



Legislation Text

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Res. No. 284

Resolution calling upon the United States Congress to pass, and the President to sign, S.2580, the “Every Person Counts Act,” to ensure that no question about citizenship appears on the 2020 decennial census.

By Council Members Powers, Chin, the Speaker (Council Member Johnson), Ayala, Levine, Cornegy, Cabrera, Rivera, Miller, Brannan, Reynoso and Lander

Whereas, The United States (“US”) Constitution mandates that the federal government conduct a decennial census for tax and representation purposes; and

Whereas, US census data is widely used by government agencies, research institutions and community groups for appropriating billions of dollars in federal aid and services; and

Whereas, The US Census Bureau acknowledges that both overcounts and undercounts occur in the census process; and

Whereas, New York City’s densely populated urban context resulted in the lowest response rates for the 2000 and 2010 census, nearly 10 percentage points below the national average; and

Whereas, In spite of US Census Bureau precautions in 2010, canvassing failed to identify many New York City addresses due, in part, to an inability to access apartment building residence, illegal sublets, and residents’ general mistrust of federal employees; and

Whereas, New York City is home to many “hard to count” populations, including 3.1 million immigrants, comprising 38% of its population and 45% of its workforce; and

Whereas, On December 12, 2017, the Department of Justice sent a letter to the US Census Bureau, requesting that a question on citizenship status be added to the 2020 census form; and

Whereas, The entire US population has not been required to complete a citizenship question on the

decennial census form since 1950; and

Whereas, On March 20, 2018, US Senator Robert Menendez (D-NJ) introduced the “Every Person Counts Act” (S.2580) which would require that the decennial census tabulate the total number of persons in each state and elicit no information regarding US citizenship or immigration status; and

Whereas, On March 26, 2018, the US Commerce Secretary Wilbur Ross announced that the 2020 census would include a citizenship status question; and

Whereas, Citizenship data is argued to be critical for calculating the Citizen Voting-Age Population (“CVAP”) used to enforce section two of the voting rights act of 1965, which prohibits discriminatory voting practices or procedures; and

Whereas, Congress could not have intended to use CVAP for section two of the voting rights act of 1965, because the census did not include a population-wide citizenship question to collect CVAP data after 1950; and

Whereas, From 1980 through 2016, the Census Bureau has maintained that inquiries regarding citizenship have the potential to drive down response rates and impair the accuracy of the decennial count, evidenced in court arguments (*Fed’n for Am. Immigration Reform v. Klutznick*), congressional testimony and other communications; and

Whereas, Sending all households a census form with a citizenship question is expected to depress the immigrant participation rate as the Trump administration has made aggressive statements and policy decisions to the detriment of the immigrant community in the US; and

Whereas, In the March 2018 memo, the Department of Commerce stated it “is not able to determine definitively how inclusion of a citizenship question on the decennial census will impact responsiveness;” and

Whereas, During 2017 pre-tests, the Census Bureau released a memo detailing increases in respondents voicing concerns about confidentiality; and

Whereas, Census testing researchers heard concerns related to the ‘Muslim ban,’ the “dissolution of the

Deferred Action for Childhood Arrival program,” and “Immigration and Customs Enforcement presence;” and

Whereas, The last end-to-end 2020 census test began on April 1, 2018, and does not include a citizenship question, meaning the question will be deployed on the final census questionnaire without significant testing, a move that is unprecedented in modern census administration and contravenes federal standard operating procedure; and

Whereas, New York Attorney General Eric Schneiderman filed a lawsuit on April 3, 2018, joined by sixteen states and the District of Columbia, against President Donald Trump and the US Department of Commerce over the inclusion of the citizenship question in the 2020 decennial census; and

Whereas, Accurate information about New York City’s population is critical to ensuring that the City receives adequate federal funding and representation at federal, state and local levels; and

Whereas, In Fiscal Year 2018, the City budgeted for \$8.3 billion in federal grants, many of which are allocated based on census data; and

Whereas, New York lost two Congressional seats after the 2010 census due to undercounting and risks losing another seat in 2020 for the same reason; and

Whereas, The New York State Assembly and Senate districts are set based on census data and a significant undercount of downstate populations may erroneously lead to diminished representation upstate; and

Whereas, The decennial Districting Commission redraws City Council districts based on census data and undercounts in some neighborhoods could lead to unequal Council district populations; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, S.2580, the “Every Person Counts Act,” to ensure that no question about citizenship appears on the 2020 decennial census.

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