

Congress of the United States
Washington, DC 20515

January 8, 2019

The Honorable Wilbur L. Ross, Jr.
Secretary
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, D.C. 20230

Dear Secretary Ross:

The Committee on Oversight and Reform is seeking your testimony regarding the ongoing preparations for the 2020 Census and your decision to add a citizenship question—despite warnings from the Census Bureau that it could seriously harm the accuracy of the count.

The Committee also has serious concerns about new evidence, including emails and a supplemental memorandum you submitted in ongoing litigation in this matter, indicating that you orchestrated the addition of the citizenship question before any request was made by the Department of Justice (DOJ). This evidence appears to contradict your previous testimony to Congress.

Over the past three weeks, my staff have repeatedly tried to communicate with your office about a date in January or February on which you would be available to testify. I asked my staff to work with your office to identify a date that would work with your schedule, but your staff declined to identify any day on which you would be willing to appear.

Recently, your staff indicated that you would not testify until the government shutdown ends. This response is problematic for two reasons. First, President Trump indicated last week that the shutdown could last for “years.” The Trump Administration may not use the President’s own actions in causing the shutdown—and extending it—to avoid oversight by Congress, which is one of our core responsibilities under the Constitution. Second, the current partial government shutdown does not apply to the Census Bureau, which is funded and operating.

Yesterday, you were asked during an interview whether you would agree to appear before the Committee at my request. You indicated that you would, stating: “We feel like we have nothing to hide, so we will deal with all of his questions.”¹

For these reasons, I am writing to request that you testify before the Committee on February 12, 2019. If you have a conflict on that date that cannot be resolved, please contact my staff to arrange an alternate date for your testimony.

¹ *Squawk Box*, CNBC (Jan. 7, 2019) (online at www.cnbc.com/video/2019/01/07/secretary-ross-addresses-allegations-of-misleading-testimony.html).

Request for Documents

In addition, I request that you finally comply with the previous request for documents that I made with Representative Carolyn Maloney and other Members of the Oversight Committee on April 4, 2018.² Specifically, please provide the following documents to the Committee:

1. All documents and communications relating to any concerns expressed by the Census Bureau regarding the addition of a citizenship question to the 2020 Census;
2. All analyses, including drafts, relating to the potential impact that adding a citizenship question would have on response rates;
3. All communications between or among officials from the Department of Commerce, the Census Bureau, and any other office or entity inside or outside of the government regarding the addition of a citizenship question; and
4. All documents, communications, and analyses relating to cost increases that could result from the addition of a citizenship question.

In addition to producing these previously-requested documents, I ask that you provide the following documents regarding the Census' budget and timing:

5. All documents and communications relating to any 2020 Census program or testing that has been cancelled, delayed, or modified due to budget constraints; and
6. All documents and communications relating to concerns raised by the Department or the Census Bureau regarding budget constraints for the 2020 Census.

Requests for Information

Finally, I request that you provide answers to the questions that were sent to you by me, Representative Maloney, and more than 40 Members of Congress on June 28, 2018, and August 3, 2018.³ Specifically, please provide answers to the following questions:

² Letter from Ranking Member Elijah E. Cummings, Rep. Carolyn B. Maloney et al., House Committee on Oversight and Government Reform, to Secretary Wilbur L. Ross, Jr., Department of Commerce, and Acting Director Ron Jarmin, Ph.D., Census Bureau (Apr. 4, 2018) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-04-04.%20EEC%20Maloney%20Norton%20Clay%20Connolly%20%26%20Gomez%20to%20Commerce%20re.Cens_....pdf).

³ Letter from Rep. Carolyn Maloney et al., to Secretary Wilbur L. Ross, Jr., Department of Commerce (June 28, 2018) (online at <https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-06-28.EEC%20et%20al%20to%20Ross-DOC%20re%202020%20Census%20Citizenship%20Question.pdf>); Letter from Rep. Carolyn Maloney et al., to Secretary Wilbur L. Ross, Jr., Department of Commerce (Aug. 3, 2018)

1. Who were the other senior Administration officials who proposed adding a citizenship question?
2. Who did you consult with, both inside or outside the Administration, about the addition of a citizenship question and when did these discussions take place?
3. Why did you testify before the House Ways and Means Committee on March 22, 2018, that DOJ had “initiated the request” for a citizenship question when your supplemental memo clearly states that you initiated that discussion with DOJ?
4. Did the rationale for the citizenship question being necessary for enforcement of the Voting Rights Act originate with the Department of Commerce or the Department of Justice?
5. When did you first begin considering adding a citizenship question to the 2020 Census? Who or what prompted you to begin this consideration?
6. When did you decide that a citizenship question should be added to the 2020 Census? Why did you come to that decision?
7. When did you first request that the Census Bureau include a citizenship question and to whom did you request this?
8. Did you discuss adding a citizenship question to the 2020 Census with any Trump Administration, Trump transition, or Trump campaign officials before you were nominated to be Secretary? If so, who did you speak to and what was the nature of the conversation?
9. Did you discuss or seek advice from past Census Bureau Directors about the impact that a citizenship question could have on the accuracy of the Census? If so, who?
10. Why did you and your staff believe it was necessary to have the Department of Justice request that the Bureau add a citizenship question? Why did you contact the Department of Homeland Security about a potential request and why did they deem the Justice Department to be in a better position to assist with your request?
11. When did the Department of Commerce begin working with the Department of Justice to request that a citizenship question be added to the census? Who was involved in this process? Were officials from the White House a part of the process? If so, who?

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12. Why did you repeatedly tell Congress, under oath, that the request for a citizenship question was initiated by the Department of Justice when your own emails show that you initiated the request?
13. Why did you provide a supplemental memo to the court on June 21, 2018, contradicting your testimony to Congress? Why did you not disclose these facts to Congress before the document was publicly released?
14. Please name all past and present senior administration officials with whom you discussed the idea of adding a citizenship question to the 2020 Census.

Please provide the documents requested above and the answers to the questions above by January 22, 2019.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact my staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings
Chairman
Committee on Oversight and Reform

Enclosure

cc: The Honorable Jim Jordan, Ranking Member