THE U.S. CENSUS
AND THE
Law
2010

American Bar Association Division for Public Education
An Enumeration of the Population: A History of the American Census

Margo Anderson offers a behind the scenes history of American census-taking, from the constitutional mandate to “enumerate the population,” and explains how census history is actually American history.

State of Race: The Hispanic Question on the U.S. Census

Ian Haney López discusses how the race question on the census form has evolved over time, and how current immigration trends are revolutionizing the demography of the United States.

The Census and County Governments

Jacqueline J. Byers explains how census data is used by local levels of government to determine everything from Congressional representation to the numbers schools in your community.

Perspectives: Census 2020: How Would You Reform the Census?

Experts with several different perspectives offer basic reforms to the census process as we know it for Census 2020.

Students in Action: Students Mobilize to Spread the Word: Be Counted—Census 2010

Colleen Danz introduces readers to students who are working to ensure that they are counted during Census 2010.

Learning Gateways: Who Doesn’t Count?

This lesson, adapted from Teaching Tolerance, allows students to examine the Constitution’s census clause, the census form, and groups miscounted or excluded from the census. Students then consider the implications of an inaccurate census count in classroom presentations.

Law Review: The Census and the Voting Rights Act

Charles F. Williams explains how the race questions on the census are used to enforce voting rights under the Voting Rights Act of 1965 and why these seemingly old issues are still relevant today.
Director’s Note

This year, as we have every ten years since 1790, Americans complete an “Enumeration” known as the U.S. census. Article I, Section 2, Paragraph 3 of the U.S. Constitution mandates all “Representatives and direct Taxes shall be apportioned among the several States … according to their respective Numbers …” The framers believed a head count of everyone living within the nation would provide the best appropriation methods for representation and taxation by the government. It is with this constitutional mandate in mind, then, that we explore the American census in this issue of Insights.

Such an enumeration is not an easy task. This issue of Insights features articles that shed light on the complexities of American census-taking. Margo Anderson provides a history of the American census. She explains how this system was truly innovative for the 18th century and has historically been the method of capturing America’s changing demography. Ian Haney López describes America’s changing demographics as he examines the “shrinking white majority.” Jacqueline Byers explains how the resulting data allows government at all levels to define numerical representations for everything from votes in the Electoral College to the number of flu vaccines available at your local health department. Our Perspectives authors propose reforms for Census 2020, and Students in Action features the work of young people committed to census completion. Finally, Charles Williams examines how census data is used to protect voting rights in Law Review.

The census provides plenty of opportunities for learning and teaching about the law, history, math, science, and civics. In Learning Gateways, Insights features a lesson on what it means to be counted, or not counted, in the eyes of the law, from the Teaching Tolerance initiative at the Southern Poverty Law Center. As with every issue, visit Insights online at www.insightsmagazine.org to find more resources such as lessons, interactive games, photos, and primary sources to use with students.

On another note, turn to the inside back cover of the magazine for information about Law Day 2010. The theme is Law in the 21st Century and we have a rich array of activities and resources for your classroom use.

Mabel McKinney-Browning
Director, ABA Division for Public Education
mckinnem@staff.abanet.org
We owe the American institution of the decennial census to the framers and the federal constitution of 1787. When the founders in 1787 decided to apportion seats in the new House of Representatives among the states “according to their respective numbers,” they invented a fundamental new instrument of republican government: the census. “We the people of the United States,” they decided, create the national government and are responsible for running and paying for it. To run the government, we need to choose our representatives.

There are elections, of course, so members of Congress elected from the states pass the laws and the President administers the government. But how is the President elected and how are representatives to be allocated among the states? The answer was the census, a periodic count of the population and consequent redistribution of House seats and economic resources to reflect the relative sizes of the populations of the states.

Even in the 18th century, the framers realized that counting the population would be difficult to do. It was put on a 10-year cycle since the framers were well aware that populations—and especially the American population—grew and shifted over time. Finally, the count needed to be done using uniform national procedures to ensure accuracy. As an essential element of the American political system, the census must be seen as fair and equitable to the variety of political, regional, and demographic communities of the nation.

The logic of the census system flowed from the experience and conceptions of the framers. They discussed apportionments based upon land assessments, other measures of wealth, and population. They agreed that political power should be allocated on the basis of population and that tax capacity derived from wealth. Population was much easier to measure than wealth, so population would be the apportionment measure. The new census and apportionment mechanisms of the federal constitution were thus a crucial piece of the Great Compromise among the large and small states, which made a national government possible.

But there was one fly in the ointment that would come back to haunt the framers in future years and that is still relevant today. That was the question of why the census? Each decade Americans participate in a process of enumeration—a census. In this article, historian Margo Anderson explores the history of the American census, including why it happens and how it has changed since the very first count in 1790.

“The history of the census is also a revealing story about the history of the nation.”

Margo Anderson (margo@uwm.edu) is a professor of history and urban studies at the University of Wisconsin-Milwaukee. She specializes in American social, urban, and women’s history and has research interests in both urban history and the history of the social sciences and the development of statistical data systems, particularly the census.
defining exactly who was part of the “population” deserving the right to political participation in the society and owing responsibility to pay taxes to the state. The discussion in the Constitutional Convention was to use the most expansive rule possible, including, for example, women, children, and the poor in the count, though they neither voted nor were necessarily responsible as individuals for taxes. The rub came when the framers considered how to treat slaves and Indians. Should the southern states, for example, be granted political representation for their slaves? At the time southerners considered slaves “property” for purposes of tax assessments but did not count slaves when they apportioned their state legislatures. Further, should Indians, who were generally considered outside the purview of the American polity and as members of foreign states, be counted for representation and taxation?

The census clause in Article I, Section 2, Paragraph 3 of the U.S. Constitution, continued: the “respective Numbers [of the population] ... shall be determined by adding to the whole Number of free Persons, including those bound to Service for a term of Years, and excluding Indians not taxed, three fifths of all other Persons.” The three-fifths compromise required the census to count slaves separately so each could be considered as three-fifths of a free person for apportionment. The second proviso eliminated “Indians not taxed” from the census altogether. Only people who came to be called “civilized Indians” were to be included in the decennial census count.

**Demographic History**

A census seems a fairly obvious tool to use to apportion political power among a set of constituencies. Yet the United States was the first nation in the world to institute a regular population count to apportion political power. The principles that political power was a function of population and that population could be measured were truly innovative in the 18th century and proved to be lasting as they were implemented in the 19th and 20th.

Moreover, the census might well have been a rather minor constitutional innovation were it not for the extraordinary demographic character of the American population. The United States has had one of the most heterogeneous and demographically dynamic populations in the history of the world. Over the past three centuries, the colonies and then the United States saw rapid population growth, major migrations, and sharp demographic transitions—all in the context of a racially and ethnically heterogeneous population. The first census counted 3.9 million people. The current population estimate is 308.7 million. The current land area of the country is four times the size of the nation in 1790; the population is almost 60 times larger. In 1850, the country was 85 percent rural; now it is 74 percent urban. The median age of the population in the early 19th century was around 16, reflecting the high birth rates and shorter life expectancy of the times. Now it is around 37. In the early 19th century, a child could expect to live to about the age of 40; now a child will live for about 75 years.

The United States population was and remains racially and ethnically diverse. At the first census, about a fifth of the population was African or African-American and primarily slaves. The larger majority was free and “white”—primarily from the British Isles. Currently about 12 percent of the population is black. During the years of the major European migrations of the late 19th and early 20th centuries, 13–15 percent of the population was foreign born; currently 12.5 percent is foreign-born. Today, 15 percent of the population is of Hispanic origin. These dramatic patterns make the decennial census and its apportionments major social, political, and intellectual events.

**The First Census**

The history of the census is also a revealing story about the history of the nation. James Madison proposed a rather elaborate census that included questions classifying the population by age, sex, and occupation, instead of the simple counts of the free and slave populations required by the Constitution. Congress rejected Madison’s proposal.
and settled on a more modest scheme. The first census law mandated the secretary of state to charge the United States marshals to count the population in six simple categories. For each household, the enumerator listed the name of household head, the number of free white males under 16, the number of free white males 16 and over, the number of free white females, the number of free colored, and the number of slaves. Even this simple count took 18 months to complete as the difficulties of counting the population in rural America emerged. When the first census recorded 3.9 million people, President George Washington thought the count was too low. But the count was credible enough to be used for apportionment and so Congress took up the second phase of the decennial census process: reapportionment.

The Constitution was silent on the method of apportionment. Soon Treasury Secretary Alexander Hamilton and Secretary of State Thomas Jefferson, the two leaders of the emerging political factions in the new government, came to be identified with two different methods of apportionment. Both were mathematically valid but had different effects on the distribution of seats in the House. A long debate emerged; Congress passed Jefferson’s bill. George Washington sought advice from Hamilton and vetoed the bill (using the presidential veto for the first time). Some weeks later, Congress passed a second bill—favoring Hamilton’s method, which Washington signed.

The lessons the framers took from their initial experience with census and apportionment were several. First, the census process “worked.” Further, the framers recognized that there were questions of “fairness” inherent in the apportionment mechanisms, which the Constitution did not address. Third, it was perhaps best not to tinker with the process. The “traditional” methods of the 1790s were thus reused for the next 50 years with minor modifications. Each decade, for example, Congress refined the age and sex breakdowns in the census and added a few new questions. By 1840, the six simple questions of 1790 had expanded to 70 or more.

Reforming the Census

In the late 1840s, Congress undertook to reform the census procedures and questions. In earlier decades, the census used the family as the unit of interest and reported few data on persons. For the 1850 count, however, Congress mandated an individual set of census questions for each person. It created a large, but temporary, census office to tabulate the data. The 1850 census reform law had created six schedules for the statistics of population, mortality, agriculture, manufacturing, and social statistics.

