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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. 5:20-cv-5799-LHK **DECLARATION OF ANDREW J. WESTALL IN SUPPORT OF PLAINTIFFS' MOTION FOR STAY AND PRELIMINARY INJUNCTION**

I, Andrew J. Westall, do hereby 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 employed as the Chief Deputy for the Office of Los Angeles City Council Member Herb J. Wesson, Jr. I have worked for the office from November 2005 through November 2011, and from April 2012 to the present. From January 2012 through November 2019, Los Angeles City Council Member Herb J. Wesson, Jr. was the President of the Los Angeles City Council.

3. Among other duties, in my position as the Chief Deputy to Los Angeles City Council Member Herb J. Wesson, I lead a staff of up to 50 employees on a wide range of municipal issues, including intergovernmental relations, budget, revenue strategies, ballot measures, labor, housing, planning, economic development, and transportation. As part of my job duties as Chief Deputy, I served as the lead staff member for the Rules, Elections, and Intergovernmental Relations Committee. That committee oversees the preparation for the Decennial Census for the City, as well as utilization of Decennial Census data for redistricting for the City Council Districts and other purposes described herein. I am also the former lead staff member for the Housing, Community, and Economic Development Committee. For six years in that capacity, I oversaw yearly operational budgets of approximately $2 billion in contracts and construction projects administered by the Housing Department, Housing Authority, Community Development Department and the Community Redevelopment Agency.

4. I received a B.A. Degree in Political Science-Public Service from the University of California, Davis in 1996, with an emphasis in urban, environmental, economic, and social public policies, as well as various ethnic studies disciplines.

5. I received a M.A. Degree in Urban Planning from the University of California, Los Angeles in 1999, with an emphasis in social policy and analysis, environmental and transportation public policy, municipal demographics, Geographic Information System (GIS) mapping, and redistricting.

6. From April of 1998 through June of 2000, I worked for the National Association of Latino Elected and Appointed Officials as a consultant, researcher and author. In June of 2000, I prepared a publication entitled *Reapportionment, Redistricting and the Latino Community: 2000 and Beyond*, regarding reapportionment and redistricting of legislative and congressional districts after the 2000 Census, focusing on the Latino communities in seven states.

7. From January 2001 to November of 2001, I worked as the Assistant to the Speaker for the Office of the Speaker of the California Assembly Robert M. Hertzberg. In my role, I worked on the post-2000 Census state redistricting process as the Chief Line Drawer for 38 of the 50 Democratic Assembly Districts in California. The Chief Line Drawer works with decisionmakers, legal counsel, and key stakeholders in the crafting of proposed district lines to produce draft maps and data tables for consideration, along with unpublished scenarios, leading ultimately to the final map and data tables for publication. I also have performed work as the drafter of alternative plans for the California Board of Equalization, California Legislature and United States Congress. Alternative plans are unpublished redistricting maps and data table scenarios made available to decision-makers, including State Legislators and Members of the U.S. Congress.

8. From November 2001 to April of 2002, I served as the Technical Director for the City of Los Angeles during the Los Angeles City Council redistricting process. In that capacity, I was the Chief Line Drawer for all 15 of the City Council Districts. I developed the demographic and geographic databases utilized by the Commission and the public. These databases relied upon, and were primarily based on, Decennial Census data. I also organized 16 public testimony hearings throughout the City, which produced 3,000 attendees and 5,000 written public comments. I reviewed and assessed the voluminous public record and prepared and provided technical reports to the City. Additionally, I designed, developed, and updated the City's redistricting website.

9. During that same period, from November 2001 to April 2002, I simultaneously worked as the Technical Director and Chief Line Drawer for the Los Angeles Unified School

District (LAUSD) redistricting process.

10. From April of 2002 to February of 2004, I worked as Assistant to the Speaker for the Office of the Speaker of the California Assembly Herb J. Wesson, Jr. My duties included political strategy, public relations, electoral strategy, GIS mapping, demographics, statistics, and redistricting.

11. From February 2004 to November of 2005, I worked as the Assistant to the Speaker for the Office of the Speaker of the California Assembly Fabian Nunez. My duties included political strategy, public relations, electoral strategy, GIS mapping, demographics, statistics, and redistricting.

12. From November of 2011 to March 2012, I served as the Executive Director, Chief Executive Officer and Administrator for the Los Angeles City Council Redistricting Commission, overseeing six staff members and dozens of contractors in support of the Commission's work. I organized 22 public testimony hearings throughout the City, with responsibility for managing a process involving over 5,000 attendees and the assessment of 6,551 written public comments. I also organized the Commission's meetings and prepared and issued a 950-page report to the City Council regarding the Commission's recommendations for redistricting Los Angeles City Council Districts after the 2010 Census.

