LATHAM & WATKINS LLP
Steven M. Bauer (Bar No. 135067)
steven.bauer@lw.com
Sadik Huseny (Bar No. 224659)
sadik.huseny@lw.com
Shannon D. Lankenau (Bar. No. 294263)
shannon.lankenau@lw.com
505 Montgomery Street, Suite 1900
San Francisco, California 94111
Telephone: 415.391.0600
Facsimile: 415.395.8095

LATHAM & WATKINS LLP
Richard P. Bress (admitted *pro hac vice*)
rick.bress@lw.com
Melissa Arbus Sherry (admitted *pro hac vice*)
melissa.sherry@lw.com
Anne W. Robinson (admitted *pro hac vice*)
anne.robinson@lw.com
Tyce R. Walters (admitted *pro hac vice*)
tyce.walters@lw.com
Genevieve P. Hoffman (admitted *pro hac vice*)
genevieve.hoffman@lw.com
Gemma Donofrio (admitted *pro hac vice*)
gemma.donofrio@lw.com
555 Eleventh Street NW, Suite 1000
Washington, D.C. 20004
Telephone: 202.637.2200
Facsimile: 202.637.2201

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
Kristen Clarke (*pro hac vice* forthcoming)
kclarke@lawyerscommittee.org
Jon M. Greenbaum (Bar No. 166733)
jgreenbaum@lawyerscommittee.org
Ezra D. Rosenberg (*pro hac vice* forthcoming)
erosenberg@lawyerscommittee.org
Dorian L. Spence (*pro hac vice* forthcoming)
dspence@lawyerscommittee.org
Maryum Jordan (*pro hac vice* forthcoming)
mjordan@lawyerscommittee.org
Ajay Saini (*pro hac vice* forthcoming)
asaini@lawyerscommittee.org
Pooja Chaudhuri (Bar No. 314847)
pchaudhuri@lawyerscommittee.org
1500 K Street NW, Suite 900
Washington, DC 20005
Telephone: 202.662.8600
Facsimile: 202.783.0857

Attorneys for Plaintiffs National Urban League; City of San Jose, California; Harris County, Texas; League of Women Voters; King County, Washington; Black Alliance for Just Immigration; Rodney Ellis; and Adrian Garcia [additional counsel on docket]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE; LEAGUE OF WOMEN VOTERS; BLACK ALLIANCE FOR JUST IMMIGRATION; HARRIS COUNTY, TEXAS; KING COUNTY, WASHINGTON; CITY OF LOS ANGELES, CALIFORNIA; CITY OF SALINAS, CALIFORNIA; CITY OF SAN JOSE, CALIFORNIA; RODNEY ELLIS; and ADRIAN GARCIA,

Plaintiffs,

v.

WILBUR L. ROSS, JR., in his official capacity as Secretary of Commerce; U.S. DEPARTMENT OF COMMERCE; STEVEN DILLINGHAM, in his official capacity as Director of the U.S. Census Bureau; and U.S. CENSUS BUREAU,

Defendants.

CASE NO. 20-cv-5799-LHK

DECLARATION OF JERI GREEN IN SUPPORT OF PLAINTIFFS' MOTION FOR STAY AND PRELIMINARY INJUNCTION

I, Jeri Green, declare as follows:

1. The facts set forth in this declaration are true and correct based upon my own personal knowledge. If called as a witness, I could and would testify competently to each of the facts set forth herein.

2. I am a consultant to the National Urban League, where I serve as 2020 Census Senior Advisor. Formerly, I was employed at the U.S. Census Bureau where I served as Senior Advisor for Civic Engagement in the Office of the Director.

3. The National Urban League is a historic civil-rights organization, founded in 1910 and headquartered in New York City. The mission of the National Urban League is to help African Americans and others in underserved communities achieve social parity, economic self-reliance, power, and civil rights.

4. The National Urban League has over 90 affiliates serving 300 communities in 37 states and the District of Columbia. This includes affiliate offices in San Francisco, California; Detroit, Michigan; Miami, Florida; Philadelphia, Pennsylvania; and New York, New York. Each of these cities have relatively low response rates, with particular census tracts in the bottom 20% of census return rates nationwide.

