IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION
COALITION, CASA DE MARYLAND,
AMERICAN-ARAB ANTI-
DISCRIMINATION COMMITTEE,
ADC RESEARCH INSTITUTE, and
MAKE THE ROAD NEW YORK,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE; and WILBUR L. ROSS,
JR., in his official capacity as Secretary
of Commerce, and

BUREAU OF THE CENSUS, an
agency within the United States
Department of Commerce; and RON S.
JARMIN, in his capacity as performing
the non-exclusive functions and duties
of the Director of the U.S. Census
Bureau,

Defendants.

Civil Action No. 1:18-cv-050250-JMF

DECLARATION OF GEORGE ESCOBAR, SENIOR DIRECTOR OF HUMAN SERVICES FOR CASA DE MARYLAND, INC.

Pursuant to Title 28 U.S.C. Section 1746, I, George Escobar, hereby declare and state as follows:

1. I am over the age of eighteen years. I have personal knowledge of the facts set forth herein, and am competent to testify thereto.

2. I am the Chief of Programs and Services at CASA (“CASA”). In this capacity, I oversee CASA’s services departments, including legal services, health services, workforce development, employment, education and our immigrant integration programs.
3. I submit this declaration in opposition to the policy advanced by the Secretary of Commerce to inquire into the citizenship of respondents in the enumeration of the 2020 Census.
   a. Such a policy will result in an undercount of immigrant communities of color which will burden CASA in its outreach efforts to secure an accurate and comprehensive enumeration. CASA has diverted and will continue to be required to divert resources from core organizational priorities to additional, remedial outreach to counteract the citizenship question’s negative effort on Census response rates.
   b. This undercount will also injure CASA by reducing the Census-guided funding streams that the organization receives.
   c. CASA members—most of whom live in areas of Maryland, Virginia, and Pennsylvania in which immigrants of color exceed state and national averages—will be injured because the undercount that will result from the citizenship question will diminish their political power as well as the amount of Census-guided funding those areas receive for key programs, services, and facilities that our members use.

Support for these conclusions is set forth below.

4. CASA is a non-profit 501(c)(3) membership organization headquartered in Langley Park, Maryland, with offices in Maryland, Virginia and Pennsylvania. Founded in 1985, CASA is the largest membership-based immigrant rights organization in the mid-Atlantic region, with more than 90,000 members.

5. CASA’s mission is to create a more just society by increasing the power of and improving the quality of life in low-income immigrant communities. To advance this mission, CASA offers social, health, job training, employment, and legal services to immigrant communities.
CASA serves nearly 20,000 people a year through its offices and provides support to additional clients over the phone and through email.

6. CASA has an ongoing commitment to promoting engagement in the Decennial Census among its members, constituents, and communities. Member participation in the Decennial Census advances CASA’s mission by increasing the political power of low-income immigrant communities and improving quality of life for those communities through increased population-driven government funding.

7. For example, in the months leading up to and during the 2010 Decennial Census, CASA conducted outreach and engagement work with the immigrant community in its region concerning census participation.

   a. These efforts included reaching out to 4,000 community members in Maryland, educating them about the importance of the census count and encouraging them to respond.

   b. To reach these community members, CASA utilized a team of more than 40 staff and volunteers and canvassed neighborhoods including communities in Langley Park, Long Branch, Wheaton and Takoma Park - some of the most ethnically, racially and linguistically diverse regions in the Washington D.C. metropolitan area.

   c. Community members were receptive to CASA’s outreach in large part because of the trust that CASA has built with immigrant communities, and the effort was considered a success, with a 74% overall return rate on the Census reported by then Maryland Governor Martin O’Malley.

   d. In this effort, CASA partnered with a variety of community organizations, churches and government entities at the state, county and local level.
8. In light of the Trump Administration’s efforts to instill fear among immigrant communities of color we expect that the addition of the citizenship question will significantly reduce participation in the Decennial Census. We have observed this fear in many in CASA members. For example:

a. A.A. is a CASA member from Prince George’s County who earns a livelihood as a food delivery driver for local Pakistani restaurants. A.A. is not a United States citizen and currently holds no status in the United States. He has two children, a 28 year old daughter and a 21 year old son, both of whom are DACA recipients. A.A. has expressed his personal fear of being forced to inform the Census about his citizenship status, which will make him less likely to respond to the Census. Many of the community members and customers he interacts with on a daily basis have also expressed a similar fear to A.A.

b. E.R. is another CASA member who is a Prince George’s County resident and has been a United States citizen for 30 years. All of E.R.’s family are either citizens or legal permanent residents. Nonetheless, based on what she has observed and heard, E.R. believes the citizenship question will lead to underreporting from Central American immigrants in her community who do not wish to self-report their citizenship status.

9. For the 2020 Decennial Census, CASA plans on participating in outreach and education work and hopes to receive outside funding to help support this work.

10. Based on our familiarity with our community, we believe CASA plans and efforts to promote engagement in the 2020 Decennial Census’s efforts will be undermined by the Trump Administration’s intentional effort to instill heightened fear of interacting with government
workers among immigrant communities of color. This fear extends not only to undocumented immigrants or non-citizens with legal status but also to family members of non-citizens, who will be concerned that participating in the Decennial Census might endanger their loved ones.

