOMAS. I think one of the major underlying issues is the sensitivity of giving out information for somebody you don't know and what they're going to use it for, because in our traditions, and maybe all of the tribes, have legends, stories, songs and dances that are so sensitive. We do not even share it with anybody except within ourselves.

So the more you give away information from yourself, there's the propensity to believe that it will be used against you at some point in the future, and that is—we have been indoctrinated with that since the settlement of the West.

Mr. MAKIL. Just to add to Governor Thomas' comments on trust and concern about how the information will be used is really one of the major issues facing us in the Salt River because as close as we are to the urban area, concern has always been about how that information would be used. And there's really a reluctance to share information.

Mr. TAYLOR. That is very true of the Navajo as well.

Mr. MILLER. Thank you, very much, for your comments. My time is up, but this issue of trust is so critical that we'll work with the tribal leaders to get the best numbers, and I think all of you here know the critical portion of this issue is getting accurate numbers.

Congresswoman Maloney.

Mrs. MALONEY. Thank you.

First of all, I join my colleagues in thanking the Gila River Community for their great hospitality and time that they spent with us, with their skills, their hospitals. It was very informative. And I hope, at our next meeting, to tour the Navajo and the Hopi and the Salt River areas and appreciate very much your invitation in your testimony today.

First of all, the census is absolutely fundamental to our form of government. If you're not counted, you're not represented, and it's very important that we get a very accurate count. And I think it's very important to point out that sampling, or modern scientific methods, are only a means of last resort to count those who through apathy, ignorance, or fear or they just don't want to be counted or unwilling to be counted.

But one of the problems is if you don't want to be counted, you hurt your neighbor because if you're not counted or a person isn't counted, then the Federal funding, the representation that's fair, is not there.

Now, I want to quote from Dr. Barbara Bryant, and I often quote from her because she is a Republican, and she was the head of the Census Bureau appointed by former President Bush.

And I quote from her because I think it's important because when we talk about putting more resources behind the problem, from her experience and that of the National Academy of Sciences, and I quote from her, enumeration simply cannot count everyone. Throwing more money at enumeration will not improve the count.

And she states that in 1990, and I quote, we hit the wall trying to count everyone by enumeration. We were adequately funded. There was no shortage of funds for hiring local, community enumerators or making additional efforts. She states there was no shortage of funds.

But in fact, she states that when local communities complained to her that their constituencies were undercounted and gave the Census Bureau the locations, they went out to those locations, mounted an expensive effort to send more enumerators out there, which contained 20 percent of the Nation's housing units, and that effort added only 0.1 percent, that is, one-tenth of 1 percent to the final count.

And Congress then wanted to correct the undercount. The National Academy of Sciences came forward with a plan. It was this plan that the Census Bureau is implementing.

We know today that the American Indian community was undercounted by 12.2 percent because the Census Bureau, in 1990, conducted an integrated—it's called a post enumerations survey, or a quality control. So if we had not had that quality control, then we would not know that there was an undercount.

So my question to you—and the quality control used modern scientific methods to incorporate the solution or rather the information that there was an undercount. And I'd like to know, would you support this effort today to have the same quality control to go back and see if there was an undercount? And I'd like to ask everyone.

You know, if we don't have a quality control, we don't know whether or not there's an undercount.

Ms. THOMAS. Let me begin the discussion by telling you this, that the curiosity of what goes on in Indian country has led to sampling all along in our history.

Sampling of the diabetes that's prevailed in my tribe, especially, has been announced across the world that we are the highest in diabetic incidence. The alcoholism numbers are attached to that. And the media picks up on this, and they just blast the tribes that we are nothing but alcoholics; we're lazy.

So this sampling, I guess the quality sampling, is what we don't really know what it means. You know, is it going to be used against us again? You know, are we going to be categorized as being low, poor, unintelligent or things like that?

So it is still something that we need to take a real good look at, but we have been doing sampling from day one, and it's still ongoing.

We, on our own, do our own demographic studies, but there's been a lot of sampling surveys in Indian country that we don't know. That's when we just put our foot down and say no.

Mrs. MALONEY. But it's only to count the number of people involved in it.

Would anyone else have a comment?

Mr. MCKENZIE. Your Honorable Maloney, the Navajo Nation, as a matter of fact, supports the use of statistical sampling as a means of conducting the census, if it, in fact, makes the census count more statistically accurate.

But there's congressional opposition, apparently, to this. They support enumeration. However, if the statistical sampling is to be used to do a full census counting, then we will support that.

Mrs. MALONEY. Thank you.

Mr. TAYLOR. I think the question is not necessarily the count. The question is the error. We know that any time that you do a count, there will be error. And the only way that I really believe we can get the best numbers is to look at reducing the error for the reasons that we have stated, and it's predominate all over, not just on Indian reservations.

But I believe it is largely true on all of the reservations that we're just not going to get the participation, so statistical sampling is the way to do it.

Mrs. MALONEY. Thank you, very much.

Mr. MAKIL. Well, what I would like to comment on is the effort to challenge all of you to help to develop or find a better form to eliminate the kind of undercounts that do occur.

Until there is a better program developed, I think that we support whatever, whether it's sampling or any other type of program, that will provide an accurate count. Those are the things that we support.

We don't like to get caught in these types of issues as tribes because we see our issues not as partisan issues or issues of differences. We would like to see it for people to get together to resolve this issue and find the best way possible. And you know, some people support sampling; some don't.

If sampling is all we have available to us as a way of providing that accuracy where there are people missed, then I think that's what needs to be done. But until there can be other forms devel-

oped, maybe that's all we have. But we encourage you to find those other forms so that we won't have to go through this type of situation.

Mrs. MALONEY. Thank you.

Mr. MILLER. Thank you. The Supreme Court made the decision for us, so I think we all need to work on other ways and get the best ideas to get the best count.

I'll turn it over to you, Mr. Hayworth.

Mr. HAYWORTH. Thank you, Mr. Chairman.

I'd like to extend a special welcome to Governor Thomas for flying in late from Washington yesterday; for those of you who have traveled great distances: Vice-President McKenzie and Chairman Taylor.

I think the chairman has a point. We can sit here and have a challenge trying to define terms and naming different actions with different labels or descriptions.

Suffice it to say, whatever you call quality control, if people are not counted to begin with and they are not contacted in the followup for that quality control, it is a moot point. They are left out of the count.

And Chairman Taylor, I thought your remarks initially, in terms of touching on the trust in response to our friend from New York, were especially perceptive. As long as there is a problem of trust that undergirds and serves as the impediment to an accurate count, whatever method is used will be challenged.

Chairman Taylor, let me begin with you because in your testimony, you said you had some ideas, but time would not allow you to articulate some of the solutions dealing with the unique challenges that you may face with the Hopi people.

What specific changes, in terms of the count, would you make initially, in terms of getting people counted?

Mr. TAYLOR. I think what we need to continue to do is to increase the effort to educate our people and to effectively cooperate or collaborate with the Census Bureau, and we have, in fact, been part of that.

But I introduced earlier our director of research and planning, who happens to be our liaison with the Census Bureau, Mike Kelly. Mike Kelly and his office, and there are other programs and departments within the tribe, who attempt to work with the Census Bureau, and we are paying these people.

It's a great expense. We're just trying to make these efforts to make the census numbers more accurate, and so we would like to see that there could be some funding that could be brought to bear for the education process and to help with the collaboration.

And I think, you know, as far as the next—we're heading up to the 2000. I think we need to have in mind already the 2010 and the 2020 and being that education process immediately after the April 2, 2000, date.

Mr. HAYWORTH. Thank you, Mr. Chairman.

Just a brief show of hands of all our tribal leaders. Has everyone established a liaison? Everyone. OK. That's a very helpful sign.

The other point I wish to make personally with the others serving, most of you as your U.S. Congressmen, if there is—President

Makil, you offered your testimony, for lack of a better term a lapse of contact with census officials now.

I would ask all of you if you believe that the contacts with the Census Bureau are deficient, please, contact us as soon as possible so that we can bring the—one hesitates to use the weight, given the physical evidence right here—so that we bear—as constitutional officers can bring that to bear in the census situation.

Chairman Taylor, you mentioned in your remarks, Vice-President McKenzie, you mentioned in your remarks, the economic challenges facing your particular and respective nations in terms of economic development and serious unemployment.

You also made mention, particularly, employment that exists. I think the good news is that we were taking into account the enormous challenges faced by Indian country. The chairman, in his remarks, offered a notion that we are designating and trying to set aside more resources, precisely to count people.

And I think there may be, indeed, economic opportunities for people to develop across jurisdictional challenges that we may face in terms of Ways and Means, lifting some restrictions so that some people might be hired.

But also I would like to commend all of you for the remarks you have made in terms of tribal sovereignty and priorities based on your own unique cultures and situations.

Mr. Chairman, this is what I would call the myth of the monolith that exists with a variety of different groups, the notion that there is, perhaps, no diversity in the way that the tribal governments deal with circumstances.

And as we saw today on the Gila River Tribe, as Chairman Taylor mentioned when he said, please, come visit the Hopi people, there is a wide disparity of circumstances there, and I think it proves our point that if we work closely with respective tribal entities to develop a plan, to hire enumerators that are familiar and, indeed, comfortable in the culture involved, we can have much better success.

It certainly does take the notion of transferring money, power, and influence out of the hands of Washington bureaucrats and pouring it into the hands of those elected leaders and those sovereign leaders to help solve this problem. I think we're heading in the right direction.

Mr. MILLER. Thank you, very much. We really appreciate you joining us, and we really appreciate having Mr. Shadegg join us. Congressman Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman. I wanted to make my remarks, quite frankly, directing them at, with all due respect, my friends from Florida and New York because, quite frankly, Arizona is so unique and the circumstances here are so stunning.

I happened to have had the good fortune to spend a number of years in the Arizona Attorney General's Office and work on election laws in that capacity and it was quite an education.

On the back of the registration forms in Arizona, at least in rural counties, you will actually find a little cross hair like this. And the reason for that is when you conduct registration, as when you conduct a census, we begin in Florida or New York with an address.

In the Navajo reservation—and I happen to have spent an election day in Hard Rocks, Vice-President McKenzie, so I've been out on the reservation on election day, and you can't list—you can't go to a voter and say, well, put down your address for voter registration purposes. So you'll see cross hairs on the back of an Arizona registration voter form like that.

And what people in rural Arizona, particularly on Indian reservations, have to do is describe where they live by references to these two lines. And what are the two lines? They're often a trail, a dirt road, occasionally a paved road, a ridge line of mountains, a fence line, a telephone pole line, a riverbed, or a ditch—an irrigation ditch, and people describe their home as 1½ miles north of the dirt road—this particular dirt road and that particular ridge.

It gives you, Mr. Chairman, when you ask what are the problems with regard to how do we get an accurate count on Arizona reservations; when you come to New York or Florida, perhaps you can't envision this kind of difficulty where people describe their residence by reference to 1½ miles east of a dirt road or a particular creek or river running through the Navajo reservation. So I think that begins to give you some idea of what we're dealing with.

In addition, Vice-President McKenzie, I want to make some reference to the question of oral language. Under the Voting Rights Act, voting materials are required to be presented to people in their native language.

And in this particular case, you probably don't know, that the Navajo language is not a written language, and so the Navajos need to be, as a matter of Federal law, provided voting material orally in order for them to be able to understand and make selections in a fair fashion like the rest of the Americans.

That means that the Census Bureau has to provide its information orally in order to comply with that law, certainly to get an accurate count of Navajo people and other people. In that regard, I think you begin to see some of the burdens that we have in Arizona to get an accurate count.

I thought there were several comments that I wanted to followup on, but I don't think they are pertinent to the difficulty of getting an accurate count.

Governor Thomas, I think you make a great point regarding trust and sensitivity, and it is clearly understandable to me that Native American people would not want to answer questions. And the first question that comes to me is they certainly wouldn't want to answer questions if they were not being asked by another member of the tribe.

So my first question to each of you is, do you know if on your reservations in the 1990 census the enumerators used were, in fact, members of your own tribe?

Ms. THOMAS. Yes, they were.

Mr. SHADEGG. They were.

Ms. THOMAS. I want to also acknowledge somebody in the audience. The director of the Maricopa Associations of Government, Jim Bourey, who is sitting in the front row over here.

He and his staff and the Maricopa Association of Government have made a tremendous outreach to our particular community as

well as Salt River's in order to include this information on the web sites dealing with the information for the year 2000 census, and we will do our part too.

Mr. MILLER. Do any of you know if the enumerators used were members of your tribe?

Mr. TAYLOR. The Hopi it was, yes.

Mr. RODNEY LEWIS. Yes.

Mr. TAYLOR. Salt River were some members hired but also others.

Mr. SHADEGG. I can see how it would be extremely important that they would need members of their tribe in order to understand the geography and the peoples.

By the way, I want to make a comment that, Mr. Lewis, your testimony, I think, does an excellent job of highlighting the difficulties—some of the physical difficulties in conducting a proper census, and I commend each member of the panel.

The second question, do you believe—you've been asked already about cooperation at this stage with the Census Bureau. You have all indicated that there is some level of cooperation, and I gather from your answers that you'd like to see greater cooperation. And, I heard my colleague Mr. Hayworth invite you to contact him so that he can weigh in on your behalf during that process.

I guess I'm interested if you have reason to believe that the Census Bureau is adequately working with you at this point. I know that President Makil indicated that there was some of that there, but not, perhaps, as much as he would like to see.

I think it is important that you understand that we think it's important that they cooperate with you and particularly, Chairman Taylor, you mentioned not just cooperating in doing the census but cooperating in planning the census because if they plan it wrong, not understanding the circumstances, then you can't very well do it right.

And so I'd ask the question on that and urge you, by the way, to be the squeaky wheel and trust the Census Bureau to do their job. So the question is, do you agree that they are working with you? Are they working with you on planning at this point?

Mr. MAKIL. The planning part has been the part that has been very minimal.

Mr. MCKENZIE. The Navajo has been good.

Mr. RODNEY LEWIS. We've had good cooperation.

