



For Immediate Release
Monday, October 15, 2018

Contact: LDF Media
212-965-2200 / media@naacpldf.org

American Oversight
press@americanoversight.org
202-869-5242

LDF and American Oversight File Lawsuit for DOJ Records of Census Citizenship Question

The NAACP Legal Defense and Educational Fund, Inc. (LDF) have sued the Department of Justice (DOJ) to compel the release of records detailing the department's role in the decision to reinstate a citizenship question on the upcoming 2020 U.S. Census. The lawsuit filed Friday by LDF, along with non-partisan ethics watchdog American Oversight, asks the court to order DOJ to comply with a Freedom of Information Act (FOIA) request submitted by LDF seeking a range of documents about the citizenship question.

When Commerce Secretary Wilbur Ross announced in March 2018 that the 2020 decennial Census would include a citizenship question, he initially attributed the decision to a request from the DOJ. Documents released in recent months have cast doubt on that narrative, suggesting that Ross himself had initiated the move to add a citizenship question and had privately asked DOJ to make the formal request.

The documents at issue in the lawsuit filed by LDF and American Oversight will help shed light on the origin of the citizenship question and the process by which DOJ developed and issued its recommendation to the Commerce Department.

"The Justice Department's efforts to add a citizenship status question to the 2020 census is deeply problematic given this administration's hostility to communities of color – which include immigrant people – in both its rhetoric and policies," said Leah Aden, deputy director of litigation at LDF. "The American people deserve to know the precise reasons that the Justice Department has been so intent on including a citizenship status question on the next census. We do not believe it's in order to protect minority voting rights, as the department claims. If the department has nothing to hide, it should disclose the requested materials."

According to a new filing last week by the DOJ in response to a multi-state lawsuit seeking to block the citizenship question, Ross has admitted discussing the question with former White House senior adviser

Stephen Bannon and Attorney General Jeff Sessions as early as the spring of 2017 – contradicting testimony Ross gave to Congress earlier this year. According to the filing, Ross remembered Bannon asking the Commerce secretary to speak to Kansas Secretary of State Kris Kobach about a possible citizenship question. Kobach served as Vice Chair of President Trump’s disbanded “voter fraud” commission.

"The Trump administration has never told the American people the truth about the citizenship question, and it is increasingly clear that DOJ engaged in pretextual exercise to justify a political decision that could have serious consequences for the accuracy of the census," said Austin Evers, Executive Director of American Oversight. "Given the major impact that a citizenship question could have on who participates in the census—and the resulting redistribution of federal funds and congressional representation—the Justice Department should immediately release the records demanded by LDF. The public can assess for itself whether the administration’s decision to include the question was grounded in legitimate policy concerns or in something more insidious."

In April 2018, soon after Ross claimed that the citizenship question came at DOJ’s request, LDF submitted a FOIA request to DOJ seeking memos, analyses, correspondence, and other documents regarding the department's review of the citizenship question, including the necessity of a citizenship question to enforce Section 2 of the Voting Rights Act, whether the existing citizenship question on the American Community Survey is sufficient for this purpose, and the potential impact on minority groups' participation in the upcoming Census. Six months later, DOJ has failed to provide records in response to LDF’s FOIA request, leading LDF to file suit in the Southern District of New York to compel the department to respond. American Oversight is serving as co-counsel in the suit.

Read the full complaint [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

American Oversight is a non-partisan, nonprofit ethics watchdog committed to holding the Trump administration accountable. Through public records requests and litigation, American Oversight identifies and extracts evidence of corruption, misconduct, or conflicts of interest in the administration. Follow us at @weareoversight and learn more at <http://www.americanoversight.org>.