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 9 through Attorney General Xavier Becerra

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 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

14 CITY OF SAN JOSE, CALIFORNIA, et al.,

15 Plaintiffs,

16 v.

17 DONALD J. TRUMP, in his official capacity  
 as President of the United States, et al.,

18 Defendants.

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 20 STATE OF CALIFORNIA, et al.,

21 Plaintiffs,

22 v.

23 DONALD J. TRUMP, in his official capacity  
 as President of the United States, et al.,

24 Defendants.

Case No. 5:20-cv-05167-LHK-RRC-EMC  
 Case No. 5:20-cv-05169-LHK-RRC-EMC

**DECLARATION OF SHANNON D.  
 LANKENAU IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR PARTIAL  
 SUMMARY JUDGMENT**

Date: October 8, 2020  
 Time: 1:30 p.m.  
 Place: Courtroom 8, 4th Floor  
 Judge: Honorable Richard R. Clifton  
 Honorable Lucy H. Koh  
 Honorable Edward M. Chen

1 I, Shannon D. Lankenau, declare as follows:

2 1. I am an active member of the State Bar of California, a member in good standing  
3 of the Bar of this Court, an associate at Latham & Watkins LLP, and counsel for Plaintiffs in the  
4 above-titled action. I make this declaration in support of Plaintiffs' Motion for Partial Summary  
5 Judgment. I have personal, first-hand knowledge of the matters set forth below and, if called as a  
6 witness, I could and would testify competently thereto.

7 2. Attached hereto as Exhibit 1 is a true and correct copy of a report by Andrew  
8 Reamer, titled "Counting for Dollars 2020 – The Role of the Decennial Census in the  
9 Geographic Distribution of Federal Funds – Brief 7: Comprehensive Accounting of Census-  
10 Guided Federal Spending (FY2017) Part B: State Estimates," available at  
11 [https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Counting%20for%20Dollars%2020%20-%20Comprehensive%20Accounting\\_Report%207B%20Feb%202020%20rev.pdf](https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Counting%20for%20Dollars%2020%20-%20Comprehensive%20Accounting_Report%207B%20Feb%202020%20rev.pdf).

13 3. Attached hereto as Exhibit 2 is a true and correct copy of the U.S. Census  
14 Bureau's webpage, titled "2020 Census Count Guides Funding of New Roads and Bridges,"  
15 dated December 4, 2019, available at [https://www.census.gov/library/stories/2019/12/2020-](https://www.census.gov/library/stories/2019/12/2020-census-count-guides-funding-of-new-roads-and-bridges.html)  
16 [census-count-guides-funding-of-new-roads-and-bridges.html](https://www.census.gov/library/stories/2019/12/2020-census-count-guides-funding-of-new-roads-and-bridges.html).

17 4. Attached hereto as Exhibit 3 is a true and correct copy of the U.S. Department of  
18 Commerce's webpage, titled "U.S. Department of Commerce Announces Reinstatement of  
19 Citizenship Question to the 2020 Decennial Census," dated March 26, 2018, available at  
20 [https://www.commerce.gov/news/press-releases/2018/03/us-department-commerce-announces-](https://www.commerce.gov/news/press-releases/2018/03/us-department-commerce-announces-reinstatement-citizenship-question-2020)  
21 [reinstatement-citizenship-question-2020](https://www.commerce.gov/news/press-releases/2018/03/us-department-commerce-announces-reinstatement-citizenship-question-2020).

22 5. Attached hereto as Exhibit 4 is a true and correct copy of Memorandum from  
23 Wilbur L. Ross, Jr., Secretary of Commerce, to Karen Dunn Kelley, Under Secretary of  
24 Commerce for Econ. Affairs, regarding "Reinstatement of a Citizenship Question on the 2020  
25 Decennial Census Questionnaire," dated March 26, 2018, available at  
26 [https://www.commerce.gov/sites/default/files/2018-03-26\\_2.pdf](https://www.commerce.gov/sites/default/files/2018-03-26_2.pdf).

27 6. Attached hereto as Exhibit 5 is a true and correct copy of an article by Bryan  
28 Lowry in the Kansas City Star, titled "That Citizenship Question on the 2020 Census? Kobach

1 Says He Pitched It to Trump,” dated March 27, 2018, available at  
2 <https://www.kansascity.com/news/politics-government/article207007581.html>.

3 7. Attached hereto as Exhibit 6 is a true and correct copy of an article by Michael  
4 Wines in the New York Times, titled “Deceased G.O.P. Strategist’s Hard Drives Reveal New  
5 Details on the Census Citizenship Question,” dated May 30, 2019, available at  
6 <https://www.nytimes.com/2019/05/30/us/census-citizenship-question-hofeller.html>.

