

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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**Opening Statement**  
**Chairwoman Carolyn B. Maloney**  
**Full Committee Hearing**  
**“Counting Every Person: Safeguarding the 2020 Census Against the**  
**Trump Administration’s Unconstitutional Attacks”**  
**July 29, 2020**

Good morning. Thank you all for being here today.

Our Constitution requires that every ten years, we count every person living in the United States of America. We use this count to allocate more than a trillion dollars in federal resources, to draw legislative maps, and to assign electoral college votes to states. It is no exaggeration to say that the census is a cornerstone of our democracy.

Last week, the President issued a memorandum directing the Secretary of Commerce to provide him with the information necessary to exclude undocumented immigrants from the census count for apportionment purposes.

Let me be clear: the President’s direction is unconstitutional. It is illegal. And it disregards the precedent set by every other President, beginning with George Washington.

The Constitution requires the census to count “the whole number of persons in each state.” Federal law requires the Secretary of Commerce to report the “total population” of each state to the President, and it requires the President to transmit this information to Congress.

In the 230-year history of the census, no President has ever tried to manipulate the census count in this way. In fact, just two years ago, the Census Bureau reaffirmed its commitment to do the exact opposite of what the President is now trying to do—the Bureau committed to counting every person, regardless of citizenship or legal status, under the same rules Congress set in the Census Act of 1790.

The President’s decision to release this illegal memo now appears designed to inflict maximum damage to the accuracy of the ongoing 2020 Census.

In just two weeks, the Census Bureau will start visiting the homes of millions of people who have not yet responded to the Census. The President’s latest attack on immigrants could sow fear and confusion in communities across the country, and could lead many people to decide not to participate. This will hurt communities that are already under-counted, under-represented, and under-funded.

Addressing the chaos caused by the President’s memo will drain valuable resources from the Census Bureau, which is already struggling to administer the 2020 Census in the middle of an unprecedented pandemic.

And it will further divide our country at a time when we need unity.

Of course, this is not the first time that the President Trump has attempted to politicize the census. For more than two years, he tried to add a citizenship question, even though the Census Bureau's own studies showed it would depress response rates in many communities.

When this Committee investigated, Secretary Ross and other Administration officials denied they were trying to exclude immigrants from congressional apportionment, and instead claimed—falsely—that the Department of Justice needed citizenship data to enforce the Voting Rights Act.

The Supreme Court saw through their explanation, calling it “contrived,” and blocking the addition of the citizenship question. And when Secretary Ross and Attorney General Barr refused to turn over documents about the real reason for the citizenship question, the House held them both in contempt.

Now the President is trying again to weaponize the census to hurt immigrants, and help Republicans.

As a nation, we depend on the census to be nonpartisan, fair, and accurate. As I told Director Dillingham the last time he appeared before us: our Constitution requires it, our communities rely on it, and our democracy depends on it.

We are here today, at this emergency hearing, because the Trump Administration is threatening this cornerstone of our democracy. We will hear from four former Census Bureau Directors, who oversaw the Census Bureau during Republican and Democratic Administrations. They will share their views on the President's unprecedented attempts to manipulate the Census count, and why it is important to count every person in the United States.

Then we will hear directly from the current Census Bureau Director, Dr. Dillingham. I expect Dr. Dillingham to give us an honest assessment of how the President's memo could impact the accuracy of the Census and what the Bureau is doing to address this risk.

I thank all of our witnesses for participating today, and I look forward to your testimony. I now recognize the distinguished Ranking Member, Mr. Comer, for an opening statement.

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