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NAACP Challenge to 2020 Census Preparations Moves Forward

Federal judge denies Census Bureau motion to dismiss suit over inadequate government preparations for the 2020 Census

The National Association for the Advancement of Colored People (NAACP) and its allies today won a major court ruling that allows them to proceed with a federal lawsuit challenging the government's inadequate preparations for the 2020 Census.

"[T]he census must be conducted in a way that will not thwart the goal of equal representation," wrote U.S. District Judge Paul Grimm, in an opinion granting in part and denying a motion to dismiss brought by the Census Bureau. The ruling allows the case to proceed to discovery and potentially to trial.

The suit, *NAACP v. Bureau of the Census*, No. 8:18-Cv-00891-PWG, was filed last March in the U.S. District Court for the District of Maryland by the NAACP, Prince George's County (MD), the NAACP Prince George's County Branch, and two county residents. The complaint alleges that unless the Census Bureau significantly improves its plans for 2020, the upcoming census will drastically undercount African Americans and other people of color across the country. This undercount will contribute to unequal political representation and reduced federal funding for communities of color.

"It is imperative that the Census Bureau take steps immediately to minimize the undercount in communities of color and immigrant communities, especially given the likely impact of the underfunded census," said NAACP General Counsel Brad Berry.

In his opinion, Judge Grimm emphasized the importance of ensuring adequate funding for census operations, especially given the recent 35-day government shutdown. "This ongoing state of uncertainty" makes it more likely that the Census Bureau "will be unprepared (in terms of funding, workforce, and testing) for the 2020 Census."

The NAACP and its partners brought this lawsuit because the ongoing underfunding and understaffing of the Census Bureau violates its legal obligation to conduct a full and fair census. As the plaintiffs explain in their complaint, the Bureau has severely cut back on door-to-door canvassing, community partnerships, and field infrastructure—all of which are essential to encourage participation from communities of color. The government has also cancelled crucial pre-census field tests, even as it attempts to use new technologies and implement a brand-new digitization initiative.

"With fewer than 15 months to go before the 2020 Census, this decision comes at a critical time," said Rachel Brown, a law student intern with the Yale Law School Rule of Law

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Clinic, counsel for the NAACP and other plaintiffs. “We look forward to holding the Census Bureau to its constitutional obligation to count everyone equally.”

The plaintiffs are represented by the NAACP Office of the General Counsel, Jenner & Block, and the Yale Law School Rule of Law Clinic.