

Testimony of L. Leigh Gribble
before the
U.S. House of Representatives Committee on Government Reform,
Subcommittee on Technology, Information Policy, Intergovernmental Relations
and the Census
September 14, 2004

Good afternoon distinguished Chairman and Committee members, my name is Leigh Gribble. I am a retired naval officer and the owner of a consulting firm that is incorporated in the State of Florida. I have lived in Kuwait, in connection with my military service and my consulting business, for over twelve years. However, I pay taxes and vote in Florida's 7th Congressional District, which is where my company is registered, and where I hope to return to live full time within the next few years.

Among the various civic activities that I am involved in, overseas and within the United States, I serve as the Vice Chairman of the American Business Council of the Gulf Countries and on the Executive Committees of the American Business Council-Kuwait and the American Chamber of Commerce of Iraq. Additionally, I am honored to represent overseas American citizens for the Census 2010 Coalition on the Secretary of Commerce's Decennial Census Advisory Committee.

Today, I am testifying on behalf of the Census 2010 Coalition, a coalition which represents the interests of such diverse overseas American citizen groups as the 98 U.S. Chamber of Commerce affiliated American Chambers Abroad, the Association of American Citizens Abroad, the Association of Americans Resident Overseas, Republicans Abroad, and the Federation of American Women's Clubs Overseas or FAWCO. FAWCO is also represented here today by my dear friend, and one of the very few reasons that I can think of to visit France, Lucy Laederich. I am as humbled today, as I was in June of 1999 and July of 2001, when I was privileged to appear before this august Subcommittee, to give voice to the concerns of thousands of my fellow private American citizens around the world. Rather than take up your valuable time reiterating points that I made in my two previous appearances, I would respectfully request, Mr. Chairman, that you accept my testimony from the June 9, 1999 and July 26, 2001 hearings, as attached to my written testimony today, for inclusion in the record of this hearing.

Lucy Laederich of FAWCO has allowed me to review her upcoming testimony. Her presentation of lessons learned in the 2004 Overseas Census test is quite extensive and accurately reflects what I saw in Kuwait during the conduct of the test, so with your indulgence I will not spend a lot of time discussing lessons learned today except to emphasize two important points.

First, we all know that extensive, effective media outreach is crucial to conducting a successful Census. We also know that media campaigns are extremely expensive in the United States. This is because there are literally thousands and thousands of print and

broadcast media outlets for US residents to choose from. In the US the Census Bureau has to spend large amounts of money to cover the broadest possible spectrum of media to reach the maximum number of individuals in cities, towns, and rural areas where people may have access to five newspapers, twenty radio stations, and hundreds of TV channels to read or tune in to. Overseas American citizens do not have so many choices of what to read, listen to, or watch in English language media, but they do generally have access and pay regular attention to five, almost global outlets and media streams. These world-wide outlets and streams are the International Herald Tribune, the Voice of America, and US based international news channels CNN International, Fox News, and MSNBC. Media buys in just these five outlets and streams should reach the vast majority of American citizens around the world and not break the Census Bureau's advertising budget. The Census Bureau did not advertise in these outlets or streams during the 2004 test census, except for a very limited ad buy in the International Herald Tribune in France and Mexico towards the end of the test period. Any Overseas Census is bound to see low response rates if it is not well advertised.

Second, mandatory participation in the US Census is required by statute for all US residents. Obviously, the force of law is used to compel participation in the US Census and, thereby, increases response rates. What would US response rates be if the threat of a penalty for non-participation was not a factor to be considered by potential respondents? I daresay they would drop off steeply. There was obviously no such penalty provision hanging over American citizens in the three test site countries. Many here in Washington scoff at the idea of making participation in any overseas census mandatory. They say it would be an unenforceable requirement, yet the IRS requires overseas American citizens to file US income tax returns and pay required taxes under penalty of law. Human nature being what it is, even the slight possibility of running afoul of the Federal government would be a prime motivator for many overseas American citizens to complete Census forms and raise response rates. Any Overseas Census should require mandatory participation, just as the US Census does.

I would now like to offer some thoughts on why the utmost effort should be made to bring the Census process into the 21st Century, and why it is morally imperative that the Congress act to include overseas American citizens in the Census.

When I started drafting this testimony, I was in the middle of a month of travel that included business meetings and events in Kuwait, Bahrain, Kurdistan in northern Iraq, and Baghdad. On the 1st of September, the United States Ambassador to Iraq, John Negroponte and I had the privilege of addressing the inaugural reception of the American Chamber of Commerce of Iraq in Baghdad. It was diverse gathering with more than eighty American business people ranging from individual lawyers and consultants to representatives of the major contractors involved in the reconstruction of Iraq and consumer products companies. Our remarks that evening were punctuated by the sounds of nearby mortar fire, but the noise of the explosions did not drown out the conversations, or dampen the spirit, of the American business community in Iraq, as it gathered to celebrate the founding of the newest U.S. Chamber of Commerce overseas affiliate and

the fact that we are entering and building yet another market for American goods and services in the global economy.

