

## HEADED TO THE SUPREME COURT

The citizenship question is included in the list of census questions that the Census Bureau [sent to Congress](#) in mid-2018. But the new questions inclusion has been challenged in court on the grounds that it could cause many immigrants to skip the 2020 census out of fear their information could be used against them, even though it is illegal to share a person's census responses with law enforcement or immigration agencies.

On January 15, 2019, a federal judge struck down a decision by the Trump administration to add a question about citizenship to the 2020 U.S. Census, setting up what's expected to be a drawn-out appeal process from the U.S. Department of Justice. U.S. District Judge Jesse Furman of the Southern District of New York said in the decision that Commerce Secretary Wilbur Ross violated the Administrative Procedure Act while deciding to add the citizenship question to the survey over the first year and a half of the Trump administration.

Furman said the plaintiffs (a person or party who brings a case against another in a court of law) in the case—a group of states and immigrant rights groups—had proven throughout the case that they would be harmed in various ways as a result of the question being added to the census.

New York Attorney General Letitia James is leading a coalition of 18 states in the litigation. The New York Immigration Coalition brought similar litigation, which was consolidated with the suit from New York for trial. The latter group is represented by the New York Civil Liberties Union, the American Civil Liberties Union and Arnold & Porter Kaye Scholer.

Dale Ho, director of the ACLU's Voting Rights Project, called the ruling a "rebuke" to the Trump administration's immigration policies. "The evidence at trial, including from the government's own witness, exposed how adding a citizenship question would wreck the once-in-a-decade count of the nation's population," Ho said. "The inevitable result would have been—and the administration's clear intent was—to strip federal resources and political representation from those needing it most."

A spokeswoman from the U.S. Department of Justice said it is still reviewing the decision, but are disappointed. "We are disappointed and are still reviewing the ruling. Secretary Ross, the only person with legal authority over the census, reasonably decided to reinstate a citizenship question on the 2020 census in response to the Department of Justice's request for better citizenship data, to protect voters against racial discrimination," the spokeswoman said. "Our government is legally entitled to include a citizenship question on the census and people in the United States have a legal obligation to answer. Reinstating the citizenship question ultimately protects the right to vote and helps ensure free and fair elections for all Americans."

"In arriving at his decision as he did, Secretary Ross violated the law," Furman said. "And in doing so with respect to the census ... Secretary Ross violated the public trust."