

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

June 5, 2017

The Honorable Wilbur L. Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, D.C. 20230

Dear Secretary Ross:

The Committee on Homeland Security and Governmental Affairs is conducting oversight of the U.S. Census Bureau's preparations for the 2020 Decennial Census. In 2016, the Bureau awarded an advertising contract that included a subcontractor with close ties to partisan politics that reportedly "spun out of" the reelection campaign of President Obama.<sup>1</sup> I respectfully request information about how the Bureau will ensure the integrity and impartiality of the 2020 Census.

In October 2014, the Bureau announced plans to award a contract for "services in multiple communications areas to support building awareness and promoting self-response for the 2020 Census."<sup>2</sup> On August 24, 2016, the Bureau awarded the contract to Y&R and several named subcontractors, including Civis Analytics.<sup>3</sup> Although it does not specify the role of Civis, the contract calls the company a "national leader in developing predictive household models and optimizing civic engagement campaigns."<sup>4</sup>

Civis describes itself as "a platform for hope and change" that started "in a mission for President Obama's re-election campaign."<sup>5</sup> The main analytical tool used by the Obama reelection campaign reportedly became the "cornerstone" of Civis's work.<sup>6</sup> The firm's CEO

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<sup>1</sup> Adam Pasick & Tim Fernholz, *The stealthy, Eric Schmidt-backed startup that's working to put Hillary Clinton in the White House*, Quartz (Oct. 9, 2015), <https://qz.com/520652/groundwork-eric-schmidt-startup-working-for-hillary-clinton-campaign/>; See also *The Civis History*, Civis Analytics, <https://www.civisanalytics.com/about/history/> (last visited May 18, 2017).

<sup>2</sup> U.S. Census Bureau, *2020 Census Integrated Communications Contract*, U.S. Census Bureau, <https://www.census.gov/about/business-opportunities/opportunities/vendor-opps/2014-10-15-2020-comm.html> (last visited May 18, 2017).

<sup>3</sup> U.S. Census Bureau, *2020 Census Integrated Communications Contract*, U.S. Census Bureau, <https://www.census.gov/about/business-opportunities/opportunities/vendor-opps/2014-10-15-2020-comm.html> (last visited May 18, 2017); U.S. Census Bureau, *2020 Census Integrated Communications Contract*, YA1323-16-CQ-0003, Attachment J.4 Participation Plan (Aug. 24, 2016) (on file with the Committee).

<sup>4</sup> *Id.* While the contract does not directly explain Civis's role, the company is likely to use its predictive modeling techniques to determine how advertising dollars are spent by Y&R and the Bureau.

<sup>5</sup> *The Civis History*, Civis Analytics, <https://www.civisanalytics.com/about/history/> (last visited May 18, 2017).

<sup>6</sup> Pasick & Fernholz, *supra* note 1.

stated that “the [Obama reelection] campaign set the values of the company,”<sup>7</sup> and that Civis would work exclusively for Democratic campaigns.<sup>8</sup> Civis’s clients include Organizing for Action, a group that “grew out of [President] Obama’s campaign machine”;<sup>9</sup> Enroll Action, a group created to support Obamacare;<sup>10</sup> and President Obama’s 2012 reelection campaign.<sup>11</sup>

This partisan lineage raises concern in light of a Democratic initiative to use the results of the 2020 Census to draw district lines in a manner favorable to Democratic candidates. The National Democratic Redistricting Committee (NDRC), chaired by former Attorney General Eric Holder, describes itself as a “an organization of Democratic leaders enacting a comprehensive, multi-cycle Democratic Party redistricting strategy” to “secure a stable federal majority for the decade to come.”<sup>12</sup> The effort was backed by David Simas, President Obama’s political director, who suggested that President Obama would have “an eye on redistricting after 2020.”<sup>13</sup> In May 2016—just as the NDRC launched,<sup>14</sup> and just after the Bureau conducted oral presentations on the advertising bids<sup>15</sup>—Simas met with two senior Civis officials in the White House.<sup>16</sup>

To assist the Committee’s oversight of the Bureau’s preparations for the 2020 Census, I respectfully request the following documents and information:

1. What protections exist in Census Bureau contracts to ensure that contractors and subcontractors cannot misdirect communications and advertising strategies for the 2020 Decennial Census?
2. What protections exist in Census Bureau contracts to ensure that contractors and subcontractors cannot use Census data in future business?
3. What protections does the Census Bureau take to ensure that a subcontractor does not knowingly or unknowingly misuse its position?

