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Supreme Court Rules Against Inclusion of Undemocratic Citizen Question in the 2020 Census

Today, civil rights groups secured a critical victory against the Trump administration's attempt to manipulate the Census to the detriment of people of color and to the accurate enumerations of the American public. In a 5-4 decision, the U.S. Supreme Court rejected the U.S. Department of Commerce's rationale for adding a discriminatory citizenship status question to the 2020 census and sent the case back to a lower court.

In April, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and law firm Goodwin Procter LLP filed an [amicus brief](#) in *Department of Commerce v. New York* illuminating the many impacts of a proposed citizenship status question on Black communities and clarifying that this type of question would not support enforcement of the Voting Rights Act (VRA), contrary to what the Department of Commerce has claimed.

"The move to add a citizenship question to the 2020 census was a thinly veiled attempt to erase communities of color – including Black people who are noncitizens, immigrants, and those who live in close proximity to these populations – from the census count under the false pretense of defending voting rights," said Sherrilyn Ifill, President and Director Counsel of LDF. "For the last 70 years, through both Democratic and Republican administrations, the Census short form that goes to every household has not included question of citizenship, and we're grateful that the Court has stopped the administration from inserting that question that now. Black communities across the nation are consistently undercounted, and it's time that our leaders focus on addressing that persistent issue rather than exacerbating it, as this proposed question would."

As an organization that has successfully used the VRA to protect the voting rights of Black Americans for decades, LDF's amicus brief unequivocally rejected the Department's baseless assertion that the citizenship status question is necessary to enforce Section 2 of the VRA. In fact, Justice Breyer cited LDF's amicus brief in his concurring opinion joined by Justices Ginsburg, Sotomayor, and Kagan to support the conclusion that the citizenship question would "not help enforce the Act."

"The census should accurately capture the multi-racial, multi-ethnic country that America is rather than replicating the discriminatory practices of the past that whitewashed our population count," said Janai Nelson, Associate Director-Counsel at LDF. "In a moment characterized by the racism and xenophobia emanating from the highest levels of

government, this ruling currently protects vulnerable people from being denied much-needed resources and an equitable allocation of political power.”

Census data is crucial for allocating billions of dollars in federal funding annually, as well as apportioning congressional seats, determining states’ Electoral College votes, developing electoral lines at all levels of government, and addressing barriers to equal opportunity in voting rights, education, housing, and criminal justice.

Read LDF’s brief [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.

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