13. The City of Los Angeles is a Charter City, organized under Article XI, Section 3 of the California Constitution. Pursuant to Article XI, Section 5(b), the Charter of the City of Los Angeles prescribes the manner in which redistricting will occur after each Decennial Census, and relies upon the use of Census Data.

14. Section 204 of the Los Angeles City Charter requires a redistricting process every ten years. Section 204(b) of the City Charter mandates the formation of a Redistricting Commission to advise the City Council on the drawing of Council district lines. No City officer or employee is eligible to serve on the 21-member Commission.

15. During my work on redistricting for more than a decade, beginning in 2001, for the State of California, City of Los Angeles and LAUSD, I have gained an understanding of the legal and practical considerations relevant to the redistricting process. These principles include

the following: (a) ensuring districts contain equal population (one person, one vote) in compliance with the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; (b) respecting traditional redistricting criteria such as contiguity (all parts of a district should connect), compactness (a district should be geographically compact with regard to appearance, shape, and borders), due consideration of existing boundaries (such as geographic, street, school, and political subdivisions), and preserving communities of interest (people sharing common interest); and (c) compliance with Section 2 of the federal Voting Rights Act by ensuring that minority voters are not denied equal access to voting opportunities (minority voting blocks are neither fractured nor packed into a district so as to dilute their votes).

16. Section 21620 of the California Elections Code allows the City Council to give consideration in redistricting to topography, geography, cohesiveness, contiguity, integrity, compactness of territory, and communities of interest within the district. Section 204(d) of the City Charter requires that all districts "shall be drawn in conformance with requirements of state and federal law and, to the extent feasible, shall keep neighborhoods and communities intact, utilize natural boundaries or street lines, and be geographically compact."

17. Section 204(a) of the City Charter requires that City Council Districts "shall each contain, as nearly as practicable, equal portions of the total population of the City as shown by the Federal Census immediately preceding the formation of districts." Thus, the City conducts redistricting based on the total population of the City, as it is constitutionally entitled to do under Supreme Court precedent.

18. Pursuant to Section 241 of the City Charter, the City Council consists of 15 members, elected by their respective districts.

19. Based upon the 2010 Decennial Census figures, the total population of the City of Los Angeles was 3,792,621. Therefore, the ideal population size for each Council District would be 252,841 people. Both law and equity disfavor large population deviations between districts. Even a deviation of 10% (5% in either a plus or minus direction) may not be considered in a "safe harbor" for purposes of a legal challenge.

20. As a result of the 2012 redistricting process, each Council District represents a

population of approximately 250,000 residents, with a population deviation of less than +/- 2.5%. Equal distribution of residents in each Council District ensures that every resident has equal access to their City government representative.

21. During my redistricting work over more than a decade, I have become familiar with and have relied upon Decennial Census data to perform my work. The Decennial Census is the only source that provides the sufficiently granular population count and demographic data the City of Los Angeles needs for redistricting purposes.

22. The Decennial Census provides important data points that the City uses in redistricting such as the number of people per household, household status, age, race, and ethnicity.

23. The Decennial Census also provides data on multiple levels that are crucial for redistricting: a "Census block"; a "Census Block Group" or "Census Tract" level (comprising several groups of blocks, averaging approximately 5,000 individuals); "Census Place" (unincorporated County); and at an overall City, County and State level.

24. The City uses granular population count data when redistricting to create Council Districts that are of equal size in terms of resident population. Without accurate population count data from the Decennial Census, the City cannot ensure that any redistricting plan complies with constitutional, state, and Charter provisions that require Council Districts be of equal size and conforms to such redistricting principles as contiguity and compactness.

25. Data at all levels of granularity, including the most granular block-level, is necessary to ensure properly populated and lawfully formed City Council Districts. Neighborhood characteristics and population density can change dramatically in Los Angeles from block-to-block, especially near the City's core. For example, single family neighborhoods such as Hancock Park, with average lot sizes of approximately 14,000 square feet, abut very densely populated portions of Koreatown, filled with multi-family residences and notable for having one of the densest populations in the United States outside of New York City.

26. Inaccurate population count data will thus result in an unevenly reported population distribution, which will in turn deny equal representation to the City's residents.

