

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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MEMORANDUM

July 24, 2020

To: Members of the Committee on Oversight and Reform

Fr: Committee Staff

Re: Hearing on “Counting Every Person: Safeguarding the 2020 Census Against the Trump Administration’s Unconstitutional Attacks”

On Wednesday, July 29, 2020, at 10:00 a.m., in room 2154 of the Rayburn House Office Building, the Committee will hold a hearing on President Donald Trump’s July 21, 2020, memorandum directing Secretary of Commerce Wilbur Ross to exclude undocumented immigrants from the 2020 Census count.

I. BACKGROUND AND PURPOSE

The Constitution requires that the Census count include every person in the United States. Article I, Section 2 of the Constitution requires the “actual Enumeration” of the “whole number of free persons” living in the United States for purposes of apportioning representatives.¹ The Fourteenth Amendment modified this requirement to include “the whole number of persons in each state.”² Federal law requires the Secretary of Commerce to submit “the total population” of each state as determined by the decennial census to the President.³ The President must then send “the whole number of persons in each State” to Congress for apportionment purposes.⁴

On July 21, 2020, President Trump issued a memorandum directing Secretary Ross:

For the purpose of the reapportionment of Representatives following the 2020 census, it is the policy of the United States to exclude from the apportionment base aliens who are not in a lawful immigration status under the Immigration and Nationality Act.⁵

¹ U.S. Const. art. I, § 2.

² U.S. Const. amend. XIV, § 2.

³ 13 U.S.C. § 141(b).

⁴ 2 U.S.C. 2a(a).

⁵ The White House, *Memorandum on Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census* (July 21, 2020) (online at www.whitehouse.gov/presidential-actions/memorandum-excluding-illegal-aliens-apportionment-base-following-2020-census/).

The hearing will examine this directive and other attempts by the Trump Administration to politically manipulate the 2020 Census.

The Committee on Oversight and Reform has both oversight and legislative jurisdiction over the Census. House Rule X, clause 1(n) assigns to the Committee legislative jurisdiction over “Population and demography generally, including the Census.”⁶

II. WITNESSES

Wilbur L. Ross, Jr. (or designee, invited)

Secretary, Department of Commerce

Dr. Steven Dillingham (invited)

Director, Census Bureau

Dr. John Abowd (invited)

Chief Scientist, Census Bureau

Vincent Barabba

Former Director, Census Bureau (1973-1976 and 1979-1981)

Kenneth Prewitt

Former Director, Census Bureau (1998-2001)

Robert M. Groves

Former Director, Census Bureau (2009-2012)

John H. Thompson

Former Director, Census Bureau (2013-2017)

Other Witnesses (TBD)

Staff contacts: Tori Anderson, Max Whitcomb, or Janet Kim at (202) 225-5051.

⁶ House rule X, clause 1(n).