By 1880, Congress recognized the weaknesses of the United States marshals and their assistants as the field staff for taking the census. The marshals were in charge of all field operations, including mapping their districts and appointing sufficient assistants to actually do the canvas. Needless to say, the accuracy of the enumeration relied very heavily on the abilities of the marshals—who otherwise worked for the Attorney General’s Office, not the Interior Department, which oversaw the census. The census superintendent had no real control over the marshals. There was no training, no means for teaching someone how to take the census except by the detailed instructions issued from Washington. Further, marshals were assigned according to the needs of the Attorney General, not the census, and everyone complained of uneven workloads.

Congress authorized the appointment of 150 census supervisors to manage field enumeration under the control of the census superintendent, compared to just 65 marshalls in 1870. No enumeration district was to be larger than 4,000
people. The time for the enumeration was shortened from six months to two weeks in cities and one month in rural areas. Census Superintendent Francis Amasa Walker hired Henry Gannett from the Geological Survey to be census geographer. Gannett systematically mapped the country for the census, including many parts of the previously unmapped country west of the 100th meridian (present-day Dakotas, Nebraska, Kansas, and Texas).

Other major changes were prompted by the sheer volume of data pouring in on the census schedules. In 1880, census clerks still tallied the results for the census of 50 million people by hand. In 1890, census officials introduced machine tabulation of the census results. In 1902, the Census Bureau became a permanent federal agency and was housed in the Commerce and Labor Department in 1903. It remained in the Commerce Department when the two split in 1912.

The 1920 Apportionment Crisis
The chief controversy surrounding the census during the 1920s concerned the failure of Congress to reapportion itself after the 1920 census. For the only time in the nation's history, Congress could not muster a majority to pass a reapportionment bill. The roots of the problem were several. First, Congress had decided in 1910 to stop the growth in the size of the House at 435 members. Thus, the 1920 reapportionment would be a true zero sum game; one state's gain would be another state's loss. Second, several mathematicians produced competing apportionment methodologies, which had the effect of producing different allocations for key states. Third, the demographic trends evident in the 1920 census results were not to the liking of the Republican majority in Congress. The census results showed major shifts in population to the cities, to the far west, to places in the country populated by immigrants. The census, critics held, had to be wrong. So leaders proposed and failed to pass bill after bill until, by the late 1920s, key congressional leaders proposed an automatic mechanism to go into place after the 1930 census. This bill passed Congress with another provision that removed the mandate that required congressional districts to be compact and equally sized as nearly as possible within states. Congress, in other words, reapportioned power among the states but quietly acquiesced to rural malapportionment within states. States with growing urban populations would gain in the number of seats, but those seats would not necessarily be allocated to urban districts. It would be a practice that would lead to the reapportionment revolution 40 years later and have a major impact on census taking.

Revitalizing the Census
The Great Depression dramatically changed the census and the American statistical system. The 1930 census was taken less than six months after the stock market crash. The Census Bureau found itself drawn into a contentious political debate about the scope and character of unemployment and thus the causes of the economy’s slide. The bureau leadership was sympathetic with Republican President Herbert Hoover’s stance toward unemployment, and thus the bureau figures from the 1930 census and a special 1931 census of unemployment put the best face on what clearly was a dramatic rise in unemployment nationally.

In the spring of 1933, Franklin Roosevelt’s New Dealers came to town intent on remaking American government and ending the Depression. The Census Bureau came under particular scrutiny. Officials from Roosevelt’s

---

*Figures for 2010 are estimates from the U.S. Census Bureau. Data courtesy of the U.S. Census Bureau.

---

U.S. House Size, Population, and Apportionment, 1790–2010

<table>
<thead>
<tr>
<th>Census</th>
<th>House Size</th>
<th>U.S. Population (in 000s)</th>
<th>Average Population per District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1790</td>
<td>105</td>
<td>3,929,000</td>
<td>37,419</td>
</tr>
<tr>
<td>1800</td>
<td>141</td>
<td>5,308,000</td>
<td>37,645</td>
</tr>
<tr>
<td>1810</td>
<td>181</td>
<td>7,240,000</td>
<td>40,000</td>
</tr>
<tr>
<td>1820</td>
<td>213</td>
<td>9,638,000</td>
<td>45,249</td>
</tr>
<tr>
<td>1830</td>
<td>240</td>
<td>12,866,000</td>
<td>53,608</td>
</tr>
<tr>
<td>1840</td>
<td>223</td>
<td>17,069,000</td>
<td>76,543</td>
</tr>
<tr>
<td>1850</td>
<td>234</td>
<td>23,192,000</td>
<td>99,111</td>
</tr>
<tr>
<td>1860</td>
<td>244</td>
<td>31,443,000</td>
<td>130,469</td>
</tr>
<tr>
<td>1870</td>
<td>292</td>
<td>39,818,000</td>
<td>136,363</td>
</tr>
<tr>
<td>1880</td>
<td>325</td>
<td>50,156,000</td>
<td>154,326</td>
</tr>
<tr>
<td>1890</td>
<td>356</td>
<td>62,948,000</td>
<td>176,820</td>
</tr>
<tr>
<td>1900</td>
<td>386</td>
<td>75,995,000</td>
<td>196,878</td>
</tr>
<tr>
<td>1910</td>
<td>433</td>
<td>91,972,000</td>
<td>212,406</td>
</tr>
<tr>
<td>1920</td>
<td>435</td>
<td>105,711,000</td>
<td>243,014</td>
</tr>
<tr>
<td>1930</td>
<td>435</td>
<td>122,775,000</td>
<td>282,241</td>
</tr>
<tr>
<td>1940</td>
<td>435</td>
<td>131,669,000</td>
<td>302,687</td>
</tr>
<tr>
<td>1950</td>
<td>435</td>
<td>151,326,000</td>
<td>346,430</td>
</tr>
<tr>
<td>1960</td>
<td>435</td>
<td>179,323,000</td>
<td>412,237</td>
</tr>
<tr>
<td>1970</td>
<td>435</td>
<td>203,302,000</td>
<td>467,361</td>
</tr>
<tr>
<td>1980</td>
<td>435</td>
<td>226,542,000</td>
<td>520,786</td>
</tr>
<tr>
<td>1990</td>
<td>435</td>
<td>248,718,000</td>
<td>572,466</td>
</tr>
<tr>
<td>2000</td>
<td>435</td>
<td>281,424,000</td>
<td>646,952</td>
</tr>
<tr>
<td>2010</td>
<td>435</td>
<td>303,100,000*</td>
<td>646,952*</td>
</tr>
</tbody>
</table>

*Figures for 2010 are estimates from the U.S. Census Bureau. Data courtesy of the U.S. Census Bureau.
State of Race: The Hispanic Question on the U.S. Census
Changing Racial and Ethnic Populations Magnified through the Enumeration Process

by Ian Haney López

Early Americans established a framework for allocating political representation, involving race, still in place today. Here, Ian Haney López explores the history of the “race question” on the U.S. Census and suggests that American Hispanics’ answers are upsetting the traditionally white majority.

At our country’s founding, race provided the constitutional basis for the allocation of political representation. The Constitution distributed congressional seats among the states in proportion to “the whole Number of free Persons … excluding Indians not taxed [and] three fifths of all other Persons.” It then commanded that a census divine those racial numbers every 10 years. From its first enumeration in 1790, the decennial census formed part of the process by which the state elaborated itself and society, race, and democracy.

In the centuries since, every census has tabulated the number of “white” persons in the United States. The original Constitution envisioned a polity principally comprised of whites, but a demographic revolution is underway. Latin Americans for several decades have composed the largest immigrant group in the United States, and this trend will continue, if not accelerate. Today, not even closing the border would significantly disrupt the growth of this population. Domestic births currently outpace immigration as the primary source of Latino population growth, with births to Hispanic mothers outnumbering all other deliveries combined in California. The U.S. Latino population increased 58 percent between 1990 and 2000, and this group, the largest minority in the country, now accounts for more than one of every eight Americans. The Census Bureau conservatively estimates that by 2020 Latinos will number 17 percent of the country.

Racial and Ethnic Questions
During the 19th century, most whites regarded Latin Americans as mongrels debased by their mixture of Spanish and Native American (and sometimes African and Asian) blood. The perception that Hispanics were racially inferior was encouraged by Manifest Destiny, the Monroe Doctrine, and U.S. expansion into Latin America. Yet paradoxically, conquest and colonialism also led the United States to categorize Latinos officially as white. Congress preferred to grant citizenship to supposed inferiors rather than transform the United States into an explicitly imperial power ruling over subjugated peoples. The net effect was an official presumption that Latin Americans were white, combined with state policies and popular beliefs that treated Hispanics as racial inferiors.

“The original Constitution envisioned a polity principally comprised of whites, but a demographic revolution is under way.”
Prior to 1930, census takers followed the official presumption of whiteness, counting Latin Americans as white. But the early 20th century saw increasing antagonism toward the foreign-born, just as immigration from Mexico surged. In 1924, Congress instituted administrative changes to curtail Mexican migration, effectively creating the modern border patrol. Legal Mexican immigration that had previously averaged almost 60,000 persons a year dropped to 3,000 in 1931. In this xenophobic context, the Census Bureau in 1930 classified Mexicans as a distinct nonwhite race. This classification helped legitimize federal and state expulsion campaigns between 1931 and 1935 that forced almost half a million Mexican residents—nationals and U.S. citizens alike—south across the border.

