

August 5, 2004

Charles Louis Kincannon  
Director  
U.S. Bureau of the Census  
Washington, DC 20333

Dear Mr. Kincannon:

As members of the Census Advisory Committee, we are writing to express our consternation at the revelation last week that the Census Bureau aided the Department of Homeland Security (DHS) by providing it with statistical but extremely detailed information on the distribution of Arab Americans of various backgrounds across U.S. ZIP Codes.

We understand that the Census Bureau's cooperation with DHS may have been within the law; however, no law appears to have compelled the Bureau to provide this information, and we believe that the decision to do so violates the spirit of trust held by millions of Americans that the information they furnish on the Census will not be used against them by law enforcement agencies.

The explanation provided by DHS for this request – that they needed the data for “identifying which language of signage, based on U.S. ethnic nationality population, would be best to post at the major International airports”<sup>1</sup> – raises numerous questions. Why, in determining how to allocate translated signage, would DHS only be interested in the population of Arab speakers? There are of course a large number of language minorities in this country; did the DHS ask the Census Bureau for information on the national distribution of other groups, such as those of Chinese descent?

In addition, if DHS was interested in the distribution of individuals who speak Arabic, then why was the ancestry data provided to them broken down by nationality? Presumably, any Arabic-language signs would be posted in Modern Standard Arabic to ensure that they would be broadly understood in the Arabic-speaking community, and so national divisions in the Arab world – while politically very important – would not be relevant.

We ask these questions at a time and in a context where government security agencies have interrogated, fingerprinted, and detained thousands of people based on their ethnicity – policies targeted at Arabs that unfortunately recall the previous period of widespread governmental targeting of specific individuals based on their ethnicity, the internment of Japanese-Americans during the Second World War.

Given the Census Bureau's unfortunate role in that program, in the current climate it is only natural that the sensitivity surrounding such issues would be extremely high. The

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<sup>1</sup> E-mail dated April 23, 2004, obtained by Electronic Privacy Information Center and online at [http://www.epic.org/privacy/census/foia/census\\_emails.pdf](http://www.epic.org/privacy/census/foia/census_emails.pdf).

collection of information about individuals' racial and ethnic background in the Census serves many important policy goals, but the risk that citizens will not trust the Census Bureau with their information will grow if the Bureau does not handle this issue with the utmost care.

It was for this reason in part that we have repeatedly raised privacy issues with the Bureau. Over the past several years we have pushed unsuccessfully for the creation of a privacy committee on the Census Advisory Committee. In April 2003, ACLU and the Privacy Rights Clearinghouse also wrote to you asking you to confirm that the Bureau had not been approached by government security agencies asking for access to personally identifiable information. We were gratified by your response that no such information had been or would be provided.

The current incident, however, also concerns us greatly. While it appears that the decision to cooperate with this request from DHS was made at lower levels within the Census Bureau, it also appears that there is no process in place for reviewing such decisions.

We urge you to put procedures in place so that the provision of these kinds of sensitive tabulations and data are not provided without your knowledge and approval or that of your top deputies. We also urge you to immediately create a new outside body to advise the bureau on privacy and civil liberties issues.

We look forward to your response.

Sincerely,

Barry Steinhardt, Director  
Technology and Liberty Project  
American Civil Liberties Union

Beth Givens, Director  
Privacy Rights Clearinghouse

cc: Kim Coon, Chair, Decennial Census Advisory Committee