



ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND

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July 25, 2011

Brian Harris-Kojetin
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RE: AALDEF Comment Regarding OMB Review for Authorization
of the American Community Survey, U.S. Census Bureau
OMB Control Number 0607-0810

Dear Mr. Brian Harris-Kojetin:

The Asian American Legal Defense and Education Fund (AALDEF) writes to support continuations of the American Community Survey (ACS) and to recommend two changes that will ensure that limited English proficient Asian Americans are accurately counted.

For the 1990, 2000, and 2010 decennial censuses, AALDEF undertook major multilingual community education campaigns to promote Asian American participation. Our educational work continues for the American Community Survey. In 2006, AALDEF also testified in support of reauthorization of the language assistance provisions (Section 203) of the federal Voting Rights Act. Over the past decade, we have monitored elections for compliance with Section 203 and have conducted multilingual exit polls to identify emerging language minority groups.

As you know, the American Community Survey (ACS) replaced the decennial census long form. The ACS is distributed to a random sample of the population every month. If the forms are not mailed back, census-takers visit individuals at home to take the information through interviews. The ACS is an ongoing survey conducted throughout the decade. Data from the ACS, along with the decennial census, determine the availability of bilingual ballots, translated voting materials, and interpreters at poll sites under Section 203 of the Voting Rights Act.

AALDEF supports ACS. ACS provides more timely data about American demographics. When Congress was considering the reauthorization of the Voting Rights Act, AALDEF supported the change to determine Section 203 coverage more frequently. Prior determinations were only made once every ten years with the decennial census. With the information obtained from ACS, determinations can be assessed more often.

Under Section 203, language assistance in voting must be provided in counties where the U.S. Census Bureau finds more than 5% or 10,000 people who are (1) over 18 years old; (2) citizens of the United States; (3) speak the same Asian language; (4) have limited English proficiency; and (5) have a higher illiteracy rate than the national illiteracy rate.

ACS asks respondents to identify their citizenship, level of English proficiency and educational attainment. These are used to determine Section 203 coverage. ACS also asks respondents

about their native language. Once the language minority group is covered, the native language question determines what exact language the minority group speaks. We have some concerns about two questions on the ACS questionnaire form.

First, English proficiency is measured by the question, "How well do you speak English?" However this question is only written in English. We believe that respondents who cannot read English, or have limited English proficiency, will have difficulty in answering this question.

In 2000, the census long form was translated into Chinese, Korean, Vietnamese, Filipino, and Japanese. Limited English proficient respondents were able to independently complete the questionnaire.

ACS is not translated into any Asian language. The form is available in Spanish. We understand that there are language assistance guides and bilingual interviewers to follow up with the non-responding households that received ACS forms. Unfortunately, transposing answers from the translated guide to the English questionnaire is cumbersome and will lead to errors. Relying on interviewers to complete the survey compromises respondents' concerns about privacy.

We urge the Census Bureau to translate the ACS questionnaire into Chinese, Korean, and Vietnamese. After English and Spanish, these are the most common languages spoken by populations that have high rates of limited English proficiency.

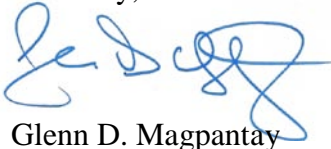
The lack of translated census forms will lead to inaccurate or incomplete data, and, more importantly, may deny American citizens the language assistance they are entitled to under the Voting Rights Act.

Second, Section 203 requires that the language minority group must also have a high illiteracy rate in order to obtain bilingual ballots. This is not the same as English proficiency. Illiteracy is determined by educational attainment. In order to qualify for bilingual ballots, more than 10,000 or 5% of the language minority group must have less than a 5th grade United States education. (Education abroad does not count.)

The question on the ACS form is ambiguous and does not convey clearly the standards for illiteracy. Respondents can answer this question to include *all* the education ever received – in the U.S. and abroad – or only formal education received in the United States. We believe that Congress's intent in using this question is to measure U.S. education. The question should be so clarified.

We hope you will consider our recommendations. If you have questions, please feel free to contact me at 212-966-5932 or gmagpantay@aaldef.org.

Sincerely,



Glenn D. Magpantay

Democracy Program Director

cc:

Robert M. Groves

Director

U.S. Census Bureau

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