I'd also like to emphasize, we need to do our part too—the tribal governments. We need to make sure that we have a good roll mark, road system documented. We need to make sure the location of the houses are documented, and that's our responsibility for our own purposes also. That's our responsibility.

Mr. SHADEGG. All right.

Ms. THOMAS. I might also add that our planning should not conflict with the planning of the Census Bureau. It has to be constant.

Mr. TAYLOR. I just want to add that while the cooperation has been good, we have been involved.

I mentioned earlier that resources aren't readily available to the Hopi. And to the degree we want to be able to work with the Census Bureau, it's taxing on our limited revenues, and I think there

needs to be some resources coming in so that we can do our part to help with the census.

Mr. SHADEGG. Thank you all, very much.

Mr. MILLER. I just want to thank you all for participating here today. We will go now to our next panel.

Thank you, very much.

Ms. THOMAS. Could I just make one more remark and that is we appreciate the bill about the waiver on the people who are possible candidates to conduct the census for us. That would be a great help to all of us. Thank you.

Mr. MILLER. Thank you.

If we can take a minute while we change the names—signs, if the panel would come forward; our next panel will be Mr. Scott Celley; Representative Doug Lingner is unable to join us; and John Lewis and Mr. Jack Jackson, please, come forward.

I'd ask if all three of you would stand and raise your right hands, please.

[Witnesses sworn.]

Mr. MILLER. The record will show that they all said I do.

And we'll begin now with the opening statements, and we'll give it to Mr. Celley. Is that correct?

STATEMENT OF SCOTT CELLEY, EXECUTIVE ASSISTANT TO GOVERNOR JANE HULL

Mr. CELLEY. Executive assistant to Governor Hull, State of Arizona and I do express the Governor's regret that she could not be with you here today, and she did want me to extend a welcome to the visiting members of the committee and thank you for making the trip out here and taking up such a critical issue like ensuring a complete count for Native Americans in the year 2000 census.

She also wanted me to convey her appreciation—our appreciation and the State for the role that Congressman Hayworth has taken in highlighting the challenges that exist for our Native people. An accurate count of our Native American population and, really, the unrelenting advocacy that Congressman Hayworth has exhibited for a variety of needs that the Indian communities in Arizona have and how all of us can participate in meeting those and incorporating them in the rest of our State's activities.

Likewise, Congressman Shadegg has been, as was mentioned here earlier, very involved in this process in Arizona for a long time. He is highly knowledgeable about it, and we are very grateful that he has participated up to this point and uses his spare time to continue to be involved in making sure that this process works.

The Governor did have a statement, which, if I may, I'll just submit in the record. I'll just make a few other comments so we can keep moving along this afternoon.

As she knows well, having resided on the Navajo reservation for a number of years, challenges there are unique. At the same time, the contributions that our Native American population make to the diversity and the cultural and historical nature of our State make the incorporation accurate and complete incorporation of Native American populations vital to getting as many as possible in the family photo of the State of Arizona in the national census next year.

Accordingly, we have been grateful, in conversations that we have had with the Census Bureau, as some of the earlier witnesses indicated, that they have made an aggressive effort. And in my conversations with our folks at the regional office, they have sought out, early on, members of tribes to be employed and trained as Census Bureau employees for the count next year so that an accurate job can be done on the reservations. And in making that interaction that brings confidence to the members of the tribe, which is members of their own community that they know and trust.

The other issue that the Governor brings forward on every occasion that is evident, I'm sure, to you as you travel around the valley here earlier today is just how fast Arizona is growing. And frankly, that is an area of major concern in the census, and I know that Mr. Bourey will go into some greater detail as far as Maricopa County is concerned.

But I think Congressman Shadegg, just a moment ago, painted a very vivid picture of just how challenging it is in some of the rural areas of our State to get an accurate count because of how the information is displayed.

We found it sometimes helpful for people to know that just in Maricopa County last year, as many people moved in as make up the size of Manchester, NH; Berkley, CA; or Laredo, TX. We had a whole city of that size move into this county just in the last year. The same thing will occur between now and next year.

The big concern that the Governor has and that we really seek your assistance on, as the Congressman indicated, we are going to keep coming back to you for your help in helping the Census Bureau keep up with that growth.

We've had many conversations and we're pleased that there's notice that has been taken by the Census Bureau and their accuracy, but as we understand it now, the address lists for the 2000 census will be closed out at some point in time prior to the actual census.

The estimates vary on this, but in a year's time, just Maricopa County will add 40- to 50,000 new addresses. If you break that down and we cut the list off 3 of 4 months ahead of the census itself, we're going to miss 12- to 15,000 addresses that would just not be on anybody's list.

So we are eager for the process with the Census Bureau to perhaps meet with Arizona—Arizona and Nevada and a few other States that are growing so fast, that allows us to come in and recheck those lists and maybe reformat them and add to them the addresses of homes that have been added to our county and our State in the time they close out their list—or are scheduled to close them out.

With that, I think I will dispense with the rest of the sentiment of the Governor's remarks. You have a copy of her statement today.

I would make one observation, having just heard, Chairman Miller, your explanation of your plan here earlier, I think with some confidence I would say that that would be greeted with great enthusiasm by Governor Hull. You've hit on many of the things that we really believe are critical as far as the Federal Government and Census Bureau's assistance to us.

And just a quick touch on a couple other things. One is as far as the advertising budget is concerned, it is clear, I think, in earlier testimony that we have some unique communities in Arizona with unique needs, especially the education and assurance that they can rely on the confidentiality of the census survey and also knowing how important the census is to the benefits that they, their families, and children receive. Having an increased promotional program such as you suggested, I think, is very grievous.

I would make one observation, as Congressman Hayworth noted earlier in conveying how important the Federal Government is to the States, that if it would be possible for you to identify both the advertising budget and matching program in a way that allows the decisions and resources to be available on the local level and decisions to be made on the local level.

But as Congressman Shadegg mentioned earlier, there are very unique situations in Arizona. If the decisions about how to use those resources for a more accurate census can be made as close to, say, the chapter level, the better off the census—the better and more accurate the census would be.

And we appreciate the opportunity to be here.

Mr. MILLER. Thank you, very much. Let me ask one final question. I think I saw a photograph in the paper earlier this month that showed that all statewide elected officials in the State Office in the State of Arizona are women. Is that correct?

Mr. CELLEY. That's correct, yes.

Mr. MILLER. Did you see that?

Mrs. MALONEY. I most certainly did, and I was hoping one of them would come and testify. But we did have the Governor here, and she's the first woman to be elected Governor of a tribe, as I understand it. So women are doing very well in Arizona. I ought to spend some time out there, and find out how you made that happen. I think it's great news.

Mr. CELLEY. Mr. Chairman, four of our five statewide women officials are Republican.

Mrs. MALONEY. One is a Democrat.

Mr. CELLEY. One is a Democrat, yes. Representative Maloney, we do have a bumper sticker for sale in the gift shop at the State Capitol that says "Arizona, State for Women Leaders."

Mrs. MALONEY. I'll have to buy one of those.

Mr. MILLER. Thank you, very much.

Mr. Lewis.

STATEMENT OF JOHN LEWIS, EXECUTIVE DIRECTOR, INTERTRIBAL COUNCIL OF ARIZONA

Mr. JOHN LEWIS. Chairman Miller, members of the committee, my name is John Lewis, and I am the executive director of the Intertribal Council of Arizona. The Intertribal Council of Arizona is an association of 19 tribal governments in Arizona. The ITCA appreciates the opportunity to provide testimony on census 2000.

I want to thank you for holding a field hearing in Phoenix and providing tribes an opportunity to share their ideas on achieving an accurate census count in the community and certainly share the committee's thoughts on ensuring the fair and accurate count of American Indian people.

And I think that on improving the count, as has been stated, what I'd like to do is submit for the record written testimony and highlight some of our thoughts and recommendations for you.

And I think one is just in terms of improving the count as has been shared with you, the working relationship really does need to be based on trust between the Congress and the agency and the tribes. We need to really work toward that and ensure the working relationship there, and the outcome will be very successful.

And certainly appreciate the approach the committee has reflected in the opening statements. A number of things that you have identified that you want to do, particularly in relation to making changes to improve this effort, were very well thought out and we really appreciate the committee and its approach.

On hiring, again, I think the Census Bureau should continue to recruit and hire American Indians on the reservations that represent the population to be enumerated, with special consideration of the hiring of Indian elders, again, due to the large and growing numbers of elderly tribal members who are more likely to trust other elders; and also share the efforts of Congress to approve legislation that would waive certain income limits for recipients of Federal benefits who serve in the temporary positions during the census.

That education and outreach program and funding be appropriated and maintained through the Census Bureau to facilitate direct consultation with American Indian representatives for the purpose of seeking input on media campaigns, education materials, and promotional items; ensure that census media campaign materials are available in languages other than English, especially for the audio and visual communications.

We also urge the Census Bureau to distribute census promotional materials to tribes as early as possible in 1999, and particularly develop education and materials for problem members to inform them on how to specify their tribal membership on both the short and long form. For the data and reports to be useful, the tribes must have access to tribally specific and residential numbers.

In the area of census methodology in Arizona, the majority of tribes have requested the method termed update and enumerate for counting in the 2000 census. This method ensures the census workers visit the households and assist household members in completing the census form. If household members are not home at the time of the visit, the census worker would revisit to ensure an accurate count.

We urge Congress to allocate the necessary funds that all tribes may, if they desire, use this method and for the Census Bureau to consult with tribes to educate and motivate American Indians to respond to the census.

Also the Census Bureau's continuing research and development of technological advances, including but not limited to laptops and geographical mapping, which can assist in improving the enumeration of tribes in remote locations.

In the area of tabulation of data on American Indians, that it's important for tribes to have the knowledge to use the information

from the census and opportunity to have reports and data available to them in a user friendly format.

All census reports include separate American Indian tabulations by tribe, irrespective of their small representation; that procedures be developed to allow tribes access to data bases of small numbers of less than 50,000 records.

I think this is the information that is needed by tribes to be able to assess and provide a baseline data for evaluation of community needs and program planning.

In the area of improving the accuracy of the count, that—we do know that the Supreme Court recently ruled that current law prohibits the use of scientific sampling for apportioning congressional seats among the States.

While the court's decision prohibits the use of these methods for purposes of apportionment, it does not restrict these scientific methods for redistricting or for the distribution of resources tied to census numbers. We'd recommend the scientific sampling supplement aggressive direct counting method.

We'd also like to see Congress provide funding to employ the most up-to-date scientific methods for nonapportionment processes.

And I'd like to conclude by saying that we'd like to acknowledge the efforts of the Census Bureau in Denver Regional Census Center. They have recruited American Indian staff to work closely with the tribes in Arizona. The Tribal Partnership Program is strengthening the government-to-government relationship between the tribes and the Census Bureau.

Thank you.

[The prepared statement of Mr. John Lewis follows:]

Honorable Dan Miller
Chairman
Subcommittee on the Census
H1-114 O'Neill House Office Building
Washington, D.C. 20515

Attached please find the testimony of the Inter Tribal Council of Arizona for the January 29, 1999, bipartisan hearing on potential ways the Census Bureau can improve its coverage of American Indians in the 2000 Census. Please include our written testimony in the text for the record.

Yours Truly,

John R. Lewis
Executive Director

WRITTEN TESTIMONY:

**IMPROVING PARTICIPATION AND ACCURACY OF THE CENSUS
COUNT IN INDIAN COUNTY**

**SUBMITTED TO THE SUBCOMMITTEE ON CENSUS, HOUSE OF
REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT**

BY

INTER TRIBAL COUNCIL OF ARIZONA

**JANUARY 29, 1999
PHOENIX, ARIZONA**

**WRITTEN TESTIMONY:
INTER TRIBAL COUNCIL OF ARIZONA**

**JANUARY 29, 1999
IMPROVING PARTICIPATION AND ACCURACY OF THE CENSUS COUNT IN
INDIAN COUNTY**

**SUBMITTED TO THE SUBCOMMITTEE ON CENSUS, HOUSE OF
REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT**

Mr. Chairman and members of the Committee, my name is John Lewis and I am the Executive Director of the Inter Tribal Council of Arizona. The Inter Tribal Council of Arizona (ITCA) is an association of the nineteen tribal governments in Arizona. ITCA appreciates the opportunity to provide testimony on Census 2000.

As census stakeholders in Arizona, ITCA wants to thank you for holding a field hearing in Phoenix and providing tribes an opportunity to share their ideas on achieving an accurate census count in tribal communities. ITCA wants to express its views on this very important issue: **ensuring a fair and complete count of American Indian people.**

According to Census Bureau evaluations, the 1990 census nationally undercounted American Indians living on reservations at a significantly higher rate (12.2 percent) than the net national undercount of 1.6 percent. Many tribes feel that the undercount by tribe was significantly greater. This result is unacceptable, and consequently, the American Indians living on reservations have been denied the fiscal resources and political representation to which they were entitled over the past decade.

IMPROVING THE COUNT

American Indians living on reservations are a great concern to us. **ITCA has several recommendations to help ensure a successful count.**

Many individuals and governments are "distrustful" of the census process. It is important that employees of the census understand and abide by government-to-government relations as outlined in the April, 1994 and May 1998 Presidential Executive Orders.

Hiring

The Census Bureau needs to seek voluntary cooperation from the tribes and encourage the tribal liaisons to work within their communities to obtain a more complete count.

Recommendation:

1. **The Census Bureau should continue to recruit and hire American Indians on the reservations that represent the population to be enumerated.** American Indians are more likely to respond to census workers who live in their community, speak the same language, and have a similar economic status. A special consideration for the Census Bureau should be the hiring of elder workers due to the large and growing number of elderly tribal members who are more likely to trust other elders.
2. **To help the Census Bureau attract a sufficient number of temporary workers, Congress should take steps to remove legal barriers that prevent many low income and older people from applying for census jobs.** For example, an elder who receives social security benefits or military pensions might lose a portion of their monthly payments if they temporarily work as census takers. Similarly, recipients of food stamps, AHCCCS (Arizona's Medicaid program), or housing subsidies might jeopardize their eligibility for those benefits if they earn more than the law allows through temporary census employment. *ITCA urges Congress to approve legislation that will waive certain income limits for recipients of federal benefits who serve in temporary positions during the census.*

Educational and Outreach Approaches

Many individuals do not fully understand the Census process and are unaware of the procedures that they need to follow.