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<sup>7</sup> Amina Elahi, *Civis Analytics Takes Obama Data Lessons to Next Level*, Chicago Tribune (Jul. 16, 2015, 5:30 AM), <http://www.chicagotribune.com/bluesky/originals/ct-civis-analytics-dan-wagner-bsi-0716-story.html>.

<sup>8</sup> Joshua Green, *Google’s Eric Schmidt Invests in Obama’s Big Data Brains*, Bloomberg (May 31, 2013), <https://www.bloomberg.com/news/articles/2013-05-30/googles-eric-schmidt-invests-in-obamas-big-data-brains>.

<sup>9</sup> Sidney M. Milkis & John W. York, *If the Obama presidency is winding down, why is his group Organizing for Action ramping up?*, Wash. Post (July 29, 2015).

<sup>10</sup> Josh Lederman & Ken Thomas, *Legacy in mind, Obama aides form web of influence*, U.S. News & World Rep. (Mar. 4, 2013).

<sup>11</sup> See Clients, Civis Analytics, <https://www.civisanalytics.com/clients/> (last visited May 15, 2017).

<sup>12</sup> *The National Democratic Redistricting Committee*, The National Democratic Redistricting Committee, <https://democraticredistricting.com/about/> (last visited May 18, 2016).

<sup>13</sup> Edward-Isaac Dove, *Obama, Holder to Lead Post-Trump Redistricting Campaign*, Politico (Oct. 17, 2016, 5:06 AM), <http://www.politico.com/story/2016/10/obama-holder-redistricting-gerrymandering-229868>.

<sup>14</sup> Dove, *supra* note 17.

<sup>15</sup> U.S. Census Bureau, *2020 Census Integrated Communications Contract*, U.S. Census Bureau, <https://www.census.gov/about/business-opportunities/opportunities/vendor-opps/2014-10-15-2020-comm.html> (last visited May 18, 2017).

<sup>16</sup> Inside Gov, White House Visitor Logs, Daniel R. Wagner, <http://white-house-logs.insidegov.com/1/69127483/Daniel-R-Wagner>.

4. Were the subcontractors for Y&R's bid known before they were awarded the Integrated Communications Contract (ICC)?
  - a. If they were known before, to what extent did Census or the Department of Commerce evaluate each subcontractor before awarding the ICC to Y&R?
  - b. If they were not known before, to what extent did Census or the Department of Commerce evaluate each subcontractor after awarding the ICC to Y&R?
  - c. Was the Census Bureau aware of Civis Analytics's history, values, and clients when it awarded the ICC to Y&R?
  - d. Did Census Bureau officials meet with Civis Analytics prior to awarding the ICC to Y&R?
5. All documents and communications between or among any Census Bureau employee and any outside party referring or relating to Civis Analytics between January 1, 2014 and the present.

Please provide this information as soon as possible, but no later than 5:00 p.m. on June 19, 2017.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of the Government."<sup>17</sup> Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine "the efficiency and economy of all branches and functions of Government the efficiency and economy of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds . . . ."<sup>18</sup>

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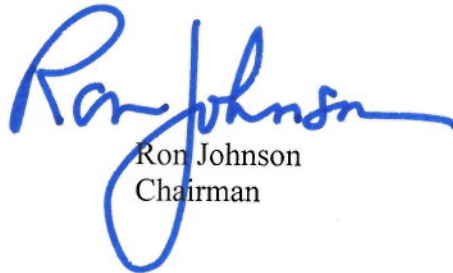
<sup>17</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

<sup>18</sup> S. Res. 62 § 12, 115th Cong. (2015).

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If you have any questions regarding this request, please contact me or have your staff contact Jennifer Scheaffer at (202) 224-4751. Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Claire McCaskill  
Ranking Member

John Thompson  
Director, U.S. Census Bureau

Enclosure