

AG Kaul: Joins fight against Trump Administration's attempts to reduce census efforts

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MADISON, Wis. – Attorney General Josh Kaul and a large coalition of attorneys general, cities, counties, and the bipartisan U.S. Conference of Mayors are taking legal action against the Trump Administration's impairment of the 2020 Decennial Census. Earlier this month, the U.S. Census Bureau announced that it was reducing — by an entire month, from October 31 to September 30 — the time in which self-response questionnaires will be accepted and door-to-door follow-ups by census enumerators will take place. The coalition [filed an amicus brief in *National Urban League v. Ross*](#), supporting the plaintiffs' request for a nationwide stay or preliminary injunction to halt this "Rush Plan." The coalition argues that this expedited schedule will hamstring the bureau's ongoing efforts to conduct the census and will thus impair the accuracy of its enumeration of the total population of each state.

"Rather than fulfilling its responsibility of administering a fair Census, the Trump administration has been trying to skew the results," said Attorney General Kaul. "The Census process should be completed in full, not stopped early."

In the brief — filed in the U.S. District Court for the Northern District of California — the coalition of 23 attorneys general, five cities, four counties, and the U.S. Conference of Mayors, argue that amici have a direct stake in this dispute, as the decennial census determines the states' political representation in Congress, provides critical data for states' redistricting efforts, and affects hundreds of billions of dollars in federal funding to states and localities. An inaccurate census will directly impair those interests, inflicting harms that will persist for the next decade. The administration's efforts to reduce the time for both self-responses of the

questionnaire sent to every household across the country, as well as non-response follow-up operations for those who don't respond, will inevitably harm the accuracy of the population count. The shorter time period also flies in the face of what the Census Bureau previously said itself was necessary to conduct an accurate count, as it alters the deadline that the bureau had adopted specifically to accommodate the unique difficulties posed by the coronavirus disease 2019 (COVID-19) pandemic.

An undercount would severely impact Wisconsin. A district court previously found — in the litigation over the citizenship question — that even a small undercount would raise a “significant risk of an apportionment loss” to Wisconsin and other similar states. Such a loss would deprive these states of political power in Congress for a decade, hampering their efforts to serve their residents and depriving them of the representation to which they would otherwise be entitled. The undercount would also affect harm within states since census data is used for redistricting of state legislative seats as well.

Additionally, an undercount would affect hundreds of billions of dollars of federal funding that are dependent on the decennial census's population count. In particular, at least 18 federal programs distribute financial assistance based in whole or in part upon each state's relative share of the total U.S. population. Numerous other programs distribute funds based off of census data as well.

Further, self-response rates for 2020 lag behind the rates for 2010 in most states, including in Wisconsin.

The coalition goes on to argue that the court should not view this Rush Plan in a vacuum. The very integrity of the 2020 Decennial Census is at stake, and the defendants — the U.S. Department of Commerce, Commerce Secretary Wilbur Ross, the Census Bureau, and Census Bureau Director Steven Dillingham — have all repeatedly attempted to manipulate the census, in multiple ways, under the direction of President Donald Trump by previously attempting to add a citizenship question to the census and by excluding undocumented immigrants from the population count that will be used for congressional apportionment. The coalition highlights that all three of these efforts disregard unambiguous constitutional or statutory requirements, consciously deviate from centuries of consistent practice, and fail to deal honestly with the public and the courts.

Joining Attorney General Kaul in filing the amicus brief are the attorneys general of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland,

Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia. The attorneys general are joined by the cities of Central Falls, RI; Columbus, OH; Philadelphia, PA; Phoenix, AZ; and Pittsburgh, PA. Additionally, Cameron, El Paso, and Hidalgo Counties in Texas; Howard County in Maryland; and the bipartisan U.S. Conference of Mayors joined the amicus brief as well.