

**Congress of the United States**  
**Washington, DC 20515**

July 10, 2019

The Honorable William P. Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave, N.W.  
Washington, D.C. 20530

Dear Attorney General Barr:

We are writing today to encourage you to work with President Trump to support the issuance of a memorandum or executive order appropriate under our Constitution and laws to clearly outline the President's rationale for including a citizenship question on the census. Inclusion of such a citizenship question is clearly constitutional and lawful, and as members of Congress we can say unequivocally that we support inclusion of such a question and that it is critical that the President do so as quickly as possible as we prepare for the coming census.

From our vantage point in Congress, there are numerous important reasons to include the question on the census, of which the President clearly is aware. Those reasons range from determining appropriations levels for states and localities and having data for states to make decisions on ballot box placement, to collection of data for purposes of understanding the impact of immigration (legal and illegal) on communities, as well as obviously impacting apportionment and re-districting.

Despite claims to the contrary, citizenship is unquestionably germane to carrying out our duty to apportion representatives. Setting aside the fact it remains an unsettled question as to whether states can, in fact, use citizenship data in redistricting, the 14<sup>th</sup> Amendment demands that we take into account citizenship in allocation of representation. Under section 2 of the 14<sup>th</sup> Amendment – and as further amended by the 19<sup>th</sup> and 26<sup>th</sup> Amendments – in order that we be able to enforce the penalty put in place by the Amendment's authors and ratifiers for any interference with the right to vote, the administration arguably is *required* to capture the citizenship information.

As you know, much noise has been made about the Chief Justice's opinion in *Department of Commerce v. New York*. But in truth, the opinion is very clear that the administration most certainly *can* include a citizenship question. Even more, the Court's opinion stated that the Secretary has very good reason to choose to ask the question on the census, as opposed to relying upon the less complete community surveys and rejected the District Court's conclusion on this point.

Inclusion of the citizenship question on the census is said to be inherently political and that it will suppress responses by those illegally present in the United States. If that is true, it is but

one factor – as the Chief Justice rightly notes – in determining if it is meritorious. But it is not obviously the case, either. Most importantly, it's a two-way street for those who claim this is politically motivated rather than a substantive concern about getting the best data on citizens.

The question should be included, a majority of Americans agree, and the President would be correct to include the question with a new rationale in light of the Supreme Court's decision. We again encourage its inclusion, and for the census to be printed with it as soon as possible.


Respectfully,



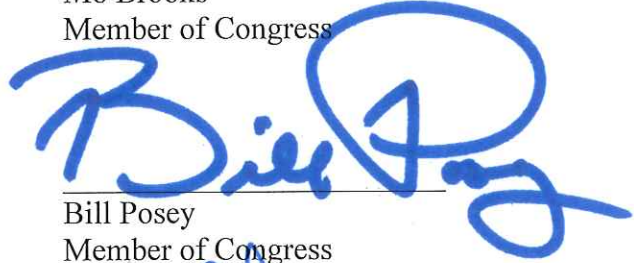
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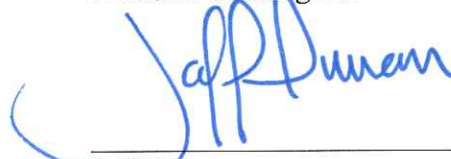
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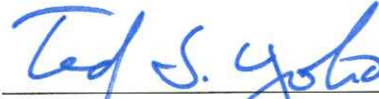
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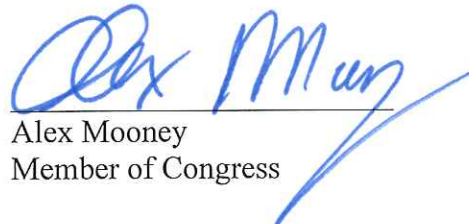
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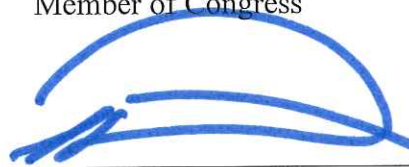
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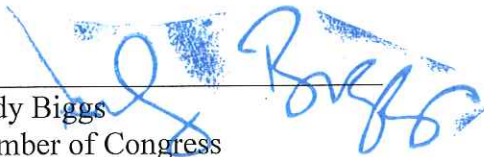
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