



U.S. Census Bureau

U.S. Census taker shows ID badge.

The 2020 Census: Trump, the Pandemic, and Threats to Democracy

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In 2020, the federal government set about the once-a-decade task of counting the nation’s population. In 2021, the U.S. Census Bureau reported the result topped 331 million people. By comparison, the first census in 1790 counted 3.9 million people. Population growth and demographic change have characterized the nation ever since. The United States relies upon the census to track those changes and to allocate both political power and funding (currently 1.5 trillion federal dollars each year¹ as well as uncounted amounts of state and other funds). Every decade, the United States reapportions congressional seats among the states and, by extension, electoral votes. State and local governments draw new boundaries for their legislative districts based in part on census data. Lawmakers allocate federal, state, and local funds at all governmental levels, using various formulas derived in whole or in part from census results. The census bears a burden of providing public, reliable, timely information so Americans can know what is changing, use that information, and rely on it until the next count, ten years later.

But 2020 was no ordinary year, and the census, like everything else in American life, faced a perfect storm of pandemic, presidential election, and political polarization. Further, the bureau implemented a new “disclosure avoidance” method to protect answers from being associated with specific respondents. The new method is a complex computer-based set of algorithms that add “noise”—a small amount of error to each released cell in every census table. This new method had not previously been fully assessed and implemented in a decennial census context. As it adds inaccuracy to tables to protect the responses of a particular individual

from disclosure, it also runs the risk of adding bias to every census result.

Taken together, these issues raised the question of whether the results are, in census jargon, “fit for use” for the next decade. Most particularly, are the resulting data biased in ways that would lead to underrepresenting minorities and overrepresenting non-Hispanic white populations? The recently released Post-Enumeration Survey, which measures the accuracy of the census, shows this clearly happened. And, due to a series of Census Bureau decisions, we don’t yet know how this played out at the state and local levels. But preliminary evidence indicates that the 2020 census does, in fact, have serious issues in terms of accuracy and bias compared to recent censuses. Even the Census Bureau’s own population estimates division has currently decided not to rely completely on the 2020 census for the base of the next decade of estimates.

Trump mounted a multi-pronged attack on the integrity and accuracy of the census, especially in how it counts non-citizens and the foreign born

Though details are still being unearthed, the Trump administration had weakened the ability of the Census Bureau to take a successful census. The increased level of immigration and the

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emergence of well-organized minority groups posed a threat to the GOP. Trump mounted a multi-pronged attack on the integrity and accuracy of the census, especially in how it counts non-citizens and the foreign born, including undocumented immigrants, as well as other diverse ethnic and racial groups.

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The two best-known attacks, adding a citizenship question to the census form and interfering with the field administration of the count, were partially mitigated by the courts. But the mere specter of such interference seems to have resulted in a substantial distortion of the census, including the fact that about 18.8 million persons were not counted in the census, but this undercount was offset by those counted more than once or imputed, that is created by the Bureau using various methods, including administrative records and responses from similar individuals. The undercount rate for Blacks, Latinos, and Native Americans increased from the 2010 census. Most dramatically among the group that Trump was targeting, the Latino undercount more than tripled from 1.54 to 4.99 percent.² Arturo Vargas, CEO of the NALEO Educational Fund, a major Latino rights group, said he had never seen such an undercount in his thirty-five years following the census. Native Americans and African-American advocates were similarly outraged. The bureau reported a very small net national undercount of some eight hundred thousand people, amounting to 0.24 percent. But they also reported an overcount of the white and Asian population, which offset the undercounts of Hispanics, Blacks, and Native Americans. They also reported a worrying undercount of small children but will not report more detail on that finding until later in the year. These distortions can lead directly to a misallocation of both power and money for the miscounted communities. In

short, the Trump administration's attack on counting minorities in the census seems to have succeeded.³

2017: The Trump Administration Takes Office

The Trump administration made no secret of its disdain for immigrants and minorities of any sort. Early administration initiatives included the "Muslim Ban," building a border wall, suspending Deferred Action for Childhood Arrivals (DACA), beefing up prosecution of immigration violations, and restricting immigration altogether, but especially from certain "s__ hole" countries. It is no surprise that they also set their sights on the census.

