

STATE OF NEW JERSEY

GOVERNOR PHIL MURPHY

NEW JERSEY TO JOIN MULTI-STATE LAWSUIT CHALLENGING CITIZENSHIP QUESTION ON 2020 U.S. CENSUS

From the Office of the Attorney General:

TRENTON -- Attorney General Gurbir S. Grewal announced today that New Jersey will join a multi-state coalition in suing the federal government to block the inclusion of a proposed citizenship question in the 2020 decennial Census.

"Notwithstanding the Administration's rhetoric, we don't need a citizenship question on the 2020 census. And the reality is that such a question would only do harm," said Attorney General Grewal. "Particularly in the current national climate, a citizenship question will obviously cause great consternation and discourage participation in the census. That lack of participation will inevitably have far-reaching, negative effects -- particularly in New Jersey, where we have the third largest immigrant population in the country."

The impending multi-state lawsuit, which is led by New York's Attorney General, will name the U.S. Department of Commerce and the U.S. census Bureau as defendants.

The complaint will challenge addition of the citizenship question as a violation of the U.S. Constitution, and assert that such a question threatens the fair representation of states with large immigrant communities in Congress and the Electoral College, as well as cost those states billions of dollars in critical federal funds for programs like Medicaid.

Under the Constitution, the federal Census Bureau has an obligation to determine "the whole number of persons in each state." However, the states' lawsuit will assert, adding a citizenship question to the 2020 Census -- an idea four prior census directors appointed by Presidents from both parties have advised against -- will limit participation in the census among immigrants. That lack of participation will inevitably result in a population undercount that will disproportionately harm states and cities with large immigrant communities.

(Non-citizens are counted in the Census for purposes of federal funds, the apportioning of congressional seats and Electoral College votes, and the drawing of state and local districts.)

"We are glad to stand with New York and the other participating states in challenging this unnecessary question regarding citizenship status -- both to protect New Jersey residents and ensure a fair and accurate census," said Attorney General Grewal. "Our objective is to have this citizenship question -- which arbitrarily ignores decade after decade of our nation's regular census practices -- declared unconstitutional and not for inclusion in the 2020 Census."

On December 12, 2017, the U.S. Department of Justice requested that the Census Bureau include a citizenship question on the 2020 census form sent to every household in the United States, even though the Census is supposed to count all persons--citizens and non-citizens alike. The Department of Justice argued that the collection of such information was necessary to ensure an accurate count, consistent with proper enforcement of the 1965 Voting Rights Act.

The multi-state lawsuit argues that a citizenship question would have precisely the opposite effect by driving down participation in immigrant communities--a concern that is even more acute in today's political climate. The resulting undercount would deprive immigrant communities of fair representation when legislative seats are apportioned and district lines are drawn.

To the extent that the Voting Rights Act requires a calculation of the number of eligible voters in a given jurisdiction, the Census Bureau provides an adequate--and far less intrusive--source of citizenship information based on sampling, including the American Community Survey, the participating states maintain.

The decennial census is used to apportion seats in the House of Representatives, and to determine the total number of delegates each state receives in the Electoral College. 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, the multi-state lawsuit contends.

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