

OFFICE OF THE GOVERNOR
STATE OF MONTANA

Steve Bullock
GOVERNOR



Mike Cooney
LT. GOVERNOR

May 7, 2018

Chairman Trey Gowdy
House Oversight and Government Reform
2418 Rayburn House Office Building
Washington, D.C. 20515

Ranking Member Elijah Cummings
House Oversight and Government Reform
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Gowdy and Ranking Member Cummings:

The Supreme Court once observed that, “our federalism requires that Congress treat the States in a manner consistent with their status as residuary sovereigns and joint participants in the governance of the Nation.” *Alden v. Maine*, 527 U.S. 706, 748 (1999).

The changes to the Census proposed by the Executive Branch will undermine the federal-state relationship. In particular, I am concerned about reports that senior administration officials have directed the Census Bureau to include a citizenship question on the 2020 Census.

As you know, this question has not appeared on the Census since 1950. The Constitution requires an enumeration of all persons in an area, not just citizens. A citizenship question—such as the one proposed—chills participation in the Census process and risks undercounting persons in areas with large minority populations. Most concerning, the “undercount” connected with this new question would disproportionately target underrepresented communities, citizens and noncitizens alike. It threatens to dilute the voices of American Indians, Hispanics, Asian Americans, African Americans, and others in our democratic system of government.

This is unacceptable. Montanans have first-hand experience with the effects of undercounting in the Census. According to the National Congress of American Indians and the Native American Rights Fund, “in the most recent Census, nearly five percent of Native people on reservations were missed, more than double the undercount rate of the next closest population group. In the 1990 Census, the net undercount for American Indians on reservations was more than 12 percent.”

Members of your committee know how important the Census is in determining everything from congressional apportionment to the allocation of federal dollars. As a state governor, I live with the consequences of these apportionment decisions every day in my work. The consequences are especially severe for low-income Americans and other underrepresented communities, like the American Indian population in Montana. Despite this, my constituents have long been able to trust that these apportionments are conducted fairly. I hope that I can assure them of the same after the 2020 Census.

Chairman Gowdy
Ranking Member Cummings
May 7, 2018
Page 2

Changing the Census form at the last minute to add an ill-advised citizen question risks all of that progress. Underrepresented communities deserve better from the federal government than ten more years of undercounting, all so that administration officials can play political games. The federal officials who administer the Census have a special public trust: follow the Constitution, and steer clear of political games that would distort the results of the Census. After all, simply counting shouldn't be that hard. There is no place for the ugly, racial history of gerrymandering to rear its head again through the Census.

As the Supreme Court observed some years ago, “[i]t should never be forgotten that this slogan, ‘Our Federalism,’ born in the early struggling days of our Union of States, occupies a highly important place in our Nation’s history and its future.” *Younger v. Harris*, 401 U.S. 37, 44-45 (1971).

It is essential for you, Members of Congress, to examine what the Census Bureau’s proposed changes could mean for Our Federalism, our Nation’s history, and our future. When these Executive Branch officials come before your committee tomorrow, interrogate their methods, demand good reasons for changes, and do not deviate from the simple principles our Constitution requires. There’s too much at stake for your state partners to accept anything less.

Sincerely,



STEVE BULLOCK
Governor