

April 17, 2018

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City of San José Files Lawsuit Challenging Trump Administration's Effort to Include a Citizenship Question on the 2020 Census

San José, Calif. – The City of San José announced this morning that it had filed a lawsuit in federal court seeking an injunction prohibiting the U.S. Census Bureau from including a citizenship question on the 2020 Census.

The U.S. Department of Commerce's March 26 decision to include a citizenship question on the next Census will result in undercounting in San José, and the lawsuit notes that four former Census Bureau directors share the view that inquiring about citizenship status on the census would likely exacerbate privacy concerns and lead to inaccurate responses from non-citizens worried about a government record of their immigration status. As a result, San José and its residents are at risk of both lost representation and foregone federal funding for important public services.

The Commerce Department's actions also directly impede the City's efforts to ensure that all San José residents are counted. In particular, the City has partnered with several community organizations to leverage new mapping and text messaging tools, and mobilize volunteers, to help ensure an accurate count of residents living in unconventional housing situations.

*"In San José, everyone counts," said **Mayor Sam Liccardo**. "Our values – and values held dear by millions of Americans – appear threatened by the Trump Administration's political motives. Adding a citizenship question to the 2020 Census will stoke fears and depress participation in diverse cities like San José, threatening hundreds of millions in funding for health, education, and other critical services upon which our entire community depends."*

[View a copy of the legal complaint](#)

The City of San José's legal case will be handled pro-bono, at no cost to the City, by Manatt, Phelps, & Phillips, LLP, Public Counsel, and the Lawyers' Committee for Civil Rights Under Law.

*"African Americans, Latinos and other minority communities have historically been undercounted during each decennial census. This administration's 11th hour insertion of a citizenship question will exacerbate this long-standing problem," said **Kristen Clarke, President and Executive Director of the Lawyers' Committee for Civil Rights Under Law**. "Moreover, while the administration says the citizenship question is necessary to help with*

enforcement of the Voting Rights Act, we know this is a spurious claim. Cases to protect the voting rights of minority communities brought by DOJ have come to a grinding halt. This citizenship question aims to weaponize the Census to disrupt the 2020 redistricting cycle and obstruct efforts to ensure a fair and accurate Census count as the Constitution requires."

*"When the opportunity to work on a case of this magnitude presents itself, the only response is action," said **John Libby, partner at Manatt, Phelps & Phillips**. "It is our responsibility to uphold the principles that embody the Constitution. That responsibility includes ensuring the accuracy of the United States Census so that all persons are counted and are not deterred from responding to the Census by questions about their citizenship, which have not been asked on the Census for nearly seven decades. An accurate count is crucial so that Congressional districts can be properly allocated and local governments can receive the funding necessary to keep them operating efficiently. Working hand-in-hand with our clients, the City of San José and the Black Alliance for Just Immigration, and co-counsel from the Lawyers' Committee for Civil Rights Under Law and Public Counsel, we hope to eliminate this particular question so all people residing in the U.S. feel safe and secure responding to the 2020 Census."*

The legal challenge was authorized by the San José City Council in Closed Session earlier this month, and several Councilmembers offered statements of support following the filing of the complaint:

- *"Including a citizenship question on the 2020 census is another attempt to instill fear in our local community and short-change the residents of San José," said **Vice Mayor Magdalena Carrasco**. "We have a very clear and simple message for President Trump: The City of San José stands united against your constant barrage of divisive tactics. We will ensure that every resident is accurately counted."*
- *"The census helps determine resources and services for communities; it shouldn't be used as a tool by the Federal Administration to have families self-identify as non-documented," said **Councilmember Sylvia Arenas**. "If this question is included in the Census 2020, our communities may assume that this information could be used against them in the future, pushing non-documented and documented families further into the shadows and away from necessary public services."*
- *"Full participation in the census is extremely important to our city, because the data collected is used to distribute billions in federal funds to local communities and also determines the number of seats each state has in the U.S. House of Representatives," stated **Councilmember Dev Davis**. "The fear that even legal immigrants feel in dealing with government is real; the inclusion of a citizenship question in the next census will deepen that fear and discourage participation. As a former researcher, I value the collection of good data, which leads to better outcomes for all. We want everyone's input on what resources our community needs, and the census is one important way to get that information."*
- *"We, as elected officials, are obligated to serve and represent our entire community, including those who voted for us, those who did not, and those who are ineligible to vote," said **Councilmember Lan Diep**. "A full accounting of the people who live in the area is necessary for us to provide needed services and receive the proper federal funding for it. Anything that lessens participation in the 2020 Census is poor policy."*

- *"As a city where 40% of our residents are foreign-born, we must continue to lift up and protect our immigrant communities," said **Councilmember Sergio Jimenez**. "Today, we fight back against an administration that continuously uses fear to intimidate our hardworking, diverse residents. We will not allow this latest decision to lessen the impact of our great State; participation in the census is at core of our democracy, and the process should not be politicized."*
- *"We still need to keep serving the residents of our City regardless of their immigration status, and we don't want to be short-changed of the funding we need to do so," said **Councilmember Johnny Khamis**.*

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