7 8. Attached hereto as Exhibit 7 is a true and correct copy of “Remarks on  
8 Citizenship and the Census” by the Administration of Donald J. Trump on July 11, 2019,  
9 available at <https://www.govinfo.gov/content/pkg/DCPD-201900465/pdf/DCPD-201900465.pdf>.

10 9. Attached hereto as Exhibit 8 is a true and correct copy of a “Statement From the  
11 President Regarding Apportionment” from the White House on July 21, 2020, available at  
12 <https://www.whitehouse.gov/briefings-statements/statement-president-regarding-apportionment/>.

13 10. Attached hereto as Exhibit 9 is a true and correct copy of an online report from  
14 Pew Research Center, titled “U.S. Unauthorized Immigrant Population Estimates By State,  
15 2016,” dated February 5, 2019, available at [https://www.pewresearch.org/hispanic/interactives/u-](https://www.pewresearch.org/hispanic/interactives/u-s-unauthorized-immigrants-by-state/)  
16 [s-unauthorized-immigrants-by-state/](https://www.pewresearch.org/hispanic/interactives/u-s-unauthorized-immigrants-by-state/).

17 11. Attached hereto as Exhibit 10 is a true and correct copy of a report by the U.S.  
18 Department of Homeland Security, Office of Immigration Statistics, titled “Population  
19 Estimates, Illegal Alien Population Residing in the United States: January 2015,” dated  
20 December 2018, available at  
21 [https://www.dhs.gov/sites/default/files/publications/18\\_1214\\_PLCY\\_pops-est-report.pdf](https://www.dhs.gov/sites/default/files/publications/18_1214_PLCY_pops-est-report.pdf).

22 12. Attached hereto as Exhibit 11 is a true and correct copy of an article by Jeffrey S.  
23 Passel and D’Vera Cohn of Pew Research Center, titled “How Removing Unauthorized  
24 Immigrants From Census Statistics Could Affect House Reapportionment,” dated July 24, 2020,  
25 available at [https://www.pewresearch.org/fact-tank/2020/07/24/how-removing-unauthorized-](https://www.pewresearch.org/fact-tank/2020/07/24/how-removing-unauthorized-immigrants-from-census-statistics-could-affect-house-reapportionment/)  
26 [immigrants-from-census-statistics-could-affect-house-reapportionment/](https://www.pewresearch.org/fact-tank/2020/07/24/how-removing-unauthorized-immigrants-from-census-statistics-could-affect-house-reapportionment/).

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1           33. Attached hereto as Exhibit 32 is a true and correct copy of an excerpt of the  
2 definitions of “Inhabitant” and “Person” from A Dictionary of the English Language, by Samuel  
3 Johnson, Third Edition, dated 1766.

4           34. Attached hereto as Exhibit 33 is a true and correct copy of a Memorandum on the  
5 Method of Equal Proportions by Professor Edward Huntington, reprinted at 71 Congressional  
6 Record 4965, dated Mar. 2, 1929.

7           35. Attached hereto as Exhibit 34 is a true and correct copy of a printout of the U.S.  
8 Census Bureau’s Computing Apportionment, last revised March 30, 2020, available at  
9 [https://www.census.gov/topics/public-sector/congressional-](https://www.census.gov/topics/public-sector/congressional-apportionment/about/computing.html)  
10 [apportionment/about/computing.html](https://www.census.gov/topics/public-sector/congressional-apportionment/about/computing.html).

11           36. Attached hereto as Exhibit 35 is a true and correct copy of a web printout of the  
12 definition of “Person” in Merriam-Webster Online Dictionary, available at  
13 <https://www.merriam-webster.com/dictionary/person>.

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

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18 Executed on: August 27, 2020

LATHAM & WATKINS LLP

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By: /s/ Shannon D. Lankenau  
Shannon D. Lankenau

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Shannon D. Lankenau (Bar No. 294263)  
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County, Arlington County, Harris County, Black  
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**ATTESTATION**

I, Gabrielle D. Boutin, am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

DATED: August 27, 2020

/s/ Gabrielle D. Boutin

Gabrielle D. Boutin

### CERTIFICATE OF SERVICE

Case Name: **State of California, et al. v.  
Donald J. Trump, et al.**

No. **5:20-cv-05169-LHK-RRC-  
EMC**

I hereby certify that on August 27, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF SHANNON D. LANKENAU IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on August 27, 2020, at Sacramento, California.

Tracie L. Campbell

Declarant

*/s/ Tracie Campbell*

Signature

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