

Congress of the United States
Washington, DC 20515

January 17, 2018

The Honorable Wilbur Ross
Secretary
Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Ross:

We write to express our deep concern about the Justice Department's request to include questions about citizenship status in the next census.¹ The U.S. Census is critical to ensuring that our democracy is truly representative and to gathering data that guides federal funding. The inclusion of citizenship questions will deter responses to the census, especially among minority, immigrant, and low-income communities. We strongly urge you to reject efforts to insert questions in the 2020 Census that focus on citizenship status.

The inclusion of citizenship questions in the census will suppress responses from minority communities who will fear reprisal against themselves or loved ones from revealing citizenship details. As the Leadership Conference Education Fund recently observed, "Asking about citizenship status in the 2020 Census...will have a chilling effect and keep many residents from responding, jeopardizing the accuracy" of the census.² As it is, according to the Census Bureau, 1.5 percent of the Hispanic population and 2.1 percent of the African-American population were not included in the last census in 2010.³ Including questions like this will only further depress the response rate.⁴ In fact, in an *amicus curiae* brief in *Evenwel v. Abbott*, four former directors of the U.S. Census Bureau noted that asking about citizenship status "would likely exacerbate privacy concerns and lead to more inaccurate responses from non-citizens worried about a government record of their immigration status...invariably lead[ing] to a lower response rate to the Census in general..."⁵

Moreover, a September 2017 memo by the U.S. Census' Center for Survey Measurement (CSM) flagged concerns about undercounting in the 2020 Census. In interviews with 366 individuals beginning in 2017, CSM staff reported facing a "new phenomenon" encountering high numbers of people expressing confidentiality concerns and reluctance to participate.⁶ Many individuals cited the Muslim ban, harsh immigration policies, and the current political climate as deterrents from participating. This is particularly concerning given that CSM respondents are paid a cash incentive for their participation in surveys and are interviewed by researchers with whom they have an established relationship. It is clear that individuals are

¹Justin Elliott, *Trump Justice Department Pushes for Citizenship Question on Census, Alarming Experts*, PROPUBLICA (Dec. 29, 2017) available at: <https://www.propublica.org/article/trump-justice-department-pushes-for-citizenship-question-on-census-alarming-experts>.

²Leadership Conference Education Fund, *Factsheet: Citizenship and Legal Status Questions on the 2020 Census: Preventing a Decennial Disaster* (Jan. 1, 2018)

³Michael Wines, *Critics Say Questions About Citizenship Could Wreck Chances for an Accurate Census*, N.Y. TIMES (Jan. 2, 2018) available at: <https://www.nytimes.com/2018/01/02/us/census-citizenship-status-immigrants.html>.

⁴*Id.*

⁵578 U.S., 136 S. Ct. 1120 (2016)

⁶Memorandum for Associate Directorate for Research and Methodology from Center for Survey Measurement re: Respondent Confidentiality Concerns (Sep. 20, 2017) available at: <https://www2.census.gov/cac/nac/meetings/2017-11/Memo-Regarding-Respondent-Confidentiality-Concerns.pdf>.

already reluctant to complete a paid survey with someone they know. How can we expect the general public to complete a census that includes questions which will only keep them from responding?


The resulting undercount will reverberate across the nation: from ensuring a fair distribution of congressional seats based on the census data to making certain that an accurate allocation of nearly \$700 billion taxpayer funds⁷ for critical programs is made. These include programs like Medicaid (\$311 billion), SNAP (\$71 billion) and Pell Grants (\$29.9 billion), highway planning and construction (\$38 billion), Federal Transit Formula Grants (\$5 billion) and Career and Technical Education Grants (\$1.1 billion). Industry and businesses also rely on census data to determine where services and investments in communities will be made.

In testimony before a House Oversight and Government Reform Committee hearing in October 2017 you pledged that “[a]n efficient 2020 Census that provides a full, fair and accurate count has been one of my highest priorities since being confirmed in February...The census is the bedrock upon which we construct our system of democratic representation.”⁸ We know you understand the important role the census plays in our democracy, and we hope that you will push back against any efforts to politicize the census process.

