

Census update and reiterated calls to action from Gary Bass, Bauman Foundation

Below are five updates regarding the citizenship question that has been added to the census:

1. There are already more than 180 grantmaking institutions signed on to a letter asking the Commerce Department to withdraw the citizenship question.

This is remarkable! The signers come from across the country and include big and small funders. I don't recall a time when so many funders coalesced around a common agenda. If your institution has not yet signed on, the deadline is July 30. Let's get to at least 200 signatories. The sign-on letter is attached and the link to sign on is at <https://goo.gl/forms/4jyrXYwdnlqV885H2>.

2. Please send information to your grantees about the citizenship question.

Engaging on the citizenship question – including sending information to your grantees – is completely legal and permissible for private foundations. (If you would like to see a legal opinion, I'm happy to send you one.)

The Leadership Conference on Civil and Human Rights, NALEO Educational Fund, and Asian Americans Advancing Justice | AAJC are working collaboratively to encourage nonprofits and the public to submit comments about the citizenship question to the Commerce Department. (The Commerce Department is accepting [public comments](#) until Aug. 7.) The groups have created a [portal](#) (<http://censuscounts.org>) to make it easier to submit comments. It has a sample comment letter which users can edit. There is also a "action alert" they developed that has an expanded sample comment letter (see attached).

Given the importance of this issue, we're hoping you'd be willing to send information to your grantees about the comment period. Here is a suggested email for you to send to your grantees:

On March 26, Commerce Secretary Wilbur Ross added a citizenship question to the 2020 census, which he said at that time was in response to a request from the Justice Department to improve enforcement of the Voting Rights Act. We believe the new question will make it harder to get a fair and accurate census. This in turn will affect our community and has implications for funders and grantees alike.

The census provides key data for a range of local services including location of schools, hospitals and housing, and helps the private sector make investment decisions about facilities, hiring, and marketing. Census data also influence the allocation of more than \$700 billion in federal government resources to states and localities. And, of course, the data is used to apportion seats to Congress and draw district lines.

Since this has such significance for our community and our democracy, we wanted to alert you to the issue. If you are interested in learning more about the census and the citizenship question, there are useful materials on the websites of the three lead national organizations: [The Leadership Conference on Civil and Human Rights](#) (see the section on "Census, Citizenship, and Immigration/Legal Status"), [NALEO Educational Fund](#), and [Asian Americans Advancing Justice | AAJC](#) (see their [debunking citizenship question myths](#)).

The Commerce Department is accepting public comments on the census until August 7, and the three organizations have created a portal to submit comments about the citizenship question at <http://censuscounts.org>. Attached is their action alert that has links to a sample comment letter, talking points, sample letters to the editor, and social media messages and images.

It is unusual for us to send this type of information to our grantees. We do so not as a funder to a grantee, but rather as committed members of our community so you are aware of opportunities to take action if it is relevant to your mission. Whether or not you get more involved in this issue, however, will have no bearing on our current or future grantmaking relationship with you. Because the census is a fundamental building block for our democracy under our Constitution and affects how federal program investments are made in our communities, we feel it is important to share this information.

3. Don't forget to send your own letter to the Commerce Department.

Even if you signed on to the grantmakers letter (mentioned above and attached), it is very important to send your own letter, even if it is a short one. We have a [sample letter](#) to help you get started. Bauman Foundation will be submitting our own comment letter by the end of next week and we're happy to send that around, if helpful.

4. 25 organizations are co-hosting a webinar on Philanthropy's Response to the Addition of a Citizenship Question to the 2020 Census.

It is *Thursday, July 12 at 3 pm – 4 pm ET*. [Register Here](#). Keely Monroe, Funders Census Initiative at Funders' Committee for Civic Participation, will moderate. The panelists include Corrine Yu of the Leadership Conference Education Fund, Maggie Osborn of United Philanthropy Forum, and me.

5. Litigation against the citizenship question moves forward.

There have been six lawsuits filed to get the citizenship question removed from the 2020 Census. On one suit filed by New York Attorney General Barbara Underwood on behalf of 18 states, more than a dozen localities, and the U.S. Conference of Mayors, Judge Jesse Furman of Manhattan's Southern District allowed discovery to proceed while consideration of a Justice Department's motion to dismiss moves forward. The NY AG asked to obtain internal government documents to help determine how the Commerce Department arrived at the decision to add the citizenship question. The judge gave the Commerce and Justice Departments until July 23 to produce the documents and list any documents being withheld and a reason for not disclosing them.

Maybe Judge Furman was reacting to information that has already been released as a result of these suits. For example, there was a one-page [memo](#) written on June 21 by Commerce Secretary Wilbur Ross indicating that soon after his appointment as Secretary he began considering whether to add the citizenship question, "which other senior Administration officials had previously raised." The memo says that he and his staff thought adding the question "could be warranted" and asked the Justice Department to request that the Commerce Department add the citizenship question. This runs counter to the explanation the Secretary provided on March 26 when he announced the addition of citizenship question. At that time he said he was doing so at the request of the Justice Department and did not mention that he asked the Justice Department to make the request.

Meanwhile another complaint filed by MALDEF and Asian Americans Advancing Justice | AAJC was amended on July 9 by adding Native American groups to the lawsuit. The amended complaint also now alleges that the citizenship question was the product of a conspiracy by Donald Trump, former White House advisor Steve Bannon, Kansas Secretary of State Kris Kobach, and other cabinet members and government officials to violate the civil rights of communities of color. The amended complaint cites the June 21 Ross memo and other documents that have been released.