Census Director John Thompson, a career Census Bureau official, was apparently forced out early. Ron Jarmin became Interim Director in July 2017. Trump's initial choice for the permanent Director was Thomas Brunell, a political scientist with no experience managing a major data collection effort but who was well known as a GOP redistricter.⁴ His overtly political nomination was never formally submitted to Congress. The administration then proposed appointing him as Deputy Director, a position responsible for running the census but one that did not require confirmation. He withdrew. The bureau continued with Jarmin as Interim Director until a permanent director with professional credentials, Dr. Stephen Dillingham, was sworn in in January 2019, almost two years after Director Thompson's resignation.⁵

2018-2019: Diminishing and Dismissing Immigrants

Between permanent Directors, Secretary of Commerce Wilbur Ross, whose department oversees the Census Bureau, filled the vacuum, and continued the administration's agenda to shape the 2020 census. In March 2018, he ordered the addition of a citizenship question to the 2020 Census. Ross claimed that the question was necessary to enforce the Voting Rights Act, particularly to measure the size of minority groups. Though the Department of Justice (DOJ) did not see any need for such a question, Ross got a DOJ official to write a letter asking for it.⁶

The proposed citizenship question threatened the political representation of many U.S. residents. The tabulated responses from such a question on citizenship, along with information already collected on race, age, and Hispanic classification, would make it possible to exclude non-citizens and children from the population counts used to draw legislative districts. This had been a long-term goal of many GOP redistricters, particularly Thomas Hofeller, who was quite candid about his position in a private report to a group in Texas in 2015. In that document, Hofeller noted that adding a citizenship question to census forms could produce the detailed data needed to redraw state and local voting districts in a way that would be “advantageous to Republicans and Non-Hispanic Whites.”⁷

Trump ... [pressured] the Census Bureau to produce ... a tabulation of the undocumented by state and tabulations that reported non-citizens.

Ross’ mandate on the citizenship question sent shock waves across the country, especially among civil rights groups, immigrant advocacy groups, and immigrants themselves, who were fearful that such data collection could be a prelude to raids on immigrants. Local jurisdictions and civil rights groups around the country sued to stop the policy.⁸ Three federal district courts ruled against Ross’ policy of adding the citizenship question to the form. The Supreme Court ruled in June 2019 that Ross’ decision to add the question violated the Administrative Procedures Act. Even Chief Justice John Roberts noted that the Justice Department request appeared to be simply a “pretext” to justify Ross’ decision.⁹

The question did not go on the form, but the effort to establish it reverberated, and along with Trump’s other statements and actions, undoubtedly harmed census turnout. Moreover, Trump ordered the Census Bureau in July 2019 to figure out how to identify non-citizens in the census and produce tables with that information. A group at the bureau continued to pursue that initiative, using records such as tax returns, social

security records, Immigration and Customs Enforcement (ICE) records, drivers’ licenses, and so on to try to ferret out non-citizens so they could be excluded from redistricting. Trump also attempted to exclude altogether so-called “undocumented immigrants” from the apportionment count.¹⁰ Fears raised about immigration status and its link to the census lingered, threatening to depress survey response rates.

2020: Last-Minute Attempts to Shape Census Results During a Pandemic

In late 2019, there was a glimmer of hope that the 2020 census operation would proceed without further incident. The Census Bureau planned to use—and had tested—an internet response option. Then, the pandemic hit in March 2020, just as the first postcards and forms were e-mailed. It was plain that the door-knocking phase of the census, along with much community outreach, would be delayed. Due to problems created by the pandemic, the bureau and the administration drafted a bill to extend the usual reporting deadlines. They proposed to extend the reapportionment report from December 31 to April 30, 2021, and the redistricting report from March 31 until July 31, 2021. The draft bill moved the apportionment deadline past the 2021 inauguration—meaning if Trump lost, he would have no power over the results.

In the summer of 2020, Trump’s reelection prospects waned, and he and his administration took desperate measures to influence the count. First, he attempted to order the Census Bureau to stop counting and report by the existing statutory deadline of December 31, 2020.