Recommendations:

1. **Funding be appropriated and maintained to the Census Bureau to facilitate direct consultations with American Indian representatives for purposes of seeking input on media campaigns, educational materials, and promotional items.** Ensure that census media campaign materials are available in languages other than English, especially for audio and visual

communications.

2. **ITCA encourages the Census Bureau to distribute census promotional materials to tribes as early as possible in 1999.** Specific strategies addressing the undercount of American Indians both in urban areas and on reservations are critical to a successful census.
3. **Develop educational materials for tribal members which inform them on how to specify their tribal membership on both the short and long form.** For the data and reports to be useful, the tribes must have access to tribally specific and residential numbers.

Census Methodology

Many reservations are geographically remote and there are transportation barriers which limit individuals from participating in many community activities.

Recommendations:

1. **In Arizona, the majority of the tribes have requested the method termed - "update and enumerate" for counting in March through June 2000.** This method ensures that a census worker visits the household and then assists household members in completing the census form. If household members are not at home at the time of the visit, the census worker would be revisited to ensure an accurate count. ITCA strongly urges Congress to allocate the necessary funds so that all tribes may if they desire use this method and for the Census Bureau to consult with tribes to educate and motivate American Indians to respond to the census.
2. **The Census Bureau continue its research and development of technological advances,** including but not limited to laptops and geographical mapping, which can assist in improving the enumeration of tribes in remote locations.

Tabulation of Data on American Indians

Mr. Chairman it is important that tribes have both the knowledge to use the information from the census and opportunity to have reports and data available to them in a user friendly format.

Recommendations:

1. **All census reports include separate American Indian tabulations by tribe irrespective of their small representation.**
2. **Procedures be developed to allow tribes access to data bases of small numbers of less than 50,000 records.** Through the development of government -to- government agreements, tribes will then have access to the tribal information which is needed for important measures such as income data. The information may then be used to assess and provide baseline data for evaluation of community needs and program planning.

Improving the Accuracy of the Count

The direct counting methods alone do not have the capacity to ensure accuracy or reduce the differential undercount of children, people of color, American Indians living on and off reservations, and the urban and rural poor.

ITCA knows that the Supreme Court recently ruled that current law prohibits the use of scientific sampling for apportioning congressional seats among the states. While the Court's decision prohibits the use of these methods for purposes of apportionment, it does not restrict these scientific methods for redistricting or for the distribution of resources tied to census numbers.

Recommendations:

1. **ITCA recommends that scientific sampling supplement aggressive direct counting methods (e.g, results of the Post-Enumeration Survey).** The National Academy of Sciences panel convened at the direction of Congress found that "physical enumeration" has been pushed well beyond the point at which it adds to the overall accuracy of the census. Moreover, such traditional census methods in 1990 resulted in a substantial undercount of certain populations, especially American Indians. The panel and Commerce Department's Inspector General reached a similar conclusion in a report to the United States Senate that the Census Bureau could "improve the accuracy of the census count" by making fundamental changes.
2. **Congress should provide the Census Bureau funding to employ the most up-to-date scientific methods for non-apportionment purposes.**

At the same time, Congress should change the current law to provide the Census Bureau the scientific tools it needs to take the most accurate and fair census possible in 2000.

In closing, ITCA would also like to acknowledge the efforts of the Census Bureau, especially the Denver Regional Census Center. They have recruited American Indian staff to work closely with the tribes in Arizona. The Tribal Partnership Program is strengthening the government-to-government relationship between the tribes and the Census Bureau.

Mr. MILLER. Thank you.
Mr. Jackson.

STATEMENT OF JACK C. JACKSON, JR., DIRECTOR OF GOVERNMENTAL AFFAIRS, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. JACKSON. Chairman Miller, Representative Maloney, Congressman Hayworth, Congressman Shadegg, good afternoon.

On behalf of Ron Allen, president of the National Congress of American Indians and chairman of the Jamestown S'Klallam Tribe located in Washington State, I would like to thank you for this opportunity to present a statement on concerns facing American Indians in the decennial census.

My name is Jack Jackson, Jr. I am a member of the Navajo Nation and was born and raised in Arizona. I am the second son of Arizona State Senator Jack Jackson, Sr., who represents District Three and is in the audience today.

Currently, I am director of governmental affairs for the National Congress of American Indians, the oldest, largest, and most represented Indian organization in the Nation. On behalf of our 250 member tribes I want to thank this committee for holding a field hearing in Phoenix to enable tribal leaders an opportunity to share their ideas on obtaining an accurate count of our people in the 2000 census.

We all know that the 1990 census undercounted the American Indian population by 4.5 percent. There were 175,000 missed; 12.2 percent of those living on reservations were not counted. It should come as no surprise, then, that the American Indians will not settle for a similar outcome in 2000.

We applaud enactment of the Decennial Census Improvement Act in 1992, a law that directed the National Academy of Sciences to conduct a thorough review of the census process and recommend ways to increase the accuracy. We also applaud the Census Bureau's efforts to simplify census procedures and operations and to form early and more extensive partnerships with tribal government.

We commend this committee for seeking the view of those who best know and understand the pulse of their communities and who can recommend the most effective ways to encourage participation in the census.

We are hopeful that this early, sustained effort to improve the census process will lead to a fairer and more accurate count of the American Indian population in the 2000 census.

We have several recommendations, which are included in my written testimony, and I just want to highlight the most important ones.

One is that the Census Bureau must abide by the constitutional-based government-to-government relationship set out in the President's 1990 Executive order. To this end, we urge the Census Bureau to sign its American Indian and Alaska Native Policy, which recognizes and commits to a government-to-government relationship with federally recognized tribal governments that will be reflected in all its policies, plans, and programs.

Chairman Miller, Representative Maloney, we firmly believe that these recommendations for culturally sensitive activities, guided by knowledgeable tribal leaders, as we heard today, will go a long way toward improving the count of American Indians in the 2000 census.

At the same time, we recognize that the barriers to an accurate count on Indian reservations are often pervasive and difficult to overcome, no matter how well intentioned the effort. We are not willing to start the next century with an incomplete portrait of our people and their homelands, a portrait that might exclude nearly 1 out of every 8 Indians residing on our diverse tribal lands.

Earlier in my statement, I mentioned the National Academy of Sciences study requested by Congress shortly after it became clear that the 1990 census had fallen far short of expectations. The panel of experts convened by the Academy, along with the vast majority of experts who have studied the census process, reached a sobering conclusion: Traditional census methods alone cannot reduce the differential undercount of American Indians, Alaska Natives, and other people of color that have plagued the census for so many decades.

Mr. Chairman, there are many tribes that have come to share the belief of these many scientific experts that the census must change because our country is changing. Intense preparation and counting efforts are critical components of the census regardless of whether sampling techniques are a part of the design.

That is why NCAI and the tribes will be do everything possible to assist the Census Bureau in compiling a high-quality address list, preparing and distributing appropriate educational and promotional materials and identifying qualified tribal members to serve as crew leaders, enumerators, and outreach specialists.

But even a massive coordinated counting effort will inevitably miss millions of people, far too many to ignore. We must build promising, new methods into the traditional process in order to give life to these invisible people.

Therefore, we expect and urge Congress to support the Census Bureau's plan for a census that uses sampling and other statistical methods to improve the accuracy of a so-called traditional census count.

We are fully aware of the Supreme Court's ruling earlier this week, finding that the law prohibits the use of sampling in calculating the population totals used by congressional apportionment. But we are heartened by the court's recognition that the law does not prohibit, and may require, the use of sampling methods to produce data that can be used for other purposes, such as the allocation of Federal aid.

It is the second planned use of sampling in the Bureau's original 2000 census plan, the Integrated Coverage Measurement Program, that is designed to eliminate the persistent and highly disproportionate undercount of minorities and poor.

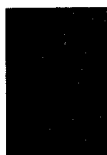
This statistical program was planned for communities of every kind, including on Indian reservations. We believe it represents the only real hope for avoiding the unacceptably high undercount of American Indians and Alaska Natives that occurred in 1990.

We believe that Congress must consult with the Census Bureau immediately to determine the feasibility of adjusting the census counts for any undercounts and overcounts. Then Congress and the administration must ensure that the Bureau has the fiscal and personnel resources it needs to get the job done.

Mr. Chairman, thank you for this opportunity to present this statement in connection with this vital issue. I thank you for the opportunity to appear before you today and would be happy to answer any questions you may have. Thank you.

[The prepared statement of Mr. Jackson follows:]

NATIONAL CONGRESS OF AMERICAN INDIANS



Jack C. Jackson, Jr., Director of Governmental Affairs

National Congress of American Indians

Statement on Concerns Facing American Indians and Alaska Natives
in the Decennial Census

to the House Committee on Government Reform

"Oversight of the 2000 Census: Community Based Appropriations for
a Better Enumeration - Phoenix Arizona"

January 29, 1999

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I. INTRODUCTION

Greetings Chairman Miller, Representative Maloney and distinguished members of the Committee on Government Reform. On behalf of W. Ron Allen, President of the National Congress of American Indians (NCAI) and Chairman of the Jamestown S'Klallam Tribe located in Washington State, and JoAnn K. Chase, Executive Director of the National Congress of American Indians, I would like to thank you for the opportunity to present a statement on concerns facing American Indians and Alaska Natives in the decennial census. My name is Jack C. Jackson, Jr. I am Director of Governmental Affairs for the National Congress of American Indians, the oldest, largest and most representative Indian organization in the nation. NCAI was organized in 1944 in response to termination and assimilation policies promulgated by the federal government which proved to be devastating to Indian Nations and Indian people throughout the country. NCAI remains dedicated to advocating on behalf of the interests of our 250 member Tribes on a myriad of issues including the efforts to improve the participation and accuracy of the census count for the American Indian and Alaska Native population.

II. FUNDAMENTAL FEDERAL INDIAN LAW AND POLICY

Any discussion of federal Indian policy must be grounded in fundamental principles which inform federal Indian law and policy. Since the earliest days of our republic, Indian Tribes have been considered sovereign, albeit domestic, nations with separate legal and political existence. Along with

states and the federal government, Tribal governments represent one of three enumerated sovereign entities mentioned in the U.S. Constitution. As a result of Constitutional mandate, hundreds of duly-ratified treaties, a plethora of federal statutes, and dozens of Supreme Court cases, it is settled that Indian Tribes have a unique legal and political relationship with the United States. This relationship is grounded in the political, government-to-government relationship and is not race-based.¹

The power of an Indian Tribe to determine questions of its own membership derives from the character of an Indian Tribe as a distinct political entity. The courts have consistently recognized that one of an Indian Tribe's most basic powers is the authority to determine questions of its own membership.²

The term "Indian" may be used in an ethnological or in a legal sense. If a person is three-fourths Caucasian and one-fourth Indian, that person would ordinarily not be considered an Indian for ethnological purposes.³ Yet legally, such a person may be an Indian. Racial composition is not always dispositive in determining who are Indians for the purposes of Indian law. In dealing with Indians, the federal government is dealing with members of political entities, that is, Indian Tribes, not with persons of a particular race.⁴ Tribal membership as determined by the Indian Tribe or community itself is often an essential element.

In return for vast Indian lands and resources ceded to the United States, the federal government made certain promises to Indian Tribes including the protection of Indian lands from encroachment, as well as promises to provide in perpetuity various goods and services such as health care, education, housing, and the continued right to self-government. In addition to inherent sovereignty, Tribes benefit from the federal government's "trust responsibility" to them. This responsibility eludes simple definition but is grounded in the oversight and trusteeship of Indian lands and resources by the United States. Using analogous common law principles of trusteeship, the trust responsibility has been determined by federal courts to be similar to the highest fiduciary duty owed a beneficiary by a trustee.

III. THE CENSUS AND AMERICAN INDIANS AND ALASKA NATIVES

On behalf of NCAI member Tribes, I want to thank you for holding this field hearing in Phoenix and for giving Tribal leaders an opportunity to share their ideas for achieving

¹ See *Morton v. Mancari*, 417 U.S. 535 (1974).

² See *Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978).

³ See J. Reid, *A Law of Blood* 189-90 (New York: New York University Press, 1970).

⁴ See *United States v. Antelope*, 430 U.S. 641 (1977); *Morton v. Mancari*, 417 U.S. 535 (1974).

an accurate count of our people in the 2000 census. On November 21, 1997, NCAI member Tribes strongly recommended by Resolution #SFE-97-081 (attached) that the Census Bureau make every effort to conduct an accurate count of the American Indian and Alaska Native population in the decennial census and that the adequate funding be provided to provide correct state-of-the-art maps, hire local people, and provide training and funds to establish partnerships with Indian Tribes. Subsequently, on October 23, 1998, NCAI member Tribes fully endorsed by Resolution #MRD-98-095 (attached) the Year 2000 Decennial Census and encourages its members to support public cooperation with the Year 2000 Decennial Census by undertaking various employment, promotion, and outreach projects in conjunction with their local government leaders and the Census Bureau. NCAI also resolved to work with the Congress and Administration to ensure that census information remain confidential and will not be used against Tribes, including such purposes as means testing.

It is often said that the census is planned at the national level but carried out at the local level, community by community, across the country. Nowhere is this more true than on Indian reservations and trust lands. The unique character of each Indian Tribe, as well as the unique relationship between Tribes and the Federal government, make it essential that local Tribal leaders and other respected individuals in the community provide substantial guidance on the best methods for taking the census on reservations.

American Indians and Alaska Natives have a significant stake in the outcome of the 2000 census. Opportunities for gainful employment are scarce on many reservations, resulting in unacceptably high rates of unemployment or under-employment. Substandard housing is still prevalent in many areas, leading to overcrowded and therefore unhealthy living conditions. Many reservations are unable to offer challenging educational environments that are the key to realizing a higher standard of living and a better quality of life for our people. These barriers to economic advancement and social fulfillment have affected the health of many Indians, leading to increased rates of alcoholism and family violence in some areas.