Intense lobbying by Mexican Americans and the Mexican government, as well as a desire by the executive branch to secure alliances in the face of impending war in Europe, led the Census Bureau to reverse course in 1940. For the next 30 years, census takers classified Mexican Americans and, after 1950, Puerto Ricans as white, unless they appeared to be “definitely … Negro, Indian, or some other race.” Even so, the census continued to collect data on Mexican Americans as a distinct population. In 1940, the bureau counted persons who reported Spanish as their mother tongue; in 1950, it began disaggregating “white persons of Spanish surname.” Also in 1950, it began collecting data on persons who identified Puerto Rico as their birthplace.

Under pressure from Latino groups, President Nixon in 1970 ordered that the census include a question about Hispanic ethnicity. Because millions of questionnaires had already been printed without this item, the bureau included it only on the long form. The 1980 census was the first to ask all persons whether they were of “Spanish/Hispanic origin or descent.” In doing so, it formally adopted the practice of conceptualizing Hispanics in ethnic terms, separating this item from the question about race.

Coincidentally, in 1980, the bureau shifted from having census takers make racial determinations to asking respondents to classify themselves. The combination of self-reporting plus the new Hispanic ethnicity item produced a startling result: the numbers in the “other race” category, a fixture of every census since 1910, virtually exploded, increasing tenfold. In 1980, more than 7.5 million persons listed themselves under the “other race” designation—and they were almost all Latinos.

The Census Bureau, studying these numbers, concluded that the difference between ethnicity and race confused Hispanics. In another 1980 innovation, the bureau attempted to distance itself from racial categorization by asking obliquely “Is this person ______?” and providing options such as “white” and “black” before ending with “Other—specify.” Reversing course, in 1990, the bureau made sure those considering “other” got that it meant race. Under “Race” neatly printed in boldface, the census worked “race” into the “other” option four times: “If other race, print race” the form commanded, with an arrow to a blank box, under which the form repeated for emphasis, “Other race (print race).”

The “other race” figure did not decline; it increased. The number of racial others jumped by 45 percent between 1980 and 1990, making that category the second-fastest-growing racial group in the country. Again Latinos drove this increase: 97.5 percent of those choosing “other race” identified as Hispanics, while the proportion of Latinos opting for the “other race” designation rose to 43 percent. But the bureau refused to be defeated. In both 1980 and 1990, the Hispanic question was the seventh item on the short form, well after the race question at number four. Perhaps the order and lack of proximity proved just too confounding. In 2000, the bureau put the Hispanic query immediately before the race question and upped the number of references to race in the former item by yet one more. The proportion of Latinos choosing the “other race” category finally declined—but only from 43 to 42.2 percent. Again, Latinos represented 97 percent of that category.

The census uses the “other race” category as a reserve, a catchall for outliers. It does not treat those who identify as “other” as a distinct group but instead disaggregates them by imputing their
numbers to the remaining races following a complicated formula. This approach worked well when “other” actually functioned as a residual category, but since 1980, “other” has become a Latino phenomenon. Virtually all persons choosing “other” are Hispanic, and this group now constitutes 6 percent of the nation’s population. More than one in 20 Americans is a Latino who describes himself or herself as racially “other” on the census. And this involves no mistake among Latinos. Rather, a major survey, using more intensive questioning, strongly suggests that, in fact, a significant majority of Latinos believe they’re a race.

Color Matters
Despite its drawbacks, the census form actually gathers racial and ethnic data in a manner that allows a more sophisticated parsing of Latinos than of other groups. Hispanics under the current system can be disaggregated along lines of race and also in terms of national origin. This provides insight into additional differences within that group. The census shows, for example, that 36 percent of Dominicans but only half that proportion of Cubans live below the poverty line in the United States. What is true of Latinos is true of other groups. No racial group is internally homogeneous; whites, blacks, Native Americans, Asians, and Pacific Islanders all vary along internal fault lines.

Race is comprised by various forms of social differentiation, including nationality, ancestry, ethnic origin, tribal affiliation, and, I would add, color. These overlapping forms of identity establish internal differences and, often, hierarchies within racial groups. Yet the census captures such variation poorly with respect to Latinos, with still less accuracy among Asians and Native Americans and not at all for whites and blacks. The most egregious omission is color, a crucial component in shaping how race is experienced. Without a question on color, the census can hardly hope to measure, even remotely, the full impact of race on American lives.

Were the census to track socioeconomic position, education, homeownership, and so forth in terms of race supplemented by color, the results would be truly eye-opening. Indeed, they would almost surely force not only a major reconsideration of what we mean by racism in the United States, but also an overhaul of civil rights laws, which, as they stand, ineffectively respond to color discrimination. And measuring color wouldn’t be all that difficult to do. A census color item could elicit self-descriptions (“Would you describe your skin color and features as very dark, dark, medium, light, or very light?”), or it could rely on interviewer evaluations of the sort developed in psychology studies. Whether in terms of sociological insight or effective civil rights laws, gathering data on not only race but also color would greatly improve current practices.

Race Matters
But let’s be clear: the census isn’t going to gather data on color anytime soon. Indeed, it’s much more likely to bow to pressure in the other direction and eliminate questions on race entirely. Which should remind us: the census remains just as much a weapon in struggles over race now as in 1790 or 1930. Technical arguments about census reform should not blind us to this larger reality.

No one believes that today’s census officials crudely calculate the best way to bend their power in the service of racial supremacy. Just the opposite, many census technocrats embrace the census’s civil rights role and would fight to preserve it. Nevertheless, racial politics will inform, directly and indirectly, the academic discussions, intense lobbying, administrative wrangling, and executive and congressional politicking that will ultimately shape the 2010 census. And so we return to where this essay began, for surely a looming question behind the maneuvering is this: Will Latinos and other minorities soon swamp the white race?
One response is to obfuscate any demographic change. Sociologist Nathan Glazer’s recent proposal to end the collection of racial data regarding all groups but blacks can certainly be read in this light. With only blacks counted, and that population steady at about 12 percent, whites would implicitly remain the overwhelming majority. “Underlying the proposal [is] an ideological or political position,” Glazer admits, “that it is necessary and desirable to recognize and encourage the ongoing assimilation of the many strands that make up the American people.” Does he not mean, on some level, that ceasing to count nonblack minorities is desirable because it would superficially fold them into and thus perpetuate a “majority” that is implicitly white?

Glazer does not make this argument, instead defending his proposal by pointing to the census’s symbolic role: “The census contains a message to the American people, and like any message it educates to some end: It tells them that the government thinks the most important thing about them is their race and ethnicity.” Might not the census be understood to be transmitting a state-sanctioned understanding of race, and that reformers should weigh the symbolic aspects of racial data collection. But largely eliminating race from the census, as Glazer proposes, would hamstring the government’s ability to measure life chances or enforce civil rights laws—that is, would defeat the modern census’s central purposes.

But Glazer also adduces another argument: the “irrationality” of the census categories. “Are there really so many races in Asia that each country should consist of a single and different race, compared to simply ‘white’ for all of Europe and the Middle East?” he asks. The different treatment the census accords the Asian and white races doesn’t represent some intellectual failing among census bureaucrats. It reflects instead changes in U.S. racial ideology during the first half of the 20th century. The census categories are incoherent—because they accurately capture our nation’s entrenched racial practices.

“The concept of race,” the census explained in defining that term in 1950, “is derived from that which is commonly accepted by the general public.” The census has always relied on culturally rooted concepts in measuring the impress of race—and after 1950, even the census recognized this to be continued on page 15.

Hispanics are the fastest growing population group in the nation, followed by Asians, according to the U.S. Census Bureau.
Census data is used to distribute billions of dollars of federal money, much of it at the local level. The same data is also used to plan communities and provide public services to residents. Here Jacqueline Byers explains why accurate census data is necessary for local governments.

Article 1 Section 2 of the United States Constitution states that “[a]n Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.” The direct purpose of the census is to allocate political representation on a regular reoccurring basis and to reapportion congressional, state, and local districts.

In addition to the use of decennial census data at the federal level, an accurate census count is essential to county officials as they take actions to govern democratically and to deliver services efficiently and equitably. Just as with the federal government, counties use decennial data for their own redistricting, and just as important, it is used to determine state legislative representation. Census statistics, broken down at the lowest geographic levels, are also a foundation for any strategic plan that a county is likely to undertake. Population, age, housing and income data, for example, are at the root of decision making for any community development plan. Likewise, census data is used in vital revenue allocations since it is often an essential element in formulas for the distribution of both state and federal funding.

Local governments, especially county governments, are often the first responders, and they are often the last resort for the neediest in their communities. They are responsible for providing services to all residents within their jurisdictions, regardless of their status. An accurate census count, especially of those who are most difficult to count, which includes the newly arriving residents, is imperative for a local government to do its job effectively. The people most likely to have the highest demand for social services from the local government are frequently the most likely to be missed in the census.

As the 2000 Census came to an end a little noticed program called the American Community Survey (ACS) was making its debut. The plan for this new survey was to replace the “long form” of the census, which went to about 16 percent of all American households, or one in seven, during the census. All other households received what came to be called the “short form.” Households that received the long form spent much more time completing the mail-back census and often...
Planning Communities

Counties use census information in many ways as they meet the increasingly diverse needs of their constituents. Traditionally, counties have performed state-mandated duties which include assessment of property, record keeping, and maintenance of rural roads, administration of elections, judicial functions, and relief for the poor. In the last few decades, counties have moved into other areas, undertaking programs relating to more comprehensive public health programs, child welfare, consumer protection, economic development, training for employment, planning and zoning, and water quality, to name just a few. Counties use census data to determine who they are and who they are becoming. In this rapidly changing world, trying to meet the needs of all segments of the population without accurate information is impossible. No other source of data can provide the information that is so vital to accurate budgetary and programmatic planning.

Counties also traditionally conduct elections for local, state, and federal offices. Many of these counties must comply with Section 5 of the Voting Rights Act, which requires them to provide language assistance to voters. Data from both the 2010 Census and the American Community Survey is used for this purpose.

