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**ATTORNEY GENERAL MADIGAN FILES LAWSUIT TO BLOCK FEDERAL ADMINISTRATION FROM DEMANDING CITIZENSHIP INFORMATION IN 2020 CENSUS**

***Citizenship Demand would Depress Turnout in States with Large Immigrant Populations***

**Chicago** — Attorney General Lisa Madigan, along with 17 other attorneys general, six cities and the bipartisan U.S. Conference of Mayors, today filed a lawsuit to block the federal administration from demanding citizenship information in the 2020 decennial Census. Demanding citizenship information would depress Census turnout in states with large immigrant populations, directly threatening the states’ fair representation in Congress and the Electoral College, as well as billions of dollars in critical federal funds, including funding for education, infrastructure and Medicaid.

“The Census is a fundamental part of our democracy, and we must encourage every person living in our country to participate, not put up barriers that prevent people from being counted,” Madigan said. “I am filing this lawsuit to ensure that immigrants in Illinois are represented fairly and accurately.”

On December 12, 2017, the U.S. Department of Justice requested that the Census Bureau demand citizenship information in the 2020 census form sent to every household in the country, even though the purpose of the Census is to count every person – citizens and non-citizens alike. The Justice Department argued that the collection of such information was necessary to ensure proper enforcement of the 1965 Voting Rights Act. But, as Madigan and a coalition of other attorneys general argued in a letter sent to the Commerce Secretary in February, the demand would have precisely the opposite effect by driving down participation in immigrant communities, a concern that is more acute in today’s political climate. The resulting undercount would deprive states with significant immigrant communities, like Illinois, of fair representation when legislative seats are apportioned and district lines are drawn.

The lawsuit filed today in the U.S. District Court for the Southern District of New York is brought under the Enumeration Clause of the U.S. Constitution, as this action by federal administration will impede an “actual Enumeration” required by the Constitution. It is also brought under the Administrative Procedure Act, which permits courts to set aside unlawful or arbitrary and capricious agency decisions.

As the Census Bureau’s own research shows, the decision to demand citizenship information will “inevitably jeopardize the overall accuracy of the population count” by significantly deterring participation in immigrant communities because of concerns about how the federal government will use citizenship information. These concerns are amplified by the administration’s anti-immigrant rhetoric and pattern of actions that target immigrant communities.

In 1980, the Census Bureau rejected the addition of a citizenship question, saying, "*Any effort to ascertain citizenship will inevitably jeopardize the overall accuracy of the population count. Obtaining the cooperation of a suspicious and fearful population would be impossible if the group being counted perceived any possibility of the information being used against them. Questions as to citizenship are particularly sensitive in minority communities and would inevitably trigger hostility, resentment, and refusal to cooperate.*"

In 2009, all eight former directors of the Census Bureau dating back to 1979 – who served under both Democratic and Republican presidents – affirmed that a citizenship question would depress participation and lead to a significant undercount, undermining the purpose of the Census itself.

As the lawsuit describes, the administration's decision is inconsistent with the Census Bureau's constitutional and statutory obligations, is unsupported by the stated justification, departs from decades of settled practice without reasoned explanation, and fails to consider the availability of alternative data that can effectively serve the federal government's needs.

The lawsuit also emphasizes the irreparable harm that will result from inaccuracies in the 2020 Census caused by demanding citizenship information. Hundreds of billions of dollars in federal funds are directly tied to demographic information obtained through the census, including the Highway Trust Fund and other Department of Transportation grants, Child Care Development Grants and Medicaid. In addition, inaccurate counts can potentially deprive states of much-needed funds designed to protect low-income and vulnerable communities.

The decennial census is also used to apportion seats in the U.S. House of Representatives, and each plaintiff state relies on population information from the Census Bureau to draw statewide redistricting plans for their Congressional and state legislative districts. Demanding citizenship information would cause disproportionate undercounts in communities with immigrant populations. As a result, an undercount of population in states that are home to large immigrant communities will impair fair representation, a principle fundamental to the fabric of our democracy.

Joining Madigan in filing the lawsuit are the attorneys general of Connecticut, Delaware, the District of Columbia, Iowa, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Virginia, Vermont and Washington, as well as the cities of Chicago, Philadelphia, Providence, New York City, San Francisco and Seattle and the bipartisan U.S. Conference of Mayors.

A copy of the lawsuit can be found [here](#).

-30-

[Return to April 2018 Press Releases](#)

