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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 NANA GYAMFI IN SUPPORT OF PLAINTIFFS' MOTION FOR STAY AND PRELIMINARY INJUNCTION

DECLARATION OF NANA GYAMFI

I, Nana Gyamfi, declare as follows:

1. I am the Executive Director of the Black Alliance for Just Immigration ("BAJI").

2. I have personal knowledge of the facts set forth below and if called upon to testify, I could and would do so competently as follows:

3. BAJI is a California nonprofit corporation with offices in Oakland, California; Los Angeles, California; Atlanta, Georgia, Miami, Florida, and New York, New York.

4. BAJI was founded in April 2006 in response to the mobilization of immigrant communities and their supporters against repressive immigration bills that were pending before the United States Congress at the time.

5. BAJI currently has approximately 1200 members who are predominantly Black immigrants, refugees, and/or African Americans. Though its membership is nationwide, BAJI's members are concentrated in Oakland, California and other parts of the California Bay Area, including San Jose; Los Angeles, California; New York, New York; Miami, Florida; Atlanta, Georgia; and Washington, D.C.

6. BAJI receives funding from individual donors.

7. Propelled by the belief that a thriving multiracial democracy requires racial, social, and economic justice for all, BAJI's core mission is to educate and engage African American and Black immigrant communities to organize and advocate for racial, social and economic justice for themselves and other underrepresented communities.

8. BAJI fulfills its mission through various means, including, but not limited to, dialogues, presentations, workshops, publications, technical assistance, and trainings.

9. BAJI also builds coalitions and initiates campaigns to advance racial justice, and, at the local and regional levels, provides its partner organizations with relevant training and technical assistance to promote culture shifts necessary to secure equal rights for underrepresented minority communities.

10. A differential undercount of Black and immigrant communities resulting from the decision to cut counting operations for the 2020 Decennial Census short would harm BAJI's

mission. The impact of such an undercount, including a dilution of political power and a loss of federal funding, on the very immigrant communities that BAJI serves impedes its mission to advance these communities' access to racial, social, and economic justice.

11. BAJI has already taken steps to divert some of its essential and limited resources, including time and money, from other important matters that BAJI ordinarily would have been addressing to counteract the harmful effects of the abrupt and unexpected decision to cut counting operations short during the 2020 Decennial Census.

12. First, BAJI will need to expend additional resources to clear up public confusion about the deadline in the communities served by the organization. From mid-April through the end of July, following the outbreak of COVID-19 in the United States, the Census Bureau publicly stated that the deadline for responding to the Census was October 31. Similarly, the Bureau confirmed, repeatedly, that enumerators would visit households through October 31. In reliance on these statements, local governments and organizations in cities where BAJI members reside, as well as BAJI itself widely publicized the new deadlines.

13. BAJI specifically publicized the October 31 deadline for self-response during digital events between April and July, which were widely publicized through and streamed on the organization's social media accounts. That information is now inaccurate by the Census Bureau's sudden shortening of the timeline for counting, rendering those efforts useless.

14. BAJI now has to divert resources, including staff time and money, from other priorities and programs in order to clear up confusion about the deadline for responding to the Census. Specifically, BAJI is already planning and conducting additional outreach, including additional digital events, and additional mail and texting campaigns to inform its members and the communities it serves that they have until September 30 to respond to the Census, not October 31 as originally publicized.

15. Second, BAJI will need to adjust its plans, and expend additional resources to address the harmful impact of the decision to cut short counting operations. BAJI has limited staff and funding available to conduct its operations. To ensure that it met its goal of maximizing counting of the communities it serves with those limited resources, BAJI planned to

spread its efforts through October 31. However, by cutting counting operations by one month, the Census Bureau's decision means that BAJI must conduct its outreach campaign over a shorter period of time. In order to accomplish this difficult task, BAJI must hire additional outreach staff.

16. BAJI's planned outreach campaign involved conducting get out the count efforts in Black immigrant communities across the country with various different language needs. BAJI originally planned to focus on a few particular immigrant communities at a time, to help ensure that it could, with its limited resources, locate sufficient temporary staff and volunteers that could meet each community's language needs. However, the shortening of the timeline has disrupted this plan, and BAJI is now expending additional resources, diverted from other programs and priorities, recruiting staff and volunteers to meet the language needs of all the communities it planned to mobilize with its outreach efforts.

17. The shortened timeline also forces BAJI to change the way it planned to conduct outreach. Originally, BAJI planned to focus on digital events and advertising in areas that were undergoing severe COVID-19 related outbreaks, until conditions in those areas improved enough to allow for in-person canvassing at grocery stores, and other public locations. However, with the shortened timeline, staff at BAJI are concerned that there is not enough time left to engage in effective outreach that will help improve counts of historically undercounted communities. Consequently, staff are now planning to engage in in-person outreach earlier than anticipated, despite the challenges of doing so during the COVID-19 outbreak.

18. Black immigrants are among the populations most likely to be overlooked by the Census Bureau. In order to ensure accurate counting of these populations, it is imperative that the Bureau work with trusted voices in those communities, including organizations like BAJI. Indeed, staff at BAJI have regularly communicated with Bureau staff during the planning and conducting of the 2020 Census to help fine tune and partner on key outreach activities designed to get out the count. However, in an abrupt departure from this spirit of coordination, the decision to cut short counting operations that were essential in providing a complete count of historically undercounted communities, was made without consulting BAJI or our partner

groups, or providing any explanation for the decision. Nor was any effort made by the Bureau prior to the announcement of the decision to coordinate with BAJI or our partner organizations to ensure that the message about the deadlines was effectively communicated to the communities most likely to be impacted, including the Black immigrant communities BAJI serves.

19. In light of these challenges, the decision to cut counting operations short will harm BAJI, its members, and the Black immigrant communities that BAJI serves.

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 at Los Angeles, California.

Nana Gyamfi

Nana Gyamfi