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House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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Opening Statement Chairman Elijah E. Cummings Hearing with Commerce Secretary Wilbur Ross March 14, 2019

Good Morning. Today, the Committee will hear testimony from Secretary of Commerce Wilbur Ross about preparations for the 2020 Census.

The Constitution requires our government to conduct a census every ten years. The Constitution also requires us to count every person. The latest Census begins next year, and significant challenges have been raised by the Government Accountability Office and others about whether it will be ready. Today's hearing will be our first of several this year, and we will look to our very able Subcommittee on Civil Rights and Civil Liberties to follow up with additional hearings. We want to make sure we are tracking progress, highlighting small problems before they become large ones, and ensuring that outstanding recommendations are being implemented effectively and efficiently.

Today, we will also examine Secretary Ross' decision to add a new citizenship question after experts at the Census Bureau warned that it "harms the quality of the census count." We have very serious questions about whether Secretary Ross was truthful when he appeared before Congress last year and testified on three occasions that he added the citizenship question only because the Department of Justice requested it. On March 20, 2018, Secretary Ross testified: "We are responding solely to the Department of Justice's request." He repeated this claim on March 22, and then again on May 10.

After Secretary Ross testified, new documents showed that he was engaged in a secret campaign to add the citizenship question from the very first days after he arrived at the Department of Commerce. These documents showed that he was not merely responding to a request from another agency. To the contrary, he was choreographing these efforts behind the scenes, he became impatient when his demands were not being met, and he was working directly with officials at the highest levels of the Trump Administration to force this issue through, including Steve Bannon and Jeff Sessions.

These facts are not in dispute. Two judges have already struck down the citizenship question, and they issued stinging decisions finding that Secretary Ross violated federal law and the United States Constitution. They found that his claim of merely responding to a request from the Department of Justice was a pretext—and a false one.

Let me address that pretext directly. Secretary Ross and others in the Trump Administration have claimed that adding the citizenship question was necessary to obtain better data to enforce the Voting Rights Act.

First of all, I do not know anyone who truly believes that the Trump Administration is interested in enhancing the Voting Rights Act. This Administration has done everything in its power to suppress the vote—not to help people exercise their right to vote.

Second, I have championed voting rights for my entire adult life, and the Voting Rights Act is an essential tool. But in the more than 50 years since it was signed into law, Voting Rights Act enforcement has never used citizenship data from every U.S. household. Not once.

Third, the judges who examined this evidence held that the Voting Rights Act claim was a fake justification for the citizenship question. One judge ruled that Secretary Ross “concealed its true basis rather than explaining it.”

So, the key question we will ask Secretary Ross today is what was he hiding from Congress—what is the real reason the Trump Administration wanted to add this unconstitutional citizenship question?

Every piece of evidence we discover brings us closer to the truth. Just this past week, this Committee conducted a transcribed interview with a key witness from the Department of Justice—John Gore—who was involved with drafting the request for a citizenship question. Mr. Gore admitted that a former Transition Team official provided him an initial draft of a letter from the Department of Justice asking for the citizenship question to be added. We have summarized this and other information from Mr. Gore’s interview in a supplemental memo that I am providing to Members this morning.

Unfortunately, throughout this entire process, the Trump Administration has obstructed and delayed our investigation. Both the Department of Commerce and the Department of Justice have withheld key documents and refused to answer legitimate questions.

Now, Secretary Ross and I exchanged several letters last week. We accommodated some of his concerns, and he accommodated some of ours. Based on these agreements, I expect Secretary Ross to fully answer all of our questions about the census and not avoid our questions based on the meritless claim that there is separate litigation.

I appreciate that, and I look forward to his answers.

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