



January 4, 2018

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

Dear Secretary Ross:

I write as the president and CEO of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. In this capacity and on behalf of this broad coalition, I urge you to reject the request in the December 12, 2017 letter from the Department of Justice to Acting Census Director Ron Jarmin, to add a new citizenship question on the 2020 Census. As you well know, adding a new and untested question to the 2020 Census would disrupt preparations at a pivotal point in the decade, undermine years of costly, painstaking research and testing, and increase census costs significantly at a time when Congress has directed a less expensive enumeration. All of these factors would threaten a fair and accurate decennial census.

We appreciate the commitment to a full, fair, and accurate census that you and your senior staff have recently expressed. The Leadership Conference views a fair and accurate census, and the collection of useful, objective data about our nation's people, housing, economy, and communities generally, to be among the most important civil rights issues of our day. However, as discussed below, the Justice Department's ill-advised proposal poses a significant threat to our shared goal.

First, as you noted during the House Committee on Oversight and Government Reform's October 12, 2017 hearing on the 2020 Census (where we both testified), requiring a new topic this late in the preparations for the census is irresponsible because robust testing for new questions in a contemporary, census-like environment is essential. This is especially true given the chilling effect of adding a citizenship question to the form. Census preparations are already behind schedule, the final dress rehearsal will kick off in a month, and there simply is no time left to redesign the census form and rigorously test the proposed additional question. As we know from extensive research and testing in the survey field, even small changes in question order and wording can significantly affect both the rate and accuracy of responses. Yet the Census Bureau has neither the time nor the resources to evaluate the consequences of such a major change in the questionnaire.

Second, as I know from my prior experience as the chief government enforcer of the Voting Rights Act, the Justice Department has never needed to add this new question to the decennial census to enforce the Voting Rights Act before, so there is no reason it would need

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to do so now. Contrary to the Justice Department’s letter, the Census Bureau has not included a citizenship question on the modern census “short form,” sent to every household. In fact, no such question has appeared on the census “short form” since enactment of the Voting Rights Act in 1965. Estimates of the citizen voting-age population derived from the ongoing American Community Survey, and the so-called census “long” or sample form before that, have been and continue to be suitable for purposes of civil rights and Voting Rights Act enforcement. Whether utilizing such data for Section 2 enforcement actions, Section 203 determinations, or other voting rights enforcement efforts, courts and the Justice Department have accepted census data as currently collected since enactment of the Voting Rights Act. Civil rights groups, likewise, have never asserted a need for a “100 percent” census citizenship question in order to effectively represent and ensure voting rights for minority communities. Given these plain facts, the entire justification for the request should be viewed skeptically as an attempt to throw a wrench into final planning and preparations for an enumeration that already faces enormous challenges, including inadequate and delayed funding, cyber-security risks, and a climate of fear fanned by anti-immigrant rhetoric.

Third, this new proposed question on the 2020 Census is unnecessarily intrusive and will raise concerns in all households – native and foreign born, citizens and noncitizens – about the confidentiality of information provided to the government and how government authorities might use that information. Asking every household and every person in the country about their citizenship status in the current political environment – when there is no legal basis or need for doing so – will no doubt give many people pause about participating in the census altogether. In fact, new Census Bureau research already is raising alarm bells about the growing reluctance of immigrant households to participate fully and honestly in any Census Bureau surveys, due to their fear about how their responses will be used by government agencies.

Adding this new question would also result in taxpayers spending significantly more for a government undertaking that we know in advance would not be successful. Your recent oral testimony before Congress acknowledged that the Census Bureau will need billions of dollars more than originally estimated to conduct a modern, inclusive census. The Justice Department’s proposal to add a new citizenship question would increase census costs even further while decreasing accuracy, because self-response rates are certain to plummet, which in turn will require additional, costly door-to-door visits that still may not spur cooperation or result in accurate responses.

Finally, this request – coming almost a year after the Census Bureau has finalized topics for the 2020 Census, as required by law – risks jeopardizing the accuracy of the 2020 Census in every state and every community by deterring many people from responding, making the data collected in this crucial once-a-decade operation less accurate and useful for all of us. As four former Census Directors, who served in both Republican and Democratic administrations, wrote in an [amici curiae brief](#) in the Supreme Court case *Evenwel v. Abbott*, asking about citizenship status in the decennial census “would likely exacerbate privacy concerns and lead to inaccurate responses from non-citizens worried about a government record of their immigration status...The sum effect would be bad Census data.”

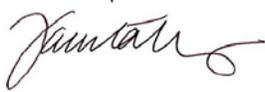
I know you appreciate that the stakes of a fair and accurate census are high and everyone – from Congress to governors, mayors, and school board officials, to business owners and nonprofits serving the most vulnerable in our communities – will have to live with any flawed results for the next 10 years. The

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Leadership Conference and its member organizations look forward to working with you and your staff to ensure a cost-effective, secure, and above all, accurate and inclusive census in every one of the nation's communities. If you have any questions, please contact me or Chris Harley, Census Campaign Director, at (202) 466-3311. Thank you for your consideration of our views.

Sincerely,



Vanita Gupta

Cc: Acting Deputy Secretary and Under Secretary for Economic Affairs Karen Dunn Kelley
Acting Census Director Ron Jarmin