

United States Senate

September 20, 2018

The Honorable Ron Johnson
Chairman
U.S. Senate Committee on Homeland Security and Governmental Affairs

Dear Chairman Johnson:

We respectfully request that the Senate Homeland Security and Governmental Affairs Committee schedule a public oversight hearing with Commerce Secretary Wilbur Ross and top Census Bureau officials on 2020 Decennial Census planning and operations as soon as practicable. We previously requested such an oversight hearing on March 30, 2018, emphasizing how the late addition of an untested citizenship question and well-documented Census Bureau management and operational challenges risked compromising an accurate and cost-effective decennial census. A failed 2020 Census could have wide-ranging negative implications for American business and infrastructure development, state sharing of federal funds for public health and safety, proportional representation in Congress, and natural disaster funding, amongst other critical areas.¹

Since our last request for a hearing, the need for this Committee to fulfill its oversight responsibilities to ensure 2020 Census accountability has only grown more acute. New evidence suggests that Secretary Ross's addition of a citizenship question may have involved improper political considerations and dismissed a warning about added costs and decreased census accuracy from a senior Census Bureau expert. As the 2020 Census rapidly approaches, it is critical that Secretary Ross and top Census Bureau officials testify under oath to this Committee about the addition and effect of this question and other pressing concerns.

New evidence revealed in litigation suggests that Secretary Ross may have misled Congress about political considerations underlying the addition of the citizenship question, including involvement of White House officials. On March 20, 2018, Secretary Ross testified before a House Appropriations Subcommittee that his decision to add a citizenship question was "responding solely to the Department of Justice's request."² However, on June 21, 2018, he admitted in a court filing to have begun deliberating a citizenship question, "which other senior Administration officials had previously raised," shortly after his appointment in February 2017.³

¹ Sens. Kamala D. Harris, Claire McCaskill, Thomas Carper, Gary C. Peters, Letter to HSGAC Chairman Ron Johnson, Mar. 30, 2018, available at: <https://apps.npr.org/documents/document.html?id=4427104-180330-Letter-to-Sen-Johnson-HSGAC-Census-Hearing>

² House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, U.S. House of Representatives, *Hearing on the Fiscal 2019 Budget Request for the Department of Commerce*, Mar. 20, 2018, available at: <https://www.youtube.com/watch?v=NDWiAiSWgNU&feature=youtu.be&t=36m25s>

³ U.S. Commerce Secretary Wilbur Ross, *Supplemental Memorandum by Secretary of Commerce Wilbur Ross Regarding the Administrative Record in Census Litigation*, Jun. 21, 2018, available at: <https://assets.documentcloud.org/documents/4550954/Wilbur-Ross-Supplemental-Memo.pdf>

E-mail evidence suggests that during the spring and early summer of 2017, Kris Kobach, the co-chair of the Presidential Advisory Commission on Election Integrity, communicated with Secretary Ross about adding such a question at the direction of White House Chief Strategist Steve Bannon.⁴ E-mail evidence also suggests that Secretary Ross personally advocated to a Commerce Department official to add such a question during the same period.⁵ This official then asked Department of Justice officials to considering making a request to add the citizenship question.⁶ It is incumbent upon Secretary Ross to account accurately to this Committee about who influenced the deliberative process and the true reasons for the addition of this question.

Troubling new evidence also reveals that Secretary Ross added a citizenship question to the 2020 Census against the direct advice of Census Bureau Chief Scientist John Abowd. We now know that Secretary Ross ignored a January 19, 2018 memorandum from Abowd that recommended he not add a citizenship question to the 2020 Census. Abowd warned that adding such a question would be “very costly” and would “har[m] the quality of the census count” by reducing voluntary public participation in the count. He also warned that such a question would yield “substantially less accurate citizenship status data than are available from administrative sources.”⁷ As we previously noted, on January 26, 2018, six former Census Bureau Directors who served under both Democratic and Republican administrations likewise warned Ross that adding a citizenship question would harm 2020 Census accuracy.⁸ In light of Secretary Ross’s dismissal of census expert warnings, he and Census Bureau officials must explain to this Committee how ongoing 2020 Census planning and preparations intend to mitigate reduced public participation in the count and resulting increased costs experts predict to result.

