



*AR 663*  
1/2/19

**UNITED STATES DEPARTMENT OF COMMERCE**  
**The Secretary of Commerce**  
Washington, D.C. 20230

December 21, 2018

The Honorable Elijah E. Cummings  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Cummings:

Thank you for your letter regarding my decision to reinstate a citizenship question on the 2020 Decennial Census questionnaire. I apologize for the delay in response. I appreciate your perspective on Census Bureau issues and the time you have taken to share your concerns. Ensuring a complete and accurate Decennial Census is one of my most important duties and remains one of my highest priorities.

As you know, the Department of Justice (DOJ) on December 12, 2017 formally requested that the Census Bureau reinstate the citizenship question on the Decennial Census. DOJ stated that reinstatement of the citizenship question on the Decennial Census questionnaire “would best enable the Department to protect all American citizens’ voting rights under Section 2.”<sup>1</sup> DOJ’s request initiated my decision-making process, which entailed a comprehensive program, policy, and legal review. During that process, I maintained an open mind and I consulted with my staff, the Census Bureau, and various stakeholders<sup>2</sup> to evaluate and respond to the request. No officials from the White House were a part of this process. After considering the information provided to me during this process, I made the conclusions described within my March 26, 2018 decision memorandum<sup>3</sup> to reinstate the citizenship question. I directed my decision memorandum to the Under Secretary of Economic Affairs with instructions that the Census Bureau reinstate the question.<sup>4</sup>

Before receiving DOJ’s formal request to reinstate the citizenship question, I and my staff discussed the concept with personnel at other federal departments.<sup>5</sup> As the Secretary of

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<sup>1</sup> Letter from Art Gary, Department of Justice, to Ron Jarmin, Census Bureau (Dec. 12, 2017) at Administrative Record (AR) 663, [http://osec.doc.gov/opog/FOIA/Documents/AR%20-%20FINAL%20FILED%20-%20ALL%20DOCS%20\[CERTIFICATION-INDEX-DOCUMENTS\]%206.8.18.pdf](http://osec.doc.gov/opog/FOIA/Documents/AR%20-%20FINAL%20FILED%20-%20ALL%20DOCS%20[CERTIFICATION-INDEX-DOCUMENTS]%206.8.18.pdf).

<sup>2</sup> See AR 763–1276.

<sup>3</sup> Decision Memorandum from Secretary Wilbur Ross on Reinstatement of a Citizenship Question on the 2020 Decennial Census Questionnaire (Mar. 26, 2018) at AR 1313–1320. Also available at [https://www.commerce.gov/sites/default/files/2018-03-26\\_2.pdf/](https://www.commerce.gov/sites/default/files/2018-03-26_2.pdf/).

<sup>4</sup> *Id.* at 1320.

<sup>5</sup> Before receipt of the DOJ request in December 2017, my staff or I had discussions with federal government officials including Mary Blanche Hankey, James McHenry, Gene Hamilton, Danielle Cutrona, John Gore, and Jefferson Sessions. Moreover, Steven Bannon called in the Spring of 2017 to request that I speak with Kris Kobach

Commerce, I felt it important to explore such issues with my staff to ensure that the Department is fulfilling its mission to the American people. DOJ repeatedly requested inclusion of the citizenship question on the American Community Survey for Voting Rights Act purposes. Based on this experience, DOJ ultimately determined that it wanted more granular citizenship data.<sup>6</sup> Given that the Department of Commerce faced an April 1, 2018 statutory deadline to provide Congress with “a report containing the Secretary’s determination of the questions proposed to be included” on the census questionnaire, 13 U.S.C. § 141(f)(2), I hoped to receive a definitive determination of non-interest or interest from DOJ as early in 2017 as possible.<sup>7</sup> The decision-making process and my ultimate conclusion that the question should be reinstated occurred only after and in response to DOJ’s request.

My testimony to Congress has been truthful and candid. The questions to which I responded and the context of those conversations make clear that I was referring to my decision-making process and thorough review of DOJ’s request – not informal and hypothetical discussions predating that request.

Thank you for your inquiry and I look forward to continuing to work with the Census Bureau and the Members of Congress to ensure a complete and accurate 2020 Decennial Census.

If you have further concerns or questions, please have your staff contact Michael Platt, Jr., Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,



Wilbur Ross

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about the latter’s ideas about including a citizenship question on the 2020 Decennial Census. Notably, my only decision in response to Mr. Kobach’s ideas was my complete rejection of his proposed citizenship question configuration and the purposes motivating his preferred configuration. I have always been and will always be committed to counting everyone once, only once, and in the right place.

<sup>6</sup> Earl Comstock was referred to Gene Hamilton at the Department of Homeland Security (DHS) by Mr. McHenry at the Department of Justice (DOJ). However, Mr. Hamilton informed Mr. Comstock that DOJ – not DHS – was the federal agency that would most utilize the data obtained from asking a citizenship question on the Decennial Census.

<sup>7</sup> As stated in the document, itself, I issued my June 21, 2018 Supplemental Memorandum “to provide further background and context regarding my March 26, 2018, memorandum concerning the reinstatement of a citizenship question to the decennial census.”