

United States Senate

WASHINGTON, DC 20510

October 4, 2018

The Honorable Peggy E. Gustafson
Inspector General
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Inspector General Gustafson:

We write to urge you to review the actions taken by Commerce Secretary Wilbur Ross in his decision to add an untested and last-minute citizenship question to the 2020 Decennial Census. The rushed decision may have involved improper actions by Secretary Ross and officials at the U.S. Department of Commerce (the Department). Specifically, we urge you to review the following:

- (a) Secretary Ross's expedited consideration of a citizenship question failed to follow the existing norms, policies, and best practices within the Department and the Census Bureau (the Bureau), which typically took several years to consider, study, test, and evaluate any potential changes to the decennial census, including new questions;
- (b) Secretary Ross and officials at the Department did not adequately take into consideration the evaluation and recommendations made by experts within the Census Bureau, which included the impact of a citizenship question on participation in the 2020 Census, as well as alternative methods of collecting similar information to meet the Department's stated goals;
- (c) Given cost overruns at the Census Bureau, the cost implications of adding an untested citizenship question after the 2018 End-To-End test were not given appropriate weight, especially after the career staff at the agency provided an analysis of alternatives to collecting the same information that did not affect non-response follow-up costs; and
- (d) Contrary to public testimony, Secretary Ross began his effort to add a citizenship question shortly after his appointment, and he directed Department officials to find a justification for the addition, which included communications with Kris Kobach, then-vice chairman of the Presidential Advisory Commission on Election Integrity; Steve Bannon, then-White House chief strategist; and officials at the Justice Department.

Adding an untested and last-minute citizenship question creates uncertainty that jeopardizes the accuracy and cost-effectiveness of the 2020 Census. The Bureau has a decade to propose, research, study, and test any changes to the decennial census's operational design, the types of information to be compiled, and the questions to be included. The Bureau asked other federal

agencies to provide recommendations for potential changes to the 2020 Census' questionnaire in fiscal year 2016, at which point the Bureau had adequate time to study and test any proposed edits. Such testing allows the Census Bureau to produce the most accurate final product.

The Justice Department formally proposed adding a citizenship question in December 2017, just two-and-a-half years before the 2020 Census. In response, on January 19, 2018, the Census Bureau chief scientist, John Abowd, sent a memorandum to Secretary Ross, with a detailed analysis of the Justice Department's request. Abowd's analysis found that there was "a reasonable inference that a question on citizenship would lead to some decline in overall self-response." He elaborated that a citizenship question "would make the 2020 Census modestly more burdensome in the direct sense, and potentially much more burdensome in the indirect sense that it would lead to a larger decline in self-response for noncitizen households."

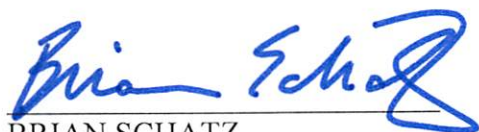
In spite of the recommendations from career officials within the Bureau, the Department advanced their effort. Later documents revealed that while Secretary Ross previously asserted that the Justice Department "initiated the request" for a citizenship question in December 2017, a supplemental memorandum released on June 21, 2018, indicated that soon after Secretary Ross's appointment, he began to consider "whether to reinstate a citizenship question." As part of Secretary Ross's consideration, he and his staff consulted with the Justice Department as to whether a citizenship question would be "consistent with and useful for the enforcement of the Voting Rights Act." This consultation was done prior to the Justice Department's December 2017 request.

In addition, documents revealed Kris Kobach—then-vice chairman of the Presidential Advisory Commission on Election Integrity—at the direction of then-White House Chief Strategist Steve Bannon, spoke to Secretary Ross and his staff about a potential citizenship question. For example, in July 2017, Kobach noted that the omission of the question of citizenship in the decennial census "leads to the problem that aliens who do not actually 'reside' in the United States are still counted for congressional apportionment purposes."

Taken together, these factors suggest that Secretary Ross used suspect justifications to request and then ultimately add a controversial citizenship question to an otherwise apolitical and constitutionally mandated activity. This warrants a review by the Department's Inspector General.

We appreciate your attention to this matter, and we look forward to your response.

Sincerely,



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United States Senator



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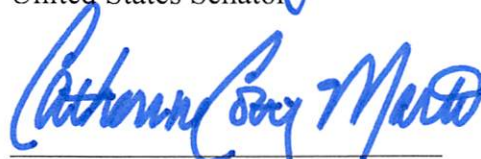
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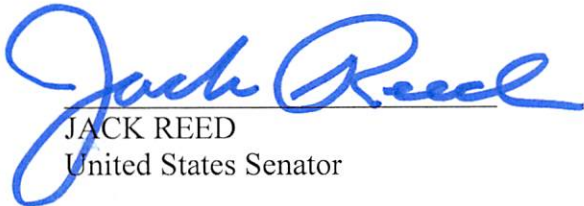
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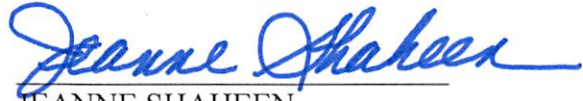
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