

Congress of the United States
Washington, DC 20515

The Honorable Wilbur L. Ross, Jr.
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, D.C. 20230

August 3, 2018

Dear Secretary Ross,

On June 28, 2018, 54 members of the House of Representatives wrote to you with great concern after reviewing the supplemental memo you provided to the court which contradicted numerous statements made to Congress about how and when you decided to add a citizenship question to the 2020 Census.¹ To date, you have not responded to this letter. Since then, however, newly released internal Commerce Department communications provide further evidence that you were not truthful with Congress about the citizenship question's addition and the role the Department of Justice played in this process. Misleading Congress is a criminal offense and it is incumbent on you to respond to our inquiries regarding your testimony.

The additional internal Department of Commerce emails released on July 24, 2018, show that as early as March 2017, you personally directed your staff to research how to add a citizenship question to the 2020 Census. Two months later, in May 2017, you were “mystified why nothing have (*sic*) been done in response to **my months old request** (*emphasis added*) that we include a citizenship question.”² In response, your staff replied that “we need to work with Justice to get them to request that citizenship be added back as a census question.”³

These emails demonstrate that the Department's conversations about adding the citizenship question began nine months prior to DOJ's December 2017 request. Similarly, they contradict the sworn testimony you and other Trump Administration officials have presented on at least four occasions about the timing, origins, and purported necessity of a citizenship question.

¹ Letter from Representatives Jimmy Gomez, Carolyn Maloney, and Judy Chu et. al, to Secretary Wilbur Ross, Department of Commerce (June 28, 2018) (online at <https://maloney.house.gov/sites/maloney.house.gov/files/618%20Sec%20Ross%20Supplemental%20Memo%20Letter.pdf>).

² Email from Secretary Wilbur Ross, Department of Commerce, to Earl Comstock, Director, Office of Policy and Strategic Planning, and Ellen Herbst, Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce (May 2, 2017) (online at <https://www.documentcloud.org/documents/4616784-May-2-2017-Email-From-Wilbur-Ross.html#document/p1/a441438>).

³ Email from Earl Comstock, Director, Office of Policy and Strategic Planning, Department of Commerce, to Secretary Wilbur Ross and Ellen Herbst, Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce (May 2, 2017) (online at <https://apps.npr.org/documents/document.html?id=4616785-May-2-2017-Email-From-Earl-Comstock#document/p1/a441444>).

For example, before the House Appropriations Committee on March 20, 2018, you stated that the Department of Commerce was “responding solely to the Department of Justice’s request.”⁴ Two days later, before the House Ways and Means Committee, you testified that the Department of Justice “initiated the request” for a question on citizenship.⁵ You and other Commerce Department officials maintained this reasoning at hearings two months later. On May 8, 2018, Earl Comstock, the Department’s Director of Policy and Strategic Planning, told the House Oversight and Government Reform Committee that the Department was “asked, made a valid request by a government agency” that “went through [your] normal process,” and again, two days later, on May 10, 2018, you testified before the Senate Appropriations Committee: “The Justice Department is the one who made the request of us.”⁶

It now appears, however, that these statements were untrue. Instead, it is clear that you settled on the addition of a citizenship question long before you indicated as much to Congress, and it was not DOJ that “initiated” this request, but rather your own Department of Commerce. The release of these documents when compared against the public record raise serious concerns about your testimony and the reasons for which the citizenship question was truly added. As such, we request that you provide answers to the following questions immediately:

1. When did you first begin considering adding a citizenship question to the 2020 Census? Who or what prompted you to begin this consideration?
2. When did you decide that a citizenship question should be added to the 2020 Census? Why did you come to that decision?
3. When did you first request that the Census Bureau include a citizenship question and to whom did you request this?
4. Did you discuss adding a citizenship question to the 2020 Census with any Trump Administration, Trump transition, or Trump campaign officials before you were nominated to be Secretary? If so, who did you speak to and what was the nature of the conversation?
5. Did you discuss or seek advice from past Census Bureau Directors about the impact that a citizenship question could have on the accuracy of the Census? If so, who?
6. Why did you and your staff believe it was necessary to have the Department of Justice request that the Bureau add a citizenship question? Why did you contact the Department of Homeland Security about a potential request and why did they deem the Justice Department to be in a better position to assist with your request?

