

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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### Opening Statement Ranking Member Elijah E. Cummings Hearing on “Progress Report on the 2020 Census” May 8, 2018

“Persons.” That is what our Constitution requires the government to count every ten years in the census. Not citizens. Not immigrants. Persons. That means everybody counts.

The census is supposed to be nonpartisan. It is supposed to be conducted by experts who try to get the most accurate count possible. But the Trump Administration is now politicizing the census by rushing to insert a new, untested question about citizenship that will discourage people from responding and result in an inaccurate count.

The Trump Administration’s stated rationale for adding this question is that they want to protect the rights of voters in our country, and they need this new data to do it. With all due respect, that rationale is almost as hard to believe as President Trump’s claim that he fired James Comey because he was too hard on Hillary Clinton.

That rationale is also difficult to believe because the Trump Administration’s record on voting rights goes in exactly the opposite direction—suppressing legitimate voters. For example, President Trump falsely accused millions of Americans of voting illegally in the last election.

The President then set up a sham commission to go out and try to find evidence to back up his false claim. He appointed Kansas Governor Kris Kobach to lead the Commission. Last month, Mr. Kobach was held in contempt of court for failing to inform his own state’s voters that they could register to vote. Finally, the President dissolved his commission without identifying any evidence to support his claims.

What about the Justice Department? They asked for this new citizenship question—supposedly to help enforce the Voting Rights Act.

However, during the entire tenure of the Trump Administration, the Justice Department has not filed a single new voting rights action. In fact, Attorney General Jeff Sessions has criticized the Voting Rights Act as “intrusive,” and the Department revised the U.S. Attorney’s Manual to remove references to racial gerrymandering.

During the Trump Administration, the Department of Justice has reversed its position three times—in one case on gerrymandering in Texas, in another case on voter purging in Ohio, and in a third case on a voter ID law in Texas—all in favor of voter suppression.

On March 22, 2018, a coalition of some of the nation's most esteemed voting rights advocates and organizations sent a letter to the Commerce Department condemning this new question. They explained that this data has never been needed since Congress first passed the Voting Rights Act in 1965. According to their letter:

“[T]he DOJ maintains that a new citizenship question will ensure better enforcement of the Voting Rights Act. This is false. Since the passage of the Voting Rights Act in 1965, the Census has never asked all persons to report their citizenship. In other words, a mandatory question on citizenship has never been necessary to ensure robust protection of the right to vote. That is just as true now as it was in 1965 when the Voting Rights Act was passed.”

Think about that. The most prominent voting rights groups in the country say the Trump Administration's rationale for adding the citizenship question is “false.”

When the Secretary of Commerce announced the new citizenship question, he conceded that the Census Bureau's own experts raised concerns that it was going to reduce response rates. The appropriate action would have been to test the question to see if those concerns were borne out. That is what six former Census Directors recommended. Instead, the Administration just flipped the burden. They added the question and claimed that nobody demonstrated response rates would be lower.

Mr. Chairman, unfortunately, as we have tried to investigate this issue, we have been blocked. We requested documents from the experts inside the Census Bureau who raised concerns about this question, but the Administration provided none of them. They told us they might give us a subset of the documents we requested after Memorial Day when they are required to produce them to private litigants.

This is not the way oversight is supposed to work. Two weeks ago, all of the Democrats on the Committee sent a letter asking you to subpoena these documents so we could review them—before today's hearing. But you did not respond, we did not get the documents, and we are now constrained in our questioning of these witnesses.

Mr. Chairman, this issue is squarely within our Committee's jurisdiction. For all these reasons, I would like to ask whether you intend to issue a subpoena. I yield for your response.

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