The administration also created new senior political positions in the bureau to monitor progress of the enumeration. Among the appointees were Nathaniel Cogley, installed as Deputy Director for Policy, and Benjamin Overholt as Deputy Director for Data.¹¹ Cogley and Overholt pressed for the bureau to produce an early unverified version of the 2020 data. They also pressed Bureau Director Dillingham to speed up the creation of data identifying each respondent as a citizen or non-citizen.¹² More lawsuits ensued, as states and civil rights groups attempted to keep the count going.¹³ The field

count came to a shuddering end in late September 2020. Though Trump lost the November election to Joe Biden, he continued—virtually up to Biden’s inauguration—pressuring the Census Bureau to produce politically palatable results for Republicans, including a tabulation of the undocumented by state and tabulations that reported non-citizens. On January 12, 2021, Peggy Gustafson, the Commerce Inspector General, reported that Bureau employees were being forced, or “encouraged” by large bonuses, to produce data reporting the citizenship status of everyone in the United States by January 15. When she made the effort public, Director Dillingham ordered these data not to be created. He resigned on January 18, two days before the inauguration. When Biden took office on January 20, 2021, he eliminated the remaining Trump directives regarding citizenship status.¹⁴

The Long View: The 2020 Census in Context

The census is mandated in the 1787 Constitution as an enumeration to allocate seats in the House of Representative and Electoral College among the states, based on a population count. As a political tool, it has always been scrutinized to make sure those allocations are “fair.” Did everyone get counted? If not, why not? All “people” are counted, even if they do not have the right to vote. Racial and ethnic minorities, immigrants, women, children, and Native Americans “count” for the allocation of political representation.¹⁵

By the early twentieth century, farmers, business owners, and eventually householders pressured Congress to set boundaries to prevent enumerators from selling or disclosing information they collected . . .

The standard for a good census is fairness in the procedures used to count. For the first eighteen censuses (1790-1960), Congress mandated that a temporary enumerator staff should

systematically go door to door throughout the country and count every household. Starting in 1970, households got their census forms via mail and were instructed to fill them out and mail them back. If the Census Bureau did not receive a completed questionnaire from an address on their “master address file,” they then sent out an enumerator. In the current decade, the “internet option” allowed most households to respond online, after getting a postcard with instructions on doing so. As in the past, if the bureau did not get a completed form on their address list, they sent out an enumerator.

The census is a mandatory survey. Since 1790, by law, someone at each address has been responsible for providing answers to the questions about each person living at that address. Census questions include more than a head-count. Distinctions of age, sex, and race go back to the eighteenth census. Over time, the questions about people’s economic and social situations became quite extensive; by the middle of the twentieth century, the census utilized a “short form,” sent to all households and a detailed “long form,” which went only to about one-sixth of households. Twenty years ago, the Census Bureau transferred the detailed questions on the long form from the census questionnaire to a different survey, the American Community Survey. Consequently, the current decennial census form is quite short, encompassing questions on age, sex, race, and ethnicity, owner, or renter status, vacant or occupied housing, and household composition.¹⁶

By the early twentieth century, farmers, business owners, and eventually householders pressured Congress to set boundaries to prevent enumerators from selling or disclosing information they collected and prohibiting the Census Bureau from publishing or releasing—intentionally or unintentionally—information about an individual farm, firm, or household. Census officials had long faced skeptical respondents who wanted guarantees that the information they disclosed would be used only for what came to be called “statistical purposes” and not for any other government function, what the Census Presidential Proclamations called the “taxation, regulation, or investigation” of a particular person or business.¹⁷ To address that

concern, the bureau deploys what they call “disclosure avoidance” before data release.¹⁸

The political debates surrounding the method of taking the census turn on whether any technical decision or innovation enhances or damages the fairness of the count, regarding its intended statistical uses; how much information is published or released; and whether the aggregated results are accurate. The biggest recent controversy concerns the “differential undercount,” namely whether modes of data collection result in missing, misclassifying, or double-counting people, resulting in misallocations in political representation and federal funding. An undercount advantages one group, non-Hispanic whites, while disadvantaging minority groups and the poor.¹⁹

Population continues to grow fastest in the South and West, and reapportionment has shifted congressional seats to those areas . . . while California, New York, Illinois, Michigan, Ohio, Pennsylvania, and West Virginia lost seats.