One of the most valuable uses of census population data is education planning. Counties and their school districts have to plan construction of new school buildings and renovation of the current school stock in order to have a seat for every entering student. In addition, planning for the correct number of teachers and for the appropriate curriculum are other long-range plans that use census population data. A popular commercial during the 2000 Census showed a classroom in a former mop closet, which was all too real in some American Community Survey

The American Community Survey (ACS) is an ongoing statistical survey from the U.S. Census Bureau that replaces the long form of the U.S. Census. The ACS is mailed to approximately 250,000 addresses each month in an effort to provide continuous current data each year, including those between the decennial census. Many Americans found the former census long form cumbersome and intrusive, so the ACS program began producing data in 2000. The program is expected to be fully implemented in 2010.

For more information about the ACS, visit http://www.census.gov/acs/www/.

Census Data Use

Census Data Use at the County Level

Census information is essential to the charges of county government. The list below provides examples of county activities that make intense use of census data.

- Drawing county, city, and other district lines
- Drawing school district boundaries
- Land use planning
- Urban and rural planning and development
- Analyzing labor supply
- Forecasting housing needs
- Understanding changing community demographics
- Targeting program funds
- Targeting services for children and adults who speak other languages
- Forecasting future state and local transportation needs
- Planning for local mass transit
- Developing special programs for low income families
- Locating special needs populations
- Establishing emergency management programs and priorities
- Planning for hospitals, nursing homes, clinics, and other health services
- Planning services for people with disabilities
- Developing public safety plans—e.g., sheriff’s, police, and fire departments
- Creating disaster preparedness and crisis-management plans
- Understanding consumer needs
- Developing and attracting new businesses
- Distribution of state and federal funds

would contrast dramatically with decennial census data, most of which could be 10 years old and completely out of date by the time of the next census.

As the idea and concept of the American Community Survey grew, it was incorporated after the 2000 census into a plan that would mean that there would only be a short form census in 2010. This form, advertised as ten questions that will take only 10 minutes, or “Take Ten” caught on and helped the Census Bureau get through some of the obstacles to funding a full rollout of the ACS. Even with much of the demographic data now contained in the ACS, the population, age, and national origin data collected on the short form decennial census still constitute a major source of data.

failed to complete and return the form. This new survey was not only designed to relieve the stress of the long form but to also provide much more current data since the plan was to survey a sample of about 3 million households annually and publish three-year averages of data at the county level throughout the decade. This much more current data
communities where children were undercounted. Much of a county’s future education plans focus on the number of children under five years of age within their jurisdiction. According to the Annie E. Casey Foundation, children under age five are the most undercounted age group, thereby causing county school-system planning to be insufficient to meet their needs.

Increasingly, county governments are also using benchmark, or outcomes-based, assessments to determine the efficacy of local government programs. Many of the data elements that will be collected in the 2010 census—gender, race, ethnic origin, relationship, and tenure—are critical for evaluating the fairness and effectiveness of government policies. In addition, over the years, the census has developed innovative data series, digital files, and reports that enable for sophisticated modeling that allow counties to create and analyze policy. Whether focused on general outcomes or specific planning challenges, data compiled in the decennial census is crucial for quality policy analysis.

**Significance of the Undercount**

Following the 2000 Census, PriceWaterhouseCoopers conducted a study of 58 counties to assess the financial impact of the undercount in their respective jurisdictions. The study focused on just eight federal programs and the impact these missed people would have on revenue from 2002 to 2012 when the next decennial data would be available. This report, prepared as part of the final report to Congress by the U.S. Census Monitoring Board, demonstrated that the federal funding loss for these counties is estimated to be about $3.6 billion for the ten-year period, or $2,913 for each uncounted individual. When counties compete for federal and state funds with less than their entire population, they invariably lose money to which they would otherwise be entitled, to other jurisdictions in their states.

There are other ways that this undercount affects county governments. Lost population, especially of the people most likely to need county services, also reduces the amount of federal money distributed to individual states for programs, including Medicaid, Women Infants and Children (WIC) food grants, and Foster Care. The 2000 study estimated that $478 million was lost by the states from these programs because of the undercount. Researchers estimate that more than 180 federal programs use census data either directly or indirectly in their allocation formulas. This amounts to $376 billion or $1,249.32 per capita in federal-funding-used census data.

In 2010, the Census Bureau estimates that nearly $435 billion dollars in federal funding will be distributed to state and local governments according to collected census data. The census is not just about representation in Congress; county governments rely on census data to meet the needs of citizens.

---

**FOR DISCUSSION**

1. How is census data used to plan in your community? What are the advantages of local planning that relies on census data? What are the disadvantages?

2. Why do you think so many federally funded programs are administered at the local level? Is this the most effective system for governing? Why or why not?

3. How might the federal government work with local governments to ensure that everyone is counted?

---

**Additional Resources**


Dr. William P. O’Hare, Why Are Young Children Missed So Often in the Census? Annie E. Casey Foundation, December 2009 [http://www.aecf.org/-/media/Pubs/Other/W/WboAreYoungChildrenMissedSoOftenintheCensus/final%20census%20undercount%20paper.pdf](http://www.aecf.org/-/media/Pubs/Other/W/WboAreYoungChildrenMissedSoOftenintheCensus/final%20census%20undercount%20paper.pdf)


Remember to visit **Insights** online to find all of these resources and more, including the American Community Survey, the 2000 Census “mop closet” commercial, and teaching ideas.
Insights on Law & Society

10.2 • Winter • © 2010 American Bar Association

State of Race

continued from page 11

so. Glazer mistakes an increasingly commonplace insight for a compelling critique: that race is socially constructed does not amount to an argument that it should be jettisoned. The census has no choice but to rely on incoherent categories if it hopes to measure race in the United States—not because bureaucrats are incapable of designing commensurate categories, but because race arises out of (fundamentally irrational) social practices.

Alternatives to Race

Some opponents of racial counting, including Glazer, urge the census to replace race with another concept, for instance, ancestry or ethnicity. But such alternatives necessarily operate not as full proxies for but in tension with race and would produce distorted census data.

What does ancestry mean for blacks in the United States, for instance, when they have been stripped of family and ancestral history? Or, how do whites conceive of ethnicity? The census asks people to identify themselves. If we want to know about race, then the census must pose its questions in terms that respondents will recognize easily as racial. Technocrats may entertain themselves with new or substitute constructs, but the census can only gather data effectively if it uses a broadly intelligible vocabulary. To gather racial data, the census must ask directly about race—there is no other way.

The Future of Race

Latino demographics and the complex racial self-conceptions within that community make it difficult to discern the racial future. Nevertheless, two things are clear. First, we’re in a moment of dramatic racial flux. Race will surely look profoundly different in 2050, and maybe even as soon as 2020.

Second, the census will have a central role in this racial revolution. Partly and importantly, as racial ideas evolve over the next decades, the census will help us track whether racial inequality diminishes or increases. But the census will do more than measure society; over the next decades, it will directly shape racial ideas. How the census counts race in 2010 will influence conceptions of race in 2020 and so on into the future, making the census itself an important battleground. The racial questions asked by the census have always reflected this society’s long engagement with racism—sometimes in efforts to give racism social and political form, and more recently in efforts to measure its amelioration. Debates about the 2010 census must forthrightly engage the larger racial dynamics in which the census, for good or ill, remains deeply embedded.

Categories and Definitions of Race and Ethnic Groups

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native</td>
<td>A person having origins in any of the original people of North and South America, including Central America, and who maintains tribal affiliation or community attachment.</td>
</tr>
<tr>
<td>Asian</td>
<td>A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.</td>
</tr>
<tr>
<td>Black or African American</td>
<td>A person having origins in any of the black racial groups of Africa. Terms such as “Haitian” or “Negro” can be used in addition to “Black or African American.”</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.</td>
</tr>
<tr>
<td>White</td>
<td>A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.</td>
</tr>
<tr>
<td>Hispanic, Latino or Spanish Origin*</td>
<td>A person having origins in Mexico, Puerto Rico, Cuba, Central and South America, and other Spanish cultures.</td>
</tr>
</tbody>
</table>

*Defined only as an ethnic category, not as a race group.

REFORM 1

Make Better Use of Available Technologies
By Joseph Salvo

Perhaps the biggest disappointment leading up to 2010 was the inability of the Census Bureau to fully incorporate the latest technological innovations such as the Internet, into the census process, especially the use of handheld devices to follow up with households that fail to respond. This was surprising, given the history of innovation at the Census Bureau. Planning for 2020 needs to immediately recapture these lost opportunities.

This should include the use of handheld computer devices that can track responses in real time so that follow-up can be conducted in a more efficient fashion by more precisely targeting nonresponding households. While the decennial census still needs to be a civic event, the modes for response should be part of the everyday infrastructure that people use to conduct their lives. Answering the census via the Internet can be done the same evening that one pays a few bills electronically, checks the status of one’s credit card account, or accesses a report from one’s healthcare provider. While no one knows what the status of technology will be in 2020, a prudent course is to build on proven technologies that are in place now, but can be refined around the edges later on.

Finally, as part of efforts to better incorporate response options into our daily lives, the Census Bureau needs to modify the very meaning of “response.” It is a safe bet that recordkeeping systems will continue to evolve to a point where whole segments of the population can be “counted” by virtue of their inclusion in selected databases, such as those for Medicare recipients or persons residing in selected facilities. The Census Bureau must continue its work on record-matching technologies to identify those situations in which enough content and record standardization exist to implement a “count” through the use of administrative recordkeeping systems.

Joseph J. Salvo (jsalvo@planning.nyc.gov) is the chief demographer for the city of New York at the Population Division of the New York City Department of City Planning. The views expressed in this article are those of the author and do not necessarily represent the views of the Department of City Planning or the city of New York.