As these socio-economic indicators demonstrate, many Indian Tribes must still rely on Federal assistance programs to help improve economic opportunities and living conditions on reservations. A significant portion of Federal aid to these Tribes is based on the information collected in the census.

Listed below are some federal programs that distribute aid to American Indians and Alaska Natives based in whole or in part on census data. These include:

- Job Training Partnership Act
- Native American Employment and Training Programs
- Grants to Local Education Agencies for Indian Education
- Special Programs for the Aging/Title VI Grants to Indian Tribes
- Family Violence Prevention and Services

Mr. Chairman, as you well know, the 1990 census was the first to be less accurate than the one before it. The accuracy of the 1990 census also varied greatly among population subgroups. Continuing a disturbing trend that the Census Bureau first identified with scientific measurements in 1940, people of color and poor people in urban and rural areas were missed at much higher rates than Whites. The undercount of American Indians and Alaska Natives in 1990 was the most disproportionate of all.

According to the post-enumeration survey conducted as part of the 1990 census, the net national undercount was 1.6 percent. By comparison, about 4.5 percent of all Indians (nearly 175,000 people) weren't counted. Most alarming, the census missed 12.2 percent of Indians living on reservations. Like all children, Indian children also were missed at a higher rate than the population as a whole; 6.2 percent were left out of the census. And young Indian males (age 18 - 29), like their peers in other non-white population subgroups, were more likely to be missed: 6.4 percent weren't counted.

It should come as no surprise, then, that American Indians will not settle for a similar outcome in 2000. We applauded enactment of the Decennial Census Improvement Act in 1992, a law that directed the National Academy of Sciences to conduct a thorough review of the census process and recommend ways to increase accuracy at a reasonable cost. We applauded the Census Bureau's efforts to simplify census procedures and operations, and to form earlier and more-extensive partnerships with local and Tribal officials and community-based organizations. We commend this Committee for seeking the views of those who best know and understand the pulse of their communities and who can recommend the most effective ways to encourage participation in the census.

We are hopeful that this early and sustained effort to improve the census process will lead to a fairer and more accurate count of the American Indian and Alaska Native population in 2000. The National Congress of American Indians has been proud to serve on the Secretary of Commerce's 2000 Census Advisory Committee for much of this decade. This gave us an invaluable opportunity to provide guidance to the Secretary on the best methods for obtaining an accurate count of our people.

We have several recommendations to help ensure an accurate count of American Indians and Alaska Natives, particularly those who live on reservations, in 2000. Let me say at the outset that we have shared these recommendations with Census Bureau and Commerce Department staff on many occasions, and we believe that they have been responsive to our suggestions and concerns.

1. Government-to-Government Relationship: The Census Bureau must abide by the constitutional based government-to-government relationship set out in the President's Executive Order, No. 13084 - Consultation and Cooperation With Indian Tribal Governments. To this end, we urge the Census Bureau to sign its American Indian and Alaska Native Policy which recognizes and commits to a government-to-government

relationship with federally recognizes Tribal governments that will be reflected in all its policies, plans, and programs.

2. Tribal Government Liaison Program: The Census Bureau launched the formal Tribal Government Liaison Program in the 1990 census. Prior to that, informal liaison networking with Tribes occurred. For 2000, the Census Bureau has hired Government Partnership Specialists for promotion and outreach to Tribal governments in Indian Country. We understand that American Indians fill some of these positions which are fixed term duties, that is, they expire after September 2001. While we commend the Census Bureau for hiring our people to prepare Tribes in a limited, promotional sense, after 2001, these Partnership Specialists will no longer be available to cultivate and continue the relationship with Tribal governments. More importantly, there will be a void for Tribes during the important phase of receiving and understanding census data, an important aspect of greater participation by Tribal governments. We recommend the Census Bureau to sustain the work of Tribal Government Partnership Specialists throughout all census operations.

In the preparation of the Tribal Government Liaison materials, the Census Bureau should abide by the 1998 Executive Order and craft such materials in a manner that seeks voluntary cooperation from the Tribes and encourages their Tribal Government Liaison to work with the governor's liaisons. Furthermore, the Census Bureau should provide resources to facilitate direct consultation with American Indian and Alaska Native representatives for purposes of seeking input on media campaigns, educational materials, and promotional items.

3. Local Update of Census Addresses (LUCA) Program: Under the LUCA program, Tribal government review of maps and address listing is a critical part of the 2000 census plan to obtain a more accurate census. We understand that many Tribes have not received maps or complete address lists for review nor have they been trained in LUCA - what it is, why it's important, and what method Tribes use to change the maps and lists. Successful LUCA review by Tribal governments presupposes training in procedures and provision of maps and lists in a timely manner. Accurate maps, in particular, with correct boundaries for Tribal lands, are critical to ensuring that the census covers the entire legal territory of each Indian Tribe. We recognize, of course, that many homes on Indian reservations cannot be identified through traditional address styles. That is why on some reservations, enumerators will compile the address list and spot housing units on a map as they visit households to collect the census information. Nevertheless, even in these areas, we believe it will help lay a stronger foundation for a complete count if Tribal Government Liaisons meet with regional census officials this year to review and discuss the breadth of territory and general location of housing units in "list/enumerate" areas. A thorough evaluation of addresses and maps before the census begins will help ensure more complete coverage of households during the count, particularly since the Bureau does not plan to conduct a 1990-style Post Census Local Review program.

4. Recruitment, Hiring, and Training: The Bureau must recruit and hire census employees who represent the communities in which they will work. Simply put, the Bureau must hire American Indians and Alaska Natives to conduct the census among the Tribes in which they are enrolled. This is essential for several reasons.

First, because many Indians living on reservations have limited contact with people outside of their own community, they are extremely wary of strangers who do not share their culture, identity, or way of life. From the initial outreach and education about the importance of the census, to the promotion and advertising campaigns, to conducting the count through door-to-door visits and assistance centers, Indians must reach out to other Indians, providing assurances of confidentiality, offering help to those who cannot read well, building confidence in an undertaking that may seem intrusive or unnecessary to some.

Second, non-traditional or remote housing can make counting on Indian reservations or other trust lands very difficult for those who are unfamiliar with the territory. Many homes do not bear addresses; other structures might house more than one family; still others may be distant both from clearly-marked roads or other homes. Only Indians who have grown up in this territory can conduct the thorough canvassing that will be needed on each and every reservation to ensure an accurate count of people and housing units.

5. Income Limits Waiver: We understand Congresswomen Carrie Meek may introduced legislation that allows welfare assistance recipients to work as temporary 2000 census enumerators without having compensation taken into account for eligibility in any welfare assistance program. We commend bi-partisan support of this effort and urge Congress to approve legislation that will help the Census Bureau hire and retain enough enumerators to complete the workload in a timely and thorough manner. Because many Indians living on reservations receive Federal benefits, they may be wary of taking census jobs out of fear that they may jeopardize receipt of those benefits. Congress should waive income limits for recipients of Federal aid who serve in temporary positions during the census, in order to encourage as many qualified Indians as possible to apply for census positions.

6. Promotion and Outreach: The Census Bureau must work closely with Tribal leaders to ensure that promotional materials are culturally-sensitive and that appropriate messages are conveyed through the most effective communications methods. We also encourage the Census Bureau to distribute census promotional materials to Tribal Government Liaisons as soon as possible. Educating our people about the importance of the census will take time. We are anxious to begin this effort soon, in order to build confidence in the process and create a positive environment when the census starts a year from now.

7. Questionnaire Assistance Centers: We expect that many Indians living on reservations will require assistance in understanding and completing their census

forms. We support the Bureau's plan to establish centers where people can receive help in filling out the questionnaires, but we believe it is unrealistic to expect volunteers to operate these centers. Congress should allocate the necessary funds to hire at least some paid staff to work at the assistance centers. Furthermore, the Census Bureau must consult with Tribal Government Liaisons to identify the best location for these centers on each reservation.

Chairman Miller and Representative Maloney, we firmly believe that these recommendations for culturally-sensitive activities guided by knowledgeable Tribal leaders will go a long way toward improving the count of American Indians and Alaska Natives in the 2000 census. At the same time, we recognize that the barriers to an accurate count on Indian reservations are often pervasive and difficult to overcome, no matter how well intentioned the effort. We are not willing to start the next century with an incomplete portrait of our people and their homelands - a portrait that might exclude nearly one out of every eight Indians residing on our diverse Tribal lands.

Earlier in my statement, I mentioned the National Academy of Sciences study requested by Congress and the Bush Administration shortly after it became clear that the 1990 census had fallen far short of expectations. The panel of experts convened by the Academy, along with the vast majority of experts who have closely studied the census process, reached a sobering conclusion: traditional census methods alone cannot reduce the differential undercount of American Indians, Alaska Natives, and other people of color that has plagued the census for so many decades. The Academy panel concluded that the Census Bureau could "improve the accuracy of the census count ... by supplementing a reduced intensity of traditional enumeration with statistical estimates."

Following that initial recommendation, a subsequent panel of experts convened by the National Academy of Sciences reviewed the specific plan developed by the Census Bureau to combine traditional methods with modern statistical techniques. In 1997, in an interim report, that panel stated: "[W]e do not believe that a census of acceptable accuracy and cost is possible without the use of sampling procedures, for both nonresponse follow-up and integrated coverage measurement," the two primary uses of sampling that are part of the Bureau's 2000 census plan.

Mr. Chairman, there are many Tribes that have come to share the belief of these many scientific experts and other independent evaluators, such as the U.S. General Accounting Office, that the census must change because our country is changing. It is a daunting task to locate and count 270 million people with extraordinarily diverse economic, cultural, and social backgrounds, in equally diverse geographic environments and family settings. Intense preparation and counting efforts are critical components of the census, regardless of whether sampling techniques are part of the design. That is why NCAI and the Tribes we represent will do everything possible to assist the Census Bureau in compiling a high-quality address list, preparing and distributing appropriate educational and promotion materials, and identifying qualified Tribal members to serve

as crew leaders, enumerators and outreach specialists. But even a massive, coordinated counting effort will inevitably miss millions of people, far too many to ignore. We must build promising new methods into the traditional process in order to give life to these invisible people.

Therefore, we respectfully urge the Congress to support the Census Bureau's plan for a census that uses sampling and other statistical methods to improve the accuracy of a so-called traditional census count. We are fully aware of the Supreme Court ruling earlier this week, finding that the law prohibits the use of sampling in calculating the population totals used for congressional apportionment. But we are heartened by the Court's recognition that the law does not prohibit, and may require, the use of sampling methods to produce data that can be used for other purposes, such as the allocation of Federal aid.

It is the second planned use of sampling in the Bureau's original 2000 census plan -- the Integrated Coverage Measurement program - that is designed to eliminate the persistent and highly disproportionate undercount of minorities and the poor. This statistical program was planned for communities of every kind, including on Indian reservations. We believe it represents the only real hope for avoiding the unacceptably high undercount of American Indians and Alaska Natives that occurred in 1990. We believe that Congress must consult with the Census Bureau immediately to determine the feasibility of adjusting the census counts for any undercounts and over counts. Then Congress and the Administration must ensure that the Bureau has the fiscal and personnel resources it needs to get the job done.

The 1990 census demonstrated that direct counting methods alone will not result in an accurate count of American Indians. It would be foolish to assume that throwing more money toward the same failed techniques will yield a better outcome in 2000.

IV. CONCLUSION

Mr. Chairman, thank you for this opportunity to present this statement in connection with this vital issue. In conclusion, it is our position that the unique character of each Indian Tribe, as well as the unique relationship between Tribes and the Federal government, require that Tribal governments are consulted and coordinated with in order to provide substantial guidance on the best methods for taking the census on their reservations. Anything less will have far-reaching negative legal, financial, and statistical implications for the American Indian and Alaska Native population. I again thank you for the opportunity to appear before you today and would be happy to answer any questions you may have.

*National
Congress of
American
Indians*

THE NATIONAL CONGRESS OF AMERICAN INDIANS

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RESOLUTION # SFE-97-081

Title: Requesting The Bureau Of The Census, U.S. Department of Commerce, Make Stronger Efforts To Conduct An Accurate Count Of The Native American Population

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, many federal programs, including the Native American Housing Assistance and Self Determination Act of 1996, Indian Housing Block Grant Program, allocate funds to Indian tribes using Bureau of the Census, U.S. Department of Commerce, data; and

WHEREAS, the Bureau of the Census has a continuing history of undercounting the American Indian and Alaska Native population; and

WHEREAS, the Bureau of the Census requires Indian tribes to provide maps and other information where the federal government should already have available such information using state-of-the-art technology.

NOW THEREFORE BE IT RESOLVED, that NCAI strongly recommends that the Bureau of the Census, U.S. Department of Commerce, make every effort to conduct an accurate 2000 Census count of the American Indian and Alaska Native population; and

BE IT FURTHER RESOLVED, that the federal government allocate adequate funding to provide correct state-of-the-art maps, hire local people, and provide training and funds to establish partnerships with Indian tribes.

CERTIFICATION

The foregoing resolution was adopted at the 54th Annual Session of the National Congress of American Indians, held at the Sweeney Convention Center in Santa Fe, New Mexico on November 16-21, 1997 with a quorum present.



W. Ron Allen, President

ATTEST:



Lela Kaskalia, Recording Secretary

Adopted by the General Assembly during the 54th Annual Session held at the Sweeney Convention Center, Santa Fe, New Mexico on November 16-21, 1997.

