



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, DC 20530

February 16, 2021

Dr. Ron Jarmin
Acting Director
U.S. Census Bureau
4600 Silver Hill Road
Suitland, MD 20746
By electronic mail

Dear Dr. Jarmin:

I have recently rejoined the Civil Rights Division of the Department of Justice, as the Principal Deputy Assistant Attorney General. I will be the acting head of the Division, pending Senate confirmation of our Assistant Attorney General. The Division includes the Voting Section and its enforcement of the Voting Rights Act. I look forward to working with you.

The reason I'm writing is as follows. On January 20, President Biden issued an Executive Order on Ensuring a Lawful and Accurate Enumeration and Apportionment Pursuant to the Decennial Census. On January 21, the Census Bureau issued a press release following up on the Executive Order. See <https://www.census.gov/newsroom/press-releases/2021/executive-order-pl94-171-cvap.html>. The Bureau stated that its 2020 Census data products, including the P.L. 94-171 Redistricting Summary Data File, will not include information on citizenship or immigration status. The Bureau further stated that it "will reengage the Department of Justice's Voting Section to confirm that Citizen Voting Age Population (CVAP) data produced from the American Community Survey (ACS) continue to meet its statistical needs."

In December 2017, the Department sent a letter to the Census Bureau which formally requested addition of a citizenship question to the 2020 Census, as well as the Bureau's release of this new citizenship data at the same time it would release the Census redistricting data in 2021, for the stated reason that "[t]his data is critical to the Department's enforcement of Section 2 of the Voting Rights Act." On further consideration, we do not adhere to that position.

The Department's current position is that the American Community Survey data on which we have traditionally relied are adequate for our enforcement of Section 2 of the Voting Rights Act, and necessary for our enforcement of Section 203 of the Voting Rights Act. The Department does not request compilation or release of additional citizenship or CVAP data beyond this ACS data.

Dr. Ron Jarmin
Page Two

Thank you for the Bureau's assistance in our work. Please let me know if you have any questions. My email is pamela.karlan@usdoj.gov and my cellphone number is [REDACTED]. Or if you would prefer to deal directly with Chris Herren, the Chief of our Voting Section, please feel free to reach out to him. His email is chris.herren@usdoj.gov. His cellphone is [REDACTED] - [REDACTED].

Sincerely,

Pamela S. Karlan/bcs

Pamela S. Karlan
Principal Deputy Assistant Attorney General