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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
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March 30, 2018

The Honorable Ron Johnson  
Chairman  
U.S. Senate Committee on Homeland  
Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Johnson:

We write to request that the Senate Homeland Security and Governmental Affairs Committee schedule an oversight hearing on planning and operations around the 2020 Decennial Census (2020 Census) at the soonest possible time. We are deeply concerned about the recent announcement by the U.S. Commerce Department that it plans to add a new question to the 2020 Census that will ask respondents about their citizenship. We also remain concerned by well-documented management and operational challenges facing the Census Bureau. Together, these problems risk a substantial undercount of persons in the 2020 Census with wide ranging implications for proportional representation in Congress, state government share of federal dollars, the accuracy of information businesses use to decide where to locate, the availability of affordable broadband service, and natural disaster funding.

On March 26, 2018, at the request of the Department of Justice (DOJ), Commerce Secretary Wilbur Ross announced that the 2020 Census would include a question about respondents' citizenship status.<sup>[i]</sup> This announcement occurred just before the March 31, 2018, the statutory deadline for the Commerce Department to submit final decennial census questions to Congress. Secretary Ross framed his decision as the "reinstatement" of a question; however, there has not been a citizenship question on the decennial short form questionnaire in the past 70 years.

Secretary Ross added this question against the advice of six former Census Bureau directors who served under both Republican and Democratic administrations. These former Census Bureau directors argue that "adding an untested question on citizenship status at this late point would put the accuracy of the enumeration and success of the census in all communities at grave risk."<sup>[ii]</sup>

Additionally, a wide range of community and business leaders believe the question will depress participation of immigrants and U.S. citizens in mixed-status households who fear how the government will use information collected from this question.<sup>[iii]</sup> The success of the 2020 Census is already in danger due to historic levels of distrust in government, making this decision to add a citizenship question even more disturbing.<sup>[iv]</sup> In its last performance management

review, the Census Bureau recognized that public perception of its ability to safeguard response data could significantly affect the design and implementation of the 2020 Census.<sup>[vi]</sup> This could further complicate the ability of the Census Bureau to successfully administer the first online Census in an environment where cybersecurity issues are paramount.

It is essential that Secretary Ross – who previously articulated concerns both to this Committee and to the U.S. House Committee on Oversight and Government Reform about public trust and risks of reduced response rates from adding untested questions – fully explain:

1. the processes, testing, and analysis behind the addition of the citizenship question; and,
2. the question's impact on ongoing 2020 Census planning and preparations, particularly related to efforts to reach diverse communities.<sup>[vii]</sup>

Further, we are concerned that the addition of the citizenship question is tainted by improper political considerations. DOJ requested the addition of this question in December 2017 based on an unsupported assertion that citizenship data are needed to enforce Section 2 of the Voting Rights Act, even though the last time a citizenship question was asked was before the passage of the Voting Rights Act, and no similar requests have been made to support enforcement. As we understand it, Acting Assistant Attorney General John Gore – who has a record of defending Republican electoral redistricting plans in federal court – was personally involved in making the request.<sup>[viii]</sup> Moreover, President Trump's reelection campaign sent an email to potential contributors asking them to weigh in on the President's desire to add the citizenship question before Secretary Ross made his final decision.<sup>[ix]</sup> As you stated at the October 31, 2017, hearing, "We don't want partisanship on either side of the...of the spectrum."<sup>[ix]</sup> We agree with this statement, and want to ensure that every aspect of the Census is free from political motivations and that any request to make major changes is supported by analysis and documentation.

Beyond our serious concerns about the addition of the citizenship question to the 2020 Census, we believe that this Committee must re-examine the many known management and operational challenges the Census Bureau is confronting as planning and preparations intensify, particularly on the eve of the end-to-end test. The Census Bureau has just received a major appropriation, and it would be timely to understand how these funds will be applied to address these ongoing challenges. The 2020 Census remains on the Government Accountability Office (GAO)'s High-Risk List due to untested technological innovations, IT system implementation and security challenges, and unreliable cost estimates.<sup>[x]</sup> The Census Bureau canceled field tests in rural and tribal locations with hard-to-count populations and delayed research and development activities for the Integrated Partnership and Communications program. Finally, the Census Bureau unfortunately continues to face an alarming leadership vacuum as the decennial census approaches. The Census Bureau has been operating without a permanent Director since the previous director resigned on June 30, 2017.

Despite these immense challenges, the Committee has only convened one census hearing in 2017. At that hearing, you emphasized the importance of continued oversight over the 2020

Census. Specifically, you stated, “We will continue to work on this. This is incredibly important that we get the 2020 Census correct in a completely non-partisan fashion for all the purposes that the Federal Government uses it for.”<sup>[xi]</sup> Despite the continuing challenges, no additional Committee hearing on census issues have been scheduled.

Finally, we wish to bring to your attention that after DOJ submitted its request to the Department of Commerce, we asked DOJ for a briefing to get a better understanding of its request. DOJ denied this request and offered only to respond to questions via email.<sup>[xii]</sup> Given that Secretary Ross acknowledged just last week that whether to add the citizenship question to the upcoming decennial census “is a big and very controversial request,” we ask that both he and Acting Assistant Attorney General John Gore be called to testify at the soonest possible time to examine this decision.<sup>[xiii]</sup> We also request that a second panel be invited of Census Bureau staff, community stakeholders, and the GAO Comptroller General to assess census planning and preparations for 2020.