NATIONAL CONGRESS OF AMERICAN INDIAN



RESOLUTION # MRB-98-095

Title: Census 2000 Support

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Table Bluff Reservation /Wiyot

SOUTHEAST AREA
A. Bruce Jones
Lumbee Tribe

EXECUTIVE DIRECTOR

JoAnn K. Chase
Mandan, Hidatsa & Arikara

WHEREAS, we, the members of the National Congress of American Indian the United States, invoking the divine blessing of the Creator upon our efforts purposes, in order to preserve for ourselves and our descendants rights secured u Indian treaties and agreements with the United States, and all other rights and benefi which we are entitled under the laws and Constitution of the United States to enlighten public toward a better understanding of the Indian people, to preserve Indian cult values, and otherwise promote the welfare of the Indian people, do hereby establish submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the ol and largest national organization established in 1944 and comprised of representati and advocates for national, regional, and local Tribal concerns; and

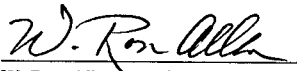
WHEREAS, the health, safety, welfare, education, economic and employ opportunity, and preservation of cultural and natural resources are primary goals objectives of NCAI; and

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby end the Year 2000 Decennial Census; encourages its members to support public coopera with the Year 2000 Decennial Census by undertaking various employment, promotion, outreach projects in conjunction with their local government leaders and the Bureau o Census; and agrees to publicize this endorsement to Indian communities as well as to public at large.

BE IT FINALLY RESOLVED, that such information shall remain confide with respect to each tribe's sovereign interest and that NCAI shall work with the Cong and Administration to ensure that this information will not be used against the tri including but not limited to, for such purposes such as means testing.

CERTIFICATION

The foregoing resolution was adopted at the 1998 55th Annual Session of the National Congress of American Indians, held at the Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998 with a quorum present.


W. Ron Allen, President

ATTEST:


Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1998 55th Annual Session held at Myrtle Beach Convention Center in Myrtle Beach, South Carolina on October 18-23, 1998.

Mr. MILLER. Thank you all, very much.

Congressman Hayworth had a funeral to attend and had to leave, so he won't be joining us this afternoon.

Before we begin questions, first of all, I want to welcome Senator Jackson. It's nice to have someone from the State legislature join us. Thank you, very much, for being with us this afternoon.

Congressman Shadegg, thank you, again, for your explanation. We both represent fairly urban areas, and you represent the extremely urban area of Manhattan. But this is part of the process that I think we're here, is to help get a better understanding of the problems. So I think we gained a great deal by our visit this morning, by Governor Thomas and other people who are here.

As a former statistics professor, I have taught statistics for many years, and I respect the use of sampling. But the fact is, you know, the Supreme Court has spoken, so what we need to do now is move forward and do the best job we can.

And I came out with a proposal to provide as many resources as is possible to throw at this issue to get the best count possible. That is the reason that, knowing that the American Indian is an undercounted population, we really want to work as much as we can on this very specific problem because we just kind of dwell on that.

And I actually think—there's no question the Supreme Court ruled on the issue of apportionment, and I think it—legal authorities tell me because of districting. But for money, you're right. It does. And the court made it very clear that you can use any method you have to. We just have to have a number to trust. And when you get to larger populations, county populations, city populations, it's a little different issue in statistics.

But anyway, as I have proposed, there are a lot of ways to increase the spending for paid advertising. We've not used the paid advertising program in the past. With \$100 million proposed, and I propose increasing it to \$400 million, I think the President will probably be coming out with a proposal. Hopefully, he will propose an increase too. But we are willing to spend the money.

I'm curious about how you would suggest targeting advertising that would be most effective? And maybe advertising is not the most effective way. Maybe it's just the partnership program. How do you think is the most effective way to handle that?

Mr. JOHN LEWIS. Some of the ideas and thoughts were presented by the tribal leadership, but I think the audio and visual. And many of the tribes have access to radio programs either in their own language or by their own radio stations or by the nearby off-reservation radio stations that provide programs for them and advertising. I think that the use of that and television would be possible and would be very important.

So identifying the links, the communication, particularly radio and TV that go into the reservations, would be very important, and that is something that does have its benefits in terms of communication at this time. I think that needs to be looked into and dealt with.

Mr. JACKSON. I'd like to say that any media campaign must adhere to the principle of tribal consultation. I know that in the past

there was a big problem with the radio campaign, and that stemmed from lack of consultations with the tribal leadership.

Mr. MILLER. Mr. Celley.

Mr. CELLEY. I think one of the other aspects of your program that might have more use, I think there are, in certain areas, 21 registered tribes in Arizona.

And one of the points that we all want to make is that there is incredible diversity in the populations and the way to reach them differs. You cannot just put a cookie cutter down and say this is the way we're going to communicate with tribes because the tribes are different.

One of the initial possibilities with the partnership program and also just putting specialists out in some of these areas is potentially having census specialists available in these areas.

As we mentioned earlier, especially Navajo reservations, they are organized by chapter houses; put on specific events in those areas where the community is used to gathering anyway, have a presentation made by leaders in the community who are trusted and who everyone relies on, more accurate information could be provided.

That isn't an advertising campaign. That is a very specific culturally sensitive way of using the resources we have available for getting an accurate count in those hard-to-reach communities.

Mr. MILLER. I didn't have time to ask the question of the previous panel, but how accurately do the Indians know their population within their reservations right now? A lot of them are in very remote areas. But how accurate is the list that they keep today? Are you aware of a registration program or what have you?

Mr. JOHN LEWIS. The tribes do a very good job looking at the enrollment and wanting to have tribal enrollment and keeping these records up, and it is required for many of their activities that they do that.

That's a constant, ongoing effort by the tribe in achieving that. And certainly, with the high-technology age, it has become a little easier, but that is a continuing challenge for the tribes to maintain that.

As far as identifying people throughout the tribal lands, again, a lot of that is well-known by the tribe. But again, as a matter of how best to access or get to map that, and the tribes are proceeding in doing that as well. So they are well on the way to doing a very good job in maintaining that information.

Mr. MILLER. Thank you.

Mrs. Maloney.

Mrs. MALONEY. I would like to add my voice in thanking all the panelists for coming today, particularly Mr. Jackson who came all the way from Washington. We appreciate your testimony. We appreciate you being here, and I must acknowledge your father.

I didn't realize he was a State Senator here in Arizona and has probably been through redistricting several times and knows how important it is to get an accurate count not just for planning purposes but for representation purposes.

Mr. Lewis, I had a wonderful day today with your brother. He was with us on our tour of the reservation, and I just wanted to mention how much I enjoyed the company of your brother.

I loved your testimony. You went right to the point, recommending that scientific sampling supplement aggressive direct counting methods as a result of post enumeration survey.

But my question today is really directed to Mr. Celley. As you know, Phoenix joined a lawsuit in 1990 objecting to the undercount, as the city officials saw it, and they were a plaintiff in a 1990 lawsuit suing the Commerce Department because the city of Phoenix wanted modern, scientific methods sampling adjustment of the census to occur.

Can you tell us why the city was in that lawsuit?

Mr. CELLEY. Mr. Chairman, Representative Maloney, I could make a flippant observation that it was another of the unwise decisions by the mayor. I do not know why they did that.

I know from my conversations with the city of Phoenix officials presently, that they know that under any scenario that you conduct a census, you've got to have an accurate and complete—or complete as possible base from which to base any additional statistics or adjustments.

And so I think the commitment has been, this time around—in fact, I know there's contemplation of a lawsuit by the city this time, and they are not, as far as I know, participating in it because a decision was made that every resource needed be made to the most full and complete actual count of people under any scenario the Census Bureau makes use of hereafter.

Mrs. MALONEY. Well I, must say that Dr. Bryant, who was a Republican, stated that sometimes they enumerated every door six times, and if someone doesn't want to answer the door, yet everyone knows there's people in there, there's a problem.

I thought one of the most telling questions was asked by Stevenson on the Supreme Court. He asked: What if everybody in the community knows a family of six lives in a building but they won't answer the door, and the Census Bureau goes there 20 times and they still won't answer the door? How would those people be counted?

And the person arguing said as a zero. Bryant said, what if the lights go on and off at night? It would still be counted as a zero.

But I want to ask you another question, and I know that it pertains to legislation that I support, that the chairman is working on with my colleague Carrie Meek. They are making an effort to hire people from welfare to work on the 2000 census.

But unfortunately, in some States, taking a temporary position with the Census Bureau can cost an employee certain benefits, such as health care. In addition, these workers—one particular employment can—you have to wait up to 6 months for their benefits to be reinstated.

Can you explain Arizona's welfare laws with regard to temporary employment? As you've heard, there is an effort, and the tribal leaders have supported it, that we hire welfare recipients to help with this count. Would Arizona—can you comment about the laws in Arizona? Would they be deprived of their health care and their benefits for 6 months? Do you know?

Mr. CELLEY. If I may, if I could just respond to your earlier comment as to people being home and not responding and as we've discussed here earlier today, it is a very real issue, especially in the

reservation communities. I would suggest also, within a very few blocks or miles of here in Hispanic areas of our city that confidence in the census process needs to be established.

I think the chairman's proposal to spend more money advertising and have more people in the community with confidence and with neighbor/neighbor relationships so that there is not concern about that person knocking on the door, is an extremely useful way of getting at that.

It's a big issue for us here, and it is very helpful to spend some time and some money establishing just the base confidence of this process and understanding by those.

Mrs. MALONEY. I agree. I agree. I think we should spend all the money, have all the visits and everything, but they still have had an undercount.

Mr. CELLEY. Just to your welfare-to-work question as well, I am not an expert in that area and cannot in detail respond to it. But I would say, we actually are in the state of flux in Arizona with our welfare-to-work program, and not all of our rules have been established yet, partly because it is sitting on our waiting list and has been for a year now, to approve to allow participating in that program.

But we have been working with the Census Bureau on our State welfare-to-work program because I agree that is a marvelous way, especially in the economy such as we have, that everyone who wants a job, basically, has a job.

Mrs. MALONEY. I certainly support the Chair's comments on that. Very briefly, I—

Mr. CELLEY. If I could just say, this is a tremendous way, we think, and the Census Bureau is an advocate, wherein people who do not have a job skill and trying to get off of welfare can get training by the Census Bureau in a short-term situation; and in that experience, learn job skills that they could use elsewhere.

Mrs. MALONEY. If you could get back to our committee in writing, maybe we should reach out to all of the States to get this information.

My last question, very briefly, is if the undercount is eliminated or at least significantly reduced for the State of Arizona in the 2000 census, do you know if Arizona would gain two more seats in the U.S. Representatives?

Press reports estimate that if the undercount was correct in Arizona, you would gain two congressional seats. Have you looked at that, or do you have any—

Mr. CELLEY. Mr. Chairman, Representative Maloney, I believe the estimates to date, based on the numbers such as we know them, does award both a first and second division seat in Arizona with some narrow margin. So it is something we've got to keep a very careful eye on.

One of the things that we have some confidence in is the way that we were growing and the pace that it continues to grow, even presently growing faster than had been predicted, that we may have a little more of a cushion than we thought.

Mrs. MALONEY. That's probably why Arizona joined the lawsuit.

Mr. CELLEY. I think it was a narrower loss, actually.

Mrs. MALONEY. Well, what would be the impact on the State legislature if the undercount was significantly reduced? Do you have any feeling for the impact on the State legislature?

Mr. CELLEY. Mr. Chairman, Representative Maloney, Congressman Shadegg knows well, we have a hard time predicting exactly what it's going to look like after the next count because it's uncertain who's going to be deciding how to draw the lines and who will be drawing them.

There is a proposal in the legislature to farm that out, and it may be established in a way none of us have ever seen before.

Mrs. MALONEY. My time is long over. Thank you all. Excellent testimony from all of you.

Mr. MILLER. Thank you.

Mr. Shadegg.

Mr. SHADEGG. Thank you, very much. You're welcome to have some of my time Mrs. Maloney. I enjoyed the questioning. I do thank the panel for its participation.

Let me focus on one issue that I found fascinating. In your testimony, Mr. Jackson, which I thought, by the way, was some of the most comprehensive I've seen, I noticed you said at one point the census is planned at the national level but carried out at the local level, and you point out that that's very true on Indian reservations and trust lands.

And then I was particularly interested in your first recommendation, which is the government-to-government relationship. And you say, specifically, we urge the Census Bureau to sign its American Indian and Alaska Native Policy, which recognizes and commits to government-to-government relationships with federally recognized tribes and that that will be reflected in all its policy, plans, and programs.

If you recall, Chairman Makil made some point about the importance of involving tribes and tribal government and tribal leadership in the planning of the census.

I guess I would like to have you explain to me, if you could briefly, the Census Bureau's American Indian and Native American policy. Explain to me, if it's not been signed, why it hasn't been signed. Let me know if you have a perspective of the degree with which the Census Bureau is cooperating with tribes in planning the census on Indian reservations and in any Indian trust lands across the country.

Mr. JACKSON. As far as the Bureau's policy, my understanding is it's been sitting at the Census Bureau for the last 3 years. I don't have an answer as to why it hasn't been signed.

As far as to answer your second question, we do sit on the Secretary's 2000 Advisory Committee, and we have had an opportunity for the last 5, 6 years to provide recommendations as we hear them from our member tribes. And I would like to commend the Census Bureau for listening to those recommendations and working with us.

They continue to provide representatives to our national conferences. We do hear from the Secretary as well as the Director of the Census Bureau. So on a national level, we do work with the Census Bureau and continue to do that. And we hope that in our

upcoming conference that we will also continue to have that input from the Census Bureau.

Mr. SHADEGG. You mentioned in your testimony that your specific recommendations are—I mean your oral presentation here, your specific recommendations are set forth in your written testimony, and it numbers at least seven that I can read. I presume all of those have been provided to the Census Bureau and that they are working with you on all of them.

Mr. JACKSON. Yes.

Mr. SHADEGG. The discussion, of course, always consists over this issue of sampling, and some people are going to carry that fact forever and ever. I think the chairman made a good point, and that is the Supreme Court has written its decision. It is the very highest court in the land. The Supreme Court has said that sampling cannot be used for apportionment.

They left the door open. I'm not knowledgeable about that. I believe the door is open on the question of districting and really open on the question of allocation of resources.

Would I be accurate in saying that you have your greatest concerns with regard to the allocation of resources? If sampling can improve—I'm not necessarily saying that it can, but if it can improve—the count for purposes of allocation of resources is that something you would like to see occur?

Mr. JACKSON. We have not taken a formal position on that. We do take a position on particular issues relying on member tribes, but we do hear some of the tribes on an informal basis and that would be, probably, the main objective.

Mr. SHADEGG. I appreciate that. You can't live in the State all your life, as I have, and not see that there are crying needs for resources everywhere but particularly in all sorts of minority communities and particularly on the American Indian reservations.

