

# **Native Organizations Condemn U.S. Supreme Court Order Ending the 2020 Census Early and Validating an Undercount of Historic Proportions of American Indians and Alaska Natives**

FOR IMMEDIATE RELEASE

October 13, 2020

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Today, the U.S. Supreme Court granted the Trump Administration’s application to stay a federal court order that required the U.S. Census Bureau (Bureau) to honor its commitment to complete the 2020 decennial Census count on October 31, 2020. The stay is in place until the appeals are resolved. Effectively, the Supreme Court’s order ends the 2020 Census. The Census Bureau has said it will stop all data collection activities, including self-responses, at 6 a.m. ET on October 16, 2020.

We strongly believe the Administration’s efforts to end the 2020 Census early are calculated to secure apportionment numbers, which are used to determine the number of each state’s congressional representatives, before the end of 2020. However, the Administration admitted that it could not meet the December 31, 2020 statutory deadline for apportionment data under any circumstances due to delays caused by COVID-19. The Bureau’s Associate Director for Field Operations acknowledged it was “ludicrous” to expect the Bureau to “complete 100% of the nation’s data collection” for the 2020 Census early, in the middle of a global pandemic. The Administration’s efforts will result in incomplete numbers, effectively excluding noncitizens and suppressing the count of minority communities, including American Indians and Alaska Natives.

In a vigorous dissent explaining why the Court’s action is improper, Associate Justice Sotomayor wrote, “meeting the deadline at the expense of the accuracy of the census is not a cost worth paying, especially when the Government has failed to show why it could not bear the lesser cost of expending more resources to meet the deadline or continuing its prior efforts to seek an extension from Congress.” Moreover, she observed that the lower courts already concluded that an “inaccurate count would affect the distribution of federal and state funding, the deployment of services, and the allocation of local resources.”

We join with Associate Justice Sotomayor’s concern that “the percentage of nonresponses” in the 2020 Census is highest “among marginalized populations and in hard-to-count areas, such as ... tribal lands.” The Bureau’s own data supports that concern. ***Currently, the self-response rate among all tribal areas reported by the Bureau is just 41.6 percent; 25.1 percent below the national self-response rate.*** Roughly half of all tribal areas have self-response rates below 40 percent, including at least 39 reservations on which those rates are in the single digits or teens. In the most populous tribal area, the Navajo Nation, only 22.2 percent of all households have self-responded to the Census.

We are facing an undercount of urban Natives and Indian Country of historic proportions. The current global crisis has shown us how critical it is that there be an accurate count of Alaska Natives and American Indians. In the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Indian Country lost hundreds of millions of dollars in funding because of the undercount in the 2010 Census. The U.S. Supreme Court’s grant of the Administration’s motion for stay pending appeal effectively stops the 2020 Census early and condemns Indian Country to a loss of political representation and its fair share of resources for the next decade.

In order to correct for the Administration’s decision to pursue a rushed 2020 census count, we urge a legislative extension of the 2020 Census statutory deadlines. Without an extension of the enumeration window to the originally requested end date of October 31, 2020, as well as extensions to the reporting deadlines, tribal nations will be left with inaccurate data and representation for the next decade. We cannot wait for lower court appeals to play out - Congress must act now.

The National Congress of American Indians, the Native American Rights Fund, and the National Urban Indian Family Coalition condemn the Administration’s pursuit of

an incomplete 2020 Census. The Court's decision effectively tips the scales of justice in favor of the Administration's efforts to suppress the count of indigenous peoples in violation of the United States Constitution and the sacred trust the federal government owes to tribal nations. We condemn the Administration's actions in the strongest possible terms. **We urge Congress to take immediate action and pass the bipartisan 2020 Census Deadline Extensions Act, H.R. 8250 and S. 4571.**

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***About the National Congress of American Indians:***

*Founded in 1944, the National Congress of American Indians is the oldest, largest and most representative American Indian and Alaska Native organization in the country. NCAI advocates on behalf of tribal governments and communities, promoting strong tribal-federal government-to-government policies, and promoting a better understanding among the general public regarding American Indian and Alaska Native governments, people and rights. For more information, visit [www.ncai.org](http://www.ncai.org).*

***About the Native American Rights Fund:***

*Founded in 1970, NARF is the oldest and largest non-profit dedicated to asserting and defending the rights of Indian tribes, tribal organizations, and individual Indians nationwide. For the past 50 years, NARF has represented over 275 Tribes in 31 states in such areas as tribal jurisdiction, federal recognition, land claims, hunting and fishing rights, religious liberties, and voting rights. For more information, visit [www.narf.org](http://www.narf.org).*

***About the National Urban Indian Family Coalition***

*Created in 2003, the NUIFC advocates for American Indian families living in urban areas by creating partnerships with tribes, as well as other American Indian organizations, and by conducting research to better understand the barriers, issues, and opportunities facing urban American Indian families. The NUIFC works to ensure access to traditionally excluded organizations and families, and to focus attention on the needs of urban Indians. Learn more by visiting [www.nuifc.org](http://www.nuifc.org).*