We appreciate your timely consideration of this request.

Sincerely,



Kamala D. Harris  
United States Senator



Claire McCaskill  
Ranking Member  
Committee on Homeland Security and  
Governmental Affairs



Thomas Carper  
United States Senator



Gary C. Peters  
United States Senator

<sup>[i]</sup> Secretary Wilbur Ross to Karen Dunn Kelley, Undersecretary for Economic Affairs, U.S. Department of Commerce, *Re: Reinstatement of a Citizenship Question on the 2020 Decennial Census Questionnaire*, March 26, 2018, available at: [https://www.commerce.gov/sites/commerce.gov/files/2018-03-26\\_2.pdf](https://www.commerce.gov/sites/commerce.gov/files/2018-03-26_2.pdf)

<sup>[ii]</sup> Vincent P. Barabba, et al, to Honorable Secretary Wilbur Ross, U.S. Department of Commerce, Jan. 26, 2018, available at: [https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ\\_census\\_ques\\_request\\_Former\\_Directors\\_ltr\\_to\\_Ross.pdf?tid=a\\_mcntx](https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ_census_ques_request_Former_Directors_ltr_to_Ross.pdf?tid=a_mcntx)



<sup>[vii]</sup> Asian Americans Advancing Justice – AAJC, et al, to Honorable Secretary Wilbur Ross, U.S. Department of Commerce, March 22, 2018, *available at:* <https://www.theusconstitution.org/wp-content/uploads/2018/03/CAC-Census-Letter-Groups.pdf>

<sup>[viii]</sup> Center for Survey Measurement (CSM), Memorandum for Associate Directorate for Research and Methodology (ADRM), U.S. Census Bureau, *Subject: Respondent Confidentiality Concerns*, Sept. 20, 2017, *available at:* <https://www2.census.gov/cac/bac/meetings/2017-11/Memo-Regarding-Respondent-Confidentiality-Concerns.pdf>

<sup>[ix]</sup> U.S. Department of Commerce, Economics & Statistics Administration, U.S. Census Bureau, 2020 Census Program Management Review, Jan 2018.

<sup>[x]</sup> Committee on Homeland Security and Government Affairs, U.S. Senate, *2020 Census: Examining Cost Overruns, Information Security, and Accuracy*, Oct. 31, 2017, *available at:*

<https://www.hsgac.senate.gov/hearings/2020-census-examining-cost-overruns-information-security-and-accuracy>;

Committee on Oversight and Government Reform, U.S. House of Representatives, *Hearing on the 2020 Census*,

Oct. 12, 2017, *available at:* <https://oversight.house.gov/hearing/hearing-2020-census/>

<sup>[xi]</sup> Justin Elliot, *The Trump Appointee Behind the Move to Add a Citizenship Question to the Census*, PROPUBLICA, March 7, 2018, *available at:* <https://www.propublica.org/article/john-gore-trump-appointee-citizenship-question-census>.

<sup>[xii]</sup> Tara Bahrapour, *Trump's reelection campaign calls for adding citizenship question to 2020 census amid criticism that he is politicizing the count*, WASHINGTON POST, March 20, 2018, *available at:*

[https://www.washingtonpost.com/local/social-issues/trump-campaign-calls-for-adding-citizenship-question-to-2020-census-amid-accusations-that-the-president-is-politicizing-the-annual-count/2018/03/20/dd5929fe-2c62-11e8-b0b0-f706877db618\\_story.html?hpid=hp\\_hp-top-table-main-trump-census%3Ahomepage%2Fstory&utm\\_term=.91e1aa26bf85](https://www.washingtonpost.com/local/social-issues/trump-campaign-calls-for-adding-citizenship-question-to-2020-census-amid-accusations-that-the-president-is-politicizing-the-annual-count/2018/03/20/dd5929fe-2c62-11e8-b0b0-f706877db618_story.html?hpid=hp_hp-top-table-main-trump-census%3Ahomepage%2Fstory&utm_term=.91e1aa26bf85)

<sup>[xiii]</sup> Committee on Homeland Security and Government Affairs, U.S. Senate, *2020 Census: Examining Cost Overruns, Information Security, and Accuracy*, Oct. 31, 2017, *available at:*

<https://www.hsgac.senate.gov/hearings/2020-census-examining-cost-overruns-information-security-and-accuracy>

<sup>[xiv]</sup> Committee on Homeland Security and Government Affairs, U.S. Senate, *2020 Census: Examining Cost Overruns, Information Security, and Accuracy*, Oct. 31, 2017, *available at:*

<https://www.hsgac.senate.gov/hearings/2020-census-examining-cost-overruns-information-security-and-accuracy>

<sup>[xv]</sup> Email from Office of Legislative Affairs, U.S. Department of Justice, to Homeland Security and Governmental Affairs Committee Minority Staff (Feb. 21, 2018)

<sup>[xvi]</sup> Committee on Appropriations, Commerce, Justice, Science, and Related Agencies, U.S. House of Representatives, *FY19 Budget Hearing – Department of Commerce*, March 20, 2018, *available at:*

<https://appropriations.house.gov/calendar/eventsingle.aspx?EventID=395131>