Mr. Chairman, I don't believe I have anything further at this time.

Mr. MILLER. OK. Let me ask. Is everyone scheduled at this time for full post census local review? Are you familiar with that? In 1990 they allowed communities and reservations to get the number before they became official to see if there were any mistakes made.

That's something that was used in 1990 so that counties or cities or tribes had the chance to make sure that the Census Bureau did the right job, and they had a few weeks to review it before they became official numbers. That is not going to be allowed by the Census Bureau right now—the 2000 census. I don't quite understand why.

Mr. CELLEY. Mr. Chairman, I am not familiar with that, but that is a question I would encourage you to present to Mr. Bourey.

Mr. MILLER. OK. Thank you.

Mr. SHADEGG. Mr. Chairman, your legislation would allow that, though.

Mr. MILLER. Yes.

Mr. SHADEGG. And would enable, for example, tribal leaders to look at the preliminary count before it goes to the Census Bureau to correct any apparent errors that they find. Is that correct?

Mr. MILLER. Right. It would allow the 2000 census to give the most trusted numbers; and if you find mistakes, you can go back and correct them.

With that, let me thank you, very much, for the excellent testimony and excellent response to the question. You've been very helpful. Thank you, very much.

I will ask the next three panelists to come forward and have a seat.

We'll take a 5-minute break.

[Recess taken from 2:15 p.m., to 2:30 p.m.]

Mr. MILLER. If the three members will rise and raise their right hands.

[Witnesses sworn.]

Mr. MILLER. The record will state they all stated affirmatively. And let us begin with Mr. Bourey.

Mr. Bourey, by the way, I used to work with him for a time in the Ninth Congressional District. So it's nice to see you.

**STATEMENT OF JAMES M. BOUREY, EXECUTIVE DIRECTOR,
MARICOPA ASSOCIATION OF GOVERNMENTS**

Mr. BOUREY. Thank you, Mr. Chairman.

Mr. Chairman, committee members, thank you for providing me the opportunity to testify in this field hearing.

Holding an accurate census 2000 is very important to me, both as executive director of the Maricopa Association of Governments and as a representative of the International City/County Management Association on the Census 2000 Advisory Committee.

Aside from its use in determining congressional representation, the census is used to distribute \$180 billion in Federal funds annually. We estimate that in Maricopa County alone, each housing unit counted represents \$10,000 in Federal and State funds to local governments in the decade after the census. With so much at stake, we work together to achieve an accurate census count.

I have four recommendations to help us accomplish that objective: To account for new growth right up to the day of the census; to conduct a post census local review; to meet all census program deadlines; and to designate a highly visible census 2000 advocate.

I will address each of these recommendations for you.

States with rapidly growing metropolitan areas, such as Arizona, is presented a particular challenge for census 2000. Since the last census in 1990, Maricopa County has added 683,000 residents, more people than currently reside in Washington, DC, alone.

We are constructing housing units at the rate of more than 100 a day. Our population has been increasing between 85,000 and 100,000 people a year for the past 3 years. The Bureau of Census is currently assembling its master address file, which contains addresses for housing units throughout the United States.

However, during that time period between the preparation of the address file and the start of the census 2000, another 40,000 housing units may be constructed and more than 100,000 residents added to our region.

In fact, this is a 1991 aerial photo that identifies an area in the northwest region that was an unincorporated area. By 1998, an additional 3,000 housing units have been constructed in this 4-

square-mile area. This is happening in many areas throughout our region.

We recommend the Bureau of Census take the following steps to ensure that this growth is taken into account.

No. 1, rely on building permits issued in 1999 to predict the new housing units that will be in place on April 1, 2000. The Census Bureau could then send questionnaires to these addresses. We have this information in the data base, so we can call up that data with the addresses and provide that to them.

Work with U.S. Postal Service, where possible, to assist in identifying new housing units that are not included in the address file.

Next, to use local government personnel to supplement Census Bureau efforts to make available and deliver extra census questionnaires to newly identified housing units.

The current census 2000 operational plan does not include an opportunity to review preliminary post-census housing-unit counts as was done in the 1990 census. Instead, local governments are being given an opportunity to participate with the Bureau of Census in updating the address file and housing unit counts prior to the start of the census.

While I commend the Bureau of Census for this proactive approach, many jurisdictions have not participated in the program. Those cities will be given their final housing unit-count population figure without having ever provided input. Even if entire subdivisions have been missed, there will be no chance to correct the count other than to file an appeal.

I strongly urge you to consider taking whatever steps are necessary to include a post-census local review as was done in 1990 to supplement the precensus address followup update.

The post-census review would involve providing estimated housing unit counts by block to local jurisdictions and giving them adequate time to review those counts and report any missed housing units to the Census Bureau. The Bureau would then undertake followup efforts to verify those addresses.

For the past several years, deadlines for programs associated with the census 2000 have been missed. These include the deadlines for providing us with information for updating addresses, updating city and town boundaries, and recommending changes to census tracts and block groups. One thing is certain: The April 2000—April 1, 2000, deadline for conducting census 2000 is firm.

Therefore, we must agree and recognize that schedules need to be met. To achieve this, I recommend that the Bureau of the Census do several things.

Enter into a variety of creative partnerships with other government agencies and the private sector to obtain information needed for census 2000. This includes updated address files and maps, changes to census geography, and updated city and town boundaries.

Also establish a method to confirm receipt of information from local government agencies and to notify them, also, about whether that information is being utilized.

Next, to deploy more resources and streamline the process for resolving discrepancies between local government address files and Census Bureau files. The current reconciliation and appeals proc-

ess is cumbersome and requires extensive communication between local communities and the Census Bureau in a relatively short period of time.

Next, to reexamine work schedules of the Census Bureau employees to ensure that important issue areas are adequately covered at critical times. We've experienced situations where the only individual qualified to respond to a specific question on a time-sensitive matter is not available.

And finally, to increase the number of hours that staff is available in the regional offices and in Washington. Currently, the time differences and flex time practices provide a very narrow window for communicating with key individuals.

Especially with the 3-hour time difference, they are there on the job from 7 to 3. We have got, basically, a couple hours in the morning before they go to lunch.

The complexity of preparation for census 2000 and a wide range of technical and political issues have resulted in dissension among groups that ultimately must work in harmony to achieve a successful census 2000 count.

Therefore, I recommend that you consider a highly visible census 2000 advocate to be designated, who can champion the census 2000 on a regional or national level. The advocate would work to unify a wide variety of interests and secure bipartisan support on the importance of the census.

Mr. Chairman, committee members, given the significance of the census 2000 and the recent Supreme Court decision on sampling, I urge that these recommendations be addressed as soon as we can. I would be happy to assist in those efforts in any way I can.

Thank you for the opportunity to address the committee.

[The prepared statement of Mr. Bourey follows:]

City of Anadarko • Town of Buckleys • Town of Cashion • Town of Cave Creek • City of Chandler • City of El Mirage • Town of Fairview Hills • Town of Gila Bend • Gila River Indian Community • Town of Gilbert
City of Glendale • City of Goodwin • Town of Goodwin • City of Lindsay Park • Maricopa County • City of Mesa • Town of Paradise Valley • City of Peoria • City of Phoenix • Town of Queen Creek
Salt River Pima-Maricopa Indian Community • City of Scottsdale • City of Surprise • City of Tempe • City of Mesa • Town of Wickenburg • Town of Yuma • Arizona Department of Transportation

We recommend that the Bureau of the Census take the following steps to insure that this growth is taken into account.

- A. Encourage the collection and submittal of building permits issued in 1999 to be used to predict the new housing units that will be in place on April 1, 2000. The Census Bureau could then send questionnaires to those addresses.
- B. Work with the United States Postal Service, where possible, to assist in identifying new housing units that are not included on the address files. When postal workers deliver Census questionnaires in March of 2000, if they notice new housing units for which they do not have a questionnaire addressed, they should document that address and provide the Census Bureau with the information. Questionnaires can then be distributed to those addresses.
- C. Use local government personnel to supplement Census Bureau efforts to make available and deliver extra Census questionnaires to newly identified housing units.

2. Conduct a postcensus local review

The current Census 2000 operational plan does not include an opportunity to review preliminary postcensus housing unit counts as was done in the 1990 Census. Instead, local governments are being given an opportunity to participate with the Bureau of the Census in the update of their address file and housing unit count prior to the start of the Census. While I commend the Bureau of the Census for this proactive approach, many jurisdictions have not participated in the program. Those cities will be given their final housing unit count and population figure without ever having provided input. Even if entire subdivisions have been missed, there will be no chance to correct the count other than to file an appeal.

For those jurisdictions that are participating in the address update process, time constraints may make it difficult to incorporate the new information into Census Bureau files. Therefore, I strongly urge you to consider taking whatever steps are necessary to include a postcensus local review as was done in 1990 to supplement the precensus address update.

The postcensus review would involve providing estimated housing unit counts by block to local jurisdictions, giving them adequate time to review those counts and reporting any missed housing units to the Bureau of the Census. The Bureau would then undertake follow-up efforts to verify those addresses.

3. Meet all Census program deadlines

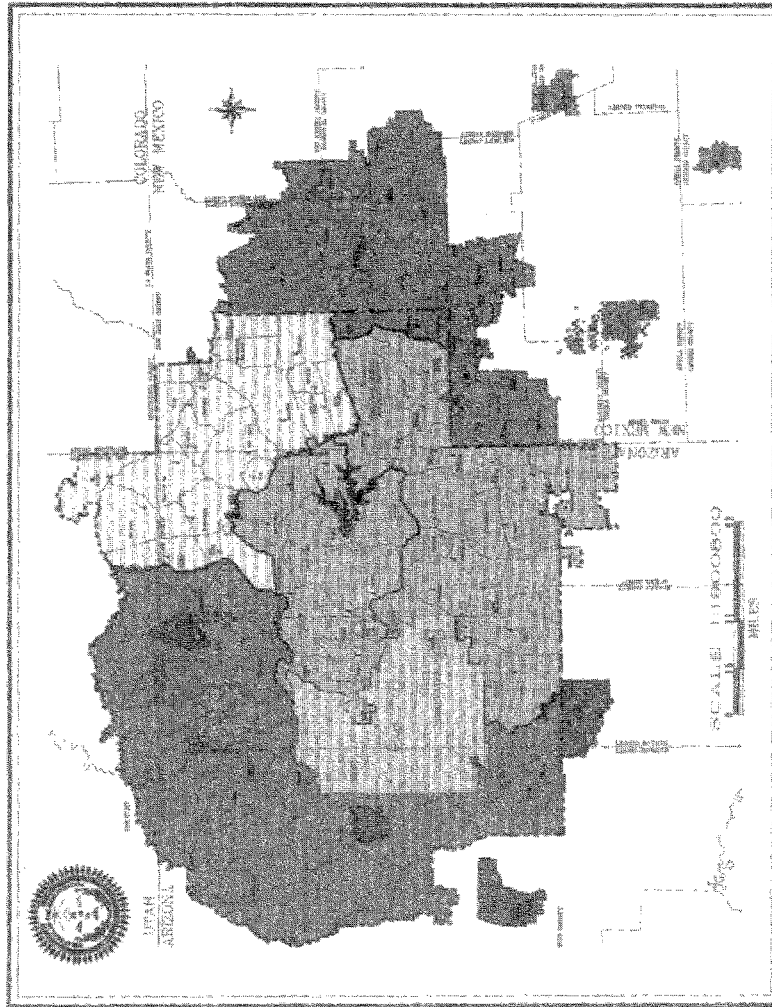
For the past several years deadlines for programs associated with Census 2000 have been missed. These include the deadlines for providing us with information for updating addresses, updating city and town boundaries and recommending changes to Census Tracts and Block Groups. One thing is certain: the April 1, 2000 deadline for conducting Census 2000 is firm. Therefore we must agree that schedules need to be met. To achieve this, I recommend that the Bureau of the Census:

- A. Enter into a variety of creative partnerships with other government agencies and the private sector to obtain information needed for Census 2000. This includes updated address files and maps, changes to Census geography and updated city and town boundaries.
- B. Establish a method to confirm receipt of information from local government agencies and to notify them whether that information is being used.
- C. Deploy more resources and streamline the process for resolving discrepancies between local government address files and Census Bureau files. The current reconciliation and appeals process is cumbersome and requires extensive communication between local communities and the Census Bureau in a very short time frame.
- D. Reexamine work schedules of Census Bureau employees to insure that important issue areas are adequately covered at critical times. We have experienced situations where the only individual qualified to respond to a specific question on a time sensitive matter is unavailable.
- E. Increase the number of hours that staff is available at the regional offices and in Washington. Currently time differences and flex time practices provide a very narrow window for communicating with key individuals.

4. Designate a high visibility Census 2000 advocate

The complexity of preparations for Census 2000 and a wide range of technical and political issues have resulted in dissension among groups that ultimately must work in harmony to achieve a successful Census 2000 count. I therefore recommend that a highly visible Census 2000 advocate be designated who can champion Census 2000 on a regional or national level. The advocate would work to unify a wide variety of interests and secure bipartisan support on the importance of the Census.

Mr. Chairman, given the significance of Census 2000 and the recent Supreme Court decision on sampling, I urge that these recommendations be addressed as soon as possible. I would be happy to assist in those efforts in any way that I can.



Mr. MILLER. Thank you.
Ms. Gaddy.

**STATEMENT OF LEVONNE GADDY, FOUNDING PRESIDENT OF
MULTIETHNICS OF SOUTHERN ARIZONA IN CELEBRATION
[MOSAIC]**

Ms. GADDY. Thank you all for inviting me here today for this testimony.

My name is Levonne Gaddy. I'm representing the MOSAIC Multiethnics of Southern Arizona.

Comedian and actor Steve Martin in the opening scene of the movie entitled "The Jerk," stood amongst a large family of African American individuals and stated forlornly, I was born a poor, black child.

The contrast between the dark faces and Mr. Martin's whiteness, his obvious lack of rhythm, and the sheer ludicrousness of the scene invoked laughter and chuckles from audiences.

