

THE CENSUS PROJECT
June 18, 2014

OPPOSE VITTER AMENDMENT #3279
to HR4660, FY2015 Commerce, Justice, and Science Appropriations

PROTECT THE 2020 Census

Sen. David Vitter (R-LA) has filed an amendment prohibiting the use of funds by the Census Bureau for the 2020 Census unless it includes questions regarding U.S. citizenship and immigration status. **WE STRONGLY URGE YOU TO OPPOSE VITTER SA 3279 AND PROTECT THE INTEGRITY AND ACCURACY OF THE 2020 CENSUS.**

- This proposal is a thinly veiled attempt to exclude noncitizens and/or undocumented residents from the census counts used for congressional apportionment.
- The proposal also would intimidate immigrants (including those here legally) and discourage them from being counted in the 2020 Census.
- The census has *never* included a question on legal status beyond citizenship. The American Community Survey (the modern version of the census long form) asks only whether a person is a citizen of the United States, information that is used in the redistricting process.
- **The Vitter amendment is contrary to the goal of the U.S. Constitution**, which is to ensure that we have an accurate portrait of America in every decennial Census. The Constitution requires the census to count *the whole number of persons* (not voters or citizens) residing in the United States, regardless of legal status. Therefore, it is unnecessary and, in fact, counter-productive, to include a question on citizenship and immigration status on the census form.
 - In a September 1989 letter to Congress, the Justice Department under President George H.W. Bush confirmed the position of previous Administrations that section two of the Fourteenth Amendment, as well as the original apportionment clause (Article I, section 2) requires that the census count include all persons residing in the U.S., including undocumented residents and noncitizens.
- The 14th Amendment to the Constitution clearly states that the apportionment of members of the House of Representatives is based on a full count of residents in each state. This amendment was enacted in part to repeal the provisions in Article I in the Constitution, which counted slaves as only three-fifths of a person for apportionment purposes; the Vitter amendment evokes this shameful legacy.
- The 14th Amendment clearly contemplates that persons without voting rights will be counted in the Census for apportionment purposes. For example, the amendment was enacted when women, Black Americans, and American Indians did not have the right to vote, and the Amendment did not exclude them from the count.

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- Asking about immigration status in the 2020 Census is unnecessarily intrusive and will raise concerns among all respondents – both native-born and immigrant – about the confidentiality and privacy of information provided to the government. This will deter many residents from responding, and result in an inaccurate Census count.
- We base apportionment on the need for members of Congress to represent all of the residents in their districts, not just those who can vote – for example, we count children and prisoners in the Census for apportionment purposes.

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