5. The National Urban League has a vast national volunteer network, with 11,000 volunteers engaged across the country. These volunteers have helped provide direct services to nearly two million constituents annually. Over the past decade, the National Urban League has served over 22 million individuals nationwide.

6. The Black constituents served by the National Urban League are members of a community that has historically gone undercounted in the census. The National Urban League has conducted a significant amount of outreach in an effort to address the undercount of Black people in the census. In my role as consultant with the National Urban League, my responsibilities have included spearheading the organization's 2020 Census Make Black Count initiative and directing the activities of its 2020 Census Black Roundtable.

7. Examples of initiatives that the National Urban League undertook to remedy the Black undercount for 2020 include:

a. Preparing a 2020 Census Toolkit with resources to inform affiliates and the public about the 2020 Census and what to expect.

b. Establishing a 2020 Census website—www.MakeBlackCount.org—to disseminate important information and updates about the 2020 Census to the Black population and the public overall. Information published on the website included posts about the importance of participating in the Census, ways the public can participate in the Census, and operational changes due to COVID-19.

c. Participating in numerous workshops and conventions to assist diverse groups in preparing for the 2020 Census, including organizations such as the National Coalition on Black Civic Participation, Asian Americans Advancing Justice, 100 Black Men, and many more.

d. Conducting several virtual town halls with upwards of 1,000 individuals calling in from across the country to obtain updates on the census, information about the census operational timeline, and instructions for how to participate in the census. Participants in these events have included Martin Luther King III, who was appointed by Governor Cuomo to head New York State's complete count effort; Black mayors and members of the Congressional Black Caucus; and civil rights representatives.

e. Holding, in 2018 and 2019, "Census Solutions Workshops" in conjunction with our affiliates, local grassroots organizations, and Census representatives. These workshops occurred in Providence, Rhode Island, which was the Census Bureau's sole Dress Rehearsal site, as well as in Mississippi and Louisiana. Census Bureau staff participated in some of these events by providing informational handouts and other materials.

f. Organizing, beginning in 2018, a 2020 Census Black Roundtable of civil rights groups, advocates, faith leaders, redistricting experts, and Black immigrant organizations. The purpose of these Roundtable convenings

was to share strategies for ensuring that the Black population is counted in the 2020 Census, support and promote each other's events and outreach activities, and provide updates on the status of census operations, the last of which became particularly important during the COVID-19 pandemic.

g. Partnering, in 2019, with the Census Bureau's Atlanta Regional Office to conduct 2020 Census job recruitment at the 2019 Essence Festival in New Orleans. Together, we recruited over 1,500 individuals for Census jobs and persuaded them to sign pledges committing to responding to the 2020 Census.

8. These examples are a testament to the National Urban League's deep involvement and investment in community engagement and outreach around the 2020 Census.

9. We are committed to this public education and "get out the count" work because our constituents depend on a complete and accurate count: Black communities have historically been undercounted on the census resulting in the loss of billions of dollars in federal funding allocations and as substantial losses in political power and representation for the Black population. The National Urban League has been deeply committed to addressing this problematic trend during the 2020 Census.

10. However, our ability to conduct the public education and get-out-the-count work necessary to further our mission has been severely curtailed and disrupted by the Census Bureau's decision to abandon the extended timeline it introduced and we relied on in light of COVID-19.

11. When the COVID-19 pandemic unsettled the 2020 Census, the extended timeline that the Census Bureau announced in April 2020 provided the Bureau and non-profits, like the National Urban League, with much-needed time to adapt.

12. The National Urban League expended considerable time and resources in reliance on the October deadline.

13. The National Urban League allocated and spent limited resources to inform our constituents and census partners about the extended timeline. For example, the National Urban

League spoke publicly about the October deadline at numerous "get out the count" events.