In addition to concerns regarding a citizenship question, this Committee must examine myriad continuing managerial and operational challenges for the 2020 Census. The 2020 Census remains on the Government Accountability Office (GAO)’s High-Risk List due to untested technological innovations, IT system implementation and security challenges, as well as unreliable cost estimates.⁹ In June 2018, the GAO reported that Census Bureau 2018 End-to-End field testing was hampered by hiring difficulties, especially in rural areas, and that the Census Bureau is relying on undocumented workload projections and has faced technological problems

⁴ Kansas Secretary of State Kris Kobach, E-mail to Commerce Secretary Wilbur Ross, Jul. 14, 2017, *available at*: <https://apps.npr.org/documents/document.html?id=4500011-1-18-Cv-02921-Administrative-Record#document/p775/a428456>

⁵ U.S. Commerce Secretary Wilbur Ross, E-mail to Commerce Department Office of Policy and Strategic Planning Director Earl Comstock, May 2, 2017, *available at*: <https://apps.npr.org/documents/document.html?id=4616785-May-2-2017-Email-From-Earl-Comstock#document/p1/a441444>

⁶ Commerce Department Office of Policy and Strategic Planning Director Earl Comstock, E-mail to U.S. Commerce Secretary Wilbur Ross, September 8, 2017, *available at*: <https://apps.npr.org/documents/document.html?id=4896064-Administrative-Record-For-Census-Citizenship#document/p2/a454666>

⁷ Chief Scientist and Associate Director for Research and Methodology John M. Abowd, *Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census*, Jan. 19, 2018, *available at*: <https://apps.npr.org/documents/document.html?id=4500011-1-18-Cv-02921-Administrative-Record#document/p1289/a428453>

⁸ Vincent P. Barabba, et al, to Honorable Secretary Wilbur Ross, U.S. Department of Commerce, Jan. 26, 2018, 1, *available at*: https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ_census_ques_request_Former_Directors_ltr_to_Ross.pdf?tid=a_mcntx

⁹ United States Government Accountability Office, *High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others*, Feb. 2017, *available at*: <https://www.gao.gov/assets/690/682765.pdf>

with address-canvassing. The GAO warned that, “If the Bureau’s address list and maps are inaccurate, people can be missed, counted more than once, or included in the wrong location.”¹⁰ Further, as we noted back in March, the Bureau has canceled field tests in rural and tribal locations with hard-to-count populations and has delayed research and development activities for the Integrated Partnership and Communications program. These programs historically have been key to fostering public trust to ensure robust voluntary participation in the count, which will be particularly important in 2020 with the addition of the untested citizenship question.

This Committee has conducted far fewer oversight hearings for the 2020 Census to date than it conducted prior to the 2010 Census. At this point prior to the last decennial census, this Committee had already held four full or subcommittee oversight hearings – four which included testimony from a permanent Census Bureau Director, and two which included testimony from the Commerce Secretary. In contrast, this Committee has only held a single oversight hearing, at which only the Commerce Secretary and Comptroller General testified, despite this census being larger, more complicated, and more reliant on new technologies. While the April 10, 2018, members briefing that this Committee convened on the census questionnaire was welcome, it did not negate the need for top Commerce Department and Census Bureau officials to provide sworn testimony before this Committee.

In conclusion, this Committee has a clear oversight imperative to call Secretary Ross and top Census Bureau officials to testify at a public hearing about their planning and operations to ensure a cost-effective and accurate 2020 Census. The decennial census is a critical federal undertaking that affects the wellbeing of all Americans and must transcend any political agenda. This Committee must do all in its authority to promote 2020 Census accountability to ensure a successful outcome.

We appreciate your timely consideration of this request and look forward to your response.

Sincerely Yours,



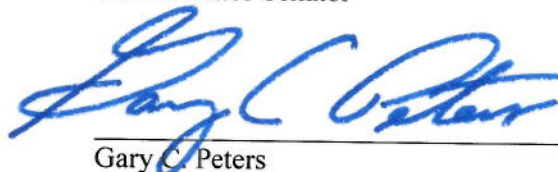
Kamala D. Harris
United States Senator



Thomas R. Carper
United States Senator



Margaret Wood Hassan
United States Senator



Gary C. Peters
United States Senator

¹⁰ United States Government Accountability Office, *2020 Census: Actions Needed to Improve In-Field Address Canvassing Operations*, Jun. 2018, available at <https://www.gao.gov/assets/700/692493.pdf>