11. Based on our familiarity with our community and how the U.S. Government is perceived, we expect CASA will need to expend more resources to reach the same number of people as it did in 2010, and that, notwithstanding these efforts, ultimately we will be less successful in convincing our constituents to participate in the 2020 Decennial Census due in large part to the presence of the citizenship question.

12. In particular, because of the heightened fear and suspicion created by the citizenship question, CASA will be forced to expend more resources on its Decennial Census outreach efforts to try to reduce the effect of this question on the response rate in the immigrant communities of color it serves. While CASA intends to invest more resources in communications (including through social media and videos to engage more people), CASA still expects it will need to interact with community members multiple times to answer questions and try to convince them to participate in the 2020 Decennial Census. Specifically:

   a. CASA anticipates that outreach during the 2020 Census will require an even larger devotion of resources than were required in 2010 to reach a comparable population, due to rising fear in the immigrant community and a reluctance to respond to questions about citizenship status.

   b. For 2020, CASA currently plans that it will have to more than double its outreach efforts over what it expended for the 2010 Census.
13. Because of the need to increase the time and money spent on Decennial Census outreach due to the addition of the citizenship question, CASA will need to divert resources from other areas critical to its mission, including job training and health outreach. Indeed, CASA has already had to divert resources from these areas in order to address concerns from its constituents stemming from the announcement of the citizenship question.

14. CASA has more than 90,000 members in Maryland, Virginia and Pennsylvania, making it the largest membership-based immigrant rights organization in the Mid-Atlantic region. Over 32,000 of CASA’s members reside in Prince George’s County, Maryland, a jurisdiction where both the Latino and Central American immigrant population exceed both the national and state average. The differential undercount that will result from adding the citizenship question to the 2020 Decennial Census will result in a lower percentage of federal funding allocated to this jurisdiction, injuring CASA members who reside there. For example, CASA’s members in Prince George’s County include parents with children enrolled in Title I schools, and commercial drivers who use the roads on a daily basis and thus depend on federal highway funds to perform their jobs.

15. The differential undercount that will result from adding the citizenship question to the 2020 Decennial Census will also diminish the political power and influence of CASA’s members in jurisdiction such as Prince George’s County and Northern Virginia. In jurisdictions such as Prince George’s County where immigrant populations of color exceed both the national and state average, the differential undercount will cause immigrants of color to be placed in malapportioned congressional and state legislative districts that have greater population than other districts in the same state. These communities, moreover, will comprise a lesser
percentage of the total population of the congressional or state legislative district than they would but-for the differential undercount.

16. One of the many CASA members who will suffer injury due to the addition of a citizenship question is M.L.D. M.L.D is a resident of Prince George’s County, Maryland, a county for which the number of Latino and immigrant residents far exceeds the Maryland state average. An undercount of Latino and immigrant residents of Prince George’s County will cause M.L.D. and other CASA members in Prince George’s County to lose out on political power and funding that will instead go to other areas of Maryland. For example, M.L.D. has a 10-year-old daughter who attends Springhill Lake Elementary, a Title I school in Prince George’s County, MD where over 50% of students are Hispanic/Latino. M.L.D — as a parent and active participant in school meetings, fundraisers, and other engagements — is concerned about the loss of funding to Springhill Lake that would result from a census undercount of children in the school district. M.L.D. also owns a catering business which requires her to make frequent deliveries using public roads in Prince George’s County. M.L.D is aware of the deteriorating state of many public roads, and is concerned that reductions in federal funding for road maintenance and repair would negatively affect her livelihood.

17. A.A.’s livelihood as a food delivery driver would be severely impacted if the Decennial Census were to include a citizenship question that would require individuals to disclose their United States Citizenship Status. Because he knows people will fear answering the question, he knows that this will lead to underreporting which will directly impact federal funding for road maintenance and repair that he requires for work each and every day. Less funding for
roads would impact A.A. with regards to both his professional and personal life. His livelihood as a whole will be affected.

18. E.R. would also be negatively impacted by the inclusion of a citizenship question on the census. She has a 11-year-old granddaughter who attends a Title I public school, Mary Harris “Mother” Jones Elementary School in Adelphi, Maryland, which could lose funding if its students in the school district are undercounted in the Census. The citizenship question will also have a direct effect on E.R.’s community advocacy, because without status in the United States such as work employment, or legal permanent residence, it is harder to bolster community support—especially with this question which requires people to self-identify. Underreporting on the Census will also have a direct negative impact on the schools, roads, and other public infrastructure on which E.R. relies.

19. As an organization, CASA also receives governmental funding that is directly tied to the Decennial Census. Among other things, CASA receives Community Development Block Grant (CDBG) funds that are allocated based on population and demographics determined by the Decennial Census, including poverty levels. The differential undercount that will result from adding the citizenship question to the 2020 Decennial Census will result in a lower percentage of CDBG funds allocated to the areas that CASA serves, and therefore CASA anticipates its funding will decrease as a result of the addition of the question.

I declare under penalty of perjury that the foregoing is true and correct.

[Signature]
George Escobar
CASA, Chief of Programs and Services

Executed in Maryland on July 9, 2018.