



July 15, 2021

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Carolyn B. Maloney
Chairwoman
House Committee on Oversight and Reform
Washington, DC 20515

Dear Leader Schumer and Chairwoman Maloney:

On May 31, 2019, the Office of Inspector General (OIG) received a joint letter from 13 U.S. Senators alleging that the Department of Commerce (the Department) and the U.S. Department of Justice (DOJ) concealed the contribution of a political redistricting strategist in the rationale for the addition of a citizenship question to the 2020 Decennial Census (2020 Census). The letter made the following specific allegations:

- (a) “In depositions and congressional interviews, Justice and Commerce Department officials failed to disclose the substantive public policy role of political operative, [Political Strategist], in adding the question to the 2020 Census; and
- (b) In concealing the contribution of [Political Strategist], Justice and Commerce Department officials purposely obscured the impermissible racial and partisan motivations for adding a citizenship question—to be ‘advantageous to Republicans and Non-Hispanic Whites’ and to ‘clearly be a disadvantage to the Democrats’—in both the Justice Department’s December 2017 letter requesting the citizenship question and the Commerce Department’s March 2018 memorandum adding the question.”

The allegations, if substantiated, would contradict the assertions of the then-Secretary of Commerce (then-Secretary) that the addition of the citizenship question was based solely on a DOJ request to assist in the enforcement of the Voting Rights Act of 1965.

On June 27, 2019, our office initiated this investigation based on the allegations listed above and possible violations of 18 U.S. Code § 1001: Statements or entries generally. Our investigation was unable to establish that the Political Strategist had a substantive public policy role in the addition of the citizenship question to the 2020 Census. Our investigation did substantiate that correspondence from the Department to the DOJ contained verbiage similar to that used in portions of the Political Strategist’s unpublished study focusing on the use of Citizenship Voting Age Population for the purposes of redistricting; however, those similar portions related to historical and factual references to the Census and did not include the Political Strategist’s opinions.

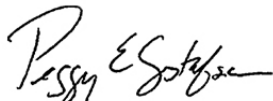
Our investigation established that the then-Secretary misrepresented the full rationale for the reinstatement of the citizenship question during his March 20, 2018, testimony before the House Committee on Appropriations and again in his March 22, 2018, testimony before the

House Committee on Ways and Means. During Congressional testimony, the then-Secretary stated his decision to reinstate the citizenship question was based solely on a DOJ request. That request memorandum was signed by the DOJ on December 12, 2017. However, evidence shows there were significant communications related to the citizenship question among the then-Secretary, his staff, and other government officials between March 2017 and September 2017, which was well before the DOJ request memorandum. Evidence also suggests the Department requested and played a part in drafting the DOJ memorandum. Further, the then-Secretary sent a memorandum to the Department on June 21, 2018, clarifying his deliberations regarding adding a citizenship question to the Decennial Census. In this memorandum, the then-Secretary stated he began considering the content of the 2020 Census, to include reinstating the citizenship question, soon after his appointment to Secretary.

This investigation was presented to and declined for prosecution by the Public Integrity Section of the DOJ's Criminal Division.

The enclosed report, redacted for privilege as asserted by the Department, documents our investigation and findings in more detail. You are receiving this letter in your leadership capacity and other members of Congress may have an interest in this report as well. This report is being provided pursuant to the Privacy Act, 5 U.S.C. § 552a(b)(9), and has not been redacted for public release. If you have any questions or concerns about this report, please contact me at (202) 482-4661 or David Wonnenberg, Senior Legislative and External Affairs Officer, at (202) 309-9444.

Sincerely,



Peggy E. Gustafson
Inspector General

Enclosure