⁴ House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Hearing on FY19 Budget Hearing: Department of Commerce* (Mar. 20, 2018).

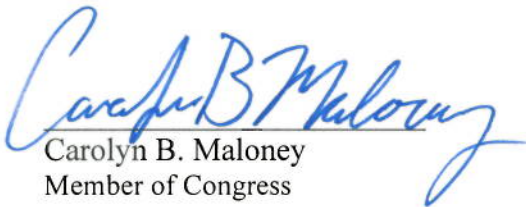
⁵ House Committee on Ways and Means, *Hearing on Hearing with Commerce Secretary Ross* (Mar. 22, 2018).

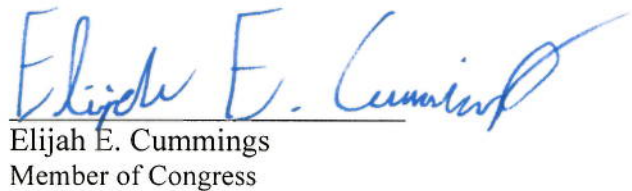
⁶ House Committee on Oversight and Government Reform, *Hearing on Progress Report on the 2020 Census* (May 8, 2018); Senate Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Hearing on Review of the FY2019 Budget Request for the U.S. Department of Commerce* (May 10, 2018).

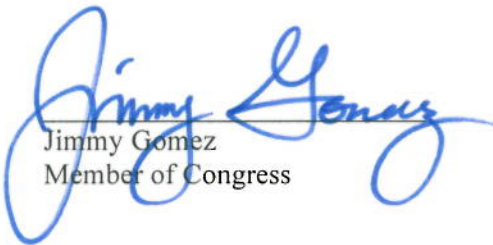
7. When did the Department of Commerce begin working with the Department of Justice to request that a citizenship question be added back to the census? Who was involved in this process? Were officials from the White House a part of this process? If so, who?
8. Why did you repeatedly tell Congress, under oath, that the request for a citizenship question was initiated by the Department of Justice when your own emails show that you initiated the request?
9. Why did you provide a supplemental memo to the court on June 21, 2018, contradicting your testimony to Congress? Why did you not disclose these facts to Congress before the document was publicly released?
10. Please name all past and present senior administration officials with whom you discussed the idea of adding a citizenship question to the 2020 census.

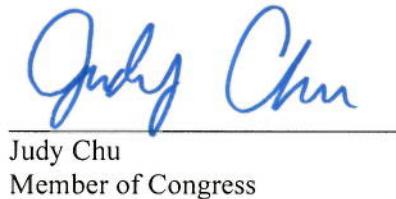
Congress has a Constitutional responsibility to conduct oversight of the Executive Branch, including the Department of Commerce. The newly released documents raise a great number of questions about the truthfulness of the testimony you and your staff provided to four different House and Senate Committees. Given that it is incumbent upon you to truthfully answer congressional inquiries, we look forward to your response.