REFORM 2

Expand the Racial Categories for Classification
By Gilda Daniels

A profound problem lies with the massive undercount of minorities. If the numbers regarding minorities, African Americans, Latin Americans, Asian Americans, and Native Americans are not corrected, it could develop into a massive underrepresentation of services and political power. Often lost in the discussion regarding counting immigrants is the severe undercounting of black immigrant communities. Even though African Americans are among the “most undercounted segments...
of the population, and Hispanics have outnumbered them as the nation’s largest minority since 2003 … [t]he Black immigrant population … has grown 47% since 2000 to 3.1 million.” Thus, it should come as no surprise that civil rights groups and other advocates are pushing for unity among both African Americans and black immigrants.

Aside from those individuals who are offended by the inclusion of the word “negro” on the 2010 Census, the race box titled “Black, African Am., Negro” causes additional problems for the black community and should be changed in 2020 to a classification that captures the diversity within the African American community, such as “black, African American, or African/Caribbean diaspora.” Because in many instances in the United States race serves as a proxy for educational attainment, social advancement, and economic potential, many black immigrants choose not to identify with the historical and contemporary consequences of categorizing themselves as “black.” There are large numbers of black immigrants from both African and Caribbean countries who “do not identify with any of the labels” provided on the 2010 Census. The potential exists that they may leave the race box blank and write in national origin information instead. Because of the way the census scanners are programmed, these persons may or may not get counted in the black category. This is problematic because while the immigrant group has many commonalities with other immigrant communities, it also shares a wealth of similarities with the African American community that is important to recognize and document through Census data.

It is important that the census is self-identifying. After all, it is not what you answer to but what you call yourself. Nonetheless, if the census does not make an adjustment for what people choose to call themselves, the undercount will continue and have grave consequences for the minority communities.

Gilda Daniels (gdaniels@ubalt.edu) is an assistant professor at the University of Baltimore School of Law. She is an election law/voting rights expert.

The bureau has been keeping records of the undercounts by race since 1940, and for recent censuses they have also estimated the undercounts by Hispanic origin. The undercounts for blacks are consistently larger than the undercounts for whites and the undercounts for Hispanics are similar to those for blacks.

In recent years, the bureau has attempted to improve the census counts by making them more complete. The bureau’s problem has been that many of their added counts have been duplicative and the differential undercount has remained. In Census 2000, there were 17 million duplicates. The national undercount for blacks was 2.8 percent, but for non-blacks there was a 0.3 percent overcount. The differential of 3.1 percentage points was similar to the analogous differentials observed during 1940–1990. Because blacks, Hispanics, and whites are not evenly distributed across these states, the undercounts for cities and other areas with large minority populations have been greater than
those areas where the population is mostly non-Hispanic white.

The problem is that the Census Bureau, in practice, regards its goal as minimizing the size of the national undercount. In 1970, when it appeared that the census count was going to be much too low, the bureau added two last-minute procedures based on sampling that increased the count by 1.6 million people. In 1980, when it appeared that the census count was going to be nearly equal to the independent estimate of the national population, the bureau wrote a statement in the Federal Register that the 1980 Census was the most accurate census ever. In 2000, when the national count appeared to be too high, the bureau created a new procedure that eliminated 3.6 million records that appeared to be duplicates and reduced the national undercount to 0.1 percent. None of these procedures helped with the real problem, which was that some areas got more than their share of the actual population while other areas got less.

To reform Census 2020, the bureau needs to create procedures that will reduce the minority undercount without also increasing the overcount for whites. Such procedures would include at least two components: (1) they will allow local governments to check address lists and add residential locations not already found by the Census Bureau, and (2) they will increase their search efforts to locate and eliminate double counts such as those occurring when a single family has two residential locations one perhaps being a vacation home. The local checking of address lists has been successful in places such as New York City but needs to improve in smaller, less wealthy cities where the typically undercounted populations are highest. The search efforts to locate and eliminate duplicates could be facilitated by the use of other government databases such as those compiled by the Department of Health and Human Services.

Eugene Ericksen (Eugene.Ericksen@NERA.com) is a professor of Sociology and Statistics at Temple University and a special consultant at NERA Economic Consulting. He has conducted studies and written numerous reports on the census undercount.

REFORM 4

Change Where Incarcerated People Are Counted

By Peter Wagner

As a rule, the Census Bureau counts individuals as residents of wherever they live for the majority of the census year. Thus, the Census Bureau counts people in prison as if they were residents of the prison location, not of their home communities, and that creates a big problem for democracy. Two hundred years ago, when few people were behind bars and the purpose of the census was limited to determining the relative populations of each state for the purposes of congressional apportionment, it didn’t matter whether a prisoner was counted in urban Brooklyn or in a remote Attica prison cell as long as he was counted in the correct state.

But today, the country has changed, with more than 2 million people behind bars on census day and new requirements for apportioning state and local government. In 1790, the purpose of the census stopped at congressional apportionment, but now the Census is used for redistricting, by which state and county legislatures redraw their district lines so that each district contains the same population. With districts of equal population, each resident will have the same influence over government regardless of where she lives.

Unfortunately, the process of drawing fair and equal legislative districts fails when the underlying data is flawed. Drawing district lines around prisons results in giving some people disproportionate influence over the legislature. The impact is the strongest in county board districts, where a single prison can be as much as 90 percent of a district, giving the people who live immediately adjacent to the prison ten times as much political influence as others.

For this reason, about a 100 rural counties currently reject the Census Bureau’s prison counts when apportioning their local districts, and other states and counties are considering following suit. To support that effort and give data users more choices, the Census Bureau recently agreed to publish the prison count data earlier, to make such adjustments easier.
The ideal solution? Starting in 2020, the Census Bureau should count people in prison as residents of their home communities. The country, its population, and the needs for its data have all changed since 1790. It is time the prison count does as well.

Peter Wagner (pwagner@prisonpolicy.org) is an attorney and executive director of the Prison Policy Initiative. He regularly testifies before legislatures and consults on how governments can avoid prison-based gerrymandering.

Reforming the 2020 Census means confronting a political predicament. For the past several decades, Republicans and Democrats have sparred over the meaning of a “good” census. For more than thirty years, the political parties have used the executive and legislative branches to force its vision of census methodology or to block change. To make matters worse, Congress has repeatedly introduced frivolous amendments just before or during the census that, if enacted, would wreak havoc on the process. At the highest levels of executive and legislative power, there needs to be agreement on the fundamentals of taking a census, and each branch must recognize the legitimate role of the other in the process. The Census Bureau must become more transparent in planning, conducting, and evaluating the census. Congress, should at a minimum, pass legislation that makes the Census Bureau director a term appointment with fixed five-year terms starting in years 2 and 7 of the decade. Making the Census Bureau an independent agency would be even better.

In the end, however, there must be a political agreement on how the census will be conducted and then funds could be dedicated to making that process work to the benefit of all.

David McMillen (davidmcm22@me.com) earned his Ph.D. from the University of Illinois in Applied Social Statistics. He worked on House and Senate committees in the 1990 and 2000 Censuses, and led the census team for the Obama Transition Team. Currently he is the external affairs liaison at the National Archives.
“Census on Campus is seeking to educate, engage, and mobilize students, so that everyone is counted once and in the right place,” emphasizes Laura Waldon, Partnership Specialist, Census on Campus Initiative, 2010 Census.

For example, most young adults don’t realize that they should be counted as part of the community they are living in on April 1, even if they’re in a college location different than their hometown. The census is a “snapshot” of where people are living on April 1, regardless of whether you’re in a permanent or temporary location.

Historically, college students have been difficult to count in the census. They are a highly mobile group. Students are distracted with spring break, exams, and upcoming graduation ceremonies when the census is sent to them. Many are unaware how completing the census has economic consequences for their college community.

It’s important that, if a student is living on or off campus at a university or college on April 1, he or she speaks up and fills out a census form. Students’ participation will affect how over 400 billion dollars in funding is allocated across the nation each year.

“If you want the services that you pay for in taxes to be allocated to you, it seems kind of important [to fill out the census]. I have a job. I pay taxes. I want some of that money back in the things I see around me,” states a student in a testimonial on the Census on Campus’s video project produced by the Census Bureau in collaboration with AdLab, a student-run advertising agency at Boston University.

The 2010 Census partnered with AdLab to produce four 60- to 90-second videos to be used in local and national efforts. AdLab also promoted awareness of the census on the BU campus.

“We asked students why they think the census is important to fill out and what they knew about the census,” remarks Oriana Syed, a Boston University graduate student and member of AdLab. “At first they were a bit nervous because they didn’t know much about the census, but we told them we just wanted their subjective thoughts.”

Testimonials addressed student concerns, such as privacy. As one student in the video remarks, “it’s illegal for the census to share your information with anyone.”

Student testimonials also clarify questions on who participates in the census.

“I am an international student, for example, and it’s not only for citizens, but for residents, and students like me,” says one student.

Produced by 2010 Census, the videos answer common misconceptions about
the census and are available online at the Multimedia Center on www.2010census.gov. In addition to the shorter videos, the census aims to release more in-depth interviews from college administrators, faculty, and students.

“The videos are key to reaching this population,” Waldon says of the college community. “These words are coming directly from the people we’re trying to reach out to. We’re getting that peer-to-peer education that’s so powerful to reaching out to this audience.”

**Student Organizations Spearhead Awareness Campaigns**

By partnering with universities, the Census Bureau has collaborated with census liaisons across the country to enhance awareness about completing the census on college campuses. The liaisons are often administrators or faculty members who then seek out influential student organizations to spearhead Census on Campus efforts.

“Last presidential election we saw the grassroots power of college students and now we’re trying to get them civically engaged and involved in the census,” states Waldon.