Each decade, the demographic results make front-page news, detailing all manner of population and socioeconomic shifts. In this decade, the big news to date has been a decline in the population growth rate to 7.4 percent, the second slowest rate in the nation’s history. In the early years of the republic, population grew 30-35 percent a decade.²⁰ Population continues to grow fastest in the South and West, and reapportionment has shifted congressional seats to those areas. Consequently, Colorado, North Carolina, Florida, Texas, Oregon, and Montana gained seats, while California, New York, Illinois, Michigan, Ohio, Pennsylvania, and West Virginia lost seats.

The more dramatic political impact of these demographic patterns will likely show up from redistricting, which is still underway. Political advantage during the 2022 redistricting round was the impetus for the Trump administration’s efforts to put a citizenship question on the census form. Republicans theorized that, if they

had citizenship tabulations down to the census block (the smallest geographic reporting unit in the census from which everything else is built), they could challenge redistricting rules based on total population counts and use citizens-of-voting-age only counts instead, basing apportionment and funding decisions on a whiter, older, likely more GOP population.²¹

What Is Next: The Controversies Are Not Over

The remaining big question about the 2020 census is whether the data are “usable” for the next ten years.

On the positive side, the new internet option worked. Responses from about one-half of the addresses on the bureau’s master address file came in via the internet. Altogether, about two-thirds came in through the internet or by return mail, and thus were reported successfully, despite the pandemic. The apportionment results were released in April 2021; the redistricting files in August 2021.²² The so-called “Demographic and Housing Characteristics” (DHC) data are still not released. At this writing, the first release, DHC1, is scheduled for the late summer or early fall 2022. The so-called Detailed DHC will be released after that at an undetermined time.²³

There is a simple reason for the delay and uncertainty. The Census Bureau accepted the claim that disclosure avoidance techniques then in practice²⁴ were no longer sufficient to protect the confidentiality of the individual respondent’s identity and implemented an untested new methodology, the Disclosure Avoidance System (DAS), based on “differential privacy.”²⁵ This method adds random noise (positive or negative counts) to every cell in every table, to prevent an outside researcher from re-identifying specific individuals. In cases where this produces absurd results (e.g., negative population counts for a geographic area), the bureau does further processing to make the results less absurd. For example, it “corrects” the table to eliminate the negative cell count. The Census Bureau adopted this approach in the late 2010s but at the time had not worked out the technical details of applying a privacy algorithm to a

dataset as large and complex as the decennial census. Whether the census can still provide the types of data needed and relied upon by a wide range of users is still an open question. We do know the following:

- The census block-level data are being shown to be unreliable. The Census Bureau cautioned researchers about using block-level data because of the inaccuracies created by noise injection, meaning that the block counts reported, and the characteristics of those counts, are generally not what was collected.²⁶ Users have come up with examples: blocks where there is no one older than 17 years of age; blocks that are reported to have “occupied housing,” but no people living in the block; or blocks that represent a body of water, (e.g., a lake), that do not have any housing units, but do report a population count.²⁷
- Such noise injection may make it difficult to create majority minority districts because the counts of minorities in mixed areas may be diluted. In effect, a differential undercount has been added to the released data.²⁸
- Implementing the new DAS has seriously slowed the data release. The bureau cannot provide assurances of when and what DHC files will be released. Their product plans plainly indicate that many data tables of the past will no longer be published or will be only available at much larger geographies than before. Furthermore, at this writing, they have acknowledged that they have not yet been able to deploy the new DAS to produce important previously released tables which reported people and households together (e.g., number of children in a household).²⁹

As the Census Bureau tries to apply its new DAS to the DHC files, they have faced a barrage of technical critique, partially from users finding the anomalies and partially by critics reviewing the algorithmic underpinnings of the system in various computer science and statistical

journals. Some of these reviews imply or state that the DAS change was a colossal error to remedy a non-existent problem which damages and delays the 2020 Census publications.³⁰