I certainly never imagined when I was growing up that I would find myself in such place at such as Baghdad at such a historic time. Nor do I suppose that the founders of our country ever imagined that American voters would be living overseas in significant numbers, when the Census Act of 1790 was passed and laid the down the foundation for one of the principal, if not primary, purposes of conducting the Census, the determination of the voting population of each State. In fact it was not until the mid-1970's, that American citizens resident overseas were even allowed to vote by absentee methods. If the Census is to be successfully conducted and true to its primary mission of determining the voting population of each State, then it must take into account the 21st Century realities of an America that has a global economy and a substantial population resident overseas, whose votes are recorded in every State in the Union. The Census should no longer be conducted under Rules of Usual Residence that were devised and appropriate in the 1700's. The Rules of Usual Residence must be updated to reflect the existence of a global American population that votes while far from home.

Equal protection is not just a good idea; it is the law and it is constitutionally mandated by the 14th Amendment. Equal protection under the law means that all American citizens and residents enjoy the same rights and privileges. Simply, the government is not allowed to offer rights and privileges to some citizens or residents and deny these same rights and privileges to others, yet by not including private American citizens resident overseas in the Census, the Federal government does just that. The Census Bureau does count overseas Federally-affiliated Americans and US military personnel in the Census, but they do not count me and equal protection is denied. Even though I pay Federal Income Tax, those portions of the Federal Budget that are allocated to Florida and my home place of Ormond Beach based on Census population data do not include money that should rightfully be expended there on my behalf, because I do not exist according to the Census and equal protection is denied. The strength of my vote is diminished because the Census does not count me and so the current system fails to include and apportion me in and to the voting population of the State of Florida and its 7th Congressional District and equal protection is denied. Many argue that if American citizens resident overseas are counted in the Census and the resulting data is used for purposes of apportionment and redistricting that biases will be introduced that may cause perturbations to current apportionment and redistricting processes and unfair advantages for some States or districts, but with judicious modification of the Rules of Usual Residence and acceptable statistical remedies this should be avoidable. Equal protection under the law must be enforced for all American citizens, including those residing overseas, by counting them in the Census.

Now as to the question of the cost-effectiveness of counting American citizens resident overseas in the Census, is it necessary and cost-effective to break the population of the individual States down into fourteen separate racial and ethnic categories and then tabulate and analyze reams of data about these categories? Certainly it is not under the original Census Act of 1790, but Congress has been sage enough over the years to

mandate the modification of the Census process to reflect the changes and requirements in, and of, a constantly evolving American population. Now that the American population includes an uncounted, but significant number of citizens resident overseas, the Census process needs modification again to properly reflect this. The GAO concludes in their review of the 2004 Overseas Census Test that it would not be cost-effective to count Americans resident overseas in the Census. As best as I can tell from their report, this conclusion is based in very large measure upon an Overseas Census Test response rate that is perceived as low. This response rate appears to be based solely on comparing the number of forms printed before the test for the Census Bureau and the actual number of responses received. I may be mistaken, but I understood that the number of forms printed reflected only the Census Bureau's best estimate of how many printed forms might be needed to conduct the test and certainly was not intended to be used a measure of response. Comparing a pre-test estimate of the required number of forms to the actual responses received by printed form and Internet input hardly seems to be statistically significant or cost-effective itself.

We all understand that there are huge obstacles to be overcome in order to count American citizens resident overseas in the Census and then to put the resulting data to fair and meaningful use, but Congress should not allow the debate over whether to do so to continue to focus on the logistical and the statistical. Rather, the focus should be on deciding whether it is moral and right to continue to deny equal protection under the law to American citizens resident overseas. I have to believe that the answer to that question is no. I also believe that Congress can come up with the necessary statutory changes, funding, and mandates to the Census Bureau to rectify this injustice. I urge you to do so.

This concludes my prepared testimony.

I, and the organizations represented in this testimony, do not receive any financial support or benefit from the Federal Government through grant, aid or contract.

Attachment: Testimony of L. Leigh Gribble before the U.S. House of Representatives Committee on Government reform, Subcommittee on the Census, June 9, 1999.

Testimony of L. Leigh Gribble before the U.S. House of Representatives Committee on Government reform, Subcommittee on the Census, July 26, 2004.