Similar to AdLab, chapters of the Public Relations Student Society of America (PRSSA) have created public relations campaigns for Census on Campus at schools such as Salem State College in Massachusetts.

At Salem State College, the PRSSA is focusing its awareness campaign on how students’ filling out the census influences the grant money a school will receive with the slogan, “U.S. Census Lowers College Expenses.” In 2000, the student population did not respond as expected, and students now understand how their lack of participation could

**Census in the Classroom**

While K–12 students may not be directly involved in the census, they still should understand its importance. The Census in Schools program offers teachers and students online resources and activities to enhance their understanding of this constitutional exercise in civic participation.

“The census is a huge civic event,” comments Renee Jefferson Copeland, chief, Census in Schools, US Census Bureau. “We want the students to be informed about the census. This is the first time many of them are experiencing the census. It’s civic involvement and shows them what creates our democracy.”

The Census in Schools program offers activities and resources for young people, and lesson plans aligned with the national standards for K–12 educators. While the census only takes place every ten years in the spring, Census in Schools’ resources are applicable throughout the school year.

“It [the census] will have an impact in the coming years and the coming months, there will be so many discussions on the shifts in population and how to understand and grasp the census data,” states Jefferson Copeland. The census provides a benchmark for all data for the next decade, and people will be talking about it long after the census is taken this spring. “We’d like them [students] to be aware and involved, and have an interest in and understand census data.”

The Census in Schools program also emphasizes the cross curricula aspect of the census. It’s not just civics, but also covers math and geography.

“We encourage teachers to look at it as an addendum to the work they’re doing,” adds Jefferson Copeland. “The census is a real-life example of what’s going on in the news right now, and it will lead to enlivened classroom discussion. It may help them make decisions about their future educational goals. Hopefully, somewhere a student would grow up to be a statistician.”

continued on page 30
Who Doesn’t Count? Estimated time: 1–2 hrs

The census is designed to collect information about all Americans. However, certain individuals and communities find that the questions on the census form either provide very unspecific options for answers that generalize their experiences or exclude them altogether. In this lesson, students will study the U.S. Constitution’s mandate for the census, the census form, and a press release for a bill put forth recently that would ensure a more accurate count of the Dominican and Caribbean communities. Students will learn more about groups who are at risk for being inaccurately counted as part of Census 2010 and the implications of their generalization or exclusion from the overall enumeration.

Objectives

This lesson will
- allow students to study and analyze the census form;
- identify for students individuals and communities that are not accurately represented by the census;
- consider different ways that individuals and communities might be undercounted or excluded by the census;
- engage students in reading news articles and conducting independent research;
- ask students to summarize research findings in presentations; and
- explore the effects of not having a fully accurate census count in the United States.

Time and Materials

Materials:
- Handout 1: Article I, Section 2, Paragraph 3 of the U.S. Constitution
- Handout 2: 2010 Census form
- Handout 3: Press release announcing the introduction of the Caribbean Count Bill

Library/computer lab with Internet access for small group research
Chart paper and tape/adhesive
Markers

All handouts are available from Teaching Tolerance or linked from the Insights online supplemental resources listed at www.insightsmagazine.org.

Teaching Tolerance

This lesson is adapted from the lesson, “Who Doesn’t Count?” from the Teaching Tolerance program at the Southern Poverty Law Center. Teaching Tolerance is dedicated to reducing prejudice, improving intergroup relations, and supporting equitable school experiences for America’s children. They offer free educational resources at www.tolerance.org.

Warm-Up Activity

1. Ask students to brainstorm responses, as a class, to the following questions:
   - What is the purpose of the census?
   - Where does the census come from?
   - Why do we do it?

2. Distribute copies of Handout 1: Article I, Section 2, Paragraph 3 of the U.S. Constitution. Ask students to read it, and then discuss the following questions:
   - What does the Constitution say is the reason for taking a census?
   - Does the Constitution offer any guidelines about conducting a census? What?
   - Who is supposed to be counted? Why do you think these groups are listed? Does the Constitution distinguish between citizens and non-citizens?

3. Distribute copies of Handout 2: 2010 Census Form to students. Ask them to review the form and then answer the following questions:
   - What guidelines does the form offer to help respondents complete it? Why do you think these rules are explained?
   - Where are questions about sex and marriage? Does everyone have an opportunity to explain their marriage status?

Highlight for students that questions about marriage appear only under Person 2 on the form. There are no questions about marital status for Person 1, who
may be the only person in the household completing the form.

- Can you think of people who might not be described on this form? Students may think of several groups, including racial or ethnic groups, the homeless, married persons living alone, transgendered individuals, or homosexual couples. Begin listing these groups on the board for use in the next activity.
- How might you get this form? Can you think of groups of people that might have trouble being counted with this form because of their living arrangements? Answers may include frequent travelers, overseas residents, military officials, homeless people, students, prisoners, displaced persons or refugees, or hospital or nursing home patients. Continue to list these groups on the board, as necessary.
- Out of these groups that we’ve identified, which do you think are the most difficult to count? Why?

**Activity: Who Doesn’t Count?**

1. Using the list of excluded groups that students created, explain that there are always challenges in counting everyone during the census. Explain that students will look at one of the groups on their list, racial and ethnic communities, and distribute Handout 3: Press release announcing the introduction of the Caribbean Count Bill. Currently people of both Dominican and Caribbean origin must check broader boxes (for example, “Hispanic” or “African American”) or write in their ethnicity when filling out the census. Both groups want their race and ethnicities specifically listed. As a result, a New York congresswoman recently introduced a bill in the U.S. House of Representatives called the Caribbean Count Bill.

2. Ask students to read the press release and discuss the following questions:

- What is the Caribbean Count Bill? What issue is it trying to address?
- What are the advantages and disadvantages of listing specific racial and ethnic groups on the census?

3. Refer students back to the list of generalized and excluded groups. Suggest that while racial and ethnic groups are generalized by having to select other groups, certain groups are excluded from the census entirely. Draw attention to three groups: undocumented immigrants, homeless people, and homosexual and transgendered individuals.

4. Split students into three or four small groups, and assign each one of the groups excluded from the census: Dominican and Caribbean immigrants, undocumented immigrants, homeless people, and homosexual and transgendered individuals. Students should research the three questions below in their research. All of the groups answer the first two questions:

- What are the key issues related to your group’s exclusion from the census?
- What are specific ways that having an accurate count of your category could better serve this group?

The third question is specific to each small group, depending on their research topics:

- **Dominican or Caribbean immigrants:** How are specific racial and ethnic groups working to make sure that they are accurately counted in the census? Why are some groups specific on the census form and others not?
- **Undocumented immigrants:** Why are some immigrant advocates threatening to tell undocumented immigrants to boycott the census? What would be the risk of such a boycott?
- **Homeless people:** What are three reasons it is hard to accurately count the homeless population? What has been a strategy of the Census Bureau to address this problem?
- **Homosexual or transgender individuals:** How does the 2010 Census limit the ability to count homosexual couples or transgendered individuals? Why is it important to have an accurate count of these populations?

5. Small groups should display what they learn, including answers to their research questions, on chart paper. Hang chart paper around the classroom, creating teaching stations.

6. Ask students in the small groups to rotate from teaching station to teaching station. Spend two to three minutes at each station. First, students should point out key points of the display or summarize the small group’s findings. Then students should write any clarifying or probing questions or feedback on the display or a separate piece of chart paper next to it. Have students move every two to three minutes to the next station until all students have visited all of the stations.

7. Direct small groups to return to their own teaching stations to study their classmates’ comments. Each small group should select a spokesperson to present their display to the rest of the class. Presentations should make sure to answer the following questions:

- Why it is important to include this category in the census count?
- What could be lost if this category was excluded? How might these groups be affected? How might society be affected?

For assessment ideas, visit www.insightsmagazine.org.
Congress enacted the Voting Rights Act of 1965 (the act) when it became clear that the Civil Rights Act of 1964—and other federal legislation—was not enough to overcome the resistance of some states to any enforcement of the Fifteenth Amendment right to vote. The problem was crystallized most infamously by the Alabama state troopers who boldly attacked civil rights marchers on the Edmund Pettus Bridge in Selma on March 7, 1965. Leaders, including Dr. Martin Luther King Jr., planned to walk from Selma to the state capital city Montgomery to ask for protection of black voters in the wake of recent violent attacks. This response to nonviolent protesters focused attention on the continued disenfranchisement of African American voters a full century after the end of the Civil War.

The Supreme Court explained in its 1966 decision upholding the constitutionality of the Voting Rights Act: “Congress had found that case-by-case litigation was inadequate to combat widespread and persistent discrimination in voting. …” The Act signed by President Johnson on August 6, 1965, was meant to give real teeth to the Fifteenth Amendment that prohibited any state from denying a citizen the right to vote based on that citizen’s “race, color, or previous condition of servitude” (i.e., slavery).

To that end, the Voting Rights Act of 1965 prohibits states from imposing any “voting qualification or prerequisite to voting, or standard, practice, or procedure ... to deny or abridge the right of any citizen of the United States to vote on account of race or color.” The idea was to recognize and counter the segregationists’ tactic of replacing state laws that overtly discriminated on the basis of race with a web of new and ostensibly neutral laws and requirements—including poll taxes and so-called literacy tests—that were designed to achieve the same result.

Another tactic encountered by minority voters in the post-Reconstruction South was the creation of racially based districting plans for the sole purpose of diluting African American voting strength. Two sections of the Voting Rights Act, Sections 2 and 5, address this problem.

Section 2 of the act is designed to provide minority voters “the opportunity … to elect representatives of their choice.” To protect against improper “dilution” of minority votes, this section forbids any “voting qualification or prerequisite to voting” or any “standard, practice, or procedure” that “results in” diluting minority votes.

