

## Project on Fair Representation

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# Press Release

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### PROJECT ON FAIR REPRESENTATION FILES AMICUS BRIEF SUPPORTING 2020 CENSUS CITIZENSHIP QUESTION

(Washington, DC) Today, the Project on Fair Representation (POFR) filed an *amicus* brief in *State of New York, et al v. United States Department of Commerce*, No. 1:18-CV-2921(JMF). The brief can be found at [ProjectOnFairRepresentation.org](http://ProjectOnFairRepresentation.org).

In December, 2017, the Department of Justice urged the Department of Commerce to reinstate a previously-used citizenship question on the 2020 decennial census in order for DOJ to better enforce certain provisions of the Voting Rights Act (VRA). In March, 2018, Commerce Secretary Wilbur Ross agreed to DOJ's request.

New York, along with over a dozen other states and jurisdictions, has challenged the legality of reinstating a citizenship-status question to the 2020 decennial census claiming that, among other factors, this question will dissuade legal and illegal immigrants from participating in the enumeration.

As POFR explains in its brief, not only is more detailed census block citizenship data essential for the effective enforcement of the VRA, but it is also important for redistricting voting districts using some metric of citizenship, rather than total population.

As the U.S. Supreme Court highlighted in a POFR case from 2016, *Evenwel v. Abbott* 136 S. Ct. 1120, States and localities have the constitutional prerogative to draw districts in order to equalize the total number of eligible voters in each district

rather than to equalize the total number of persons. Reinstating the citizenship question to the decennial census—instead of relying on Census Bureau estimates—will provide jurisdictions with the most reliable and usable data regarding the number of eligible voters for the purposes of constructing election districts.

POFR notes that it is ironic that New York and 11 other states wrote an *amicus* brief in *Evenwel* that criticized the reliability of using estimates to determine how many noncitizens were to be found in all U.S. census block tracts. Yet they now argue, quite hypocritically, that the decision to address and fix those perceived problems is “arbitrary and capricious.”

Edward Blum, POFR’s president, said, “Most Americans believe the federal government should have an accurate count of our citizen and non-citizen populations just as it was done in the past.”

Blum added, “Canada and most European countries wisely have a citizenship or immigrant-status question on their census forms. It is irrational for the U.S. to not have an accurate count of citizen and non-citizens living within our borders.”

Blum concluded, “This new Census citizenship data will allow states, cities and other jurisdictions to draw election districts in 2021 using some metric of eligible voters, rather than exclusively use total population.”

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