14. Additionally, when the Census Bureau announced its extension of the timeline for collecting responses to the 2020 Census, the National Urban League informed all members of the 2020 Census Black Roundtable that the deadline had become October 31, 2020. The members in turn conveyed to their own networks and constituents, causing a cascading effect. The members of that roundtable were crucial partners in spreading the word about the new timelines to hard-to-reach localities throughout the country. The National Urban League sought to raise awareness of the new timelines and spoke of the October 31 deadlines at multiple webinars and public events.

15. The Bureau's decision to move up its deadline for data collection to September 30, 2020 has forced the National Urban League to divert resources from other programs and projects so that we can attempt to inform our affiliates and constituents of the new deadline and alleviate the confusion. These are resources that the National Urban League could have spent on its other programs and priorities, including get-out-the-count efforts, as well as advocacy efforts related to census-related issues.

16. The National Urban League's public education and "get out the count" work is time-consuming, and resource- and labor-intensive.

17. The National Urban League has had to expend resources in order to call the Census Bureau's immediate attention to the hiring impacts and other operational concerns caused by the Bureau's haphazard rescheduling. For instance, the League accurately predicted that the delay of fingerprinting would cause enormous backlogs in hiring enumerators, resulting in a more disproportionate undercount of Black households. Consequently, the National Urban League has had to reallocate resources so that it could advocate for an extension of the nonresponse follow-up operations.

18. Affiliates of the National Urban League who were already conducting census outreach, members of the 2020 Census Black Roundtable, and members of the public more generally all need accurate information about Census operations and timeline adjustments. As a trusted voice in the community, the National Urban League has a responsibility to provide and amplify that information, and alleviate the confusion the Census Bureau's decision has caused.

This unanticipated need for new outreach in August and September is diverting and will divert time and money away from other programs and projects that the National Urban League has planned, causing other needs of our constituents to go unmet.

19. The Census Bureau's decision has created unexpected, additional strain on the National Urban League Media and Communications effort. The ongoing pandemic's impact on core mission programs such as housing, education, and economic empowerment has required extraordinary digital and social media outreach. The Bureau's decision to rush the 2020 Census has placed an unreasonable burden on an already taxed national organization.

20. The National Urban League's core mission has been twice adulterated: by the pandemic, and by the arbitrary decision to cut the 2020 Census short.

21. The Census Bureau's shortened timeline is not only harming the National Urban League, it will also harm our constituents. If the census timeline is cut short, it will prevent the National Urban League from fully performing our public education and "get out the count" work despite the changes above, and we believe that the Census Bureau will be unable to obtain an accurate count of our constituents.

22. Based on the experience of the National Urban League, we believe that cutting the census timeline short will cause a historic differential undercount, the consequences of which would be damaging for the Black communities we serve.

23. A severe differential undercount would cause many of the National Urban League's constituents to receive diminished political representation in comparison to whiter, wealthier communities that are over-counted, or not under-counted as significantly.

24. Differential undercounting that results from the Bureau's decision to shorten counting operations during the 2020 Census has the potential to deprive states of their fair share of representation in Congress. Currently, there are many states that have low response rates, and are at higher risk of losing a seat in the next apportionment because of the decision to cut counting operations short. These include Florida, Georgia, South Carolina, Texas, and Arizona. The National Urban League has affiliates in each of these states, and the communities they serve will be harmed if their state loses one or more congressional seats because of the decision to cut

short counting operations.

25. Furthermore, the National Urban League's constituents would be deprived of federal funding for their communities commensurate with their size and needs, due to the federal government's use of inaccurate decennial census data to inform the allocation of federal funding.

26. Many federal funding programs that are crucial to Black communities—and, consequently, to National Urban League's constituents—rely on decennial census data in order to determine how they are distributed throughout the country. These programs include the Supplemental Nutrition Program for Women, Infants, and Children, and the Medical Assistance Program. A differential undercount of Black communities would cause National Urban League's constituents to receive a smaller allocation of funds through these programs, thus limiting their access to basic necessities like food and healthcare.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 24, 2020

/s/ Jeri Green
Jeri Green

ATTESTATION

I, Sadik Huseny, 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 24, 2020

LATHAM & WATKINS LLP

By: */s/ Sadik Huseny*
Sadik Huseny