As amended in 1982, the act provides that a violation is established if:

… based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the state or political subdivision are not equally open to participation by [minority voters] in that [they] have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

This mandate to avoid diluting minority votes directly affects the redistricting process by which state and local governments determine the voters to be included in each voting district. And to determine whether a proposed redistricting is either required or forbidden by Section 2 of the Voting Rights Act, the government and courts must have available recent and reliable statistics on the racial makeup of the voting district and those surrounding it. Thus, the census empowers the Voting Rights Act even as the Voting Rights Act requirements help drive the census.

Section 5 of the act requires certain southern states and localities—including North Carolina—to obtain approval, or “preclearance,” from the federal government before changing local voting rules. Originally intended to be a temporary measure, Congress has reauthorized the provision four times, in 1970, 1975, 1982, and most recently, 2006 (for an additional 25 years). Two recent Supreme Court cases show that these sections are still very much in flux and developing.
Bartlett v. Strickland

The continuing importance and vitality of Section 2 of the Voting Rights Act was demonstrated by the Supreme Court’s decision just last spring in Bartlett v. Strickland, No. 07–689. In this closely watched case, the Court revisited the elements of a vote-dilution claim.

In an earlier case, Thornburg v. Gingles, 478 U.S. 30 (1986), the Court had established a three-part test for claims alleging that a redistricting plan violates Section 2. The plaintiffs must prove (1) that the affected minority group is sufficiently large and geographically compact to constitute a majority in a single-member district, (2) that the minority group is “politically cohesive,” and (3) that the majority of white voters normally votes as a block so as to defeat the minority’s preferred candidate.

In Bartlett, the Court agreed to review the first part of that three-part test in order to answer the question “Can a racial minority group that constitutes less than 50 percent of a proposed district’s population state a vote-dilution claim under Section 2?”

This question came about after North Carolina divided two counties and included parts of each in a single legislative district (District 18). The North Carolina Constitution clearly provides that “no county shall be divided” between House or Senate districts. Citing their state constitution, affected North Carolina residents sued the state to block its action.

The state of North Carolina contended that it was necessary to split the county in order to fulfill the state’s Voting Rights Act duty required by Section 2 not to dilute the African American vote. The officials explained how they looked at the census figures to find the percentage of African Americans of voting age in each district. This review indicated to the officials that the African American vote in eight counties in the southeastern portion of North Carolina could best be protected if District 18 included parts of two different counties. The state argued that although after this redistricting the black voting age population in the resulting District 18 would still be less than 50 percent, this redistricting measure would at least provide black voters an “opportunity to elect” that they would not otherwise have. With the help of a small coalition of white voters willing to “cross over,” the minority voters would be able to elect candidates of their choice in the general election.

The North Carolina resident plaintiffs countered that under U.S. Supreme Court precedent, Section 2 requires a 50 percent minority threshold before a state must create a Section 2 “opportunity-to-elect” district, and that therefore Section 2 provided the state with no defense.

The North Carolina Supreme Court agreed with the plaintiffs that a minority group must constitute a numerical majority of the voting-age population in an area before Section 2 kicks in. Because African Americans did not have such a numerical majority in District 18, the court ordered the legislature to redraw the district in accordance with the state constitution’s “whole county” rule.

On review, the U.S. Supreme Court could hardly have been more divided on the issue. No one opinion garnered a majority, but in the end, Justice Kennedy was able to announce that the high Court affirmed the North Carolina court’s decision.

In his opinion (joined by only Chief Justice Roberts and Justice Alito), Justice Kennedy warned that requiring the creation of “crossover” districts throughout the nation “would unnecessarily infuse race into virtually every redistricting.” Not a good idea, in Justice Kennedy’s view, because racial classifications with respect to voting carry particular dangers. Racial gerrymandering, even for remedial purposes, may balkanize us into com-
peting racial factions; it threatens to carry us further from the goal of a political system in which race no longer matters—a goal that the Fourteenth and Fifteenth Amendments embody, and to which the Nation continues to aspire. …

**Northwest Austin Municipal Util. Dist. No. One v. Holder**

The Voting Rights Act’s other, and traditionally most controversial provision, was also at issue last term. The plaintiff in this case was, as Chief Justice Roberts put it, “a small utility district raising a big question”—the constitutionality of Section 5 of the Voting Rights Act. Thus, this case, often called by its acronym name, NAMUDNO, had the potential to be one of the most important cases of the decade.

Section 5, remember, is the provision that requires certain southern jurisdictions to obtain “preclearance” from either the U.S. Attorney General or the U.S. District Court for the District of Columbia before changing local voting rules. (The provision applies only to states that used a forbidden “test or device” in November 1964 and had less than 50 percent voter registration or turnout in the 1964 presidential election.) Because the utility district in this case is in a covered jurisdiction (the state of Texas) and has an elected board, it is required by Section 5 to seek preclearance before it can change anything about its elections. This is required, Chief Justice Roberts notes, “even though there has never been any evidence of racial discrimination in voting in the district.”

There is little doubt that some members of the present Court would like to put Section 5 to rest on the grounds that it has served—and now possibly outlived—its purpose over the past 45 years. Having to prove to federal officials in Washington that a proposed change in state law will have neither a discriminatory purpose nor discriminatory effect is burdensome. And it eliminates the usual presumption that a local government action is constitutional until proved otherwise and creates
in its stead a presumption that a change is discriminatory until proven otherwise.

Other justices, however, clearly think it too soon to declare a voting rights victory and go home. Even a brief look at the history of voting rights in the South demonstrates that over the years many jurisdictions have been willing to make changes using race-neutral language that deliberately or inadvertently diluted the African American vote.

The utility district in this case offered the Supreme Court two grounds for relieving it of its preclearance duties. First, it maintained that it satisfies the statutory criteria for being entitled to “bail out” (as the process has come to be known) of its obligations under Section 5. Second—and most worrisome to Voting Rights Act supporters—the district also argued that if it is not entitled to bail out, Section 5 is unconstitutional as an improper exercise of congressional power.

The constitutional question of whether the act was within Congress’s Article I powers—naturally garnered intense interest, as the consequences of deciding that issue were so weighty. More than two dozen outside organizations rushed to file friend of the court briefs to support one or the other parties on this issue. And when, as the unanimous opinion’s author, Chief Justice Roberts, began reading from the bench on June 22, 2009, to explain the Court’s ruling, the remarks clearly was intended to convey that issue were so weighty. More than two dozen outside organizations rushes to file friend of the court briefs to support one or the other parties on this issue. And when, as the unanimous opinion’s author, Chief Justice Roberts, began reading from the bench on June 22, 2009, to explain the Court’s ruling, the it felt as if he were preparing the public for the end of the Voting Rights Act:

The utility district now has permission to seek relief from their preclearance burdens. The district also argued that if it is not entitled to bail out, Section 5 is unconstitutional as an improper exercise of federal authority and covering “every political subdivision in a covered State, no matter how small.”

“Things have changed in the South,” the chief justice said. “Voter turnout and registration rates now approach parity. Blatantly discriminatory evasions of federal decrees are rare. And minority candidates hold office at unprecedented levels.”

The tone of the chief justice’s remarks clearly was intended to convey that the arguments for finding Section 5 unconstitutional were, at a minimum, being taken very seriously by the Court: “Past success alone … is not adequate justification to retain the preclearance requirements.”

Then, however, Chief Justice Roberts stepped back from the constitutional line, explaining that under the doctrine of constitutional avoidance, the importance of a constitutional question does not justify deciding the question if it is not necessary for the Court to do so in order to decide the case before it. And in this case, he said, the justices consistently agreed that the Voting Rights Act permits “all political subdivisions,” including the utility district in this case, to seek relief from their preclearance requirements.

The Court’s decision means that the utility district now has permission to seek bailout privileges. The district must show that “for the previous 10 years it has not used any forbidden voting test, … and has not been found liable for other voting rights ‘violations,’” it must also show that it has “engaged in constructive efforts to eliminate intimidation and harassment” of voters.

First page of the Voting Rights Act of 1965. Image courtesy of the National Archives.

In the short term, the Voting Rights Act has survived a strong constitutional challenge. Yet the Court has also sent a clear and deliberate signal to Congress and the southern states that a number of the justices are skeptical of the act’s continued constitutionality.

Although the Voting Rights Act was enacted over 45 years ago, Bartlett and NAMUDNO clearly demonstrate that the continued impact of race on voting rights and the best means to right racial inequities are yet unsettled. And as we enter another census cycle, it is important to understand why questions about race are so important and what long-term effects the answers could have.
alphabet agencies called upon the bureau to provide data on the socio-economic situation of the population. Congress built the grant-in-aid system to allocate tax money from the federal to state and local governments, and they sought population data on poverty, income distributions, and migration. Yet the Census Bureau of the early 1930s had yet to devise a credible measure of unemployment, had no data on income, and did not measure poverty. The New Dealers persevered and, by the end of the decade, had proposed the introduction of sample surveys to measure unemployment, reorganized the agency’s bureaucratic structure, increased the statistical training of employees, built a research unit, and revamped classification systems. Many of these innovations became part of the 1940 census. It included a sample long form for the first time, a housing census, and evaluation studies to systematically measure the level of accuracy of the enumeration, the tabulation and coding procedures, coding bias, and sampling error.

**Discovery and Politicization of the Undercount**
The issue of the undercount began to be framed precisely after a somewhat serendipitous natural experiment in 1940. The selective service registration of 1940 allowed demographers to compare the 1940 census counts of men of draft age (21 to 35) with the counts of men who registered for the draft. The census underreported about 3 percent of the men in the age cohort; the draft registration recorded some 453,000 more men than the census did. More significantly, though, was the finding that the level of the undercount varied by region and race. Some 13 percent of the black men of draft age were missed in the census. And black men registered for the draft in dramatically higher numbers in urban states than would have been expected from the census counts. By 1950, the Census Bureau knew it undercounted the total population by about 2.5 percent, and “nonwhites” by 11 percent.

