



Factsheet on Addition of Citizenship Question to 2020 Census Form

In December 2017, the U.S. Department of Justice (DOJ) sent a letter to the Census Bureau, requesting a new citizenship question on the 2020 Census. On March 26, 2018, Secretary of Commerce Wilbur Ross announced that he had directed the Census Bureau to add an untested and unnecessary question on citizenship status to the 2020 Census form. This alarming decision is bad for the census, bad for our communities, and bad for America.

Why is this a bad idea?

The U.S. Constitution mandates a counting of all persons in the U.S. every ten years. That count is of all people, and not just citizens. Anything that threatens an accurate count should be avoided.

A fair and accurate census, and the collection of useful, objective data about our nation's people, housing, economy, and communities, are among the most significant civil rights issues facing the country today. Adding a new question on citizenship to the 2020 Census will disrupt preparations at a pivotal point in the decade, undermining years of research and testing. Asking every household and every person in the country about their citizenship status in the current political environment – when there is no need to do so – will cause fear and may cause hundreds of thousands of people in our communities to avoid the census for fear of being targeted by this administration. This in turn will significantly increase costs to taxpayers. According to the Census Bureau, every one percent decrease in the self-response rate will increase the cost of the count by \$55 million.

Does DOJ actually need this data?

DOJ claims that it needs 'block level' citizenship voting age population ("CVAP") data, which are not currently available through the American Community Survey (ACS), to determine violations of Section 2 of the Voting Rights Act ("VRA") and to permit more effective enforcement of the Act. We know that this claim is without merit. The citizenship question has not been asked on the census form sent to all households since before passage of the VRA in 1965. Since then, the Census Bureau has collected citizenship and immigration-related information from a representative sample of households, originally on the so-called census 'long form' and most recently through the ACS. DOJ and VRA advocates have used these data effectively to help implement and enforce the Voting Rights Act (VRA).

Secretary Ross claims that the citizenship question has always been on the decennial census that goes to every household. Is this true?

No. Every census since the first enumeration in 1790 has included citizens and non-citizens alike but the 1950 Census was the last to collect citizenship data from the whole population. Since 1960, the Census Bureau has collected citizenship data from a representative sample of households through the long form previously and now through the ACS. Thus, it has been nearly 70 years – prior to the enactment of various civil rights laws in the 1960s – since the decennial census asked about citizenship.

Secretary Ross says there's no evidence that this will harm participation. Is this true?

No. The Census Bureau itself has provided [evidence that residents are fearful of responding](#) to government surveys because of the current anti-immigrant environment. Census Bureau researchers reported [findings](#) from across communities and geographies that point to “an unprecedented ground swell in confidentiality and data sharing concerns, particularly among immigrants or those who live with immigrants.” The Bureau recognized that such concerns could present a barrier to participation in the 2020 Census, impact data quality and would have a disproportionate impact on hard-to-count populations. The Census Bureau’s own research showed that asking about citizenship has a chilling effect on respondent’s willingness to participate in government surveys.

Furthermore, Secretary Ross was wrong in stating that the Bureau and stakeholders – such as us – failed to prove that addition of this question would materially reduce the response rate. It is the responsibility of his department through rigorous research and testing to prove that the addition of the question would not affect accuracy of the census. It is incumbent on the Bureau to test the question further before adding it, especially when its research has shown this to be a concern.

Should people simply not answer the citizenship question if it stays on the form?

Response to the decennial census is required by law. There are penalties for not answering census questions (\$100 fine) and for providing false responses (\$500 fine). The Census Act also prohibits any action that is intended to cause an inaccurate enumeration (\$1,000 fine and/or up to one year imprisonment). The Census Bureau, however, is a statistical agency and does not enforce the law; that responsibility falls to the Department of Justice. As a practical matter, the Census Bureau uses the “carrot approach” to encourage full participation in the census and does not refer cases of nonresponse to DOJ for prosecution.

Does this decision benefit one political party over another?

Absolutely not. Everyone relies on census data. Census data are the basis for fair political representation. Local community leaders use this data to make decisions about allocating resources for community needs like education, assistance for veterans, hospitals, and transportation. Businesses and entrepreneurs use census data to make critical decisions about where to locate plants and stores, hiring, and customer needs. An inaccurate census harms everyone, every locality and every community.

Who opposes the addition of a citizenship question?

No one in the mainstream wanted Ross to make the decision to add a citizenship question. The bipartisan, mainstream alarm and opposition to adding a citizenship question at the last minute was vast, including [60 members of Congress](#), [161 Democratic and Republican mayors](#); six former Census directors who served in Republican and Democratic administrations; 19 attorneys general; the statistical community; and several dozen business leaders from across the country. In the days since the decision, many have continued to make their displeasure at this decision known, including the [Census Bureau’s own Scientific Advisory Committee](#), which noted that they believed “the decision was based on ‘flawed logic,’ could threaten the accuracy and confidentiality of the head count and likely would make it more expensive to conduct,” as well [as two former Secretaries of Commerce](#), from Republican and Democratic administrations.

What is currently happening to fight back against this decision?

Litigation to oppose the addition of the citizenship question to the census form:

- California. The California Attorney General filed suit on March 26, 2017 in the Northern District of California.
- New York (Multistate). The New York Attorney General filed a lawsuit on April 3, 2018 in the Southern District of New York. The lawsuit is joined by 17 states, the District of Columbia, six cities, and the United States Conference of Mayors.
- Other lawsuits may be filed in the coming months.

Congressional activity:

- We've already seen statements of outrage from members of Congress about the decision.
- Congressional members have also expressed interest in holding hearings and introducing legislation to fix this decision.

What can I do to help fight back?

Contact State and Local Elected Officials:

- This decision will threaten an accurate count. State and local government leaders need accurate information to make decisions regarding their constituents and communities. Your state and local elected leaders can help save the census. Tell them to urge their congressional delegation to overturn this effort to undermine the census. Find your state and local elected officials here:
 - Governors: <https://www.usa.gov/state-governor>
 - State Legislature: <https://www.congress.gov/state-legislature-websites>
 - Local Governments: <https://www.usa.gov/local-governments>

Contact Congress:

- [Call on Congress](#) to turn their outrage to action. Ask Congress to hold Secretary Ross accountable, through oversight hearings into the decision-making and appropriations hearings into the fiscal implications of this misguided decision. Congress must also pass legislation to fix this decision.

Submit Public Comments:

- According to the Census Bureau, they plan on having a 60-day public comment period in May on the entire census survey. It will be announced in the Federal Register. This allows the public an opportunity to submit its views about adding the citizenship question to the census.
- It is important to establish a strong, clear public record from a range of stakeholders and experts who oppose addition of a citizenship question to the 2020 Census. That record could be helpful to litigators challenging the citizenship question in court and to convey public sentiment.

If you have questions, please contact Terry Ao Minnis at tminnis@advancingjustice.org.