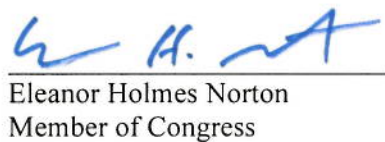
Sincerely,

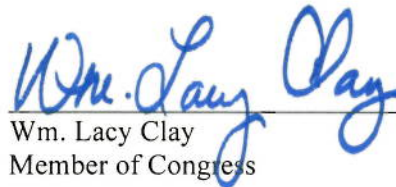

Carolyn B. Maloney
Member of Congress


Elijah E. Cummings
Member of Congress

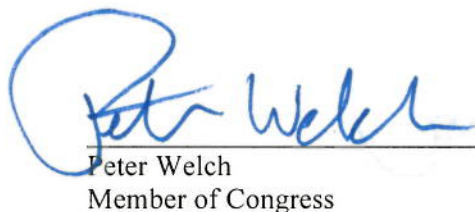

Jimmy Gomez
Member of Congress


Judy Chu
Member of Congress


Eleanor Holmes Norton
Member of Congress


Wm. Lacy Clay
Member of Congress


Jose E. Serrano
Member of Congress


Peter Welch
Member of Congress

Nanette Diaz Barragan

Nanette Diaz Barragan
Member of Congress

Bill Pascrell Jr

Bill Pascrell, Jr.
Member of Congress

Doris Matsui

Doris Matsui
Member of Congress

Darren Soto

Darren Soto
Member of Congress

Stephen F. Lynch

Stephen F. Lynch
Member of Congress

Betty McCollum

Betty McCollum
Member of Congress

Jerrold Nadler

Jerrold Nadler
Member of Congress

Nydia Velázquez

Nydia M. Velázquez
Member of Congress

Gerald E. Connolly

Gerald E. Connolly
Member of Congress

Janice D. Schakowsky

Janice D. Schakowsky
Member of Congress

Jamie Raskin

Jamie Raskin
Member of Congress

Dina Titus

Dina Titus
Member of Congress

Bobby L. Rush


Bobby L. Rush
Member of Congress

Debbie Dingell


Debbie Dingell
Member of Congress



Grace Meng
Member of Congress



Jim Cooper
Member of Congress



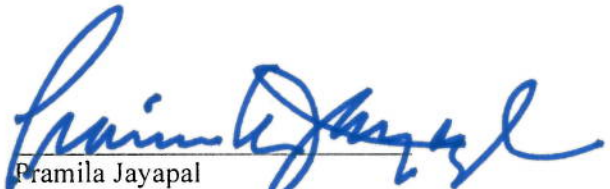
Colleen Hanabusa
Member of Congress



Brenda L. Lawrence
Member of Congress



Raúl M. Grijalva
Member of Congress



Pramila Jayapal
Member of Congress



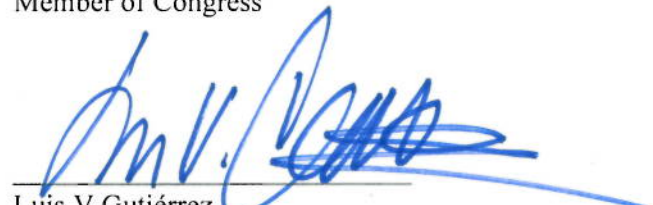
Brian Higgins
Member of Congress



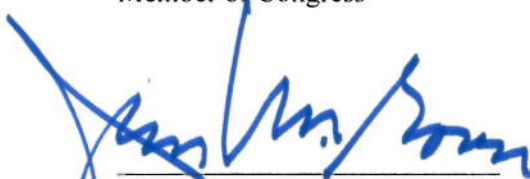
Lucille Roybal-Allard
Member of Congress



Daniel T. Kildee
Member of Congress




Luis V. Gutiérrez
Member of Congress




James P. McGovern
Member of Congress



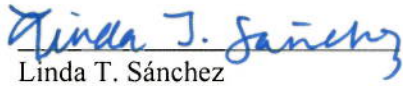
Bill Foster
Member of Congress



Adam Smith
Member of Congress



Albio Sires
Member of Congress



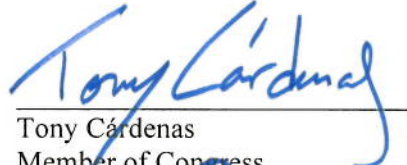
Linda T. Sánchez
Member of Congress



Ed Perlmutter
Member of Congress



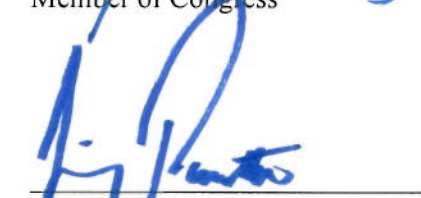
Nita M. Lowey
Member of Congress



Tony Cárdenas
Member of Congress



Filemon Vela
Member of Congress



Jimmy Panetta
Member of Congress



Carol Shea-Porter
Member of Congress


M.C.

Ro Khanna
Member of Congress

Debbie Wasserman Schultz

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Member of Congress