



October 8, 2009

U.S. Senate
Washington, D.C. 20510

Dear Senator:

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On behalf of the American Civil Liberties Union (“ACLU”), a non-partisan public interest organization dedicated to protecting the constitutional rights of individuals, and its hundreds of thousands of members, activists, and 53 affiliates nationwide, we are writing to urge you to **OPPOSE Vitter amendment 2644** to the Commerce Justice Science Appropriations bill (H.R. 2847). The Vitter amendment would prohibit the use of funds by the Commerce Department for collection of census data that does not include questions regarding U.S. citizenship and immigration status.

The ACLU has long recognized that the Census is a critical process to ensure that the government obtains the information necessary on which to base legislation and programs in order to support and implement fundamental rights such as freedom from discrimination. Data about race and ethnic groupings in the U.S. population has a clear social utility. To this end, the ACLU believes that the government should make every reasonable effort to obtain information which promotes such a clear social utility. In addition, the ACLU has also long supported the Census Bureau’s practice of protecting the confidentiality of individual responses to the Census. Both of these principal objectives – collection of information to ensure freedom from discrimination, as well as protection of confidentiality of responses – would be undermined by the Vitter amendment. The ACLU opposes the Vitter amendment because it would make it less likely that individuals of foreign birth would freely participate in the Census process, thereby leading to significant undercounting of these populations.

The Census is about counting people, not counting voters. The Vitter amendment is counterproductive to the goal of the U.S. Constitution which is to count every person living in the country. Every census since the first one has included U.S. citizens and non-citizens alike. The Vitter amendment is aimed at intimidating individuals from participating in the Census.

We need an accurate count of how many people are in our country; that means encouraging everyone to be counted. Inquiring about immigration status in the 2010 Census is unnecessarily intrusive and will raise concerns among all respondents – both native-born and foreign-born – about the confidentiality and privacy of information provided to the government. We need an accurate count of how many people are in our country, and that

means encouraging, not discouraging, everyone to come forward to be counted.

Changing the 2010 Census questionnaire at this point is unlawful and a waste of taxpayer dollars. Additionally, the Census questionnaire design, questions, instructions, and examples were thoroughly tested this decade. The Vitter amendment would require using untested content in the actual census. Past testing has shown that even small changes to the questionnaire can result in surprisingly unexpected impacts to the data quality.

The Secretary of Commerce reported the final 2010 Census questionnaire content to Congress in March 2008, as required under existing law. The costs of changing the questionnaire at this point and the impact it will have on slowing down 2010 operations are costs that our economy cannot afford to take on right now. Make no mistake about it, if enacted, the Vitter amendment would cause significant delays and essentially stop the 2010 Census in its tracks. For these reasons, we urge you to oppose the Vitter amendment. Should you have any questions, please contact Joanne Lin at 202/675-2317 or jlin@dcacclu.org.

Sincerely,



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