

THE BROOKINGS INSTITUTION  
5 on 45 Podcast  
October 10, 2018

CONTRIBUTORS

HOST  
ADRIANNA PITA

ALAN BERUBE  
Senior Fellow and Deputy Director – Metropolitan Policy Program

(MUSIC)

PITA: You're listening to 5 on 45 from the Brookings Podcast Network: analysis and commentary from Brookings experts on today's news regarding the Trump administration.

BERUBE: Hi, I'm Alan Berube, senior fellow and deputy director at the Brookings Metropolitan Policy Program.

When most people in Washington talk about 2020, they're referring to the upcoming presidential election. And it seems like it's still a long ways away. But there's another pivotal 2020 event that's fast approaching: the decennial census count. And events are already underway that could dramatically affect who is counted, with significant repercussions for local economies and American democracy.

Just yesterday, the Second U.S. Circuit Court of Appeals in New York, denied a petition by the Department of Commerce that sought to preclude Secretary Wilbur Ross from having to testify regarding the administration's effort to add a new question to the 2020 census. Now the issue is moving to the Supreme Court.

What's going on here and why are the stakes so high? Well it all started back in 2017 when the Commerce and Justice Departments initiated discussions about adding a question on citizenship to the census form. Not since 1950 has a Census Bureau asked respondents to the decennial survey about their citizenship status. Administration officials argued that gathering better information about voting age citizens is essential for enforcing the Voting Rights Act. In March of this year, the Commerce Department announced it would add the citizenship question to the 2020 census.

What's the big deal about one more question on the census you might ask? As my Brookings colleague Bill Frey argued in *The New York Times* last week, the citizenship question threatens to distort our understanding of who resides in the United States. That's because, according to the Census Bureau's own research, including a citizenship question in the decennial survey leads to lower response rates among households that contain

noncitizens. Such households may fear that the federal government would use the census data to conduct immigration enforcement.

That fear is certainly pronounced right now given the Trump administration's stepped up deportations of immigrants, both legal and legal. From its inception in 1790, the decennial census has sought to count every resident of the United States. But far fewer noncitizen households [would] respond to the census because of the new question. The places in which they live will be undercounted. And that will have far reaching consequences. It will reduce immigrant communities representation in Congress and in state legislatures, which lawmakers base in part on the census count. It will lead federal and state governments to misallocate billions of dollars in funding distributed on the basis of the count. And it will corrupt the framework for hundreds of other surveys the government, the private sector, and even Brookings researchers use millions of times every day.

Which brings us back to yesterday's court decision. Knowing the negative impact this citizenship question could have, dozens of states and cities filed a lawsuit to block the Trump administration from adding the question. As part of that lawsuit, the states and cities are seeking testimony from Commerce Secretary Wilbur Ross and Justice Department official John Gore regarding the timing and intent of their decision to implement this citizenship question. That testimony would form part of a trial over the question set to begin on November 5<sup>th</sup>, just before the midterm elections. The plaintiffs hope to demonstrate, through Ross's and Gore's testimony, that the Trump administration didn't add the question in order to enforce the Voting Rights Act, but rather to achieve a political goal: ensuring that the census does not count undocumented immigrants, and that as a result they are not represented in Congress—usually by Democratic lawmakers.

The case now sits with Supreme Court Justice Ruth Bader Ginsburg. Her decision, or that of the full court if she decides to refer the case to them, will mark an important

milestone in the battle over what on the surface might seem like statistical arcana, but in reality has much deeper implications for the future of American society and democracy.

PITA: Thanks for listening. You can find more episodes of 5 on 45 and the rest of the Brookings Podcast Network on Apple or Google podcasts, Spotify, Castbox, Stitcher or your other favorite podcast app. And don't forget to follow us on Twitter at @policypodcasts for news and updates.