According to data from the Census Bureau, of the nearly 3.95 million residents in the City of Los Angeles, approximately 58.7% of the housing units in the City are renter-occupied, 16% of the population age 14 or older speaks limited English, and 21.3% of the population lives below the poverty level. These are all characteristics that make a population "hard-to-count" according to the Census Bureau. As to the latter category, the City's population of residents living below the poverty line is greater than the entire population of five states with the lowest population in the United States (Alaska, North Dakota, South Dakota, Vermont, and Wyoming) (https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html). Hard-to-count residents in the City of Los Angeles are not distributed equally among neighborhoods or the 15 Council Districts. For example, in Council District 9, 72.5% of the housing units are renter-occupied, 25.6% of the population age 14 or older speaks limited English, and 42% of the population lives below the poverty level, compared with just 26.4% of housing units being renter-occupied, 7% of the population age 14 or older speaking limited English, and 9.8% of the population living below the poverty level, in Council District 12. Attached as Exhibit A to this Declaration is a true and correct copy of the City's "hard-to-count" mapping and demographic report for each Council District. The report was created using a County of Los Angeles interactive mapping tool to predict areas of low census participation based on the U.S. Census Bureau's Low Response Score.

27. Accordingly, residents in Council Districts with large concentrations of undercounted residents would be denied equal representation. Residents in Districts with larger undercounted populations would proportionally have less access to their elected representative, denying them an equal ability to petition their government for redress of grievances as guaranteed by the First Amendment. The residents of those Districts with more undercounted neighbors would be denied equal access merely because of where they happen to reside and who their neighbors happen to be.

28. The City also uses granular race and ethnicity data gathered from the Decennial Census when redistricting to ensure compliance with the Voting Rights Act and other state and federal voting and civil rights laws. Accurate data on race and ethnicity at the block-level is

necessary given that population density and demographic diversity can vary sharply among adjacent neighborhoods and abutting city blocks in Los Angeles. Without accurate block-level race and ethnicity data, the City cannot ensure that district lines are drawn in compliance with the Voting Rights Act and other voting and civil rights laws.

29. Block-level demographic data is also necessary for drawing district lines and determining the precise neighborhoods that will be included in particular districts in accordance with the principles of redistricting. As noted, preserving communities of interest is one of the principles the City must consider during redistricting. Block-level demographic data, including age, race and household status, is crucial for identifying those communities of interest and locating their precise geographic bounds.

30. The City also relies on Decennial Census population count data when managing the allocation of its services and resources to City residents.

31. City services and resources that are allocated to particular neighborhoods are based on the Decennial Census count of people in those neighborhoods. Due to the highly varying nature of the population density from one neighborhood to the next, and even from one block to the next, the granular block-level population count data derived from the Decennial Census is crucial for properly and efficiently allocating City services and resources to ensure that the needs of each neighborhood—and, even, each block—are met.

32. Without reliable, precise, and accurate population count data, the City would not be able to identify the needs of each community, neighborhood, or high-density city block. The combination of undercounts in some neighborhoods and overcounts in others will lead to errors in measuring neighborhood populations, which will in turn lead to misallocation of City resources, including Los Angeles Fire Department deployment, Bureau of Sanitation trash pick-ups, and the acquisition or improvement of park property. Accordingly, undercounted neighborhoods will suffer from the lack of sufficiently allocated resources due to inaccurate census data. The City thus needs accurate Decennial Census data to meet the needs of all of its residents and to plan for future needs.

33. Having an accurate neighborhood-by-neighborhood and block-by-block

population count is also important in such areas as the City's Department of City Planning (for urban planning and zoning updates), the City's Department of Transportation (for infrastructure project assessments), the City's Economic Workforce and Development Department (for redevelopment purposes), and by the Housing and Community Investment Department (for smart growth analyses).

34. Congress uses decennial census data to apportion funding in times of national emergency. For example, Congress recently appropriated more than $1 billion dollars to the Los Angeles metropolitan area for public transportation services in the Coronavirus Aid, Relief, and Economic Security Act, or CARES Act. The funding amount was apportioned by the Federal Transit Administration on the basis of the percentage of population attributable to the metro region, as determined by the 2010 Census. While most of the funding will support City transit services via the Metropolitan Transit Authority, more than $20,000,000 was delivered to the City of Los Angeles.

35. In addition, the City of Los Angeles receives tens of millions of dollars from the federal government each year based upon the ratio of population derived from the decennial census. As just one example, as set forth in the City's annual adopted budgets, more than $20,000,000 in Community Development Block Grant (CDBG) funds have been delivered to the City in recent years based, in part, on the ratio of population in the 2010 census. The CDBG funds are allocated by the U.S. Department of Housing and Urban Development to specific programs or purposes, based on approved applications, and remitted to the City by a letter-of-credit arrangement. The City uses these funds support housing and community investment as well as workforce development.

36. Undercounts that disproportionally impact Los Angeles, which are likely because of the region's hard-to-count status, could cause the City to miss out on a portion of this funding for an entire decade and rushing the 2020 Census will only serve to magnify the risk of an undercount, as time is critical to ensuring the accuracy of census response data, catching errors, and correcting inaccurate data.

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

Executed on: August 24, 2020 in Los Angeles, California.

Andrew J. Westall