June 19, 2014

United States Senate
Washington, DC 20510

Re: NHLA Opposition to Vitter Amendment 3279

Dear Senator:

We write on behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 37 leading Latino nonpartisan civil rights and advocacy organizations in the country, to urge you to vote against Vitter Amendment 3279 to S.2437, the FY 2015 Commerce, Justice, and Science Appropriations. This amendment would withhold funding from the Census Bureau unless it includes intrusive and counterproductive questions regarding immigration status in the 2020 Census.

NHLA’s mission calls for unity among Hispanics nationwide to provide the Latino community with greater visibility and a stronger voice in our nation’s affairs, including the pressing need to overhaul our broken immigration system. NHLA will issue a scorecard assigning members a letter grade on their immigration record to give Hispanic voters and other interested voters a clear picture of their elected officials’ positions on immigration reform. Our forthcoming scorecard will place significant weight on this vote.

The Census counts every person regardless of immigration status. The Census is extremely important in documenting the growth of communities, allocating resources for needed services, and identifying areas where policy enforcement may be needed. Immigrant communities are at higher risk for being undercounted and require special attention to ensure an accurate count. NHLA member organizations play a key role in helping immigrant communities understand the importance of being counted and of overcoming any reluctance to participate.

This Amendment is a clear attempt to reduce the number of noncitizens and undocumented immigrants who participate in the Census. This Amendment also runs contrary to the Constitution’s mandate that the Census count “the whole number of persons” in the United States. The Fourteenth Amendment states that member apportionment in the House of Representatives is determined by a full count of persons in each state, citizen or otherwise.

Furthermore, the Amendment is unnecessary because the Census Bureau and the Department of Homeland Security (DHS) already estimate the undocumented population through the use of the “residual” method, under which DHS subtracts the lawful resident foreign-born population from the total foreign-born population.¹ The Census already regularly includes a question regarding citizenship, providing data used for the redistricting process.

Last, the Amendment would cause significant harm. The Government Accountability Office (GAO) has consistently reaffirmed that the inclusion of questions regarding immigration status are considered threatening survey questions, and trigger respondents to not answer these questions truthfully or refrain from participating altogether.²

In light of the above grounds, NHLA strongly urges you to vote No on Vitter Amendment 3279. Please contact NHLA through James A. Ferg-Cadima, at MALDEF, at jferg-cadima@maldef.org or 202-293-2828 ext. 11, or Bertha Guerrero, at Hispanic Federation, at bguerrero@hispanicfederation.org or 202-641-7186. Thank you for your time and consideration.

Sincerely,

Thomas A. Saenz
MALDEF, President and General Counsel
NHLA Immigration Committee Co-Chair

Jose Calderón
Hispanic Federation, President
NHLA Immigration Committee Co-Chair