THE PHYLLIS SCHLAFLY REPORT

High Noon for Citizenship at High Court

April 23, 2019 by John & Andy Schlafly

It was high drama on Tuesday at the Supreme Court as the Justices heard what many consider to be the most important case of the Term. At issue is whether the upcoming 2020 census will be allowed to include the following question: “Is this person a citizen of the United States?”

The census includes questions about race, sex, and age; whether a resident is a U.S. citizen is just as important as other demographic details. As Justice Brett Kavanaugh pointed out during oral argument on Tuesday, other countries routinely ask their residents about citizenship in a census.

Fellow Trump nominee Neil Gorsuch indicated his support for allowing the question about citizenship. Justice Alito seemed on board too, and Justice Thomas is expected to join this conservative bloc.

But liberals have created an uproar over this issue, and questioning from the Left side of the Court was hostile and intense. Obama-appointed Justices Kagan and Sotomayor complained that the record compiled by the lower court did not support asking about citizenship.

At trial, an Obama-appointed judge named Jesse Furman impugned Commerce Secretary Wilbur Ross for authorizing the citizenship question. The district judge declared that Ross had somehow “violated the public trust” by including this question, even though similar questions have been asked many times in the past.

Meaningless indeed, and potentially even worse than that, as a census which fails to ask about citizenship inflates the bona fide populations of California and New York, to the detriment of many other states.

That smear of Trump Cabinet member Ross was unfair, but the litigation machine on the Left have obtained additional federal court rulings to block President Trump’s citizenship question. No one can be deported for truthfully answering the question about citizenship on the census, but we would learn how many illegal residents there really are and where.

In the case simply captioned “Department of Commerce v. New York,” the Supreme Court showed signs of a 5-4 majority to overturn the trial verdict in New York against Secretary Ross and the Trump Administration. This could deliver by the end of June Trump’s biggest court victory of his presidency to date.

“Can you believe that the Radical Left Democrats want to do our new and very important Census Report without the all important Citizenship Question,” Trump tweeted earlier this month. “Report would be meaningless and a waste of the $Billions (ridiculous) that it costs to put together!”

Meaningless indeed, and potentially even worse than that, as a census which fails to ask about citizenship inflates the bona fide populations of California and New York, to the detriment of many other states. Illegal aliens are counted in those states as though they were citizens, and New York and California soak up tax dollars this way.

Democrats brag that they won the popular vote in the last election, but they actually lost that vote in the 49 states outside of California. It is no coincidence that some of the most outspoken opponents of having a count that distinguishes between citizens and aliens include the attorney general of that vast sanctuary state.

Fewer lawful residents means less funding, and if illegals duck the census to avoid the question then this could reduce the numbers of Electoral College votes and congressmen for California and New York. Their influence would then shrink, and they would take fewer federal dollars in entitlements if the citizenship question is asked in the census.

Beneficiaries of including a citizenship question in the census would be all American citizens who are entitled to full representation without dilution of their vote or their tax dollars. That includes middle America, also known as Trump Country.

The Department of Justice pointed out that an accurate count of citizens would even be helpful to enforcing the Voting Rights Act, to the benefit of minorities who are American citizens. But the Democrat leadership cares more about preserving their own political power, which counting citizens threatens.

Despite being a magnet for immigration, Democrat control of New York has driven away many citizens over the past decade. Between July 2017 and July 2018, New York State actually lost population, and population growth in California is below the national average.

Kris Kobach has long championed the inclusion of the citizenship question in the census, along with laws requiring proof of citizenship when registering to vote. Our nation should be governed by its citizens, not by people who reside illegally inside our borders.

Democrats fear that conservative states will use the census question to redraw their state legislative districts in proportion to who is a citizen, thereby reducing representation for urban areas boosted by the presence of illegal aliens. Justice Gorsuch alluded to this, which the Supreme Court allowed in *Evenwel v. Abbott* (2016).

Cities currently have an incentive, both financially and politically, to harbor illegal aliens. Better data on who is a citizen and who is not would help end that racket.

John and Andy Schlafly are sons of Phyllis Schlafly (1924-2016) and lead the continuing Phyllis Schlafly Eagles organizations with writing and policy work.