Well, the truth is that in a small, segregated, rural North Carolina town, I was born a poor, black child. Many times during my childhood and early adult years, people chuckled as I insisted that I was black. That hurt.

As a youth, I was taught that race is a biological fact. Can you imagine the insanity of believing I was biologically black and seeing in the mirror that I was white?

America's rigid, racial, categorizing system has harmed countless youth. I and millions of others have been forced by our government to lie about our racial makeup. Multiracial people have a history of being denied, shamed, quieted. We have been America's secret. I lived one-third of my life in a country where it was against the law for me to exist.

The marriage in the late 1800's of my grandparents, two people of different races—different race was an illegal union. How bad was the act of marrying someone of a race different than one's own? The abolition of anti-interracial marriage laws in 1968 laid the foundation for multiracial individuals to legally exist.

Thirty years after the Supreme Court ruling, for the first time in the history of this great Nation, we multiracial people can finally be acknowledged by our government and have the opportunity to be truthful by checking all the racial heritages that we identify with on a government form on the census 2000.

The Office of Management and Budget, Directive No. 15, revision of 1997, mandates that multiracial people have the option to check one or more boxes when we racially self-identify. We were no longer forced to lie, and the citizens of American can no longer lie to itself about our existence.

Over the last 20 years, 70 to 80 grass-roots, multiracial, support organizations have sprung up across America.

In her research, Cornell University Ph.D. Kim Williams has concluded that the multiracial movement in America may be the fastest growing social movement in America's history and may have accomplished more in a short time than any other.

It is my firm desire that Directive No. 15 mandate be funded and that Americans will be educated about this change in racial identity policy, that multiracial Americans clearly understand how they

can and why they should, after centuries of oppression, express their racial truths.

I ask you to continue to move us forward from America's racial insanity toward truth and sanity by involving multiracials in every way possible in the census 2000 response campaign.

Specifically, target the multiple checkoff respondents with a sustained, national media message detailing the new policy; involve leaders of the community in training and sensitizing enumerators to the historical change; engage multiracial leadership in local public relation campaigns, speaking engagements with schools, and others impacted by the change.

We, in the multiracial community, are a network of all races of people who are committed and willing to assist with census 2000.

I appreciate this opportunity to share my ideas with you. And I, along with the multiracial communities' leadership, thank you for your willingness and commitment to partnering with us in this period of historical change.

I and the proud, uncounted multiracial people of our country wish our fellow citizens could be as proud of us as we are of ourselves. Thank you.

[The prepared statement of Ms. Gaddy follows:]

Testimony of LeVonne Gaddy
 Founding President of Multiethnics Of Southern Arizona In Celebration (MOSAIC)
 Before the Committee on Government Reform and Oversight
 of the U.S. House of Representatives

Phoenix, Arizona
 January 29, 1999

Background

My name is LeVonne Gaddy. I am a professional Social Worker, an adjunct professor at Arizona State University School of Social Work (Tucson component) where I teach "Diversity and Oppression in the Social Work Context," and "Ethnic and Cultural Variables in Social Work." I am a cofounder of Multiracial Americans of Southern California (MASC 1985) and Founding President of Multiethnics Of Southern Arizona In Celebration (MOSAIC since 1997). In the role of Social Photo Documentarian, I have co-created a photo documentary exhibition containing seventeen (17) black and white photographs of multiracial and multiethnic individuals, couples and families along with accompanying text. The exhibition was designed to promote positive images of the multiracial and multiethnic population and to educate about the change in racial self identification, especially as it relates to multiracial individuals on Census 2000. The exhibition began its tour in October 1998 at the University of Arizona (in Tucson) Rotunda Gallery.

Introduction

MOSAIC is a non-profit organization that was created in 1997 to address the social, cultural and educational interests of multiracial and multiethnic individuals, couples, families and groups. MOSAIC is also interested in promoting and facilitating friendship between different ethnic and racial groups. MOSAIC is an affiliate of the Association of MultiEthnic Americans (AMEA), a nationwide confederation of multiethnic/interracial groups representing thousands of people from all walks of life and includes individuals and families of various racial and ethnic origins and mixtures. I as an individual citizen, nor MOSAIC or AMEA receive grants, hold contracts, sub-grants, or subcontracts with the Federal government.

OMB Statistical Directive 15 and Census 2000 Tabulation

I am a proud multiracial individual and embrace my African American, Native American and European heritages. I celebrate the 1997 revision of the OMB Statistical Directive 15 allowing for the first time ever, people to select one or more racial categories to indicate multiple racial heritages on government forms. This is a historical shift for people who identify with more than one racial heritage. They will no longer be forced to falsely represent themselves by checking one category only.

However, the challenge still exists as to how the races chosen will be tabulated. When the Census numbers are finally in, how will the multiracial community be represented to the traditional data collectors: a) healthcare professionals, b) national lawmakers, c) civil rights advocates, and now, our own multiracial community leadership?

Ramona Douglass, President of AMEA and Member of the Federal 2000 Census Advisory Committee states, "Whatever tabulation methods are chosen and instituted by the Executive Office of Management and Budget, we are committed to honoring existing civil rights protections and being accurately assessed for re-districting purposes over time." Ms. Douglass further states, "Politics and science do not mesh well in determining what methods will best give us an accurate,

complete and impartial Census. We trust that those professionals who have been charged with its implementation have far greater knowledge than we do of what statistical methods are the most tried, true and up-to-date in resolving the non-response follow-up rate. Any attempt by Congress to second-guess or circumvent the timely execution of a very tight Census time line will sabotage the process for everyone."

It seems to me, based on Ms. Douglass' statements, as well as the recent U.S. Supreme Court's decision banning statistical sampling, that a major component of improved coverage in the 2000 Census rests with answering the question: "What options are still open to the Census for rectifying the undercount and non-response follow-up rate?" I and MOSAIC membership fully support Ms. Douglass' position.

Local Strategies for Improving Participation and Accuracy of the Census Count

In a statement to AMEA membership on October 30, 1997, AMEA President Ramona Douglass stated, "It is imperative that we inform local, regional, and national representatives, educational/public school officials, and medical/healthcare professionals about the new OMB Directive 15."

Carlos Fernandez, Coordinator for Law and Civil Rights for AMEA, in his May 1997 testimony before the Subcommittee on Government Management, Information and Technology of the U.S. House of Representatives stated, "Administrators of public schools across the United States are required to provide a racial/ethnic Census of their students to the federal government. In doing so, the public schools are required to adhere to the requirements of OMB Directive 15."

My concern is for how and when representatives, education officials, healthcare professionals, civil rights advocates and the multiracial community itself, will be educated about the OMB Directive 15 mandate that multiracial individuals be given the choice to self identify with more than one heritage on Census 2000 and other government forms by year 2003.

The desire of multiracial/multiethnic community leadership is that education begin immediately. We desire that a substantial effort be made to inform citizens of the changes in racial self identification policy, the reasons for those changes and the benefits of responding to Census questionnaires. This could be achieved by:

1. Advertisement focused towards representatives, education officials, healthcare professionals, civil rights advocates and the multiracial community itself on the need to be accurate in answering the race questions and how those answers will be used to benefit the community in schools, healthcare, employment, housing, etc.
2. Interracial families being portrayed in paid advertisements, posters and support materials,
3. Through consultation with local multiracial/multiethnic communities and organizations, positions be made available related to Census 2000 enrollment for people in our communities who are sensitive to the "check one or more" format and
4. Genuine partnership efforts between Census Bureau and multiracial community leadership.

Conclusion

The multiracial community's participation in Census 2000 concludes a history of covert and overt social oppression of the community in America. Social, political and physical invisibility are no longer acceptable options for multiracials. To participate fully in Census 2000 is a statement from the community that it counts to be counted as interracial families and multiracial people. We, in turn, ask for the commitment from our government of true collaboration with the multiracial/multiethnic community leadership, for a) jobs related to implementing Census 2000 and b) designated expenditures and follow-through to educate our community, government representatives, educators, healthcare professionals and civil rights advocates about the revised OMB Directive 15.

Mr. MILLER. Thank you.
Ms. Lumm.

**STATEMENT OF ESTHER DURAN LUMM, PRESIDENT OF THE
ARIZONA HISPANIC COMMUNITY FORUM**

Ms. LUMM. Honorable Carolyn Maloney, Honorable Dan Miller, Honorable John Shadegg, thank you for the opportunity to address you in this very important matter: census 2000.

My name is Esther Duran Lumm, president of the Arizona Hispanic Community Forum, an advocacy organization comprised of seven chapters throughout the State of Arizona. I believe my remarks today reflect the feelings of many people in the Hispanic community as well as other people of color.

We are deeply, deeply concerned about the undercount's impact past census counts have had on children, people of color, American Indians living on and off reservations, and the economically disadvantaged people living in urban and rural areas. Many Latinos and African Americans live in areas of the city where accessibility is extremely difficult if not impossible.

Any community person involved in walking door to door to distribute information—and I speak from experience—can tell you that you're fortunate to make contact with 4 out of 10 houses, and that's not counting unapproachable homes where Dobermans guard the gates. The same situation exists for American Indians living on reservations or widely separated rural areas.

The end result in the past census efforts has been economically devastating for people of color and other people who are economically disadvantaged.

According to Census Bureau evaluations, the 1990 census excluded at least 2 percent of Phoenix' residents and 2.4 percent of the State's residents, both higher than the net national undercount of 1.6 percent. These results are devastating and result in our county and city residents being denied fiscal resources and political representation.

The undercount rate for Hispanics is a shocking 5 percent and even more shocking for American Indians living on reservations at 12.2 percent. This trend will continue unless we take steps to make changes, and we believe the time for that change is with census 2000.

With all due respect, your Honorable Dan Miller's views on the fact that the decision of the Supreme Court is final, thank God we live in America and we have freedom of speech.

We fully support scientific sampling as a method to use in resolving the problem of undercounting and are disappointed and displeased at the decision to disallow scientific sampling for purposes of apportionment. We agree and believe that scientific sampling will result in more accurate counts on all levels: national, State, congressional, and in the census tracts.

Opponents contend that to use scientific sampling will result in a violation of the Constitution in that it specifically calls for a physical head count.

While we have the greatest respect for the Constitution of the United States and believe it is the greatest document ever written

for governing, we do not believe that the great minds that wrote it expected the Nation to remain unchanged.

The days are gone when we could count people physically. The population has grown and the culture with it. We must employ whatever scientific and technological tools are available to us to ensure fairness to the people.

Other methods to enhance the census procedure include: Recruit and hire a local work force that represents the multicultural diversity of our city and State; removing legal barriers that prevent low-income and elderly from applying for census jobs.

Census materials available in multi-languages are crucial to the success of the census. This needs to be ensured by allocating funds for hiring staff at questionnaire assistance centers rather than relying on volunteers. For Spanish-speaking people, the forms should be in bilingual format and advertisement targeted on Spanish language media.

Census promotional materials must be distributed to local community groups in a timely manner, early enough to make an impact, and Congress should expect to provide funds to assist organizations with limited funds in their mission to outreach and educate the community, publicity, and through special target efforts via the schools.

Regarding the census taking for American Indians, the preparation of tribal liaison materials should be completed in a manner that respects culture and promotes a voluntary census.

In conclusion, we urge you to do the right thing. Do not get caught up in partisan panic.

We have heard so much about family values this decade, yet children were missed more than twice as often as adults. At least 3 percent were not counted. And children of color, again, paid the price—the highest price.

Seven percent of black children were not counted. Five percent of Hispanic children were not counted. And 6 percent of American Indian children were not counted. Did they not lose out on the Federal assistance?

Taking care of children is a priority. Please, let's put some action behind the family value concept and do what is fair and just. Thank you.

[The prepared statement of Ms. Lumm follows:]

Arizona Hispanic Community Forum

Chapters:
 Phoenix
 Tempe/Guadalupe
 Glendale
 Avondale/Goodyear
 Pinal County
 Surprise/El Mirage
 Yuma

Thank you for the opportunity to address you in this very important matter—Census 2000. My name is Esther Duran Lumm, president of the Arizona Hispanic Community Forum, an advocacy organization comprised of seven chapters throughout the state of Arizona. Our organization's charter is to address issues that affect Hispanics in the areas of Education and Community Empowerment. I believe my remarks today reflect the feelings of many people in the Hispanic community, as well as other peoples of color.

We are deeply concerned about the undercount impact past Census counts have had on children, people of color, American Indians living on and off reservations, and the economically disadvantaged people living in urban and rural areas. Here in Arizona, we are specifically concerned because our state and the Phoenix metropolitan area are home to many people whose racial and ethnic background, age, or economic status make them more likely to be excluded from the census. Latinos, African Americans, and American Indians are specifically bound to be undercounted for reasons of logistics, as well as mistrust of confiding in strangers, among other factors. Many Latinos and African Americans live in areas of the city where accessibility is extremely difficult if not impossible. Any community person involved in walking door to door to distribute information can tell you that you are fortunate to make contact with four out of ten houses, and that's not counting the unapproachable homes where the Dobermans and Rotweilers guard the gates. The same situation exists for American Indians living on reservations or widely separated rural areas. They are extremely difficult to reach, again, if not impossible.

The end result in past census efforts has been economically devastating for peoples of color and other people who are economically disadvantaged. Some argue that over-counts balance undercounts to a degree, but we disagree. Over-counts are not likely to occur in the areas previously described, resulting in unequal representation.

According to Census Bureau evaluations, the 1990 census excluded at least two percent of Phoenix's residents and 2.4 percent of the state's residents—both higher than the net national undercount of 1.6 percent. These results are devastating and result in our county and city residents being denied fiscal resources and political representation. The undercount rate for Hispanics is a shocking 5 percent, and even more shocking for American Indians living on reservations at 12.2 percent. This trend will continue unless we take steps to make changes, and we believe the time for that change is with Census 2000.

