

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE UNITED STATES CONGRESS TO ENACT LAWS AND TAKE ANY AND ALL SUCH OTHER LAWFUL ACTIONS THAT WOULD EXPRESSLY ELIMINATE A CITIZENSHIP QUESTION ON THE DECENNIAL CENSUS IN THE INTEREST OF THE PROPER ALLOCATION OF POLITICAL REPRESENTATION AND THE APPROPRIATE DISTRIBUTION OF FEDERAL, STATE, AND LOCAL FUNDS.

WHEREAS, Section 2 of the Fourteenth Amendment of the United States Constitution mandates that, every ten years, the federal government conduct a census to count every person residing in the United States, whether a citizen or non-citizen, and whether residing in this country with legal status or without; and

WHEREAS, the population count derived from the decennial census is used to apportion representatives among the states, to draw political districts and allocate power within them, and to allocate hundreds of billions of dollars in federal, state, and local funds; and

WHEREAS, since its inception in 1790, the decennial census has collected demographic data about the population of the United States, including information about respondents' race, sex, age, and whether they own their homes; and

WHEREAS, in almost every census between 1820 and 1950, the federal government collected data about respondents' citizenship status from all households in the country; and

WHEREAS, beginning in 1960, the federal government stopped asking a citizenship question of every respondent as it was the official position of the Census Bureau that such question would depress the count for non-citizens, and Hispanics would be less likely to participate in a census for fear that the data could be used against them or their families; and

WHEREAS, every Secretary of Commerce, to whom Congress has delegated significant authority over the census, has adhered to that position until March 26, 2018 when Secretary of Commerce Wilburn L. Ross, Jr., announced that he would reinstate the citizenship question on the 2020 census, over the strenuous objection of the Census Bureau; and

WHEREAS, although the Secretary of Commerce has broad discretion over the design and administration of the decennial census, that discretion is not unlimited, and the Secretary must comply with the policy decisions of Congress as codified in the federal statutes such as the Administrative Procedures Act; and

WHEREAS, the reinstatement of the citizenship question resulted in various litigation in the federal courts, which culminated in an opinion issued on January 15, 2019 from the United States District Court for the Southern District of New York finding that, despite his broad discretion, Secretary Ross's decision was unlawful and in violation of federal laws and statutes

which require him to, among other things, collect data through the use of administrative records instead of direct inquiries on census surveys, justify significant departures from past policies and practices, and notify Congress of the subjects planned for any census at least three years in advance; and

WHEREAS, noting that such violations were egregious, and following a very lengthy opinion, the U.S. District Court enjoined the United States Department of Commerce, Secretary Ross, the Bureau of the Census, and the Director of the Census from implementing Secretary Ross's decision to ask a citizenship question on the 2020 census questionnaire; and

WHEREAS, the U.S. District Court's opinion is now on appeal in the United States Court of Appeals for the Second Circuit; and

WHEREAS, although the issues surrounding the census citizenship question are currently pending in the federal courts, in the interim, the United States Congress should provide an express mandate in federal law that a citizenship question should not be included in the decennial census in the interest of the integrity of the census, and to avoid the significant and lasting negative consequences of loss of political power and funding that would result from undercounting certain sections of the nation's population.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby urge the United States Congress to enact laws and take any and all such other lawful actions that would expressly eliminate a citizenship question on the decennial census in the interest of the proper allocation of political representation and the appropriate distribution of federal, state, and local funds.

PASSED and ADOPTED this 13th day of February, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by: Vice-Mayor Michael Góngora)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

R. A. Galt
City Attorney

2-5-19
Date