Three separate trends merged to propel the census undercount onto the political stage in the mid-1960s. First, Congress continued to build the grants-in-aid system as a mechanism for allocating revenue to state and local governments. Second, in 1962, the Supreme Court ruled in *Baker v. Carr* that malapportioned state legislatures were unconstitutional and opened the way for the decade of lawsuits that led to the “reapportionment revolution” of the 1960s. A series of cases followed that overthrew apportionments in other legislatures and in Congress. By 1964, the phrase “one man one vote” had entered the nation’s political vocabulary to define the new principle of legislative apportionment. Suddenly accurate census data for small geographic areas came to be of added importance, and the bureau had a strict constitutional duty under the equal protection clause of the Fourteenth Amendment to count everyone. Third, the Civil Rights Movement of

---

**For Further Reading**


Remember to visit *Insights* online to learn more about this topic, including census art, census confidentiality during WWII and Japanese internment, *Baker v. Carr*, and proposals to increase the size of the House of Representatives.

---

**For Discussion**

1. Do you think that population is the best way to apportion political representation in the United States? What would the political landscape look like had the framers based apportionment on land ownership or wealth? Would either of those systems have lasted as long as the current system? Why or why not?

2. The first census counted males and females above and below age 16. Why do you think the age 16 was chosen? How is age 16 significant today? Is it more or less significant than in 1790? Why or why not?

3. Why do you think Congress chose to set the size of the House of Representatives at 435 members in 1910? What are the pros and cons of limiting the number of representatives to 435?

4. The author explains that the census has used several technological innovations to improve accuracy and efficiency. How might technology continue to influence, or possibly improve, the census in the future?
the 1950s and 1960s used census data to frame many of its arguments about discrimination in the labor force, community participation, and access to housing in terms of underrepresentation of minorities in these areas of American life. If, for example, 30 percent of a local labor market were black, then, activists argued, true nondiscrimination would require blacks to hold roughly 30 percent of the jobs. Congress passed civil rights legislation that also relied on census data for administration and implementation. Under the Voting Rights Act of 1965, Congress created clear numerical tests of compliance: if a state used a literacy test for voter registration, and if voter registration or turnout was less than 50 percent of the voting age population of a jurisdiction, then the law presumed a violation of the Fifteenth Amendment. In such a case, the literacy tests were suspended, and the Justice Department could send federal registrars and election observers to monitor elections. The undercount ceased to be a technical problem of census field procedures; it became an explosive political issue.

New and Continuing Challenges
Since 1970, technological innovation and census accuracy have been major issues facing the Census Bureau. During this time, the bureau introduced technical innovations such as the mail census, a computerized mapping system and master address file of the nation, and electronic data distribution. In the past decade the bureau has launched the ongoing American Community Survey, which replaces the census “long form.”

For much of the period, the bureau faced lawsuits from states and local governments that felt their populations were undercounted. By the 1990s the bureau developed adjustment methods that it planned to use in 2000 to improve the accuracy of the count. But the adjustment methodology encountered political opposition from Republicans in Congress who charged that counting methods that did not involve the “actual enumeration” of an individual were unconstitutional, and that the methods proposed to adjust or fix census errors would invite partisan manipulation of the data. The Supreme Court decided in Department of Commerce v. United States House in 1999 that the Census Act banned adjusted data for the congressional apportionment counts but left open the possibility of using adjusted data for redistricting and federal funds allocation.

This decade, as in the past, there will be controversies about the count. There are no plans to adjust the 2010 census for undercoverage or other inaccuracies. This decade the Census Bureau is relying on the streamlined short-form-only census and substantial outreach and public advertising to guarantee public cooperation and accuracy.

New is the issue of same sex marriage so results will be monitored. Similarly, there are continuing issues of what are called “residence rules.” College students are supposed to be counted at their college location, but parents also tend to report them on census forms. College students are thus often double counted, and the question of which is the “right” location is not easy to resolve. A similar issue emerges for prisoners incarcerated in local jurisdictions, but whose home before incarceration was an urban district. There are implications for redistricting and funds allocations on such locational decisions.

The census will also face questions of whether some questions are an invasion of privacy, though in this country, such concerns have not fundamentally disrupted the count. This decade, the short form questions about name, address, age, sex, relationship to householder, race and ethnic status, and home tenancy are less likely to generate such concerns, though anyone with a potentially unlawful living situation, from an undocumented immigrant to a family violating zoning laws, could be concerned about filling out the form. The Census Bureau addresses those concerns by assuring respondents their responses are confidential and are not accessible to any other government agency until public release 72 years after the census is taken.

Look for increased public discussion of the American “politics of population” in the months ahead. Watch to see how Americans respond, for the 23rd time, to the census call to “stand up and be counted.” Finally, watch for the census results in December 2010 and our continuing national debate about who we are, where we’ve been, and where we’re going.
Students in Action

continued from page 21

have resulted in missed financial opportunities for the college community.

“It showed what a big difference that the students can make,” comments Yanique Shaw, president of Salem State College’s PRSSA. By focusing on the “financial” aspect of the census, the club believes it will strike a chord with students.

The census data not only affects college-tuition grant and loan programs, as well as important research conducted by college faculty and students, but also informs decisions about funding for critical services in the community, such as transportation, public safety, medical care, and road repairs.

“A lot of people don’t know much about the census, most of us don’t remember what it’s about from the last time it came out,” states Shaw. “We’re informing students about it, and they’re getting excited to fill it out, to have their voices heard, and to be counted.”

The PRSSA at Salem State created a Facebook page for their campaign and will hang banners in highly trafficked areas on campus while distributing T-shirts, pens, and key chains to raise awareness. In addition, the group plans on acquiring media coverage through public service announcements (PSAs) on local radio stations and press releases distributed to local and school papers.

Student organizations can download information on how to spread the word about the census, as well as fact sheets and frequently asked questions online at www.2010.census.gov/campus.

In addition to the work of AdLab and the Salem State College PRSSA, faculty liaisons to Census on Campus encourage students to distribute census materials through clubs and organizations, post census banners in public venues such as the student union, and use social networking tools like Facebook and Twitter to spread the word about the importance of filling out the census.

The videos produced by Census on Campus in collaboration with AdLab emphasize the importance of filling out the census and stress how quick it is to complete the form. As one student states in the video, “Completing and filling out your census form is one of the easiest ways to be active in your community.”

Whether young people are involved in creating awareness about the census, have a part-time job as a census taker, or are learning about the census in the classroom, it is a civic issue of importance to people of all ages. The census may only occur every ten years, but the data pulled from the census affects all aspects of our lives. Engaging young people in the 2010 Census will enhance their understanding and foster their participation in the 2020 Census and beyond.

Colleen Danz (danzc@staff.abanet.org) is outreach manager for the American Bar Association Division for Public Education.

Census Resources Online

AdLab
www.bu.edu/adlab
2010 U.S. Census
www.2010census.gov
Census in Schools
www.census.gov/schools
Census on Campus
www.2010.census.gov/campus
Salem State College
Public Relations
Student Society of America
www.sscprssa.org

Funding for this issue has been provided by the American Bar Association Fund for Justice and Education; we are grateful for its support.

Insights on Law & Society is published three times each year (fall, winter, spring) by the American Bar Association Division for Public Education. Chair, Standing Committee for Public Education, Eduardo Roberto Rodriguez; Director, Division for Public Education, Mabel C. McKinley-Browning; Managing Editor, Tiffany Willey Middleton; Consulting Editor, John Paul Ryan; Webmaster, Eric Halvorsen.

Insights helps high school teachers of civics, government, history, and law; law-related education program developers; and others working with the public to teach about law and legal issues. The views expressed in this document are those of the authors and have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association, the Fund for Justice and Education, or the Standing Committee on Public Education.

A one-year subscription to Insights on Law & Society costs $14 and includes three issues of the print and online magazine. For subscription information, contact ABA Division for Public Education, 321 N. Clark Street, Chicago, IL 60654-7598; 312.988.5735; www.abanet.org/publiced; fax 312.988.5494, ATTN: Circulation Manager; e-mail abapubed@abanet.org

FOR CUSTOMER SERVICE, CALL 800.285.2221.

The American Bar Association is a not-for-profit corporation.

All rights reserved. Printed in the United States of America. Printed on recycled paper. Design by DePinto Graphic Design and Watts Design. Produced by Watts Design and Creative Services Associates, Inc.
In 1958 President Dwight D. Eisenhower established Law Day as "a day of national dedication to the principle of government under law."

This Law Day all Americans are encouraged to celebrate and to join in the discussion on how the law is adapting to new conditions in the 21st century.

Visit www.lawday.org for all your planning needs.

- Sign up for a free 2010 Law Day Planning Guide that will provide you with all the details on how to hold a successful program.

- Download topical lesson plans for elementary, middle, and high school students.

- Conduct a Dialogue—the latest in the ABA series is the Dialogue on Law in the 21st Century: Enduring Traditions, Emerging Challenges. The Dialogue Resource Guide offers step-by-step directions and discussion questions to enable you to lead a discussion on this year’s theme.

- Sign up to put your program on the Law Day Map. Current program listings can give you ideas for your 2010 program.

- Purchase products from the Law Day Store. Promotional material, prizes for essay winners and thank you gifts for participants can be found in the store at reasonable prices (discounts for bulk purchases).
Children under Law: A Global View

*Insights* offers international perspectives on the treatment of children, including the special protections sometimes provided to children by law, government practices, and human rights conventions. Read articles on child soldiers, the lost boys of Sudan, child labor, and the punishment of juvenile offenders.