Straws in the Wind

As noted earlier, the release of the national Post-Enumeration Survey on March 10, 2022, showed that the census has a substantial differential undercount. Problems with the enumeration of “Group Quarters,” the census term for prisons, college dorms, nursing homes, and the like, proved so severe that the Census Bureau will open a special “Post Census Group Quarters Review,” allowing governmental entities to challenge the counts emanating from such facilities. Because of Covid-19, for example, many students left their college residences and went home in the spring of 2020. As students are generally considered to reside at their college address, how were local counts affected by the student exodus?³¹ Beyond the issue with college students and the pandemic, there are other examples of serious anomalies with Group Quarters reports. The redistricting data files, for example, reported that the racial composition of inmates at the Angola Prison in Louisiana, the largest maximum-security prison in the United States, dropped from about 75 percent Black in 2010 to 15 percent Black in 2020. That change is inconsistent with data reported in Louisiana state data files.³²

Though we do not yet know how the differential undercount and overcount played out at the state and local level, two early studies had already warned there might be a large increase in such differentials compared to the 2010 Census.³³ We still do not know whether there were other inaccuracies for local areas, how serious they might be, or what their long-term implications are. How did altered local counts affect various allocations of legislative seats and governmental funds for the areas affected?

In short, the overall fairness, quality, and accuracy of the 2020 Census is still unclear, and some ominous questions loom.³⁴ In addition to influencing funding formulas and population estimates for state and local areas for the next decade, these census results will be used for

myriad governmental and research functions. They are the basis for sampling frames and recalibration for other social research. So, policymakers, state and local officials, and the public still need answers to their concerns about whether the census is suitable for use for the next decade. Indeed, one sign of current concern is the recent decision of the Census Bureau's estimates division to deploy a "blended base" for the estimates program for the time being. In estimating population growth, they have decided not to switch to 2020 census results for the latest post-census estimates. Instead, they are continuing to use the 2010 census results, augmented with other data from other sources, to arrive at 2021 estimates.³⁵

... [T]he 2020 census may have substantial errors, including a differential undercount and substantial problems with the enumeration of prisons, college dorms, nursing homes, and the like.

We know now that the 2020 Census was substantially less accurate at the national level than the one in 2010. More studies will be done over the next year to understand the effects this has at the level of states and smaller areas. In some areas, court litigation may be attempted to remedy some of these problems. It is possible that legislative solutions will also be attempted. Given the Trump attack on the Census's counting of immigrants and minorities, as well as the problems brought on by the pandemic, it is not surprising that the 2020 Census was flawed. How the United States deals with this fact is yet to be determined. Stay tuned.

Authors' Note

All the opinions and interpretations in this article are the authors alone and do not represent the views of the entities with which the authors are associated.

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Notes

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2. See the following news release and associated documents for discussion of the census undercounts and overcounts. Available at <https://www.census.gov/newsroom/press-releases/2022/2020-census-estimates-of-undercount-and-overcount.html>.
3. U.S. Census Bureau, "Census Bureau Releases Estimates of Undercount and Overcount in the 2020 Census," March 10, 2022, available at <https://www.census.gov/newsroom/press-releases/2022/2020-census-estimates-of-undercount-and-overcount.html>; Tara Bahrapour, "2020 Census Undercounted Latinos, Blacks and Native Americans, Bureau Estimates Show," The Washington Post, March 10, 2022, available at <https://www.washingtonpost.com/dc-md-va/2022/03/10/2020-census-undercount-report/>.
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6. Technically, Ross instructed his undersecretary to inform the Census Bureau and Members of Congress of his decision. See Secretary Wilbur Ross to Under Secretary Karen Dunn Kelley, "Reinstatement of a Citizenship Question on the 2020 Decennial Census Questionnaire,"