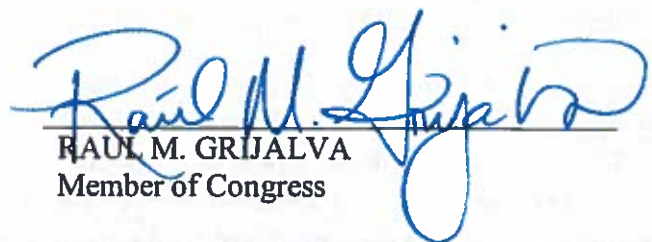
The Census Bureau has engaged in efforts for decades to build trust with under-counted communities, including communities of color and the rural poor, and build capacity among community organizations to maximize participation. During the 2010 Census, public and private investment built capacity among community leaders and strengthened the infrastructure among community organizations.⁹ All these efforts stand to be reversed should the census become politicized.

In April 2018, you will be sharing a list of questions for the next census with Congress. We strongly urge you not to include any questions relating to citizenship status such as the ones the Justice Department is requesting. In addition to the problems described above, the inclusion of such a question so late in the process will not allow for necessary testing to correct wording problems. Moreover, such an action will impede a fair, accurate and efficient national count. We must do everything we can to ensure maximum participation the 2020 Census.

Sincerely,



PRAMILA JAYAPAL
Member of Congress



RAUL M. GRIJALVA
Member of Congress



JUDY CHU
Member of Congress



CEDRIC L. RICHMOND
Member of Congress

⁷ Marisa Hotchkiss & Jessica Phelan, *Uses of Census Bureau Data in Federal Funds Distribution*, U.S. CENSUS BUREAU (Sep. 2017) <https://www2.census.gov/programs-surveys/decennial/2020/program-management/working-papers/Uses-of-Census-Bureau-Data-in-Federal-Funds-Distribution.pdf>.

⁸ Testimony of Wilbur Ross, Secretary of Commerce, to the House Committee on Oversight and Government Reform (Oct. 12, 2017) available at: <https://oversight.house.gov/wp-content/uploads/2017/10/Written-SWLR-HOGR-Testimony-FINAL.pdf>.

⁹ Kim Crews, *Philanthropic Support for 2010 Census Outreach*, Funders Census Initiative (May 2011); p. 1.

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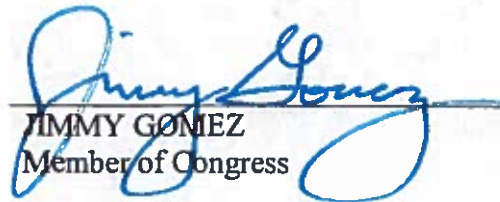
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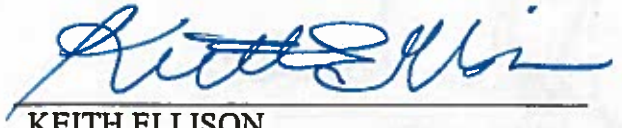
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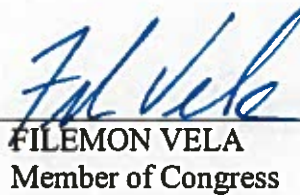
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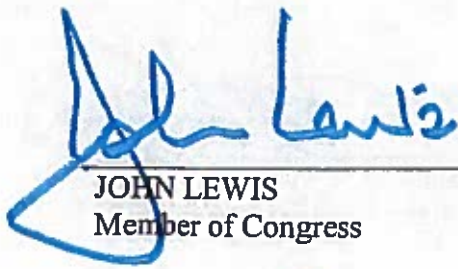
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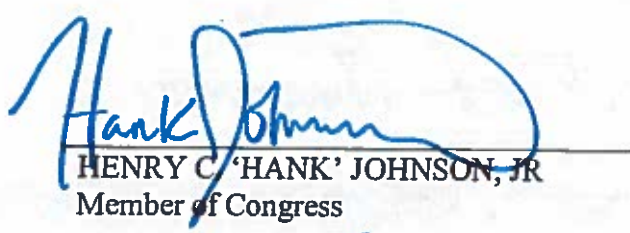

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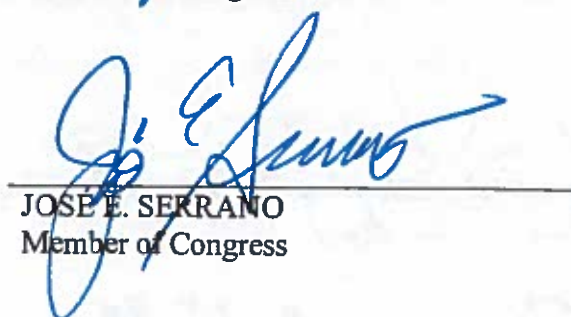

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