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Grace Meng

Congress of the United States

Sixth District, New York

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October 12, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

I write to ask that you investigate U.S. Commerce Secretary Wilbur Ross for possible crimes committed in violation of 18 U.S.C. 1001, under which it is illegal to make false statements or representations with respect to documents required by law to be submitted to Congress.

Pursuant to 13 U.S.C. 141(f)(2), the Secretary of Commerce is required to submit questions proposed to be included in the next decennial census to Congress at least two years before the census commences. During a Congressional budget hearing on March 20, 2018, anticipating that the Secretary would include a proposed question pertaining to citizenship in his submission to Congress the following week, I asked Secretary Ross: "Has the president or anyone in the White House discussed with you or anyone on your team about adding this citizenship question?" He responded: "I'm not aware of any such." This statement is in direct contradiction to admissions made by Secretary Ross yesterday, under penalty of perjury, in filings made in the ongoing court case *New York Immigration Coalition v. United States Department of Commerce*.

In Secretary Ross's and the U.S. Department of Commerce's second round of supplemental responses to plaintiff interrogatories in that case, they admit that: "Secretary Ross recalls that Steven Bannon called Secretary Ross in the Spring of 2017 to ask Secretary Ross if he would be willing to speak to then-Kansas Secretary of State Kris Kobach about Secretary Kobach's ideas about a possible citizenship question on the decennial census." This conversation occurred during the period of time in which Steve Bannon was employed as the White House Chief Strategist and Senior Counselor to the President. Clearly, officials within the White House had conversations with Secretary Ross pertaining to the inclusion of a citizenship question on the 2020 Census – which Secretary Ross denied when testifying before Congress. This is also in conflict with Secretary Ross's attempt to conceal the origination of the citizenship question in his March 26, 2018 memo to Ms. Karen Dunn Kelley, the Under Secretary for Economic Affairs within the U.S. Department of Commerce.

In that memo, Secretary Ross attempts to mask the origins of the citizenship question by opening with the following:

“As you know, on December 12, 2017 [*after his discussion with Steve Bannon, White House Chief Strategist*], the Department of Justice (“DOJ”) requested that the Census Bureau reinstate a citizenship question on the decennial census to provide census block level citizenship voting age population (“CVAP”) data that are not currently available from government survey data (“DOJ request”). DOJ and the courts use CVAP data for determining violations of Section 2 of the Voting Rights Act (“VRA”), and having these data at the census block level will permit more effective enforcement of the Act. Section 2 protects minority population voting rights. Following receipt of the DOJ request, I set out to take a hard look at the request and ensure that I considered all facts and data relevant to the question so that I could make an informed decision on how to respond.”


Additionally, he wrote in closing:

“I have determined that reinstatement of a citizenship question on the 2020 decennial census is necessary to provide complete and accurate data in response to the DOJ request.”

Secretary Ross not only misled Congress about discussions he had with the White House pertaining to a document he is required to submit to Congress by law (possibly in violation of 18 U.S.C. 1001(a)(2)), he also may have attempted to conceal his true decision-making process with respect to the document in his March 26, 2018 memo to Undersecretary Kelley (possibly in violation of 18 U.S.C. 1001(a)(1)).

I strenuously urge you to investigate this matter immediately. The 2020 Census is scheduled to occur less than 18 months from today; there is no time to delay. If you have any questions or concerns regarding this matter, please do not hesitate to call me.

Sincerely,



Grace Meng
Member of Congress

Cc: The Honorable Wilbur Ross, Secretary of the U.S. Department of Commerce
Ms. Peggy E. Gustafson, Inspector General of the U.S. Department of Commerce