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Esther Lumm

We fully support scientific sampling as a method to use in resolving the problem of undercounting, and are disappointed and displeased at the decision to disallow scientific sampling for purposes of apportionment. We agree and believe that scientific sampling will result in more accurate counts on all levels—national, state, congressional, and in the census tracks. Opponents contend that to use scientific sampling will result in a violation of the Constitution in that it specifically calls for a physical headcount. While we have the greatest respect for the Constitution of the United States and believe it is the greatest document ever written for governing, we do not believe that the great minds that wrote it expected the nation to remain unchanged. The days are gone when people can be counted physically. The population has grown and the culture with it. We must employ whatever scientific and technological tools are available to us to ensure fairness to the people.

Other methods to enhance the census procedure include:

- Recruit and hire a local workforce that represents the multicultural diversity of our city and state. Census officials have a responsibility to implement outreach programs with civic leaders and participants so that all segments of our society are represented.
- Remove legal barriers that prevent low income and elderly from applying for census jobs, such as retirees who receive social security benefits or military and federal pensions possibly losing a portion of their monthly payments if they participate in the temporary census work.
- Census materials available in multi languages are crucial to the success of the census. This needs to be ensured by allocating funds for hiring staff at Questionnaire Assistance Centers (QAC), rather than relying on volunteers. For Spanish-speaking people, the forms should be in bilingual format, and advertisement targeted on Spanish language media, to encourage early participation and ample time for questions and gaining assistance.
- Census promotional materials must be distributed to local community groups in a timely manner, early enough to make an impact. Further, alternative ways to distribute forms must be explored, such as early advertisement targeted to specific media for specific groups, on how to obtain forms and gain assistance in completing forms. This can be accomplished by forming partnership programs between government, non-government organizations, business and the media. Congress should expect to provide funds to assist organizations with limited funds in their mission to outreach and educate the community publicly and through special target efforts via the schools.

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Esther Lumm

- Regarding the census taking for American Indians, the preparation of tribal liaison materials should be completed in a manner that respects and promotes a voluntary census process from tribes and encourages their tribal liaisons to work with the governor's liaisons. This action supports the government to government relationship established in Executive Order 13084. Further, American Indians should have input on media campaigns, educational materials, and promotional items.

We urge you to do the right thing. Do not get caught up in partisan panic. We have heard much about family values this decade. Yet, children were missed more than twice as often as adults--at least 3 percent were not counted, and children of color again paid the highest price. Seven percent of black children were not counted; 5 percent of Hispanic children were not counted, and 6 percent of American Indian children were not counted. Are they not part of family values? Did they not lose out on the federal assistance they should have had if they had been counted? Please, let's put some action behind the family value concept, and do what is fair and just.



Esther Duran Lumm, President
Arizona Hispanic Community Forum

Mr. MILLER. I would like to thank everyone for your comments.

Mr. Shadegg, you have to leave now. Do you have a quick question you would like to ask? Then we'll let you go, and then we will proceed.

Mr. SHADEGG. I don't really believe I do. I think it was an excellent presentation by all three panelists. I know there are some specific questions of Mr. Bourey, and I thought his testimony was very technical, but the other testimony was very compelling, and I commend you all for testifying today, and I'll leave the questioning in your capable hands.

Thank you very much. I apologize. I do have to leave.

Mr. MILLER. Thank you very much for joining us.

Mrs. MALONEY. You added an important dimension to our hearing.

Mr. MILLER. As I said before, the Supreme Court stated—we can argue sampling and argue sampling. The job is we've got to get the census done. We're prepared to offer as many resources as we can. In fact, the Congress appropriated about \$200 million more for the census in the current appropriation bill—in last year's appropriation bill than the President even asked for.

So we have spoken by giving the resources to the Census Bureau, more money than they even asked for. My ideas and suggestions are going to cost money, but we just need to work together to get the job done.

Members listening to the debate, Thomas Jefferson was involved in the first census in 1790, and they had their problems. Back in 1790, they had to do it horseback. So instead of arguing sampling, I think we need to forget about it.

Let me talk to Mr. Bourey about this most post-census local review issue. Where were you in 1990? Were you here, or you were in Florida?

Mr. BOUREY. I was in Florida in 1990.

Mr. MILLER. OK. Were you familiar with the post-census local review back then?

Mr. BOUREY. Somewhat. I wasn't directly involved. I've also researched some of what went on here.

Mr. MILLER. Well, tell me what happened here in Phoenix in 1990 with the post-census local review.

Mr. BOUREY. Well, the jurisdiction—the city was given housing count information after the census was conducted. They were then given, I believe, 15 days, I believe, to be able to address their concerns and provide to the Census Bureau places where there were undercounts, and the Census Bureau, then, did a review of those.

And from what we have been able to tell, they did not review all of those, just the top blocks that were missing—the largest number of housing units. They did come back, then, and do an adjustment for the housing count, and they adjusted about 3,700 units in this region.

Mr. MILLER. How many?

Mr. BOUREY. About 3,700.

So there was a significant adjustment if you look at the population. If you consider a housing unit for State and Federal was about \$10,000 per housing unit for the decade, that represents quite a bit.

Mr. MILLER. I'm a little baffled about why the Census Bureau doesn't want to do that. Money can't be the problem. We have provided resources.

We spoke to the conference of mayors. The mayors were pretty upset about it. The mayor of Detroit, I spoke with him afterwards. He was very critical of the 1990 census in Detroit and how very much it was needed this time around and the support, and maybe we can get the support from the mayor here to send a letter to the President to encourage him and push for legislation for that.

It gets back to trust. That's part of the issue. You know, one of the things that we are saying in the front end is to look at the address list, but we want to look at the tail end numbers to do the audit.

Your statements have visited the problems of working together with the community on the address list. Is that right?

Mr. BOUREY. Mr. Chairman, committee members, we have received information, not in as timely a fashion as we would like. The information came in bits of half and half and then file.

We have been surprised—and this is not to lay the blame on the Census Bureau. We have been surprised at the extent to which the addresses are not provided—were missing from the file that we have—from the address file to what we know is out there.

In some cases, in some jurisdictions, it was upwards of more than 50 percent, the addresses that were missing in some areas. So it was a very, very significant amount of addresses, so we had a large concern. We have yet to receive feedback about how they've been incorporated in the file—the address file, so there's concern over that, and then they were obviously concerned about overtime.

Mr. MILLER. You have a field update address file. But you say as much as 50 percent error in some municipalities here?

Mr. BOUREY. Mr. Chairman, yes, more than 50 percent in some jurisdictions. The addresses, for some reason, are not on the post office records.

Mr. MILLER. Ms. Gaddy, your organization is MOSAIC. What's that stand for? Is that an acronym?

Ms. GADDY. Yes. Multiethnics of Southern Arizona in Celebration.

Mr. MILLER. How long has that group been around?

Ms. GADDY. We've been around for about 15 months at this point, and we have about 30 families and individuals—individuals plus family memberships.

Mr. MILLER. Is there a national organization?

Ms. GADDY. Yes, there is. It's the Association of Multiethnic Americans, and they are headquartered in California.

Mr. MILLER. And you're part of that nationally. Is that right?

Ms. GADDY. Yes. We're affiliated with the national organization.

Mr. MILLER. Now, as part of the Census Bureau goes this in year, you're reasonably satisfied as far as the forum.

Ms. GADDY. I have not been as involved in the details of what's happening with the census. Ramona Douglass is a member of the Federal 2000 Census Advisory Committee, and I trust that she is doing her part to make sure that we are getting—she's having the input that she wants to have and needs to have for all of us. So I guess the answer is yes.

Mr. MILLER. All right. Mrs. Maloney.

Mrs. MALONEY. I join you, Mr. Chairman, in thanking all of the witnesses for their very moving and excellent testimony. I particularly thought it was important to hear from the Latino community, which is very, very large here in Arizona, and I would like to ask you, Ms. Lumm, several questions.

I appreciated your comments and your testimony about how overcounts do not balance out undercounts. They are different. They're apples and oranges. Can you tell us what effect a large undercount has had on the Hispanic communities of Arizona?

Ms. LUMM. Mainly, it has been economic. They have not been able to benefit from Federal funds for different types of benefits that normally are given to them through the schools, Head Start Programs, these kinds of things.

Because I was told that I would be limited to 5 minutes and did not realize it was going to be in this change, I did not bring any specific notes that tell me exactly where those areas were. However, it's been mainly economic for the Latinos.

Mrs. MALONEY. You think you lost maybe State representation in the State?

Ms. LUMM. That goes without saying. We were definitely not represented, and that's why we're so disappointed to see that the sampling was not being used for the apportionment because we have had to fight through decades for representation.

And even now, you see the representation in south Phoenix and in areas where there are heavy populated Latinos, this is the only place where we're able to elect officials that are Hispanic because—it is ludicrous.

For example, I live in a neighborhood right now that's predominately Republican. It would be a waste of my time and money for me to try to run in that area. There is no way that I could win.

For one, I didn't even mention, because it's just so obvious, the fact that we are not equally represented. However, the economic portion has been very devastating also.

Mrs. MALONEY. Given what you know about the issue and the effectiveness of all the coverage and improvement programs that we talked about and we all support hiring more enumerators, we all support hiring within the specific culture, in the Indian culture, the Latino culture, the multiethnic culture in the areas and the language, do you believe that the undercount can be eliminated without the use of scientific methods sampling?

Ms. LUMM. Absolutely not. Because, as I stated when I told you that I was speaking from experience, I've been door to door in the barrios. It is impossible to get to some of the houses.

In fact, today I spoke with a woman, a friend of mine, that actually took work with a census and went door to door. I asked her, I said, what do you do when you come to a house that you can't go into because there's a dog or because they won't answer the door?

And she said, well, I just skip it.

And basically, this is what's happening. It is impossible to get the count. Also between the culture, the mistrust. There is no way.

That's why the sampling is so very important. That's why it's so crucial because that is the only way we're going to get represented.

That's the only way that we're going to get fair representation, is through sampling. This is why we supported it so heavily.

You can add as many people, you can advertise as much as you want, but in the end, it's going to have to be sampling that gives us the proper representation.

Mrs. MALONEY. I quoted earlier from Dr. Barbara Bryant, who happens to be a Republican and head of the Census Bureau, and she said when she was the director, they had enough money to hire all the enumerators they wanted.

Some of them went six times to homes and still could not count them, that it was then that they appealed to the National Academy of Sciences—or it was Congress that appealed to them to come forward with a plan that supported modern scientific methods.

And I just want to, for the record, make one correction to my dear friend and colleague Dan Miller. We disagree on a few things, but it's never personal. We have a good personal relationship.

But sampling is different from estimation. We don't want guessing. Sampling is a scientific method that is supported by every scientific organization and statistical organization. It's not estimation. It's a scientific method. I just want to add that clarification.

I want to ask Mr. Bourey—I know my time's up. Could I ask him one brief question?

You know, I appreciate the concerns, and you showed us how the new construction is jumping all over Arizona and probably growing much higher than other people. But when—you explained that some of the governments are not participating in the review program, which is the prefinal where the local governments work with the census on the address list.

So my question is and we know that the last time we had local review it only added—124,000 people were added as a result of this procedure, and 46 percent were in the cities of Detroit and Cleveland, so that's about 80,000 housing units, and that's less than one-tenth of 1 percent.

So the Census Bureau said let's not wait until the end. Let's, before the end, try to involve a partnership. And so they came up with the local review, and they involved a partnership and doing address lists and working together.

But my question is, if governments would not participate in the preperiod, what makes you think that they would participate in the post census period?

You testified they were not participating in the prepartnership period. And I was wondering if they wouldn't participate in the prepartnership period, why would they participate in the postpartnership period?

Mr. BOUREY. Chairman Miller, Honorable Maloney, we have relatively good participation in this region through the local process. We think it's a very good process, and we're going to support the process. And we're recommending it be extended so there's continual update to the address file. That is the best way to get a complete file.

I think some communities around the country really have not felt they had the resources to be able to participate; or maybe they didn't know how the program works. They didn't know, necessarily,

that it would result in a better address list file that would be more productive than not.

So I'm not sure why they don't participate, but we have very, very good participation here. But there is so much that will happen between that time and the time of the actual census.

In addition to that, we have no feedback today about how our information we've sent to the Census Bureau will or will not be incorporated. In fact, we have seen, many times we have sent information to the Census Bureau, and it has not been incorporated.

There's a very recent example of that—I don't think I need to go through the specifics of that.

We don't know what's going to be included and what's not going to be included in an address file. So that's why it's incredibly important for us to be able to have the opportunity to provide that information after.

I think the history behind it is that there has been post census local reviews, so because of that and because of the finality of it, there will be a number of communities participating.

I don't really believe the adjustment was as full as it might have been in the last census, because as I learn more about what the Census Bureau actually did to make the adjustments, I could see why the adjustment wasn't accurate.

They didn't use all the information they were sent. They overlooked, as I understand, 5 percent of the information that was sent. We're still learning more about exactly how it was conducted so we can offer suggestions on that.

Mrs. MALONEY. I will join, and I'm sure the chairman will join with me, in making sure that we get the information back to you however the information is incorporated. I'm sure we will be getting back to you, but we will followup on that and make sure you get that information and the information on the other aspect.

Mr. MILLER. Thank you, very much. Mr. Bourey is on the Advisory Board in Washington, the chairman of the Advisory Board. Is that right?

Mr. BOUREY. Yes, Mr. Chairman. Our report is due February 19th.

Mr. MILLER. The Advisory Board has recommended the local post census review. Is that right?

Mr. BOUREY. Yes, your Honor.

Mr. MILLER. Thank you, very much, for your statement. It was very helpful, and I appreciate that.

And Ms. Gaddy, I want to thank you again for giving us your statement earlier; appreciate that very much.

Let me thank you—all three of you all.

I need to do a couple of things before we adjourn.

In case there are any additional questions that Members may have or witnesses may have, I ask that the record remain open for 2 weeks for Members to submit questions to the record and witnesses to submit answers as soon as practical.

Any additional written statements may be entered into the record within 2 weeks, only with prior approval, without objection.

So I also ask unanimous consent that written and opening statements of all the witnesses be included in the record without objection.

So on behalf of the committee, I would like to thank everyone very much for being with us today. We appreciate it. It has been very worthwhile, and the hearing is adjourned.

[Whereupon, at 4:55 p.m., the subcommittee was adjourned.]

