

Supremes Say No To Census Citizenship Question “For Now”

It is a very dangerous doctrine to consider the judges as the ultimate arbiters of all constitutional questions. It is one which would place us under the despotism of an oligarchy.

—Thomas Jefferson, Letter to W. C. Jarvis 1820

The great object of my fear is the federal judiciary. That body, like gravity ever acting, with noiseless foot, and alarming advance, gaining ground step by step, and holding with it gains, is engulfing insidiously the special governments into the jaws of which feeds them. —Thomas Jefferson

A judicial activist is a judge who interprets the Constitution to mean what it would have said if he, instead of the Founding Fathers, had written it. —Senator Sam Ervin (D-NC)

You need only reflect that one of the best ways to get yourself a reputation as a dangerous citizen these days is to go about repeating the very phrases which our founding fathers used in the struggle for independence. —Charles A. Beard

Census taking has been around for thousands of years. In the Old Testament Book of Numbers, two censuses are mentioned, one in Chapter 1, taken in the second year from the Exodus, and another one in Chapter 26, taken 38 years later just before the Israelites were to enter the land of Canaan.

In the New Testament Book of Luke 2:1-5, we are told that a census took place in the entire Roman world. Joseph was of the house and lineage of David and traveled with his betrothed wife, Mary, from the city of Nazareth in Galilee into the city of Bethlehem in Judea to register.

2020 Census

The census, mandated by the Constitution, counts all U.S. residents, regardless of citizenship or residency status. The Census Bureau is required by law to count the population as of April 1, 2020; deliver state apportionment counts to the president by Dec. 31, 2020; and provide redistricting data to the states by April 1, 2021.



President Trump tweeted in April 2019 that the Census Report would be “meaningless” without the citizenship question. And he’s right! The

Supreme Court’s [ruling](#) in [Department of Commerce v. New York](#) is disappointing in that it delays, perhaps permanently, the Trump administration’s plan to include a question on the 2020 census inquiring about a respondent’s citizenship status. Hopefully, the Trump administration will try to move this issue through the courts in time for the upcoming census.

It ought to be an obvious point that the U.S. Census should try to figure out how many Americans and foreigners are present in the United States. [Article 1, Section 2](#) of the U.S. Constitution makes it clear that the census is to validate proper representation of the people in each state. One representative for every 30,000 **citizens**. The data collected by the census determine the number of seats each state has in the U.S. House of Representatives (a process called apportionment).

But counting the entire population including non-citizens is just as important. Federal funds, grants and support to states, counties and communities are based on population totals and breakdowns by sex, age, race and other factors. Communities benefit the most when the census counts everyone. The community gets its fair share of the more than \$675 billion per year in federal funds spent on schools, hospitals, roads, public works and other vital programs.

Businesses use census data to decide where to build factories, offices and stores, and this creates jobs. Developers use the census to build new homes and revitalize old neighborhoods. Local governments use the census for public safety and emergency preparedness. Residents use the census to support community initiatives involving legislation, quality-of-life and consumer advocacy.

Census History

Citizenship originated with the 1820 Census, place of birth originated with the 1850 Census, and year of entry originated with the 1890 Census. And from 1890 to 1950, it [appeared](#) on every census. Since then, it has been included on every long-form census questionnaire from 1970 to 2000. To this day, the question is still [asked](#) on the [American Community Survey](#) (ACS), an annual supplement to the [Decennial Census](#). The citizenship question is not a new concept; it is the restoration of common sense.

The ACS is an ongoing survey by the U.S. Census Bureau. It regularly gathers information previously contained only in the long form of the decennial census, such as ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics.

Lost in the partisan uproar is that a citizenship question has appeared in some form or another on censuses throughout our

history. Indeed, it was only removed entirely in 2010 by President Obama, and its roots stretch deep into the founding era. It's worth detailing the history to dispel all the many false narratives and there are many.

A question about citizenship was proposed for the first time in 1800 by Thomas Jefferson, who advocated for an [inquiry](#) into "the respective numbers of native citizens, citizens of foreign birth, and of aliens." His straightforward reason for wanting such a question was "for the purpose of more exactly distinguishing the increase of population by birth and immigration." Jefferson got his wish just two decades later, when a version of his question appeared on the census of 1820, which asked how many "foreigners not naturalized" lived in each household.



Simple question! But the Socialist Democrats hate the idea of the American people knowing more about the number of foreign nationals present in the United States, which is why they oppose a census question about citizenship. There are however, legalities that protect foreign nationals, and they know this.

Census Legalities

The Constitution requires a census every 10 years, and it is essential that the census be an accurate count of the total population. Given how the states and federal government use the census, it is absurd to suggest the count should not consider the number of U.S. citizens and non-citizens in the country. The census is used to draw congressional districts and assure the voters of each state are adequately represented in Congress. So, we are talking about information that has been collected throughout most of our history and is critical to the very core protections of the Constitution.

Note that the citizenship question does not ask about a person's legal status; it merely asks about citizenship status and thus has nothing whatsoever to do with immigration enforcement. In fact, [federal law prevents census data from being used for anything other than statistical analysis](#), and there is no evidence any agency intends to violate it.

