

United States Senate

WASHINGTON, DC 20510

July 23, 2019

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

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Secretary Ross and Attorney General Barr:

The executive order directing federal agencies to compile citizenship data through administrative records and merge it with decennial census data is a blatant effort to collect this information for political and discriminatory purposes.¹ We write in strong opposition to this attempt to inappropriately mix this administration's harmful immigration policies with the ordinarily nonpartisan decennial census and nonpartisan work of federal statistical agencies generally. Furthermore, we will work to prohibit the Department of Commerce, or any other agency, from using federal funds to carry out this action.

Litigation surrounding the administration's efforts to add a citizenship question to the 2020 Census form, as well as documents from a partisan operative recently disclosed as part of that litigation, revealed that the proposal to collect citizenship information was designed both to depress the 2020 Census count and to be "advantageous to Republicans and Non-Hispanic Whites" and "clearly be a disadvantage to the Democrats" in gerrymandering efforts.² Furthermore, in his remarks on the proposed citizenship question, Attorney General Barr raised the possibility that these data could be used to change the population base used for congressional apportionment—a purpose, we should note, that would blatantly violate the U.S. Constitution's apportionment clause.³

In addition, the president justified his executive order by citing the use of citizenship data for immigration and other public policy purposes, stating, for example, that "data on the number of citizens and aliens in the country is needed to help us understand the effects of immigration on our country and to inform policymakers considering basic decisions about immigration policy," and that "[t]he Federal Government's need for a more accurate count of illegal aliens in the country is only made more acute by the recent massive influx of illegal immigrants at our southern border."

¹ "Executive Order on Collecting Information about Citizenship Status in Connection with the Decennial Census," 11 July 2019, <https://www.whitehouse.gov/presidential-actions/executive-order-collecting-information-citizenship-status-connection-decennial-census/>.

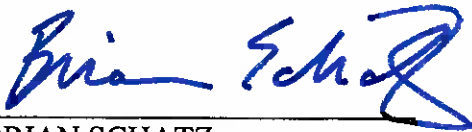
² Michael Wines, "Deceased G.O.P. Strategist's Hard Drives Reveal New Details on the Census Citizenship Question," The New York Times, 30 May 2019, <https://www.nytimes.com/2019/05/30/us/census-citizenship-question-hofeller.html>.

³ "Remarks by Attorney General William P. Barr on Census Citizenship Question," 11 July 2019, <https://www.justice.gov/opa/speech/remarks-attorney-general-william-p-barr-census-citizenship-question>. Specifically, Attorney General Barr stated: "For example, there is a current dispute over whether illegal aliens can be included for apportionment purposes. Depending on the resolution of that dispute, this data may possibly prove relevant."

The president's executive order bypasses the successful legal challenges to the citizenship question and forces this information into 2020 Census data using methods that have not been reviewed for accuracy, legality, and feasibility. This is an unlawful overreach of executive authority. The failed attempt to add a citizenship question clearly illustrated the true intent of this administration to assist discriminatory redistricting, apportionment, and public policy decisions that harm communities of color, and particularly immigrant populations.

The president's attempt to sustain the controversy over citizenship data in the decennial census—which is the basis for allocating federal funding and congressional and legislative districts—makes clear that his purpose is not a robust 2020 Census, but rather a partisan and discriminatory attack on people living in our country. Our government must never use decennial census data to otherize, separate, or disenfranchise people living in our country.

Sincerely,



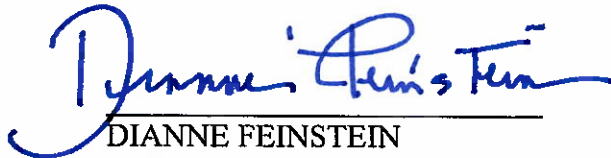
BRIAN SCHATZ
United States Senator



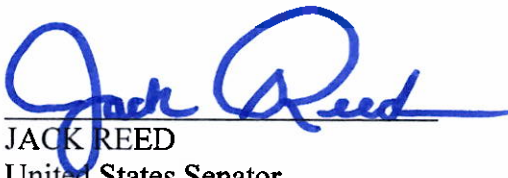
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PATTY MURRAY
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DIANNE FEINSTEIN
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United States Senator



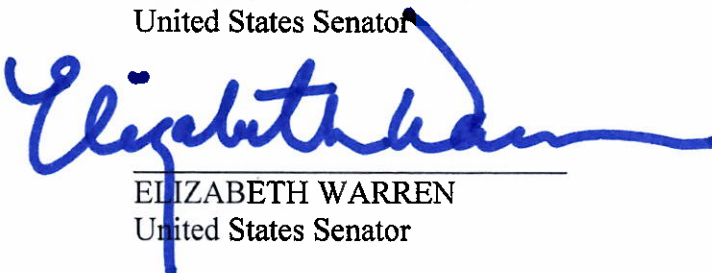
SHERROD BROWN
United States Senator



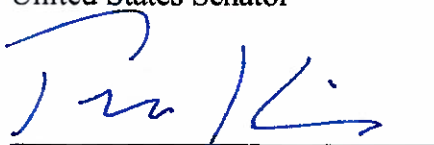
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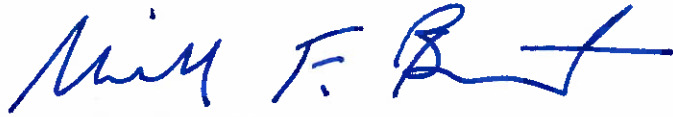
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