Response to July 21 Trump Memo
Message Guidance and Resources

OUR MESSAGING GOALS

“Get Out The Count” Goals:

● Affirm that excluding undocumented immigrants from the 2020 Census counts used for congressional apportionment is unconstitutional and that a primary intent of the order is to suppress census participation to skew census data. Elevate a “participate in the census” call to action.

● Support potential litigation efforts by defining harm of memorandum if it suppresses the count and demonstrating widespread opposition to the memorandum.

● Drive narrative that an accurate census depends on 1) counting everyone; 2) not shortchanging hard-to-reach communities by giving the door-to-door counting operation the time, space, and protection to be implemented correctly, especially in the midst of a pandemic.

Congressional Advocacy Goals:

● Cultivate bipartisan support for an accurate 2020 Census and extension of the statutory deadlines for reporting apportionment and redistricting files.

● Define that Congress must extend the deadlines for reporting apportionment and redistricting data through legislation (which the president must sign into law) and that Congress has constitutional responsibility to protect the integrity of the census.

TALKING POINTS

[AFFIRM UNCONSTITUTIONAL] Trump’s proposal is unconstitutional. The constitution says the census counts everyone living in the United States -- every immigrant, every child, every neighbor, every student, everyone -- for purposes of congressional apportionment.

● There is nothing unclear about the constitutional requirement that the number of representatives in Congress for each state be based on the whole number of persons living in the U.S.: “Persons” means “persons,” and that means everyone.

● Non-citizens have been included in the census and for congressional representation throughout our nation’s history, including under both Republican and Democratic
administrations. Your political representation should reflect what your state really looks like.

[AFFIRM VALUES] Undocumented immigrants live, work, and go to school in every state. They are even more than just inhabitants, they are a part of our communities. This country used to count Black people as three-fifths of a person to determine how many representatives each state should have. Now Trump is mirroring that ugly, racist practice and saying undocumented people do not count as “persons” living in each state. He’s wrong.

[REVEAL MOTIVES AND ENCOURAGE PARTICIPATION] Trump is trying to redefine which people count as “persons” and scare all immigrants from participating in the census. Don’t let him.

- Trump is attempting to upend the $16 billion, half-finished census, leaving states with inaccurate numbers that will deprive communities of federal assistance to recover from the pandemic.

- We must protect our communities, the Constitution, and the census from this brazenly political manipulation. Let’s make sure we all get the resources and political power we deserve.

[ALLEVIATE FEAR] It's your right to respond to the census, and when you do, federal law strictly protects the confidentiality of your responses. We will fight this, and we’ve got your back.

- Personal responses collected by the Census Bureau must be kept confidential for 72 years.

- That means the Census Bureau can’t share your personal information with ICE or law enforcement or any other government agency or court of law; it can’t be shared with your landlord; and it won’t affect any public benefits you receive.

- The Census Bureau takes its legal responsibility to keep personal data it collects confidential very seriously. Hundreds of community organizations and civic leaders from across the country have signed a Census Confidentiality Pledge and committed to using every tool necessary to make sure nothing interferes with that obligation.
Census Counts partner organizations Arab American Institute, Asian Americans Advancing Justice | AAJC, Lawyers’ Committee for Civil Rights Under Law, and National Association of Latino Elected and Appointed officials (NALEO) Educational Fund have launched multilingual Census hotlines, providing census-related educational support and legal assistance for communities in more than 10 languages.

ADDITIONAL BACKGROUND

- Under Section 2 of the Fourteenth Amendment of U.S. Constitution, “representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.” As Republican and Democratic administrations have concluded, there is nothing unclear about, nor a hidden meaning behind, the constitutional requirement that apportionment be based on the number of persons living in the U.S.: “persons” means persons, and that means everyone.

- The Constitutional Accountability Center has created a resource that includes historical information about who has been counted in the census: ISSUE BRIEF: The Cornerstone of Our Democracy: The Census Clause and the Constitutional Obligation to Count All Persons

  “Following more than seven months of debate, Congress adopted the Fourteenth Amendment, insisting that total population, not voter population, was the basis for our Constitution’s system of representation. ‘As the Framers of the Constitution and the Fourteenth Amendment comprehended, representatives serve all residents, not just those eligible or registered to vote.’ The Fourteenth Amendment, which was approved by the people and became a part of the Constitution in 1868, reaffirmed that our Constitution’s system of equal representation for all depends on a count of the nation’s entire population, including non-citizens. As this history shows, the purpose of the census required by the Constitution has never been to count just citizens, but rather to count ‘the whole body of the people.’”

- There is no citizenship or immigration status question on the 2020 Census.
• Federal law keeps individual data and personal responses collected by the Census Bureau confidential for 72 years. That means the Census Bureau can’t share respondents’ personal information with ICE or law enforcement, it can’t be shared with landlords, and it won’t affect any public benefits.

• Hundreds of civil rights organizations are standing by to make sure that law is upheld and that undocumented immigrants’ responses are protected. In March, more than 275 organizations and civic leaders from across the country signed a Census Confidentiality Pledge to monitor and use every tool necessary to enforce the integrity and confidentiality of the 2020 Census.

• On July 7, U.S. Senators Jerry Moran (R-KS) and Jeanne Shaheen (D-NH), vice chair and chair of the Senate Appropriations Subcommittee, called on Census Director Steven Dillingham to ensure that the 2020 Census is conducted as completely and accurately as possible, free from political interference, saying:

  “It is imperative for the census to count every person in the United States, where they live, and this includes communities that for various reasons have historically had low participation in decennial censuses.”

  “We expect that data processing will be free from political interference and that the highest standards of integrity and fairness will be upheld. We will be closely watching to ensure this is the case.”