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7. The revelations about Hofeller's role in the citizenship question controversy are detailed in Charles Bethea, "A Father, a Daughter, and the Attempt to Change the Census," *The New Yorker*, July 12, 2019, available at <https://www.newyorker.com/news/news-desk/a-father-a-daughter-and-the-attempt-to-change-the-census>. See also Hansi Lo Wang, "Emails Show Trump Officials Consulted with GOP Strategist on Citizenship Question," *npr*, November 12, 2019, available at <https://www.capradio.org/news/npr/story?storyid=778496494>.
 8. The litigants charged that the administration had not shown why such a question was needed, given that other federal statistics already report patterns of citizenship for the U.S. population. They argued that the question had not been tested, the usual practice for changing any piece of decennial methodology, such as the census process. And they argued that the real aim of the proposed question was to support administrative efforts to round up and deport immigrants, or to draw legislative districts based upon a "citizen" population rather than the existing practice of using total population counts. The approach of screening non-citizens out of the count had been rejected in the Supreme Court's 2016 *Evenwel v. Abbott* decision (136 S. Ct. 1120 [2016]), though the decision left room for states to propose doing so.
 9. The lower court decisions were *New York v. Dept. of Commerce*, 351 F. Supp. 3d 502 (S.D.N.Y. 2019); *State of California et al., Plaintiffs, v. Wilbur Ross et al.*, 358 F. Supp. 3d 965 (N.D. Cal. 2019); *Robyn Kravitz et al., Plaintiffs, v. United States Department of Commerce*, 366 F. Supp. 3d 681 (D. Md. 2019). The Supreme Court decision was *Department of Commerce et al., v. New York et al.* (139 S. Ct. 2551).
 10. Jeffrey Mervis, "Can the Census Bureau Actually Meet Trump's Demand to Identify Noncitizens?" *Science*, July 28, 2020, available at <https://www.science.org/content/article/can-census-bureau-actually-meet-trump-s-demand-count-noncitizens>.
 11. Cogley was an associate professor of political science at Tarelton State in Texas. Far from relevant to the census, his dissertation was an exploration of when African heads of state would stage a Coup to stay in power, and he also had done research on the attitude toward deportation in West Africa. He became known to the Trump administration by defending some of Trump's policies on mid and small market talk radio shows. Overholt had worked as a statistician at the Department of Justice (DOJ). He became known to the Trump administration by writing a note to Kris Kobach, vice chair of the so-called Presidential Advisory Commission on Election Integrity, which was an attempt to buttress Trump's claim of illegal immigrants voting in the 2016 election. Two other appointees included a GOP, Federalist Society lawyer, Eric "Trey" Mayfield, who was to advise the director, and a "right wing" political activist, Adam Korzeniewski, known for staging racist pranks on YouTube to support a GOP Congressional candidate in Staten Island. See Hansi Lo Wang, "Amid Partisan Concerns, Another Trump Appointee Joins Census Bureau's Top Ranks," *npr*, August 17, 2020, available at <https://www.npr.org/2020/08/17/903222947/amid-partisan-concerns-another-trump-appointee-joins-census-bureaus-top-ranks>.
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 15. For background, see Margo Anderson, *The American Census: A Social History*, 2nd ed. (New Haven: Yale University Press, 2015).

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18. U.S. Census Bureau, "Disclosure Avoidance," available at <https://www.census.gov/topics/research/disclosure-avoidance.html>.
19. Anderson and Fienberg, *Who Counts?*
20. The slowest decadal growth occurred during the Great Depression of the 1930s.
21. *Evenwel v. Abbott* left open such a possibility. See Note 8 above.
22. Tara Bahrapour, "Independent Report Finds No Obvious Problems with the 2020 Census," *The Washington Post*, September 14, 2021, available at https://www.washingtonpost.com/local/social-issues/2020-census-quality-asa-report/2021/09/14/9ce73414-14ea-11ec-a5e5-ceecb895922f_story.html. The ASA panel did not report on the quality of the redistricting data.
23. U.S. Census Bureau, "Upcoming 2020 Census Data Products," available at <https://www.census.gov/newsroom/blogs/random-samplings/2021/09/upcoming-2020-census-data-products.html> and <https://www2.census.gov/about/partners/cac/sac/meetings/2021-09/presentation-status-update-2020-census-data-products-and-stakeholder-engagement-plans>.
24. As noted above, measures to prevent the unauthorized release of individual-level information in the census date from the early twentieth century. They were initially provisions governing the behavior of census bureau enumerators and central office employees. They evolved to practices suppressing table publication if an individual business or person could be identified in a cell. As census data publication expanded from paper to digital, and computer access became universal, the "disclosure avoidance" procedures evolved to more complex tools during data processing, including highly technical techniques of complementary cell suppression, top coding, random rounding, and "swapping." This latter technique, used since 1990, involved switching, interchanging, information on selected household records to prevent a researcher from identifying a particular case. See Laura McKenna, U.S. Census Bureau, "Disclosure Avoidance Techniques Used for the 1960 Through 2010 Census," available at <https://www.census.gov/library/working-papers/2019/adrm/six-decennial-censuses-da.html>.
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