

# 2020 Census Citizenship Question

## S.C.O.T.U.S. Awareness TOOLKIT

**NOTE:** The Supreme Court heard oral arguments on Tuesday, April 23, 2019 in the dispute over the Trump administration's decision to include a question about citizenship on the 2020 census. The federal government says that the Department of Justice wants data about citizenship to better enforce federal voting rights laws. But the challengers in the case counter that asking about citizenship will lead to an inaccurate count, because households with undocumented or Hispanic residents may not respond. After roughly 80 minutes of often tense debate, the justices seemed divided along ideological lines, with the conservative justices appearing ready to uphold the use of the question.

-Amy Howe Independent Contractor and Reporter

### Oral argument questions

1. Whether the district court erred in enjoining the Secretary of Commerce from reinstating a question about citizenship to the 2020 decennial census on the ground that the Secretary's decision violated the Administrative Procedure Act (APA), 5 U.S.C. 701 et seq.
2. Whether, in an action seeking to set aside agency action under the APA, a district court may order discovery outside the administrative record to probe the mental processes of the agency decision maker including by compelling the testimony of high ranking Executive Branch officials-without a strong showing that the decision maker disbelieved the objective reasons in the administrative record, irreversibly prejudged the issue, or acted on a legally forbidden basis.
3. (The Parties are directed to argue the following additional question:) Whether the Secretary of Commerce's decision to add a citizenship question to the Decennial Census violated the Enumeration Clause of the US Constitution, Article I.&2.CL.3.

### Talking points to share with community stakeholders and your Representatives

- Three federal judges in New York, California and Maryland ruled against Commerce Secretary Ross' decision to add a citizenship question to the 2020 Census.
- The overall goal of the decennial Census is to count every resident within the bounds of the US whether undocumented or not.
- The foundation of our Democracy is at stake if we allow the decennial Census to be politicized. Its been more than 50yrs and six Census cycles since a citizenship question was included.
- The 2020 Census will be the first in the nation's history in which Latinos make up the nation's second largest population group.
- 5.8 million people or more could unfairly lose representation & funding for federal and community programs.
- In a survey conducted by NALEO Educational Fund, 78 percent of Latinos stated that the inclusion of a citizenship question would make people afraid to participate in Census 2020.