The citizenship question protects minority voters by aiding states to apportion legislative seats while complying with the [Voting Rights Act](#). That 1965 law rightly [forbids](#) the "denial or abridgement of the right of any citizen of the United States to vote on account of race or color." Courts have held this prevents states from drawing legislative districts that dilute minority voting strength. Without accurate citizenship numbers, there is no way of knowing if the voices of minority voters are being unfairly diluted.

And, knowing the number of citizens in any district will help reduce voter fraud by providing a more complete picture of the eligible voters in a district. If there are, say, 300,000 U.S. citizens in a district, and 350,000 turn out to vote in an election, we'll know there's a problem. We have seen this before, [especially in the 2016 election](#), but apparently no one seems to care.

Because the Obama administration failed to ask this question, undoubtedly minority communities have been harmed by making voter fraud harder to detect and we've seen [fraud multiple times over](#)...including the fact that California actually allows illegal aliens to vote. The socialist left objects to the citizenship question believing it will decrease participation in the Census Survey, but there's no evidence to document this. In fact, when President Obama removed the question in 2010, there was no sudden increase in reporting population.

Obama's former Attorney General, [Eric Holder, has vowed to fight the Trump administration decision to add the citizenship question to the census](#), despite the fact our founders were all

for it.

As a sovereign nation, America should know what proportion of its population is comprised of citizens and what proportion is not. [President Trump](#), along with his predecessors from both parties, has made the right choice on this issue.

Supreme Court Decision

The court, in a strongly worded opinion by Chief Justice John Roberts, a George W. Bush appointee, said Commerce Secretary Wilbur Ross, who made the decision to add a citizenship question, hadn't explained his real reasons for doing so, leaving the legality of his actions in question. I find that statement to be a partisan crock of dung...

"If judicial review is to be more than an empty ritual, it must demand something better than the explanation offered for the action taken in this case," Chief Justice Roberts wrote. The evidence that has emerged on Mr. Ross's decision-making process "tells a story that does not match the explanation the secretary gave," he said.

The Supreme Court's central holding against the Trump administration came on a 5-to-4 vote, with the chief justice joined by the court's four liberal justices—Ruth Bader Ginsburg, Stephen Breyer, Elena Kagan and Sonia Sotomayor.

In a pair of tweets after the ruling, President Trump said he asked lawyers if the census could be delayed for now while legal proceedings continue. "Can anyone really believe that as a great Country, we are not able [to] ask whether or not someone is a Citizen. Only in America!"

Secretary Ross and other Trump administration officials have said that census citizenship data would help the Justice Department with its efforts to comply with the Voting Rights Act. But Chief Justice Roberts wrote that reason, "seems to

have been contrived.” Huh?

The court’s decision didn’t resolve definitively whether the administration acted unlawfully. Instead, it sent the matter back for additional legal proceedings, a move that could effectively end the administration’s plans to ask the whole country about citizenship for the first time since 1950. Census officials have repeatedly said they needed to complete the questionnaire by July, though at times they also have suggested that the true, hard deadline was in October.

The Census Bureau offered little guidance after the decision, saying only that it was reviewing the ruling.

The four liberal justices said they had seen enough to declare the administration’s actions unlawful now, but the chief declined to go that far.

The chief and the conservative justices—Clarence Thomas, Samuel Alito, Neil Gorsuch and Brett Kavanaugh—agreed that the Constitution gave the administration the authority to ask about citizenship on the census. But they sparred vigorously over whether the court had any business examining the administration’s motives.

While Chief Justice Roberts said this was the rare case where such an examination was warranted, Justice Thomas, joined by President Trump’s two appointees, said in dissent that the majority was out of line.

“Unable to identify any legal problem with the secretary’s reasoning, the court imputes one by concluding that he must not be telling the truth,” Justice Thomas wrote, joined by Justices Gorsuch and Kavanaugh. The court appeared to apply a Trump administration-specific standard, he wrote, echoing “the din of suspicion and distrust that seems to typify modern discourse.”

Justice Alito wrote a separate dissent arguing the case should

have been dismissed. “To put the point bluntly, the federal judiciary has no authority to stick its nose into the question whether it is good policy to include a citizenship question on the census or whether the reasons given by Secretary Ross for that decision were his only reasons or his real reasons,” he wrote.

Conclusion

A [coalition of 18 Democratic controlled states, as well as groups of cities, counties and immigrant advocates](#), challenged the citizenship question, alleging the administration had acted in bad faith and was taking an action that it knew [would dilute minority political representation](#), not protect it as officials claimed.

The Trump administration cited earlier points in the nation’s history when the census regularly asked people about their citizenship. Since 1950, the Census Bureau only has asked the question to smaller samples of the population.

The citizenship question touches on the broader immigration agenda that has been a central focus of the Trump presidency. Mr. Trump has barred travel by people from certain Muslim-majority countries—[a ban the Supreme Court upheld](#) last year. Mr. Trump’s administration also has [attempted to limit immigrant claims for asylum](#); rightly tried to cancel Obama-era benefits for illegal immigrants who came to the U.S. as children; and sought to build new barriers on the southern border.

All of those efforts remain tied up in the courts by partisan judges appointed by Democrats to destroy American sovereignty.

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