Expert: Census citizenship question would hurt Latino count

By SUDHIN THANAWALA Associated Press

SAN FRANCISCO — Asking people whether they are U.S. citizens on the

2020 census would worsen the undercount of Latinos and non-citizens compared with other groups, an expert in surveys said Monday at the start of a trial over the Trump administration's decision to include the question for the first time in 70 years.

Colm O'Muircheartaigh, a professor at the University of Chicago, said the question would reduce the percentage of Latinos and non-citizens who respond to the census questionnaire. He testified in federal court for California and numerous cities that argue that asking about citizenship is politically motivated. The state and cities are suing the U.S. government to keep the question off the population count that is done every decade.

California has the largest number of foreign-born residents and non-citizens of any state, so an undercount would jeopardize its federal funding and congressional representation, the state said in the lawsuit.

Figures from the census are used to determine the distribution of congressional seats to states and billions of dollars in fed-

The U.S. Justice Department argues that census officials take steps to guard against an undercount, including making follow-up visits in person, so the final numbers will be accurate. Households that skip the citizenship question but otherwise fill out a substantial portion of the survey will still be counted, government attorneys said in court documents.

O'Muircheartaigh, who has served as an adviser to the Census Bureau, said the bureau's additional efforts to count those people would not "remediate the damage caused by the introduction of the citizenship question," referring to an undercount of certain groups.

It's the latest battle between California and President Donald Trump's administration, with both sides suing the other over immigration and other issues. The government has cracked down on immigration and border security, while California has some protections for immigrants in the country illegally.

U.S. Judge Richard Seeborg is scheduled to hear a week of testimony from experts and other witnesses in the census case before deciding whether to allow the



AP Photo/Andrew Harnik, File

In this Aug. 19, 2015, file photo, the Internal Revenue Service Building in Washington is shown.

Trump official says tax refunds will go out on time

By MARCY GORDON AND JILL COLVIN Associated Press

WASHINGTON — With the government shutdown in its third week and concern mounting over a possible delay in tax refunds, a Trump administration official said Monday that taxpayers who are owed money will be paid on time.

Russell Vought, acting director of the White House budget office, said customary rules will be changed to make the payments possible. He told reporters Monday that an "indefinite appropriation" was available for the refunds, which would go out as normal.

The partial government shutdown couldn't have come at a worse time for the Internal Revenue Service. Tax-filing season opens soon, and while those who owe Uncle Sam will likely still have to pay up by April 15, people who were due money back have been worrying about a delay if the closure persists.

About three-quarters of

taxpayers receive annual refunds, giving them an incentive to file their returns early. Many lower-income people count on refunds as their biggest cash infusion of the year.

The IRS might recall a large number of furloughed employees to process returns — probably without pay — in accordance with its usual contingency plans. Still, hundreds of billions in refunds would likely still be delayed because funding wouldn't be available, under current rules.

Some experts question whether the Trump administration has the legal authority to reverse earlier policies to allow government money to flow into refunds during a shutdown.

Vought framed the move as part of President Donald Trump's goal to make the shutdown "as painless as possible."

The administration's announcement came as U.S. House Speaker Nancy Pelosi, now wielding majority control of the House, signaled her intention to begin passing individual bills to reopen federal agencies in the coming days — starting with the IRS' parent Treasury Department to ensure Americans receive their refunds.

Some Senate Republicans have been growing increasingly anxious about the extended shutdown and could support such legislation from the Democratic-led House.

With the White House announcement on refunds, reversing "They're long-standing legal position," said Howard Gleckman, senior fellow and tax expert at the Urban Institute. But, he added wryly, "Who's going to sue? It would be hard to show damages. ... So they might be able to get away with it."

A senior administration official cited a 2011 position of the chief counsel at the IRS that such payments are legally allowed during a shutdown.

The official spoke on condition of anonymity because they weren't authorized to speak publicly to reporters.

Ginsburg misses **Supreme Court** arguments for the first time

By MARK SHERMAN Associated Press

WASHINGTON — Justice Ruth Bader Ginsburg is missing arguments for the first time in more than 25 years as she recuperates from cancer surgery last month, the Supreme Court said.

Ginsburg was not on the bench as the court met Monday to hear arguments. It was not clear when she would return to the court, which will hear more cases Tuesday and Wednesday, and again next

Court spokeswoman Kathy Arberg said the 85-year-old justice is continuing

> to recuperate and work from home after doctors removed two cancerous growths from her left lung on Dec. 21.

Ginsburg was discharged from a New York

hospital on Dec. 25. Chief Justice John Roberts said in the court-

room Monday that Ginsburg would participate in deciding the argued cases "on the basis of the briefs and transcripts of oral arguments." Ginsburg had two earlier cancer sur-

geries in 1999 and 2009 that did not cause her to miss court sessions. She also has broken ribs on at least two occasions. The court said doctors found the

Ruth Bader

Ginsburg

growths on Ginsburg's lung when she was being treated for fractured ribs she suffered in a fall at her office on Nov. 7. After past health scares, Ginsburg has

come back to work relatively quickly. In 2009, she was at the court for arguments on Feb. 23, 18 days after surgery for pancreatic cancer. Weeks after her fall in November,

Ginsburg was asking questions at high court arguments, speaking at a naturalization ceremony for new citizens and being interviewed at screenings of the new movie about her, "On the Basis of Sex."

Her latest surgery was a procedure called a pulmonary lobectomy at Memorial Sloan Kettering Cancer Center in New York. The court said in a release issued the day of the surgery that doctors found "no evidence of any remaining disease" and scans taken before the surgery showed no cancerous growths elsewhere in her body. No additional treatment is currently planned, the court said.

The Curious Case of Benjamin Button

Movie

TUESDAY AFTERNOON & EVENING JANUARY 8, 2019

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