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Foundation**
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Abraham H. Foxman



June 13, 2018

The Honorable Steve King
Chair, Subcommittee on the Constitution and Civil Justice
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Steve Cohen
Ranking Member, Subcommittee on the Constitution and Civil Justice
House Judiciary Committee
2138 Rayburn House Office Building
Washington, DC 20515

RE: Questions Regarding the U.S. Census

Dear Chairman King and Ranking Member Cohen,

We write to provide the views of the Anti-Defamation League ("ADL") for the House Judiciary Subcommittee on Constitution and Civil Justice hearings on "Questions Regarding the U.S. Census" held on June 8th, 2018. We would ask that this statement be included as part of the official hearings record.

ADL is a leading civil rights organization that has been working to secure justice and fair treatment for all since its founding in 1913. In seeking to protect civil rights for all, ADL advocates for fair and humane immigration policy, voting rights, implementation of our nation's civil rights laws, and equal rights for all. An accurate census count is at the very root of ensuring basic notions of equality and democratic representation and therefore, strikes at the core of ADL's mission.

As this subcommittee considers questions regarding the U.S. Census, we urge you to recall the longstanding mission and purpose of the decennial census. The founders of our nation chose population as the basis for sharing political power - not wealth or land. The decennial census, required by the U.S. Constitution, provides for that population count, and indeed requires a count of all persons living in the United States, regardless of citizenship or immigration status. This count is necessary in order fairly to apportion the number of U.S. House of Representatives among the states, to determine the number of Electoral College voters each state has, and to draw congressional, state legislative, and even city council district lines. The population figures obtained by over 600,000 door-to-door counters also affects the distribution of funding for infrastructure and community services. The longstanding mission and responsibility of the census is "to serve as the leading source of quality data about the nation's people and the economy." It lies at the core of America's most basic civic principle: the right of the people to elect their representatives.

Current efforts to disrupt the decade-long planning process of the 2020 Census, including the decision by the Trump administration to insert a citizenship question, threaten the ability of the Census Bureau to carry out this mission. The inclusion of a citizenship question will likely prompt false or incomplete answers, severely undermining the accuracy of the data in every community and every state. It will also chill participation of immigrant communities who may choose not to respond at all out of fear that the census information would be used for immigration enforcement purposes.

ADL Community Support Center

Anti-Defamation League, 605 Third Avenue, New York, NY 10158-3560 T 212.885.7700 www.adl.org

There are substantial logistical and language access obstacles to overcome in producing an accurate census. Historically, the census has undercounted children, people of color, rural residents, and low-income households at higher rates. Some researchers have already found that census participation is connected to a jurisdiction's demographics.¹ New research confirms that residents are expressing concern about the confidentiality of information they provide to the Census Bureau out of fear that the data will be shared with other federal agencies – including immigration enforcement agencies.² Particularly in the current climate of fear among immigrant and marginalized communities, against a backdrop of harsh, heightened anti-immigrant rhetoric and policies, proposed new questions around legal status will only further exacerbate immigrants' fears and their reluctance to participate. The impact of inaccurate census data would be felt acutely in states with growing communities of color and immigrant communities for at least the next decade.

Furthermore, the Justice Department's (DOJ) justification for its decision that it needs citizenship information in order to enforce the Voting Rights Act (VRA) is flawed and appears to be a pretext for a decision that will infringe on the rights of immigrant and minority voters. The census has not collected citizenship data since 1960 - before the enactment of the VRA. DOJ cannot persuasively articulate why the insertion of a citizenship question after the census form had already been finalized is necessary for an accurate or reliable census count. Its rushed timing and the lack of public input into the decision cannot help but raise questions and skepticism as to the government's motivation.

Given the timing, process, and unpersuasive justifications offered, the DOJ decision and other proposals supported by witnesses at this subcommittee hearing seem intended to exclude undocumented immigrants and non-citizens from the census. Any efforts to determine immigration status as part of the census are not only constitutionally problematic, but also discriminatory, and they inevitably undermine trust and confidence in the census count. An accurate census count is at the very root of ensuring basic notions of equality and democratic representation. It must be protected against politicized questions, and any other efforts to undermine trust and confidence on which its accuracy depends.

Sincerely,



CEO

Anti-Defamation League

¹ Mike Maciag, *The Race to Be Census-Ready*, *Governing* (January 2018), available at <http://www.governing.com/topics/politics/gov-census-2020-population-count.html>.

² Mikelyn Meyers, *Respondent Confidentiality Concerns and Possible Effects on Response Rates and Data Quality for the 2020 Census*, United States Bureau (November 2, 2017), available at <https://www2.census.gov/cac/nac/meetings/2017-11/Meyers-NAC-Confidentiality-Presentation.pdf>.