

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

May 01, 2018

Mr. John Gore
Acting Assistant Attorney General
Civil Rights Division
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Mr. Gore:

On December 12, 2017, the Department of Justice (DOJ) sent a letter to Acting Census Bureau Director Ron Jarmin requesting that the Census Bureau add a citizenship question to the 2020 Decennial Census. DOJ alleged that decennial census citizenship data is “critical to the Department’s enforcement of Section 2 of the Voting Rights Act.” DOJ argued that it “needs a reliable calculation of the citizen voting-age population in localities where voting rights violations are alleged or suspected.”¹

Despite DOJ’s assertions, the justification for the addition of a citizenship question remains unclear. In a briefing on April 11, 2018, Acting Director Jarmin informed members of the Committee on Oversight and Government Reform that the Census Bureau simply accepted DOJ’s request at face value and conducted no analysis to determine whether the justification was valid. DOJ has not deemed it “critical” to include a citizenship question on the decennial census to enforce voter protections since the Voting Rights Act was enacted in 1965, and it is unclear what circumstances have changed.

To help understand the substance of DOJ’s justification and the process by which its request was made, we request that you provide the following documents in the custody, control, or possession of the Department of Justice by May 7, 2018, so Members can have the opportunity to review them prior to the Committee’s scheduled hearing on May 8, 2018:

1. all documents and communications relating or referring to the addition of a citizenship question to the census;

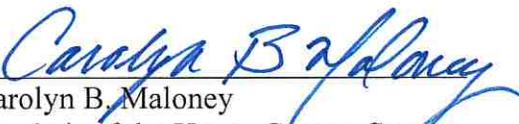
¹ Letter from Arthur E. Gary, General Counsel, Justice Management Division, Department of Justice, to Ron Jarmin, Acting Director, Census Bureau (Dec. 12, 2017) (online at www2.census.gov/programs-surveys/decennial/2020/program-management/working-papers/Uses-of-Census-Bureau-Data-in-Federal-Funds-Distribution.pdf).

2. documents and communications sufficient to show who was involved in this request and the role of each individual who was involved;
3. all documents and communications within the Department of Justice and with outside entities regarding the request to add a citizenship question to the census, including but not limited to the White House, the Commerce Department, the Republican National Committee, the Trump Campaign, or Members of Congress;
4. all documents and communications relating or referring to the need to add a citizenship question to the census in order to enforce the Voting Rights Act;
5. a list of all instances in which the lack of a citizenship question on the decennial census negatively impacted DOJ's Voting Rights Act enforcement efforts; and
6. a list of all voting rights enforcement actions taken by the Department of Justice since January 20, 2017.

If you have any questions about this request, please contact Max Whitcomb with Representative Maloney's staff at (202) 225-7944 or Katie Teleky with Ranking Member Cummings' staff at (202) 225-5051.

Thank you for your consideration of this request.

Sincerely,


Carolyn B. Maloney
Co-chair of the House Census Caucus


Elijah E. Cummings
Ranking Member


Eleanor Holmes Norton
Member

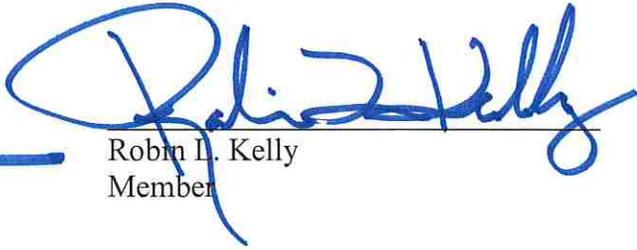

Wm. Lacy Clay
Member


Stephen F. Lynch
Member


Jim Cooper
Member



Gerald E. Connolly
Vice-Ranking Member



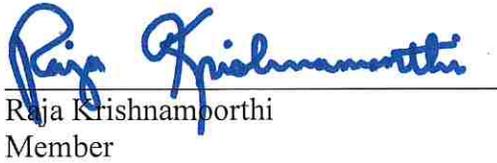
Robin L. Kelly
Member



Brenda L. Lawrence
Member



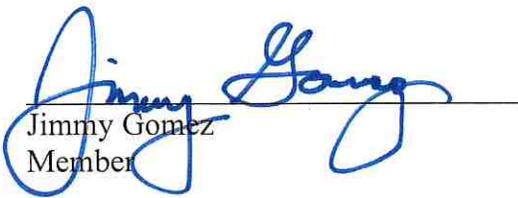
Bonnie Watson Coleman
Member



Raja Krishnamoorthi
Member



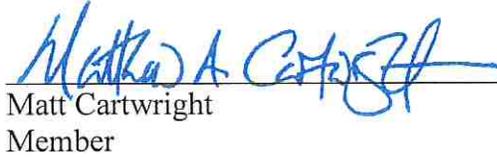
Jamie Raskin
Member



Jimmy Gomez
Member



Peter Welch
Member



Matt Cartwright
Member



Mark DeSaulnier
Member



Stacey E. Plaskett
Member



John Sarbanes
Member

cc: Members of the House Committee on Oversight and Government Reform